

JUDICIAL COUNCIL MEETING

AGENDA

August 23, 2024

Meeting held through Webex and
in person

**Matheson Courthouse
Large Conference Room A, 1st Floor
450 S. State Street
Salt Lake City, UT 84111**

Chief Justice Matthew B. Durrant, Presiding

1. 8:00 a.m. Welcome and Approval of MinutesChief Justice Matthew B. Durrant
(TAB 1 - Action)

2. 8:05 a.m. FY 2025 Annual Budget Planning
OverviewRon Gordon

- 8:10 a.m. Legislature’s Approach to FY 2026 Budget..... Sean Faherty
Finance Manager, Legislative Fiscal Analyst

- 8:35 a.m. FY 2024 Filings and Disposition Count.....Tucker Samuelson
(TAB 2 - Information) Heather Marshall
Zerina Ocanovic

- 9:15 a.m. Introduction to Budget Requests Prioritization Process.....Karl Sweeney

- 9:25 a.m. FY 2026 Legislative Budget Requests
Court of Appeals JudgeNick Stiles
(TAB 3)
Core Courthouse Workforce Retention.....Ron Gordon
(TAB 4) Bart Olsen
Judicial Assistants and Court StaffRon Gordon
(TAB 5) Bart Olsen
IT Essential Software Funding.....Brody Arishita
(TAB 6)

- 10:15 a.m. Break**

- 10:30 a.m. Utah Economic Outlook.....Dr. Robbie Foxxe
*GOPB Chief Economist and
Managing Director of Policy and Economic Analysis*
- 10:50 a.m. Continue with FY 2026 Legislative Budget Requests
- Juvenile and District Judicial Officers.....Sonia Sweeney
(TAB 7) Judge Kirk Morgan
Judge Douglas Nielsen
Brett Folkman
Shelly Waite
Judge William Kendall
Shane Bahr
- Jury, Witness, Interpreter FundJonathan Puente
(TAB 8) Jessica Leavitt
- Guardianship Signature ProgramKeri Sargent
(TAB 9)
- 11:45 a.m. Break/Lunch**
- 12:00 p.m. Prioritize FY 2026 Legislative Budget Requests.....Karl Sweeney
Legislative Budget Requests - Scoring Worksheet.....Alisha Johnson
(TAB 10 - Action)
3. 12:35 p.m. Chair’s Report Chief Justice Matthew B. Durrant
(Information)
4. 12:40 p.m. State Court Administrator’s Report.....Ron Gordon
(Information)
5. 12:50 p.m. Reports: Management Committee.....Chief Justice Matthew B. Durrant
Budget and Fiscal Management Committee Vacant
Liaison Committee Justice Paige Petersen
Policy, Planning, and Technology Committee.....Judge Samuel Chiara
Bar Commission.....Margaret Plane, esq.
(TAB 11 - Information)
6. 1:00 p.m. Budget and Grants.....Karl Sweeney
(TAB 12 - Action) Alisha Johnson
Jordan Murray
7. 1:20 p.m. OCAP Fee Increase Nathanael Player
(TAB 13 - Action) Jonathan Mark
- 1:35 p.m. Break**

- | | | | |
|-----|-----------|---|--|
| 8. | 1:45 p.m. | Proposed Judicial Education Program Required by
HB 272 (TAB 14 - Action) | Ron Gordon
Lauren Andersen
Tonia Wilson
Amy Hernandez |
| 9. | 1:55 p.m. | Rule 3-102 Amendment.....
(TAB 15 - Action) | Ron Gordon |
| 10. | 2:05 p.m. | Executive Committee Assignments.....
(TAB 16 - Action) | Ron Gordon |
| 11. | 2:10 p.m. | Rules for Final Approval.....
(TAB 17 - Action) | Keisa Williams |
| 12. | 2:20 p.m. | Old Business / New Business.....
(Discussion) | All |
| 13. | 2:30 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. Rules for Public Comment
(TAB 18)
2. Facilities Planning Standing Committee Term Extensions
(TAB 19)
3. Committee on Fairness and Accountability Vacancy
(TAB 20)
4. Forms Committee – Forms for Approval
(TAB 21)

Tab 1

**JUDICIAL COUNCIL MEETING
Minutes**

July 22, 2024

**Meeting held through Webex
and in person**

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

9:00 a.m. – 12:30 p.m.

Chief Justice Matthew B. Durrant, Chair, Presiding

Members:

Chief Justice Matthew B. Durrant, Chair
Hon. David Mortensen, Vice Chair
Hon. Keith Barnes
Hon. Suchada Bazzelle
Hon. Brian Brower
Hon. Jon Carpenter
Hon. Samuel Chiara
Hon. Paul Farr
Hon. James Gardner
Hon. Elizabeth Lindsley
Justice Paige Petersen
Margaret Plane, esq.

Presenters:

Judge Kate Appleby
Matthew Barazza
Todd Eaton
Alisha Johnson
Bryson King
Judge Morgan Cummings
Jon Puente
Nini Rich
Karl Sweeney
Jace Willard

AOC Staff:

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

Excused:

Hon. Michael DiReda
Hon. Ryan Evershed
Hon. Thomas Low
Hon. Amber Mettler

Guests:

Desi Crane
Emily Ashcraft
Isaac Higham
Ryan Loose
Stacy Martin
Lilibeth Iba
Charity Brienz

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 were any questions or comments on the previous month's minutes. There were none.

Motion: Judge Paul Farr made a motion to approve the June 24, 2024 Judicial Council minutes. Judge Brian Brower seconded the motion, and the motion passed unanimously.

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

Chief Justice Durrant announced that this Judicial Council meeting will be Judge Elizabeth Lindsley's last before she retires on July 31, 2024. He expressed appreciation for her being a model Council member, for being thoughtful and insightful, and for being willing to speak up and to share her views. Judge Lindsley thanked Chief Justice Durrant, and added that Judge Eisenman was appointed by the Board of Juvenile Judges to take Judge Lindsley's seat on the Council until the election by the juvenile bench in September 2024.

Chief Justice Durrant reported that the Supreme Court and Court of Appeals met recently to discuss a new JPEC program, still in pilot form, where the District Court and Juvenile Court judges will assess the opinions of the appellate courts. He encouraged the judges on the Council to participate, if possible.

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

Mr. Gordon gave a brief update of the budget process. He explained that the Budget and Fiscal Management Committee (BFMC) has heard all of the building block requests, and those presentations are now being delivered to the Boards of Judges who are now working on developing their priority lists. Mr. Gordon added that BFMC will meet again on August 8th for a final review and prioritization of the requests in preparation for the August Judicial Council meeting, where Council members will hear all of the requests and make the final priority list.

Mr. Gordon discussed the increasing turnover rate for Judicial Assistants (JA) and the three-part approach the Administrative Office will take to work on reducing the workload and addressing the compensation and the complex nature of the job. He shared that this issue has been discussed over the past few years, and the nature of the JA position has changed over time becoming a complex professional level job. The first part of the approach, he explained, will be to create some JA focus groups, facilitated by the judiciary's ADR Team, where they have the opportunity to give feedback on what makes their job unnecessarily hard, and what can be done to improve their jobs. Mr. Gordon added that these focus groups will all meet over the next three to four months, after which he can report back to the Council with some solutions.

Mr. Gordon shared an update on Phase II of the System Review, sharing that the National Center for State Courts has completed their five focus group discussions and they are now working on a final draft of the survey. He added that the System Review Steering Committee will meet on July

29, 2024 to review and finalize the survey, which will then be sent to all Judicial Officers and employees.

4. 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:

Nothing to report.

Policy, Planning, and Technology Committee Report:

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

Bar Commission Report:

Margaret Plane announced that the new Bar officers, Cara Tangaro and Kim Cordova, were sworn in at the July 12, 2024 annual meeting, and they are working to meet one-on-one with the legislators in preparation for the next legislative session. Ms. Plane reported that the Utah Bar is testing a record 358 examinees in a few weeks, in contrast to the average number of 275, and that the Bar plans to send out a survey in an attempt to understand the reason behind this increase. She added that Katie Woods, who will replace Ms. Plane on the Judicial Council, will start in October 2024.

5. BUDGETS AND GRANTS: (Alisha Johnson, Kelly Moreira, Jordan Murray)

Alisha Johnson presented the financial reports, as well as the budgets and grants information.

FY 2024 Ongoing Turnover Savings

#	Funding Type	Actual Amount YTD	Forecasted 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 1,278,854.14	1,278,854.14
1	Ongoing Turnover Savings FY 2024 (forecast for year end benefit selections / actions)	Internal Savings -	50,000.00
	TOTAL SAVINGS	1,224,033.62	1,274,033.62
2	2024 Hot Spot Raises Authorized - renews annually until revoked	(200,000.00)	(200,000.00)
	TOTAL USES	(200,000.00)	(200,000.00)
3	Total Actual/Forecasted Turnover Savings for FY 2024	1,024,033.62	1,074,033.62

Prior Report Totals (as of 05/29/2024, with the contingent amount removed) 946,674.83 1,046,674.83

FY 2024 One-Time Turnover Savings

#	Funding Type	Actual Amount
1	One Time Turnover Savings (from actual payroll data versus budget as of PPE 06/21/2024)	Internal Savings 2,263,709.02
2	YTD Amount Anticipated to be Reimbursed through ARPA Funding (as of PPE 06/21/2024)	Reimbursements 583,335.99
3	Est. One Time Savings for 40 remaining pay hours (@ \$1,000 / pay hour)	Internal Savings (Est.) 40,000.00
	Total Potential One Time Savings	2,887,045.01

Prior Report Totals (as of PPE 5/10/2024) \$ 3,101,107.61

FY 24 Forecasted Available One-time Funds

Forecasted Available One-time Funds

	Description	Funding Type	Amount
Sources of YE 2024 Funds			
*	1x TOS as of PPE 06/21/2024 (2,040 hrs) (w/ anticipated ARPA reimbursements)	Turnover Savings	2,847,045
**	Turnover savings Estimate for the rest of the year (\$800 x 40 pay hours)	Turnover Savings	40,000
	Total Potential One Time Turnover Savings		2,887,045
	Less: Judicial Council Delegated to State Court Administrator for Discretionary Use		(250,000)
	Less: Legislative Cut to Budget Savings		(600,000)
(a)	Total Potential One Time Turnover Savings Less LFA Recommendations		2,037,045
	<i>Operational Savings From TCE / AOC Budgets - Forecasted</i>	<i>Internal Operating Savings</i>	1,020,244
	<i>Unused Carryforward Request - Webex Virtual Hearing Improvement</i>	<i>Unused Carryforward</i>	150,000
	<i>Reserve Balance (balance from FY 2023 Carryforward)</i>	<i>Judicial Council Reserve</i>	52,997
	<i>Anticipated Reserve Uses - including previously approved and pending requests</i>	<i>Jud. Council Reserve Uses</i>	-
(b)	Total Operational Savings and Reserve		1,223,241
(c)	Total of Turnover Savings & Operational Savings = (a) + (b)		3,260,286
Legislative Supplemental Funding:			
	American Fork Lease Increases (originally a carryforward request for FY 2024)	<i>Legislative Contingent</i>	389,000
(d)	Subtotal - Legislative Supplemental Funding		389,000
Uses of YE 2024 Funds			
(e)	Less: Judicial Council Requests Previously Approved		(587,450)
Total Potential Carryforward = (c) + (d) less (e) (Legislature approved up to \$3.2M)			3,061,836

Updated 07/03/2024

Water Law

Judge Kate Appleby presented a request for \$20,000 to continue development on the Water Law Training for judges. She stated that the next module, an overview of Water Law, is already in development and will be paid for with existing funding. She explained that the funding requested today would go towards the subsequent module on the topic of managing complex litigation and others that follow. She added that other neighboring states including Washington, New Mexico and Nevada have also contributed funding.

Mr. Gordon shared that we are very fortunate to have Judge Appleby partnering with the judiciary on this project because she is an expert on Water Law not only in the state of Utah, but nationwide.

Motion: Judge Samuel Chiara made a motion to approve the requested funding for the next phase of the Water Law Education. Justice Paige Petersen seconded the motion, and the motion passed unanimously.

6. OFFICE OF FAIRNESS & ACCOUNTABILITY ANNUAL REPORT: (Jon Puente)

Jon Puente gave a report on the work and progress of the Office of Fairness and Accountability (OFA) over the past year. He shared the number of interpreter assignments broken down by district and juvenile hearings, as well as the breakdown by languages. Mr. Puente then shared

some operational updates, addressing the court language needs, interpreter shortages, market competition, and the changes made through the funded legislative requests.

7. LEGAL DESERTS CONFERENCE: (Nick Stiles)

Nick Stiles presented information from the National Center for State Courts (NCSC) Legal Deserts Conference that he attended in May 2024. He shared some data from NCSC's research, which showed barriers to accessing legal services in rural areas of Utah and discussed potential solutions to these challenges.

8. OPEN AND PUBLIC MEETINGS ACT TRAINING: (Bryson King)

Bryson King gave a presentation on the history of the Open and Public Meetings Act (OPMA). He shared some of the key principles of the Code of Judicial Administration (CJA) Rule 2-103, which are that the Judicial Council meetings must be open unless they are closed appropriately and according to the Rule, that public notice of Council meetings must be given so anyone can attend, and that the meetings must be recorded, minutes must be kept, and anyone may obtain a copy of meeting minutes.

Mr. King explained that the appropriate reasons for closing a meeting include:

- To discuss the character, competence, or physical or mental health of an individual;
- Collective bargaining or litigation;
- The purchase, exchange, or lease of real property;
- The sale of real property;
- Deployment of security personnel or devices;
- Allegations of criminal misconduct; or
- A private, protected, sealed, juvenile court legal, or juvenile court social record.

He also shared that the Council may close a meeting if the following criteria have been met:

- The public receive notice of the open meeting;
- A quorum has to be established; and
- At least 2/3rds of the Council votes to close the meeting.

9. INDIGENT DEFENSE COMMISSION REPORT: (Matthew Barazza)

Matthew Barazza, the Executive Director of the Indigent Defense Commission, shared some information on a workload study comparison that came out earlier this year. He explained that the prior study done in 1973 was soon criticized for a lack of methodology and did not differentiate between case types, and added that the 2024 American Bar Association Public Defense Study used a Delphi method, which accounts for different case types and private and public defense counsel. He then discussed the findings and recommendations, which showed that the National Advisory Council (NAC) standards were unacceptable, that nationwide, the public defenders have excessive caseloads, and that in order to meet the new standards, a substantial increase in public defender positions is required.

Mr. Barazza also shared some information from the Gault Center report, which showed that the youth defenders in Salt Lake County were well resourced, well managed, and well trained to

represent their clients, but outside of Salt Lake County, there was a range of quality in representation amongst the youth defenders. He summarized the recommendations, which were to replicate some of the structures that were key in providing the best representation that exist in Salt Lake County across the state.

10. NOTICE OF INTENT TO DISSOLVE SOUTH JORDAN JUSTICE COURT: (Jim Peters)

Jim Peters introduced Ryan Loose, the attorney for the City of South Jordan, and Judge Shauna Graves-Robertson, a Justice Court judge with Salt Lake County, to discuss the city's intent to dissolve the South Jordan Justice Court. With this closure, South Jordan's cases would have to be transferred to the Salt Lake County Justice Court, which has also submitted an intent to dissolve. Mr. Loose asked the Council to allow the dissolution of the South Jordan Justice Court to align with the closure of Salt Lake County Justice Court so that there wouldn't be undue pressure placed on a court that is also closing.

When asked to share the reasons behind South Jordan Justice Court's desire to dissolve, Mr. Loose shared that the Justice Court does not serve the residents of South Jordan, as most of the offenses that come to the court are committed by people just traveling through the city. He added that the Justice Court runs at a deficit that the South Jordan residents are having to subsidize, and the number of cases have been steadily decreasing.

Judge Farr asked if there is a plan in place for if and when any judges and staff members leave before the Justice Court closes. Judge Graves-Robertson commented that the Salt Lake County Justice Court would be able to take cases fairly quickly if needed, once a part time judge could be hired.

Judge Brower commented that it would make the most sense for everyone involved to wait on approving a dissolution date until all of the unknown variables discussed are known.

Motion: Judge David Mortensen made a motion to table a vote on the South Jordan Justice Court dissolution date until more concrete information is known. Judge James Gardner seconded the motion, and the motion passed unanimously.

11. JUDICIAL PERFORMANCE EVALUATION COMMISSION REPORT: (Mary-Margaret Pingree)

Mary-Margaret Pingree announced new members to the Judicial Performance Evaluation Commission (JPEC), and presented some information on the new Appellate Pilot Data Review. JPEC surveyed District and Juvenile Court judges about the performance of the Appellate Court judges and got a 32% response rate, which was enough to be able to analyze the data and decide how to move forward. Ms. Pingree discussed some of the challenges JPEC experienced through taking the survey, and presented the initial data that was received. She added that the goal of the pilot was to increase the respondent pool for Appellate Court judges, and that the next steps are to have more in depth discussions with the District and Juvenile Court judges who completed the survey to try to understand what some of the challenges were.

12. JUSTICE COURT REFORM: (Judge Morgan Cummings, Michael Drechsel)

Judge Morgan Cummings and Michael Drechsel presented information on Justice Court reform. They met with the Management Committee earlier this month where it was recommended that they discuss the matter with the full Council.

Mr. Drechsel presented and summarized a draft of bullet points for proposed legislation for the Council to consider.

After some discussion, Mr. Drechsel requested authorization from the Council to be able to craft some proposed legislation based on the bullet points presented today, which could be presented to the Liaison Committee for approval.

Motion: Judge Farr made a motion to support the draft of legislation consistent with the bullet points as presented, to authorize Mr. Drechsel and Mr. Peters to pursue the bullet points with the Legislative Task Force, and to involve the Liaison Committee as well as the Board of Justice Court Judges. Judge Chiara seconded the motion, and the motion passed unanimously.

13. OLD BUSINESS/NEW BUSINESS: (All)

There was no old or new business.

14. COURT COMMISSIONER RECERTIFICATION: (Shane Bahr)

Shane Bahr presented the Council with the request to recertify the judiciary's commissioners.

Motion: Judge Jon Carpenter made a motion to move into executive session. Judge Farr seconded, and the motion passed unanimously.

11. EXECUTIVE SESSION

An executive session was held.

Motion: Judge Chiara made a motion to find the three current commissioners qualified and should be recommended for recertification at the next meeting in August 2024. Judge Gardner seconded the motion, and the motion passed unanimously.

12. ADJOURN

The meeting adjourned.

CONSENT CALENDAR ITEMS

1. Forms Committee Member Appointment
2. Standing Committee on Children and Family Law Member Appointment
3. Probation Policy Updates

Tab 2



Utah State Courts

Caseload Overview

Fiscal 2024

**Tucker Samuelson
Heather Marshall
Zerina Ocanovic**

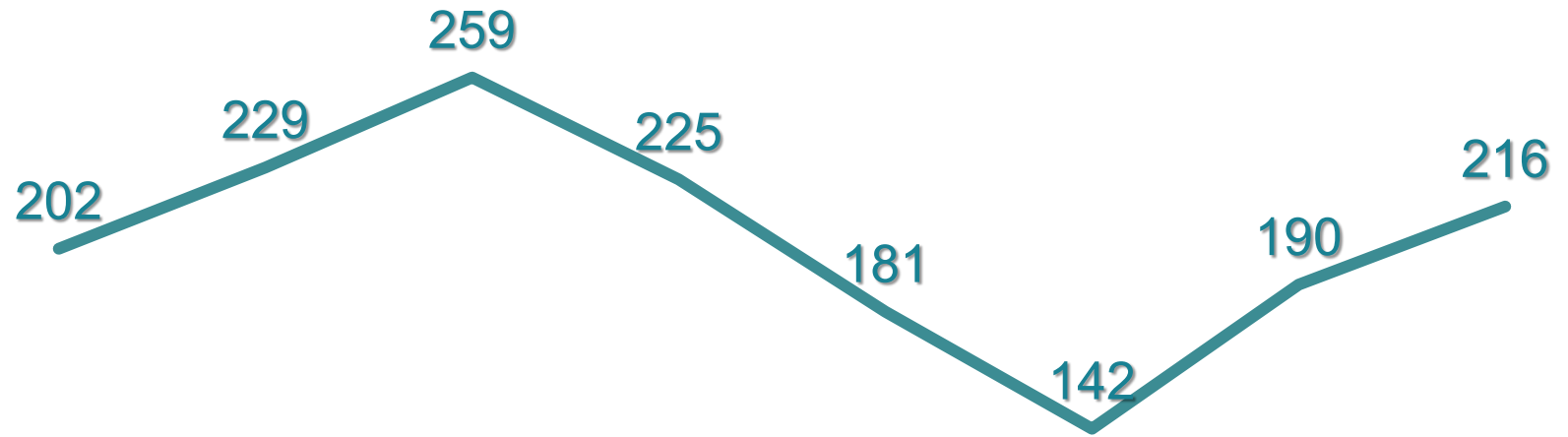
August 2024

Supreme Court Filing Summary

Supreme Court Filings by Year

Case Type Category	FY23	FY24	Change	% Change
Administrative Agency	2	2	0	0%
Admission to the Bar	2	3	1	50%
Bar Discipline	4	3	-1	-25%
Civil Administrative Agency	0	1	1	
Civil Appeal	13	18	5	38%
Criminal Appeal	2	6	4	200%
Domestic Civil Appeals	1	0	-1	-100%
Elections	2	4	2	100%
Extraordinary Writs	10	20	10	100%
Juvenile Delinquency	1	0	-1	-100%
Judicial Discipline	2	0	-2	-100%
Post Conviction Relief	1	3	2	200%
Post Conviction Relief-Capital	1	0	-1	-100%
Interlocutory Appeals	33	24	-9	-27%
Writ of Certiorari	115	132	17	15%
Federal Certification	1	0	-1	-100%
Total	190	216	26	14%

Supreme Court Filings Over Time



FY17 FY18 FY19 FY20 FY21 FY22 FY23 FY24

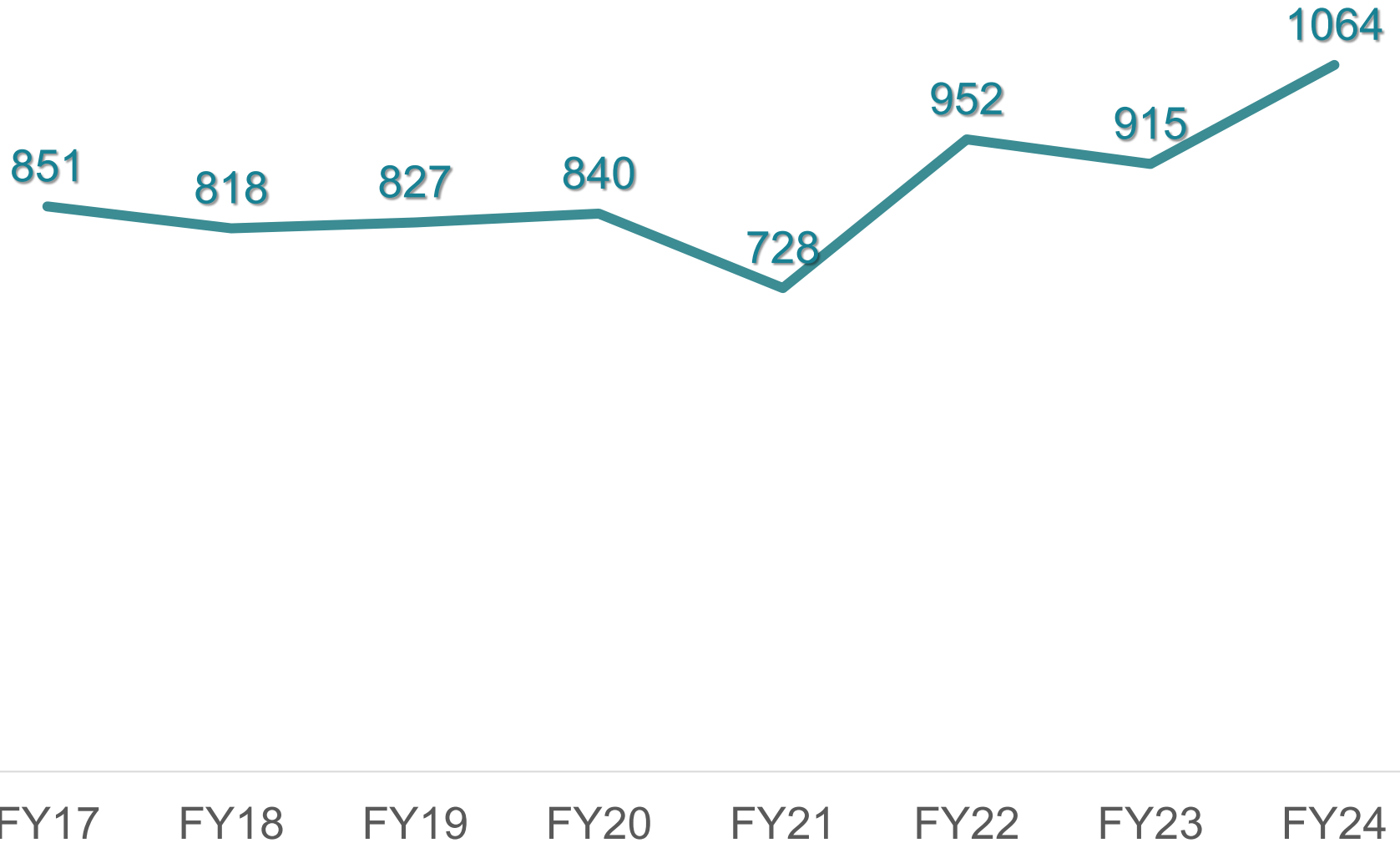
Court of Appeals

Filing Summary

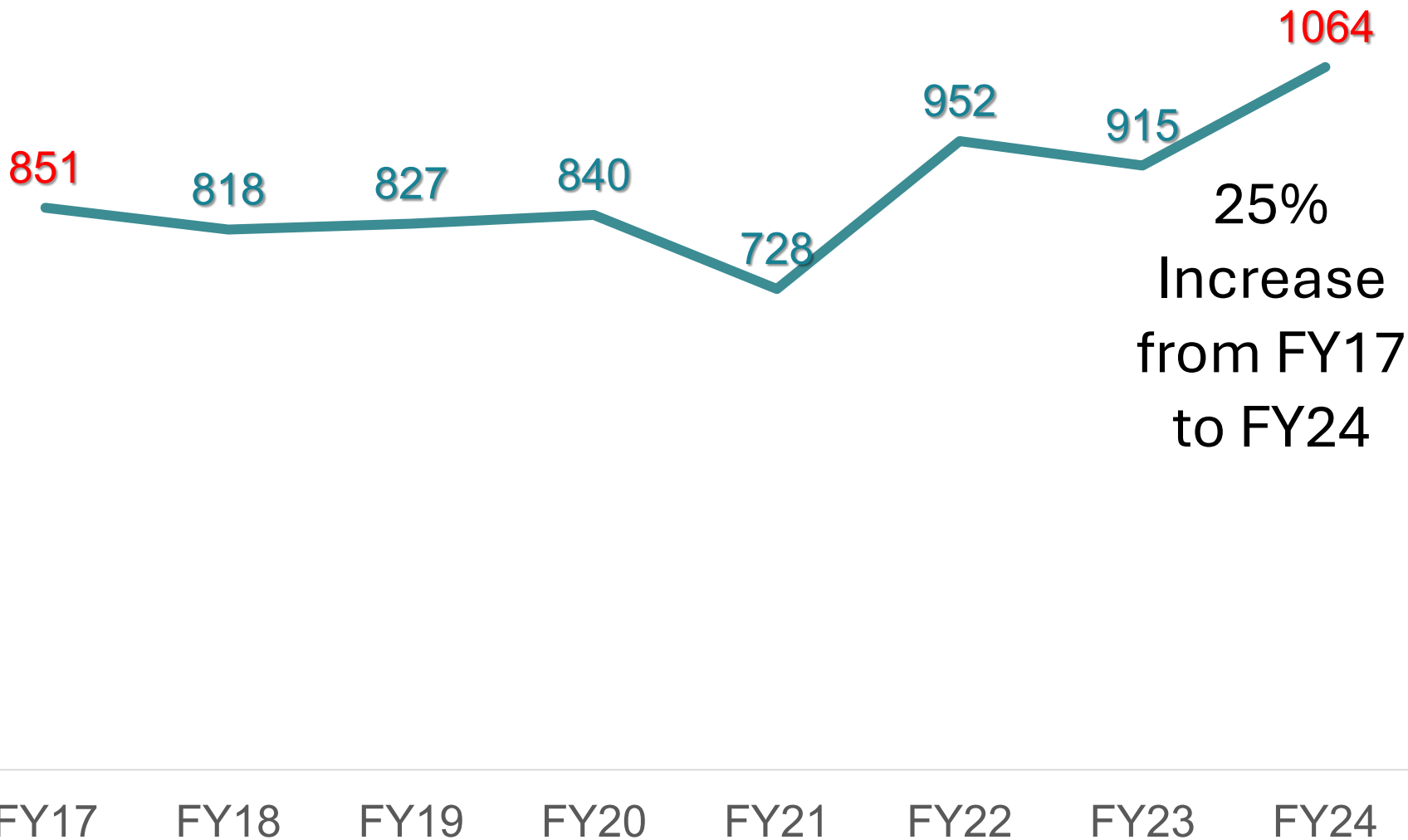
Court of Appeals Filings by Year

Case Type Category	FY23	FY24	Change	% Change
Administrative Agency	75	68	-7	-9%
Bail Hearings Expedited	2	6	4	200%
Civil Administrative Agency	4	9	5	125%
Civil Appeal	210	258	48	23%
Criminal Appeal	332	384	52	16%
Domestic Civil Appeals	73	89	16	22%
Extraordinary Writs	24	19	-5	-21%
Juvenile Child Welfare	60	83	23	38%
Juvenile Delinquency	4	3	-1	-25%
Juvenile Misc	10	11	1	10%
Misc. Petition	0	1	1	
Post Conviction Relief	13	9	-4	-31%
Post Conviction Relief-Capital	0	1	1	
Interlocutory Appeals	108	123	15	14%
Total	915	1064	149	16%

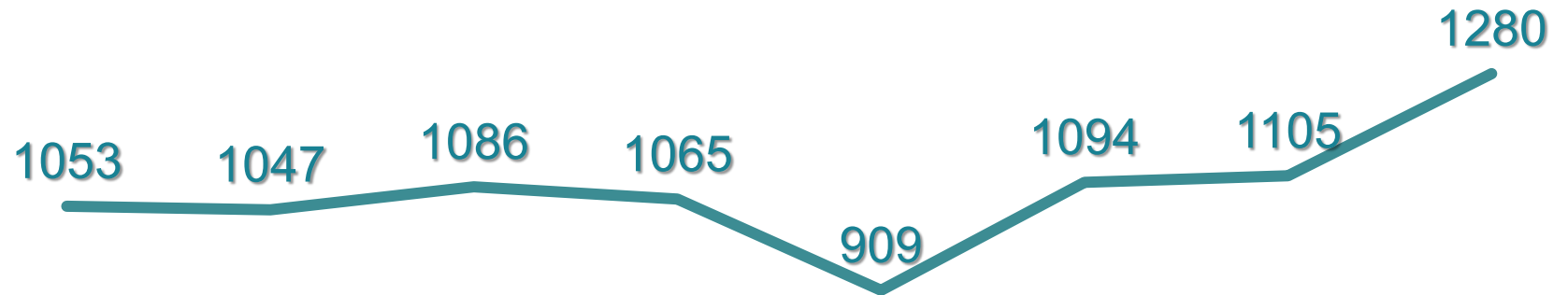
Court of Appeals Filings Over Time



Court of Appeals Filings Over Time



Combined Filings Over Time



FY17

FY18

FY19

FY20

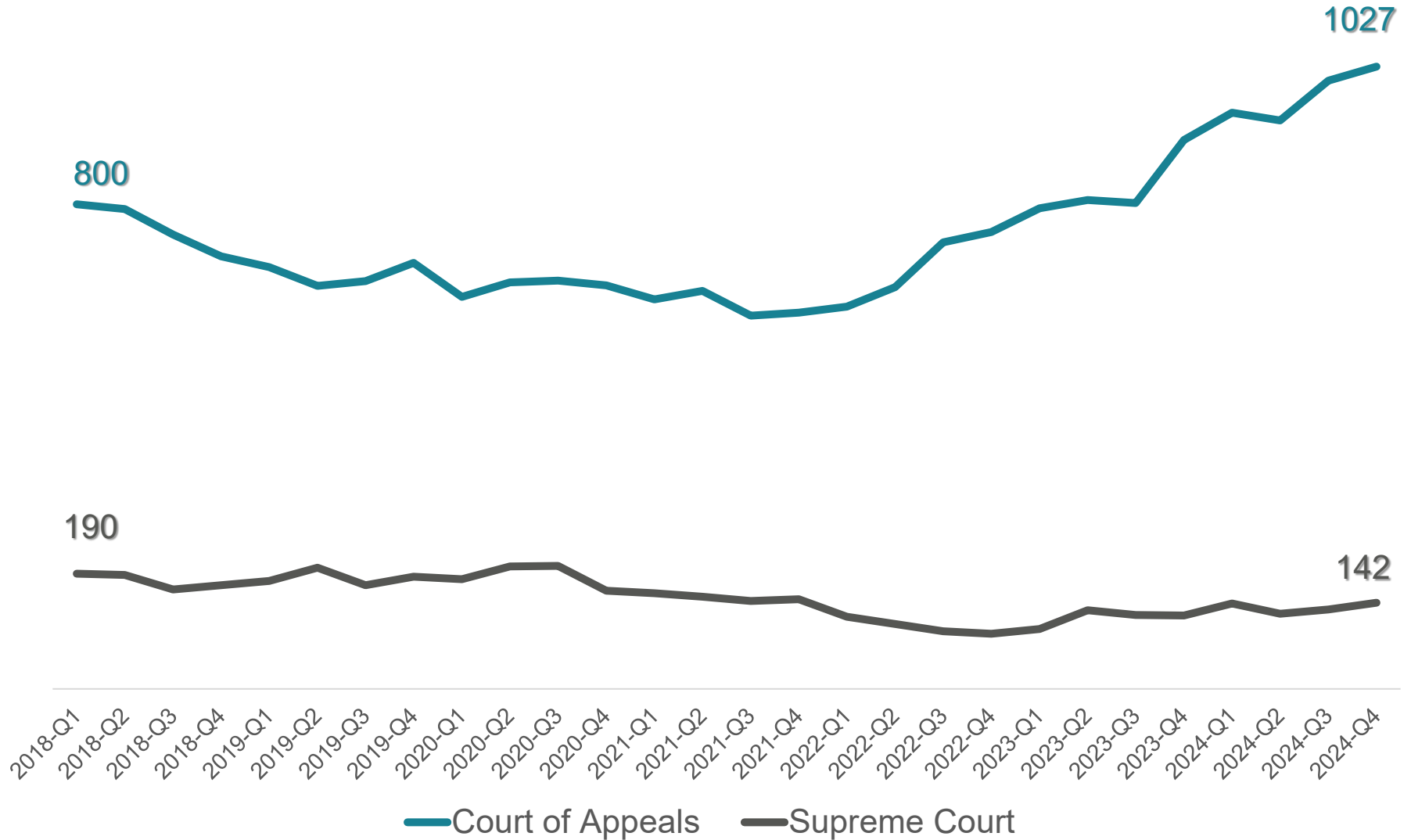
FY21

FY22

FY23

FY24

Appellate Court Pending Cases



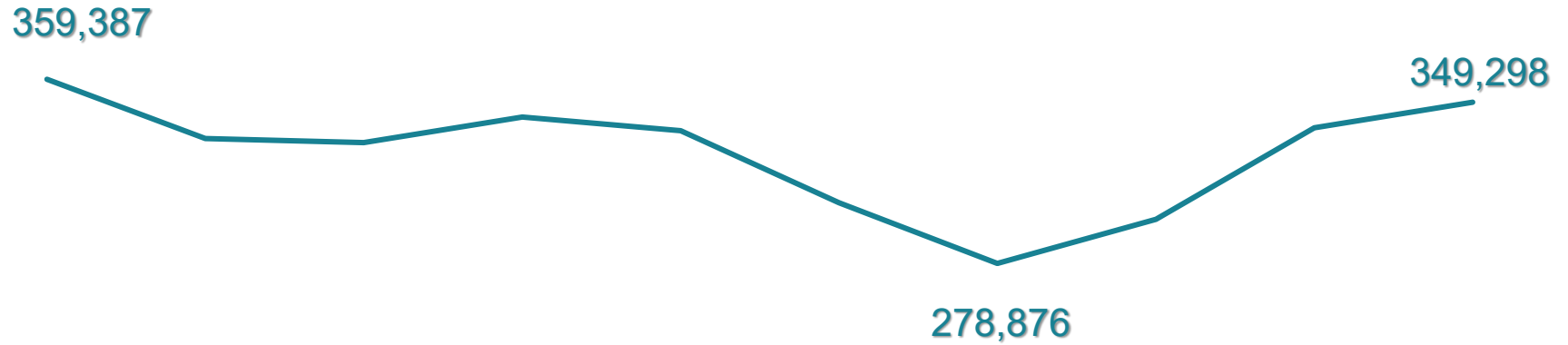
Justice Court

Case Filing Summary

Justice Court Filings by Year - Traffic

Case Type Category	FY23	FY24	Change	% Change
Criminal	57,440	57,829	389	1%
Small Claims	14,603	17,275	2,672	18%
Traffic	338,115	349,298	11,183	3%
Total	410,158	424,402	14,244	3%

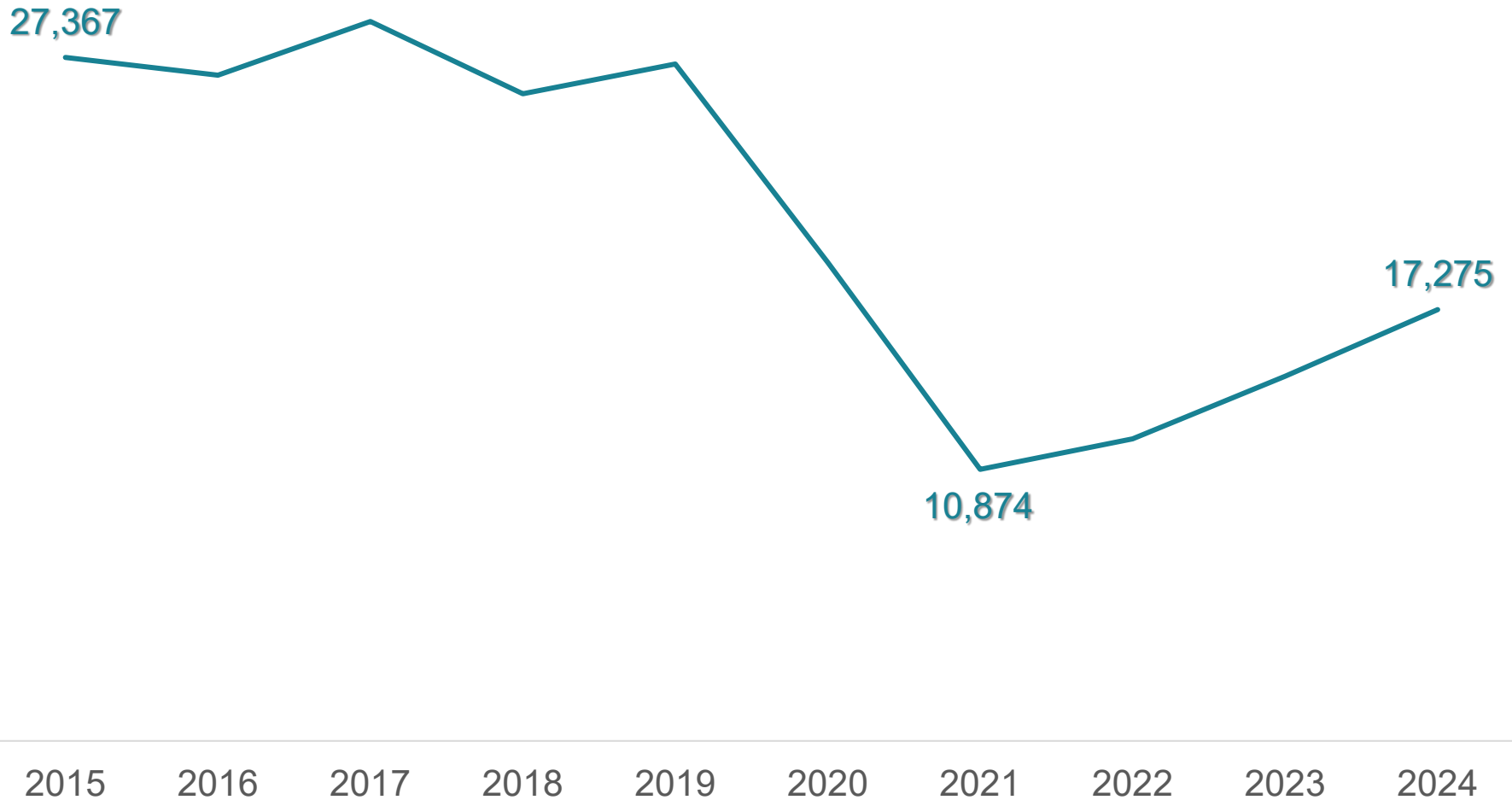
Justice Court Filings by Year - Traffic



2015 2016 2017 2018 2019 2020 2021 2022 2023 2024



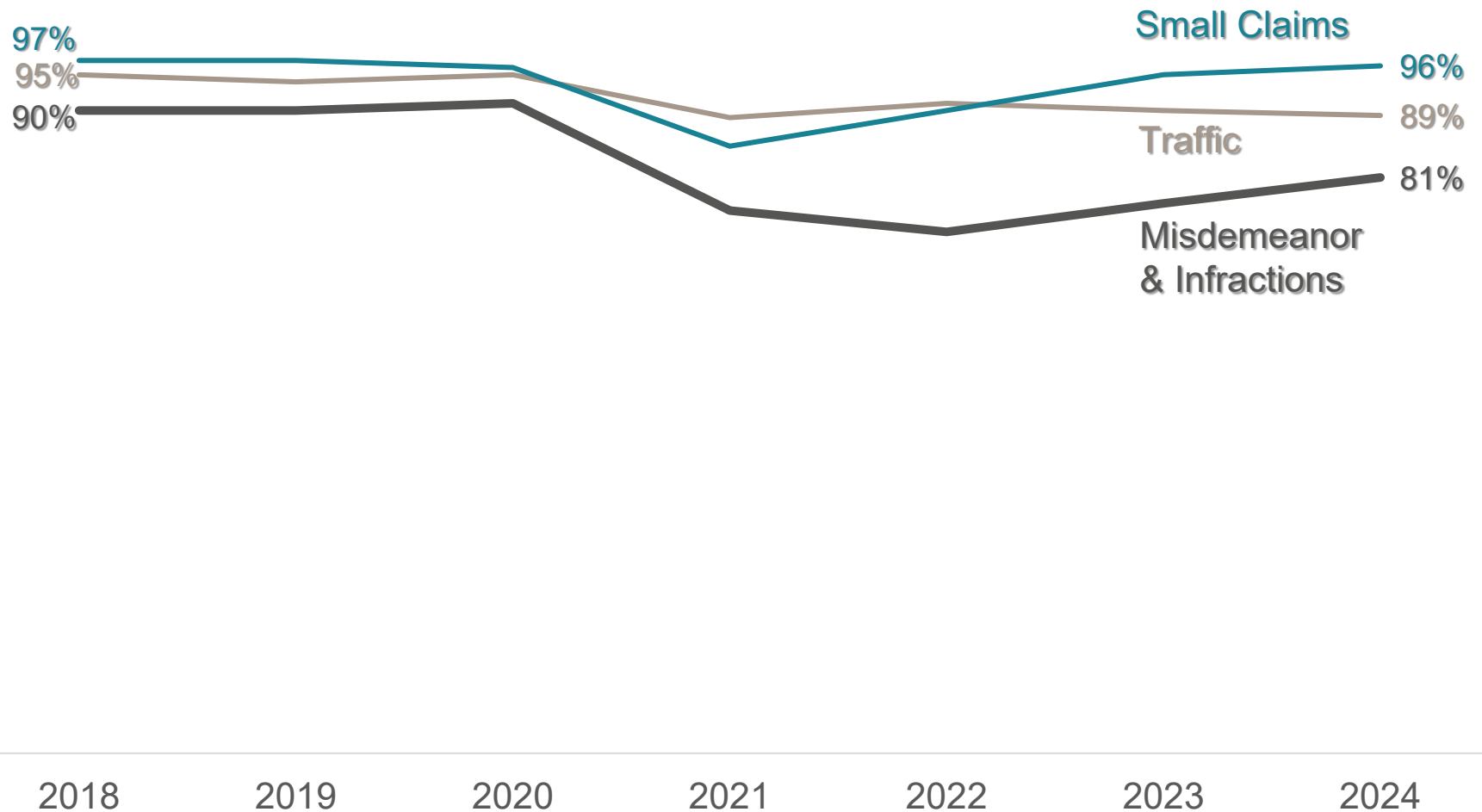
Justice Court Filings by Year – Small Claims



Justice Court Time to Disposition

Activity	Recommended Guideline		FY 2024
	% Disposed	Time Frame	% Disposed within Time Frame
Criminal	95%	6 months	81%
Small Claims	95%	9 months	96%
Traffic	95%	90 days	89%

Justice Court Time to Disposition

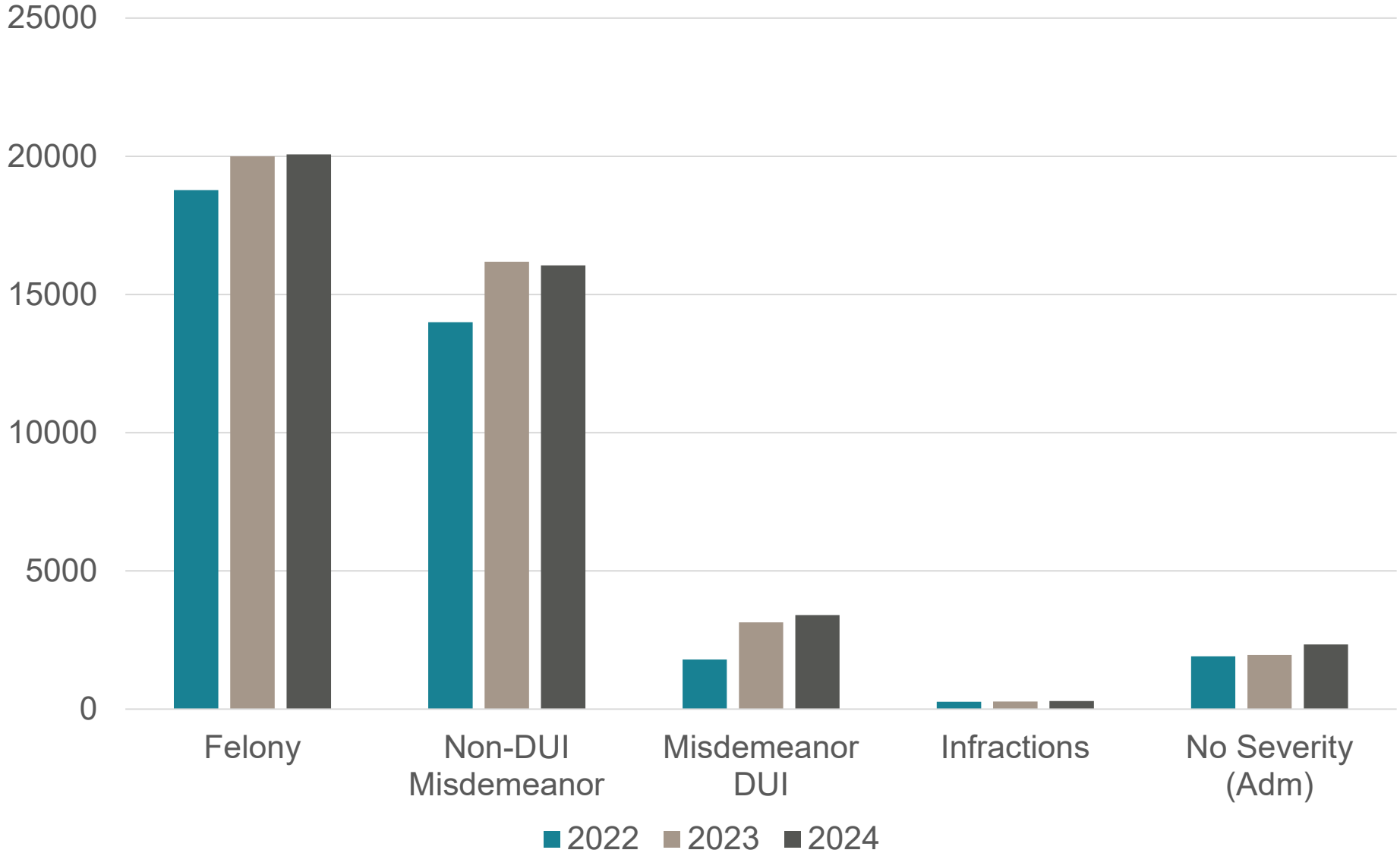


District Court

Case Filing Summary

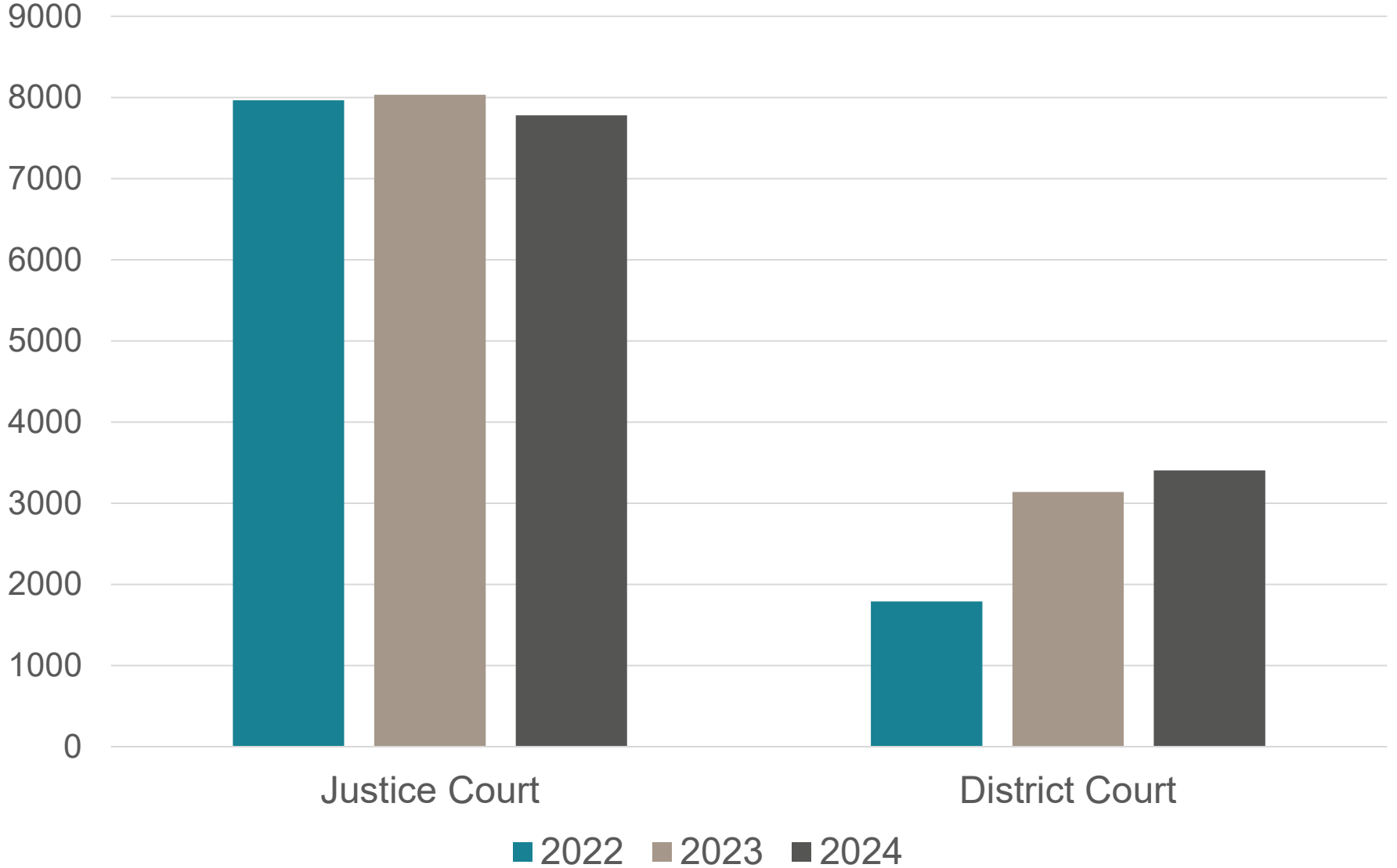


District Court Filings by Year - Criminal



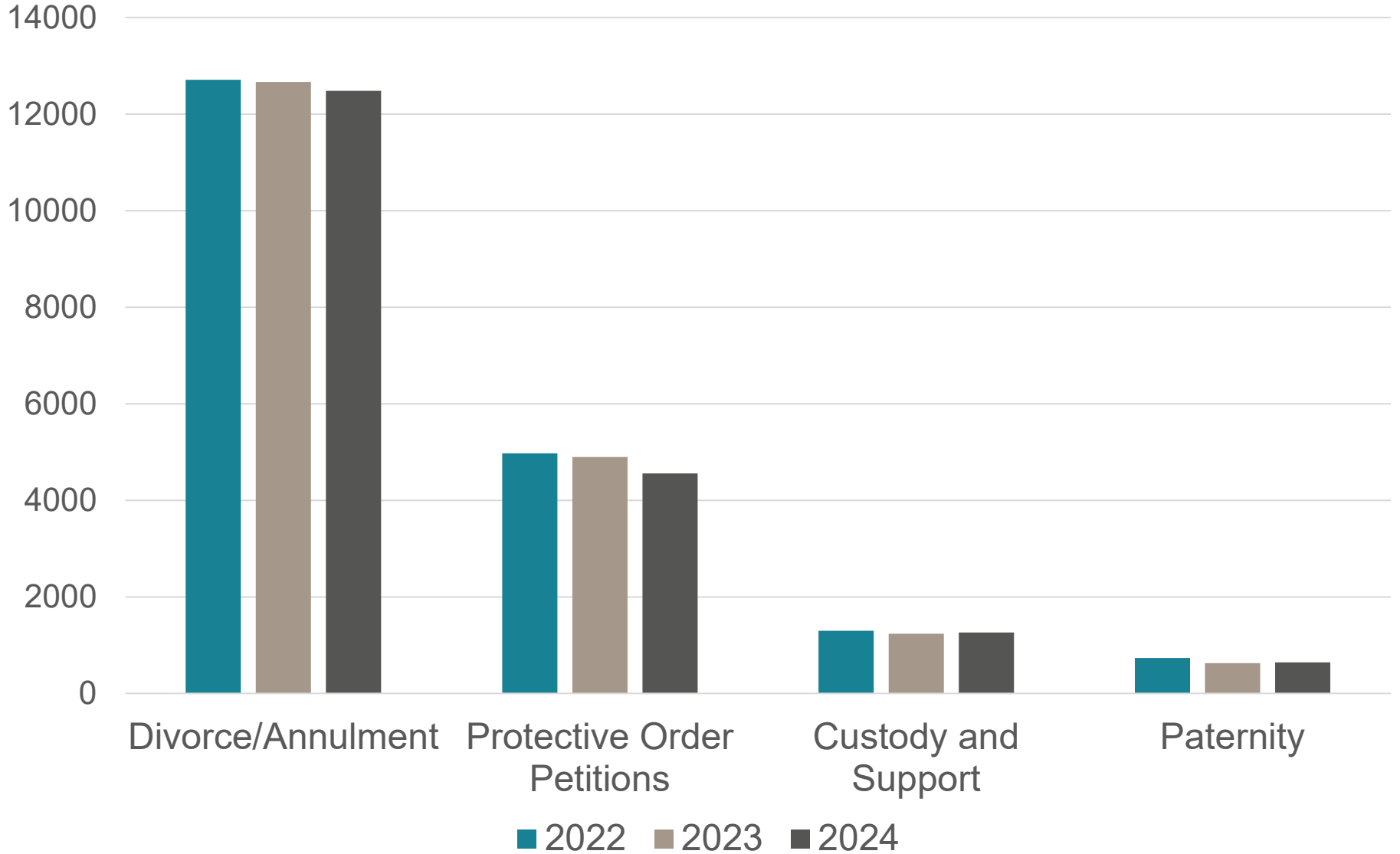


Misdemeanor DUI Filings by Year



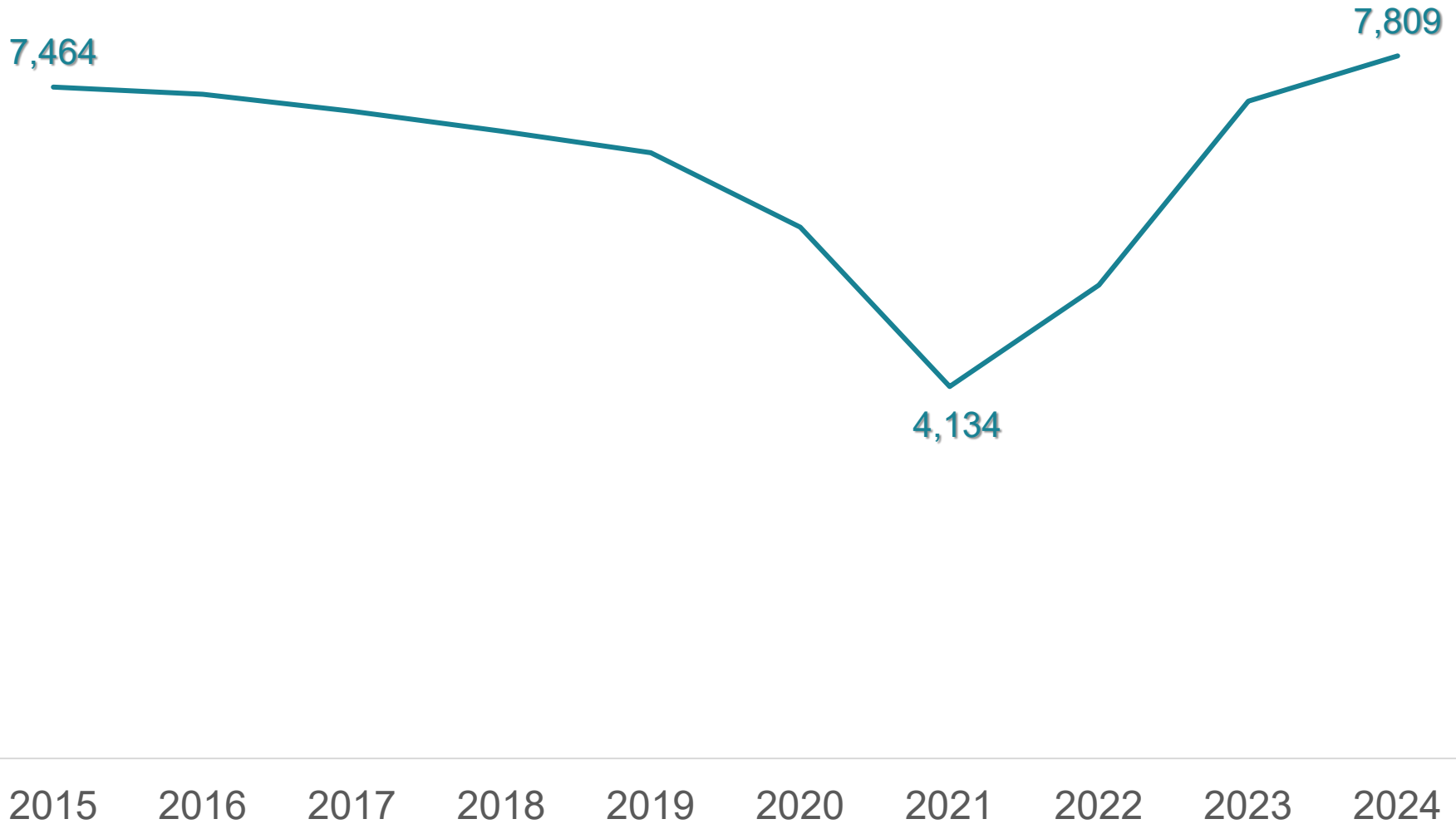


District Court Filings by Year - Domestic



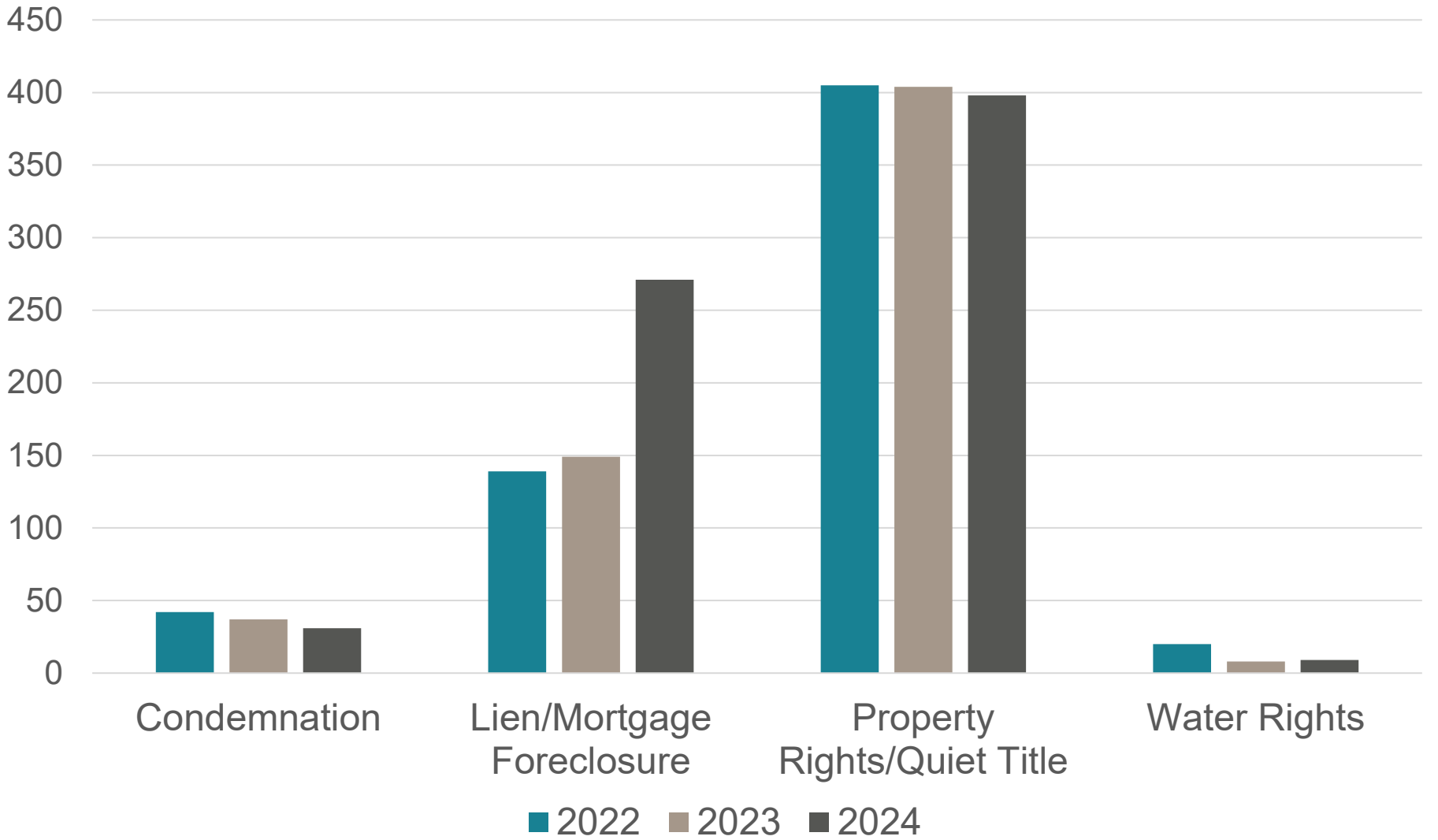


District Court Filings by Year – Eviction

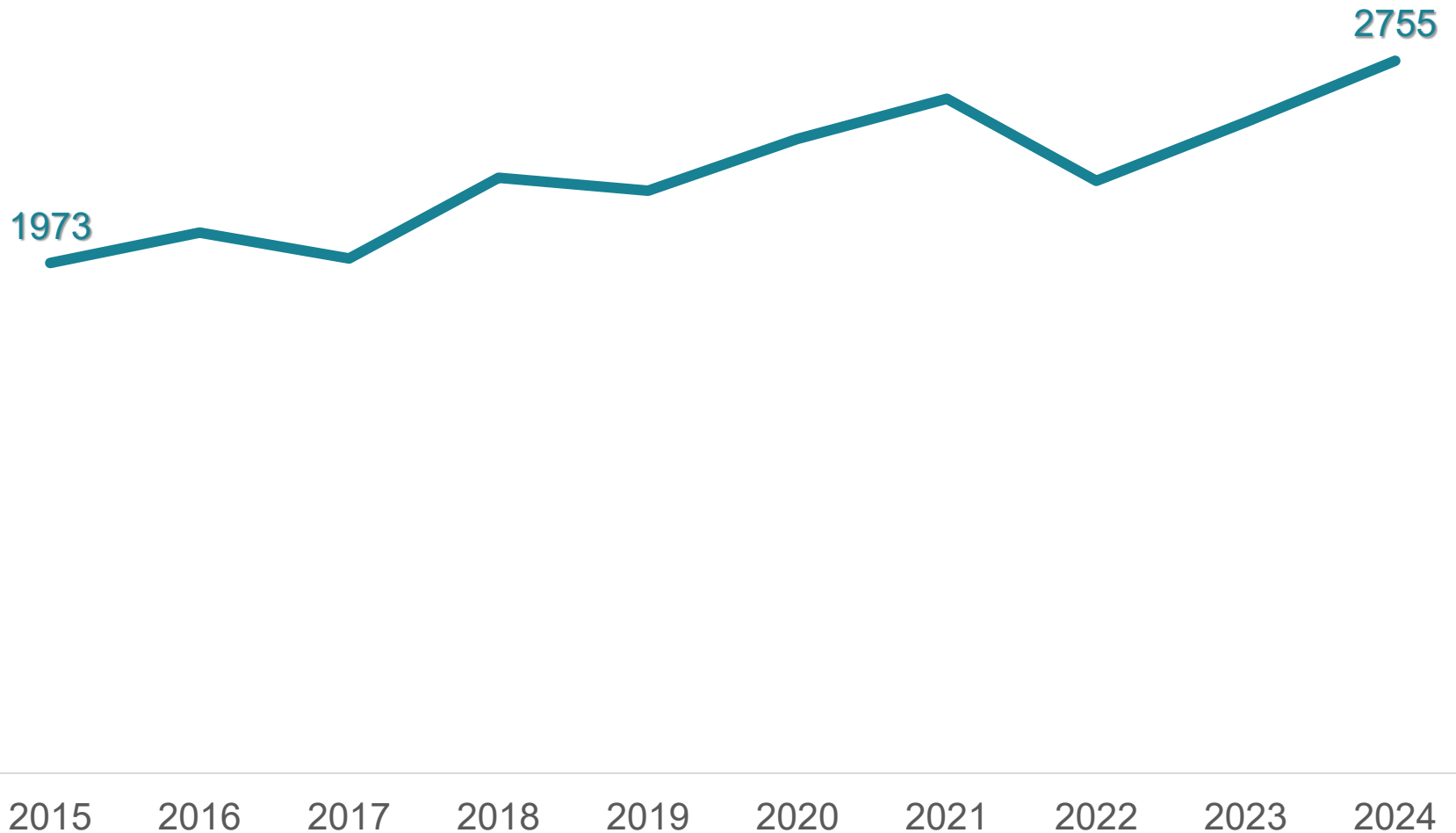




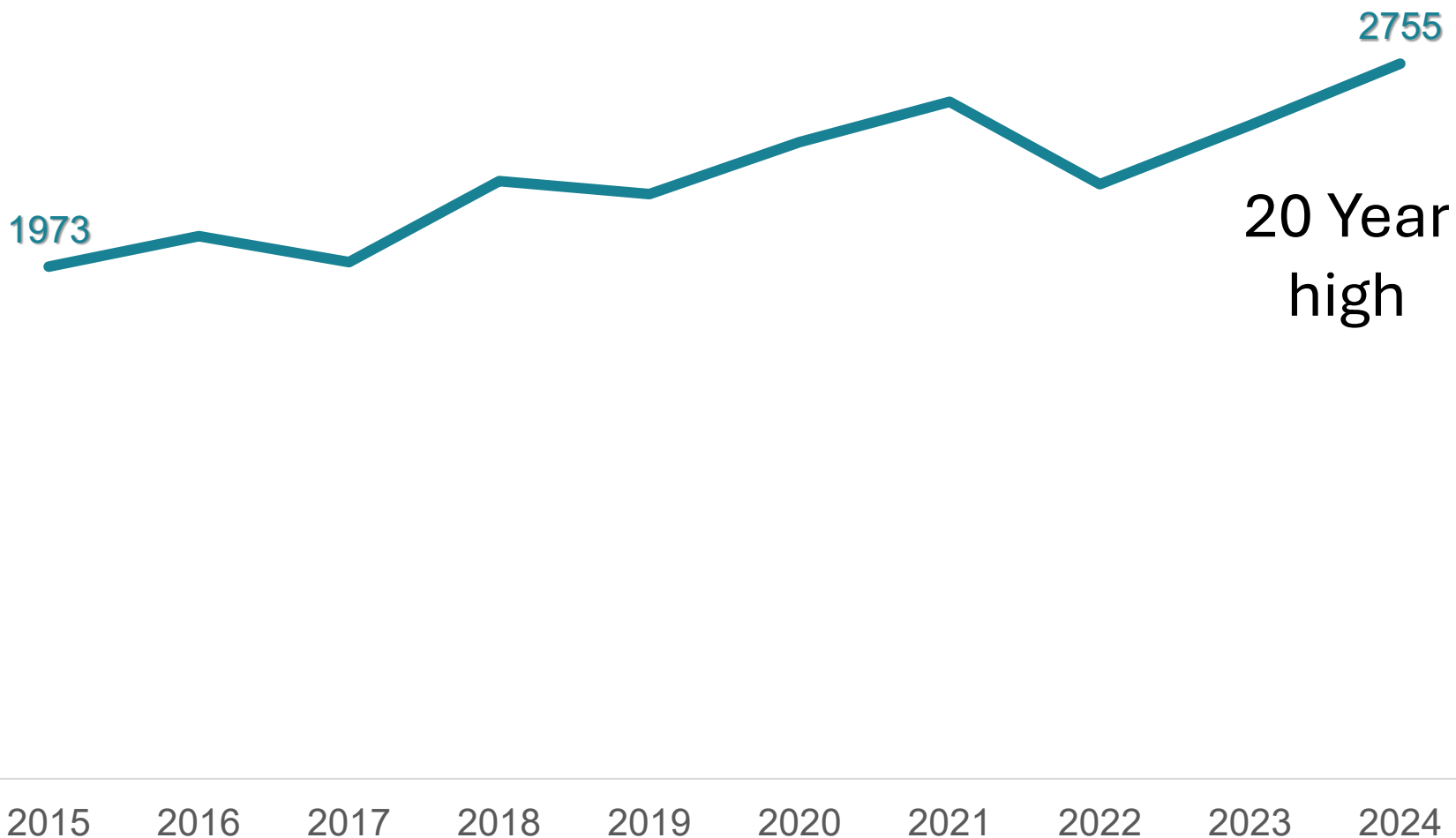
District Court Filings by Year – Property Rights



District Court Filings by Year – Torts

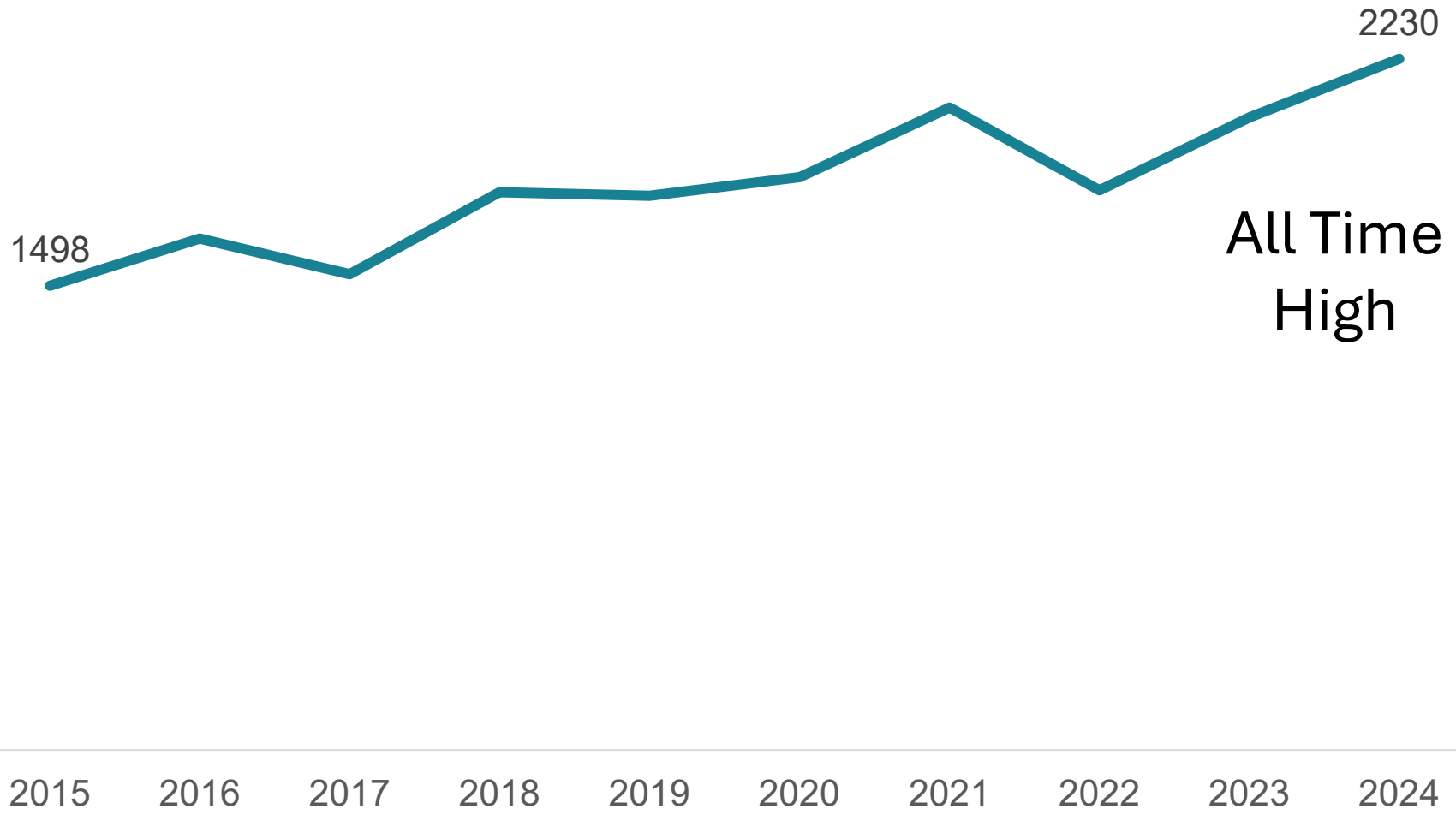


District Court Filings by Year – Torts

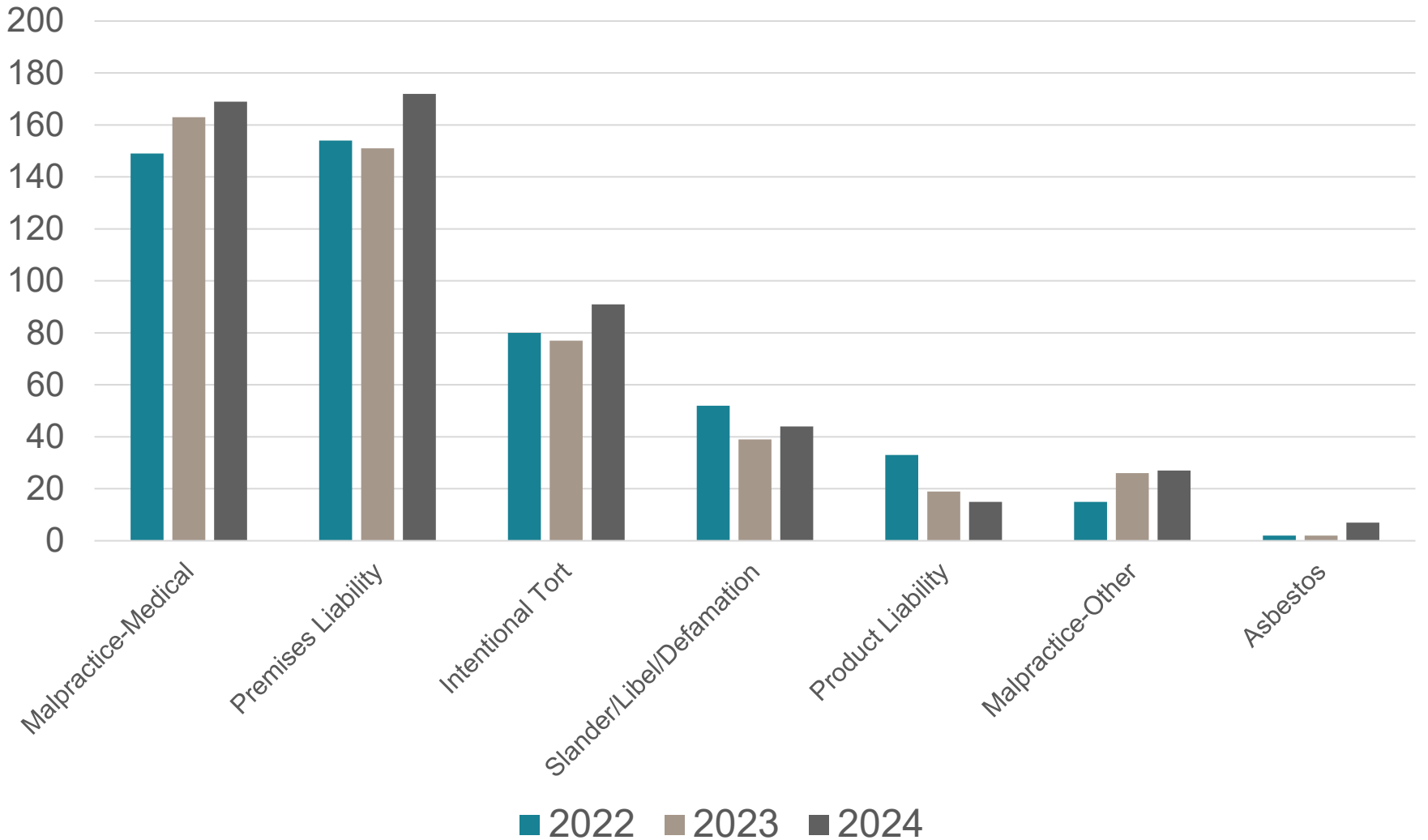




District Court Filings by Year – Auto Tort

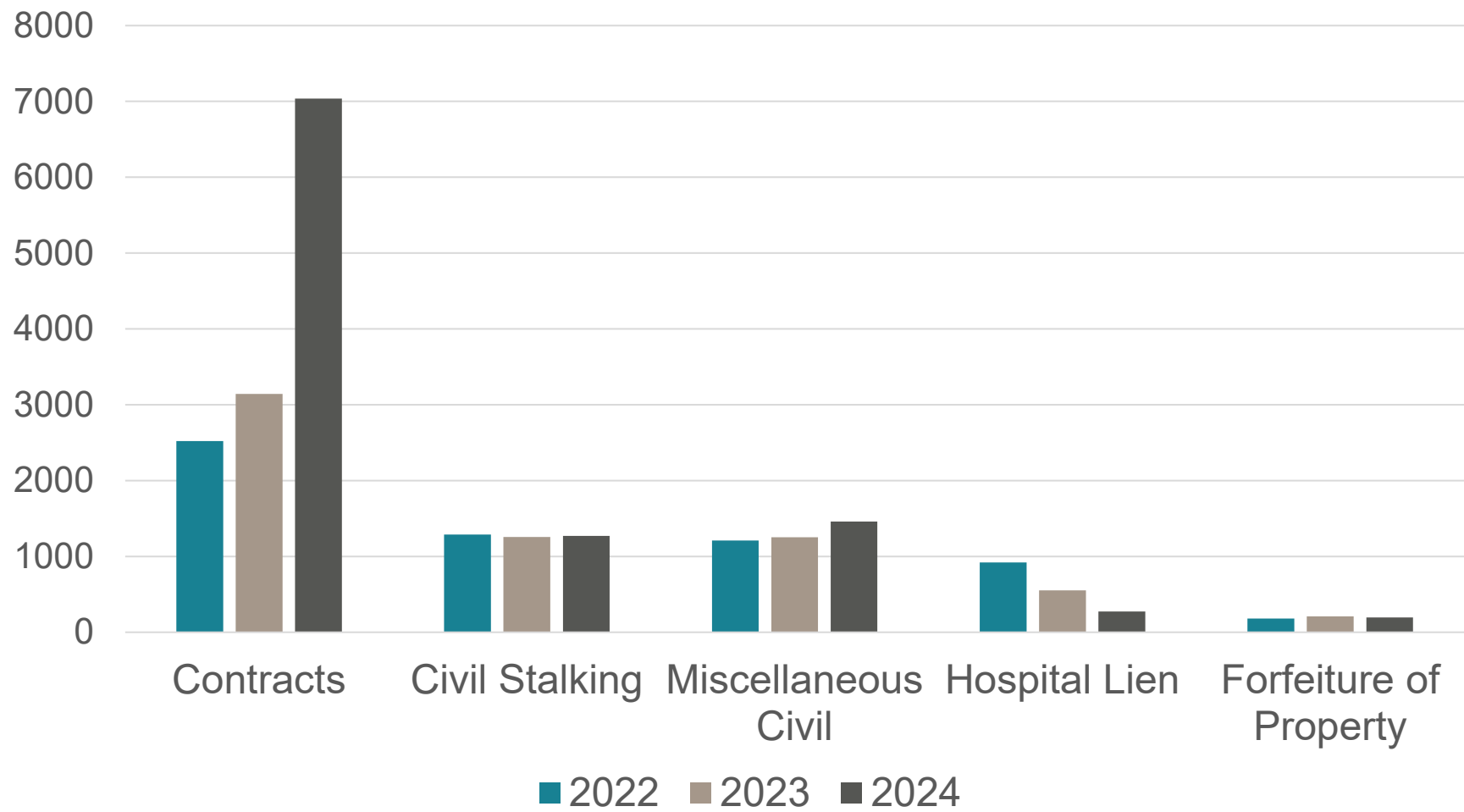


District Court Filings by Year – Torts



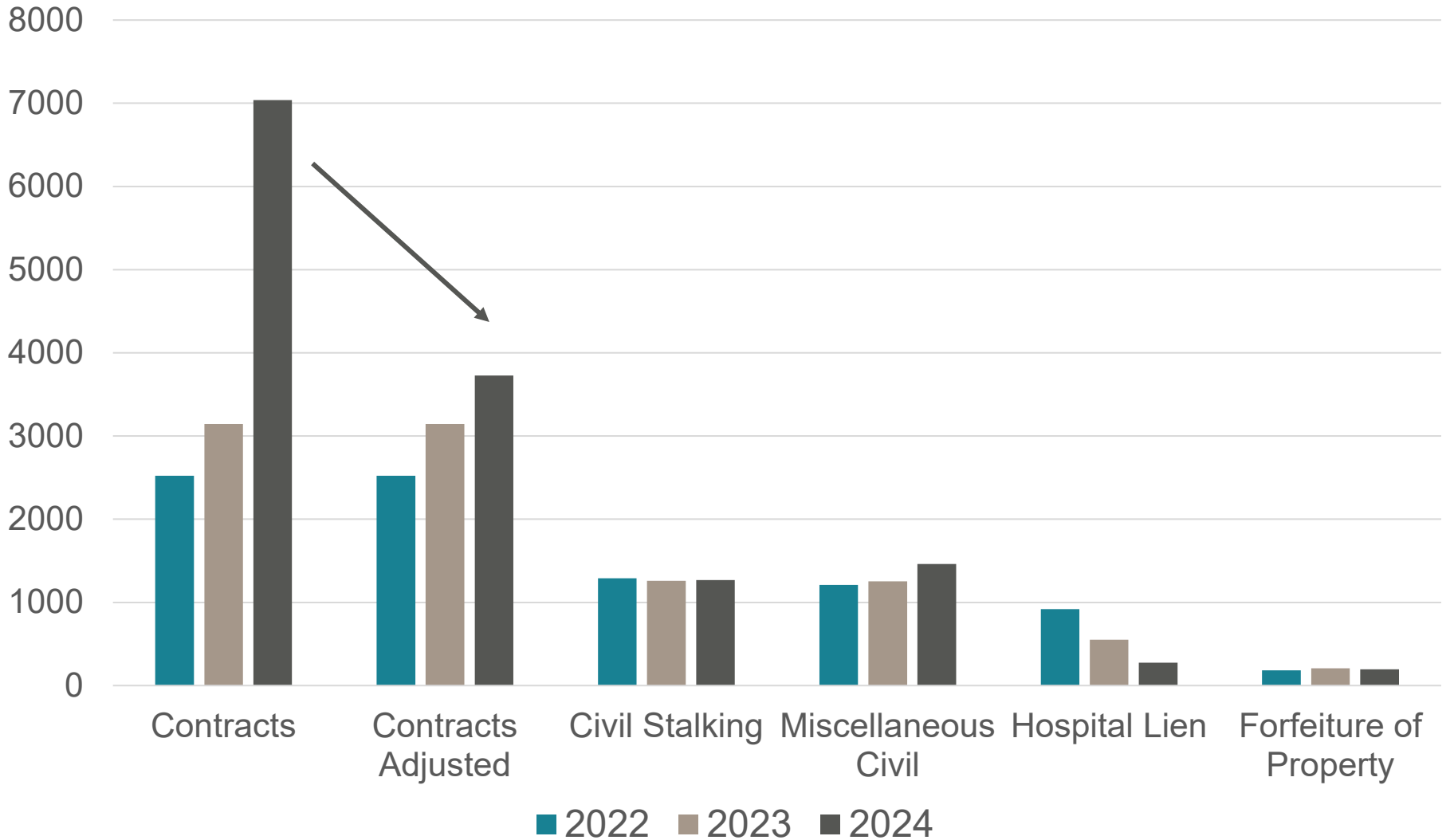


District Court Filings by Year – General Civil



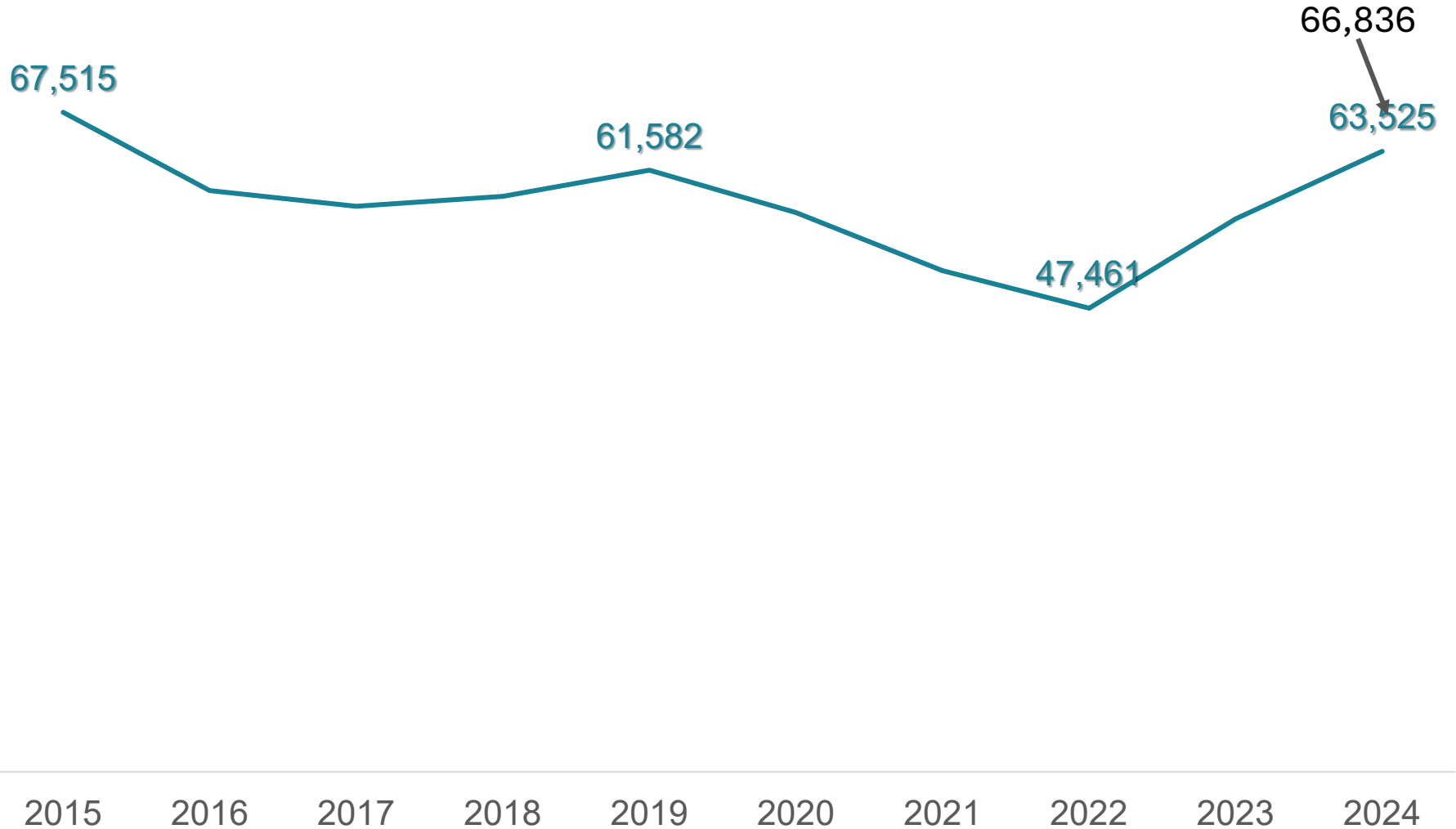


District Court Filings by Year – General Civil

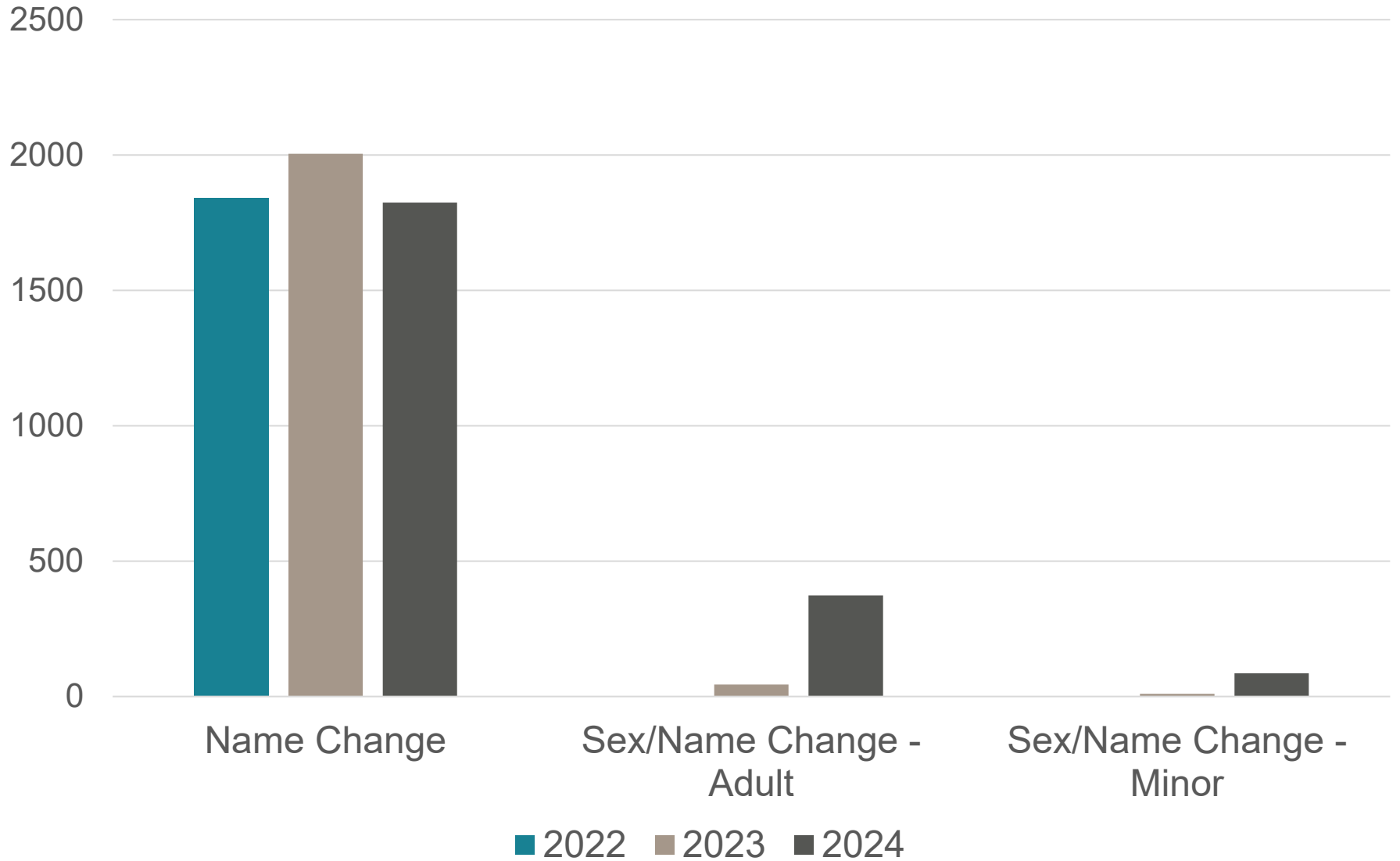




District Court Filings by Year – General Civil Debt Collection

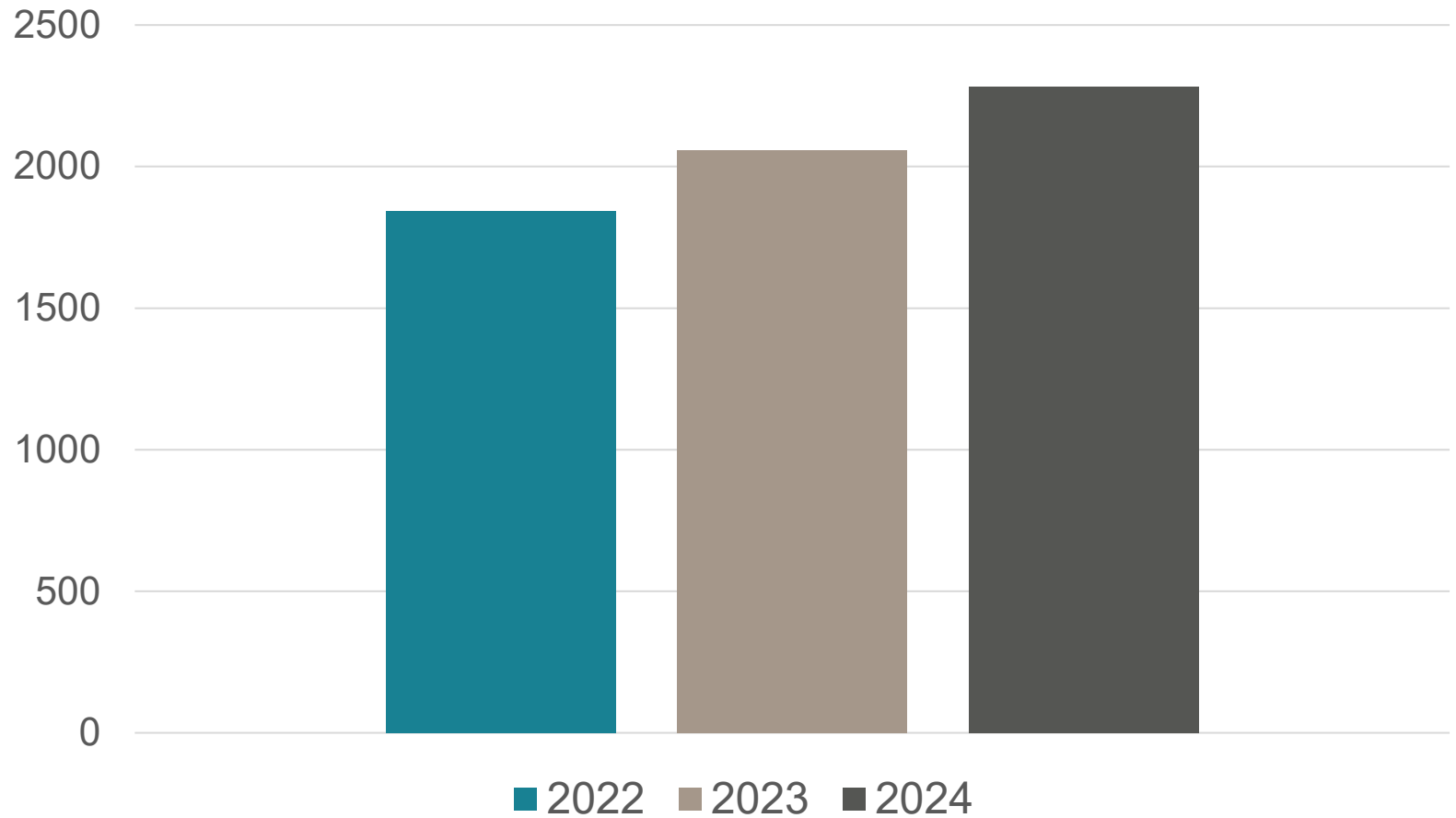


District Court Filings by Year – Probate



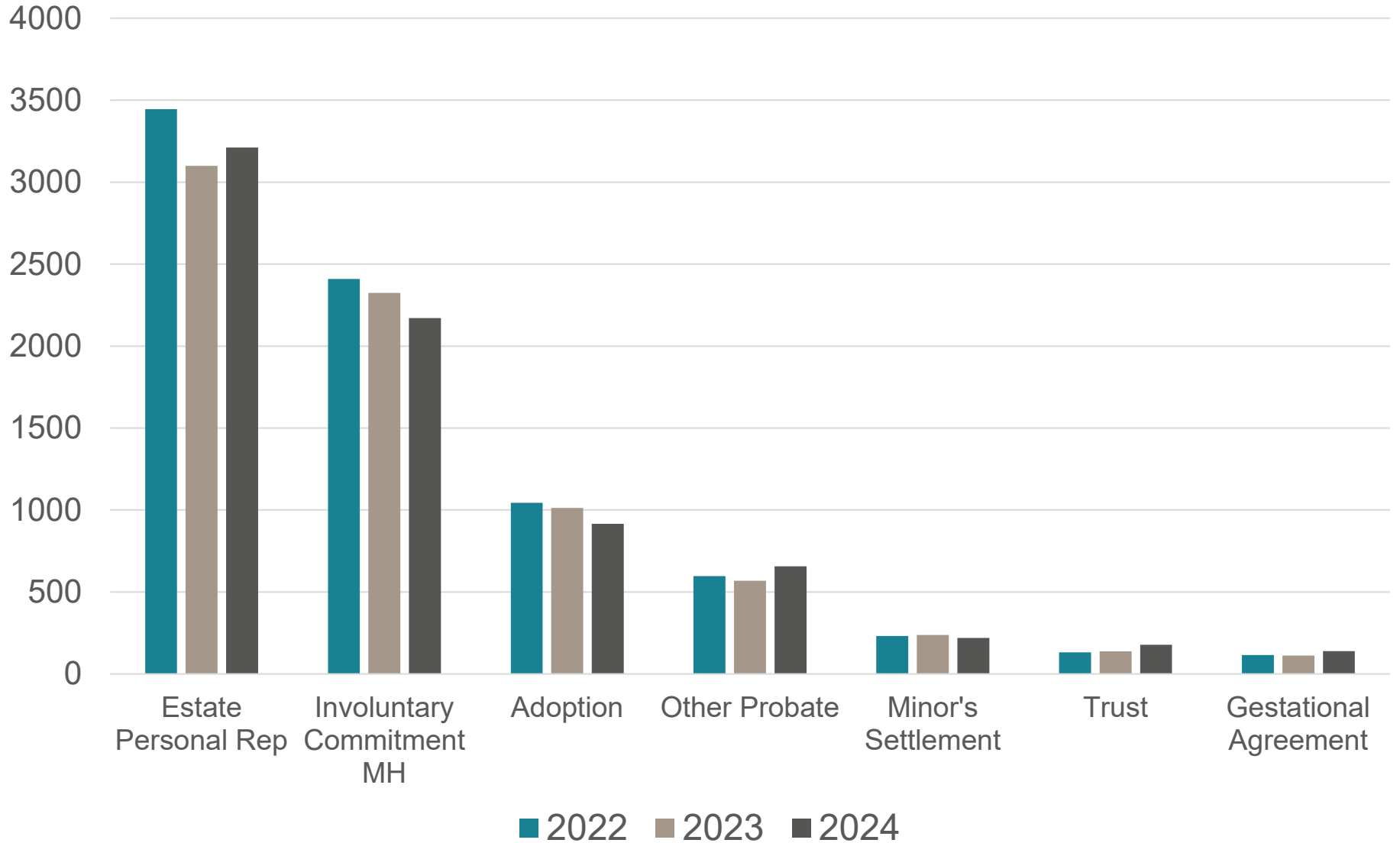


District Court Filings by Year – Sex/Name Change



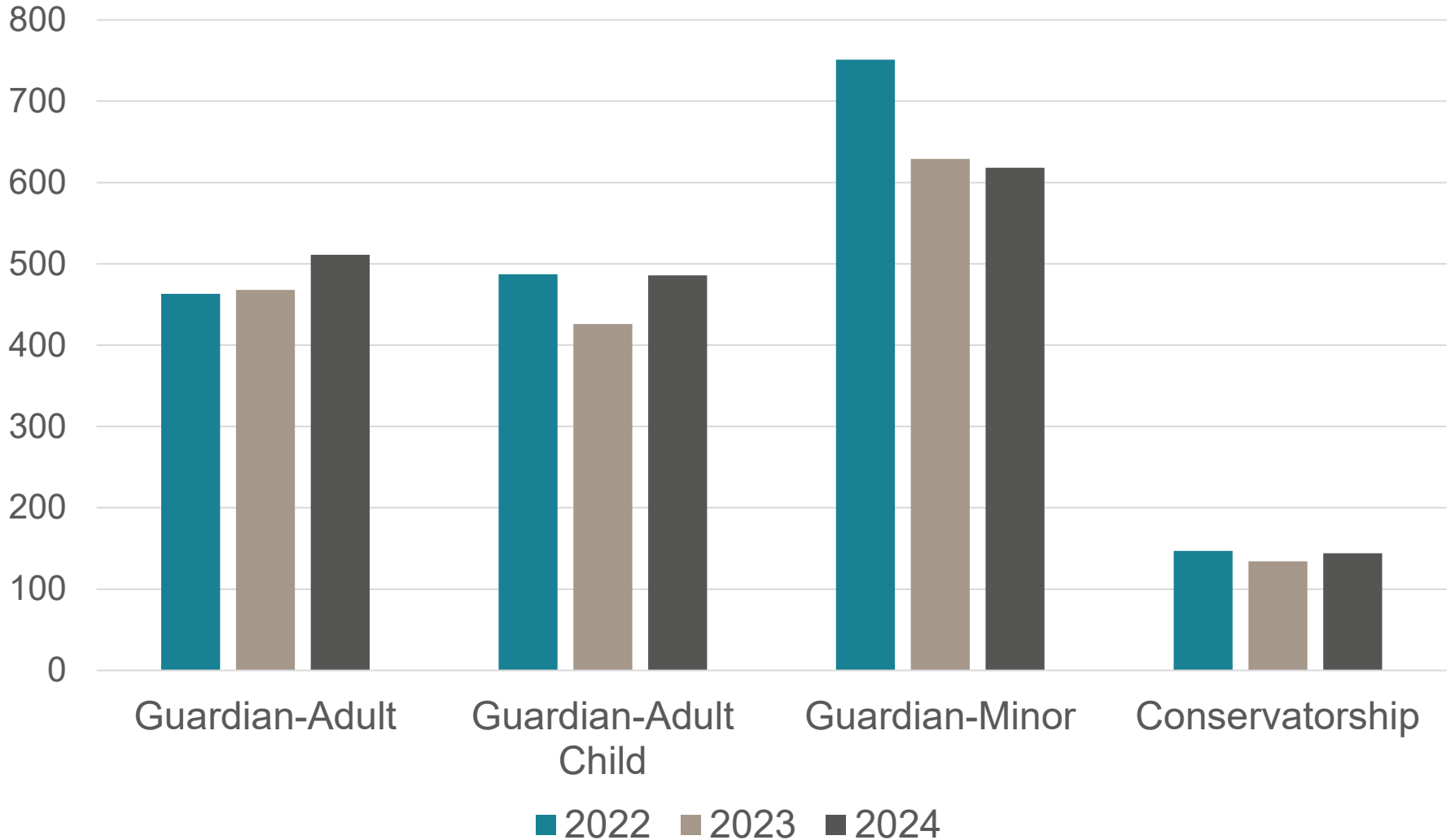


District Court Filings by Year – Probate



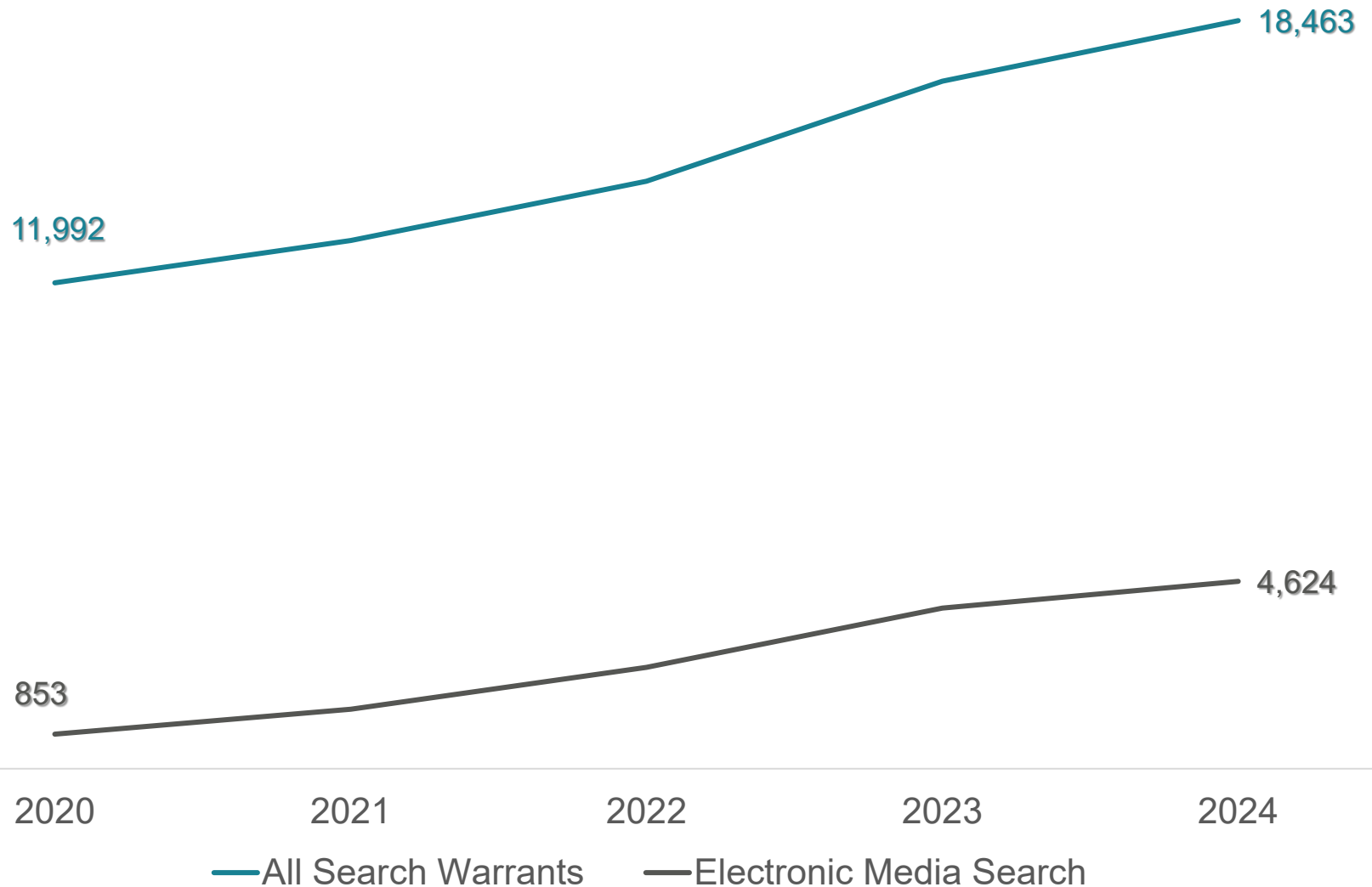


District Court Filings by Year – Probate Guardianship & Conservatorship

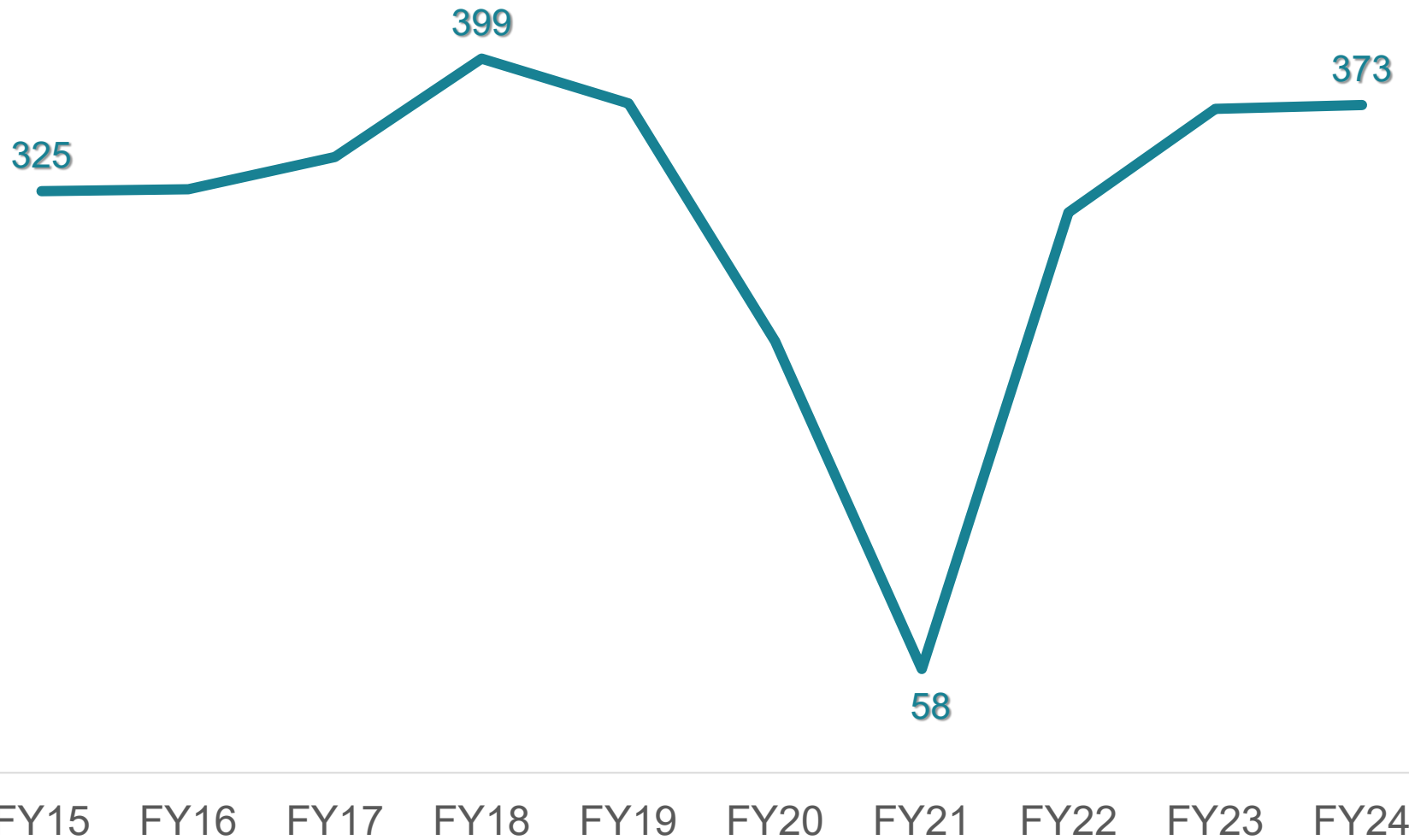




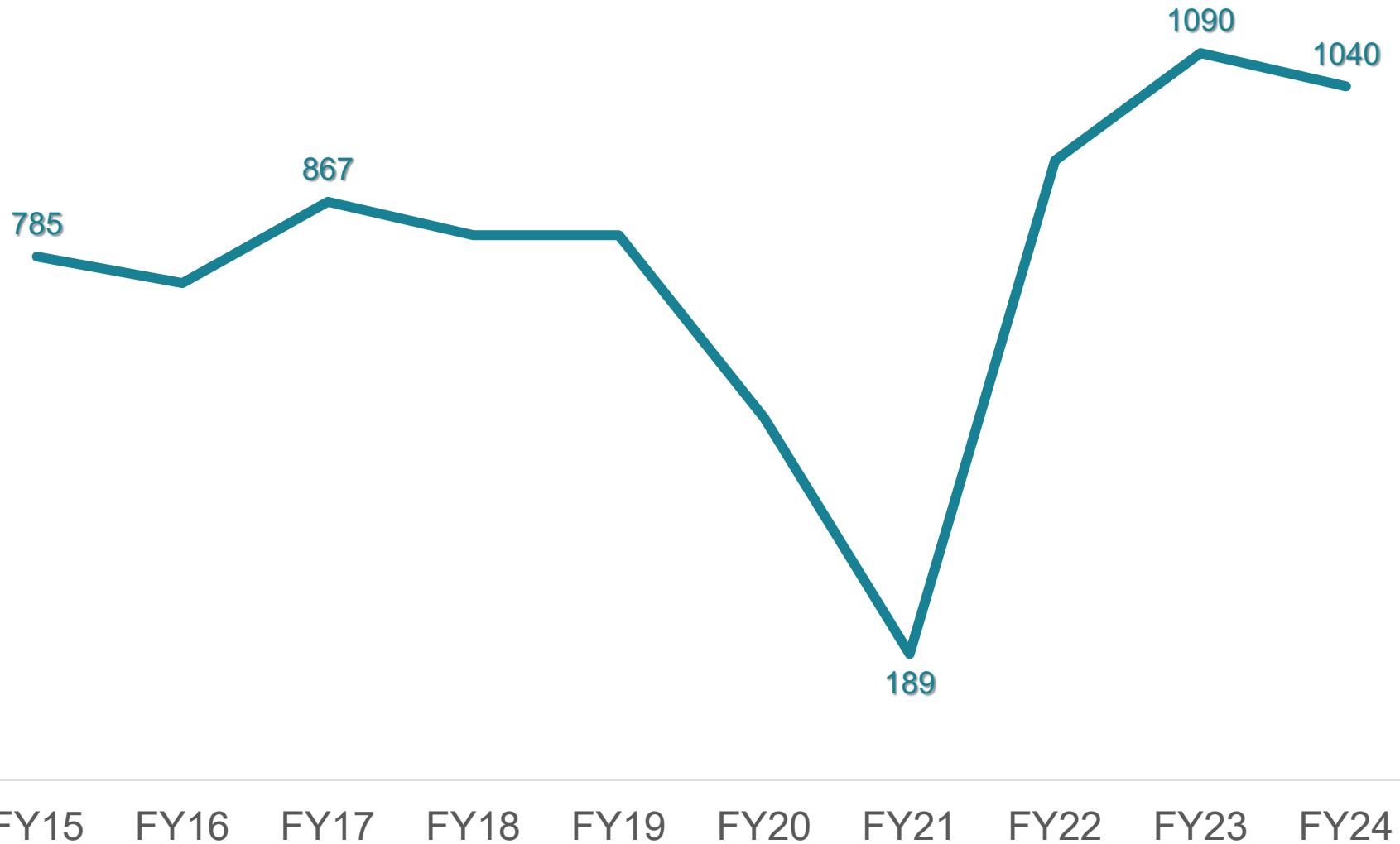
District Court Search Warrants



District Court Jury Trials – Trial Count

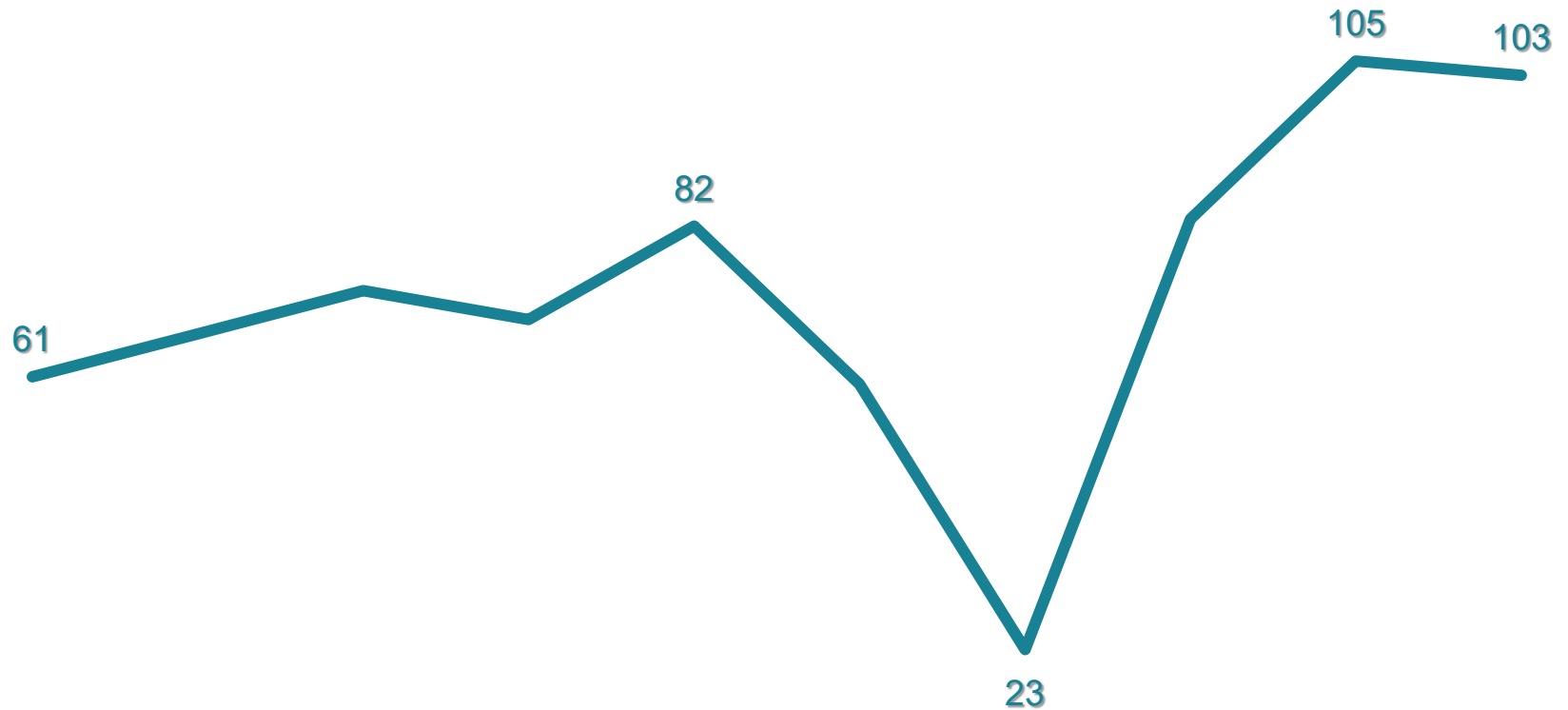


District Court Jury Trials – Trial Days





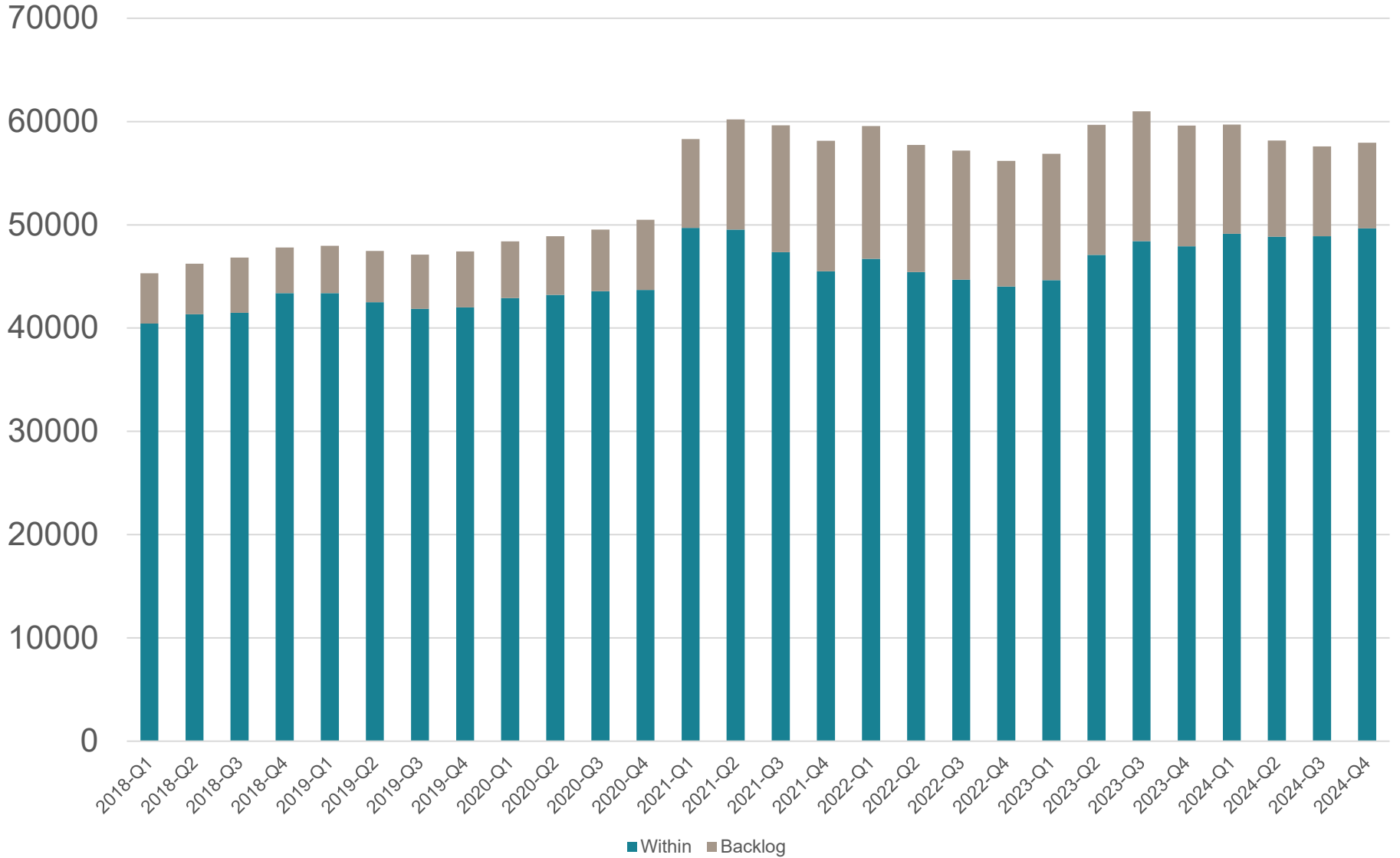
District Court Jury Trials – 1st Degree Felonies



FY15 FY16 FY17 FY18 FY19 FY20 FY21 FY22 FY23 FY24

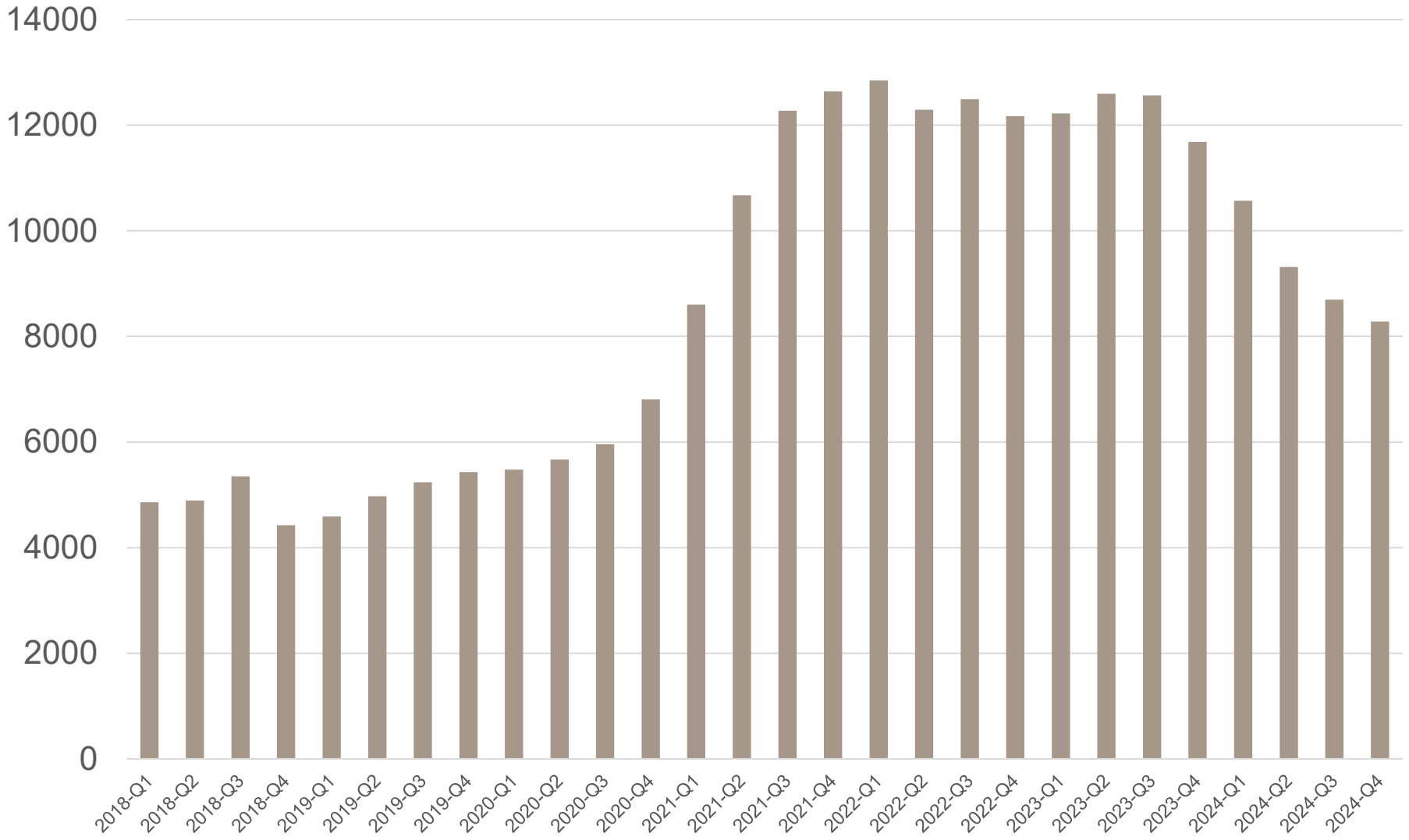


District Court Pending





District Court Backlog



District Court Time to Disposition

Activity	Recommended Guideline ¹		FY2024
	% Disposed	Time Frame	% Disposed within Time Frame
Felonies and Class A Misdemeanors	95%	12 months	88%
All Civil Except Evictions and Small Claims	95%	24 months	96%
Evictions	95%	9 months	93%
Divorce, Paternity, Custody and Support	95%	18 months	89%
Domestic Modifications	95%	12 months	67%
Temporary Protective Orders	95%	10 days	100%
Administration of Estates	95%	12 months	97%
Guardian/Conservator: Protected Persons	95%	90 days	63%
Involuntary Civil Commitment	95%	15 days	96%

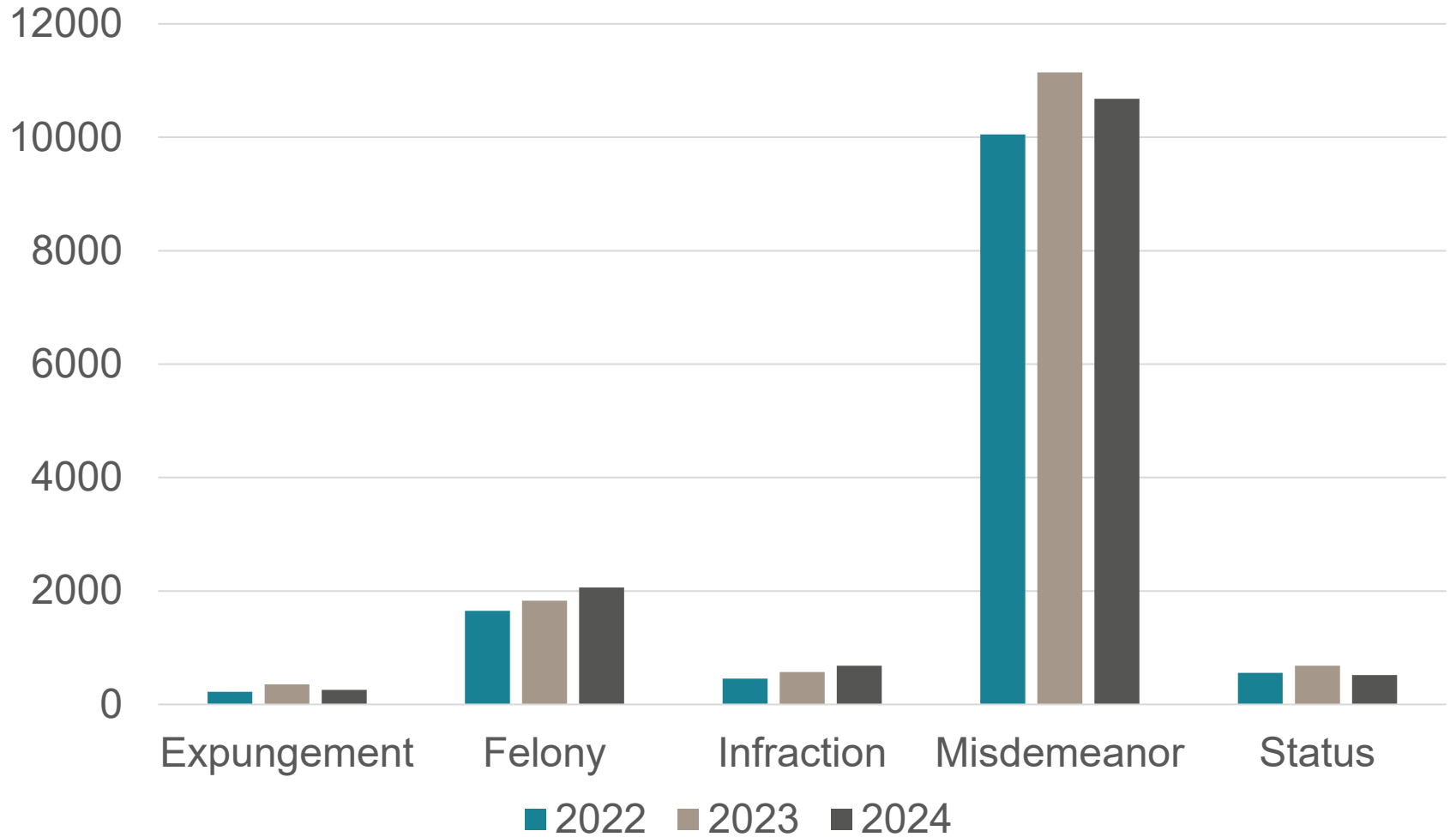
District Court Time to Disposition

Activity	Recommended Guideline ¹		FY2024
	% Disposed	Time Frame	% Disposed within Time Frame
Felonies and Class A Misdemeanors	95%	12 months	88%
All Civil Except Evictions and Small Claims	95%	24 months	96%
Evictions	95%	9 months	93%
Divorce, Paternity, Custody and Support	95%	18 months	89%
Domestic Modifications	95%	12 months	67%
Temporary Protective Orders	95%	10 days	100%
Administration of Estates	95%	12 months	97%
Guardian/Conservator: Protected Persons	95%	90 days	63%
Involuntary Civil Commitment	95%	15 days	96%

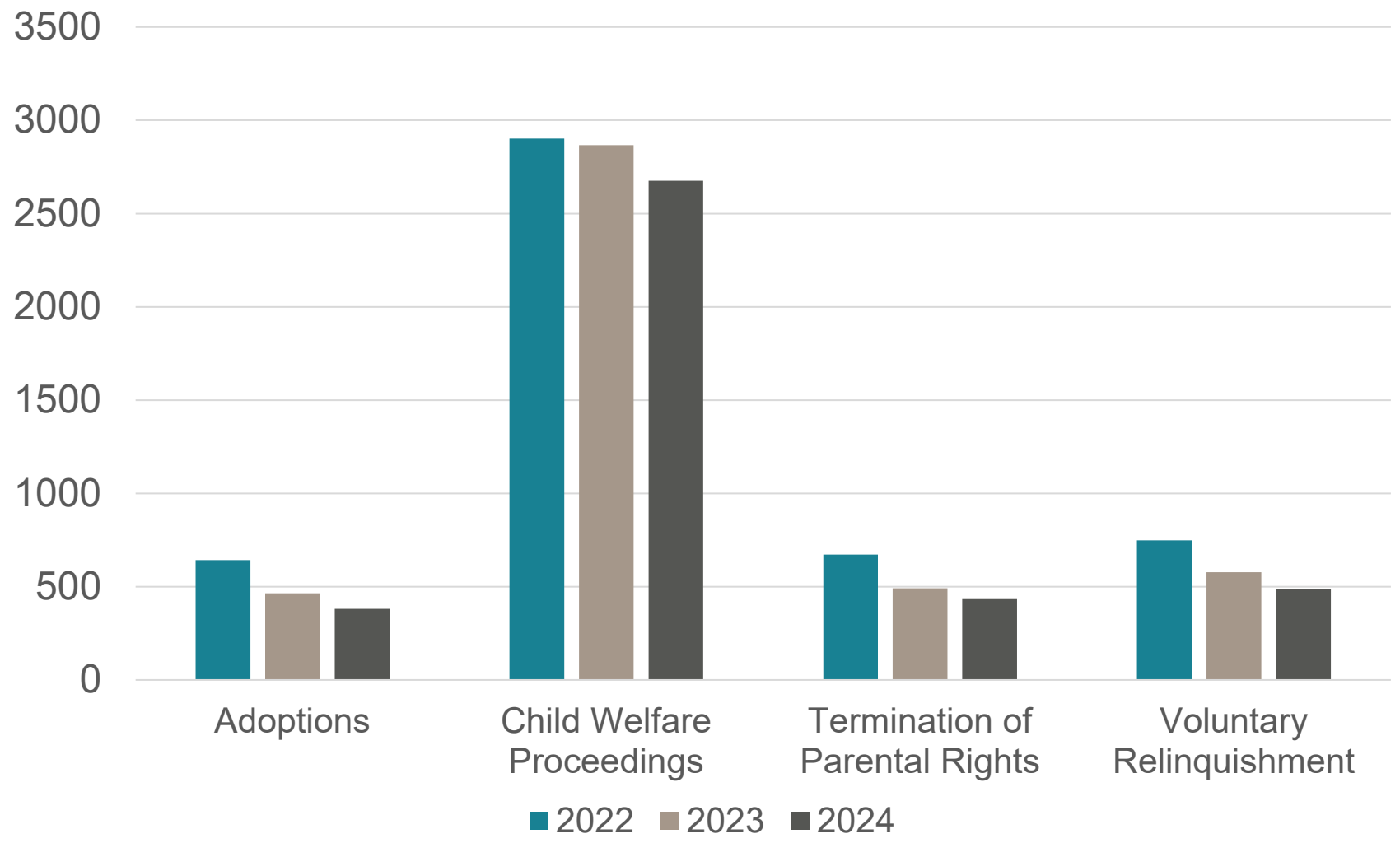
Juvenile Court

Case Filing Summary

Juvenile Court - Delinquency



Juvenile Court – Child Welfare



Juvenile Court Filings by Year

Case Type Category	FY22	FY23	FY24	Change	% Change
<i>Adult Administrative Review</i>	48	52	47	-5	-10%
<i>Adult Violation</i>	0	48	17	-31	-65%
<i>Child Protective Order</i>	1409	1585	1403	-182	-11%
<i>Emancipation</i>	45	63	64	1	2%
<i>Judicial Bypass</i>	31	8	19	11	138%
<i>Petition At Risk Noncitizen</i>	0	12	156	144	1200%
<i>Petition to Marry</i>	42	29	26	-3	-10%

Juvenile Court Filings by Year

Case Type Category	FY22	FY23	FY24	Change	% Change
<i>Adult Administrative Review</i>	48	52	47	-5	-10%
<i>Adult Violation</i>	0	48	17	-31	-65%
<i>Child Protective Order</i>	1409	1585	1403	-182	-11%
<i>Emancipation</i>	45	63	64	1	2%
<i>Judicial Bypass</i>	31	8	19	11	138%
<i>Petition At Risk Noncitizen</i>	0	12	156	144	1200%
<i>Petition to Marry</i>	42	29	26	-3	-10%

District Court Weighted Caseload

Judicial Officers Needed *(Total Hrs.Needed / Avail.Hrs. per Judicial Officer)*

District	FY18 (1-yr)	FY19 (1-yr)	FY21 (3-yr)	FY23* (3-yr)	FY24 (3-yr)	Authorized Positions (Jdg & Commis)^	Difference Authorized & Needed
1	4.5	4.2	4.3	4.8	5.0	4.6	-0.4
2	16.2	16.2	15.7	17.4	17.8	16.4	-1.4
3	41.6	39.7	37.9	40.3	40.7	38.0	-2.7
4	16.1	15.7	15.2	16.3	16.6	15.0	-1.6
5	7.1	7.0	7.0	8.3	8.6	7.0	-1.6
6	1.9	2.2	2.2	2.5	2.6	2.0	-0.6
7	2.0	2.3	2.3	2.6	2.5	3.0	0.5
8	3.1	3.0	3.0	3.4	3.3	3.0	-0.3
State	92.6	90.2	87.6	95.6	97.1	89.0	-8.1

District Court Weighted Caseload

Caseload as % of Standard *(Total Hrs.Needed / Total Avail. Hrs.)*

District	FY18 (1-yr)	FY19 (1-yr)	FY21 (3-yr)	FY23* (3-yr)	FY24 (3-yr)
1	104%	97%	93%	103%	109%
2	96%	97%	96%	106%	109%
3	120%	110%	105%	112%	107%
4	108%	106%	101%	108%	110%
5	119%	117%	101%	118%	123%
6	105%	108%	109%	127%	130%
7	70%	78%	77%	88%	82%
8	111%	99%	101%	114%	111%
State	110%	105%	101%	110%	109%

Juvenile Court Weighted Caseload

Judicial Officers Needed <i>(Total Hrs.Needed / Avail.Hrs. per Judicial Officer)</i>							
District	FY19	FY21	FY22	FY23	FY24	Authorized Positions (Jdg & Commis)	Difference Authorized & Needed
1	1.3	2.3	2.3	2.5	2.5	2.0	-0.5
2	5.3	6.0	6.0	6.2	5.5	6.0	0.5
3	8.2	9.7	10.1	10.3	9.5	9.0	-0.5
4	4.4	6.7	6.8	7.9	8.0	7.0	-1.0
5	2.0	2.6	2.5	2.6	2.6	3.0	0.4
6	0.6	1.6	1.5	2.0	2.0	2.0	0.0
7	1.1	1.1	1.1	1.2	1.2	2.0	0.8
8	1.4	1.5	1.6	1.7	1.7	2.0	0.3
State	24.4	31.6	31.9	34.4	33.0	33.0	0.0

Juvenile Court Weighted Caseload

Caseload as % of Standard <i>(Total Hrs.Needed / Total Avail. Hrs.)</i>					
District	FY19	FY21	FY22	FY23	FY24
1	91%	115%	111%	125%	124%
2	95%	101%	98%	104%	91%
3	100%	108%	100%	115%	106%
4	113%	134%	123%	131%	114%
5	75%	86%	81%	87%	87%
6	77%	158%	138%	99%	98%
7	76%	55%	53%	59%	60%
8	80%	77%	82%	87%	86%
State	95%	105%	98%	108%	99%

Conclusion

Questions?

courtdatarequest@utcourts.gov

Tab 3



GOVERNOR'S OFFICE OF Planning & Budget

FY25 and FY26 State Agency Budget Request Form

REQUEST TITLE	New Court of Appeals Judge		
State Agency	Judicial Branch	Request Priority	
Division	Judicial Branch	Program	Court of Appeals
Primary Contact	Ron Gordon, Neira Siaperas, Karl Sweeney	Email & Phone	ronbg@utcourts.gov 801 578 3816 neiras@utcourts.gov 801 578 3850 karls@utcourts.gov 801 578 3889

Amounts Requested: *Combine Other sources, besides General Fund (GF), Income Tax Fund (ITF), or Uniform School Fund (USF).*

BFMC Legislative Request Ranking #1

SOURCE	FY25 ONE-TIME	FY26 ONGOING	FY26 ONE-TIME	TOTAL REQUEST
GF, ITF, USF	\$0	\$649,100	\$0	\$649,100
OTHER	\$0	\$0	\$0	\$0
TOTAL	\$0	\$649,100	\$0	\$649,100

Note: Ensure all responses are concise and directly address each question to facilitate the evaluation process.

SUMMARY

- In three to five sentences, clearly state the **issue** that requires action and funding; summarize the proposed **solution**; and, highlight anticipated **outcomes**. (This should be a meaningful paragraph that GOPB can share with the governor, lieutenant governor, legislators, and the public.)*

Utah created the seven member Court of Appeals in 1987. The Court of Appeals has not added any new judges since its inception. Over the last thirty-seven years, the Court of Appeals has utilized administrative adjustments to support the court's growing caseload. The current caseload of the Court of Appeals requires an additional judicial officer.

Please see the included document.

COST

- Itemized Budget:** Provide an itemized budget of how the new funding will be used, including revenue and expenditure sources, and the details of any new FTEs.*

Please see the below graph. Additional information is found in the included document. Note: Each Court of Appeals judge requires two attorney law clerks.

Court of Appeals Judge	Cost	Each Attorney Law Clerk	Cost
Salary	\$224,600	Salary	\$86,025
Salary Related Benefits	\$127,620	Salary Related Benefits	\$26,905
Reduction for Amount over Social Security cap	-\$3,470	Not Applicable	\$0.00
Health Insurance	\$23,725	Health Insurance	\$23,725
Dental Insurance	\$1,070	Dental Insurance	\$1,070
Life Insurance	\$35	Life Insurance	\$35
Total per Judge	\$373,580	Total per Attorney Law Clerk	\$137,760 x 2 = \$275,520

3. **Scalability:** Describe the potential impact if a portion of the request is recommended or scaled over more than one year. What would be the impact of multiple variations of reduced funding (e.g., 10%, 50%), and explain why the request should be funded this budget cycle.

This budget request is not able to be scaled.

4. **Future Obligations:** What future funding or policy obligations does this request create? (E.g., operations and maintenance, multi-year scale up.)

The on-going funding obligations are those associated with two new employees, and one new judicial officer. This request creates no new policy obligations.

5. **Current Resources:** Summarize what the agency has already contributed toward addressing this and related issues. Describe any efforts to create savings to address this issue.

The Court of Appeals has made administrative adjustments over the court's thirty-seven year history as necessary to keep up with the caseload.

Please see the included document.

STRATEGIC ALIGNMENT

6. Explain how this request aligns with the agency's strategic plan or the governor's priorities. Be specific.

The mission of the Utah Judiciary is to provide the people an open, fair, efficient, and independent system for advancement of justice under the law. The Court of Appeals works diligently to move appeals expeditiously through the appellate process. Increasing the Court of Appeals to eight members will make the Court of Appeals more efficient.

Please see the included document.

EVIDENCE & ANALYSIS

7. **Issue:** Substantiate the **issue** and justify the proposed **solution** using supporting evidence (e.g., cost-benefit analysis for a procurement, program evaluation for an intervention, or published study for an evidence-based program).

Please see the included document.

8. **Performance measures:** How will the agency measure the **value** created for Utah after one year and, if applicable, in future years.

The Utah Judiciary tracks case filings and time to disposition for all cases. The Court of Appeals will be able to compare the current time to disposition for appellate cases to the new time to disposition for appellate cases with an eight member Court of Appeals.

COLLABORATION

9. Please list other stakeholders or state agencies involved in developing this request.

N/A

LEGAL AUTHORITY

10. Provide the statutory and administrative rule references that authorize or require this budget request. If this request requires statute or rule changes, describe them and indicate if the agency has notified the governor's general counsel and senior advisor for legislative affairs and policy.

Utah Code 78A-4-101.

INTENT LANGUAGE

11. If applicable, enter any necessary intent language. Please note that if this request is for a **grant (i.e., pass-through funding)** it requires intent language in accordance with the provisions of [Utah Code 63G-6b State Grants](#).

N/A

UTAH SUPREME COURT

Matthew B. Durrant
Chief Justice

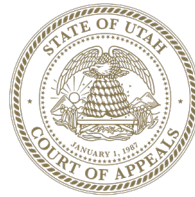
John A. Pearce
Associate Chief Justice

Paige Petersen
Justice

Diana Hagen
Justice

Jill M. Pohlman
Justice

Utah Appellate Courts



Nicholas Stiles
Appellate Court Administrator

450 South State Street
Salt Lake City, Utah 84114-0230
Telephone: (801) 578-3834
Email: supremecourt@utcourts.gov
Email: courtofappeals@utcourts.gov

Nicole I. Gray
Clerk of Court

UTAH COURT OF APPEALS

Michele M. Christiansen Forster
Presiding Judge

Ryan M. Harris
Associate Presiding Judge

Gregory K. Orme
Judge

David N. Mortensen
Judge

Ryan D. Tenney
Judge

John D. Luthy
Judge

Amy J. Oliver
Judge

Lisa A. Collins
Clerk of Court

To: Utah Judicial Council
From: Board of Appellate Court Judges
Re: Legislative Funding Request

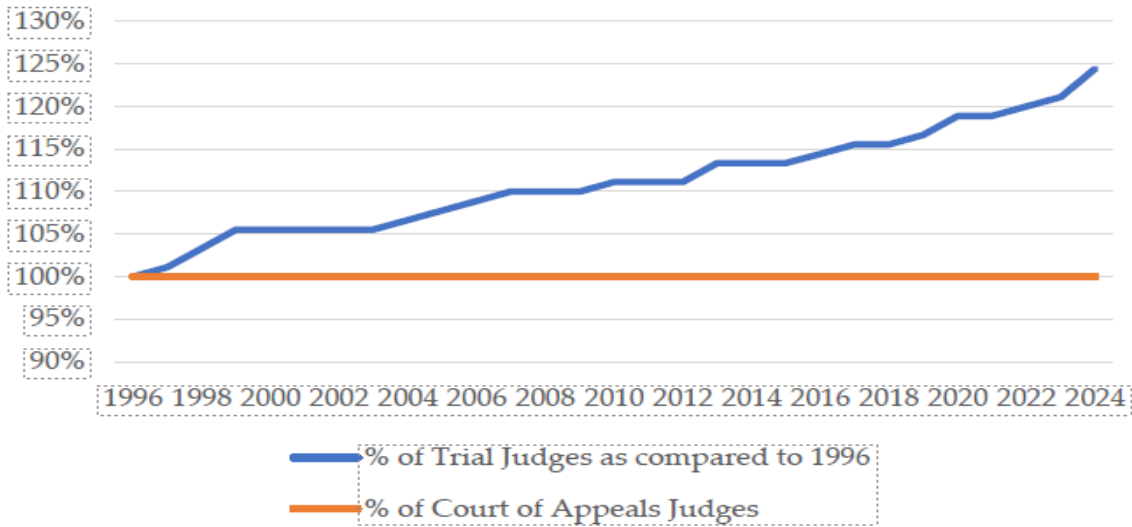
Utah created the seven member Court of Appeals in 1987. The Court of Appeals has not added any new judges since its inception. Over the last thirty-seven years, we have utilized administrative adjustments to the Court of Appeals to support its growing caseload. The Court of Appeals and Utah Supreme Court shifted the usage of the five appellate central staff attorneys, we have expanded our Appellate Mediation Office to two full-time mediators, and most recently, we created a new Deputy Clerk of Court position. We are now, however, at a point where we require at least one new Court of Appeals judge.

We advance three metrics in support of our request for additional Court of Appeals judges. The three metrics include: increase in the number of appealable trial court judges, increase in Utah's per capita population, and increase in court filings.

Increase in appealable judges.

We begin our analysis in 1996 as that was the final year of the Utah Circuit Courts, and the first year of our judiciary as currently structured. In 1996, there were ninety appealable judges (judges whose rulings might be appealed; this category consists of district and juvenile judges) in Utah. Based on the seven-member Court of Appeals, this equals 12.9 appealable judges per one Court of Appeals judge. There are now 112 appealable judges, or 16 judges per one Court of Appeals judge. This represents a roughly 25% increase in the number of appealable judges. The result is that to maintain the 1996 ratio of 1:12.9, we would need to add 1.7 new judges. See graph below.

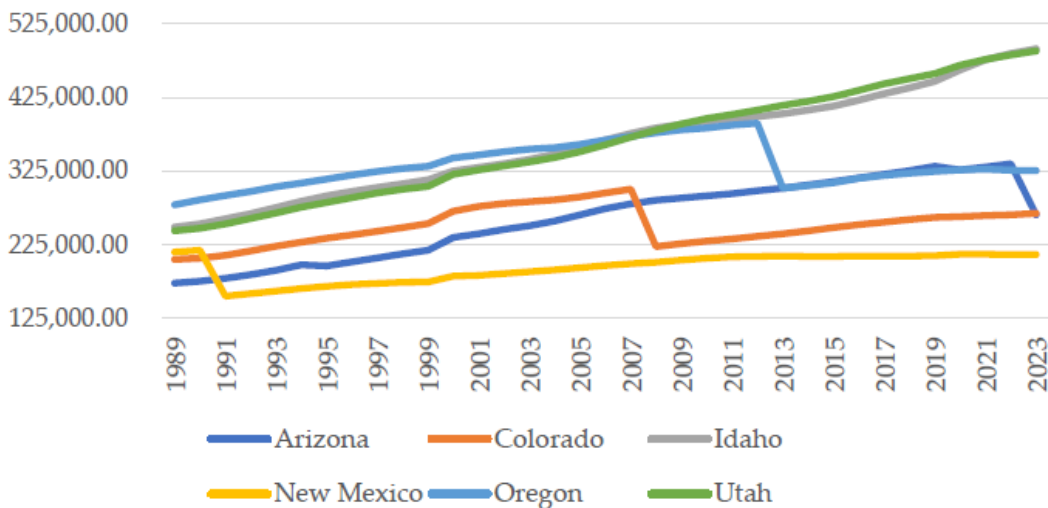
Percentage of Judges Compared to 1996



Increase in per capita population.

We next reviewed Utah’s population growth in comparison to Arizona, Colorado, New Mexico, Oregon, and Idaho. We determined that these states generally act to increase their number of intermediate court of appeals judges as soon as their population grows to be between 300,000 to 350,000 people per judge. In 2023, the number of Utahns to one Utah Court of Appeals judge was 488,247. To align our ratio with other regional western states’ intermediate courts of appeal, we would need to add four new Court of Appeals judges.

Court of Appeals Judges per Capita



Note: Idaho also has a higher-than-average ratio of population to intermediate court of

appeals judges. Idaho is distinguishable from Utah because their court of appeals is only able to hear cases assigned to them by their supreme court. This results in their court of appeals only issuing twenty-eight opinions in 2023, or seven per judge. By contrast, our Court of Appeals issued 164 published opinions in 2023, equaling more than twenty-three published opinions per judge. This figure does not include the hundreds of unpublished decisions the Court of Appeals also issued.

Increase in case filings.

In the Court of Appeals’ first five years of operations, there were 700.8 average cases per year, equaling roughly 100 cases per judge. From 2019 to 2023, there were an average of 891.8 case filings, or 127.4 per judge. This includes the noted decrease in filings during the COVID pandemic. From January 1, 2024, to July 1, 2024, the Court of Appeals has received 592 filings, which projects roughly 1,184 for this year – or 169.4 cases per judge. To return to the 100 case per judge ratio the Court of Appeals would need to add 1.7 new judges.

First Five Years		Last Five Years	
1987	640	2019	881
1988	746	2020	869
1989	728	2021	767
1990	707	2022	997
1997	683	2023	945

Financials

The included financial breakdown was provided by the Administrative Office of the Court’s Finance Department. It is important to note that appellate judges in Utah each are assigned two attorney law clerks. We are not requesting any additional support staff.

Court of Appeals Judge	Cost	Each Attorney Law Clerk	Cost
Salary	\$224,600	Salary	\$86,025
Salary Related Benefits	\$127,620	Salary Related Benefits	\$26,9085
Reduction for Amount over Social Security cap	-\$3,470	Not Applicable	\$0.00
Health Insurance	\$23,725	Health Insurance	\$23,725
Dental Insurance	\$1,070	Dental Insurance	\$1,070
Life Insurance	\$35	Life Insurance	\$35
Total per Judge	\$373,580	Total per Attorney Law Clerk	\$137,760 x 2 = \$275,520

Total requested funding per judge: \$649,094.40. We will pursue internal one-time funding for equipment, training, and administrative costs associated with increasing personnel. And we note that this request for at least one new Court of Appeals judge is based on *current* data, independent of any changes that might be made in the future regarding the overhaul of the justice court system. If justice-court-level decisions become appealable in the future to the Court of Appeals, additional new judges and personnel – beyond what is requested here – will be required to handle that future increased caseload.

Thank you for your consideration.

Respectfully,



Judge Michele Christiansen Forster
Presiding Judge, Utah Court of Appeals
Co-Chair, Board of Appellate Court Judges



Chief Justice Matthew Durrant
Chief Justice, Utah Supreme Court
Co-Chair, Board of Appellate Court Judges

Tab 4



GOVERNOR'S OFFICE OF Planning & Budget

FY25 and FY26 State Agency Budget Request Form

REQUEST TITLE	CORE Courthouse Workforce – Recruit and Retain		
State Agency	Judicial Branch	Request Priority	
Division	Judicial Branch	Program	Human Resource
Primary Contact	Ron Gordon, Neira Siaperas, Karl Sweeney	Email & Phone	ronbg@utcourts.gov 801 578 3816 neiras@utcourts.gov 801 578 3850 karls@utcourts.gov 801 578 3889

Amounts Requested: *Combine Other sources, besides General Fund (GF), Income Tax Fund (ITF), or Uniform School Fund (USF).*

BFMC Legislative Request Ranking #2

SOURCE	FY25 ONE-TIME	FY26 ONGOING	FY26 ONE-TIME	TOTAL REQUEST
GF, ITF, USF	\$0	\$3,139,800 ¹	\$0	\$3,139,800
OTHER	\$0	\$0	\$0	\$0
TOTAL	\$0	\$3,139,800	\$0	\$3,139,800

Note: Ensure all responses are concise and directly address each question to facilitate the evaluation process.

SUMMARY

- In three to five sentences, clearly state the **issue** that requires action and funding; summarize the proposed **solution**; and, highlight anticipated **outcomes**. (This should be a meaningful paragraph that GOPB can share with the governor, lieutenant governor, legislators, and the public.)*

This request seeks legislative funding for salary increases (both salary range and actual wages) to boost retention levels of the Judiciary's core courthouse workforce. The Judiciary's bench faces an increasingly difficult challenge to retain a sufficient level of institutional knowledge in its workforce and has continued to face a stubbornly high turnover rate of around 21% in its core courthouse workforce over the last three years. The unsustainable level of instability in the Judiciary's core courthouse workforce needs mitigation with this additional funding.

COST

- Itemized Budget:** Provide an itemized budget of how the new funding will be used, including revenue and expenditure sources, and the details of any new FTEs.*

¹ This \$3,139,800 amount needs to be further reviewed for accuracy. It will be reviewed before submission to GOPB and the LFA. We anticipate the number to be between \$3,000,000 and \$3,139,800.

This funding will be 100% personnel expenses allocated to following position titles:

Job Title	Total Cost
Judicial Assistant	\$1,804,897.59
Domestic Case Manager	\$2,415.80
Training Coordinator	\$64,322.19
Case Manager	\$223,654.53
Team Manager	\$50,578.94
Clerk of Court	\$43,234.67
Appellate Clerk of Court	\$7,023.85
Deputy Clerk of Court	\$2,658.89
Sr Appellate Asst	\$5,525.92
Probation Officer	\$356,605.01
Deputy Probation Officer	\$28,956.71
Deputy Probation Officer Supervisor	\$1,670.77
Probation Supervisor	\$23,847.90
Chief Probation Officer	\$38,036.37
Secretary	\$11,082.21
Receptionist	\$7,128.35
Administrative Assistant I	\$18,762.32
Administrative Assistant	\$167,322.55
Support Services Coord I	\$16,067.52
Support Services Coord II	\$37,154.47
Support Services Coordinator	\$32,605.66
Legal Secretary	\$188,810.06
Law Librarian	\$3,262.37
Reference Librarian	\$4,094.08
TOTAL	\$3,139,718.74

3. **Scalability:** Describe the potential impact if a portion of the request is recommended or scaled over

more than one year. What would be the impact of multiple variations of reduced funding (e.g., 10%, 50%), and explain why the request should be funded this budget cycle.

If the Governor's Budget prioritizes a reduced portion of the funding, the potential impact on the recruitment and retention of core courthouse employees would vary depending on the level of reduction. Let's consider multiple variations of reductions in funding:

1. 10% Reduction in Funding: With a 10% reduction in funding, the recruitment and retention of core courthouse employees can still be maintained with relatively minor adjustments. Salary increases (both salary range and actual wages) would be slightly reduced, resulting in a smaller salary rate increase being allocated and a lower starting salary for new employees in these positions. These reductions would have an impact on the overall ability to move current employees through the quartiles of their salary ranges, and attract new talent to these positions, producing more risk to the effectiveness in recruiting additional employees and retaining current employees. However, the program's overall effectiveness in motivating employees to stay and attracting new talent may remain largely intact.

2. 50% Reduction in Funding: A 50% reduction in funding would have a more significant impact on the recruitment and retention of core courthouse employees. It may not give the Judiciary enough of an incentive to motivate current core courthouse employees to stay with the Judiciary or help in attracting new talent for these positions. Simply put, the FY23 JA pay increase of \$3.9M temporarily lowered the JA turnover rate, but an increase of only \$1.5M over a larger pool of beneficiaries may greatly reduce the effectiveness/impact of the funding.

By maintaining a greater portion of the requested funding (at least 75%), the recruitment and retention of core courthouse employees can continue to drive employee motivation, attract new talent, and align with the Judiciary's mission and goals and allow the Judiciary to remain competitive with other branches of state government. While adjustments may be necessary, retaining a significant portion of the funding increases the odds that the program's core principles and benefits are sustained to support a skilled and motivated workforce in the Judiciary.

4. Future Obligations: *What future funding or policy obligations does this request create? (E.g., operations and maintenance, multi-year scale up.)*

None

5. Current Resources: *Summarize what the agency has already contributed toward addressing this and related issues. Describe any efforts to create savings to address this issue.*

The current budget for the Judicial Branch core courthouse workforce is approximately \$66,500,000.

For the past decade, the Judiciary has attempted to solve challenges related to the job market pay increases almost exclusively with internally generated ongoing turnover savings. These savings have been limited to approximately \$450,000 per year due to the relatively small size of the Judiciary's ongoing turnover savings. Although the Judiciary's ongoing turnover savings help us successfully address small pockets of pay inequities, this is simply not enough funds to make a meaningful statewide remedy when the compensation for our core courthouse function (which comprises over 50% of our personnel) falls significantly below market pay.

The only exception to the statement above was a legislative funding request for a \$3.9M salary increase for Judicial Assistants (JAs) in FY23. The Judiciary attributes the fact that JA annual turnover declined 0.71% in FY23 to the fact that this request was granted. Additionally, the painfully high average number of vacant JA positions was significantly reduced, and management's average time to fill JA positions was reduced by 19% last year. That funding ultimately proved to be helpful in addressing recruitment (i.e., getting people in the door), but it wasn't adequate to also address retention in a meaningful way (i.e., keeping people with experience). Turnover data from the last three years has remained stubbornly consistent (around 21%) despite the recent salary increases. Coupled with current job market data, this suggests that without additional funding, the Judiciary's already wavering ability to retain its core courthouse personnel will rapidly worsen.

The Judiciary remains concerned at its inability to retain employees in these core functions long enough to achieve an acceptable level of institutional knowledge. For example, consistent feedback from multiple judges, courts management and staff indicate that it generally takes 18-24 months of combined training and on-the-job learning before a Judicial Assistant reaches a proficient knowledge and skill level in the Judicial Assistant role. Most Judicial Assistants with less than two years of experience still need to rely heavily on their managers, training coordinators, and other more seasoned colleagues to do the job well. In May 2024, 40% of all Judicial Assistants statewide had less than two years of experience on the job, placing the Utah Judiciary in a tenuous position.

In recent years, the Judicial Branch has attempted several strategies to attract and retain core courthouse employees. Those strategies include but are not limited to:

- a. Granting rewards that are less costly upfront (a nominal amount of administrative leave, token gift cards, recognition awards for completed years of service, etc.),
- b. Education assistance (tuition reimbursement for external certification/degree pursuits)
- c. Internal education opportunities
- d. Pay for performance bonuses
- e. Application for legislative funding of salary increases

Legislatively funded salary increases have yielded the most apparent positive results in recent years, (more detail about this is provided below). Legislative funding has undoubtedly prevented much higher and even more alarming turnover rates in core courthouse jobs. However, despite the Judiciary's intent to continue less costly internal strategies to enhance overall effectiveness, the Judiciary cannot responsibly ignore what has once again become a startling inability to compete with entry-level wages for jobs that are far less stressful and require significantly less in terms of knowledge, skills, and ability in Utah's public sector job market - a theme in comments that repeatedly appears in exit survey data.

STRATEGIC ALIGNMENT

6. *Explain how this request aligns with the agency's strategic plan or the governor's priorities. Be specific.*

This request for funding directly supports the Judiciary's strategic priorities as outlined in our mission statement, which focuses on providing "an open, fair, and efficient system for the advancement of justice under the law." Two key ways have been identified in which this funding will help implement our strategic priorities:

- **Advancing Justice and Fairness:** A rate increase for the Judiciary's core courthouse workforce will significantly enhance fairness and equity within our workforce. This approach promotes a sense of fairness and motivates employees to excel in their roles, ultimately contributing to the overall delivery of justice under the law.
- **Enhancing Efficiency and Service Delivery:** The requested funding will empower the Judiciary to strengthen the compensation system, leading to increased efficiency within the organization. By incentivizing current employees to stay and decreasing the time it takes to fill vacant positions, the Judiciary can improve productivity and optimize resource allocation. This, in turn, contributes to an efficient and effective judicial system, enabling Judiciary employees to provide timely and high-quality services to the people they serve.

This funding request is directly in line with the Judiciary's strategic priorities, as it seeks to foster fairness, efficiency, and the advancement of justice under the law. Through the investment in our core courthouse workforce through salary increases, the Judiciary is taking proactive measures to fulfill their mission and meet the expectations of the people they serve. This strategic approach will enable the Judiciary to further their commitment to delivering justice in an open, fair, and efficient manner, while continually striving for improvement and excellence in operations.

This request also aligns with the priorities of the Cox-Henderson Administration in several ways:

A Robust Economy: By giving increases to the core courthouse workforce and addressing turnover concerns, the Judiciary will to an extent mitigate the exit rate of an experienced workforce who can process cases timely and accurately. This efficiency is essential for businesses and individuals to resolve disputes, which in turn promotes economic activity and reduces uncertainty.

A stable core courthouse workforce also fosters greater confidence among businesses and investors. When businesses can rely on a fair legal system, investors are more likely to invest, expand and engage in economic activity.

This funding can also address increasing training and administrative costs caused by turnover to some extent. Addressing these costs can potentially lead to more resources being available for other critical areas. These savings can translate into more efficient public spending, which supports economic stability and growth.

Education Excellence: While the connection between addressing core courthouse workforce turnover and educational excellence may not be immediately apparent, a stable judiciary contributes to a supportive legal environment for educational institutions. This allows schools to operate more efficiently, helps ensure the protection of students' rights, supports the implementation of education policies, and fosters an environment where educational excellence can thrive.

Improving Health: The Judiciary's core courthouse workforce plays a significant role in addressing social determinants of health, such as housing, employment, and family law issues. A consistent and efficient workforce ensures that cases affecting these determinants are handled fairly and promptly, contributing to better overall health outcomes for the community.

An increase in salary can also help reduce stress and mental health burdens for the core courthouse employees, positively affecting the lives of those employees as well as helping them to provide better service to court patrons.

Protecting Rural Areas: The Judiciary's core courthouse workforce works throughout the state, including rural areas. A salary increase can help better the livelihood of these employees and the economy in the area. Having stable courthouse staffing in rural areas also ensures that rural residents have consistent and reliable access to judicial services.

Solving and Serving: Courthouse staff that stay in their positions for longer periods of time often develop a better understanding of the communities they serve. This understanding fosters more respectful interactions that consider the community's unique cultural and social dynamics.

A judiciary characterized by low turnover and an experienced core courthouse workforce also sets a positive example for respect and dignity in public service. This modeling can influence broader societal attitudes, promoting a culture of respect and dignity beyond the courthouse.

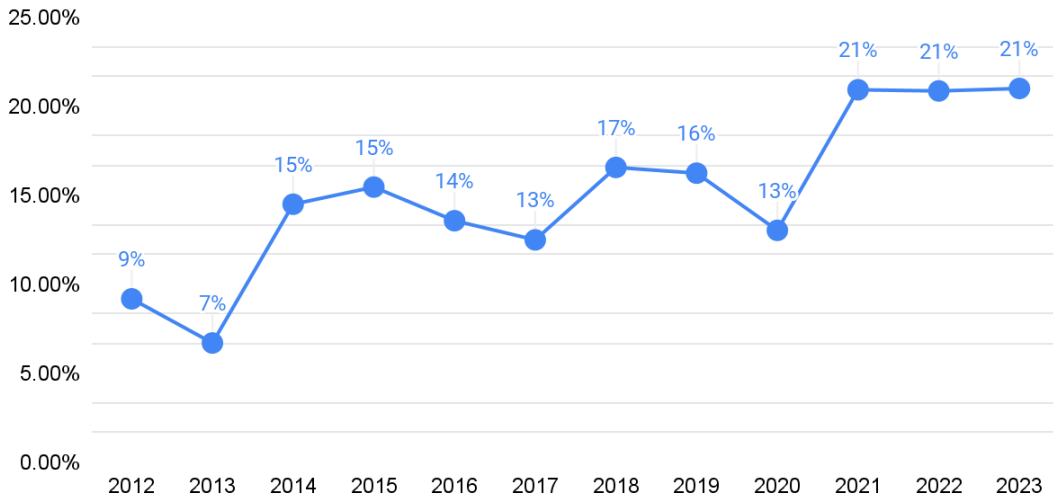
Strengthening Families: A stable core courthouse workforce can help strengthen families by processing cases more efficiently and reducing the time families spend in legal proceedings. Long-term core courthouse staff can also engage more effectively with the community, providing outreach and education about family law and available resources. This helps strengthen families' understanding of their rights and options, empowering them to make informed decisions.

EVIDENCE & ANALYSIS

7. **Issue:** *Substantiate the **issue** and justify the proposed **solution** using supporting evidence (e.g., cost-benefit analysis for a procurement, program evaluation for an intervention, or published study for an evidence-based program).*

Turnover rates vary by industry, but in general, an annual turnover rate of 10% or less is often considered a healthy target turnover rate, indicating a relatively high level of institutional knowledge and skill level to ensure the organization succeeds. As shown below, the turnover rate among the two largest groups of the core courthouse workforce has climbed consistently from 9.19% to 21% over the last ten years. Even more alarming is the Judicial Assistant turnover rate of 23% and the gradual increase of the Probation Officer turnover rate over the last few years. Probation Officer turnover rate went from 9.62% in 2021 to 12.67% in 2022 and 14.29% in 2023. Although the Probation Officer turnover rate isn't currently as high as the Judicial Assistant rate, the increasing pattern the data shows causes concern.

Core Workforce Turnover - 10 Years



Core Courthouse Workforce Turnover by Year

Ten years ago, the average tenure of employees in the Judiciary's largest group of the core courthouse workforce (Judicial Assistants) was 13.5 years. That number has gone down each year and is currently around 7.7 years of service, a 43% decrease. This downward trend creates a number of issues for the core courthouse workforce and the Judiciary as a whole, such as, (1) employees with less than two years of experience take longer to fulfill work assignments because they are still in the training & on-the-job learning phase, and (2) the employees providing training and reviewing the work have less experience and are less knowledgeable. This clearly leads to an increased risk of critical errors in the implementation of judicial decisions.

The two main entry-level jobs alone constitute half of the entire 1,114 non-judicial workforce in the Judiciary, with 406 Judicial Assistants (36% of the workforce) and 141 Juvenile Probation Officers (14% of the workforce). Adding entry- and mid-level management of those two groups brings the total representation of this core workforce to 720 employees (65% of the workforce).

Exit survey data for these groups indicates the leading contributor to top talent (and accompanying institutional knowledge) leaving the Judiciary is a higher salary job offer elsewhere (25% of exit survey respondents), and in many instances, to other workplaces in the public sector.

In addition to working towards solutions for these issues, the Judiciary would also like to be able to offer more livable wages to their core courthouse workforce. According to a [KSL article](#) published on July 4, 2024, "[i]n 2020, the hourly wage to afford [a two-bedroom apartment] was estimated to be \$19.83 --- with it rising just four years later to \$26.89, just over \$7 more". This request will not quite get all the Judiciary's core courthouse workforce to the listed \$26.89 an hour, but it will lessen the gap.

8. Performance measures: *How will the agency measure the **value** created for Utah after one year and, if applicable, in future years.*

Overall, the Judiciary anticipates this core impact: Utah's judicial system will be staffed by experienced, knowledgeable, dedicated employees who meaningfully contribute to the fair and efficient resolution of every pending case. When insufficient funding jeopardizes the open nature, fairness, and efficiency of the system,

the success of the entire system is placed at too great a risk. The Judiciary anticipates this funding will mitigate the risk of error and delay that result from high turnover of core courthouse employees.

Measurement of outcomes may include:

- Mitigated levels of turnover in the core courthouse employee job families. Although the funding amount requested is not likely to significantly slow turnover, current HR systems support turnover measurements to demonstrate the impact of funding on turnover rates.
- Exit survey data indicating the Judiciary's core workforce is leaving for higher paying, lower responsibility jobs in the public sector would likely remain stable.
- Length of time to fill vacancies should remain stable with added funding and will be demonstrable with existing reporting mechanisms.

Current data available to support these measures:

- Current HR data systems track and report employee tenure, turnover, job applicant data and time to fill vacant positions data
- Exit surveys capture themes of why the Judiciary's core courthouse workforce is leaving jobs.

COLLABORATION

9. *Please list other stakeholders or state agencies involved in developing this request.*

None, at this time.

LEGAL AUTHORITY

10. *Provide the statutory and administrative rule references that authorize or require this budget request. If this request requires statute or rule changes, describe them and indicate if the agency has notified the governor's general counsel and senior advisor for legislative affairs and policy.*

Utah Code [§78A-2-107\(1\)\(d\)](#) requires the State Court Administrator to “formulate and administer a system of personnel administration ...” This statute empowers the State Court Administrator to formulate and administer policies and procedures for the efficient operation of the courts. This authority includes the establishment of a compensation system that aligns with the goals and mission of the Judiciary. The Code of Judicial Administration [Rule 3-402](#) provides more detail about the requirement to establish “equitable and adequate compensation based upon current job market data” among other relevant provisions.

INTENT LANGUAGE

11. *If applicable, enter any necessary intent language. Please note that if this request is for a **grant (i.e., pass-through funding)** it requires intent language in accordance with the provisions of [Utah Code 63G-6b State Grants](#).*

No intent language is necessary. This is not a request to fund with grant funds.

Tab 5



GOVERNOR'S OFFICE OF Planning & Budget

FY25 and FY26 State Agency Budget Request Form

REQUEST TITLE	Additional Court Staff		
State Agency	Judicial Branch	Request Priority	
Division	Judicial Branch	Program	District and Juvenile Courts
Primary Contact	Ron Gordon, Neira Siaperas, Karl Sweeney	Email & Phone	ronbg@utcourts.gov 801 578 3816 neiras@utcourts.gov 801 578 3850 karls@utcourts.gov 801 578 3889

Amounts Requested: *Combine Other sources, besides General Fund (GF), Income Tax Fund (ITF), or Uniform School Fund (USF).*

BFMC Legislative Request Ranking #3

SOURCE	FY25 ONE-TIME	FY26 ONGOING	FY26 ONE-TIME	TOTAL REQUEST
GF, ITF, USF	\$0	\$2,321,900	\$72,800	\$2,394,700
OTHER	\$0	\$0	\$0	\$0
TOTAL	\$0	\$2,321,900	\$72,800	\$2,394,700

Note: Ensure all responses are concise and directly address each question to facilitate the evaluation process.

SUMMARY

- In three to five sentences, clearly state the **issue** that requires action and funding; summarize the proposed **solution**; and, highlight anticipated **outcomes**. (This should be a meaningful paragraph that GOPB can share with the governor, lieutenant governor, legislators, and the public.)*

This is a request for funding in the amount of \$2.395M to increase the clerical staff of the judiciary by 22 additional Judicial Assistants (JA), 2 additional Judicial Case Managers (JCM), 1 additional Team Manager (TM), and 1 additional Business Application Technician (BAT) who would handle the additional IT helpdesk demand for technical support. Together, these positions are being requested to meet the needs of an increasing workload. The one-time portion of this request provides funds to purchase the IT hardware and software for these new hires. This request is supported by the latest clerical weighted caseload study completed earlier this year – see Addendum A.

Judicial Assistants are the cornerstone of the judiciary, ensuring access to justice for all. These entry-level employees meticulously document court proceedings and manage pleadings, convictions, judgments, protective orders, and other civil matters, all of which are recorded in the judicial information systems (CORIS and CARE) and is critical for law enforcement, prisons, jails, attorneys, families, and the public to execute and adhere to judicial orders.

With the increase of new laws and district court hearings over the years, our JAs frequently report feeling overworked, stressed, and burdened by their responsibilities, which require approximately two years of

training and on-the-job learning to become proficient.

Given the continuous increase in laws and the stress associated with JA duties, this funding request is to help alleviate the workload of our JA's, enhance judicial officer capacity, provide needed breaks, improve accuracy, and offer overall relief to our overworked JA's

COST

2. **Itemized Budget:** Provide an itemized budget of how the new funding will be used, including revenue and expenditure sources, and the details of any new FTEs.

Adding 22 JA's, 2 JCM's, 1 TM, and 1 BAT will cost a total of \$2,229,100 in **ongoing personnel costs**.

JA	\$84,700 x 22 positions	=	\$1,863,400
JCM	\$99,200 x 2 positions	=	\$198,400
TM	\$105,900 x 1 position	=	\$105,900
BAT	\$131,400 x 1 position	=	\$131,400
	Total		<u>\$2,299,100</u>

The anticipated **one-time** cost of \$72,800 in **Data Processing Current Expenses** for initial software and hardware purchases for these employees should be considered as well.

In addition, there is an **ongoing** cost of \$22,800 in **Data Processing Current Expenses** for ongoing software licensing for these new employees.

The total request is ongoing funds of \$2,321,900 and 1x funds of \$72,800 for a total of \$2,394,700.

3. **Scalability:** Describe the potential impact if a portion of the request is recommended or scaled over more than one year. What would be the impact of multiple variations of reduced funding (e.g., 10%, 50%), and explain why the request should be funded this budget cycle.

If the Governor's Budget prioritizes a portion of the \$2.395M funding request, the project can indeed be scaled. However, the impact of partial funding would vary significantly depending on the level of reduction. Below, we outline the potential effects of funding reductions at different levels:

10% Reduction in Funding (\$2.155 million request)

Impact on Staffing: With a 10% reduction, we would still be able to hire approximately 22 new clerical staff instead of the planned 25.

Operational Impact: While this would assist with the current workload, it would still leave a gap. Some districts, like the 4th District, which requires eleven additional clerical staff (see Addendum A), would receive fewer resources, potentially leading to continued delays and strain.

Training and Efficiency: The onboarding and training processes might need to be extended or staggered, possibly delaying the time it takes for new staff to become fully effective.

25% Reduction in Funding (\$1.796 million request)

Impact on Staffing: A 25% cut would allow us to hire around 18 new clerical staff.

Operational Impact: This would have a more noticeable effect on the judiciary's ability to manage the

increasing workload. JCMs would still need to cover for JAs frequently, limiting their ability to focus on higher-level managerial duties.

Training and Efficiency: Training programs would need to be further stretched out, and the efficiency gains from additional staff would be less pronounced, prolonging the current strain on our system.

50% Reduction in Funding (\$1.197 million request)

Impact on Staffing: With only 50% of the requested funding, we could hire about 12 new clerical staff.

Operational Impact: This would significantly impair our ability to handle the increasing workload. Many districts would continue to face severe staff shortages, leading to delays in case processing and increased stress on existing staff.

Training and Efficiency: The limited number of new hires would mean that JCMs and TMs would still be required to perform basic JA duties frequently, severely impacting overall judicial efficiency and effectiveness.

75% Reduction in Funding (\$598,700 request)

Impact on Staffing: Only about 6 new clerical staff could be hired with 25% of the requested funding.

Operational Impact: This level of funding would barely address the current workload issues. Existing staff would continue to face overwhelming pressure, and the judiciary would struggle to meet public demands, potentially leading to increased delays and reduced quality of service.

Training and Efficiency: Training programs would need to be very limited, and the few new hires would provide minimal relief to the overburdened system.

The scalability of the project is feasible with partial funding, but the effectiveness diminishes significantly with larger reductions. A 10% reduction would have a manageable impact, while anything beyond a 25% reduction would severely impair our ability to improve judicial operations and alleviate the burden on our clerical staff. Therefore, we recommend prioritizing as much of the requested funding as possible to achieve meaningful improvements in the judiciary's capacity to handle increasing workloads efficiently.

If the Judiciary's separate budget request for more Judges is approved, the number of Judicial Assistants in this request would decrease. Each Judge has 2 Judicial Assistants to assist with their workload, meaning this request would decrease by 2 Judicial Assistants for each new Judge that is approved for next year.

4. Future Obligations: *What future funding or policy obligations does this request create? (E.g., operations and maintenance, multi-year scale up.)*

This request would not create any future funding obligations. However, the financial implications of maintaining 25 additional FTEs would be incorporated into the judiciary's regular operational budget.

5. *Current Resources:* Summarize what the agency has already contributed toward addressing this and related issues. Describe any efforts to create savings to address this issue.

This is not a new project or program but a small expansion of our core workforce. The 25 new positions would be a 5% increase in our Judicial Assistant workforce.

The judiciary's priority is addressing the needs, concerns, and holes in our core workforce. Because turnover has been so high, we have increased the salary of our core workforce through a legislative request. Unfortunately, this needed increase has only stayed catastrophic turnover, it has not solved the problem.

To improve our core workforce, we have offered training, mental health initiatives and benefits, and a variety of other internal methods. This has improved the culture and morale of our core workforce, but the workload remains the same which negates many of the efforts in culture and attitude the judiciary has made.

STRATEGIC ALIGNMENT

6. *Explain how this request aligns with the agency's strategic plan or the governor's priorities. Be specific.*

Adding 25 new clerical staff will directly contribute to the priority of Solving and Serving by improving the court system's ability to manage workloads promptly and accurately. Judicial assistants play a crucial role in case management, ensuring that all necessary documents are processed efficiently and that court proceedings are scheduled and conducted without unnecessary delays. By streamlining these administrative processes, judicial assistants help expedite the resolution of cases, allowing judges and other court officials to focus on delivering fair and timely judgments.

The addition of clerical staff will also significantly impact the priority of Strengthening Families. Many families interact with the court system during some of the most challenging times in their lives, whether through family law cases, custody disputes, or criminal matters, particularly those involving domestic violence. Efficient and compassionate court services are essential to navigating these difficult circumstances. Judicial assistants support judges in ensuring that cases involving families are handled with the utmost care and attention to detail. By facilitating smoother and faster court processes, judicial assistants help to reduce the stress and uncertainty that families experience during legal proceedings. Furthermore, they assist in providing timely information and resources that can aid families in understanding their legal rights and options, thus fostering a more supportive and responsive judicial environment. The mission of the courts is to "provide an open, fair, efficient, and independent system for the advancement of justice under the law."

This funding request directly supports the implementation of our branch's strategic priorities as outlined in our strategic plan. One key goal is to improve the efficiency and accessibility of the judicial system to ensure timely case resolution. By increasing clerical staffing, we aim to enhance judicial efficiency and accessibility.

Furthermore, our strategic plan emphasizes the importance of maintaining an open and fair judicial system. Additional clerical staff will improve documentation and information management, ensuring that court proceedings are accurately recorded and that all stakeholders have timely access to critical information. This supports our objective of providing accurate and timely information to law enforcement, attorneys, and the public, thereby promoting transparency and fairness in the judicial process.

Additionally, strengthening judicial independence and capacity is a fundamental goal of our strategic plan. The increased staffing will alleviate the workload of our current clerical staff and Judicial Case Managers (JCMs), allowing them to focus on higher-level tasks and improve overall judicial operations. This will help uphold the rule of law by ensuring that the judiciary can operate independently and efficiently without undue delays or administrative burdens.

This funding request to increase clerical staffing within the judiciary will benefit all Utahns by enhancing the efficiency and effectiveness of the judicial system. However, certain populations and geographic areas will experience more pronounced benefits:

Judicial Employees: Current judicial staff, including Judicial Assistants (JAs) and Judicial Case Managers (JCMs), will benefit from reduced workloads and stress, leading to improved job satisfaction and reduced turnover rates. This will ultimately contribute to a more stable and efficient judicial workforce.

General Public: The overall efficiency and transparency of the judicial system will be enhanced, benefiting the entire population of Utah. Faster case resolutions and improved public trust in the judicial system will have positive ripple effects throughout the community.

Individuals Involved in Legal Proceedings: People who are directly engaged with the judicial system, including plaintiffs, defendants, attorneys, and law enforcement, will benefit from reduced case processing times and improved accuracy in legal documentation. This includes individuals involved in both criminal and civil cases.

Urban Communities: Given that urban areas typically have higher workloads due to larger populations, the increased clerical staff will significantly alleviate the burden on courts in these regions. This will lead to faster resolution of cases and reduced backlog in more urban districts.

Rural Communities: The additional clerical support will help ensure that residents in rural communities receive timely and efficient judicial services.

EVIDENCE & ANALYSIS

- 7. **Issue:** Substantiate the **issue** and justify the proposed **solution** using supporting evidence (e.g., cost-benefit analysis for a procurement, program evaluation for an intervention, or published study for an evidence-based program).*

The judiciary has analyzed the workload of our JAs through the Clerical Weight Caseload study (see Addendum A). This study estimates the number of clerical staff required to manage the overall workload in a standard working year. It measures workload by counting filings and events, weighted by the time required for completion, and assesses non-case-related tasks performed by clerical staff.

The most recent study, published in May 2024, indicates that 25 new JAs are needed to meet the judiciary's workload. However, this number does not account for turnover, time off, burnout, and other factors affecting our ability to manage the workload. Notably, the 4th District alone requires at least eleven additional JAs to handle its workload.

8. **Performance measures:** How will the agency measure the **value** created for Utah after one year and, if applicable, in future years.

The additional resources requested for increasing clerical staff within the judiciary will create substantial value for Utah by:

Enhancing Access to Justice: More clerical staff will ensure timely processing of legal documents, reducing delays and making the judicial system more efficient and accessible for all Utahns.

Improving Judicial Efficiency: By alleviating the workload of existing clerical staff and Judicial Case Managers (JCMs), the judiciary will be able to function more smoothly, allowing judges and other judicial officers to focus more on adjudicating cases rather than administrative tasks.

Reducing Burnout and Turnover: Adequate staffing levels will help reduce the stress and workload on current employees, leading to lower turnover rates and better morale within the judiciary.

Enhancing Public Trust: A more efficient judiciary that processes cases promptly and accurately will enhance public trust and confidence in the legal system.

Economic Benefits: Faster resolution of cases can lead to economic benefits for the community by resolving disputes more quickly, reducing the costs associated with prolonged legal battles, and improving the overall business environment.

Performance Measures

To track the outcomes of this funding request, the following performance measures will be used:

- Employee satisfaction survey results and retention rates.

Target: Increase employee satisfaction scores by 10% and reduce the 24% JA turnover rate by 10% to 22%.

Workload Distribution

- Average number of cases handled per Judicial Assistant (JA) and Judicial Case Manager (JCM):

Target: Achieve a balanced distribution of cases, reducing the average workload per JA and JCM by 5%.

COLLABORATION

9. Please list other stakeholders or state agencies involved in developing this request.

None at this time.

LEGAL AUTHORITY

10. Provide the statutory and administrative rule references that authorize or require this budget request. If this request requires statute or rule changes, describe them and indicate if the agency has notified the governor's general counsel and senior advisor for legislative affairs and policy.

Utah Code §78A-2-107(1)(d) authorizes the State Court Administrator to:

- 1) organize and administer all of the nonjudicial activities of the courts;
- 2) assign, supervise, and direct the work of the nonjudicial officers of the courts;
- 3) implement the standards, policies, and rules established by the council;
- 4) formulate and administer a system of personnel administration, including in-service training programs;
- 5) prepare and administer the state judicial budget, fiscal, accounting, and procurement activities for the operation of the courts of record, and assist justices' courts in their budgetary, fiscal, and accounting procedures;
- 6) conduct studies of the business of the courts, including the preparation of recommendations and reports relating to them;
- 7) develop uniform procedures for the management of court business...

We are not requesting any changes to statute or rule.

INTENT LANGUAGE

11. If applicable, enter any necessary intent language. Please note that if this request is for a **grant (i.e., pass-through funding)** it requires intent language in accordance with the provisions of [Utah Code 63G-6b State Grants](#).

No intent language is necessary. This is not a request to fund with grant funds.

Addendum A: Clerical Weighted Caseload

(Filings 04/1/21 thru 03/31/24 3YA)

Clerical Weighted Caseload Summary Results

Judicial District	Updated 5/28/24 Existing FTE	Min. Staff Adj. rounded nearest .5 FTE Need	Total FTE Need	FTE Difference	Difference Between Need & Existing*	Caseload as a % of Standard
District 1	20.00	21.86	0.00	21.86	-1.86	109%
District 2	55.50	59.08	1.50	60.58	-5.08	109%
District 2 Juvenile	15.00	13.03	0.00	13.03	1.97	87%
District 3	126.15	127.33	0.00	127.33	-1.18	101%
District 3 Juvenile	30.00	23.72	1.50	25.22	4.78	84%
District 4	44.00	54.94	0.50	55.44	-11.44	126%
District 4 Juvenile	21.25	16.97	4.00	20.97	0.29	99%
District 5	29.75	33.13	1.00	34.13	-4.38	115%
District 6	8.00	10.01	0.50	10.51	-2.51	131%
District 7	12.25	10.60	0.50	11.10	1.15	91%
District 8	12.00	13.68	0.00	13.68	-1.68	114%
	373.90	384.35	9.50	393.85	-19.95	105%

Tab 6



GOVERNOR'S OFFICE OF Planning & Budget

FY25 and FY26 State Agency Budget Request Form

REQUEST TITLE	IT Essential Software Funding		
State Agency	Judicial Branch	Request Priority	
Division	Judicial Branch	Program	IT Essential Software Funding
Primary Contact	Ron Gordon, Neira Siaperas, Karl Sweeney	Email & Phone	ronbg@utcourts.gov 801 578 3816 neiras@utcourts.gov 801 578 3850 karls@utcourts.gov 801 578 3889

BFMC Legislative Request Ranking # 4

Amounts Requested: *Combine Other sources, besides General Fund (GF), Income Tax Fund (ITF), or Uniform School Fund (USF).*

SOURCE	FY25 ONE-TIME	FY26 ONGOING	FY26 ONE-TIME	TOTAL REQUEST
GF, ITF, USF	\$0	\$963,000	\$0	\$963,000
OTHER	\$0	\$0	\$0	\$0
TOTAL	\$0	\$963,000	\$0	\$963,000

Note: Ensure all responses are concise and directly address each question to facilitate the evaluation process.

SUMMARY

- In three to five sentences, clearly state the **issue** that requires action and funding; summarize the proposed **solution**; and, highlight anticipated **outcomes**. (This should be a meaningful paragraph that GOPB can share with the governor, lieutenant governor, legislators, and the public.)*

To advance access to justice in the Utah Courts by improving & maintaining the Courts' information technology infrastructure and development through requesting ongoing funds for the licensing of critical IT software and, as necessary, expanding coverage. These requests will enable the Courts to move forward in our efforts to serve the people of the state of Utah as they increasingly interact with the Courts virtually.

The \$963,000 in ongoing general funds will be used as follows (*represents FY 2025 request funded by Legislature with 1x funds that we are seeking ongoing funds in FY 2026; amount may vary from last year's request primarily due to pricing efficiencies from bundling of new services):

A	Microsoft Enterprise Agreement*	\$250,000
B	Continued software licensing for Clean Slate Legislation (Senzing)*	\$25,000
C	FTR (For the Record)*	\$220,000
D	Adobe eSignatures*	\$300,000
E	Appellate eFiling*	\$40,000
F	Adobe Acrobat Pro Enterprise*	\$128,000
	Total	\$963,000

COST

2. **Itemized Budget:** Provide an itemized budget of how the new funding will be used, including revenue and expenditure sources, and the details of any new FTEs.

A. Microsoft Enterprise Agreement - \$250,000

Through aggressive negotiations the courts were able to enter into an Enterprise Agreement (EA) with Microsoft bundling the Windows Enterprise Desktop operating system (OS) and Azure Active Directory (AD). Previously these were separate renewals and separate requests for ongoing funding totaling \$285,000. The Court self-funded the M365 item for \$45,000 and it has been removed from the total.

Azure AD allows us to manage and secure our Active Directory in the cloud. Cloud management is critical to our security with the large number of remote users the courts now have. This entire bundle ensures that all court devices are always running the most current and secure operating system.

Cost breakdown by product:

	Original Cost	Less: Bundle Savings	Net New \$
1. Windows Enterprise Desktop OS	\$135,000	\$(35,000)	\$100,000
2. Azure AD - New	\$150,000		\$150,000
	<u>\$285,000</u>	<u>\$(35,000)</u>	<u>\$250,000</u>

Key Benefits:

Enterprise Agreement: Competitive pricing

Desktop OS: Enhanced security and access to the latest features.

Azure AD: Streamlined Single Sign-On (SSO) and mandatory Multi-Factor Authentication (MFA) for all SSO applications.

This bundle sets the stage for a secure, efficient, and user-friendly IT environment for our entire court system.

B. Continued software licensing for Clean Slate Legislation (Senzing) - \$25,000

The clean slate programming was performed in partnership with Court IT and Code for America. We use the Senzing software to assist with name matching. The key advantages of the Senzing solution were the name matching system that incorporated common sense and culturally aware name matching techniques on top of the standard machine learning algorithms best suited for handling spelling errors. Another key consideration was how the software handled clerical errors. We wanted to make sure the software was able to accommodate the inconsistencies inherent in long lifecycle data sources. This request is for ongoing funding to continue utilization of this valuable software.

Key Benefits:

Advanced Person Matching: Accurately identifies individuals even with varied name spellings and cultural nuances.

Error Handling Excellence: Effortlessly manages clerical errors, ensuring data integrity and reliability.

This innovative solution is transforming how we handle data, making our processes more efficient and precise intelligent data management.

C. FTR (For the Record) Cloud - \$220,000

Up to June 2022 the courts utilized the desktop version of FTR (For the Record) software to capture digital recordings of court procedures for 167 courtrooms. The individual desktops in the courtrooms were backed up to a local server in our Storage Area Network (SAN). This is the official court record. We have a 9-year retention policy for the court recordings. Maintenance of the desktop software placed a high demand on time for our support staff as did maintaining the 25+ TB of storage for historical recordings. Any court proceedings currently captured via Webex recording requires local court staff to perform a manual process to convert and upload those recordings to the official repository.

In the first 6 months of FY23, IT migrated all these local recordings into the FTR Cloud. This request is for ongoing funds to cover the increased cost associated with maintaining the FTR Cloud platform.

This transition offers multiple benefits to the current process. With this now being a web interface rather than locally installed software the local support staff no longer must maintain versioning/patching of local software. A large portion of requests for copies of audio records is now done by simply sharing these recordings via the web portal which reduces staff fulfillment time. FTR Cloud also has much higher sound quality and much lower risk of loss of court recordings.

Key Benefits:

Unlimited Access: Instantly access recordings anytime, anyplace, anywhere.

Virtual Recordors: Effortlessly create FTR recordings for Webex-only hearings.

This cloud migration modernized how we handle court recordings, enhancing accessibility, security, and convenience like never before.

D. Adobe eSignatures - \$300,000

The request is to cover ongoing costs for Adobe eSign. We have worked with Adobe to get the cost down from over \$1 per signature tentatively down to 30 cents a transaction (which may include multiple signatures). The cost of \$300,000 is calculated based on an annual maximum of 1 million documents we need signatures across all levels of courts. The Courts IT has been building tools such as MyCase to bring the courts to the public. MyCase offers the ability for pro se parties in District, Justice, and Juvenile courts to be able to e-File documents that then go to a clerical queue to review and accept or revise. With the ability to e-File documents we also need to include an efficient workflow for digitally signing which is what Adobe eSignatures provides. It is hard to overestimate the benefits of being able to efficiently route the workflow for the signing of documents digitally across

all the different case types and document types and the various permutations of users on the documents from Judges, Commissioners, Clerical, Attorneys, and the Public.

Key Benefits:

Time Savings: Accelerates the digital signature process across the state.

Enhanced Efficiency: Simplifies tasks compared to the cumbersome manual process.

Eco-Friendly: Reduces paper waste, toner usage, and printer reliance.

Statewide Standardization: Consistent processes across all districts (making it mandatory for uniformity).

This transition to digital signatures is propelling us towards a more efficient, sustainable, and unified future.

E. Appellate eFiling - \$40,000

We are requesting funding to cover ongoing support and maintenance costs for the new electronic filing system for the Utah Appellate Courts. This request ties into the \$11M IT received for Access to Justice expenditures paid for by ARPA and approved in the FY2021 Special Session. The Appellate e-Filing system allows parties to e-File documents online, 24/7. This provides real-time updates to case records and will eliminate the need for clerical staff to manually enter documents into the system. The electronic filing system will make it easier for Utahns to access the appellate courts and will improve the efficiency of the court system.

Key Benefits:

Time Savings: Transforms the old, tedious manual process into a streamlined, efficient system.

Statewide Alignment: Harmonizes with the existing eFiling systems already live across the state.

This is an incredible time of progress and innovation, and your support will help us continue to lead the way in digital transformation. Let's keep this momentum going and make our court system more efficient and effective than ever!

F. Adobe Acrobat Enterprise - \$128,000

The courts had 530 devices with Adobe Acrobat Pro 2017 installed which was End of Life (EOL) in June 2022. The cost to upgrade to the latest Adobe Pro perpetual licensing for our 530 devices at \$430 per device had a \$225,250 annual list price.

The ability to modify and combine PDF files is key to many court functions from creating the appellate binders for cases on appeal to organizing purchasing documents.

Due to our existing partnership with Adobe the courts were able to engage in an enterprise agreement with Adobe allowing us to purchase 1,300 user licenses for an annual cost of only \$128,000 (~\$98 per user). This request is for the ongoing costs in support of this software.

Key Benefits:

Enterprise Agreement: Competitive pricing for Adobe products.

Consistent Statewide Toolset: A unified suite of tools for court staff and judicial officers.

Simplified Training: Streamlined, statewide training on how to use the tools.

Up-to-Date Software: Always running the latest, most secure version.

This shift to a cloud-based solution ensures that our entire court system operates efficiently, securely, and uniformly, bringing us into a new era of technological excellence.

3. **Scalability:** Describe the potential impact if a portion of the request is recommended or scaled over more than one year. What would be the impact of multiple variations of reduced funding (e.g., 10%, 50%), and explain why the request should be funded this budget cycle.

All 6 items requested for ongoing funding are integral to our daily operations of the courts and our mission to provide each person in the State of Utah equal access to justice. All requests were given one-time funding last year.

4. **Future Obligations:** What future funding or policy obligations does this request create? (E.g., operations and maintenance, multi-year scale up.)

This is an ongoing funding request and will continue past the 2-year budget window.

5. **Current Resources:** Summarize what the agency has already contributed toward addressing this and related issues. Describe any efforts to create savings to address this issue.

The current general fund base budget for IT projects and development BAK 3101 is \$8,032,500. See also answers to Section #2 above.

STRATEGIC ALIGNMENT

6. Explain how this request aligns with the agency's strategic plan or the governor's priorities. Be specific.

The mission of the Utah State Courts is to provide an open, fair, efficient, and independent system for the advancement of justice under the law. The Utah Courts are recognized nationally and internationally as a leader in both access to justice and use of technology to meet this mandate.

The Utah State Courts lead in many technological efforts to advance access to justice through a variety of initiatives. These initiatives include e-filing in the district and juvenile courts, the Online Court Assistance Program (OCAP), the Self-Help Center, and Online Dispute Resolution (ODR). The ongoing funding being requested will allow us to maintain and increase our current level of both productivity and security ensuring we are good stewards of the information provided to us and needed from us by the citizens of Utah.

EVIDENCE & ANALYSIS

7. **Issue:** Substantiate the **issue** and justify the proposed **solution** using supporting evidence (e.g., cost-benefit analysis for a procurement, program evaluation for an intervention, or published study for an evidence-based program).

See answers to section # 2 above.

8. **Performance measures:** How will the agency measure the **value** created for Utah after one year and, if applicable, in future years.

All requests are either to (1) replace critical software that is funded with one-time funds with ongoing funds, (2) expand utilization of critical software court-wide, or (3) address software price increases encountered in recent renewals. The Windows OS licensing is an expense to maintain the Courts' current license levels and allow us to continue providing value to the citizens of Utah. The new resources (e.g., Senzing, Adobe eSignatures, FTR, and Azure AD) allow the Court to continue to create new value and increase efficiencies for the public, the legal community and Court staff while maintaining the security of the information with which we are entrusted.

COLLABORATION

9. Please list other stakeholders or state agencies involved in developing this request.

This request has been vetted and approved by the judiciary's Budget & Fiscal Management Committee and the Judicial Council. As an independent branch of government, no other entity but the judicial branch should be expected to submit this request nor execute implementation of outcomes.

The judiciary has also consulted with the Executive Branch's DTS to ensure it aligns with their strategy and approach.

LEGAL AUTHORITY

10. Provide the statutory and administrative rule references that authorize or require this budget request. If this request requires statute or rule changes, describe them and indicate if the agency has notified the governor's general counsel and senior advisor for legislative affairs and policy.

Utah Constitution, Article V, Section 1 and Article VIII, Section 12.

Utah Code, Title 78A, Title 78B, and Title 80.

No statutory changes are necessary in connection with this request.

INTENT LANGUAGE

11. If applicable, enter any necessary intent language. Please note that if this request is for a **grant (i.e., pass-through funding)** it requires intent language in accordance with the provisions of [Utah Code 63G-6b State Grants](#).

No intent language is necessary. This is not a request to fund with grant funds.

Tab 7



GOVERNOR'S OFFICE OF Planning & Budget

FY25 and FY26 State Agency Budget Request Form

REQUEST TITLE	<u>Juvenile and District Court Judicial Officers</u>		
State Agency	<u>Judicial Branch</u>	Request Priority	
Division	<u>Judicial Branch</u>	Program	Juvenile and District Court Judicial Officers
Primary Contact	<u>Ron Gordon, Neira Siaperas, Karl Sweeney</u>	Email & Phone	ronbg@utcourts.gov 801 578 3816 neiras@utcourts.gov 801 578 3850 karls@utcourts.gov 801 578 3889

BFMC Legislative Request Ranking #5

Amounts Requested: *Combine Other sources, besides General Fund (GF), Income Tax Fund (ITF), or Uniform School Fund (USF).*

Combined Request - Total

SOURCE	FY25 ONE-TIME	FY26 ONGOING	FY26 ONE-TIME	TOTAL REQUEST
GF, ITF, USF	\$0	\$5,676,700	\$1,223,500	\$6,900,200
OTHER	\$0	\$0	\$0	\$0
TOTAL	\$0	\$5,676,700	\$1,223,500	\$6,900,200

Juvenile Request - Subtotal

SOURCE	FY25 ONE-TIME	FY26 ONGOING	FY26 ONE-TIME	TOTAL REQUEST
GF, ITF, USF	\$0	\$1,624,500	\$0	\$1,624,500
OTHER	\$0	\$0	\$0	\$0
TOTAL	\$0	\$1,624,500	\$0	\$1,624,500

District Court Request - Subtotal

SOURCE	FY25 ONE-TIME	FY26 ONGOING	FY26 ONE-TIME	TOTAL REQUEST
GF, ITF, USF	\$0	\$4,052,200	\$1,223,500	\$5,275,700
OTHER	\$0	\$0	\$0	\$0
TOTAL	\$0	\$4,052,200	\$1,223,500	\$5,275,700

For the second time, the Judicial Branch is presenting the Juvenile Court and District Court judicial needs in a single document. This format allows the legislative and executive branches to see the entire judiciary judicial officer requests in one place. Further, this year, we have not limited our request to the “highest needs” for juvenile or district court judges which traditionally requested up to one judge each year for the juvenile courts and one judge each year for the district courts. Instead, where the weighted caseload shows a need for a judicial officer we’ve asked for a new judicial officer.¹ We recognize this is a larger number, but in our efforts to work through the case backlog in district court (which worsened during the pandemic) and to meet the needs and statutorily mandated timeframes for children and families in juvenile court, we deem it essential to our fellow citizens that we request funding commensurate with the need to provide all parties access to justice that is described in the Utah Constitution as (1) a “speedy trial” (Article 1, Section 12) and (2) without “unnecessary delay” (Article 1, Section 11).

For ease of review, we have divided the request into Section 1 for the Juvenile Court and Section 2 for the District Court.

¹ The need indicated by the weighted caseload should be viewed as a minimum number of judicial officers needed to meet the needs of the public

Section 1 – Juvenile Court

Note: Ensure all responses are concise and directly address each question to facilitate the evaluation process.

SUMMARY

- In three to five sentences, clearly state the **issue** that requires action and funding; summarize the proposed **solution**; and, highlight anticipated **outcomes**. (This should be a meaningful paragraph that GOPB can share with the governor, lieutenant governor, legislators, and the public.)*

Ongoing Funding

The Board of Juvenile Court Judges requests ongoing funding in the amount of \$1,624,500 for two juvenile court judges, judicial support personnel and probation officer positions, and Guardians ad Litem for the First and Fourth District Juvenile Courts to meet the needs of those communities.

FTEs Requested: 10.00

- Two Judges
- One Clerical Team Manager
- Three Judicial Assistants
- Two Probation Officers
- Two Guardians ad Litem
- Travel and Operating Expenses

Total \$1,624,500

COST

- Itemized Budget:** Provide an itemized budget of how the new funding will be used, including revenue and expenditure sources, and the details of any new FTEs.*

Ongoing Expenses for New Judge	Cost
First District Juvenile Court	
Judge base Salary + benefits	\$357,500
Two Judicial Assistants base salary + benefits (\$84,700 x 2)	\$169,400
Judicial Probation Officer base salary + benefits	\$86,500
Travel and other expenses	\$7,500

Guardian Ad Litem Attorney base salary + benefits	\$172,900
Courtroom space	\$-
Subtotal	\$793,800
Fourth District Juvenile Court	
Judge base Salary + benefits	\$357,500
Team Manager base salary + benefits	\$105,900
Judicial Assistant base salary + benefits	\$84,700
Juvenile Probation Officer base salary + benefits	\$86,500
Travel and other expenses	\$23,200
Guardian Ad Litem Attorney base salary + benefits	\$172,900
Courtroom space	\$-
Subtotal	\$830,700
Total	\$1,624,500

3. **Scalability:** Describe the potential impact if a portion of the request is recommended or scaled over more than one year. What would be the impact of multiple variations of reduced funding (e.g., 10%, 50%), and explain why the request should be funded this budget cycle.

The request for new juvenile court judges, judicial support personnel, probation officers, and guardians ad litem is not a project or program that is scalable. The impact if not funded would create backlogs in cases and directly impact children, youth, and families being delayed, cases being heard, and decisions being issued. The First and Fourth District Juvenile Courts are currently operating in deficits of needed resources and the growth rates are impacting the ability to maintain the caseloads.

4. **Future Obligations:** *What future funding or policy obligations does this request create? (E.g., operations and maintenance, multi-year scale up.)*

This request is for ongoing funding. There is no O&M or any multi-year scale-up component related to this request. The new judge, judicial support personnel and probation officer are ongoing funding. Both First and Fourth Districts have courtroom and judge chambers available and will not need additional funding for that purpose.

The expectation is that these positions would be funded for as long as the case filings and judicial workload studies indicate the positions are necessary for effective operation of the juvenile court. The Administrative Office of the Courts will continue to conduct regular judicial weighted workload studies to determine the need for the number of judges across the state.

5. **Current Resources:** *Summarize what the agency has already contributed toward addressing this and related issues. Describe any efforts to create savings to address this issue.*

The current First and Fourth District Juvenile Court general fund budgets do not have the internal funds available for new Judicial Officers, Judicial Assistants, Judicial Team Manager, or Probation Officers. The current budget for the Office of the Guardian ad Litem similarly does not have the internal funds for two new Guardians ad Litem.

One of the objectives of the Juvenile Court is to provide judicial services to patrons and state agencies in an expeditious and timely manner. The juvenile courts must comply with statutorily mandated timeframes, many of which directly relate to the wellbeing of Utah's children, youth, and families. Not only do delays run afoul of legislative mandates, they also directly impact public trust. According to the National Center for State Courts, "unnecessary delay causes injustice and hardship. It is a primary cause of diminished public trust and confidence in the court."

Below are summaries about why judicial officers, and accompanying personnel, are needed in both the First and Fourth Districts to be able to meet the critical objective of providing timely access to justice in the juvenile courts. Those summaries are followed by the weighted caseload information referenced in both summaries.

The Board of Juvenile Court Judges requests both judicial officer requests be funded. If one must be prioritized above the other, the Board of Juvenile Court Judges recommends prioritizing the judicial officer, and associated personnel, for the First District Juvenile Court.

First District Juvenile Court

For the second year in a row, the juvenile judicial weighted caseload study shows a need for an additional .5 judicial officer in the First District Juvenile Court. The caseload as a percent of standard, or the metric showing the amount of work a judicial officer is performing that exceeds a full workload, is 124% and was 125% in FY23. Based on the caseload as a percent of standard, First District Juvenile Court currently has the highest need statewide for the Juvenile Court.

The First District Juvenile Court has been operating with two judicial officers since 1999. After 25 years of growth, the district now needs a third juvenile court judge to meet the needs of the community.

The two judicial officers sharing the workload have required extra travel time from county to county within the district. The addition of a new juvenile court judge will reduce travel time and the caseload percent of standard from 124% to a normal, full-time workload.

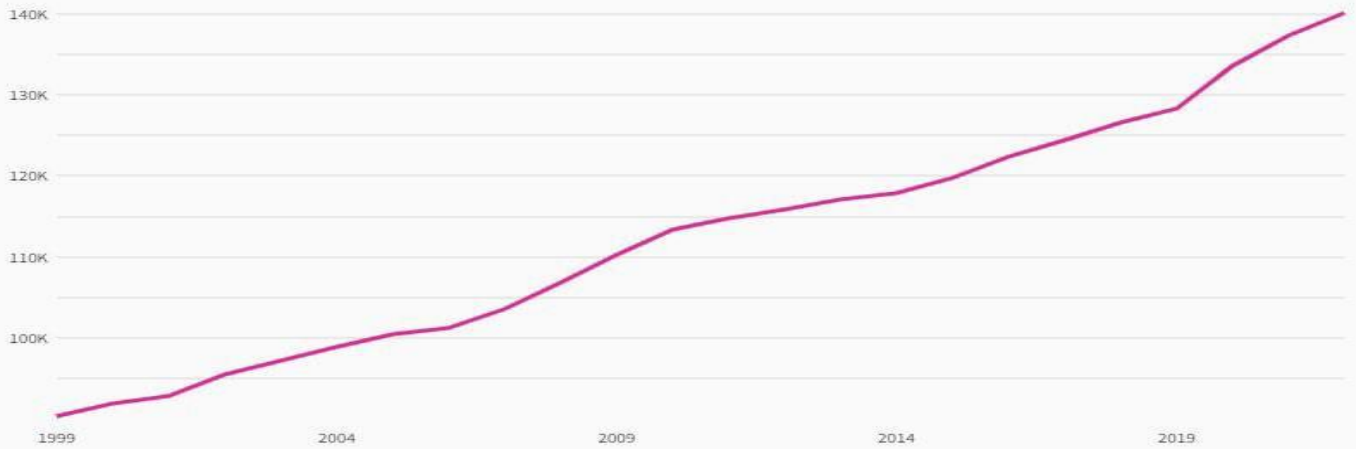
As noted above, the need in juvenile court is for .5 judicial officer. The addition of a full juvenile court judicial officer will not only meet that need but will also serve the added benefit of providing relief in District Court in First District, which is also in need of judicial officer support. The need in First District Court is anticipated to increase in the coming year. The District Court recently absorbed the workload from the closure of the Smithfield and Richmond Justice Courts, which represented 16% and 6% of a caseload, respectively, and will be absorbing the caseload from the closure of the North Logan/Hyde Park Justice Court closure next year, which represents 19% of a caseload. But setting those recent and prospective increases aside, the FY24 District Judicial Workload Study shows that the First District *currently* needs an additional .4 judicial officers in the District Court. The District Court's percent of caseload standard is 109%. A new Juvenile Court judicial officer could also carry a caseload of district court matters, thereby meeting the existing needs in both trial court levels. The presiding judges in both court levels will be able to modify workloads to meet the needs of the Juvenile and District Courts.

The First District is intentionally *not* submitting a request for a District Court judicial officer this year so that it can gauge the need that remains after workloads are distributed with the new Juvenile Court judicial officer.

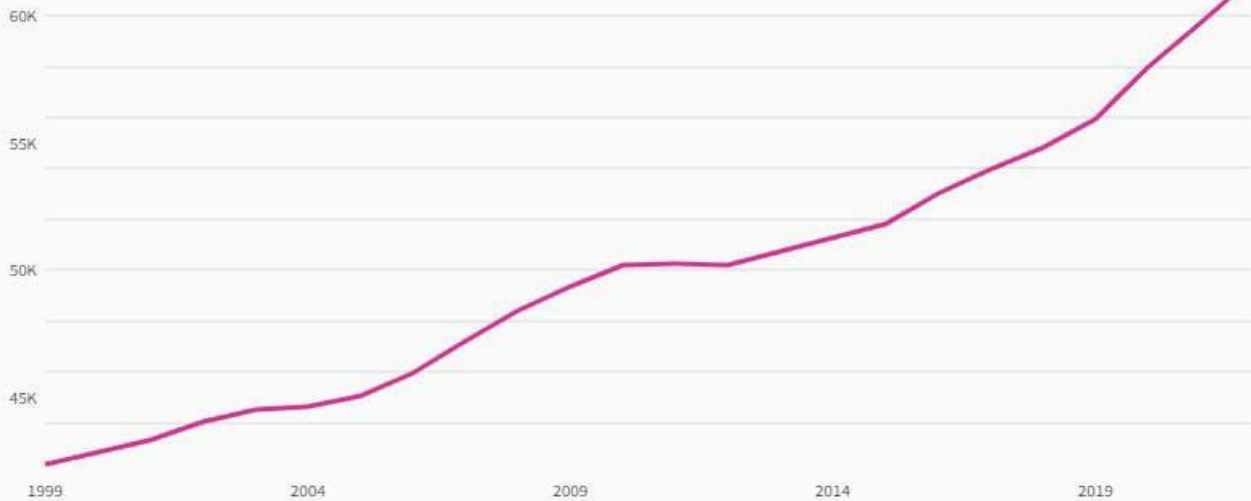
In terms of the supporting personnel that First District is requesting, while requests for judicial officers are traditionally accompanied by a request only for two judicial assistants, First District is asking to deviate from that standard to meet the needs of its district and is requesting two judicial assistants and a juvenile court probation officer. Along with an increased workload for judges comes an increased workload for probation officers. The most current Probation Workload Study shows First District Juvenile in need of 3.05 probation officers. The First District has 7% of the statewide probation officers but is processing 9% of the statewide referrals. This expansion of work for probation is consistent with the population growth that has occurred in the First District, which is discussed below. It is important to note that no facility related costs exist related to adding a judicial officer in the First District Juvenile Court.

The high workload of the juvenile court judges in First District is reflective of the population growth that has occurred there. According to USA facts, during the last 25 years since the First District Juvenile Court last received an additional judicial officer, the population of Cache County has grown 55.2% and is Utah's 6th most populated county. Box Elder County has grown 45.1%. Rich county has grown 36.6%. For comparison, the US population grew 19.4% during the same period. Cache County has added two new high schools for a total of six in the district. There are currently two new middle schools being built in the district.

Population in Cache County



Population in Box Elder County



Fourth District Juvenile Court

In the Fourth District, over the last three years, the district has shown increases in caseload, particularly in the critical and demanding area of child welfare. The increases in caseloads are impacting the court calendars of each current judicial officer. Each officer has increased calendaring time on the bench to avoid delays and keep within the timelines. If the increased caseload continues with no relief, there will be delays.

Based on the FY24 Judicial Workload Study, the average workload for a judge in the Fourth District Juvenile Court is still at 114% even after receiving two additional Judicial officers over the past two years. While Fourth District Juvenile Court has thus far been able to meet appropriate timelines, it has not been without a cost. Judicial calendars are scheduled out for the full day to fit in all the necessary hearing demands. Judicial

officers' time is largely spent on the bench; there is little time for work in the chambers. The duties of reviewing warrants, preparing for cases, issuing orders, and working on committee assignments are done either after hours or in between hearings.

The Fourth District Juvenile Court has six judges. The seventh judicial position was created this past legislative session. These judges serve Wasatch, Utah, Juab, and Millard Counties. Two of the judges travel to serve the rural counties of Wasatch, Juab, and Millard. The geographical size and increase in travel for our judges directly impacts the time on calendars. To put the travel into perspective, if the judge leaves the Provo office to travel to Fillmore for court, the drive is just over 100 miles, which takes an hour and a half one way. Even with the judicial position created this past legislative session, the Fourth District Bench is operating at 114% of a typical caseload. The FY24 Judicial Workload Study demonstrates that the Fourth District Juvenile Court bench has been operating at or above capacity for close to half of a decade.

Requests for Judicial Officers are traditionally accompanied by a request for two Judicial Assistants. The Fourth District Juvenile Court requests to deviate from that standard to meet the unique needs of their district by requesting one Judicial Assistant, one Judicial Team Manager, and one Probation Officer. The impact of adding Judicial Officers over the past several years has a direct impact on the structure of the clerical and probation departments.

A judicial team manager supervises and supports the case managers that are directly tasked with keeping courtroom operations running. Team managers are crucial for providing administrative support to judicial officers and their case managers in addition to the judicial assistants assigned to each courtroom. In looking at other juvenile courts in urban areas, team managers typically supervise two to three case managers and support between three and five judicial officers. In the Fourth District Juvenile Court, one team manager will soon supervise *five* case managers and support *seven* judicial officers. With the need to add an *eighth* judicial officer to the district, it is critical that increased support be added to Fourth District's leadership structure. Judicial assistant employee turnover in urban clerical departments continues to threaten the stability of courtrooms. As of April 30, 2024, 50% of judicial assistants in the Fourth District Juvenile Court had less than one year on the job. It can take anywhere from three to six months for a new employee to reach the necessary level of proficiency required to perform work in a courtroom. Team managers play a critical role in continuing courtroom operations in the face of turnover – they assist judges in the courtroom and train new employees when their supervisors are needed elsewhere. They are also key to maintaining the integrity and accuracy of the courts, by completing audits and reviewing minutes and orders that judicial assistants create.

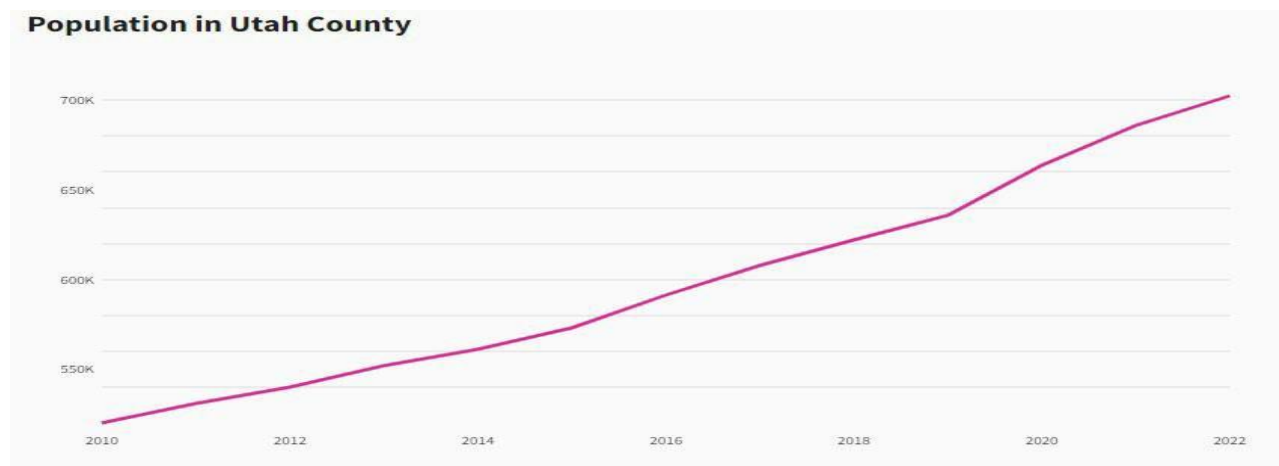
The request for an additional probation officer in Fourth District is supported by an increase in both the delinquency workload as well as the Juvenile Judicial Workload Study. On average, 60% of all referrals are handled non-judicially, and the other 40% will go before a Judge. The Probation Department processes all cases referred from start to finish, independent of it being handled non-judicially or heard by a judge. Given the recent growth, the three-year average (FY 21-23) of delinquency referrals in Fourth District is 2,636 annually. Of those each year on average, 1,582 were handled non-judicially and the other 1,054 were petitioned to court. The most current Probation Workload Study shows Fourth District Juvenile in need of 1.77 probation officers. Fourth District has 17% of the statewide probation officers but is processing 20% of the statewide referrals. This shows consistency considering the overall need reflected by the Judicial workload study. In previous years, the addition of a new judge also included clerical support staff. There has never been an increase in probation officers. They are clearly being impacted by the same workload increases.

The traditional request for two Judicial Assistant positions represents a cost of \$169,400. Requesting a judicial team manager instead of a second judicial assistant position increases the cost to \$190,600, which is

an additional \$21,200 annually. Adding a probation officer is an additional cost of \$86,500 annually. It is important to note that no facility related costs exist related to adding a judicial officer in the Fourth District Juvenile Court.

As is plain to the eye, the counties and cities that Fourth District Juvenile Court serves continue to grow. According to USA Facts, the population of Utah County, Utah in 2022 was 702,434, a 35.1% increase from 520,033 who lived there in 2010. For comparison, the US population grew 7.7% and Utah's population grew 21.8% during that period.

Utah County's population increased every year between 2010 and 2022. Its largest annual population increase was 4.4% between 2019 and 2020. Between 2010 and 2022 the county grew by an average of 2.5%.



The U.S Census Bureau report reflects that Lehi was the 14th fastest growing large city in the U.S. between 2021 and 2022. Lehi reported a 5.6% growth between July 2021 and July 2022. Saratoga Springs and Eagle Mountain added 10,000 residents in the year over year growth joining the large city list. The growth in Fourth District is going to continue to impact caseloads. All other Fourth District counties are experiencing an annual average growth rate increase. Juab County increased at a rate of 2.6% and Wasatch County at 2.6% growth rate since 2010. Millard County has seen an annual average growth rate of 0.4% for those same years.

Growth can also be demonstrated through the local school districts. The state's largest school district is located in Utah County. Alpine School District's current enrollment is 84,703 for the school year 2023. They are projecting this same level of student enrollment for the next few years. Nebo School District, also located in Utah County, is the state's sixth largest with a 2023 enrollment at 43,672.

Guardians ad Litem

Utah Code section 80-3-104(3) requires the juvenile court to appoint an attorney guardian ad litem to represent the children in abuse, neglect, or dependency proceedings.

In the past, requests for guardians ad litem were made by the Office of the Guardian ad Litem through a fiscal note when the legislature ran a bill to create a new juvenile court judicial officer. To ensure the Legislature is fully apprised of the budget requests from the Judicial Branch associated with this request, we are including the costs associated with the necessary guardians ad litem to accompany the respective juvenile court judicial officers.

Weighted Caseload Findings
2024 Juvenile Court Judicial Weighted Caseload Findings.

Weighted Case - Total Hours Needed (Sum of (Wghts x Refrls. & Events))			
District	FY 23	FY24	% Change
1	3,545	3,536	0%
2	9,260	8,156	-12%
3	15,475	14,303	-8%
4	10,677	10,857	2%
5	3,588	3,584	0%
6	2,059	2,053	0%
7	1,553	1,595	3%
8	2,174	2,147	-1%
State	48,332	45,705	-5%

Caseload as % of Standard (Total Hrs.Needed / Total Avail. Hrs.)			
District	FY 23	FY24	% Change
1	125%	124%	0%
2	104%	91%	-12%
3	115%	106%	-8%
4	157%	114%	-27%
5	87%	87%	0%
6	99%	98%	0%
7	59%	60%	3%
8	87%	86%	-1%
State	111%	99%	-11%

Judicial Officers Needed (Total Hrs.Needed / Avail.Hrs. per Judicial Officer)					
District	FY 23	FY24	Authorized Positions (Judges & Commissioners)	Difference Needed	Authorized &
1	2.5	2.5	2.0		-0.5
2	6.2	5.5	6.0		0.5
3	10.3	9.5	9.0		-0.5
4	7.9	8.0	7.0*		-1.0
5	2.6	2.6	3.0		0.4
6	2.0	2.0	2.0		0.0
7	1.2	1.2	2.0		0.8
8	1.7	1.7	2.0		0.3
State	34.4	33.0	33.0		0.0

* This includes the additional authorized position in 4th District.

* The Juvenile Judicial Weighted Caseload is calculated on work that juvenile court judges do in juvenile court only.

2023 Probation Officer Weighted Caseload Findings.

District	Total FTE Need	Existing FTE	FTE Difference
1st District	12.55	9.50	-3.05
2nd District	25.74	25.75	0.01
3rd District	44.35	49.10	4.75
4th District	25.07	23.30	-1.77
5th District	16.44	13.25	-3.19
6th District	4.95	5.00	0.05
7th District	5.31	5.00	-0.31
8th District	5.87	4.80	-1.07
TOTAL	140.27	135.70	-4.57

2024 District Court Judicial Weighted Caseload Findings.

Caseload as % of Standard (Total Hrs.Needed / Total Avail. Hrs.)						
District	FY18 (1-yr)	FY19 (1-yr)	FY21 (3-yr)	FY23* (3-yr)	FY24 (3-yr)	% Change
1	104%	97%	93%	103%	109%	5%
2	96%	97%	96%	106%	109%	2%
3	120%	110%	105%	112%	107%	-4%
4	108%	106%	101%	108%	110%	2%
5	119%	117%	101%	118%	123%	4%
6	105%	108%	109%	127%	130%	2%
7	70%	78%	77%	88%	82%	-7%
8	111%	99%	101%	114%	111%	-2%
State	110%	105%	101%	110%	109%	-1%

Judicial Officers Needed (Total Hrs.Needed / Avail.Hrs. per Judicial Officer)							
District	FY18 (1-yr)	FY19 (1-yr)	FY21 (3-yr)	FY23* (3-yr)	FY24 (3-yr)	Authorized Positions (Jdg & Commis) ^	Difference Authorized & Needed
1	4.5	4.2	4.3	4.8	5.0	4.6	-0.4
2	16.2	16.2	15.7	17.4	17.8	16.4	-1.4
3	41.6	39.7	37.9	40.3	40.7	38.0	-2.7
4	16.1	15.7	15.2	16.3	16.6	15.0	-1.6
5	7.1	7.0	7.0	8.3	8.6	7.0	-1.6
6	1.9	2.2	2.2	2.5	2.6	2.0	-0.6
7	2.0	2.3	2.3	2.6	2.5	3.0	0.5
8	3.1	3.0	3.0	3.4	3.3	3.0	-0.3
State	92.6	90.2	87.6	95.6	97.1	89.0	-8.1

Requests	Ranking	WCL % of Standard	Adjusted WCL % of standard	Authorized Before	Additional Need after Request
6th District	1	130%	86%	2.0	-0.4
1st Juvenile	2	124%	85%	2.5	-0.5
5th District A	3	123%	108%	7.0	0.6
4th Juvenile	4	114%	100%	7.0	0.0
4th District A	5	110%	104%	15.0	0.6
2nd District/ 1st District	6	109%	102%	16.4	0.4
5th District B	7	108%	96%	8.0	-0.4
3rd District A	8	107%	104%	38.0	1.7
3rd Juvenile	9	106%	95%	9.0	-0.5
3rd District B	10	104%	102%	39.0	0.7
4th District B	11	104%	97%	16.0	-0.4
3rd District C	12	102%	99%	40.0	-0.3

STRATEGIC ALIGNMENT

6. Explain how this request aligns with the agency's strategic plan or the governor's priorities. Be specific.

The purpose of this request is to obtain funding for additional, necessary juvenile court judges, judicial support personnel, probation officers and Guardians ad Litem in the First and Fourth District Juvenile Courts. With the addition of these positions, the First and Fourth District Juvenile Courts will be better able to meet the mission of the court, which is to “provide an open, fair, efficient and independent system for the advancement of justice under the law.” The new judicial officer positions will ensure that the First and Fourth District Juvenile Courts are able to provide necessary juvenile court services with fairness and efficiency. In addition, the new judicial officer in First District will be available to hear cases in District Court to help alleviate backlog, reduce delays, and be more efficient.

This request furthers the court's mission to “provide an open, fair, efficient and independent system for the advancement of justice under the law.”

EVIDENCE & ANALYSIS

7. **Issue:** Substantiate the **issue** and justify the proposed **solution** using supporting evidence (e.g., cost-benefit analysis for a procurement, program evaluation for an intervention, or published study for an evidence-based program).

Please refer to the graphs above related to weighted caseload studies.

8. **Performance measures:** How will the agency measure the **value** created for Utah after one year and, if applicable, in future years.

The Juvenile Court utilizes a rehabilitative rather than punitive framework in alignment with best practice standards to facilitate healthy outcomes for youth and families. A juvenile judge's ability to establish rapport with juveniles and their families, in both delinquency and child welfare cases, is a key component to positive outcomes. This is the basis for the one-family-one-judge rule, established as a best practice standard by the National Council of Juvenile and Family Court Judges, and adopted by the Utah Juvenile Court. Juvenile judges' caseload sizes need to be such that they can implement this practice effectively to the benefit of the children, youth, and families they serve. Moreover, judicial officers must have sufficient time available to avoid delays in hearing scheduling and to draft thorough decisions. The value of additional judges in First and Fourth District Juvenile Courts is found in the following key areas:

- Reducing judicial caseloads toward the desired level of at or below 100% of standard.
- Allowing the districts to meet the demands of the system in compliance with statutory requirements and the Court's mission. Growth is outpacing our ability to meet the case filing demands with the current judicial workload.
- More timely scheduling of emergency cases and trials.
- Reducing wait time for a patron to have their case heard.
- Increasing public confidence as judges have more time to create rapport with the youth and families.
- Creating additional time to prepare orders, review warrants, and prepare for committee assignments. Allowing for the Juvenile Court Judge to spend time hearing cases in District Court, reducing time delays and backlogs at that court level.

COLLABORATION

9. *Please list other stakeholders or state agencies involved in developing this request.*

The Judicial Council is making this request, which originated with the Board of Juvenile Court Judges, in coordination with the First and Fourth District Juvenile Courts and the Administrative Office of the Courts. Other agencies have not been directly involved, but there are several other State and local agencies that would benefit from the addition of a new juvenile court judge, allowing cases to be heard in a more responsive manner and avoiding scheduling conflicts among the various counties.

Funding for this request will benefit all Utahns who have any involvement, directly or indirectly, with the Utah State Courts. Additionally, the First and Fourth District Juvenile Courts will be better able to meet the needs of children, youth and families in access to justice in the ever-growing populations in Box Elder, Cache and Rich counties in First District, and Wasatch, Utah, Juab and Millard counties in Fourth District.

LEGAL AUTHORITY

10. *Provide the statutory and administrative rule references that authorize or require this budget request. If this request requires statute or rule changes, describe them and indicate if the agency has notified the governor's general counsel and senior advisor for legislative affairs and policy.*

The juvenile courts are courts of record, created by statute, as authorized by Utah Constitution, Art. VIII, Section 1. The legislature has tasked the juvenile courts with the responsibility of adjudicating cases primarily related to child welfare, parental rights, juvenile delinquency, and other similar matters. These responsibilities are outlined in Utah Code Title 78A, Chapter 6 and Utah Code Title 80. Judges are necessary to adjudicate the cases and meet all other statutory obligations. The state's eight judicial districts are outlined in Utah Code section 78A-1-102. The number of juvenile court judges appointed and confirmed to serve in each judicial district are outlined in Utah Code section 78A-1-104. For this funding request to be effectuated, Utah Code section 78A-1-104(3) and (4) must be modified, respectively, from "two juvenile judges in the First District Juvenile Court" to "three juvenile judges in the First District Juvenile Court" and from "seven juvenile judges in the Fourth District Juvenile Court" to "eight juvenile judges in the Fourth District Juvenile Court."

INTENT LANGUAGE

11. *If applicable, enter any necessary intent language. Please note that if this request is for a **grant (i.e., pass-through funding)** it requires intent language in accordance with the provisions of [Utah Code 63G-6b State Grants](#).*

See response to Question #10.

Section 2 – District Court

SUMMARY

1. *In three to five sentences, clearly state the **issue** that requires action and funding; summarize the proposed **solution**; and, highlight anticipated **outcomes**. (This should be a meaningful paragraph that GOPB can share with the governor, lieutenant governor, legislators, and the public.)***Summary of Request**

The Board of District Court Judges requests \$5,275,700 to fund seven (7) new district court judicial officers, support staff, ongoing operating expenses, and funding to finish one shelled courtroom.

This request includes \$4,052,200 in ongoing funds for:

- 5 District Court Judges
- 2 District Court Commissioners
- 14 Judicial Assistant FTEs
- 2.5 Law Clerk Attorney FTEs
- Ongoing IT, Operating and Travel Costs

The FY2024 District Court Judicial Weighted Caseload (DCJWC) study, which is based on a three-year average of court filings, shows a statewide need of 8.1 additional district court judicial officers. After thoroughly reviewing the FY24 DCJWC and consulting with Presiding Judges and Trial Court Administrators in each of the judicial districts, the Board of District Court Judges is requesting five (5) district court judges and two (2) domestic/criminal court commissioners.

This request also includes \$1,223,500 in one-time funding to finish the shelled courtroom located in the Tooele District Courthouse. This is the only unfinished courtroom remaining in the third district, and it will need to be finished to accommodate additional judicial officers in the third judicial district.

Table 1

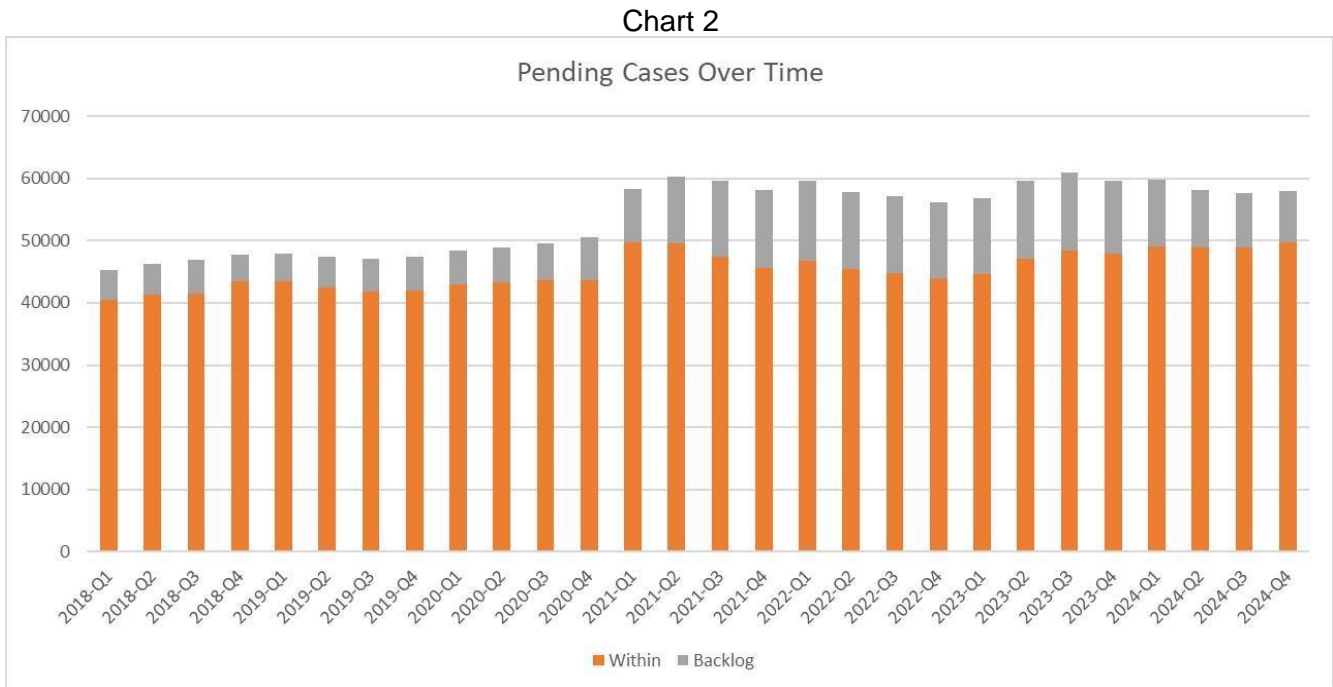
District	Current Authorized Judicial Officers	Total Weighted Caseload Judicial Officer Need	FY2026 Judicial Officer Need	Workload Burden per Judicial Officer	FY2026 Judicial Officer Request
First	4.6	5.0	-0.4	109%	0*
Second	16.4	17.8	-1.4	109%	1
Third	38	40.3	-2.7	107%	3**
Fourth	15	16.3	-1.6	110%	1
Fifth	7	8.3	-1.6	123%	1
Sixth	2	2.6	-0.6	130%	1
Seventh	3	2.5	0.5	82%	0
Eighth	3	3.3	-0.3	111%	0
State Total	89	96.1	-8.1	109%	7

*The Board of Juvenile Court Judges is requesting a new Juvenile Court Judge who will assist with District Court Matters in the First District.

** The Third District is requesting two (2) commissioners and one (1) district court judge.

Summary of Problem and Solution:

In line with the mission of the Utah judiciary, “to provide the *people* an open, fair, efficient, and independent system for the advancement of justice under the law”, this funding request is rooted in providing the *people* access to justice. Delay in case processing has adverse impacts on defendants, their families and on the victims. This is especially true with defendants and victims in criminal cases, and with parents and children’s needs in domestic cases. When the Judicial Branch operates without adequate judicial officers and court staff it takes longer for cases to be processed, access to justice is delayed and therefore denied. Chart 2 shows the number of pending cases over time, the number of cases disposed of within time standards, and the number of cases not disposed of within time standard. Cases disposed of beyond the time standard are considered “case backlog”.



The Utah judiciary utilized American Recovery Plan Act (ARPA) funds to support the cost of senior judges and time limited judicial assistants to help reduce the case backlog that was increased because of the COVID-19 Pandemic. ARPA funds expired in Q3 of FY24, and the 2024 legislature appropriated one-time funding for the judiciary to continue using senior judges and time-limited judicial assistants through June 2025. In FY24, senior judges provided approximately 3,000 hours working in district courts across the state. This number of hours is equivalent to two judicial officers, each working full caseloads. Beginning July 1, 2025, the judiciary will not have funding to continue the use of senior judges and time limited judicial assistants at the rate they are currently. In addition, the judicial weighted caseload shows that on average, judges and commissioners across the state need to work at least 109% of a standard judicial year². In some districts judges need to work upwards of 130% of a standard judicial year.

² A standard judicial year consists of 1,533 hours

The 2024 District Court Judicial Weighted Caseload shows an overall need of 97.1 judicial officers, compared to 95.6 last year. The overall gap between authorized and needed positions is 8.1 in 2024 compared to the gap of 8.6 judicial positions in 2023. The district court received two new judicial officers in FY24. Despite receiving two new judicial officers in the last year, factors impacting judicial officer workload have nearly consumed any gains that were expected from new judicial resources received in the last year. Receiving one or two new judicial officers per year will not keep pace with the growing demand for judicial officers and court support staff.

There are several factors that are contributing to the need for additional district court judicial officers and accompanying support staff.

Increase in the Number of Court Hearings

The number of court hearings per year held in district court has gone from 351,591 in 2016 to 388,597 in 2023. That's an increase of 37,006 court hearings.

Increase in Warrants to Review

District Court Judges reviewed 11,107 warrants in 2019. That number increased 60% to 17,740 warrants reviewed in 2023. That's an increase of 6,634 more search warrants reviewed in 2023 than in 2019. The most notable increase was in Electronic Service Provider (ESP) Warrants which increased from 536 in 2019 to 4,324 in 2023. That is a staggering 707% increase.

Chart 3



On average it takes judicial officers 12 minutes to review a search warrant. With an increase of 6,634 search warrants with an average review time of 12 minutes, this represents an increased workload of 1,327 hours, or the workload of approximately one (1) full-time judicial officer.

Warrants are reviewed and signed 24 hours a day, 7 days a week, 365 days a year and much of this work is done outside of standard court operating hours.

Legislative Changes that Require More Judicial Officer Time

Legislative changes concerning judicial processes are made because legislators want to provide a better service and experience for their constituents in the judicial system. The Judiciary shares that goal. But it sometimes becomes truly counterproductive when legislative changes result in increased demands upon an already overloaded judicial system and are not accompanied by adequate additional judicial resources to do the work better as intended.

When nearly every judge in the state is running at 10-30% above full capacity, most cases suffer. If the goal is to ensure the process in the judicial system affords prompt, thoughtful attention to each case from each judge, the judiciary not only needs to have sufficient judicial officers to meet the current demands, but it also needs sufficient resources to enable us to keep pace with population growth and the workload increase. When we fail to provide adequate resources, and then burden the above capacity system with new types of hearings, new procedural requirements, and other legislative requirements that are well intended, we spread judges even thinner. Constituents now see longer delays and have decisions made by judges with more cases and less time for each.

Virtual Hearings

There are notable benefits to virtual hearings, including lower failure to appear rates, reduction of the number of default judgements, greater juror involvement, and added convenience for many litigants not having to take time off work and less travel time. However, these and other benefits do not come without a cost. Most judges and court staff would agree that hearings held virtually take longer than hearings held in person. In a study³ conducted by the National Center for State Courts on remote hearings, they found that on average, remote pretrial hearings take about 34% longer than similar cases that were held in person. Increased hearing time is largely attributable to technical issues from hearing participants, such as navigating the technology platform, connectivity problems related to bandwidth, sharing screens and uploading documents. Regardless of the issues, it falls to judges and court staff to resolve the problems, even when they are not technology trained. Despite the downfalls of virtual hearings, judges and court staff have undertaken these additional tasks to provide the best experience they can for court patrons. In doing so, pending cases are set out further and take longer to resolve.

System Impact

Court data tells us that the time between hearings is getting longer which results in cases taking longer to be disposed of. In CY2017 the average time between hearings was 30 days. In CY2022 the average time between court hearings increased to thirty-seven (37) days. In CY 2017 sixty-one percent (61%) of cases were resolved within the first 100 days. In CY 2022 one forty-five percent (45%) were resolved within the first 100 days. Judges and court staff are committed to efficient case processing. However, when court resources are lacking, the court is not able to keep up with the demand, even when working 10% to 30% above the standard workload.

When judges work more hours, so do other professionals working in the court such as judicial assistants, attorneys, security officers/bailiffs, administrators and others. In some instances, court patrons have stayed into the evening, past regular court hours, to have their cases heard. When the judiciary is not staffed with the number of judicial officers needed to process cases in a timely manner, it impacts professionals working in the judicial system. Most importantly, members of our communities are impacted by the effects of an understaffed judiciary.

³ NCSC, The use of Remote Hearings in Texas State Courts: The Impact on Judicial Workload, Dec. 2021

COST

2. **Itemized Budget:** Provide an itemized budget of how the new funding will be used, including revenue and expenditure sources, and the details of any new FTEs.

On-going

• 5 District Court Judges	\$357,500	ea.	X	5	=	\$1,787,500
• 2 District Court Commissioners	\$277,000	ea.	X	2	=	\$554,000
• 14 Judicial Assistant FTEs	\$84,700	ea.	X	14	=	\$1,185,800
• 2 Law Clerk Attorney FTEs	\$137,800	ea.	X	2	=	\$275,600
• .5 Law Clerk Attorney FTE	\$81,300	ea.	X	1	=	\$81,300
• Judicial Officer IT and Travel Costs	\$24,000	ea.	X	7	=	\$168,000
						\$4,052,200
						Total Judicial Officers and Personnel

One-time

- Finishing a shelled courtroom located in the Third District, Tooele County Courthouse \$1,223,500

Total Request \$5,275,700

3. **Scalability:** Describe the potential impact if a portion of the request is recommended or scaled over more than one year. What would be the impact of multiple variations of reduced funding (e.g., 10%, 50%), and explain why the request should be funded this budget cycle.

If this request receives reduced funding the court will use all judicial officers and support staff received to their fullest extent, but the court will still be understaffed, and court patrons will pay the price in delays in meeting our Utah constitutional duty for (1) a “speedy trial” (Article 1, Section 12) and (2) access to justice without “unnecessary delay” (Article 1, Section 11).

Because we believe the Utah constitution provides a promise to the people of Utah, and receiving anything less than the full request will not meet the needs of Utah’s citizens and will further not ensure our judges and staff have reasonable workloads, we do not view this request as scalable. In addition, this request is not scalable because providing an additional judge in one district does not benefit other districts in the state.

4. **Future Obligations:** *What future funding or policy obligations does this request create? (E.g., operations and maintenance, multi-year scale up.)*

This request is for ongoing funding for judges and court staff, and one-time funding to finish a shelled courtroom in the Tooele District Courthouse. There is no O&M or any multi-year scale up component related to this request.

5. **Current Resources:** *Summarize what the agency has already contributed toward addressing this and related issues. Describe any efforts to create savings to address this issue.*

New Judge positions must be authorized by the legislature. The Judiciary can create commissioner positions but lacks funding resources to fill them without Legislative assistance.

Likewise, the Judicial Branch does not have one-time funding available to finish the unfinished courtroom in Tooele.

The Utah Constitution is careful to delineate the powers granted to the Judiciary and adding judges is one power that is reserved for the Executive Branch and the Legislature. The Governor chooses those on the Judicial Nominating Commission, and they recommend the slate of candidates for each judgeship that becomes open. The Governor selects the person who will serve as judge and the Senate votes to confirm the selection or not. If the Legislature does not fund any new judge position sought, the position will remain unfilled until it does. (see UCA 78A-10a-101 et seq.)

STRATEGIC ALIGNMENT

6. *Explain how this request aligns with the agency's strategic plan or the governor's priorities. Be specific.*

Receiving the judicial officers and support staff asked for in this request will allow the judiciary to meet the needs of court patrons. The FY24 District Judicial Weighted Caseload Study shows that the Utah Judiciary needs 8.1 additional district court judicial officers. ARPA funding expired in March 2024 and the Utah legislature appropriated one-time funding to support senior judges and time-limited court staff through June 30, 2025. Having senior judges and time-limited court staff has proven to be extremely beneficial to help reduce case backlog but this practice is not sustainable long-term. Once funding for senior judges and time-lime limited court staff sunsets, time to disposition will grow longer and the case backlog will continue to escalate. To effectively manage the workload in the court, additional ongoing judicial officer and staff resources will be necessary.

The court uses several metrics by which outcomes are measured:

- Age and number of Case Pending Reports
- Time to Disposition Reports
- Backlog Tracking Reports
- Judicial and Clerical Weighted Caseload Studies

This request furthers the Courts mission to “provide an open, fair, efficient and independent system for the advancement of justice under the law”.

EVIDENCE & ANALYSIS

7. **Issue:** Substantiate the **issue** and justify the proposed **solution** using supporting evidence (e.g., cost-benefit analysis for a procurement, program evaluation for an intervention, or published study for an evidence-based program).

District Court Judicial Weighted Caseload

The 2024 District Court Judicial Weighted Caseload shows an overall need of 97.1 judicial officers, compared to 95.6 last year. There are currently 89 authorized judicial officers in district court. The overall gap between authorized and needed positions is 8.1 in 2024 compared to the gap of 8.6 judicial positions in 2023. In FY2024 the judiciary received two (2) additional district court judicial officers. One court commissioner that was funded by the Judicial Council and one district court judge funded by the legislature. The addition of these to new positions has helped narrow the gap between the number of judicial officers needed and the number of authorized judicial officers.

District Court Judicial Weighted Caseload

FY24 - 3YA of Cases/Events Filed April 1, 2021-March 31, 2024

Weighted Case - Total Hours Needed (Sum of (Wghts x Cases & Events))						
District	FY18 (1-yr)	FY19 (1-yr)	FY21 (3-yr)	FY23* (3-yr)	FY24 (3-yr)	% Change
1	6,763	6,298	6,462	7,114	7,478	5%
2	24,388	24,775	23,963	26,559	27,115	2%
3	62,542	60,936	58,278	61,638	62,230	1%
4	24,267	23,773	23,061	24,578	25,043	2%
5	10,724	10,484	10,528	12,316	12,857	4%
6	2,866	2,950	2,978	3,461	3,530	2%
7	3,039	3,376	3,332	3,792	3,545	-7%
8	4,593	4,100	4,164	4,691	4,582	-2%
State	139,183	136,692	132,766	144,150	146,380	2%

Caseload as % of Standard (Total Hrs.Needed / Total Avail. Hrs.)						
District	FY18 (1-yr)	FY19 (1-yr)	FY21 (3-yr)	FY23* (3-yr)	FY24 (3-yr)	% Change
1	104%	97%	93%	103%	109%	5%
2	96%	97%	96%	106%	109%	2%
3	120%	110%	105%	112%	107%	-4%
4	108%	106%	101%	108%	110%	2%
5	119%	117%	101%	118%	123%	4%
6	105%	108%	109%	127%	130%	2%
7	70%	78%	77%	88%	82%	-7%
8	111%	99%	101%	114%	111%	-2%
State	110%	105%	101%	110%	109%	-1%

Judicial Officers Needed (Total Hrs.Needed / Avail.Hrs. per Judicial Officer)							
District	FY18 (1-yr)	FY19 (1-yr)	FY21 (3-yr)	FY23* (3-yr)	FY24 (3-yr)	Authorized Positions (Jdg & Commis) ^	Difference Authorized & Needed
1	4.5	4.2	4.3	4.8	5.0	4.6	-0.4
2	16.2	16.2	15.7	17.4	17.8	16.4	-1.4
3	41.6	39.7	37.9	40.3	40.7	38.0	-2.7
4	16.1	15.7	15.2	16.3	16.6	15.0	-1.6
5	7.1	7.0	7.0	8.3	8.6	7.0	-1.6
6	1.9	2.2	2.2	2.5	2.6	2.0	-0.6
7	2.0	2.3	2.3	2.6	2.5	3.0	0.5
8	3.1	3.0	3.0	3.4	3.3	3.0	-0.3
State	92.6	90.2	87.6	95.6	97.1	89.0	-8.1

Presiding judges and Trial Court Executives from each judicial district identified the following needs based on the weighted caseload study and other unique factors in their respective districts.

First District – Judicial Officers in the First District are working at 109% of a standard caseload. They have a need for .40 district court judicial officers and a need for .50 juvenile court judicial officers. The Board of Juvenile Court Judges is requesting a juvenile court judge who will also assist in district court.

Second District – Judicial Officers in the Second District are working at 109% of a standard caseload and they have a need for 1.4 additional judicial officers. In this request, we are requesting 1.0 judicial officers for the second district. Weber County is experiencing most of the workload increase in the second district and there is adequate space available to house one additional judicial officer. Senior judges are integral to the work performed in the second district and the workload is expected to increase for judicial officers when funding for senior judges expires in June 2025.

Third District – Judicial Officers in the Third District are working at 107% of a standard caseload and they have a need for 2.7 additional judicial officers. In this request we are seeking 3.0 new judicial officers for the third district. The priority in the third district is for a Domestic Court Commissioner and a Criminal Court Commissioner followed by a new district court judge. The workload study indicates the greatest judicial officer need is in Tooele County. This request also seeks one-time funding to finish a shelled courtroom in the Tooele County Courthouse.

Fourth District – Judicial Officers in the Fourth District are working at 110% of a standard workload and the Judicial Weighted Workload Study shows they have a need for 1.6 new judicial officers. With district court presence leaving American Fork, two district court judges will relocate to the Provo Courthouse beginning January 1, 2025. Class B and C misdemeanors and infractions currently heard in the American Fork district court will transfer to the Utah County Justice Court. Based on workload data, moving class B and C misdemeanors and infractions to the Utah County Justice Court will reduce the district court judicial officer need by .60 judicial officers. This request is seeking one new judicial officer for the Fourth District.

Fifth District – Judicial Officers in the Fifth District are working at 123% of a standard workload and the FY24 judicial workload study shows they need an additional 1.6 judicial officers, compared to 1.3 judicial officers needed in FY23. This request is asking for 1.0 new judicial officer for the fifth district. The United States Federal Court currently rents space in the St. George Courthouse. The contract with the federal court will expire June 30, 2025, which will open space to accommodate a new district court judicial officer.

Sixth District – According to the FY2024 Judicial Weighted Workload Study, judicial officers in the Sixth Judicial District Court are working at 130% of a standard workload and need .60 additional judicial officers. The sixth district currently has two district court judges that are faced with significant travel between court facilities. Historically, juvenile court judges have had the capacity to help cover district court matters. However, the latest workload study shows 6th district juvenile court judges are at full capacity working juvenile court cases.

Seventh District – The Judicial Weighted Workload Study shows the Seventh District does not need additional judicial officer resources currently.

Eighth District – District court judges in the eighth district are working at 111% of a standard workload and the workload study shows they need .30 new judicial officers. This request is not seeking new judicial officers for the Eighth District because juvenile court judges currently have capacity to assist with district court work.

8. Performance measures: How will the agency measure the **value** created for Utah after one year

and, if applicable, in future years.

This request furthers the Courts mission to “provide an open, fair, efficient and independent system for the advancement of justice under the law”.

COLLABORATION

9. *Please list other stakeholders or state agencies involved in developing this request.*

The Judicial Council is making this request, which originated with the Board of District Court Judges, in consultation with the Administrative Office of the Courts and all Judicial Districts. Other agencies have not been directly involved, but there are several other State and local agencies that would benefit from the addition of district court judges/commissioners, allowing cases to be heard in a more responsive manner.

As the third branch of government, it is the judiciary’s sole responsibility to request judicial officers, court support staff, and other necessary operating expenses from the legislature that exceeds the judiciary’s current budget.

LEGAL AUTHORITY

10. *Provide the statutory and administrative rule references that authorize or require this budget request. If this request requires statute or rule changes, describe them and indicate if the agency has notified the governor’s general counsel and senior advisor for legislative affairs and policy.*

UCJA 78A-5 Provided the general provisions and jurisdiction of the Utah District Court.

UCJA 78A-1-103 Number of district judges will need to be changed to reflect the number of district court judges allocated in each judicial district.

INTENT LANGUAGE

11. *If applicable, enter any necessary intent language. Please note that if this request is for a **grant (i.e., pass-through funding)** it requires intent language in accordance with the provisions of [Utah Code 63G-6b State Grants](#).*

UCJA 78A-1-103 Number of district judges will need to be changed to reflect the number of district court judges allocated in each judicial district.

Tab 8



GOVERNOR'S OFFICE OF Planning & Budget

FY25 and FY26 State Agency Budget Request Form

REQUEST TITLE	Jury, Witness, Interpreter Fund		
State Agency	Judicial Branch	Request Priority	
Division	Judicial Branch	Program	Language Access Program
Primary Contact	Ron Gordon, Neira Siaperas, Karl Sweeney	Email & Phone	ronbg@utcourts.gov 801 578 3816 neiras@utcourts.gov 801 578 3850 karls@utcourts.gov 801 578 3889

Amounts Requested: *Combine Other sources, besides General Fund (GF), Income Tax Fund (ITF), or Uniform School Fund (USF).*

BFMC Legislative Request Ranking #6

SOURCE	FY25 ONE-TIME	FY26 ONGOING	FY26 ONE-TIME	TOTAL REQUEST
GF, ITF, USF	\$450,000	\$1,470,000	\$0	\$1,920,000
OTHER	\$0	\$0	\$0	\$0
TOTAL	\$450,000	\$1,470,000	\$0	\$1,920,000

Note: Ensure all responses are concise and directly address each question to facilitate the evaluation process.

SUMMARY

- In three to five sentences, clearly state the **issue** that requires action and funding; summarize the proposed **solution**; and, highlight anticipated **outcomes**. *(This should be a meaningful paragraph that GOPB can share with the governor, lieutenant governor, legislators, and the public.)*

The Courts have a constitutional duty to provide limited English proficient litigants qualified interpreter services. Historically these services have been provided by a combination of court-employed “staff interpreters” and freelance “contract interpreters.” As the pandemic forced courts nationally to move to a virtual model, contract interpreters were no longer geographically bound to a state and were now able to provide their services virtually in many states. This allowed interpreters to work for whichever state court system was willing to pay higher rates. To address this shift in the market and dramatically increasing hearings seeking interpreters (up 250% since 2020, see Section #7)) this request seeks to continue the shift we began last year to increase our staff interpreter roster while paying contract interpreters two-hour minimums, a higher hourly rate, and rural assignment incentives.

Background

The Jury and Witness Fees Line Item (JWI) in the Court’s budget is authorized under UCA 78B-1-117 Jurors and Witnesses. As stated in this legislation:

The state is responsible for payment of all fees and expenses authorized by law for prosecution witnesses, witnesses subpoenaed by indigent defendants, and interpreter costs in criminal actions in

the courts of record and actions in the juvenile court. The state is responsible for payment of all fees and expenses authorized by law for jurors in the courts of record. For these payments, the Judicial Council shall receive an annual appropriation contained in a separate line item appropriation. (UCA 87B-1-117 (1))

As stated in the Utah Legislature's Compendium of Budget Information (COBI) for the JWI [Background](#), section, between 2014 and 2018 the JWI received annual ongoing general fund appropriations of \$1.6M but ran an annual deficit of between \$814,000 and \$920,000 (which was funded by a special one-time appropriation by the Legislature in each fiscal year). To address the annual deficits, in FY 2018 the Legislature authorized an increase in the ongoing general fund of \$1.0M to approximately \$2.6M and also funded \$2M of non-lapsing 1x funds. This increased funding was more than adequate for FY 2019 through FY 2021.

As stated earlier, In FY 2022 as the Courts began to address the backlog caused by not holding trials due to COVID and began to increase the number of remote hearings and even remote trials as a way to safely conduct judicial proceedings, court contract interpreters living in Utah were approached by – or reached out to – other states to perform remote interpretation. The change in process to remote hearings meant that each contract interpreter was employable by ANY state court system and could seek and accept the highest priced offers for their interpretation services. This change in the contract interpreter environment was noted by the AOC Language Access team in spring 2021. They conducted a survey of contract interpreters in nearby states and determined that Utah State Courts had one of the lowest hourly rates of all the states surveyed.

Based on the survey, the Language Access Committee recommended that the Judicial Council approve an increase to stay competitive with other states. In July 2021 the Judicial Council approved a 25% increase in pay for certified contract interpreters, bringing their pay from \$39.80/hour to \$50/hour and 20% - 23% pay increases for all other interpreter levels.

In FY 2023, despite the pay raises, the Language Access program managers began having difficulty finding sufficient certified interpreters to supply all needs of the Utah Courts as the Courts attempted to reduce the case backlog caused by the pandemic. To incentivize our certified contract interpreters to accept assignments, the Judicial Council increased hourly pay from \$50 to \$52 in October 2022. The higher pay along with the increased number of contract court interpreter hours (necessary to reduce the backlog) resulted in the JWI fund incurring costs that exceeded current year revenues in FY 2022 through FY 2024 much like the annual deficits between 2014 - 2018. As shown in Table 1 (yellow highlighted rows), the ongoing revenues less ongoing expenses were:

FY 2022 (\$103,000)
FY 2023 (\$443,000)
FY 2024 (\$1,091,000)

These deficits were funded by 1x funds (including non-lapsing 1x funds) provided by the Legislature in 2018 and 2024 as shown in Table 1.

During the 2024 Legislative Session, to be more competitive in the contract interpreter market and entice contract interpreters to take assignments for the Utah State Courts, through 1x funds, the Legislature funded a \$5 per hour increase in the base interpreter pay (to \$57 per hour), provided a two-hour minimum for interpreters, and incentives for in-person assignments in rural parts of the state.

The legislature funded \$701,500 in ongoing funds for FY 2025. As shown in Table 1, these funds have all

been dedicated to cover a 7-person increase in the number of staff interpreters (from 2 to 9). Also as shown in Table 1 column C, various other operating expenses increased in FY 2024 and FY 2025 due to our responding to market forces for interpreter pay, increasing hearings requiring interpretation (see section #7), and general inflation for which we are seeking \$1,000,000 in ongoing funds to cover (see also section #2). Finally, we are seeking \$470,000 to cover operating deficits that existed for FY 2023 and prior.

COST

2. Itemized Budget: Provide an itemized budget of how the new funding will be used, including revenue and expenditure sources, and the details of any new FTEs.

The new funds will be used for the following items:

	FY 2025	FY 2026
	<u>1x</u>	<u>Ongoing</u>
1. Fund FY 2024 JWI Fund Deficit	\$450,000	\$470,000
<u>See Variance Column in Table 1 – Fund Listed Increases</u>		
2. Language Access Court Personnel		45,200
3. Additional Employee Staff Interpreters		\$268,300
4. Travel – Admin & Interpreters		\$54,300
5. Current Expenses (postage, office, etc.)		\$181,000
6. Data Processing (including scheduling software)		\$30,000
7. Contract Interpreter Fees (raises, 2 hour min/rural pay)		\$200,700
8. Jury and Witness meals		\$3,000
9. Jury and Witness mileage and per diem		<u>\$212,000</u>
Subtotal		<u>\$994,500</u>
Round up to		\$1,000,000
Total	\$450,000	\$1,470,000

For a holistic look at JWI revenues and expenses (historical and forecast), see Table 1. We are seeking to obtain sufficient ongoing funding to provide our constitutionally mandated services.

3. Scalability: Describe the potential impact if a portion of the request is recommended or scaled over more than one year. What would be the impact of multiple variations of reduced funding (e.g., 10%, 50%), and explain why the request should be funded this budget cycle.

We have requested the amounts we feel are necessary to meet our constitutional responsibility which are under threat due to the nationwide talent war for court interpreters and a dramatically increasing demand for interpreters at hearings (potentially due to the migrant influx). If we do not increase our supply of qualified contract interpreters and qualified employee interpreters, we will continually be on the edge of not supplying the minimum interpreters to provide non-English speakers with access to justice. For these reasons, we do not believe our request is scalable.

With the additional funds, we will be able to meet our constitutional duty to provide limited English-speaking litigants the interpreters they need. This funding will help us meet our constitutional duty. Further, by funding full-time staff employee interpreters, we can reduce our reliance on contract interpreters.

4. **Future Obligations:** What future funding or policy obligations does this request create? (E.g., operations and maintenance, multi-year scale up.)

None

5. **Current Resources:** Summarize what the agency has already contributed toward addressing this and related issues. Describe any efforts to create savings to address this issue.

Table 1

JWI Financial History & Forecast							1x Legislative Request - 2025	(C) = (B) - (A1 + A2) Ongoing Legislative Request - 2026
	Actual		Original Forecast	Updated Forecast				
Available Funding	FY 2022	FY 2023	(A1) FY 2024	FY 2024	(A2) Ongoing Legislative Funding	(B) FY 2025		
General Fund - Ongoing	\$2,535,400	\$2,561,600	\$2,604,900	\$2,604,900	\$734,900	\$3,339,800		
General Fund - 1x	-\$73,800	\$3,400	\$2,000	\$433,000		\$982,000		
Collections	\$3,194	\$5,720	\$10,000	\$4,729		\$0		
Non lapsing Beginning Balance	\$1,261,423	\$1,087,342	\$653,654	\$653,654		\$0		
TOTAL REVENUES	\$3,726,217	\$3,658,062	\$3,270,554	\$3,696,283		\$4,321,800		
Expenses								
Language Access Personnel	\$381,141	\$644,164	\$681,395	\$694,000	\$33,400	\$760,000	\$45,200	
Additional Staff Interpreters (4 months FY 24) 1x				\$103,700			N/A	
Additional Staff Interpreters - Ongoing					\$701,500	\$969,800	\$268,300	
Travel - Admin & Interpreters	\$48,337	\$32,377	\$70,685	\$123,850		\$125,000	\$54,300	
Current Expenses (summons postage)	\$335,242	\$76,362	\$269,147	\$329,233		\$450,000	\$181,000	
Data Processing	\$2,407	\$1,028	\$1,233	\$5,600		\$31,200	\$30,000	
Contract Interpreter Fees	\$1,068,482	\$1,305,152	\$1,128,025	\$1,390,800		\$1,328,700	\$200,700	
Jury and Witness Meals	\$37,534	\$49,661	\$47,493	\$42,000		\$50,000	\$3,000	
Jury and Witness Mileage and per diem	\$765,731	\$895,663	\$845,808	\$1,007,100		\$1,058,000	\$212,000	
TOTAL EXPENSES	\$2,638,875	\$3,004,408	\$3,043,786	\$3,696,283		\$4,772,700	\$994,500	
Round Up							\$1,000,000	
Non lapsing Ending Balance	\$1,087,342	\$653,654		\$0		-\$450,900		
Difference in Ending Balance from Prior Year		\$433,688		\$653,654		\$450,900	\$450,000	
General Fund Ongoing - Expenses = Ongoing Deficit	-\$103,475	-\$442,808		-\$1,091,383		-\$1,432,900		
						TOTAL REQUEST:	\$450,000	
							\$1,470,000	
Courts excess 1x TOS were used to reduce the amount of postage costs otherwise chargeable to the JWI fund.								
This was done to ensure the JWI fund had sufficient \$ to last until the end of FY 2024								

We have taken steps to manage costs by virtually performing interpretation services. This reduced travel costs and related time paid to contract interpreters for travel. However, these time efficiencies have been more than offset by an increase in total interpretation hours.

STRATEGIC ALIGNMENT

6. Explain how this request aligns with the agency's strategic plan or the governor's priorities. Be specific.

With the additional funds, we will be able to meet our constitutional duty to provide limited English proficient litigants the interpreters they need. This funding will help us meet our constitutional duty. In the past we had

to go to the Board of Examiners to fund overspending in this area. Over the last couple of years, the Legislature took one-time monies from the program, however, as the courts opened again after the pandemic, our expenses rose, and we need extra funding to meet our constitutional responsibilities.

This request will help the Utah State Courts to be open, fair, efficient, and independent system for the advancement of justice under the law. Meeting our constitutional duty to historically disadvantaged communities is also a Cox-Henderson Administration priority.

EVIDENCE & ANALYSIS

- Issue:** Substantiate the **issue** and justify the proposed **solution** using supporting evidence (e.g., cost-benefit analysis for a procurement, program evaluation for an intervention, or published study for an evidence-based program).

We are constitutionally required to provide these services. As you can see from Figures 1 and 2, requests for court interpreters have substantially increased over the prior 5 fiscal years.

Figure 1: Hearings in District Court where an interpreter's presence was requested.

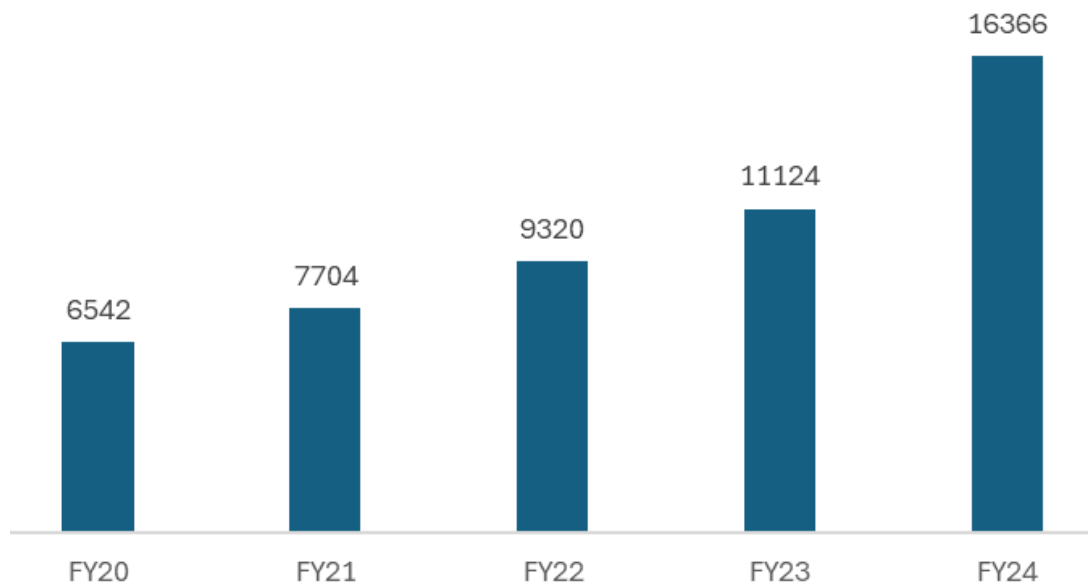
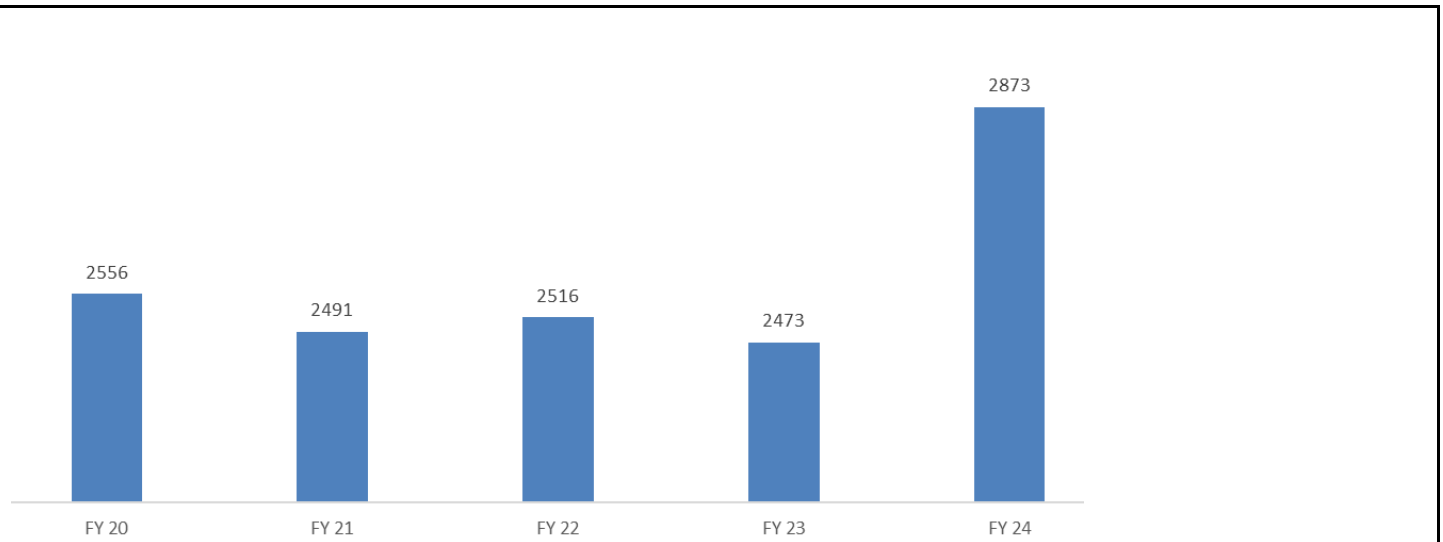


Figure 2: Hearings in Juvenile Court where an interpreter's presence was requested.



Between FY20 and FY24, hearings that required an interpreter increased by 12% in Juvenile Court and 150% in District Court.

8. **Performance measures:** How will the agency measure the **value** created for Utah after one year and, if applicable, in future years.

This request helps the people of Utah have access to justice and it helps the Courts meet its mission to be open, fair, efficient, and independent system for the advancement of justice under the law.

This request will benefit Utah residents in all geographic areas who have need of interpreter services. It will specifically serve English Language learners who tend to historically be disadvantaged. Keeping in mind that Utah is considered a refugee-friendly state, we are experiencing a higher than usual spike in diverse language needs. All residents have the right to equitable access to justice and this request will ensure fair language representation.

COLLABORATION

9. Please list other stakeholders or state agencies involved in developing this request.

None

LEGAL AUTHORITY

10. Provide the statutory and administrative rule references that authorize or require this budget request. If this request requires statute or rule changes, describe them and indicate if the agency has notified the governor’s general counsel and senior advisor for legislative affairs and policy.

The Jury and Witness Fees Line Item (JWI) in the Court’s budget is authorized under UCA 78B-1-117 Jurors and Witnesses. As stated in this legislation:

The state is responsible for payment of all fees and expenses authorized by law for prosecution witnesses, witnesses subpoenaed by indigent defendants, and interpreter costs in criminal actions in the courts of record and actions in the juvenile court. The state is responsible for payment of all fees and expenses authorized by law for jurors in the courts of record. For these payments, the Judicial Council shall receive an annual appropriation contained in a separate line-item appropriation. (UCA 87B-1-117 (1))

INTENT LANGUAGE

11. *If applicable, enter any necessary intent language. Please note that if this request is for a **grant (i.e., pass-through funding)** it requires intent language in accordance with the provisions of [Utah Code 63G-6b State Grants](#).*

No intent language is necessary. This is not a request to fund with grant funds.

Tab 9



GOVERNOR'S OFFICE OF Planning & Budget

FY25 and FY26 State Agency Budget Request Form

REQUEST TITLE	Guardianship Signature Program Funding		
State Agency	Judicial Branch	Request Priority	
Division	Judicial Branch	Program	GRAMP
Primary Contact	Ron Gordon, Neira Siaperas, Karl Sweeney	Email & Phone	ronbg@utcourts.gov 801 578 3816 neiras@utcourts.gov 801 578 3850 karls@utcourts.gov 801 578 3889

Amounts Requested: *Combine Other sources, besides General Fund (GF), Income Tax Fund (ITF), or Uniform School Fund (USF).*

BFMC Legislative Request Ranking #7

SOURCE	FY25 ONE-TIME	FY26 ONGOING	FY26 ONE-TIME	TOTAL REQUEST
GF, ITF, USF	\$0	\$366,800	\$0	\$366,800
OTHER	\$0	\$0	\$0	\$0
TOTAL	\$0	\$366,800	\$0	\$366,800

Note: Ensure all responses are concise and directly address each question to facilitate the evaluation process.

SUMMARY

- In three to five sentences, clearly state the **issue** that requires action and funding; summarize the proposed **solution**; and, highlight anticipated **outcomes**. (This should be a meaningful paragraph that GOPB can share with the governor, lieutenant governor, legislators, and the public.)*

Summary of Request:

The Administrative Office of the Courts (AOC) is seeking \$366,800 to support the equivalent of two contract attorneys who will work through a related agency to represent respondents who have been named in guardianship cases where the respondent and the respondent's parents are both found to be indigent. This funding would provide a consistent resource to provide individuals who are found to be incapacitated with legal representation as mandated in [Utah Code 75-5-303\(2\)](#), ensure individual needs and best interests are being met, and allow guardianship cases to proceed through the court system without unnecessary delay.

At the time this law was enacted, it was anticipated that when the respondent or the respondent's parents were not indigent, the respondent would pay attorney fees. For those that were indigent, the hope was that an attorney would volunteer. The Guardianship Signature Program (GSP) was established for this purpose. But attorney volunteerism has been woefully inadequate to address the actual need. Based on the growth in requests for the appointment of an attorney in guardianship cases since 05/08/2018 when this law went into effect, we anticipate the number of cases will total approximately 524 requests in FY 2026. If each case requires a conservatively estimated 10 hours of legal services, we estimate the

annual financial need to be \$366,800.

Summary of Problem and Solution:

Summary of Problem:

When a petition for guardianship is filed alleging that an adult is incapacitated and needs a guardian, Utah Code 75-5-303(2) requires the court to appoint an attorney to represent the respondent if the respondent currently does not have one. All respondents named in petitions for adult guardianship cases are expected to be represented by an attorney. In conservatorship and minor guardianship cases, the court is not required to appoint an attorney, but may do so. The right to an attorney in adult guardianship cases is present throughout the life of the case, including when a motion to terminate the guardianship is filed. This requirement can only be waived under Utah Code 75-5-303(5)(d) if all seven conditions listed in this section have been met which includes the requirement that the court has allowed 60 days to find a volunteer attorney, and then must appoint a court visitor if no attorney has volunteered. When court visitors are appointed, they do not serve as advocates for the respondents, and do not represent them as an attorney. The respondents in guardianship cases where an attorney is not available to be appointed may find their rights severely limited if a guardianship is granted.

The GSP was created in partnership with the Utah State Bar to assist the court in finding attorneys to appoint in these cases. The GSP relies on attorneys to volunteer to assist the respondents when they do not have private counsel. The number of attorneys who volunteer to take these cases has steadily declined over the years, while filings have increased. As best practices for processing and managing guardianship cases have been developed and recognized, requests for attorneys to represent respondents have also increased and are expected to continue to increase. For example, in FY2023, the GSP received 150 requests for an attorney, and for FY2024 currently 240 requests have been received. It is anticipated that these requests will substantially increase as the Board of District Court Judges has recommended that best practices for guardianships filed by parents for minors becoming adults should have an attorney appointed under the statute.

Finding volunteer attorneys to take a guardianship case appointment has been challenging for several years. In FY2022, out of the 155 requests submitted to the GSP, 102 had GSP attorneys serve on the case. The remaining 53 cases were resolved without attorney representation. This trend continued in FY 2023 and FY 2024, with approximately 50% of guardianship cases currently being resolved without counsel. The use of virtual court hearings has been beneficial to attorneys appointed on these cases, as they can attend anywhere in the state and fill the statutory requirement.

If the respondent or the respondent's parents are not indigent, the volunteer attorney can seek reimbursement from the respondent, as per Utah Code 75-5-303.

Proposed Solution:

Resources from this request will fund two contract attorneys knowledgeable in guardianship matters to represent indigent respondents in guardianship hearings. Having this resource will allow the court to meet the statutory requirement. Attorneys will be able to quickly respond to the needs of the respondent when they are appointed by the court, which will also reduce the number of delays caused by the lack of legal representation. The GSP can still ask for volunteers as it does now, by accessing the local email list and the Paladin program with the Utah State Bar. Court visitors will no longer need to provide a report due to the lack of a volunteer attorney, and their time and resources can be used in a manner more suited to their training. With funding available for attorneys who are appointed to these cases, the number of cases where a respondent does not have an advocate will drop.

Estimates for most guardianship cases where an attorney is appointed may take between 5 to 15 hours of time to meet the mandate in the statute. For funding purposes, we have used an average of 10 hours per case.

COST

2. **Itemized Budget:** Provide an itemized budget of how the new funding will be used, including revenue and expenditure sources, and the details of any new FTEs.

For FY 22 to FY 24:

- 545 requests were sent to the GSP.
- 237 requests were never filled. Percentage of requests never filled: 44% (237/545)
- Of the 308 requests filled, 262 were completed by attorneys through the GSP; the remaining 46 requests were filled by another attorney through other means.
- Percentage of requests filled by the GSP: 48% (262/545)

This means the baseline percentage of requests that we are asking for this funding to cover is 44%.

Due to the lack of resources, sometimes requests for GSP attorneys were not made. For FY 24, 123 requests were not sent. This is part of the projected number of requests in FY 26.

There is one attorney that consistently volunteers and is appointed when the GSP makes requests. She accounts for approximately 150 cases for FY 22 – 24. She is planning on retirement. A portion of her cases, using the average of 44%, totals a minimum of 66 incremental cases that would not have been filled by the GSP.

It is anticipated, based on a new recommendation adopted by district judges statewide indicating an attorney should be appointed in guardianship cases when a minor is turning 18, that attorney requests will increase by an incremental +/-20 cases per month.

The rate of increase from FY 22 to FY 24 is roughly 40% per year which equals 763 total cases projected for FY 26. This includes the natural growth of filed cases, and as best practices and consistency of when a request for an attorney should go to the GSP are shared with judges and judicial support staff, requests will increase.

- Add the extra 123 requests that should have been sent to the GSP but were not added to the projected numbers for FY 26.
- Add the extra 20 requests per month, which is a total of 240 requests for FY 26.
- Add the incremental 66 requests that will not be filled due to the retirement of the attorney mentioned above.
- This brings the total to 1,192 unfilled requests projected for FY 26.
- If 44% of these requests remain unfilled, this funding request is based on 524 requests that need an attorney.

Recapping Expected Requests:

Baseline for FY 2026 with growth:	763
Extra requests never sent to GSP:	123
Adoption of district judge recommendation:	240
Retirement of GSP over achiever attorney:	66
Total FY 2026 expected requests	1,192
Baseline never filled by GSP	44%
FY 2026 Contract attorney forecasted requests	524

Depending on the case specifics, an attorney appointed to represent a respondent in a guardianship case could take 5 to 15 hours of work until the case is resolved. This averages out to 10 hours per case. The average pay that an attorney working for the State of Utah receives is \$70 hourly.

- 524 requests x 10 hours per case = 5,240 hours
- 5240 hours x \$70 hourly = \$366,800

3. **Scalability:** Describe the potential impact if a portion of the request is recommended or scaled over more than one year. What would be the impact of multiple variations of reduced funding (e.g., 10%, 50%), and explain why the request should be funded this budget cycle.

Because this request is driven by a statutory mandate, this project would not be prime for a scalable rate. If a scalable portion of the funding is granted, some respondents in guardianship cases would not benefit from legal representation, contrary to the statutory requirement.

4. **Future Obligations:** What future funding or policy obligations does this request create? (E.g., operations and maintenance, multi-year scale up.)

Yes. This funding request would be ongoing to continue to comply with statute. If the statute remains in place, it is expected that future funding increases will be required to assist with the growing caseload.

5. **Current Resources:** Summarize what the agency has already contributed toward addressing this and related issues. Describe any efforts to create savings to address this issue.

Currently, the GSP uses the Paladin Program through the Utah State Bar to seek an attorney who will volunteer their time to represent the respondent. The Paladin Program offers attorneys pro bono opportunities. An email is also sent out to attorneys who have asked to be on the email list, which is more local to each district. Attorneys who volunteer as part of the GSP may request reimbursement from the respondent in the specific case they are part of. This reimbursement will be based on the Modest Means scale and will come from the Utah State Bar. Other than this possible reimbursement, the GSP does not have any funds to incentivize attorneys to assist with the mandatory appointment of counsel in guardianship cases.

Other programs that mirror the GSP's objectives are the Guardian ad Litem (GAL) office and the Legal Defender Association (LDA). Obviously, comparisons between these offices are hard to make given the different statutory needs, but the need for and importance of legal representation to respondents in

guardianship cases cannot be overstated.

The Utah State Bar's pro bono volunteer program, Paladin, has been used with their permission to more broadly advertise GSP opportunities. The current practice of emailing a group of attorneys local to the district where the case is filed will continue. Clerical teams from each district have informal conversations with attorneys in their area about volunteering to be on the local email list.

Court visitors were given statutory authority to investigate and provide a report to the court about a respondent's lack of representation. This has been used in a very limited way, as the court visitor program depends on volunteers to complete these reports and investigations. Court visitors only receive reimbursement for travel expenses. Due to the volume of requests where an attorney is required, the court visitor program does not have enough volunteers to cover all the requests. Respondents are left without an advocate, and courts face a longer time before the request for guardianship can be resolved.

These resources will be bolstered by the funding where two attorneys can be relied upon to represent respondents and meet the statutory requirement.

STRATEGIC ALIGNMENT

- 6. Explain how this request aligns with the agency's strategic plan or the governor's priorities. Be specific.*

Respondents in guardianship cases lose a variety of freedoms that are available to every person when a guardian is appointed. Even a limited, temporary guardianship curtails a person's ability to manage finances and day-to-day choices. Having access to an attorney will ensure that the guardianship is necessary, and that the respondent will retain, as much as possible, control and choice while the guardianship is in place.

The AOC's Guardianship Reporting and Monitoring Program (GRAMP) can measure the value the requested funding will provide to guardianship cases. Using a variety of tools, GRAMP will be able to capture the average number of days a respondent is waiting for an attorney to be appointed, how many respondents will have an attorney, the type and scope of guardianship (full, limited, etc.), and how long it took for the guardianship request to be resolved. This can be compared to prior years when funding was not in place.

These tools will include the case management system (CORIS) used by judges and judicial support staff, office management resources such as Excel, and the hours the funded attorneys spent representing respondents.

The Utah State Courts mission statement indicates that in all endeavors, the promotion of access to justice in a transparent, fair and efficient way is paramount. Providing vulnerable people access to legal resources during guardianship proceedings emphasizes this mission statement in the best possible way.

EVIDENCE & ANALYSIS

- Issue:** *Substantiate the **issue** and justify the proposed **solution** using supporting evidence (e.g., cost-benefit analysis for a procurement, program evaluation for an intervention, or published study for an evidence-based program).*

As noted, GRAMP is a team in the AOC dedicated to monitoring guardianship cases. The GRAMP team uses data from CORIS and in-house statistics to calculate the number of cases that need an attorney appointed, and how many attorneys have accepted the appointment.

- Performance measures:** *How will the agency measure the **value** created for Utah after one year and, if applicable, in future years.*

This request would help advance the mission of the courts to create and maintain a fair, open, efficient and independent system for the advancement of justice under the law. The Courts would have access to attorneys who are committed to representing respondents in guardianship cases, giving them access to justice in a way that is not currently open to them. It will also give judges and judicial support staff an easy and accessible way to comply with current law.

When a person is named as a respondent in a guardianship proceeding, they face the same loss of choice and rights as a defendant in a criminal case does. At the same time, people in this situation are struggling with mental, physical and emotional disabilities that only add to the possible confusion and disruption that any legal proceeding brings. Having access to legal representation that they choose, who advocates specifically for them, will give Utahns who require protection at their most vulnerable a resource not widely available.

COLLABORATION

- Please list other stakeholders or state agencies involved in developing this request.*

Many agencies and stakeholders have contributed to overcoming the problem inherent in the mandate for legal representation in the guardianship statute. The Working Interdisciplinary Network of Guardianship Stakeholders (WINGS) is a standing committee of the Judicial Council and has been heavily involved in this funding request.

LEGAL AUTHORITY

- Provide the statutory and administrative rule references that authorize or require this budget request. If this request requires statute or rule changes, describe them and indicate if the agency has notified the governor's general counsel and senior advisor for legislative affairs and policy.*

The guardianship statutes govern the provision that every respondent named in a guardianship petition be represented by "an attorney of their choice" as stated in Utah Code 75-5-303(2)(b). Also, in 75-5-303 it states

the requirements that must be met when the appointment of an attorney is not required, applicable only when the parent is the petitioner and their adult child is the respondent. And, even if the court determines that an attorney is not required, the appointment of a court visitor must still occur. In all other cases, the presence of an attorney cannot be waived.

Other statutory requirements for the appointment of counsel:

- Utah Code 75-5-301.5 lists the rights of a person alleged to be incapacitated and the rights of incapacitated person. The right to be represented by counsel before guardianship is imposed is first on the list.
- Utah Code 75-5-407(2) states that the court may appoint an attorney in conservatorship proceedings.
- Utah Code 75-5-207(4) states that the court may appoint an attorney in minor guardianship proceedings if the court determines that the interests of the minor are or may be inadequately represented.
- Utah Code 75-5-306(6) states that when a petition is filed to terminate a guardianship, the court shall follow the same procedures to safeguard the rights of the incapacitated person for a petition for appointment of a guardian under Section 75-5-303.

INTENT LANGUAGE

*11. If applicable, enter any necessary intent language. Please note that if this request is for a **grant (i.e., pass-through funding)** it requires intent language in accordance with the provisions of [Utah Code 63G-6b State Grants](#).*

No intent language is necessary. This is not a request to fund with grant funds. However, if the funding is provided, it would have to go directly to the agency / office that has agreed to fill requests for appointment of counsel in guardianship cases. The courts cannot pay attorneys to fill appointments made by the courts.

Tab 10



FY 2025 & FY 2026 - Legislative Requests Scoring Worksheet

Budget and Fiscal Management Ranking

#	Description	One-time FY 2025 Amount	Ongoing FY 2026 Amount	One-time FY 2026 Amount	Additional Description	Scoring - Appellate Board	Scoring - Juvenile Board	Scoring - District Board	BFMC Ranking
BFMC Ranking									
1	Appellate Court Judge		649,094		Funding to add one appellate court judge	1	1	4	1
2	Core Courthouse Workforce Retention		3,139,800		Funding for salary increases (both salary range and actual wages) to boost retention levels of the Judiciary's core courthouse workforce.	2	3	6	2
3	Twenty Five Judicial Assistants		2,321,900	72,800	Funding to increase the clerical staff of the judiciary by 25 additional judicial assistants to meet the needs of an increasing workload.	8	6	8	3
4	IT Essential Software Funding		963,000		Funding for licensing of critical IT software and necessary expansion of coverage.	4	8	5	4
5	Juvenile Court Judicial Officers		1,624,500		Funding for two juvenile court judges, judicial support personnel and probation officer positions, and Guardian ad Litem for the First and 4th District juvenile Courts.	5/6	2	2	5
5	District Court Judicial Officers		4,052,200	1,223,500	Funding for 7 district court judicial officers, support staff, ongoing operational expenses and funding to finish one shell courtroom.	5/6	4	1	5
6	JWI Funding	450,000	1,470,000		Funding for JWI ongoing expenses	3	5	3	6
7	Signature Guardianship Program		366,800		Funding to support the equivalent of two contract attorneys. Funding would provide a consistent resource to provide individuals who are found to be incapacitated with legal representation and ensure individual needs are met.	7	7	7	7
Total Courts Legislative Requests		\$ 450,000	\$ 14,587,294	\$ 1,296,300					

Note: All Boards use Scoring methodology of a simple ranking with #1 the highest score.

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

Tab 11

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

Minutes

July 8, 2024

**Meeting held virtually through WebEx
12:00 p.m. – 1:15 p.m.**

Members Present:

Hon. Elizabeth Lindsley
Hon Brian Brower
Hon. Keith Barnes

Excused:

Justice Paige Petersen
Margaret Plane, Esq.

Guests:

Brett Folkman
Mark Urry, TCE, Fourth District Court
Judge Kirk Morgan
Judge Douglas Nielsen
Judge Kate Appleby
Erin Rhead
Keri Sargent
Shelly Waite
Daniel Meza Rincon
Jessica Leavitt

AOC Staff Present:

Ron Gordon
Neira Siaperas
Michael Drechsel
Shane Bahr
Sonia Sweeney
Jim Peters
Nick Stiles
Brody Arishita
Todd Eaton
Chris Talbot
Bart Olsen
Nick Stiles
Nathanael Player
Jeremy Marsh
Jon Puente
Jordan Murray
Karl Sweeney
Alisha Johnson
Kelly Moreira
Sheri Knighton
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 Brower moved to approve the June 10, 2024, minutes, as presented. Judge Barnes seconded the motion, and it passed unanimously.

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

Ongoing Turnover Savings (“OTS”)/FY 2025 Carryforward and Ongoing Requests – Alisha Johnson reviewed the period 12 financials and gave an update on OTS. OTS for FY24 actual YTD is \$1,024,034. Forecasted FY24 OTS for the remaining payrolls in FY 2024 is \$50,000 and when combined with the deficit \$54,821 carried over from FY23, the forecasted YE 2024 OTS is estimated to be \$1,274,034.

As of 7/2/2024, the OTS schedule shows \$200,000 of hot spot raises as uses that have been pre-authorized by delegated authority from the Judicial Council, AOC Finance is forecasting that we will have \$1,074,034 in OTS available for discretionary use. The FY 2025 Carryforward and Ongoing Requests schedule adds case processing legislative funds to the OTS and shows an incremental \$402,800 in unobligated ongoing funds bringing the total ongoing funds available for discretionary use to \$ 1,500,634 from which uses of \$1,512,150 has been approved by the Judicial Council leaving a deficit of (\$11,516) in ongoing funds. This shortfall will be trued up after all personnel who have been hired through 6/30/2024 have selected medical benefits. This final step is expected to fully fund this temporary shortfall.



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

#	Funding Type	Actual Amount YTD	Forecasted Amount @ YE
	Internal Savings	(54,820.52)	(54,820.52)
	Internal Savings	1,278,854.14	1,278,854.14
1	Internal Savings	-	50,000.00
TOTAL SAVINGS		1,224,033.62	1,274,033.62
2		(200,000.00)	(200,000.00)
TOTAL USES		(200,000.00)	(200,000.00)
3 Total Actual/Forecasted Turnover Savings for FY 2024		1,024,033.62	1,074,033.62

Prior Report Totals (as of 05/29/2024, with the contingent amount removed)

946,674.83

1,046,674.83

- * Ongoing turnover savings only happens when a vacant position is filled at a lower rate and / or with lower benefits.
- * There are currently 21 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, 39.7 FTE are vacant.
- 1 We are currently forecasting \$50,000 for year end benefit selections and actions. Not all HR actions have been entered yet even though the FY has ended.
- 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 12

7/3/2024

Funding Sources

	One Time	Ongoing
OTS carried over from FY 2023		\$ (54,820.52)
Forecasted YE OTS from FY 2024*		\$ 1,328,854.14
Subtotal		\$ 1,274,033.62
Unobligated Fiscal Note Funds - District Court (net)	\$ (8,600)	\$ 402,800.00
Unobligated Fiscal Note Funds - Juvenile Court		\$ 26,000.00
Unobligated Fiscal Note Funds - Admin		\$ (2,200.00)
Expected Carryforward Amount from Fiscal Year 2024	\$ 3,061,836	\$ -
Total Available Funding	\$ 3,053,236	\$ 1,700,633.62
Less: Judicial Council Delegated to State Court Administrator for Discretionary Use	\$ (250,000)	\$ (200,000)
Net Ongoing TOS Available for Use	\$ 2,803,236	\$ 1,500,633.62

Ongoing Requests

		Presented		Judicial Council Approved	
		One Time	Ongoing	One Time	Ongoing
1	Performance Raises		\$ 450,000		\$ 450,000
	Withdraw Request #1		\$ (450,000)		\$ (450,000)
2	Judiciary Amendments (SB 70) - Shortfall Funding - Ron Gordon		\$ 366,900		\$ 366,900
3	Education Budget Deficit - Lauren Andersen		\$ 241,400		\$ 241,400
4	4th District Insufficient Operating Budget - Mark Urry / Karl Sweeney		\$ 46,000		\$ 46,000
5^	Partially Fund IT Software Not Funded by Legislature - Brody Arishita / Karl Sweeney		\$ 350,000		\$ 350,000
6	Internal Audit Insufficient Operating Budget - Wayne Kidd		\$ 10,000		\$ 10,000
7	ICJ Annual Request - per Statute - Sonia Sweeney		\$ 29,950		\$ 29,950
8	HR Travel / Training Insufficient Operating Budget - Jeremy Marsh		\$ 7,500		\$ 7,500
9	Contract Court JA Reimbursement Shortfall - Shane Bahr		\$ 21,700		\$ 21,700
10^	Law Library Assistant Not Funded by Legislature - Kaden Taylor	\$ 1,500	\$ 85,000	\$ 1,500	\$ 85,000
11^	Seventh District Training Coordinator Position Not Funded by Legislature - Travis Erickson		\$ 98,500		\$ 98,500
12	Deputy Clerk of Court - Appellate Court - Nick Stiles	\$ 2,000	\$ 116,200	\$ 2,000	\$ 116,200
13	Juvenile Law Clerk Attorney Position - Sonia Sweeney		\$ 139,000		\$ 139,000
	Subtotal	\$ 3,500	\$ 1,512,150	\$ 3,500	\$ 1,512,150
	Balance Remaining After Judicial Council Approvals			\$ 2,799,736	\$ (11,516)
	Balance Remaining Inclusive of "Presented"	\$ 2,799,736	\$ (11,516)		

One Time Requests

		Presented		Judicial Council Approved	
		One Time	Ongoing	One Time	Ongoing
1	2nd District - Conversion/Upgrade for Judicial Settlement Conference Rms - Glen Proctor	\$ 22,600		\$ 22,600	
2*	Employee Wellness Resources - Ron Gordon and Karl Sweeney	\$ 112,950		\$ 112,950	
3*	Courts EcoPass Program - Suzette Deans / Karl Sweeney	\$ 60,000		\$ 60,000	
4*	Education Assistance Program Funding - Alisha Johnson	\$ 85,000		\$ 85,000	
5*	HR Applicant Tracking - Bart Olsen and Jeremy Marsh	\$ 20,900		\$ 20,900	
6*	IT Stipend for Technology Subject Matter Experts - Todd Eaton / Jace Kinder	\$ 65,000		\$ 65,000	
7*	IT Replacement Inventory - Todd Eaton	\$ 364,000		\$ 364,000	
8*	Network / System Maintenance - Staff Augmentation - Todd Eaton / Chris Talbot	\$ 50,000		\$ 50,000	
9*	Employee Incentive Awards - Bart Olsen, Erin Rhead, Alisha Johnson	\$ 280,000		\$ 280,000	
10	Retention of Contract Developers - Brody Arishita / Todd Eaton	\$ 682,000		\$ 682,000	
11	Subscription to Westlaw Precision Preferred with AI-Assisted Research - Keisa Williams	\$ 16,000		\$ 16,000	
12*	FY 2025 Q1/Q2 Bonus Payments - Karl Sweeney / Bart Olsen	\$ 450,000		\$ 450,000	
13*	Secondary Language Stipend - Jon Puente / Jessica Leavitt	\$ 166,400		\$ 166,400	
14	Third District Juvenile - Village Project Mentor Program - Tiffany Power	\$ 8,500		\$ 8,500	
15	AOC Communications - New Style Guide Resources - Tania Mashburn	\$ 27,000		\$ 27,000	
16*	FY 2025 Contract Court Site Supplemental Funds - Shane Bahr	\$ 10,000		\$ 10,000	
17	IT Webex Virtual Hearing Improvement Project - Brody Arishita	\$ 150,000		\$ 150,000	
18	MyCase Critical Functionality - Self Help Center - Jonathan Mark and Nathanael Player	\$ 265,000		\$ 265,000	
	Subtotal	\$ 2,835,350	\$ -	\$ 2,835,350	\$ -
	Balance Remaining After Judicial Council Approvals			\$ (35,614)	\$ (11,516)
+	Balance Remaining Inclusive of "Presented"	\$ (35,614)	\$ (11,516)		

One-Time Turnover Savings/ FY 2024 YE Requests - One-time TOS are generated from position vacancies and reimbursements of payroll expenditures with ARPA funds. Our forecast of one-time TOS for FY 2024 (before any uses are deducted) is estimated to be \$2.887M. 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 \$1,223,241 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 06/21/2024 (2,040 out of 2,080 hours)

#	Description	Funding Type	Actual Amount
1	One Time Turnover Savings (from actual payroll data versus budget as of PPE 06/21/2024)	Internal Savings	2,263,709.02
2	YTD Amount Anticipated to be Reimbursed through ARPA Funding (as of PPE 06/21/2024)	Reimbursements	583,335.99
3	Est. One Time Savings for 40 remaining pay hours (@ \$1,000 / pay hour)	Internal Savings (Est.)	40,000.00
Total Potential One Time Savings			2,887,045.01

Prior Report Totals (as of PPE 5/10/2024) \$ 3,101,107.61

- * Actual per hour turnover savings for the last 4 2024 pay periods (oldest to newest) are \$1,405.67, \$709.75, \$751.33, and -\$426.59. The average per hour turnover savings YTD was \$395.61. These numbers do include ARPA reimbursements.
- * Forecast was changed from \$1,200 to \$800 per pay hour based upon last three pay periods.
- * Negative per hour amount in PPE 6/21/24 is due to increase in incentive award payouts at the end of the fiscal year and increase in statutory pay due to Judicial increase going into effect for PPE 6/21/24 for Judges.



FY 2024 Year End Requests and Forecasted Available One-time Funds - Period 12

Forecasted Available One-time Funds			# One-time Spending Plan Requests		Adjusted Requests	Judicial Council Approved	
Description	Funding Type	Amount			Amount	Amount	
Sources of YE 2024 Funds							
* 1x TOS as of PPE 06/21/2024 (2,040 hrs) (w/ anticipated ARPA reimbursements)	Turnover Savings	2,847,045	1	Employee Wellness Resources		107,450	
** Turnover savings Estimate for the rest of the year (\$800 x 40 pay hours)	Turnover Savings	40,000	2	JWI Centralized Scheduler Software - <i>Legislatively Funded</i>	\$	-	
Total Potential One Time Turnover Savings		2,887,045	3	JWI Media Outreach Interpreter Recruiting - <i>Legislatively Funded</i>	\$	-	
Less: Judicial Council Delegated to State Court Administrator for Discretionary Use		(250,000)	4	JWI Interpreter Trainer - <i>Legislatively Funded</i>	\$	-	
Less: Legislative Cut 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		2,037,045	6	JWI Increase to 2 Hour Minimum - <i>Legislatively Funded</i>	\$	-	
Operational Savings From TCE / AOC Budgets - Forecasted	Internal Operating Savings	1,020,244	7	JWI Higher Pay for Rural Assignments - <i>Legislatively Funded</i>	\$	-	
Unused Carryforward Request - Webex Virtual Hearing Improvement	Unused Carryforward	150,000	8	Q1/Q2 Performance Bonuses - PAID		450,000	
Reserve Balance (balance from FY 2023 Carryforward)	Judicial Council Reserve	52,997	9	Senior Judge and Time Limited JA Funding - <i>Legislatively Funded</i>	\$	-	
Anticipated Reserve Uses - including previously approved and pending requests	Jud. Council Reserve Uses	-	Previously Approved 1x FY 2024 YE Spending Request				587,450
(b) Total Operational Savings and Reserve		1,223,241					
(c) Total of Turnover Savings & Operational Savings = (a) + (b)		3,260,286					
Legislative Supplemental Funding:							
American Fork Lease Increases (originally a carryforward request for FY 2024)	Legislative Contingent	389,000					
(d) Subtotal - Legislative Supplemental Funding		389,000					
Uses of YE 2024 Funds							
(e) Less: Judicial Council Requests Previously Approved		(587,450)					
Total Potential Carryforward = (c) + (d) less (e) (Legislature approved up to \$3.2M)		3,061,836					

- * Actual turnover savings as calculated on a pay period basis through 06/21/2024.
- ** Actual per hour turnover savings for the last 4 2024 pay periods (oldest to newest) are \$1,405.67, \$709.75, \$751.33, and -\$426.59. The average per hour turnover savings YTD was \$395.61. 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 Expenditures – We have expended \$13.3M of ARPA funds as of July 2, 2024. This leaves an available balance of \$1.7M of the \$15 million that was awarded to the courts.



ARPA Expenses as of 7/2/2024 (period 12 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	3,015,515.10	10,671,237.52	1,702,162.48
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	142,478.90	314,115.38	10,384.62
TOTAL	15,000,000	3,750,430.78	5,792,026.58	3,744,995.54	13,287,452.90	1,712,547.10

Expenditures added since last report: \$ 401,556.55

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

Historical Trends (period 12 not yet closed)

IT Access to Justice Use - Last 3 Periods

Period 10	Period 11	Period 12
\$ 150,929.50	\$ 166,146.45	\$ 363,685.18

Legal Sandbox - Last 3 Periods

Period 10	Period 11	Period 12
\$ 13,173.96	\$ 15,039.26	\$ 15,946.37

New Period 11 Expenses: \$ 21,925.00

New Period 12 Expenses: \$ 379,631.55

TOTAL INCREASE FROM PRIOR TOTAL EXPENDED AMOUNT: \$ 401,556.55

3. Requests for Funding (Karl Sweeney – “Presenter”)

FY2026 Legislative Requests

1. IT Essential Software – IT (Brody Arishita “Presenter”)

Brody Arishita is requesting \$1,016,000 in FY26 ongoing funds for essential IT licenses and programing. To advance access to justice in the Utah Courts by improving & maintaining the Courts’ information technology infrastructure and development through requesting ongoing funds for the licensing of critical IT software and, as necessary, expanding coverage. These requests will enable the Courts to move forward in our efforts to serve the people of the state of Utah as they increasingly interact with the Courts virtually. The \$1,016,000 in ongoing general funds will be used as follows:

A	Microsoft Enterprise Agreement*	\$250,000
B	Continued software licensing for Clean Slate Legislation (Senzing)*	\$25,000
C	FTR (For the Record)*	\$220,000
D	Adobe eSignatures*	\$300,000
E	Appellate eFiling*	\$40,000
F	Adobe Acrobat Pro Enterprise*	\$128,000
G	PolicyPak*	\$53,000
	Total	\$1,016,000

Brody said that they have gotten the amount they need down to \$963,000.

Motion: No motion, will wait until the August meeting.

2. Juvenile Court Judicial Officers (Judge Nielsen, Judge Morgan, Sonia Sweeney, Shelly Waite, and Brett Folkman “Presenter”)

The Board of Juvenile Court Judges requests ongoing funding in the amount of \$1,624,500 for two juvenile court judges, judicial support personnel and probation officer positions, and Guardians ad Litem for the First and Fourth District Juvenile Courts to meet the needs of those communities.

FTEs Requested: 10.00

- Two Judges
- One Clerical Team Manager
- Three Judicial Assistants
- Two Probation Officers
- Two Guardians ad Litem
- Travel and Operating Expenses

Total \$1,624,500

Similar to rural areas, juvenile judges help support district court work. Judge Lindsley suggested that we highlight in this request that similar to other rural districts, the juvenile Court is called on to help the district court and that does increase the juvenile court judge's workload, so not just limiting it to 1st district, but talking how statewide in our rural districts picking up that slack is important.

Motion: No motion, will wait until the August meeting.

3. District Court Judicial Officers (Judge Kendall and Shane Bahr “Presenters”)

The Board of District Court Judges requests \$5,275,700 to fund seven (7) new district court judicial officers, support staff, ongoing operating expenses, and funding to finish one shelled courtroom.

This request includes \$4,052,200 in ongoing funds for:

- 5 District Court Judges
- 2 District Court Commissioners
- 14 Judicial Assistant FTEs
- 2.5 Law Clerk Attorney FTEs
- Ongoing IT, Operating and Travel Costs

This request also includes \$1,223,500 in one-time funding to finish the shelled courtroom located in the Tooele District Courthouse.

Request will be revised to add an overview of what each district courts are facing. Judge Barnes would like to see the districts priorities. The board has made some prioritization of they made priorities of what they feel like that should be. At some point the Judicial Council will need the list to prioritize the request.

Motion: No motion, will wait until the August meeting.

4. JWI Funding (Jon Puente “Presenter”)

This request is for \$440,000 in FY25 one-time funds and \$1,370,000 in FY26 Ongoing funds. The funding will be used as follows:

\$445,000 one-time funds to fund current JWI fund deficit
\$400,000 ongoing funds to fund current JWI fund deficit
\$970,000 ongoing funds to hire additional employee staff interpreters.

Revise request to show that ongoing money we received from the legislature went for positions and we have other growth in operating needs that we are requesting additional ongoing funds to address.

Motion: No motion, will wait until the August meeting.

5. Signature Guardianship Program (Keri Sargent “Presenter”)

The Administrative Office of the Courts (AOC) is seeking \$366,800 to support the equivalent of two contract attorneys who will work through a related agency to represent respondents who have been named in guardianship cases where the respondent and the respondent’s parents are both found to be indigent. This funding would provide a consistent resource to provide individuals who are found to be incapacitated with legal representation as mandated in Utah Code 75-5-303(2), ensure individual needs and best interests are being met, and allow guardianship cases to proceed through the court system without unnecessary delay.

Motion: No motion, will wait until the August meeting.

6. Twenty-Five Judicial Assistants (Ron Gordon, Bart Olsen, and Jeremy Marsh “Presenters”)

This is a request for ongoing funds in the amount of \$2.168M to increase the clerical staff of the judiciary to meet the needs of an increasing caseload.

Adding 22 JA’s, 2 JCM’s, and a TM will cost a total of \$2.168M.

- JA - \$84,700 x 22 positions = \$1,863,400
- JCM - \$99,200 x 2 positions = \$198,400
- TM - \$105,900 x 1 position = \$105,900

Total – \$2,167,700

This is not a new project or program but a small expansion of our core workforce. The 25 new positions would be a 5% increase in our Judicial Assistant workforce.

Motion: No motion, will wait until the August meeting.

7. Appellate Court Judge (Nick Stiles “Presenter”)

This request is for \$649,094 to fund a Appellate court judge. Utah created the seven-member Court of Appeals in 1987. The Court of Appeals has not added any new judges since its inception.

Motion: No motion, will wait until the August meeting.

8. Core Courthouse Workforce Retention (Ron Gordon, Bart Olsen, Jeremy Marsh, and Erin Rhead “Presenters”)

This \$3M request seeks legislative funding for salary increases (both salary range and actual wages) to boost retention levels of the Judiciary’s core courthouse workforce. The Judiciary’s bench faces an increasingly difficult challenge to retain a sufficient level of institutional knowledge in its workforce. Over the last three years, the Judiciary has continued to face a stubbornly high turnover rate of around 21% in its core courthouse workforce.

Motion: No motion, will wait until the August meeting.

FY2025 Carryforward Requests

19. Develop On-Line Water Law Curriculum for Judges – Phase 1 (Judge Appleby and Ron Gordon “Presenters”)

Judge Kate Appleby is requesting \$20,000 to continue partnership to produce critical water law training. Last year, the Judicial Council approved a contribution of \$40,000 to an early effort to produce online, on-demand water law training for judges. With that investment, the Utah Judiciary partnered with Dividing the Waters (“DTW”) and Southern Utah University to produce the first of several training modules. In March 2024, Judge Kate Appleby and Dr. Don Judges demonstrated the first training module (water law basics) to the Judicial Council. The training is professionally produced, narrated by subject matter experts, and provides relevant and high-quality information for judges overseeing water law cases. This training has very quickly become one of the most important water law training resources in the country. The value of the training greatly exceeds our initial investment. This request allows the Utah Judiciary and its partners to continue producing critical water law training.

Motion: Judge Brian Brower made a motion to forward this carryforward request on to the Judicial Council with a recommendation to approve. Judge Keith Barnes seconded the motion, and it passed unanimously.

4. Minimal Fees for Governmental Entity Definition Adoption Follow-up (Keri Sargent and Daniel Meza Rincon– “Presenters”)

Daniel Rincon gave a brief follow-up on questions received from the committee at the last meeting. Daniel will revise the memo and the request to incorporate the questions and answers discussed in the meeting.

Motion: Judge Brower motioned to forward to the council a recommendation to update the accounting manual defining minimal as \$10 or less. Judge Keith Barnes seconded the motion, and it passed unanimously.

Next step would be to work on submitting a proposal to change the rule so if audio is shared via FTR it would be \$10 and \$15 for other audio.

4. New Business/Old Business

Judge Elizabeth Lindsley requested that Karl send Justice Petersen and Margaret Plane an email and make them aware that we definitely need to make sure everyone is available for the August 2024 BFMCmeeting.

Adjourned at 1:33 p.m.

Next meeting August 8, 2024

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

Webex video conferencing
June 14, 2024 – 12 p.m.

MEMBERS:	PRESENT	EXCUSED	GUESTS:
Judge Samuel Chiara, <i>Chair</i>	✓		Nick Stiles
Judge Suchada Bazzelle	✓		Paul Barron
Judge Jon Carpenter	✓		Keri Sargent
Judge Michael DiReda	✓		Sara Osmund
Judge James Gardner	✓		Amy Hernandez
			Shannon Treseder
			Shane Bahr
			STAFF:
			Keisa Williams
			Brody Arishita

(1) Welcome and approval of minutes:

Judge Chiara welcomed committee members to the meeting. The committee considered the minutes from the May 17, 2024, meeting. With no changes, Judge Gardner moved to approve the minutes as presented. Judge Bazzelle seconded the motion. The motion passed unanimously.

**(2) CJA 1-205. Standing and ad hoc committees
CJA 3-422. Tribal Liaison Committee (NEW)**

The proposed amendments create a new standing committee, the Tribal Liaison Committee, which would serve as a core leadership team for the courts’ Tribal Liaison and provide subject matter expertise to the Council regarding matters impacting both the judiciary and tribal courts.

Judge Gardner moved to recommend to the Judicial Council that the amendments to CJA rule 1-205 and 3-422 be published for a 45-day public comment period. Judge Bazzelle seconded the motion. The motion passed unanimously.

(3) CJA 3-501. Insurance benefits upon retirement

Bart Olsen and Sara Osmund reviewed proposed amendments to CJA rule 3-501 as described in detail in the memo included in the meeting materials. In summary, the current language in rule 3-501 lacks clear and concise information regarding insurance benefits upon retirement for judges, justices, and court commissioners. The proposed amendments were developed by the Human Resources Department to resolve existing issues and facilitate consistency and clarity on the administration of these benefits moving forward. Following a discussion, the Committee made minor, non-substantive changes.

Judge Gardner moved to recommend to the Judicial Council that the amendments to CJA rule 3-501 be published for a 45-day public comment period. Judge Bazzelle seconded the motion. The motion passed unanimously.

(4) CJA 2-102. Council agenda

The Management Committee tasked PP&T with drafting a rule:

- formalizing the existence of the Council’s consent calendar;
- listing the kinds of things that can be placed on the consent calendar;
- outlining the process for removing items from the consent calendar; and
- requiring a vote on the consent calendar.

Ms. Williams proposed adding language to CJA rule 2-102. Following a discussion, the Committee determined that “grant approvals” should be placed on the Council’s main agenda.

Judge DiReda moved to recommend to the Judicial Council that the amendments to CJA rule 2-102 be published for a 45-day public comment period. Judge Carpenter seconded the motion. The motion passed unanimously.

(3) CJA 4-101. Manner of appearance (NEW)

The Supreme Court published for comment proposed rules of civil, criminal, and juvenile procedure related to manner of appearance. The comment period ends July 5, 2024. Each of those rules is included in the packet. Ms. Williams noted that she amended the definitions in 4-101 to match those found in the procedural rules and included a notice provision to account for the various ways the court may respond to a request to appear by a different method.

There is an existing link on the court’s webpage regarding remote appearance. The page includes a comprehensive guide for pro se litigants on how to participate in remote proceedings. The Committee recommended that the webpage be amended to include guidance on how to participate in remote juvenile proceedings.

The Committee discussed whether notice must be provided in writing or may be provided in open court. The Committee determined that judges should have the option of providing notice in open court and that the substance of any written notice ((2)(A)-(2)(D)) should not be mandatory. The Committee amended the last sentence in paragraph (2) to read as follows: “Notice that is not provided in open court should include: ...”

The Committee copied language from Rule 87(a)(3) of the Utah Rules of Civil Procedure regarding the effect of one participant’s preference on other participants.

The Committee asked Ms. Williams to send a copy of the rule draft to Judge Mettler and the Supreme Court’s committee drafting associated rules of procedure.

Judge Carpenter moved to recommend to the Judicial Council that the amendments to CJA rule 4-101 be published for a 45-day public comment period. Judge Gardner seconded the motion. The motion passed unanimously.

Technology report/proposals:

The Technology Advisory Subcommittee (TAC) meets on July 1st to discuss the strategic plan. Mr. Arishita will report back.

Old Business/New Business:

The Committee reviewed and made minor amendments to the Judicial Inclusion Mentorship Program application and handbook.

Adjourn: With no further items for discussion, the meeting adjourned at 1:50 p.m. The next meeting will be held on July 5, 2024, at noon via Webex video conferencing.

Tab 12

**Budget and Grants Agenda
for the August 23, 2024
Judicial Council Meeting**

1. FYE 2024 Financial Update Alisha Johnson
(Item 1 - Discussion)
- FY 2024 Year End Requests and FINAL Available One-time Funds
 - FY2025 Carryforward and Ongoing Requests
 - FY 2025 YE Requests and Estimated Available 1x Funds

2. Requests for Funding Karl Sweeney
(Item 2 – Action)

FY 2025 Carryforward Request

12. Amended Q1/Q2 FY 2025 Performance Bonus Request..... Karl Sweeney

FY 2025 YE Spending Request

2. FY 2025 YE Spending Request – All Rise Utah Dinner Jon Puente

3. Byrne Grant GAP through CCJJJordan Murray, Amy Hernandez
(Item 3 – Action)

Item 1



FY 2024 Year End Requests and Forecasted Available One-time Funds - Final - as of 8/6/2024

Forecasted Available One-time Funds				#	One-time Spending Plan Requests	Adjusted Requests	Judicial Council Approved
	Description	Funding Type	Amount			Amount	Amount
Sources of YE 2024 Funds							
*	1x TOS as of PPE 07/05/2024 (2,080 hrs) (w/ anticipated ARPA reimbursements)	Turnover Savings	2,562,570	1	Employee Wellness Resources		107,450
**	Turnover savings Estimate for the rest of the year (\$800 x 0 pay hours)	Turnover Savings	-	2	JWI Centralized Scheduler Software - <i>Legislatively Funded</i>	\$	-
	Total Potential One Time Turnover Savings		2,562,570	3	JWI Media Outreach Interpreter Recruiting - <i>Legislatively Funded</i>	\$	-
	Less: Judicial Council Delegated to State Court Administrator for Discretionary Use		(250,000)	4	JWI Interpreter Trainer - <i>Legislatively Funded</i>	\$ -	\$ -
	Less: Legislative Cut 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		1,712,570	6	JWI Increase to 2 Hour Minimum - <i>Legislatively Funded</i>	\$ -	\$ -
	<i>Operational Savings From TCE / AOC Budgets</i>	<i>Internal Operating Savings</i>	1,339,870	7	JWI Higher Pay for Rural Assignments - <i>Legislatively Funded</i>	\$ -	\$ -
	<i>Unused Carryforward Request - Webex Virtual Hearing Improvement</i>	<i>Unused Carryforward</i>	150,000	8	Q1/Q2 Performance Bonuses - PAID		450,000
	<i>Reserve Balance (balance from FY 2023 Carryforward)</i>	<i>Judicial Council Reserve</i>	52,997	9	Senior Judge and Time Limited JA Funding - <i>Legislatively Funded</i>	\$ -	\$ -
	<i>Anticipated Reserve Uses - including previously approved and pending requests</i>	<i>Jud. Council Reserve Uses</i>	-				
(b)	Total Operational Savings and Reserve		1,542,867		Previously Approved 1x FY 2024 YE Spending Request		587,450
(c)	Total of Turnover Savings & Operational Savings = (a) + (b)		3,255,437				
	Legislative Supplemental Funding:						
	American Fork Lease Increases (originally a carryforward request for FY 2024)	<i>Legislative Contingent</i>	389,000				
(d)	Subtotal - Legislative Supplemental Funding		389,000				
	Uses of YE 2024 Funds						
	Less: Judicial Council Requests Previously Approved		(587,450)				
(e)	Subtotal - Uses of YE 2024 Funds		(677,846)				
	Total Potential Carryforward = (c) + (d) less (e) (Legislature approved up to \$3.2M)		2,966,591				
	Less: Wellness Council Portion of Carryforward		4,294				
	Available for Beginning Balance 2025		2,962,297				

Updated 08/06/2024

Last Reported (7/3/2024) \$ 3,061,836



FY 2025 Carryforward and Ongoing Requests - FINAL 2024

8/6/2024

Funding Sources

	One Time	Ongoing
OTS carried over from FY 2023		\$ (54,820.52)
Forecasted YE OTS from FY 2024*		\$ 1,382,392.11
Subtotal		\$ 1,327,571.59
Unobligated Fiscal Note Funds - District Court (net)	\$ (8,600)	\$ 402,800.00
Unobligated Fiscal Note Funds - Juvenile Court		\$ 26,000.00
Unobligated Fiscal Note Funds - Admin		\$ (2,200.00)
Expected Carryforward Amount from Fiscal Year 2024	\$ 2,962,297	\$ -
Total Available Funding	\$ 2,953,697	\$ 1,754,171.59
Less: Judicial Council Delegated to State Court Administrator for Discretionary Use		\$ (200,000)
Net Ongoing TOS Available for Use	\$ 2,703,697	\$ 1,554,171.59

Ongoing Requests

		Presented		Judicial Council Approved	
		One Time	Ongoing	One Time	Ongoing
1	Performance Raises		\$ 450,000		\$ 450,000
	Withdraw Request #1		\$ (450,000)		\$ (450,000)
2	Judiciary Amendments (SB 70) - Shortfall Funding - Ron Gordon		\$ 366,900		\$ 366,900
3	Education Budget Deficit - Lauren Andersen		\$ 241,400		\$ 241,400
4	4th District Insufficient Operating Budget - Mark Urry / Karl Sweeney		\$ 46,000		\$ 46,000
5^	Partially Fund IT Software Not Funded by Legislature - Brody Arishita / Karl Sweeney		\$ 350,000		\$ 350,000
6	Internal Audit Insufficient Operating Budget - Wayne Kidd		\$ 10,000		\$ 10,000
7	ICJ Annual Request - per Statute - Sonia Sweeney		\$ 29,950		\$ 29,950
8	HR Travel / Training Insufficient Operating Budget - Jeremy Marsh		\$ 7,500		\$ 7,500
9	Contract Court JA Reimbursement Shortfall - Shane Bahr		\$ 21,700		\$ 21,700
10^	Law Library Assistant Not Funded by Legislature- Kaden Taylor	\$ 1,500	\$ 85,000	\$ 1,500	\$ 85,000
11^	Seventh District Training Coordinator Position Not Funded by Legislature - Travis Erickson		\$ 98,500		\$ 98,500
12	Deputy Clerk of Court - Appellate Court - Nick Stiles	\$ 2,000	\$ 116,200	\$ 2,000	\$ 116,200
13	Juvenile Law Clerk Attorney Position - Sonia Sweeney		\$ 139,000		\$ 139,000
Subtotal		\$ 3,500	\$ 1,512,150	\$ 3,500	\$ 1,512,150
Balance Remaining After Judicial Council Approvals				\$ 2,700,197	\$ 42,022
Balance Remaining Inclusive of "Presented"		\$ 2,700,197	\$ 42,022		

One Time Requests

		Presented		Judicial Council Approved	
		One Time	Ongoing	One Time	Ongoing
1	2nd District - Conversion/Upgrade for Judicial Settlement Conference Rms - Glen Proctor	\$ 22,600		\$ 22,600	
2*	Employee Wellness Resources - Ron Gordon and Karl Sweeney	\$ 112,950		\$ 112,950	
3*	Courts EcoPass Program - Suzette Deans / Karl Sweeney	\$ 60,000		\$ 60,000	
4*	Education Assistance Program Funding - Alisha Johnson	\$ 85,000		\$ 85,000	
5*	HR Applicant Tracking - Bart Olsen and Jeremy Marsh	\$ 20,900		\$ 20,900	
6*	IT Stipend for Technology Subject Matter Experts - Todd Eaton / Jace Kinder	\$ 65,000		\$ 65,000	
7*	IT Replacement Inventory - Todd Eaton	\$ 364,000		\$ 364,000	
8*	Network / System Maintenance - Staff Augmentation - Todd Eaton / Chris Talbot	\$ 50,000		\$ 50,000	
9*	Employee Incentive Awards - Bart Olsen, Erin Rhead, Alisha Johnson	\$ 280,000		\$ 280,000	
10	Retention of Contract Developers - Brody Arishita / Todd Eaton	\$ 682,000		\$ 682,000	
11	Subscription to Westlaw Precision Preferred with AI-Assisted Research - Keisa Williams	\$ 16,000		\$ 16,000	
12*	FY 2025 Q1/Q2 Bonus Payments - Karl Sweeney / Bart Olsen	\$ 294,000		\$ 450,000	
13*	Secondary Language Stipend - Jon Puente / Jessica Leavitt	\$ 166,400		\$ 166,400	
14	Third District Juvenile - Village Project Mentor Program - Tiffany Power	\$ 8,500		\$ 8,500	
15	AOC Communications - New Style Guide Resources - Tania Mashburn	\$ 27,000		\$ 27,000	
16*	FY 2025 Contract Court Site Supplemental Funds - Shane Bahr	\$ 10,000		\$ 10,000	
17	IT Webex Virtual Hearing Improvement Project - Brody Arishita	\$ 150,000		\$ 150,000	
18	MyCase Critical Functionality - Self Help Center - Jonathan Mark and Nathanael Player	\$ 265,000		\$ 265,000	
19	Water Law Curriculum Phase 2 - Judge Kate Appleby and Ron Gordon	\$ 20,000		\$ 20,000	
Subtotal		\$ 2,699,350	\$ -	\$ 2,855,350	\$ -
Balance Remaining After Judicial Council Approvals				\$ (155,153)	\$ 42,022
+	Balance Remaining Inclusive of "Presented"	\$ 847	\$ 42,022		

Prior Report Balances (07/03/2024) \$ (55,614) \$ (11,516)

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.

^ - Request to Legislature was Not Funded

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 2025 Year End Requests and Forecasted Available One-time Funds - Period 1 Estimate

Forecasted Available One-time Funds				#	One-time Spending Plan Requests	Adjusted Requests	Judicial Council Approved
	Description	Funding Type	Amount			Amount	Amount
Sources of YE 2025 Funds							
*	Turnover Savings as of PPE xx/xx/xxxx (no entries yet)	Turnover Savings	-	1	Tooele Courtroom Construction Contingency (10%)	\$ -	451,427
	Turnover savings Estimate for the rest of the year (\$1,200 x 2088 pay hours)	Turnover Savings	2,505,600	2	All Rise Utah Welcome Dinner	\$ 10,000	
	Total Potential One Time Turnover Savings		2,505,600				
	Less: Judicial Council Delegated to State Court Administrator for Discretionary Use		(250,000)				
(a)	Total Potential One Time Turnover Savings Less Discretionary Use		2,255,600				
	Operational Savings From TCE / AOC Budgets - Estimate	Internal Operating Savings	800,000				
	Reserve Balance (balance from FY 2024 Carryforward)	Judicial Council Reserve	847				
	Anticipated Reserve Uses - including previously approved and pending requests	Jud. Council Reserve Uses	-				
(b)	Total Operational Savings and Reserve		800,847				
(c)	Total of Turnover Savings & Operational Savings = (a) + (b)		3,056,447				
Uses of YE 2025 Funds							
(e)	Carryforward into FY 2026 (Anticipate request to Legislature for \$3,200,000)	FY 2026 Carryforward	(2,500,000)				
Total Potential One Time Savings = (c) + (d) less Carryforward (e)			556,447				
Less: Judicial Council Requests Previously Approved			(451,427)				
Remaining Forecasted Funds Available for FY 2025 YE Spending Requests			105,020				

Previously Approved 1x FY 2024 YE Spending Request	10,000	451,427
---	---------------	----------------

Updated 8/7/2024

* No actual turnover savings has been calculated

(a) This amount approximates the actual FY 2024 1x turnover savings

(b) Operational Savings from TCE / AOC Budgets will be updated in January / February 2025.

Exhibit A

Facilities Spending Plan for Large Projects FY25 - 5/28/24

	Credits in FY25 Only	Sources	Uses	Details
	Richfield Bond	\$ 219,000		To be reallocated to Heber rent in FY26
	Farmington Bond	\$ 399,000		To be reallocated to Heber rent in FY26
	Heber Additional Rent	\$ 163,000		To be reallocated to Heber rent in FY26
	50% Annual Carry Over	\$ -		
	Court Complex Surplus*	\$ 800,000		Approved one-time for AF hearing room
	Facilities Self Funding Total	\$ 1,581,000		
Number	Projects			
1	Provo FF&E		\$ 60,000	Paid \$227K in FY24
2	Heber FF&E **		\$ -	
3	Manti Security Systems ***		\$ -	
4	Manti FF&E Overage		\$ 72,000	
5	Roosevelt Design and TI		\$ 269,274	
6	Provo AV Equipment		\$ 285,000	
7	Provo Security Equipment		\$ 42,000	Paid \$28K in FY24
8	AOC 3rd Floor Furniture		\$ 167,000	
9	AF Hearing Room Const		\$ 500,000	
10	AF Chambers, Office & Support Space Const		\$ 275,000	
11	AF FF&E		\$ 65,000	
12	WJ Juv Shell Buildout		\$ 1,655,000	
13	Math 1st Floor Courtroom Const		\$ 720,000	
14	Math 1st Floor Chambers & Support Spaces Const		\$ 309,000	
15	Math 1st floor courtroom FF&E		\$ 95,000	
	Sub Total		\$ 4,514,274	
	Less Facilities Self Funding Total		\$ (1,581,000)	
	Net Additional Funds Needed		\$ 2,933,274	
	10% Contingency on Sub Total		\$ 451,427	
	Total with 10% Contingency		\$ 3,384,701	
	Funding with CCCF Funds	\$ 2,743,000		REQUESTED
	Funding with FY 2025 YE 1x TOS	\$ 641,701		Will request by September 2024
		\$ 3,384,701		
	* Spend down the CCF surplus to \$500K			
	** \$400K to be paid to Wasatch Co. towards furniture package before 6/30			
	*** Funding provided by security funds			

Item 2

12. FY 2025 Carryforward Spending Request – FY 2025 Q1/Q2 Performance Bonus Payments

The Judicial Branch receives budget funds annually through the Legislative appropriations process. Funds appropriated for FY 2024 are normally to be spent between July 1, 2023 and June 30, 2024; however **the Legislature has approved the Judicial Branch to carryforward up to \$3.2M in unspent FY 2024 funds into FY 2025 (we will submit the lesser of \$3.2M or the actual amount of carryforward funds available).** This is a request to the Budget and Fiscal Management Committee/Judicial Council to allocate the use of some of these FY 2024 carryforward funds for one-time projects that will be delivered in FY 2025.

Date: 8/1/2024

Department or District: AOC Administrators

Requested by: Karl Sweeney and Bart Olsen

REVISED

Request title: FY 2025 Q1/Q2 Performance Bonus Payments

Amount requested: \$294,000 of 1x Turnover Savings (TOS) (\$200,000 in cash payments + \$94,000 in Retirement/employer taxes)

Purpose of funding request: *Due to various factors including a decrease in the 1x TOS rate in the last quarter of FY 2024 due to fewer vacant positions and some Courts supplemental funding to the JWI fund, we are lowering this request from \$450,000 to \$294,000 to match carryforward funds available. By the end of September 2024, if our FY 2025 forecast supports it, we will bring back to BFMC/JC a YE 2025 1x Request of \$156,000 to increase the FY 2025 Q1/Q2 Performance Bonus funding back to a total of \$450,000.*

The conversion of the Court’s incentive plans to a court-wide incentive plan (as approved by the Judicial Council in May 2021) includes a performance-based bonus plan. Under this plan all non-judicial Court employees have the opportunity to receive a Performance Bonus using one-time Turnover Savings (1x TOS) similar to the one-time Incentive Bonus payments that were made in Spring FY 2021 and twice in FY 2022 and FY 2023 (see table below).

Due to lower open positions experienced in FY 2024, the payments for FY2024 were limited to \$450,000 for Q1/Q2 2024. No performance bonus funds were paid for Q3/Q4 2024. The totals for all bonus plans for the last 4 years are shown below:

	FY 2021	FY 2022	FY 2023	Q1/Q2 FY 2024	Q3/Q4 FY 2024
Payment in spring 2021	\$990,300				
Performance Bonus Payments		\$730,000	\$900,000	\$450,000	None
Career Ladder 1x Payments		\$243,000			
Total	\$990,300	\$973,000	\$900,000	\$450,000	

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

Because of the importance of regularly recognizing high performing employees, we are requesting \$294,000 be funded for the first two quarters of FY 2025 through carryforward funds. Because these funds are already available, approving this request will ensure that a large portion of FY 2025 Q1/Q2 performance bonus payments can be made (generally these payments go out in December).

Performance Bonuses are based on completion of milestones in performance expectations. They are generally the largest type of one-time compensation that can be given to non-judicial officer employees. They are authorized by the Judicial Council by request from the State Court and Deputy State Court Administrators and funded from 1x turnover/operational savings. Payment of Performance Bonuses is a

12. FY 2025 Carryforward Spending Request – FY 2025 Q1/Q2 Performance Bonus Payments

critical piece of the Court’s compensation strategy. However, request amounts may vary year to year depending on the (1) amount of 1x Turnover Savings and (2) the competing demands for those funds.

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

REVISED

Bonus payments at the end of Q2 of FY 2025 for Q1/Q2 not only immediately reinforce the accomplishment of an employee’s goals but serve to assure employees that the Performance Bonus plan can continue to be relied upon as part of the total compensation plan for the Courts.

The Courts in FY 2024 generated around \$4.0M in 1x TOS and operational savings (compared to \$5.8M in FY 2023). Open positions for FY 2024 ran between 30 and 35 at any given time vs between 40 and 60 in FY 2023.

The FY 2025 Q3/Q4 performance bonus request will not be made until April 2025 and only after we have more certainty that our 1x TOS will be sufficient to support a second performance bonus payment in FY 2025.

Alternative funding sources, if any:

None.

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

It would potentially accelerate turnover in critical positions.

2. FY 2025 YE Spending Request – All Rise Welcome Dinner

The Judicial Branch receives budget funds through the Legislative appropriations process. Funds appropriated for FY 2025 are to be spent between July 1, 2024 and June 30, 2025; however current spending forecasts indicate the Courts will not fully expend our appropriations by June 30, 2025 even after reserving \$3.2M for carryforward use. This is a request to the Budget and Fiscal Management Committee/Judicial Council to allocate the use of some of these anticipated surplus 1x funds for **one-time projects that could be delivered prior to June 30, 2025.**

Date: 7/26/2024

Department or District: Office of Fairness and Accountability (OFA)

Requested by: Committee on Fairness and Accountability (CFA) represented by Jon Puente

Request title: All Rise Utah Welcome Dinner

Amount requested: \$10,000

One-time Turnover Savings funds

Purpose of funding request:

The All-Rise Utah Project, a CFA subcommittee, requests funds to host the program's welcome dinner. This dinner introduces primarily first-year law students from all backgrounds to members of the bench and practicing lawyers to build their connections with the local legal community. **This request is a back-up to efforts that are running in parallel with the Utah Bar to solicit donations from its members to cover the costs of the dinner. If approved, we would draw on these funds to the extent donations did not cover the entire cost. The dinner is scheduled for late September.**

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

Under [UCJA 3-419\(3\)\(A\)\(v\)](#), the OFA is tasked with

“collaborating with the Utah State Bar, schools, and other organizations to encourage individuals from marginalized communities to qualify and apply for judicial positions.”

To this end, the OFA and CFA created the All-Rise Utah pipeline program. The primary goal of the program is set up to broaden the judiciary to more closely reflect the state. Relatedly, the program also aims to help students and young lawyers build connections with lawyers and judges in the state, which can positively influence their decisions to stay and practice law in Utah.

In furtherance of these goals, the judiciary, through the OFA and our partners All Rise Utah pipeline program host a yearly dinner welcoming primarily first-year law students from the University of Utah and Brigham Young University. A significant number of the out-of-state students at the law schools come from communities. By helping these students build connections with Utah judges and lawyers and by encouraging them to stay in Utah after graduation, we can broaden the make-up of our legal community and the bench.

2. FY 2025 YE Spending Request – All Rise Welcome Dinner

Having a bench that reflects the community is important because “lack of judicial diversity can create an appearance of unfairness.”ⁱ And by having a bench that reflects the community, we meet our mission to be fair and avoid the appearance of unfairness. A representative “bench is an essential component of a fair and impartial judiciary. Bringing a range of experiences and perspectives to bear allows judges to make better informed decisions and increases public confidence in their rulings.”ⁱⁱ We cannot meet our mission without a representative bench. That is why the Judicial Council tasked the OFA to build a pipeline to help encourage individuals from all backgrounds to apply for judicial positions.

This dinner is the first step in the pipeline. At dinner, law students meet and engage judicial officers in a welcoming space. Judicial officers typically share with the law students their pathway to the bench and organic mentee/ mentor relationships develop. The highlight of the dinner is Chief Justice Durrant welcoming the students into the state’s legal community and sharing the Judiciary’s commitment to these broadening efforts. The dinner is open to all law students.

The last two years we have held the dinner, it has been attended each year by over 90 law students and paid for by donations. Last year close to 30 judicial officers also attended the dinner to welcome these students.

Alternative funding sources, if any:

As mentioned earlier, these funds are back-up funds to the efforts by the Utah Bar to cover the dinner costs through donations.

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

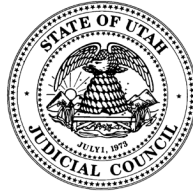
The annual dinner scope would be reduced and/or potentially delayed until adequate funding could be arranged.

ⁱ Moffett and Gibson, “Diversity on the Bench” 2022,

https://www.courtstatistics.org/__data/assets/pdf_file/0029/86726/Diversity-on-the-Bench.pdf

ⁱⁱ Brennan Center, “Diversity on the Bench” <https://www.brennancenter.org/issues/strengthen-our-courts/promote-fair-courts/diversity-bench#:~:text=Our%20Experts-Overview,public%20confidence%20in%20their%20rulings>.

Item 3



Administrative Office of the Courts

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

August 5, 2024

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

MEMORANDUM

TO: The Budget and Fiscal Management Committee

FROM: Amy Hernandez (Domestic Violence Program Manager)

RE: Request to apply for Byrne State Crisis Intervention Program grant funding

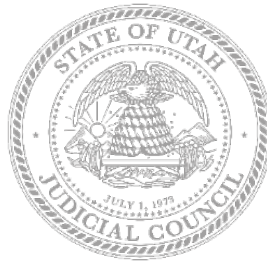
The Domestic Violence Program requests approval to apply for Byrne State Crisis Intervention Program (SCIP) grant funding to build an improved protective order records validation process and support the Domestic Violence Criminal Compliance Docket Pilot Program (AKA the DV docket). The Domestic Violence Program plans to apply for \$500,000 to execute these projects. The budget is as follows:

Item	FY 25 Costs:	FY 26 Costs:
Protective Order Validations Position One (1 FTE) (benefitted position with an anticipated wage per hour of approximately \$30 per hour)	\$57,500	\$115,000
Protective Order Validations Position Two (1 FTE) (benefitted position with an anticipated wage per hour of approximately \$30 per hour)	\$57,500	\$115,000
Domestic Violence Docket Pilot Program Coordinator Position (0.5 FTE) (benefitted position with an anticipated wage per hour of approximately \$30 per hour)	\$40,000	\$80,000
IT costs to create protective order validation process in the protective order system	\$25,800	\$0
DV docket risk assessments	\$400	\$5,800
Laptops for staff	\$3,000	\$0
Total	\$184,200	\$315,800

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.

For the protective order records validation process, no other funding source exists to quickly address this issue. The Federal Bureau of Investigation (FBI), the Department of Public Safety (DPS), and the Bureau of Criminal Identification (BCI) are now requiring the courts to conduct monthly and yearly reviews of the protective order records. These reviews are time-consuming and require the frequent use of the Utah Criminal Justice Information System (UCJIS). Despite this burdensome process, the courts could be held liable for failing to adhere to federal regulations for protective order record maintenance in the National Crime Information Center (NCIC). Additionally, the courts and the state of Utah may be denied access to entering records on NCIC overall.

After I consulted with the administration teams for the district courts, justice courts, and juvenile courts about the NCIC requirements, we determined that none of the three court levels have resources to address this gap. By using SCIP funding for programming changes and staff positions, the burden on court staff could be significantly reduced, and the courts would demonstrate compliance with NCIC requirements. More information about this proposal is included in the attached grant application proposal (GAP) document. If the courts cannot use SCIP funding for this project, the courts will need to request funding from the Utah State Legislature. I look forward to discussing this request with you. Thank you.



Administrative Office of the Courts

Grant Application Proposal (GAP) Federal Grant

August 8, 2024

A. Contact Information	
AOC Contact:	Amy Hernandez
Phone:	(801) 578-3809
Grant Administering Unit:	Domestic Violence Program and Third District

B. Grant Details	
Grantor:	Utah Commission on Criminal and Juvenile Justice and the U.S. Department of Justice, Office of Justice Programs, and Bureau of Justice Assistance.
Title of Grant:	Byrne State Crisis Intervention Program (SCIP)
Application Deadline:	December 2024
Amount Requested:	\$500,000
Grant Period Begins:	01/01/2025 Ends: 06/30/2026
Award Type:	<input type="checkbox"/> Recipient <input checked="" type="checkbox"/> Subrecipient

C. Legislative Reporting: Statutory Grant Impact ¹	
Tier 1 – Low	<input type="checkbox"/>
Up to \$1M per year; and no new permanent full or part time employees; and no new state monies required for match (report GAP approved by Judicial Council to LFA, Office of Legislative Research & General Counsel, and EAC).	
Tier 2 – Med	<input checked="" type="checkbox"/>
Greater than \$1M but less than \$10M per year; 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 approved by the Judicial Council to the federal funds request summary to EAC for review & recommendations).	
Tier 3 – High	<input type="checkbox"/>
Greater than \$10M 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 for match (submit GAP approved by the Judicial Council to the federal funds request summary to Legislature for approval or rejection in an annual general session or special session)	

Accounting Manual §11-07.00 Exhibit A (I)(a-c) & UCA 63J-5-§203, 63J-5-§204(1)(a-b)

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 (SAA), are appropriated by the legislature prior to the issuing of subawards; accordingly, SAA-issued 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. 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.

As explained in greater detail below, currently, procedural gaps exist in how the courts process domestic violence and protective order cases; these gaps increase the risk that restricted individuals² can access firearms and violate court orders. The SCIP grant funding will close these gaps and support the courts' mission to provide a fair and efficient system which advances justice in domestic violence and protective order cases. To advance justice in a fair and efficient manner, the Domestic Violence Program requests \$500,000 in SCIP grant funding to have Court's IT build an improved protective order records validation process (which will include an improved IT component and 2 FT Court employees) and support the Domestic Violence Criminal Compliance Docket Pilot Program³ (AKA the DV docket).

Procedural Gaps

- I. **Protective order records are removed from the national protective order database (NCIC) when the courts fail to comply with federal requirements. As a result, protective orders will not be enforced across state lines, and restricted individuals will pass background checks and be able to purchase firearms.**

Under state and federal requirements, the Utah Courts are required to review protective order records on a monthly and yearly basis to confirm the accuracy of the record and add any additional information to the record in the Statewide Domestic Violence Network and the National Crime Information Center (NCIC). When protective order records are not reviewed in a timely manner, the records are removed from NCIC's database. Removal from the NCIC database hinders enforcement of protective orders in other states and allows restricted individuals to unlawfully purchase firearms (i.e., pass a firearms background check successfully).

In the past, the Department of Public Safety (DPS), the Bureau of Criminal Identification (BCI), and the Federal Bureau of Investigations (FBI) allowed the courts to validate protective order records through an automatic batch process. This basic validation process verified if the protective order record was active but could not confirm if information in the record had changed. Unfortunately, several protective order data errors emerged from this process, and the NCIC record did not accurately

² A restricted individual is a person who is restricted from owning, possessing, or purchasing firearms under UCA 76-10-503(b)(xi) and [18 U.S.C. § 922\(d\)\(8\)](#).

³ The DV docket uses evidence-based practices to ensure victim safety, hold defendants accountable, and provide resources to both victims and defendants to reduce future incidents of domestic violence. After plea or entry into a plea in abeyance agreement (PIA), defendants are assessed using evidence-based, domestic violence-specific risk assessments. If a defendant poses a medium to high risk of committing future acts of domestic violence, the court places them on the compliance docket. On the compliance docket, the court monitors the defendant over a period of time with assistance from probation officers and treatment providers. The defendant must also demonstrate compliance with judicial orders during this time to avoid having their PIA revoked or failing probation (resulting in jail or prison time).

reflect the court's record. As a result, the FBI, BCI, and DPS will no longer allow the validation process to be completed automatically in a batch job.

To comply with federal rules, the FBI, DPS, and BCI are now requiring the courts to manually validate protective order records instead of relying upon the automatic batch job. The manual validation process is time-consuming and will significantly increase the workload of court staff in the district, juvenile, and justice courts⁴. However, if the courts fail to comply with validation requirements, parties in protective orders could have their safety compromised, and the courts could be held liable for failing to maintain the protective order records in the NCIC database. To close this gap, the Administrative Office of the Courts (AOC) requests SCIP funding to make technical changes to the protective order system. These changes will bring the courts into compliance with NCIC requirements and allow court staff to complete the yearly protective order record validations using the courts' system instead of the portal through the Utah Criminal Justice Information System (UCJIS). The court's protective order system is more user-friendly, does not require additional security measures,⁵ and staff would not be required to multitask between two programs. Additionally, the funding will be used to hire two full-time staff positions to register the previously removed records with NCIC and complete the monthly protective order record validations which require searching for more information in UCJIS.

II. When a defendant is restricted from firearms due to probation, a plea in abeyance, or a conviction, the defendants are not surrendering their firearms. There is no standardized, safe procedure to comply with firearm laws and court orders. As a result, defendants don't surrender their firearms.

Defendants may submit firearms to law enforcement under the Safe Harbor law ([UCA § 53-5c-201](#)), but there is no communication between law enforcement agencies and the courts on how to surrender these firearms (e.g., go to this building, leave the firearms in a locked truck, give the keys to law enforcement to retrieve the firearms, etc.). There is also no formal policy on how a defendant recovers their firearms once they are no longer restricted (i.e., successful completion of PIA). To work with community stakeholders, build these procedures, and track defendants, the DV docket needs a part-time position (0.5 FTE) funded by the SCIP grant.

⁴ In the new manual validations process, the protective order record in NCIC will be reviewed and compared to the original court record one month after issuance and then every year after issuance. The new court staff hired from the SCIP funds will login into UCJIS and run a validations report each month. Staff will then have three weeks to validate the protective order records in UCJIS. To validate each record, they will search the protective order parties in the UCJIS and add information to the protective order record. They will also compare the NCIC protective order record to the original court record and fix any incorrect data. Once the record is updated with all available information, court staff will submit the validation code using UCJIS. This new process complies with federal rules. Under the current process, the validation process is not completed, and NCIC removes the protective order record from its database. This creates a gap whereby licensed firearm vendors conducting a background check for someone desiring to purchase a firearm will check the NCIC database and, since the protective order records have been removed, the restricted individual passes the background check and will be able to purchase a firearm.

⁵ NCIC and BCI require that any personnel who access UCJIS must be fingerprinted with a thorough background check. After passing the background check, these personnel may only access UCJIS in a secure area (with locked doors). Finally, staff must receive a thorough training from the District Court Administration Team on an annual basis after the initial training.

Recapping:

The gaps:	The solutions (paid for with SCIP funding):
<p>1. Technical and staffing issues are causing protective orders to not comply with federal rules resulting in protective orders being removed from NCIC and thereby becoming unenforceable across state lines. This leads to restricted persons passing background checks when purchasing a firearm from a licensed firearm vendor because these protective orders are not in the national protective order registry.</p>	<p>Make technical changes to comply with NCIC requirements (national protective order registry).</p> <p>Hire staff to complete the backlog of protective orders that need to be added back onto the national protective order registry.</p>
<p>2. When a defendant is restricted from firearms due to probation, a plea in abeyance, or a conviction, the defendants are not turning in their firearms. There is no standardized, safe way to comply with firearm laws and court orders. As a result, defendants don't surrender their firearms.</p>	<p>Hire a part-time staff to build and implement a firearm surrender policy as part of the domestic violence docket pilot program.</p>

Benefits of These Changes

The work to build a pathway for defendants to safely surrender their firearms strengthens the courts' mission to provide a fair and efficient system that advances justice. For many defendants the current lack of a defined process surrounding surrendering firearms to comply with court orders, statutes and probation conditions combined with no clear path to recover the firearms if they are no longer restricted individuals appears 180 degrees from our mission of being fair and efficient. This work and funding corrects that gap.

Finally, this funding and proposed changes would provide potentially life-saving benefits for individuals experiencing domestic violence, sexual violence, dating violence, and stalking (mostly pro se individuals). Their protective orders would be enforced across state and tribal jurisdictions, and these individuals wouldn't need to register their order with court systems in other jurisdictions for enforcement. Access to firearms drastically increases the risk of domestic violence homicide. By ensuring the safe surrender of firearms and preventing unlawful firearm purchases, it is anticipated that there will be up to a 25% reduction in domestic violence homicides, mirroring the impact seen in other states with a similar program (Vigdor & Mercy, 2003; Zeoli, et al., 2017). For context, all of Utah's domestic violence-related homicides were completed with a firearm in 2020 (Centers for Disease Control and Prevention, 2020). These changes could prevent homicides and save lives.

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

To carry out this project in the post-award phase, the Domestic Violence Program anticipates using resources from the Information Technology Team (requesting grant funds to pay for the anticipated impact to their workload), the District Court Administration Team (specifically the Court Administrator, Meredith Mannebach, and the Terminal Agency Coordinator, Nicole Bless), and the Domestic Violence Program Manager Amy Hernandez. All teams and managers have agreed to assist with this project if awarded grant funds.

Once the grant funds are expended (expected to be June 30, 2026) and if the positions are not funded with ongoing grant or state funding before this date, the project will continue with the District Court Administration Team and the Domestic Violence Program. However, the District Court Administration Team and the Domestic Violence Program lack the long-term capacity to validate protective order records in accordance with NCIC requirements. We expect to seek legislative funding or internal Court's ongoing turnover savings funding in FY 2026.

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

Additional state funding may be required to maintain or continue the protective order records validation program if the SCIP grant is not renewed. The AOC currently lacks the funding to support these positions without ongoing grant or state funding. However, the protective order validations program must be maintained to comply with NCIC requirements. For the DV docket program, the Domestic Violence Program can use STOP Abuse grant funding (a stable formula grant the courts have received over the past 13 years) if SCIP grant funding is not renewed.

4. 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."

Two full time positions to support the manual protective order validation process, and one part-time position to support the DV docket (0.5 FTE).

5. 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

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

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:							

TABLE B. IN-KIND MATCH

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:							

TABLE C. NO MATCH REQUIREMENT

Fiscal Year	Funds Disbursed
FY 25	\$184,200.00
FY 26	\$315,800.00

F. Resource Impact Assessment

This section completed by Grant Coordinator

UCJA Rule 3-411 (4)

Compliance with the latest requirements in the protective order records validations process will need additional resources not presently deployed at the Courts. Consultation with administration teams from the district, juvenile, and justice courts conclude the new manual validation process will impart material increases in workload and exceed the capacities of existing court staff.

Whether or not the Courts elect to pursue grant funding, an ongoing plan for the additional resource demands will need contemplation by the Courts. The opportunity for grant funding presents at least two options for the Courts:

1. The Courts meet the new resource demand with the intention of pursuing ongoing formula grant funding in full, without consideration of ongoing legislative funding. Each federal award cycle, the Domestic Violence Program reapplies to CCJJ for funding. This resembles our State Court Improvement Program (CIP) – a formula grant supporting the salary and benefits of existing full-time permanent employees. As a formula grant, SCIP funds are available to CCJJ each federal award cycle without competition. However, funding is subject to congressional appropriation and contingent on CCJJ pursuing these funds each cycle, which they have affirmed. While the formula funds awarded to our state administering agency (CCJJ) are anticipated to be stable, the grants they issue as sub-awards do compete against any other applications from state, tribal, and community-based entities. The priority funding areas for the Byrne-SCIP grant largely center on Courts, and we are therefore a strong contender for funds.
2. Alternatively, the Courts leverage grant funding for the initial two-year project period meeting the immediate demand, but establish a controlled transition of the 2.5 FTE in full (or part) to ongoing legislative funding once the project period concludes (June 30, 2026). The Courts may also consider pursuing multiple years (award cycles) of grant funding to support these positions beyond June 30, 2026, and pursue ongoing legislative funding at an opportune time.

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

The AOC Information Technology (IT) Team has confirmed their resource inputs for the project are feasible with grant funding to offset personnel costs, and estimates that updating the protective order records validation system will require 172 hours and \$25,800 in funds. With personnel costs offset by grant funding, the present IT workforce is adequate to carry out necessary programming, testing, and deployment without detriment to existing obligations. IT resources required for the system updates are one-time inputs.

To address the resource gap in the protective order records validation process, an additional 2.5 FTE in grant-funded positions are requested. Two permanent full-time positions are intended to support the day-to-day management of the new manual records validation process, and will be supervised by the District Court Administration Team. One permanent part-time position (0.5 FTE) will support the DV docket's efforts addressing policies for firearm surrender, storage, and

recovery, community stakeholder engagement, and the tracking of firearms-related defendants. This half-time position will be supervised by the Domestic Violence Program Manager.

The SCIP grant requires that any employee paid with award funds be a new hire and add to the total number of employees. All standard employee benefits are allowable costs under the award (paid vacation/sick leave, and fringe benefits). Contractors and consultants are not subject to this requirement.

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

The Courts at present face incremental impacts stemming from the new manual records validation requirement, regardless of how that unmet resource demand is funded. In this instance, grant funding serves closer to a solution to incremental impacts rather than the cause. If grant funding is not pursued or awarded, the Courts remain in need to resolve the resource gap. In the short-term, the District Court Administration Team and Domestic Violence Program can float some critical aspects of the project, but neither group has the long-term capacity to carry out the manual validation of protective order records in fulfillment of NCIC requirements.

The Domestic Violence Program's ongoing STOP Abuse (VAWA) grant can be used to maintain the DV docket program if it is not supported with the SCIP grant or state funding.

No incremental impacts are anticipated for IT once the protective order records validation system is updated.

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

Applicable Board of Judges and Court Level Administrator

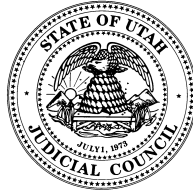
AOC Grant Coordinator and Finance Director

The Utah Supreme Court (UCJA Rule 3-105)

Approved by the Judicial Council (date):

State Court Administrator Signature

Tab 13



Administrative Office of the Courts

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

June 25, 2024

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

MEMORANDUM

TO: Management Committee

FROM: Jonathan Mark and Nathanael Player, on behalf of the Self-Help Center

RE: Fee increase for OCAP

Permission is sought from the Management Committee to proceed with a request to the legislature to seek changes to Utah Code 78A-2-501. The primary goal of these changes is to increase the fee for OCAP to allow us to better support the program.

The Judicial Council, at its January 16, 2024, meeting, approved the Supplemental Issues to HB 531 Report.¹ This included a consideration of the OCAP statute, which is codified at Utah Code 78A-2-501. OCAP is a document-assembly program that, through a series of questions in the form of a guided interview, helps people prepare sophisticated pleadings for specific case types to help make the courts more open, fair, and efficient. The \$20 fee for OCAP has not been increased since the year 2000 – it is arguably due for an increase. Adjusting for inflation, the fee should be nearly doubled. This is consistent with what the report said:

Since HB 531 shows that we have \$40,000 more in expenses than revenue for OCAP fees, we recommend considering charging more than the \$20 OCAP fee for select OCAP services (like divorce petitions) where the value of our OCAP forms is sufficiently less than the cost of third-party fill-in-the blank that provide a similar service. The \$20 OCAP fee has not increased since the year 2000. The OCAP program is anxious to add staff to support the program and this is a way to do so without having to rely on legislative funding.

We recommend that the fee for OCAP be increased to \$60 per interview. Increasing the fee as such would allow us to cover our budget shortfall and allow us to hire one additional staff member to support the program.² Since the last time the fee was increased, the landscape for this

¹ Page 51 of the [meeting materials](#) is where the relevant details can be found.

² Detailed calculations are included in Attachment A.

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.

service has changed. Other entities provide comparable services but charge around 25 times the current fee amount.³ Modestly increasing the fee to \$60 would still be just one tenth of so-called “affordable” private market services. The additional staff member would allow us to add enhancements to the program that increase litigant understanding and make their experience less stressful, increasing satisfaction for taxpayers and making the courts more open, fair, and efficient, all while still representing a tremendous bargain for Utahns.

There were also other recommended changes to Utah Code 78A-2-501. This includes the changes noted below:

An additional \$2060 shall be added to the filing fee established by Sections 78A-2-301 and 78A-2-301.5 if a person files a complaint, petition, answer or response, counterclaim, or counterpetition through the program. There shall be no fee for using the program for papers filed subsequent to the initial pleading or for preparing a request for a protective order.

These changes are recommended because:

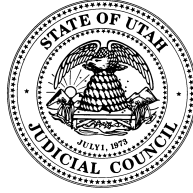
- Removing “answer or response” is consistent with a policy that does not discourage participation in a case; additionally, there is no fee for filing an answer in statute, so we would be processing the fee just for the OCAP usage (currently \$20). Many of those who file answers would submit process fee waivers, so we would very likely end up spending much more money (in terms of staff time and resources) investigating the fee waiver request than the \$20.
- Adding “counterclaim and counterpetition” would clarify that these are eligible because these are new pleadings with new filing fees (see 78A-2-301(1)(d)), so the \$20 OCAP fee would not be the only fee we collect. This would give us the potential of multiple OCAP fees from a single case.
- Clarifying that there is no charge for a protective order is consistent with legislative policy in 78B-7-105.

³ Compare the fee for Divorce.com, which charges \$499 for assembling divorce pleadings.

Attachment A

Cases using OCAP	# OF CASES (3 yr avg)	% using OCAP	# using OCAP based on %				
Custody and Support	1,161	14%	163				
Divorce/Annulment	12,641	36%	4,551				
Eviction	5,204	6%	312				
Guardian-Adult	431	39%	168				
Guardian-Adult Child	413	47%	194				
Guardian-Minor	644	39%	251				
Paternity	659	14%	92				
			5,731	total OCAP uses in FY 23			
			80%	percentage of users NOT receiving fee waiver (based on divorce data from finance)			
			4,585	number of fee paying litigants in FY 23			
			\$20	current fee			
			\$91,699	revenue generated under current fee			
			\$60	proposed fee			
			\$275,096	Estimated annual revenue generated under new proposal			
We are capped at \$40,000 (which is the excess of expenses over collections) if we don't add another headcount.							
Assuming we add a headcount @ the same rate as 2 (instead of 1), our incremental increase in costs would be \$132,000, inclusive of benefits							
bolded fields are calculated formulas							
			Total Expenses	156,217.00	Total Revenues	91,698.56	
			Added Expenses	136,000.00	Added Revenue:	183,397.12	
				292,217.00		275,095.68	
				110,656.00	Salary and Benefits		
				25,000.00	Medical dental		
				135,656.00			
				136,000.00	Round to		

Tab 14



Administrative Office of the Courts

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

August 1, 2024

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

MEMORANDUM

TO: The Judicial Council

FROM: Ron Gordon (State Court Administrator), Lauren Anderson (Judicial Institute Director), Tonia Wilson (Judicial Educator), and Amy Hernandez (Domestic Violence Program Manager)

RE: Proposed Judicial Education Program Required by HB 272

During the 2024 session, the legislature passed [HB 272](#) to address the protection of children in district court proceedings involving child custody and parent-time issues. In addition to imposing specific requirements for evidence admission and orders in these cases, HB 272 requires the state court administrator to develop a judicial education program. This judicial education program must strengthen the courts' ability to identify domestic violence and child abuse in child custody proceedings and make custody decisions that "prioritize a child's physical and psychological safety and well-being" ([UCA 78A-2-232\(2\)\(a\)](#)).

The state court administrator must present this proposed judicial education program to the Judiciary Interim Committee by the committee's September interim meeting. To prepare for this presentation, we are seeking the Judicial Council's feedback on the proposed program and the four key presentation topics required by HB 272.

We anticipate that this judicial education program will be carried out over 18 months to two years with assistance from local and national technical assistance providers. This program will provide training about domestic violence, child abuse, and how the courts can address these issues in civil cases. The training options will range from basic, introductory trainings to in-depth and advanced trainings to meet the diverse needs and backgrounds of Utah's judicial officers.

To comply with HB 272 requirements and ensure an effective education program, we are proposing the following:

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.

1. specific personnel positions that will be required to participate in the program:
 - a. Judicial Education Department Team,
 - b. Domestic Violence Program Manager,
 - c. Grants Coordinator (i.e., grants may be needed to fund the program),
 - d. District Court Administrative Team and
 - e. Self-Help Center Team (i.e., to provide training and guidance for working with self-represented court patrons).
2. performance metrics for the program and how those metrics may be tracked:
 - a. increased knowledge tracked by pre and post knowledge assessment outcomes.
 - b. improved judicial skills in cases involving parent-time and custody decisions tracked by implementation survey responses.
 - c. the implementation of trauma-informed care practices tracked by a completed trauma-informed care audit (whether conducted by the AOC or Trauma-Informed Utah),
 - d. improved domestic violence, child abuse, and procedural justice outcomes for court patrons tracked by court patron feedback collected through:
 - i. survey responses and
 - ii. focus groups conducted by the Utah Domestic Violence Coalition.
3. an estimate of the costs to implement the program:
 - a. Low range: \$5,000¹
 - i. online, on-demand content
 - b. High Range: \$160,000
 - i. \$50,000 for conference costs (includes speaker fees, lodging, per diem, and travel costs for judicial officers)
 - ii. \$110,000 for a position within the Utah Domestic Violence Coalition to manage and conduct the focus groups
4. an identification of potential grant sources, if any, that may be available to fund the program in whole or in part.
 - a. STOP Abuse Formula Program Grant,
 - b. Justice for Families Program Grant,
 - c. State Justice Institute Curriculum Adaptation & Training Grant, and
 - d. Disability Program Grant.

We look forward to getting your feedback on the proposed education program; thank you.

¹ This cost may be feasible if national technical assistant providers use their grant funding to assist the courts with training.

Tab 15

1 **Rule 3-102. Assumption of judicial office**

2
3 **Intent:**

4
5 To provide standards for qualification, training, and furnishings for judicial office.

6
7 **Applicability:**

8
9 This rule shall apply to all judges of courts of record. Paragraphs (1) and (2) apply to judges of
10 courts not of record.

11
12 **Statement of the Rule:**

13
14 **(1) Qualification for office.**

15
16 (1)(A) **Appointment.** Under Utah Constitution Article VIII, Section 8, appointment to a
17 court of record is effective upon confirmation by the Senate. Under Utah Code Section
18 78A-7-202, appointment to a court not of record is effective upon certification by the
19 Judicial Council.

20
21 (1)(B) **Qualification.** An appointee to judicial office shall qualify for office as provided by
22 law within 60 days after the appointment is effective. If an appointee is confirmed by the
23 Senate but cannot qualify for office within 60 days after the appointment is effective
24 because the term of the judge the appointee is replacing has not ended, the Judicial
25 Council may extend this time period upon the appointee's request. To qualify for office
26 judicial appointees must have appropriate residency, take the oath of office, refrain from
27 the practice of law and resign from any elective, non-judicial public office or political
28 party office which they may hold. The oath of office shall be subscribed by the
29 appointee, administered as provided by law and filed with the appropriate state, county,
30 or municipal office and the administrative office. An appointee to judicial office is entitled
31 to assume the duties of judge and be compensated for such duties on the date he or she
32 has qualified for office.

33
34 (1)(C) **Oath.** A judge elected to office by retention election shall take and subscribe the
35 constitutional oath or affirmation on or before the first Monday in January following the
36 date of the election and shall file the oath or affirmation within 60 days with the
37 appropriate state, county or municipal office and the administrative office. The oath of
38 office may be administered by any person authorized to administer oaths.

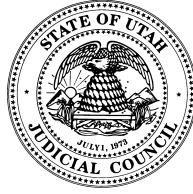
39
40 **(2) Education and training.** Within twelve months of qualification for office, each judge is
41 required to complete a program of education and training as provided by this Code and the
42 education policies and procedures adopted pursuant to this Code.
43

44 (3) **Furnishings.** The administrative office shall establish a schedule for the provision and
45 replacement of appropriate furnishings, equipment and supplies for individual judges. The
46 furnishings shall include at a minimum one desk, one chair, two side chairs, one bookcase, one
47 credenza and one couch and shall be provided in accordance with applicable procurement
48 provisions. The schedule shall consider such factors as the physical stature of successor
49 judges, wear and tear and other damage to furnishings, and the cost and feasibility of repair
50 rather than replacement. Any expenses incurred in complying with this paragraph shall be borne
51 by the state.

52

53 *Effective: August 23, 2024*

Tab 16



Administrative Office of the Courts

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

August 14, 2024

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

MEMORANDUM

TO: Utah Judicial Council

FROM: Ron Gordon, State Court Administrator

RE: Executive Committee Assignments

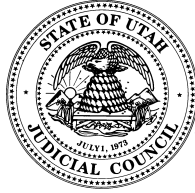
The Management Committee recommends the following changes to executive committee assignments, effective immediately.

- Add Judge Bazzelle to the Management Committee (to replace Judge Lindsley who has retired) and remove Judge Bazzelle from the Policy, Planning, and Technology Committee.
- Add Judge Eisenman (who was appointed to replace Judge Lindsley until the bench elects a permanent member in September - that permanent member may very well be Judge Eisenman) to the Budget and Fiscal Management Committee.

The Management Committee will recommend additional changes to executive committee assignments during the October Judicial Council meeting to reflect changes in the membership of the Judicial Council that will follow the Annual Judicial Conference in September.

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

Tab 17



Administrative Office of the Courts

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

August 14, 2024

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

MEMORANDUM

TO: Management Committee / Judicial Counsel

FROM: Keisa Williams

RE: Rules for Final Approval

Final Approval

Proposed amendments to CJA rules 1-204 and 4-202.01 are back from a 45-day public comment period. No public comments were received. The Policy, Planning and Technology Committee (PP&T) recommends that the rules be adopted as final with a *November 1, 2024 effective date*.

CJA 1-204. Executive committees (AMEND)

Amends membership on the Technology Advisory Subcommittee (TAC). A representative from the Office of General Counsel would replace the Policy, Planning, and Technology Committee member and a member of the Judicial Data and Research department would be added to each of the technology core teams.

CJA 4-202.01. Definitions (AMEND)

Clarifies that calendars are not “records.”

Expedited Approval

PP&T recommends that each of the following rules be approved on an expedited basis, followed by a 45-day public comment period.

CJA 4-206. Exhibits (AMEND)

The proposed amendments reflect recent statutory changes concerning the receipt, retention, and exposal of court exhibits. PP&T recommends a *September 1, 2024 effective date*.

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

CJA 4-401. Manner of Appearance (NEW)

The Supreme Court recently adopted rules of civil, criminal, and juvenile procedure identifying factors judges should consider when setting in-person, remote, and hybrid hearings. Those rules go into effect on September 1, 2024. Rule 4-101 is a companion rule addressing notice and compliance. Programming in CORIS is needed to limit the impact of rule 4-101 on JA workload. Phase I of that programming is expected to be completed at the end of September. As such, administrative staff are requesting an ***October 1, 2024 effective date***.

1 **Rule 1-204. Executive committees.**

2

3 **Intent:**

4 To establish executive committees of the Council.

5 To identify the responsibility and authority of the executive committees.

6 To identify the membership and composition of the executive committees.

7 To establish procedures for executive committee meetings.

8 **Applicability:**

9 This rule shall apply to the judiciary.

10 **Statement of the Rule:**

11

12 (1) **Executive Committees.** The following executive committees of the Council are hereby
13 established:

14 (1)(a) the Management Committee;

15 (1)(b) the Policy, Planning, and Technology Committee;

16 (1)(c) the Liaison Committee; and

17 (1)(d) the Budget and Fiscal Management Committee.

18

19 (2) **Management Committee.** The Management Committee shall be comprised of at least four
20 Council members, one of whom shall be the Presiding Officer of the Council. Three Committee
21 members constitute a quorum. The Presiding Officer of the Council or Presiding Officer's
22 designee shall serve as the Chair. When at least three members concur, the Management
23 Committee is authorized to act on behalf of the entire Council when the Council is not in session
24 and to act on any matter specifically delegated to the Management Committee by the Council.
25 The Management Committee is responsible for managing the agenda of the Council
26 consistently with Rule 2-102 of this Code. The Management Committee is responsible for
27 deciding procurement protest appeals.

28

29 (3) **Policy, Planning, and Technology Committee.** The Policy, Planning, and Technology
30 Committee shall recommend to the Council periodic and long term planning efforts as
31 necessary for the efficient administration of justice, and shall research and make
32 recommendations regarding any matter referred by the Council. The Committee shall
33 recommend to the Council new and amended rules for the Code of Judicial Administration, new
34 and amended policies for the Human Resource Policies and Procedures Manual, pursuant to
35 Rule 3-402, and new or amended technology policies and priorities.

36

37 (3)(A) **Technology Core Teams.** Each court level shall establish a Technology Core
38 Team to review and prioritize requests impacting technology associated with court level
39 applications. Core Teams should include representatives from each judicial district,
40 where applicable, and may consist of a combination of the following positions:

41

42 (3)(A)(i) **Appellate Court Core Team:**

43 (3)(A)(i)(a) Appellate Court Administrator;

- 44 (3)(A)(i)(b) Clerk of Court;
45 (3)(A)(i)(c) appellate court judge;
46 (3)(A)(i)(d) Appellate Court Coordinator; ~~and~~
47 (3)(A)(i)(e) IT staff; and
48 (3)(A)(i)(f) Judicial Data and Research Staff.
49

50 (3)(A)(ii) **District/Justice Court Core Team:**

- 51 (3)(A)(ii)(a) District Court Administrator or designee(s);
52 (3)(A)(ii)(b) Justice Court Administrator or designee(s);
53 (3)(A)(ii)(c) Clerk of Court;
54 (3)(A)(ii)(d) Trial Court Executive;
55 (3)(A)(ii)(e) district court judge;
56 (3)(A)(ii)(f) justice court judge;
57 (3)(A)(ii)(g) Team Manager;
58 (3)(A)(ii)(h) Case Manager;
59 (3)(A)(ii)(i) Judicial Assistant;
60 (3)(A)(ii)(j) Training Coordinator;
61 (3)(A)(ii)(k) IT staff;
62 (3)(A)(ii)(l) Judicial Data and Research staff; and
63 (3)(A)(ii)(~~m~~) local justice court administrator.
64

65 (3)(A)(iii) **Juvenile Court Core Team:**

- 66 (3)(A)(iii)(a) Juvenile Court Administrator or designee(s);
67 (3)(A)(iii)(b) Clerk of Court;
68 (3)(A)(iii)(c) Trial Court Executive;
69 (3)(A)(iii)(d) Chief Probation Officer;
70 (3)(A)(iii)(e) Probation Supervisor;
71 (3)(A)(iii)(f) Probation Officer;
72 (3)(A)(iii)(g) Team Manager;
73 (3)(A)(iii)(h) Case Manager;
74 (3)(A)(iii)(i) Judicial Assistant;
75 (3)(A)(iii)(j) Training Coordinator;
76 (3)(A)(iii)(k) juvenile court judge; ~~and~~
77 (3)(A)(iii)(l) IT staff; and

(3)(A)(iii)(m) Judicial Data and Research staff.

(3)(B) **Technology Prioritization Subcommittee.** A Technology Prioritization Subcommittee is hereby established. Members shall be designated by each Core Team and shall consist of no more than two members from each Team. ~~A current or former member of the Policy, Planning, and Technology Committee shall be a non-voting member.~~ Each Core Team may submit technology requests associated with court level applications to the Technology Prioritization Subcommittee. The prioritization subcommittee shall come to an agreement on the percentage of work allotted for each court level. The percentage relates to development staff compensated by general funds. Technology requests from Core Teams should fall within the work allotted to that court level for that year, unless the work requested is required by legislative or rule changes. The prioritization subcommittee may review and consider exceptions to this standard. The prioritization subcommittee will make recommendations to the Policy, Planning, and Technology Committee.

(3)(C) **Technology Advisory Subcommittee.** A Technology Advisory Subcommittee is hereby established. The advisory subcommittee shall be available to the Chief Information Officer, Core Teams, Technology Prioritization Subcommittee, and the Policy, Planning, and Technology Committee to provide feedback and recommendations on statewide technology services, including but not limited to, device standards, email, and bandwidth. The advisory subcommittee shall consist of:

(3)(C)(i) one district court judge;

(3)(C)(ii) one juvenile court judge;

(3)(C)(iii) one appellate court judge;

(3)(C)(iv) one justice court judge;

(3)(C)(v) one district court Trial Court Executive

(3)(C)(vi) one juvenile court Trial Court Executive;

(3)(C)(vii) one district court Clerk of Court;

(3)(C)(viii) one juvenile court Clerk of Court;

(3)(C)(ix) one local justice court administrator;

(3)(C)(x) each court level administrator or their designee(s);

(3)(C)(xi) one Chief Probation Officer;

(3)(C)(xii) the Chief Information Officer or designee;

(3)(C)(xiii) the Court Security Director; and

(3)(C)(xiv) ~~the General Counsel or designee, one current or former member of the Policy, Planning and Technology Committee.~~

(4) **Liaison Committee.** The Liaison Committee shall recommend to the Council legislation to be sponsored by the Council. The committee shall review legislation affecting the authority, jurisdiction, organization or administration of the judiciary. When the exigencies of the legislative

119 process preclude full discussion of the issues by the Council, the Committee may endorse or
120 oppose the legislation, take no position or offer amendments on behalf of the Council.

121
122 (5) **Budget and Fiscal Management Committee.** The Budget and Fiscal Management
123 Committee shall review court budget proposals, recommend fiscal priorities and the allocation of
124 funds, and make recommendations to the Council regarding budget management and budget
125 development in accordance with Rule 3-406.

126
127 (6) **Members.** Members of the executive committees must be members of the Council. Each
128 executive committee shall consist of at least three members appointed by the Council to serve
129 at its pleasure. The members of the Policy, Planning, and Technology Committee, the Budget
130 and Fiscal Management Committee, and the Liaison Committee shall elect their respective
131 chairs on a schedule deemed appropriate by each Committee. Chairs must be members of the
132 Council.

133
134 (7) **Meetings and Judicial Council Reports.** Each committee shall meet as often as necessary
135 to perform its responsibilities, but a minimum of four times per year. Each committee shall report
136 to the Council as necessary.

137
138 (8) **Staff.** The Administrative Office shall provide staff support to the executive committees.

139
140 Effective: ~~November~~*January* 1, 202~~4~~*3*

1 **Rule 4-202.01. Definitions.**

2 **Intent:**

3 To provide a uniform definition for special terms.

4 **Applicability:**

5 This rule applies to the judicial branch.

6 **Statement of the Rule:**

7 As used in these rules:

8 (1) "**Access**" means to inspect and obtain a copy.

9 (2) "**Court record**" means a record prepared, owned, received, or retained by a court or the
10 administrative office of the courts.

11 (3) "**Record**" means books, letters, documents, papers, maps, plans, photographs, films, cards,
12 tapes, recordings, data or other materials, regardless of form or characteristics, that are
13 reproducible.

14 (4) "**Record**" does not mean any of the following unless received into evidence:

15 (4)(A) drafts;

16 ~~(4)(B)~~ calendars;

17 ~~(4)(C)~~ notes or similar materials prepared for the originator's personal-own use or for the
18 personal-sole use of an individual for whom the originator works;

19 (4)(~~DB~~) a document or communication prepared or received by an individual in the
20 individual's private capacity or a document or communication prepared or received by an
21 individual that is unrelated to the public's business;

22 (4)(~~EG~~) materials legally owned by an individual in the individual's private capacity;

23 (4)(~~FD~~) materials to which access is limited by the laws of copyright or patent unless the
24 copyright or patent is owned by the courts;

25 (4)(~~GE~~) proprietary software or software developed or purchased by or for the courts for
26 its own use;

27 (4)(~~HF~~) junk mail or commercial publications received by the courts or an official or
28 employee of the courts; or

29 (4)(~~IG~~) materials contained in the collection of libraries open to the public.

30 *Effective: ~~April~~ November 1, 2024~~13~~*

1 **Rule 4-206. Exhibits.**

2

3 **Intent:**

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

5 **Applicability:**

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

9 **Statement of the Rule:**

10 **(1) Marking exhibits.**

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

17

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

21

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

25

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

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

36

37 (2)(B) **Custody of the Court.** Physical exhibits received during trial, other than those in
38 paragraph (2)(A), must be placed in the custody of the clerk of court or designee. Digital
39 exhibits received as evidence by the court during the trial shall be stored electronically or
40 on digital media such as a thumb drive and stored in accordance with paragraph (2)(C).
41 The clerk of court or designee must list all exhibits in the exhibit list, and the list shall be

42 made a part of the court record. An exhibit list may be the court's designated case
43 management system or a form approved by the Judicial Council.

44
45 **(2)(C) Secured Storage.**

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

53 (2)(C)(ii) Exhibits may be stored in a temporary secured location for no more than
54 72 hours, provided the temporary location is sufficient to prevent access by
55 unauthorized persons, and the location is secured with a key lock, combination
56 lock, or electronic lock. Access to the temporary storage location shall be limited
57 to the clerk of court, judge, or a designee.

58
59 **(3) Exhibit custody prior to disposition.**

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

65
66 (3)(A)(i) **Exhibit Manager.** The clerk of court shall appoint an exhibit manager
67 with responsibility for the security, maintenance, documentation of the chain of
68 custody, and disposition of exhibits. The clerk of court may also appoint a person
69 to act as exhibit manager during periods when the primary exhibit manager is
70 absent. Unaccompanied or unauthorized access to secured storage locations by
71 anyone other than the exhibit manager, acting exhibit manager, or the clerk of
72 court is prohibited without a court order.

73
74 (3)(A)(ii) **Secured Storage Location.** Each court must provide physical and
75 electronic secured storage locations within their facility for storing exhibits
76 retained by the court under subsection (2)(B), and shall maintain a current
77 inventory list of all exhibits in the court's custody. The physical secured storage
78 location must be sufficient to prevent access from unauthorized persons, secured
79 with a key lock, combination lock, or electronic lock, and protected from theft or
80 damage. The electronic secured storage location should be sufficient to prevent
81 access from unauthorized persons. Prior to use, physical and electronic secured
82 storage locations must be certified by the Court Security Director. Requests for
83 certification must be made in writing and shall fully describe the secured storage
84 location, local access procedures, and security controls. Any changes to the

85 location, access procedures, or security controls require recertification by the
86 Court Security Director.

87

88 **(3)(B) Exhibit custody post disposition.**

89

90 **(3)(B)(i) Courts of record.** In courts of record, upon final disposition of the case,
91 exhibits in the court's custody shall be disposed of or returned to the offering
92 parties pursuant to paragraph (5). The clerk of court, exhibit manager, or
93 designee shall execute a receipt identifying the material taken, the party to whom
94 the exhibit is released, and the date and time of the release. The receipt shall be
95 made a part of the court record.

96

97 **(3)(B)(ii) Courts not of record.** In civil cases in courts not of record, upon final
98 disposition of the case, all exhibits in the court's custody shall be returned to the
99 parties. In criminal cases in courts not of record, upon final disposition of the
100 case, all exhibits in the court's custody shall be given to the prosecuting agency,
101 which must comply with Title 77, Chapter 11c, Retention of Evidence. The clerk
102 of court, exhibit manager, or designee shall execute a receipt identifying the
103 material taken, the party to whom the exhibit is released, and the date and time
104 of the release. The receipt shall be made a part of the court record.

105

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

111

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

116

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

119

120 **(5) Disposal of exhibits.** Exhibits shall be disposed of as follows:

121

122 **(5)(A) Criminal.** In cases that are criminal in nature:

123

124 **(5)(A)(i) Party custody.** Parties with custody of ~~biological~~ evidence must comply
125 with Title ~~7753~~, Chapter ~~11c20~~, ~~Forensic Biological Retention of~~ Evidence
126 ~~Preservation.~~

127

128 (5)(A)(ii) Court custody. Exhibits in the court's custody shall be transferred to
129 the prosecuting agency no earlier than 365 days after the time for appeal has
130 expired, provided no appeal has been filed and there are no pending post-
131 conviction relief actions or pending appeals of post-conviction relief actions.
132

133 (5)(B) Civil. In cases that are not criminal in nature:
134

135 (5)(B)(i) Disposal time. Provided no appeal has been filed, parties may dispose
136 of, and exhibit managers, clerks of court, or designees shall dispose of any ~~other~~
137 exhibits in their custody no earlier than 90 days after the time for appeal has
138 expired, ~~or the statute of limitations for post-conviction relief, including the time~~
139 ~~for appeal from post-conviction relief has expired, whichever is later.~~
140

141 (5)(B)(ii) Court custody. Exhibits in the court's custody shall be disposed of as
142 follows:
143

144 (5)(~~BA~~)(ii)(a) No monetary value. Property having no monetary value
145 shall be destroyed by the exhibit manager, clerk of court, or designee.
146 The exhibit manager shall create a certificate of destruction including a
147 description of the exhibit, the case and exhibit numbers, and the date and
148 time of the destruction. The certificate of destruction shall be made a part
149 of the court record.

150 (5)(B)(ii)(b) Monetary value. Property having monetary value shall be
151 returned to its owner or, if unclaimed, shall be given to the prosecuting
152 agency, sheriff of the county, or other law enforcement agency to be sold
153 in accordance with Utah Code. The receiving agency shall furnish the
154 court with a receipt identifying the receiving agency, the exhibit received,
155 and the date and time the exhibit was received. The receipt shall be made
156 a part of the court record.
157

158 (5)(C) Time Period. Upon receipt of remittitur from an appellate court, the time period for
159 all cases is reset.
160

161 *Effective: ~~November~~ September 1, 20242*

1 **Rule 4-101. Manner of appearance.**

2 **Intent:**

3 The intent of this rule is to establish notice and compliance requirements related to the manner
4 of appearance in court proceedings.

5 **Applicability:**

6 This rule applies to civil and criminal matters in district, juvenile, and justice courts.

7 **Statement of the Rule:**

8 (1) **Definitions.**

9 (1)(A) “Hybrid hearing” means a hearing at which some participants appear in person
10 and others appear remotely.

11 (1)(B) “In-person” means a participant will be physically present in the courtroom.

12 (1)(C) “In-person hearing” means a hearing where all participants appear in person.

13 (1)(D) “Participant” means the same as that term is defined in the applicable rule of
14 procedure: Rule 87 of the Utah Rules of Civil Procedure, Rule 17.5 of the Utah
15 Rules of Criminal Procedure, or Rule 61 of the Utah Rules of Juvenile Procedure.

16 (1)(E) “Remote” or “Remotely” means a participant will appear by video conference or
17 other electronic means approved by the court.

18 (1)(F) “Remote hearing” means no participants will be physically present in the
19 courtroom and all participants will appear remotely.

20 (2) **Notice.** When calendaring a hearing, the court must provide the participants with notice
21 as to whether the court intends the hearing to be an in-person hearing, a remote hearing,
22 or a hybrid hearing. Notice may be provided in open court. Notice that is not provided in
23 open court should include:

24 (2)(A) the date and time of the hearing;

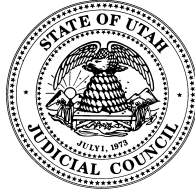
25 (2)(B) for in-person hearings, the physical address of the courthouse and the courtroom
26 number;

27 (2)(C) for remote hearings, a Webex link, and a link to the courts’ website which
28 includes information regarding attending a remote or hybrid hearing; and

- 29 (2)(D) for hybrid hearings, the information required in paragraphs (2)(B) and (2)(C).
- 30 (3) **Granted requests.** If a court grants a request to appear in a manner that is different from
31 the manner noticed at calendaring, the court should include in its communication all
32 information in paragraph (2) relevant to the new manner of appearance.
- 33 (4) **Effect on other participants.** The preference of one participant, and the court's
34 accommodation of that preference, does not:
- 35 (4)(A) change the format of the hearing for any other participant unless otherwise
36 ordered by the court; or
- 37 (4)(B) affect any other participant's opportunity to make a timely request to appear by a
38 different format or the court's consideration of that request.
- 39 (5) **Court compliance and accountability.** Rule 87 of the Utah Rules of Civil Procedure,
40 Rule 17.5 of the Utah Rules of Criminal Procedure, and Rule 61 of the Utah Rules of
41 Juvenile Procedure impact the effective operation of the court, including docket
42 management. As such, implementation and enforcement of those rules is the
43 responsibility of each presiding judge pursuant to rules 3-104 and 9-109.

44 Effective October 1, 2024

Tab 18



Administrative Office of the Courts

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

August 14, 2024

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

MEMORANDUM

TO: Management Committee / Judicial Council

FROM: Keisa Williams

RE: Rules for Public Comment

The Policy, Planning, and Technology Committee (PP&T) recommends that the following rules be approved for a 45-day public comment period.

CJA 6-104. District court water judges (AMEND)

The proposed amendments clarify that the supervising water judge will reassign water cases upon the retirement or resignation of a water judge.

CJA 4-202.02. Records classification (AMEND)

CJA 4-202.03. Records access (AMEND)

The proposed amendments to rule 4-202.02:

- reclassify probation progress/violation reports as protected records to account for new reporting procedures at Adult Probation and Parole (lines 98 and 383);
- classify “nonpublic restitution records” as sealed records in accordance with Utah Code section 63M-7-502 (line 176); and
- correct statutory references to account for the recodification of the Utah Domestic Relations Code.

The proposed amendments to rule 4-202.03 authorize the Utah Office for Victims of Crime (UOVC) to access sealed “nonpublic restitution records” to ensure the UOVC can fulfill its statutory obligations.

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

1 **Rule 6-104. District court water judges**

2
3 **Intent:**

4
5 To designate certain district court judges as water judges.

6
7 To establish a procedure whereby district court water cases are heard by designated water
8 judges.

9
10 To designate a supervising water judge.

11
12 **Applicability:**

13
14 This rule shall apply to district court judges.

15
16 **Statement of the Rule:**

17
18 (1) **Council Designation.** The Judicial Council shall formally designate at least three district
19 court judges who volunteer as water judges. In making the designation, the Judicial Council
20 shall consider the knowledge and experience of the judge in relation to cases involving the
21 adjudication of water rights, or the willingness of that judge to become familiar with this area of
22 the law.

23
24 (2) **Request for Assignment.** If a party to an action filed under Utah Code Title 73, Chapter 3
25 or Chapter 4 makes a request, as part of the complaint or first responsive pleading, to have the
26 case assigned to a water judge, the case will be assigned to a water judge. Thereafter, a
27 request to have the case assigned to a water judge may be granted in the discretion of the
28 judge assigned to the case. Additionally, a party may request that a non-Chapter 3 or Chapter 4
29 case be assigned to a water judge. Non-Chapter 3 or 4 cases will be reviewed and assigned by
30 the supervising water judge if the case is of sufficient legal complexity as related to water law to
31 warrant assignment to a water judge.

32
33 (3) **Assignments.** Assignment of cases involving water law to a water judge shall be made on a
34 random basis. Assignment may include an adjustment in the judge's calendar to allow the judge
35 to handle the case.

36
37 (4) Reassignments. All cases involving water law that are pending before a water judge at the
38 time the water judge ceases to be a water judge or ceases to be a district judge will be
39 reassigned to another water judge.

40
41 ~~(4)~~(5) **Supervising Water Judge.** The water judges shall elect one of the water judges to be the
42 supervising water judge. The term of office of the supervising water judge is two years
43 beginning July 1. The supervising water judge shall be primarily responsible for:

44
45 ~~(4)~~(5)(A) the assignment and reassignment of water law cases to water judges;

46
47 ~~(4)~~(5)(B) the coordination of schedules of water judges and the assignment of
48 courtrooms and facilities in conjunction with the state court administrator and the
49 presiding judge of each district court;

50

51 ~~(4)~~(5)(C) addressing concerns of water judges, other district court judges, or the Judicial
52 Council regarding the management of district court water law cases;

53
54 ~~(4)~~(5)(D) overseeing the water law education of the water judges, in conjunction with the
55 Standing Committee on Judicial Branch Education and the Utah Judicial Institute;

56
57 ~~(4)~~(5)(E) presiding over meetings of the water judges;

58
59 ~~(4)~~(5)(F) the use of law clerk resources to develop water expertise, to assist the water
60 judges, and to facilitate consistency in the development of case precedents in the water
61 law area and otherwise assist in the transition as new water judges are designated; and

62
63 ~~(4)~~(5)(G) coordinating with the water judge's presiding judge regarding any appropriate
64 adjustments to the water judge's caseload.

65
66 ~~(5)~~(6) **Posting Decisions.** If a water judge decides a water law case of first impression, the
67 water judge shall cause the decision to be posted. A decision need not be posted where the
68 case deals with settled rules of law.

69
70 ~~(6)~~(7) **Term.** Water judges shall serve only so long as they are district court judges. Water
71 judges may, however, resign as water judges, at their own request or the request of the Judicial
72 Council, while still serving as district court judges.

73
74 ~~(7)~~(8) **Caseload.** If a water judge does not have a full workload of water law cases, the judge
75 shall hear non-water law district court cases to maintain a full workload of cases.

76
77 ~~(8)~~(9) **Venue.** Nothing in this rule affects venue.

78
79 ~~Effective: 11/01/2022~~Effective: November 1, 2024

1 **Rule 4-202.02. Records Classification.**

2

3 **Intent:**

4 To classify court records as public or non-public.

5

6 **Applicability:**

7 This rule applies to the judicial branch.

8

9 **Statement of the Rule:**

10 (1) **Presumption of Public Court Records.** Court records are public unless otherwise
11 classified by this rule.

12

13 (2) **Public Court Records.** Public court records include but are not limited to:

14

15 (2)(A) abstract of a citation that redacts all non-public information;

16

17 (2)(B) aggregate records without non-public information and without personal identifying
18 information;

19

20 (2)(C) appellate filings, including briefs;

21

22 (2)(D) arrest warrants, but a court may restrict access before service;

23

24 (2)(E) audit reports;

25

26 (2)(F) case files;

27

28 (2)(G) committee reports after release by the Judicial Council or the court that requested
29 the study;

30

31 (2)(H) contracts entered into by the judicial branch and records of compliance with the
32 terms of a contract;

33

34 (2)(I) drafts that were never finalized but were relied upon in carrying out an action or
35 policy;

36

37 (2)(J) exhibits, but the judge may regulate or deny access to ensure the integrity of the
38 exhibit, a fair trial or interests favoring closure;

39

40 (2)(K) financial records;

41

42 (2)(L) indexes approved by the Management Committee of the Judicial Council,
43 including the following, in courts other than the juvenile court; an index may contain any
44 other index information:

45

46 (2)(L)(i) amount in controversy;

47

48 (2)(L)(ii) attorney name;

49

- 50 (2)(L)(iii) licensed paralegal practitioner name;
51
52 (2)(L)(iv) case number;
53
54 (2)(L)(v) case status;
55
56 (2)(L)(vi) civil case type or criminal violation;
57
58 (2)(L)(vii) civil judgment or criminal disposition;
59
60 (2)(L)(viii) daily calendar;
61
62 (2)(L)(ix) file date;
63
64 (2)(L)(x) party name;
65
66 (2)(M) name, business address, business telephone number, and business email
67 address of an adult person or business entity other than a party or a victim or witness of
68 a crime;
69
70 (2)(N) name, address, telephone number, email address, date of birth, and last four
71 digits of the following: driver's license number; social security number; or account
72 number of a party;
73
74 (2)(O) name, business address, business telephone number, and business email
75 address of a lawyer or licensed paralegal practitioner appearing in a case;
76
77 (2)(P) name, business address, business telephone number, and business email
78 address of court personnel other than judges;
79
80 (2)(Q) name, business address, and business telephone number of judges;
81
82 (2)(R) name, gender, gross salary and benefits, job title and description, number of
83 hours worked per pay period, dates of employment, and relevant qualifications of a
84 current or former court personnel;
85
86 (2)(S) unless classified by the judge as private or safeguarded to protect the personal
87 safety of the juror or the juror's family, the name of a juror empaneled to try a case, but
88 only 10 days after the jury is discharged;
89
90 (2)(T) opinions, including concurring and dissenting opinions, and orders entered in open
91 hearings;
92
93 (2)(U) order or decision classifying a record as not public;
94
95 (2)(V) private record if the subject of the record has given written permission to make the
96 record public;
97
98 ~~(2)(W) probation progress/violation reports;~~
99
100 (2)(~~W~~X) publications of the administrative office of the courts;

- 101
102 (2)(~~XY~~) record in which the judicial branch determines or states an opinion on the rights
103 of the state, a political subdivision, the public, or a person;
104
105 (2)(~~YZ~~) record of the receipt or expenditure of public funds;
106
107 (2)(~~ZAA~~) record, minutes, or transcript of an open meeting;
108
109 (2)(~~AABB~~) official audio record, minutes, or transcript of an open hearing;
110
111 (2)(~~BBGG~~) record of formal discipline of current or former court personnel or of a person
112 regulated by the judicial branch if the disciplinary action has been completed, and all
113 time periods for administrative appeal have expired, and the disciplinary action was
114 sustained;
115
116 (2)(~~CCDD~~) record of a request for a record;
117
118 (2)(~~DDEE~~) reports used by the judiciary if all of the data in the report is public or the
119 Judicial Council designates the report as a public record;
120
121 (2)(~~EEFF~~) rules of the Supreme Court and Judicial Council;
122
123 (2)(~~FFGG~~) search warrants, the application and all affidavits or other recorded testimony
124 on which a warrant is based are public after they are unsealed under Utah Rule of
125 Criminal Procedure 40;
126
127 (2)(~~GGHH~~) statistical data derived from public and non-public records but that disclose
128 only public data; and
129
130 (2)(~~HHH~~) notwithstanding subsections (6) and (7), if a petition, indictment, or information
131 is filed charging a person 14 years of age or older with a felony or an offense that would
132 be a felony if committed by an adult, the petition, indictment or information, the
133 adjudication order, the disposition order, and the delinquency history summary of the
134 person are public records. The delinquency history summary shall contain the name of
135 the person, a listing of the offenses for which the person was adjudged to be within the
136 jurisdiction of the juvenile court, and the disposition of the court in each of those
137 offenses. Upon a finding of good cause on the record, the juvenile court may reclassify
138 these records as non-public.
139

140 **(3) Sealed Court Records.** The following court records are sealed:

141
142 (3)(A) records in the following actions:

143
144 (3)(A)(i) Title 78B, Chapter 6, Part 1 – Utah Adoption Act six months after the
145 conclusion of proceedings, which are private until sealed;

146
147 (3)(A)(ii) Title 78B, Chapter 15, Part 8 – Gestational Agreement, six months after
148 the conclusion of proceedings, which are private until sealed;

149
150 (3)(A)(iii) Section 76-7-304.5 – Consent required for abortions performed on
151 minors; and

- 152
153 (3)(A)(iv) Section 78B-8-402 – Actions for disease testing;
154
155 (3)(B) expunged records;
156
157 (3)(C) orders authorizing installation of pen register or trap and trace device under Utah
158 Code Section 77-23a-15;
159
160 (3)(D) records showing the identity of a confidential informant;
161
162 (3)(E) records relating to the possession of a financial institution by the commissioner of
163 financial institutions under Utah Code Section 7-2-6;
164
165 (3)(F) wills deposited for safe keeping under Utah Code Section 75-2-901;
166
167 (3)(G) records designated as sealed by rule of the Supreme Court;
168
169 (3)(H) record of a Children's Justice Center investigative interview after the conclusion of
170 any legal proceedings;
171
172 (3)(I) on appeal, any record previously designated as sealed by another court;
173
174 (3)(J) video record of a court proceeding, other than security video; ~~and~~
175
176 (3)(K) “nonpublic restitution records” as defined in Section 63M-7-502; and
177
178 (3)(~~L~~K) other records as ordered by the court under Rule 4-202.04.
179

180 **(4) Private Court Records.** The following court records are private:

- 181
182 (4)(A) records in the following actions:
183
184 (4)(A)(i) Section 26B-5-332, Involuntary commitment under court order;
185
186 (4)(A)(ii) Section 76-10-532, Removal from the National Instant Check System
187 database;
188
189 (4)(A)(iii) Title 78B, Chapter 6, Part 1, Utah Adoption Act, until the records are
190 sealed;
191
192 (4)(A)(iv) Title 78B, Chapter 15, Part 8, Gestational Agreement, until the records
193 are sealed;
194
195 (4)(A)(v) cases initiated in the district court by filing an abstract of a juvenile court
196 restitution judgment; and
197
198 (4)(A)(vi) Section 26B-8-111, Sex designation changes, and name changes
199 combined with sex designation changes for both minors and adults, except that:
200
201 (4)(A)(vi)(a) the case history is public for minors; and
202

- 203 (4)(A)(vi)(b) the case history and record of public hearings are public for
204 adults.
205
- 206 (4)(B) records in the following actions, except that the case history, judgments, orders,
207 decrees, letters of appointment, and the record of public hearings are public records:
208
- 209 (4)(B)(i) Title 30, Husband and Wife, including qualified domestic relations
210 orders, except that an action for consortium due to personal injury under Section
211 ~~30-2-11~~81-3-11 is public;
212
- 213 (4)(B)(ii) Title 75, Chapter 5, Protection of Persons Under Disability and their
214 Property;
215
- 216 (4)(B)(iii) Title 78B, Chapter 7, Protective Orders and Stalking Injunctions;
217
- 218 (4)(B)(iv) Title ~~81~~78B, Chapter ~~612~~, Utah ~~Child Support Act~~Domestic Relations
219 Code;
220
- 221 (4)(B)(v) Title 78B, Chapter 13, Utah Uniform Child Custody Jurisdiction and
222 Enforcement Act;
223
- 224 (4)(B)(vi) Title 78B, Chapter 14, Uniform Interstate Family Support Act;
225
- 226 (4)(B)(vii) Title 78B, Chapter 15, Utah Uniform Parentage Act; and
227
- 228 (4)(B)(viii) an action to modify or enforce a judgment in any of the actions in this
229 subparagraph (B);
230
- 231 (4)(C) records related to determinations of indigency;
232
- 233 (4)(D) an affidavit supporting a motion to waive fees;
234
- 235 (4)(E) aggregate records other than public aggregate records under subsection (2);
236
- 237 (4)(F) alternative dispute resolution records;
238
- 239 (4)(G) applications for accommodation under the Americans with Disabilities Act;
240
- 241 (4)(H) jail booking sheets;
242
- 243 (4)(I) citation, but an abstract of a citation that redacts all non-public information is public;
244
- 245 (4)(J) judgment information statement;
246
- 247 (4)(K) judicial review of final agency action under Utah Code Section 80-2-707;
248
- 249 (4)(L) the following personal identifying information about a party: driver's license
250 number, social security number, account description and number, password,
251 identification number, maiden name and mother's maiden name, and similar personal
252 identifying information;
253

- 254 (4)(M) the following personal identifying information about a person other than a party or
255 a victim or witness of a crime: residential address, personal email address, personal
256 telephone number; date of birth, driver's license number, social security number,
257 account description and number, password, identification number, maiden name,
258 mother's maiden name, and similar personal identifying information;
259
- 260 (4)(N) medical, psychiatric, or psychological records;
261
- 262 (4)(O) name of a minor, except that the name of a minor party is public in the following
263 district and justice court proceedings:
264
- 265 (4)(O)(i) name change of a minor, unless the name change is combined with a
266 sex designation change;
267
- 268 (4)(O)(ii) guardianship or conservatorship for a minor;
269
- 270 (4)(O)(iii) felony, misdemeanor, or infraction when the minor is a party;
271
- 272 (4)(O)(iv) protective orders and stalking injunctions; and
273
- 274 (4)(O)(v) custody orders and decrees;
275
- 276 (4)(P) nonresident violator notice of noncompliance;
277
- 278 (4)(Q) personnel file of a current or former court personnel or applicant for employment;
279
- 280 (4)(R) photograph, film, or video of a crime victim;
281
- 282 (4)(S) record of a court hearing closed to the public or of a child's testimony taken under
283 URCrP 15.5:
284
- 285 (4)(S)(i) permanently if the hearing is not traditionally open to the public and
286 public access does not play a significant positive role in the process; or
287
- 288 (4)(S)(ii) if the hearing is traditionally open to the public, until the judge
289 determines it is possible to release the record without prejudice to the interests
290 that justified the closure;
291
- 292 (4)(T) record submitted by a senior judge or court commissioner regarding performance
293 evaluation and certification;
294
- 295 (4)(U) record submitted for in camera review until its public availability is determined;
296
- 297 (4)(V) reports of investigations by Child Protective Services;
298
- 299 (4)(W) statement in support of petition to determine competency;
300
- 301 (4)(X) victim impact statements;
302

- 303 (4)(Y) name of a prospective juror summoned to attend court, unless classified by the
304 judge as safeguarded to protect the personal safety of the prospective juror or the
305 prospective juror's family;
306
307 (4)(Z) records filed pursuant to Rules 52 - 59 of the Utah Rules of Appellate Procedure,
308 except briefs filed pursuant to court order;
309
310 (4)(AA) records in a proceeding under Rule 60 of the Utah Rules of Appellate Procedure;
311
312 (4)(BB) records related to Court Commissioner Conduct Committee and Council actions
313 under Rule 3-201.02, other than a public censure by the Council, and
314
315 (4)(CC) other records as ordered by the court under Rule 4-202.04.
316

317 **(5) Protected Court Records.** The following court records are protected:
318

- 319 (5)(A) attorney's work product, including the mental impressions or legal theories of an
320 attorney or other representative of the courts concerning litigation, privileged
321 communication between the courts and an attorney representing, retained, or employed
322 by the courts, and records prepared solely in anticipation of litigation or a judicial, quasi-
323 judicial, or administrative proceeding;
324
325 (5)(B) records that are subject to the attorney client privilege;
326
327 (5)(C) bids or proposals until the deadline for submitting them has closed;
328
329 (5)(D) budget analyses, revenue estimates, and fiscal notes of proposed legislation
330 before issuance of the final recommendations in these areas;
331
332 (5)(E) budget recommendations, legislative proposals, and policy statements, that if
333 disclosed would reveal the court's contemplated policies or contemplated courses of
334 action;
335
336 (5)(F) court security plans;
337
338 (5)(G) investigation and analysis of loss covered by the risk management fund;
339
340 (5)(H) memorandum prepared by staff for a member of any body charged by law with
341 performing a judicial function and used in the decision-making process;
342
343 (5)(I) confidential business records under Utah Code Section 63G-2-309;
344
345 (5)(J) record created or maintained for civil, criminal, or administrative enforcement
346 purposes, audit or discipline purposes, or licensing, certification or registration purposes,
347 if the record reasonably could be expected to:
348
349 (5)(J)(i) interfere with an investigation;
350
351 (5)(J)(ii) interfere with a fair hearing or trial;
352
353 (5)(J)(iii) disclose the identity of a confidential source; or

- 354
355 (5)(J)(iv) concern the security of a court facility;
356
357 (5)(K) record identifying property under consideration for sale or acquisition by the court
358 or its appraised or estimated value unless the information has been disclosed to
359 someone not under a duty of confidentiality to the courts;
360
361 (5)(L) record that would reveal the contents of settlement negotiations other than the
362 final settlement agreement;
363
364 (5)(M) record the disclosure of which would impair governmental procurement or give an
365 unfair advantage to any person;
366
367 (5)(N) record the disclosure of which would interfere with supervision of an offender's
368 incarceration, probation, or parole;
369
370 (5)(O) record the disclosure of which would jeopardize life, safety, or property;
371
372 (5)(P) strategy about collective bargaining or pending litigation;
373
374 (5)(Q) test questions and answers;
375
376 (5)(R) trade secrets as defined in Utah Code Section 13-24-2;
377
378 (5)(S) record of a Children's Justice Center investigative interview before the conclusion
379 of any legal proceedings;
380
381 (5)(T) presentence investigation report;
382
383 (5)(U) probation progress/violation reports;
384
385 (5)(V) except for those filed with the court, records maintained and prepared by juvenile
386 probation; and
387
388 (5)(~~W~~) other records as ordered by the court under Rule 4-202.04.
389

390 **(6) Juvenile Court Social Records.** The following are juvenile court social records:

- 391
392 (6)(A) correspondence relating to juvenile social records;
393
394 (6)(B) custody evaluations, parent-time evaluations, parental fitness evaluations,
395 substance abuse evaluations, domestic violence evaluations;
396
397 (6)(C) medical, psychological, psychiatric evaluations;
398
399 (6)(D) pre-disposition, dispositional, and social summary reports;
400
401 (6)(E) probation agency and institutional reports or evaluations;
402
403 (6)(F) referral reports;
404

- 405 (6)(G) report of preliminary inquiries;
406
407 (6)(H) treatment or service plans;
408
409 (6)(I) nonjudicial adjustment records; and
410
411 (6)(J) documents filed with the court that were received pursuant to the Utah Interstate
412 Compact for Juveniles.

413
414 **(7) Juvenile Court Legal Records.** The following are juvenile court legal records:

- 415 (7)(A) accounting records;
416
417 (7)(B) discovery filed with the court;
418
419 (7)(C) pleadings, summonses, subpoenas, motions, affidavits, calendars, minutes,
420 findings, orders, decrees, probable cause statements;
421
422 (7)(D) name of a party or minor;
423
424 (7)(E) record of a court hearing;
425
426 (7)(F) referral and offense histories; and
427
428 (7)(G) any other juvenile court record regarding a minor that is not designated as a
429 social record.
430

431
432 **(8) Safeguarded Court Records.** The following court records are safeguarded:

- 433 (8)(A) upon request, location information, contact information, and identity information,
434 other than the name of a petitioner and other persons to be protected, in an action filed
435 under Title 78B, Chapter 7, Protective Orders and Stalking Injunctions;
436
437 (8)(B) upon request, location information, contact information and identity information,
438 other than the name of a party or the party's child, after showing by affidavit that the
439 health, safety, or liberty of the party or child would be jeopardized by disclosure in a
440 proceeding under Title 78B, Chapter 13, Utah Uniform Child Custody Jurisdiction and
441 Enforcement Act or Title 78B, Chapter 14, Uniform Interstate Family Support Act or Title
442 78B, Chapter 15, Utah Uniform Parentage Act;
443
444 (8)(C) upon request, if the information has been safeguarded under paragraph (8)(A) or
445 (8)(B), location information, contact information and identity information, other than the
446 name of a party or the party's child, in a proceeding under Title 30, Husband and Wife.
447
448 (8)(D) location information, contact information, and identity information of prospective
449 jurors on the master jury list or the qualified jury list;
450
451 (8)(E) location information, contact information, and identity information other than name
452 of a prospective juror summoned to attend court;
453
454 (8)(F) the following information about a victim or witness of a crime:
455

456
457
458
459
460
461
462
463
464

(8)(F)(i) business and personal address, email address, telephone number, and similar information from which the person can be located or contacted;

(8)(F)(ii) date of birth, driver's license number, social security number, account description and number, password, identification number, maiden name, mother's maiden name, and similar personal identifying information.

Effective: ~~January~~ November 1, 2024

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

2

3 **Intent:**

4 To identify who may access court records.

5 **Applicability:**

6 This rule applies to the judicial branch.

7 **Statement of the Rule:**

8

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

10

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

14

15 (2)(A) **Adoption records.** Upon request and presentation of positive identification, an
16 adoption petition, and any other documents filed in connection with the adoption, may be
17 open to inspection and copying:

18

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

21

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

24

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

27

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

31

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

35

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

40

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

42

43 (2)(B)(i) The following may obtain certified copies of the expungement order and
44 the case history upon request and presentation of positive identification:

45

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

48

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

52
53 (2)(B)(i)(c) parties to a civil action arising out of the expunged incident, if
54 the information is kept confidential and utilized only in the action; and

55
56 (2)(B)(i)(d) an attorney who is not the attorney of record with a release
57 from an individual authorized access under this rule that is signed and
58 notarized not more than 90 days before the date of the request.

59
60 (2)(B)(ii) Information contained in expunged records may be accessed by
61 qualifying individuals and agencies under Utah Code Section 77-40a-403 upon
62 written request and approval by the state court administrator in accordance with
63 Rule 4-202.05. Requests must include documentation proving that the requester
64 meets the conditions for access and a statement that the requester will comply
65 with all confidentiality requirements in Rule 4-202.05 and Utah Code.

66
67 (2)(C) **Video records.** An official court transcriber may obtain a video record of a court
68 proceeding for the purposes outlined in Rule 5-202. A court employee may obtain a
69 video record of a court proceeding if needed to fulfill official court duties.

70
71 (2)(D) Nonpublic restitution records. The Utah Office for Victims of Crime (UOVC)
72 may access nonpublic restitution records.

73
74 (3) **Private Court Records.** The following may access a private court record:

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

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

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

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

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

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

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

87 (3)(H) anyone by court order;

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

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

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

92

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

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

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

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

98 (4)(D) the attorney or licensed paralegal practitioner for the person who submitted the
99 record or for the person or governmental entity whose interests are protected by closure
100 or for the parent or guardian of the person if the person is an unemancipated minor or
101 under a legal incapacity or an individual who has a power of attorney from such person
102 or governmental entity;103 (4)(E) an individual with a release from the person who submitted the record or from the
104 person or governmental entity whose interests are protected by closure or from the
105 parent or guardian of the person if the person is an unemancipated minor or under a
106 legal incapacity signed and notarized no more than 90 days before the date the request
107 is made;108 (4)(F) a party, attorney for a party, or licensed paralegal practitioner for a party to
109 litigation in which the record is filed;

110 (4)(G) anyone by court order;

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

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

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

115

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

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

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

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

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

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

124 (5)(F) a self-represented litigant, a prosecuting attorney, a defense attorney, a Guardian
125 ad Litem, and an Attorney General involved in the litigation in which the record is filed;126 (5)(G) a governmental entity charged with custody, guardianship, protective supervision,
127 probation or parole of the subject of the record including juvenile probation, Division of
128 Child and Family Services and Juvenile Justice Services;

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

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

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

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

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

140 (5)(M) anyone by court order.

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

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

150 (5)(O)(i) a prosecuting attorney, a defense attorney, a Guardian ad Litem, and an
151 Attorney General involved in the litigation in which the record is filed;

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

155 (5)(O)(iii) court personnel, but only to achieve the purpose for which the record
156 was submitted; and

157 (5)(O)(iv) anyone by court order.

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

162 (5)(Q) When records may be accessed only by court order, a juvenile court judge will
163 permit access consistent with Rule 4-202.04 as required by due process of law in a
164 manner that serves the best interest of the child.
165

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

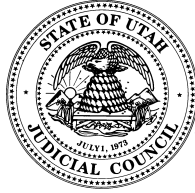
167 (6)(A) all who may access the juvenile court social record;

168 (6)(B) a law enforcement agency;

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

- 170 (6)(D) public or private individuals or agencies providing services to the subject of the
171 record or to the subject's family;
- 172 (6)(E) the victim of a delinquent act may access the disposition order entered against the
173 minor; and
- 174 (6)(F) the parent or guardian of the victim of a delinquent act may access the disposition
175 order entered against the minor if the victim is an unemancipated minor or under legal
176 incapacity.
177
- 178 (7) **Safeguarded Court Records.** The following may access a safeguarded record:
- 179 (7)(A) the subject of the record;
- 180 (7)(B) the person who submitted the record;
- 181 (7)(C) the attorney or licensed paralegal practitioner for a person who may access the
182 record or an individual who has a written power of attorney from the person or the
183 person's attorney or licensed paralegal practitioner;
- 184 (7)(D) an individual with a release from a person who may access the record signed and
185 notarized no more than 90 days before the date the request is made;
- 186 (7)(E) anyone by court order;
- 187 (7)(F) court personnel, but only to achieve the purpose for which the record was
188 submitted;
- 189 (7)(G) a person provided the record under Rule 4-202.04 or Rule 4-202.05;
- 190 (7)(H) a governmental entity with which the record is shared under Rule 4-202.10; and
- 191 (7)(I) a person given access to the record in order for juvenile probation to fulfill a
192 probation responsibility.
- 193 (8) **Juvenile court probation records.** Records prepared and maintained by juvenile court
194 probation that are not filed in a juvenile court case are not open for inspection except by order of
195 the court.
- 196 (9) Court personnel shall permit access to court records only by authorized persons. The court
197 may order anyone who accesses a non-public record not to permit further access, the violation
198 of which may be contempt of court.
- 199 (10) If a court or court employee in an official capacity is a party in a case, the records of the
200 party and the party's attorney are subject to the rules of discovery and evidence to the same
201 extent as any other party.

202 *Effective: ~~January-November~~ 1, 2024*



Administrative Office of the Courts

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

August 14, 2024

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

MEMORANDUM

TO: Management Committee / Judicial Counsel

FROM: Keisa Williams

RE: Clerical, non-substantive rule amendments

The Policy, Planning and Technology Committee recommends that the proposed amendments to the following rules be approved as final with a *November 1, 2024 effective date* and without publication for public comment. The amendments are clerical and non-substantive.

[CJA rule 2-203\(3\)](#): “Substantive amendments to existing rules shall be distributed by the Council for public comment in accordance with paragraph (1) of this rule.”

CJA 4-905. Restraint of minors in juvenile court. (AMEND)

The proposed amendments fix an incorrect reference in paragraph (4). Headings have been added to ensure consistent formatting throughout the Code of Judicial Administration.

CJA 4-508. Guidelines for Ruling on a Motion to Waive Fees. (AMEND)

CJA 4-510.06. Cases exempt from ADR rules. (AMEND)

CJA 4-903. Uniform custody evaluations. (AMEND)

CJA 4-907. Divorce education and divorce orientation courses. (AMEND)

The proposed amendments update statutory references to account for the recodification of the Domestic Relations Code in [SB0095](#). Formatting changes have also been made where appropriate.

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

1 **Rule 4-905. Restraint of minors in juvenile court.**

2 **Intent:**

3 To provide for proper restraint of minors in juvenile court proceedings.

4 **Applicability:**

5 This rule applies to the juvenile court.

6 **Statement of the Rule:**

7 (1) **Restraints in the courtroom.** Absent exigent circumstances, a minor, while present in a
8 juvenile courtroom, shall not be restrained unless the court finds by a preponderance of the
9 evidence that:

10 (1)(A) restraints are necessary to prevent physical harm to the minor or a third party
11 present in the courtroom;

12 (1)(B) the minor is a flight risk;

13 (1)(C) the minor is currently in jail, prison or a secure facility as defined by Utah Code
14 section 78A-6-105;

15 (1)(D) the seriousness of the charged offense warrants restraints; or

16 (1)(E) other good cause exists for the minor to be restrained.

17 (2) **Right to be heard.** Any person with an interest in the case may move the court to restrain a
18 minor during court proceedings. The court shall permit all persons with a direct interest in the
19 case the right to be heard on the issue of whether to restrain the minor.

20 (3) **Reconsideration.** If the court orders that a minor should be restrained, the court shall
21 reconsider that order at each future hearing regarding the minor.

22 (4) **Ex parte communications.** Ex parte communications that provide information on the criteria
23 listed in paragraph (1a) are not prohibited. However, the judge or commissioner shall notify all
24 other parties of the communication as soon as possible and shall give them an opportunity to
25 respond.

26 *Effective: ~~May 1, 2020~~ November 1, 2024*

1 **Rule 4-508. Guidelines for Ruling on a Motion to Waive Fees.**

2
3 **Intent:**

4
5 To promote statewide consistency in deciding motions to waive fees in civil cases and in the
6 expungement of criminal records in which the moving party is not incarcerated.

7
8 **Applicability:**

9
10 This rule applies to all civil and small claims cases and in the expungement of criminal records
11 in which the moving party is not incarcerated.

12
13 This rule applies to all juvenile court cases in which the moving party is not incarcerated.

14
15 As used in this rule “fee waiver” and similar phrases include waiving the court filing fee and any
16 ancillary fees in full or in part, as may be ordered by the judge.

17
18 **Statement of the Rule:**

19
20 (1) **Motion to waive fees.** The moving party must complete a Motion to Waive Fees approved
21 by the Judicial Council’s Standing Committee on Court Forms. If requested by the court, the
22 moving party must provide supporting documentation of the claims made in the affidavit. In
23 juvenile court, the minor or a minor’s parent, guardian or authorized representative may move to
24 waive fees.

25
26 (12)(A) Upon the filing of a Motion to Waive Fees, the court, sheriff or any other provider
27 of a service offered by or through a government entity shall do what is necessary and
28 proper as promptly as if the fee had been fully paid.

29
30 (13)(B) A motion to waive fees may be decided without notice to the other parties,
31 requires no response, request to submit for decision or hearing. The court will review the
32 affidavit and make an independent determination whether the fees should be waived.
33 The court should apply a common sense standard to the information and evaluate
34 whether the information is complete, consistent and true. Section 78A-2-304 requires a
35 party to pay a full or partial fee if the financial affidavit and any further questioning
36 demonstrate the party is reasonably able to pay a fee.

37
38 (24) **Ability to pay.** A party is unable to pay a fee if the moving party:

39
40 (24)(A) receives gross monthly income that is at or below 150% of the poverty guidelines
41 updated periodically in the Federal Register by the U.S. Department of Health and
42 Human Services under the authority of 42 U.S.C. 9902(2);

43
44 (24)(B) receives benefits from a means-tested government program, including the
45 Family Employment Program, Temporary Assistance to Needy Families, Supplemental
46 Security Income, the Supplemental Nutrition Assistance Program, or Medicaid;

47
48 (24)(C) receives legal services from a nonprofit provider or a pro bono attorney through
49 the Utah State Bar; or

50

51 (24)(D) has insufficient income or other means to pay the necessary fees and costs or
52 security without depriving the individual's family of food, shelter, clothing, or other
53 necessities.
54

55 ~~(35)~~ **Insufficient income.** If the reason for the moving party's inability to pay is insufficient
56 income under paragraph ~~(24)~~(D), the court must consider the moving party's:
57

58 ~~(53)~~(A) identity and residence;
59

60 ~~(35)~~(B) amount of income, including any government financial support, alimony, or child
61 support (but not government programs where it would be unlawful to do so, such as the
62 Supplemental Nutrition Assistance Program under 7 CFR 272.1(a));
63

64 ~~(35)~~(C) assets owned, including real and personal property;
65

66 ~~(35)~~(D) business interests;
67

68 ~~(35)~~(E) accounts receivable;
69

70 ~~(35)~~(F) securities, checking and savings account balances;
71

72 ~~(35)~~(G) debts; and;
73

74 ~~(35)~~(H) monthly expenses.
75

76 ~~(46)~~ **Inquiry.** At the time of hearing the cause, the court must question the moving party as to
77 the moving party's ability to pay.
78

79 ~~(57)~~ **Private counsel.** If the moving party is represented by private counsel, the motion to waive
80 fees may be granted in proportion to the attorney's discount of the attorney fee. The moving
81 party's attorney must provide an affidavit describing the fee agreement and what percentage of
82 the attorney's normal, full fee is represented by the discounted fee.
83

84 ~~(68)~~ **Ruling.** A motion to waive fees should be ruled upon within ten days after being filed.
85

86 ~~(68)~~(A) If the fee is fully waived, the court, sheriff or any other provider of a service
87 offered by or through a government entity shall do what is necessary and proper as
88 promptly as if the fee had been fully paid.
89

90 ~~(68)~~(B) If the fee is not fully waived, the court, sheriff or any other provider of a service
91 offered by or through a government entity may require payment of the fee before doing
92 what is necessary and proper. If the service has already been performed, the court,
93 sheriff or service provider may do what is necessary and proper to collect the fee,
94 including dismissal of the case.
95

96 ~~(68)~~(C) If the fee is not fully waived, the court shall notify the party in writing of the fee
97 amount, the procedure to challenge the fee, and the consequences of failing to pay the
98 fee.
99

100 ~~(68)~~(D) If the motion is rejected because of a technical error, such as failure to complete
101 a form correctly or to attach supporting documentation, the court shall notify the moving

102 party, and the moving party may file a corrected motion and affidavit within 14 days after
103 being notified of the decision.

104

105 **(79) Review.** In addition to any statutory remedies, an order granting a fee waiver may be
106 reviewed at any time if the court has jurisdiction of the case. If the court determines, after
107 waiving a fee, that the moving party is reasonably able to pay the fee, including from the
108 proceeds of a judgment, the court may modify its previous order. The court may allocate the fee
109 among the parties under Utah Rule of Civil Procedure 54, Utah Code Section ~~30-3-3~~ [81-1-203](#),
110 or as otherwise provided by law.

111

112 *Effective: ~~August 19, 2022~~ [November 1, 2024](#)*

113

1 **Rule 4-510.06. Cases exempt from ADR rules.**

2
3 **Intent:**

4
5 To identify the actions exempt from Rules 4-510.01 through 4-510.05.

6
7 **Applicability:**

8
9 This rule applies in the district court.

10
11 **Statement of the Rule:**

12
13 (1) Rules 4-510.01 through 4-510.05 do not apply to the following actions:

14
15 (1)(A) Title 26, Chapter 19, Medical Benefits Recovery Act;

16
17 (1)(B) Title 62A, Chapter 11, Recovery Services;

18
19 (1)(C) Title 78B, Chapter 7, Part 1, Cohabitant Abuse Act;

20
21 (1)(D) Title 62A, Chapter 15, Substance Abuse and Mental Health Act;

22
23 (1)(E) Rules 65A, 65B and 65C of the Utah Rules of Civil Procedure; and

24
25 (1)(F) uncontested matters

26
27 (2) Rules 4-510.01 through 4-510.05 do not apply to the following actions, but they may undergo
28 ADR procedures under other programs:

29
30 (2)(A) Title 78A, Chapter 8, Small Claims Court; and

31
32 (2)(B) Title 78B, Chapter 6, Part 8, Forcible Entry and Detainer.

33
34 (3) Rules 4-510.01 through 4-510.05 do not apply to the following actions, but the judge may
35 direct that they undergo ADR procedures under these rules:

36
37 (3)(A) Title 78B, ~~Chapter 12, Utah Child Support Act~~ Chapter 6, Utah Domestic Relations
38 Code;

39
40 (3)(B) Title 78B, Chapter 14, Uniform Interstate Family Support Act;

41
42 (3)(C) Title 78B, Chapter 15, Utah Uniform Parentage Act;

43
44 (3)(D) Title 78B, Chapter 13, Utah Uniform Child Custody Jurisdiction and Enforcement
45 Act; and

46
47 (3)(E) temporary orders requested under Title 30, Husband and Wife, except temporary
48 separation orders under ~~30-3-4.5~~ 81-4-104(1)-(7).

49
50 **Effective:** ~~4/1/2012~~ November 1, 2024

1 **Rule 4-903. Uniform custody evaluations.**

2
3 **Intent:**

4
5 To establish uniform guidelines for the performance of custody evaluations.

6
7 **Applicability:**

8
9 This rule shall apply to the district and juvenile courts.

10
11 **Statement of the Rule:**

12
13 (1) **Factors.** The purpose of a custody evaluation is to provide the court with information it can
14 use to make decisions regarding custody and parenting time arrangements that are in a child's
15 best interest. Unless otherwise specified in the order, evaluators must consider and respond to
16 the custody factors set forth in Utah Code sections ~~30-3-10~~ 81-9-204 and ~~30-3-10.2~~ 81-9-205.

17
18 (2) **Ability to pay.** Custody evaluations shall be ordered only when a party requests it or when
19 the court makes specific findings that extraordinary circumstances exist that warrant an
20 evaluation. In either case, before appointing a custody evaluator, the court must find that the
21 parties have a present ability to pay for the evaluation.

22
23 (3) **Motions and stipulations.** Every motion or stipulation for the performance of a custody
24 evaluation shall include:

25
26 (3)(A) the name, address, and telephone number of each evaluator nominated, or the
27 evaluator agreed upon;

28
29 (3)(B) the anticipated dates of commencement and completion of the evaluation and the
30 estimated cost of the evaluation;

31
32 (3)(C) specific factors, if any, to be addressed in the evaluation; and

33
34 (3)(D) a copy of each proposed evaluator's recent curriculum vitae attached as exhibits
35 The curriculum vitae must demonstrate compliance with the training requirements in
36 paragraph (7).

37
38 (4) **Orders.** Every order requiring the performance of a custody evaluation shall:

39
40 (4)(A) require the parties to cooperate as requested by the evaluator;

41
42 (4)(B) restrict disclosure of the evaluation's findings or recommendations and privileged
43 information obtained except in the context of the subject litigation or other proceedings
44 as deemed necessary by the court;

45
46 (4)(C) assign responsibility for payment from the beginning of the evaluation through the
47 custody evaluation conference, as well as the costs of the written report, subject to
48 reallocation at the time of trial;

49
50 (4)(D) specify dates for commencement and completion of the evaluation;

51

52 (4)(E) specify any additional factors to be addressed in the evaluation;
53

54 (4)(F) require the evaluator to provide written notice to the court, counsel and parties
55 within five business days of completion (of information-gathering) or termination of the
56 evaluation and, if terminated, the reason;
57

58 (4)(G) require counsel and parties to complete a custody evaluation conference with the
59 court and the evaluator within 45 days of notice of completion (of information gathering)
60 or termination unless otherwise directed by the court so that evaluator may issue a
61 verbal report; and
62

63 (4)(H) require that any party wanting a written custody evaluation report give written
64 notice to the evaluator within 28 days after the custody evaluation conference.
65

66 (5) **Mental health professionals.** Custody evaluations shall be performed by mental health
67 professionals who are licensed by the Utah Department of Occupational and Professional
68 Licensing as either a:

69
70 (5)(A) Licensed Clinical Social Worker;

71
72 (5)(B) Licensed Psychologist;

73
74 (5)(C) Licensed Physician who is board certified in psychiatry;

75
76 (5)(D) Licensed Marriage and Family Therapist; or

77
78 (5)(E) Licensed Clinical Mental Health Counselor.
79

80 (6) **Specialized knowledge.** Child custody evaluators shall gain and maintain specialized
81 knowledge and training in a wide range of topics specifically related to child custody work.
82 Evaluators shall gain broad knowledge of family dynamics. Since research and laws pertaining
83 to the field of divorce or separation and child custody are continually changing and advancing,
84 child custody evaluators shall secure ongoing specialized training and education.
85

86 (7) **Education and training.** Before accepting appointment, a child custody evaluator shall have
87 completed 18 hours of education and training within the past two years, coinciding with the
88 professional's licensure reporting deadlines, which must include all the following topics:
89

90 (7)(A) The psychological and developmental needs of children, especially as those
91 needs relate to decisions about child custody and parent-time;

92
93 (7)(B) Family dynamics, including, but not limited to, parent-child relationships, blended
94 families, and extended family relationships; and

95
96 (7)(C) The effects of separation, divorce, domestic violence, child sexual abuse, child
97 physical or emotional abuse or neglect, substance abuse, and interparental conflict on
98 the psychological and developmental needs of children and adults.
99

100 (8) **Special case types.** In cases in which specific areas of concern exist such as domestic
101 violence, sexual abuse, substance abuse, mental illness, and the evaluator does not possess
102 specialized training or experience in the area(s) of concern, the evaluator shall consult with

103 those having specialized training or experience. The assessment shall take into consideration
104 the potential danger posed to the child's custodian and the child(ren).

105

106 (9) **Experience.** Evaluators having conducted fewer than three (3) evaluations shall consult with
107 another professional who meets the education, experience, and training requirements of this
108 rule, sufficient to review, instruct, and comment on the entire evaluation process.

109

110 (10) **Psychological testing.** In cases in which psychological testing is employed as a
111 component of the evaluation, it shall be conducted by a licensed psychologist who is trained in
112 the use of the tests administered, and adheres to the ethical standards for the use and
113 interpretation of psychological tests in the jurisdiction in which he or she is licensed to practice.
114 The evaluator shall consider the psychological testing results with the understanding that they
115 are hypotheses that need to be supported by and integrated with all other data gathered.

116

117 **Effective:** ~~11/1/2022~~ November 1, 2024

118

1 **Rule 4-907. Parenting and divorce orientation courses.**

2 **Intent:**

3 To establish policies for the implementation of the mandatory parenting courses required by
4 Utah Code Section ~~30-3-11.381-9-103~~ and the mandatory divorce orientation course required
5 by Utah Code Section ~~30-3-11.481-4-105~~.

6 **Applicability:**

7 This rule shall apply to all proceedings in which Utah Code Section ~~30-3-11.381-9-103~~, Utah
8 Code Section ~~30-3-11.481-4-105~~, or a court order requires attendance.

9 **Statement of the Rule:**

10 (1) **Judicial education department.** The judicial branch education department shall:

11 (1)(A) establish uniform specifications and standards for the courses;

12 (1)(B) issue a request for proposals setting forth the uniform specifications and
13 standards;

14 (1)(C) award contracts for live courses; and

15 (1)(D) produce the courses by effective formats.

16 (2) **Attendance.** Each party required to attend a course may attend the live course at any
17 location at which it is offered or take an interactive online course. The judicial branch education
18 department may approve an equivalent alternative under exigent circumstances.

19 (3) **Unmarried parties.** Until the Council approves and implements a mandatory parenting
20 course for unmarried parties in a parentage action, an unmarried party in a parentage action
21 must attend the mandatory parenting course for married parties.

22 (4) **Certificate.** The course provider shall provide the party with a certificate of completion.

23 (5) **Notice.** When the petition is filed, the clerk shall notify the petitioner of the course
24 requirement. The petitioner shall notify the respondent of the requirement and file a certificate of
25 service of the notice.

26 (6) **Fees.**

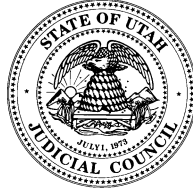
27 (6)(A) Any person attending a course shall present a valid form of photo identification
28 and pay the course fee, or present a copy of an order waiving the fee or a motion to
29 waive fees that has been filed with the court. If the court determines that the party is not
30 indigent, the court may enter judgment for the amount of the course fee.

31 (6)(B) The fee for attending or taking an online parenting course is \$35.00, which
32 includes \$8.00 for deposit in the Children's Legal Defense Fund. The fee for attending or
33 taking an online divorce orientation course is \$15.00 for petitioners who attend the
34 course within 30 days of filing and for respondents who attend the course within 30 days
35 of service. Otherwise, the fee for attending or taking an online divorce orientation course
36 is \$30.00, which includes \$5.00 for deposit in the Children's Legal Defense Fund.

37 (7) **Course provider.** The course provider shall provide the court with an alphabetized list of
38 each party who completed the course on a monthly basis.

39 Effective: ~~May 1~~November 1, 2024

Tab 19



Administrative Office of the Courts

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

July 23, 2024

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

MEMORANDUM

TO: Judicial Council and Management Committee

FROM: Chris Talbot, Standing Committee for Facilities Planning

RE: Committee Term Extensions

The Facilities Planning Standing Committee has requested that 3 of our current members extend their appointments for another 3 year term. All three members have agreed and their new term end dates are listed below for consideration and approval.

Judge Michele Christiansen – Forster, Chair extending to 5/18/26
Chris Morgan extending to 10/25/27
Judge Lee Edwards extending to 11/1/27

The Facilities Standing Committee has unanimously agreed to forward these extension recommendations to the Management Committee and Judicial Council for approval.

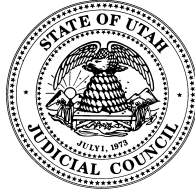
Current members:

Judge Michele Christiansen Forster (Court of Appeals) - Chair
Judge Ronald Russell - (District Court)
Judge Troy Little (5th District Juvenile Court Cedar City)
Judge Lee Edwards (Logan City Justice Court)
Ron Gordon (State Court Administrator)
Brian Bales (Public - Retired Industry Professional)
Christopher Morgan (TCE 6th District)
Chris Palmer (AOC Security Director)

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.**

Tab 20



Administrative Office of the Courts

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

August 1, 2024

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

MEMORANDUM

TO: Management Committee and Judicial Council

FROM: Jon Puente, Director OFA

RE: Committee on Fairness and Accountability Vacancy

Currently, there is a vacancy on the Committee on Fairness and Accountability which by Rule 1-205(1)(B)(xiv)(e) must be filled by a former Judge. Judge Mary Noonan was serving on the committee in this capacity, however, she had to step down. The Committee on Fairness and Accountability had previously reached out to former judges who would be interested in being part of the committee and supporting the work of the OFA. After deliberation, the committee nominates Judge Steve Roth for consideration.

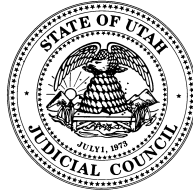
On behalf of the Committee on Fairness and Accountability and the Chair, Justice Jill Pohlman, we respectfully request that the Management Committee appoint Judge Roth to fill the vacancy. At this time the Committee on Fairness and Accountability is comprised of the following members:

- Justice Jill Pohlman, Chair, Utah Supreme Court
- Judge Todd Shaughnessy, Third District Court
- Judge Monica Diaz, Third District Juvenile Court
- Judge Danalee Welch-O'Donnal, Grand County Justice Court
- Justice Michael Zimmerman,
- Judge Renee Jimenez
- Shawn Newell, Community Representative
- Tucker Samuelson, Director of Data and Research
- Jon Puente, Director of the Office of Fairness and Accountability
- Bryson King, General Counsel Designee

The purpose of the Committee on Fairness and Accountability is to serve as the core leadership team for the OFA. The Committee is to provide support to the OFA and provide expertise and guidance to the Judicial Council regarding how to best support the work of the OFA.

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

Tab 21



Administrative Office of the Courts

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

August 3, 2024

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

MEMORANDUM

TO: Forms Committee

FROM: Kaden Taylor

RE: Recodification of statutes in Titles 26B, 30, and 78B due to SB 95

SB 95 recodifies several statutes. Effective September 1, 2024, many statutes in Utah Code Titles 26B, 30, and 78B will be moved to Utah Code Title 81 and 78B. For our purposes, there are no substantive changes – the only changes relate to the recodification of the statutes. The following forms will be affected by these changes:

- Instructions for Child Support Worksheet - Joining Physical Custody
- Instructions for Child Support Worksheet - Sole Physical Custody
- Instructions for Child Support Worksheet - Split Custody
- Instructions for Child Support Worksheet - Other Children Present in the Parent's Home
- Child Support Worksheet - Joint Physical Custody
- Child Support Worksheet - Sole Physical Custody
- Child Support Worksheet - Split Custody
- Child Support Worksheet - Other Children Present in the Parent's Home
- Declaration of Other Parent's Earnings
- Income Verification and Statement of Compliance with Child Support Guidelines
- Petition to Recognize a Relationship as a Marriage
- Petition to Modify Child Custody, Parent-time, and Child Support
- Findings of Fact and Conclusions of Law on Petition to Modify Child Custody, Parent-time and Child Support
- Order on Petition to Modify Child Custody, Parent-time and Child Support
- Petition to Modify Parent-time
- Findings of Fact and Conclusions of Law on Petition to Modify Parent-time
- Order on Petition to Modify Child Parent-time
- Motion to Adjust Child Support/Stipulated Motion to Adjust Child Support (all versions)
- Order on Motion to Adjust Child Support

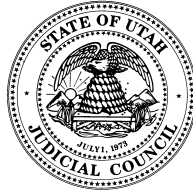
The mission of the Utah judiciary is to provide the people an open, fair, efficient, and independent system for the advancement of justice under the law.

- Petition to Modify Child Support
- Findings of Fact and Conclusions of Law on Petition to Modify Child Support
- Order on Petition to Modify Child Support
- Request to Join the Office of Recovery Services (ORS)
- Motion for Temporary Order - No Children (all versions)
- Motion for Temporary Order - With Children (all versions)
- Order on Motion for Temporary Order - No Children
- Order on Motion for Temporary Order - With Children
- Motion for Temporary Order Due to Deployment (all versions)
- Order on Motion for Temporary Order Due to Deployment
- Order on Motion for Temporary Order Due to Deployment
- Motion to Waive 30-day Divorce Waiting Period
- Notice of Required Classes (all versions)
- Motion to Waive Required Classes
- Parenting Plan
- Military Parenting Plan
- Petition to Register Office of Recovery Services (ORS) Support Order
- Notice of Relocation
- Motion for Orders Regarding Relocation
- Findings of Fact, Conclusions of Law and Order on Motion for Orders Regarding Relocation
- Findings of Fact and Conclusions of Law - Divorce
- Divorce Stipulation
- Verified Petition for Divorce

We seek the Form Committee's permission to update these forms as well as the following OCAP and MyPaperwork interviews: Divorce, . We also seek permission to update any other forms we identify that are affected by this recodification.

A list of statute recodifications can be found here:

<https://le.utah.gov/lrgc/Recodification/Comparison%20of%20Sections%20New%20to%20Old.pdf?r=1>



Administrative Office of the Courts

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

August 5, 2024

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

MEMORANDUM

TO: Forms Committee

FROM: Verenice Ramirez, UX Designer

RE: Redesign of Certificates of Service incorporated within Court forms

Background

Based on user research, we found that many court patrons struggle to complete the certificate of service attached to many of our forms. They are unsure what 'service' is and how to complete the certificate of service.

To address this issue, I redesigned the certificate of service and conducted validation testing to ensure its effectiveness. The redesign includes instructions at the top of the page and labels to guide patrons in completing each section. Additionally, more space is provided for patrons to clearly input service information, enhancing accessibility. In validation testing, users completed both the current layout and the redesigned version. Eighty percent of users were unable to correctly complete the current layout, while eighty percent successfully completed the redesigned version. These results clearly demonstrate the importance of clear instructions and improved labeling. The stylistics committee has reviewed and revised the redesign consistent with my recommendations. The finalized redesigned is on the following page.

Implementation

1. We are asking the Forms Committee to approve the redesigned Certificate of Service for any form that is required to be served under Utah Rule of Civil Procedure 5. Please note, this will not impact OCAP or MyPaperwork-generated certificates of service as those have their own format which has previously been approved. And we will work separately to redesign the standalone Certificate of Service forms.
2. Due to the number of forms this change impacts and other logistical concerns, it is not feasible to immediately implement the change for all impacted forms. Instead, we ask the Forms Committee to approve a gradual change from the current version to the redesigned version. This will happen over time as forms are created, revised, or built out in the Forms Engine.

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.

The Certificate of Service proves you gave copies of this document to everyone involved in your case. It is saying, "I gave everyone the papers they need to see." (Utah Rule of Civil Procedure 5)

1. **Fill out the sections below:** Write the information for each person you are sending a copy to. You have space to include two people and may add more pages if needed.
2. **Serve it:** You need to give a copy of the document including the certificate of service page to the other person. Give it to them on or before the day you give the document to the court.
3. **File it:** You need to give this document including the certificate of service page to the court. Make sure you also keep a copy for yourself.

Certificate of Service

I confirm that I provided a copy of this Declaration of Jurisdiction and Grounds for Divorce to the following people.

I provided a copy to Name of Person	I provided the copy by [x]check one	I provided the copy to this address (based on ← option checked)	I provided the copy on Date
1.	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed/MyCase <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.)		
2.	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed/MyCase <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
 (when you filled this out)

Your
 Signature ► _____
 Your Printed
 Name _____