

JUDICIAL COUNCIL MEETING

AGENDA

November 25, 2024

Meeting held through Webex
and in person

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

Chief Justice Matthew B. Durrant, Presiding

1. 9:00 a.m. Welcome & Approval of Minutes.....Chief Justice Matthew B. Durrant
(TAB 1 - Action)
2. 9:05 a.m. Oath of Office for New Council.....Chief Justice Matthew B. Durrant
Members Judge Rita Cornish
Judge Angela Fonnesebeck
3. 9:10 a.m. Chair's Report.....Chief Justice Matthew B. Durrant
(Information)
4. 9:15 a.m. State Court Administrator's Report.....Ron Gordon
(Information)
5. 9:25 a.m. Reports: Management Committee.....Chief Justice Matthew B. Durrant
Budget and Fiscal Management Committee.....Judge Rita Cornish
Liaison Committee.....Vacant
Policy, Planning, and Technology Committee.....Judge James Gardner
Bar Commission.....Katie Woods, esq.
(TAB 2 - Information)
6. 9:35 a.m. Budgets and Grants.....Karl Sweeney
(TAB 3 – Information) Alisha Johnson
Jordan Murray
Amy Hernandez
Bart Olsen
Erin Rhead
Suzette Deans

7. 9:50 a.m. MUJI Civil Committee Report.....Alyson McAllister
(TAB 4 – Information) Jace Willard
8. 10:00 a.m. Rules for Final Approval.....Keisa Williams
(TAB 5 – Action)
9. 10:10 a.m. Board of Justice Court Judges Report.....Judge Clay Stucki
(Information) Jim Peters
10. 10:30 a.m. GAL Oversight Committee Report.....Jason Richards
(Information) Stacey Snyder
- 10:40 a.m. Break**
11. 10:50 a.m. March Judicial Council Meeting.....Ron Gordon
(Discussion)
12. 10:55 a.m. Board of District Court Judges Report.....Judge David Williams
(Information) Shane Bahr
13. 11:05 a.m. 2024 Court Fees Report to the Legislature.....Wayne Kidd
(TAB 6 – Action) Karl Sweeney
14. 11:10 a.m. Consent Calendar.....Chief Justice Matthew B. Durrant
(Action)
15. 11:15 a.m. Old Business / New Business.....All
(Discussion)
16. 11:25 a.m. Senior Judge Applications.....Neira Siaperas
(Action)
17. 11:30 a.m. Executive Session.....Chief Justice Matthew B. Durrant

18. 11:50 a.m. Adjourn.....Chief Justice Matthew B. Durrant
19. 12:00 p.m. Annual Council Photo (5th Floor Rotunda).....All

Consent Calendar

1. Rules for Public Comment
(TAB 7)
2. MUJI Crim New Member Appointments
(TAB 8)
3. CCJJ Juvenile Judge Appointment Request
(TAB 9)
4. Probation Policy Updates
(TAB 10)
5. ADR Committee Appointment Request
(TAB 11)
6. Updates to Rule 4-202.07
(TAB 12)

Tab 1

**JUDICIAL COUNCIL MEETING
Minutes**

October 28, 2024

**Meeting held through Webex
and in person**

Matheson Courthouse

9:00 a.m. – 11:45 a.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. Michael DiReda
Hon. Susan Eisenmann
Hon. Ryan Evershed
Hon. James Gardner
Hon. Thomas Low
Hon. Brendan McCullagh
Hon. Amber Mettler
Justice Paige Petersen
Kristin K. Woods

AOC Staff:

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

Excused:

Brody Arishita
Hon. Rita Cornish
Hon. Angela Fonnesbeck

Presenters:

Hon. Steven Beck
Cris Karren
Bart Olsen

Mary-Margaret Pingree
Bridget Romano
Cindy Schut

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 Amber Mettler made a motion to approve the September 10, 2024 meeting minutes. Judge Thomas Low seconded the motion, and the motion passed unanimously.

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

Chief Justice Durrant recognized Judge Keith Barnes for his service on the Judicial Council and expressed gratitude for the contributions he has made during his time as Council member. Judge Barnes thanked Chief Justice Durrant and the other Council members for their friendship, and commended Chief Justice Durrant for the respect he shows to everyone that appears before the Council.

Chief Justice Durrant administered the Oath of Office to three of the new Judicial Council members: Judge Susan Eisenman, Judge Brendan McCullagh, and Kristin Woods. Judge Rita Cornish and Judge Angela Fonnesebeck were not present and will be sworn in at the November Judicial Council meeting.

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

Ron Gordon announced that the annual Judicial Council photo will be taken at the November 25, 2024 meeting at 12:00 pm and encouraged the Council members to attend the meeting in person to be part of the photo.

Mr. Gordon thanked everyone who completed the system review survey, which is part of the overall system review contracted through the National Center for State Courts (NCSC). The survey received 999 responses, a 79% response rate. Mr. Gordon shared that the NCSC consultants have conducted a number of focus groups around the state to gain additional insights into the survey results. The NCSC is in the process of reviewing the data. Next, the System Review Oversight Committee will begin working on the report, which is anticipated to be ready by February or March of 2025. He added that the purpose of the system review is to identify ways to better provide services as a branch of the government and to be a better employer.

Mr. Gordon discussed the recent Judicial Assistant focus groups, which are separate from the system review, to determine if there is anything about the nature of the job itself that could be improved as the judiciary prepares to ask the legislature for additional resources, both in terms of compensation and in terms of the number of Judicial Assistants. These were both priorities established by the Judicial Council in August 2024 to reduce the high turnover rate. Mr. Gordon added that he has instructed the AOC directors to do a deep-dive budget review to ascertain if there are aspects of their individual budgets that could be redirected to addressing the need for additional Judicial Assistants, an exercise he feels is necessary before approaching the legislature for the funding.

Mr. Gordon shared that the Supreme Court and the Management Committee approved the release of an op-ed that talks about the significance of and importance of an independent judiciary. He received feedback from members of the Management Committee when writing the piece, and talked about the timing of the piece as an opportunity to share more about the judiciary with the public.

4. COMMITTEE REPORTS:

Management Committee Report:

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

Budget & Fiscal Management Committee Report:

Nothing to report from this committee.

Liaison Committee Report:

It is not yet determined who the new chair of the committee is.

Policy, Planning, and Technology Committee Report:

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

Bar Commission Report:

Ms. Woods didn't have a report for this month.

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

Judge Michele Christiansen Forster provided the following updates from the appellate court:

- Appellate Clerk of Court, Lisa Collins, is retiring at the end of November. Jennifer Gadbois, who comes from the Third District, has been hired as her replacement.
- Hannah Hunter from the administrative front office has been hired as a new Deputy Clerk of Court.
- Appellate e-filing became mandatory on August 1, 2024 and there have been 2,242 filings since the launch.
- An appellate focus group had the opportunity to meet with the NCSC representatives and had some good discussions about their needs.
- The Supreme Court recently admitted 333 new lawyers and four new licensed paralegal practitioners to the appellate rolls.
- The Board of Appellate Court Judges recently met with Jon Puente and Judge Monica Diaz to provide feedback on the Strategic Plan.

Judge Christiansen Forster expressed appreciation to Nick Stiles for the amazing work that he does.

7. HR POLICY UPDATES: (Bart Olsen)

Bart Olsen shared that there have been several pieces of legislation that have created a need to update some of the HR policies, one being the allocation of funding for pay for performance. Mr. Olsen invited questions from the Council members on the policy updates in the materials.

Motion: Judge Low made a motion to approve the HR policy updates as presented. Judge Brian Brower seconded the motion, and the motion passed unanimously.

8. JUDICIAL BRANCH EDUCATION COMMITTEE REPORT: (Lauren Andersen)

Lauren Andersen gave the following updates on the Standing Education Committee:

- Justice Diana Hagen has served her two three-year terms and Judge Ryan Tenney will be replacing her as committee chair;
- Over the past year, the Education Department received 50,952 enrollments in live training and online, on-demand courses. This represents approximately 32 enrollments per court employee, a 5% increase over last year;
- The Education Team hosted seven judicial conferences, four New Judge Orientations, three New Employee Orientations, one Court Employee Conference and one Justice Court Clerk Conference; and
- The Education Team supported the 2024 Leadership Academy, a Law Clerk Attorneys Retreat, a Judicial Writing Seminar and the National Consortium on Racial and Ethnic Fairness.

9. BOARD OF JUVENILE COURT JUDGES Report: (Judge Steven Beck, Sonia Sweeney)

Judge Steven Beck discussed one of the Board of Juvenile Court Judges' new goals, which is to improve job satisfaction amongst the Judicial Assistants and Probation staff, including training judges on their implied leadership role and improving communication and collaboration. He added that the Board's previous goal to increase time between children and their parents in the welfare cases has been very fruitful and has been moved over to the court improvement project to continue the momentum. Judge Beck shared another goal of the Board over the past year, which was to ensure that children in the welfare system have a voice in their proceedings.

10. RULES FOR FINAL APPROVAL: (Keisa Williams)

Keisa Williams presented rules CJA 2-102, 3-422, and 3-501 for final approval with an effective date of November 1, 2024. Those three rules went through the public comment period and no comments were received. Ms. Williams shared that the other two rules, CJA 1-205 and 3-114, received some additional requests after coming back from public comment; one to eliminate the Pretrial Service Committee and the other to consolidate the Judicial Outreach Committee and the Committee on Fairness and Accountability. She explained that the chairs of the two committees under the Office of Fairness and Accountability felt that the work overlapped enough that they could be consolidated, adding that those additional changes have not gone back out for public comment. Ms. Williams requested the approval of CJA 1-205 and the repeal of CJA 3-114 at the same time with a November 1, 2024 effective date as well, and to send both rules out again for public comment. There was a discussion about the dissolution of the Pre-trial Service Committee and the lack of pretrial services in Utah County. Michael Drechsel offered to be a resource in future conversations addressing pre-trial issues in the absence of a committee.

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

11. JUDICIAL PERFORMANCE EVALUATION COMMISSION (JPEC) REPORT: (Mary-Margaret Pingree, Bridget Romano)

Mary-Margaret Pingree introduced Bridget Romano, the new chair of JPEC. Ms. Romano was appointed by Governor Herbert in 2018 and then reappointed by Governor Cox in 2022. She has been the vice chair for the last four years, and professionally, she's the Chief Civil Deputy for the Salt Lake County District Attorney's Office.

Ms. Pingree discussed the initiatives JPEC has taken to address the misconception that there isn't enough information available to the public about judges who are up for retention. She added that once voters connect with the fact that JPEC offers them objective, non-partisan information on judicial officers, that concern seems to disappear. Ms. Romano added that it is just a matter of getting the word out and drawing people to JPEC's website.

Judge Michael DiReda asked if there is some kind of measure on how many people actually access the information on JPEC's website. Ms. Pingree shared that about 30,000 people visited the website per day just after the ballot dropped a few weeks ago, and the number is now hovering around 20,000 per day, which is about a 60% increase from 2022.

Judge Brower asked for clarification on how the "no" voter is different during this particular election cycle, specifically retention cycle for judges, versus other cycles. Ms. Pingree explained that there's a small group of people that always voice the opinion of voting no on all of the judges on the ballot, and JPEC looks for opportunities to educate where they can. She added that they usually receive comments from the public on judges' court rulings, which JPEC does not consider in their evaluations. Ms. Romano shared some ideas on getting voters to more easily engage with the information on their website.

12. TREATMENT COURT RECERTIFICATIONS: (Katy Collins, Cris Karren)

Katy Collins and Cris Karren presented three treatment court recertifications. Ms. Collins shared that they spent some time in the Seventh District and, overall, all of the treatment courts are doing very well. Ms. Collins discussed some concerns in Judge Bolinder's adult drug court with the referral process. She explained that there appears to be some barriers to getting people into the program and the timing in which that occurs. She and Ms. Karren are working on fine tuning the referral and screening processes to get as many eligible people into the program in a timely manner.

Motion: Judge McCullagh made a motion to recertify Judge Bolinder's adult drug court, based on the satisfied criteria presented. Judge Jon Carpenter seconded the motion, and the motion passed unanimously.

Motion: Judge Carpenter made a motion to recertify the remaining treatment courts as presented. Judge McCullagh seconded the motion, and the motion passed unanimously.

13. OLD BUSINESS/NEW BUSINESS: (All)

Mr. Gordon discussed a change in process with the consent calendar going forward. Beginning next month, the Council will take a vote on all of the consent calendar items combined, and it will be listed as an action item.

14. ACTIVE SENIOR JUDGE APPLICATION: (Neira Siaperas)

Motion: Judge David Mortensen made a motion to move into an executive session for the purpose of discussing the character, professional competence, or physical or mental health of an individual. Judge McCullagh seconded the motion, and the motion passed unanimously.

15. EXECUTIVE SESSION: (Chief Justice Matthew B. Durrant)

There was an executive session, after which the following motion was made.

Motion: Judge Mortensen made a motion that four senior judge applicants discussed in the executive session qualify for senior judge appointments. Judge McCullagh seconded the motion, and the motion passed unanimously.

There was a second executive session, after which the following motion was made.

Motion: Judge Brower made a motion to refer the items discussed in the second executive session to the Judicial Conduct Commission for any further proceedings they deem appropriate. Judge Suchada Bazzelle seconded the motion, and the motion passed unanimously.

16. ADJOURN: (Chief Justice Matthew B. Durrant)

The meeting was adjourned.

CONSENT CALENDAR ITEMS

1. Rules for Public Comment
2. Form Updates
3. Request to Close Justice Court on County Holidays
4. Self-Represented Parties Committee Member Updates

Tab 2

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

Minutes

August 29, 2024

**Meeting held virtually through WebEx
12:00 p.m. – 1:35 p.m.**

Members Present:

Hon Brian Brower, Acting Chair
Hon. Keith Barnes
Justice Paige Petersen
Margaret Plane, Esq.

Excused:

Guests:

Keri Sargent
Amy Hernandez
Erin Rhead

AOC Staff Present:

Shane Bahr
Brody Arishita
Todd Eaton
Bart Olsen
Daniel Meza-Rincon
Jordan Murray
Karl Sweeney
Alisha Johnson
Kelly Moreira
Suzette Deans, Recording Secretary

1. WELCOME / APPROVAL OF MINUTES (Judge Brian Brower – “Presenter”)

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

Motion: Judge Keith Barnes moved to approve August 8, 2024 minutes. Justice Paige Petersen seconded the motion, and it passed unanimously.

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

Ongoing Turnover Savings (“OTS”)/FY 2025 Carryforward and Ongoing Requests – Alisha Johnson reviewed the OTS line number three showing the Courts have a negative \$58,024 of ongoing turnover savings YTD for FY 2025 which is primarily due to hot spot raises given out early in the year whereas the generation of OTS comes in during all of FY 2025. This is a timing difference only. We still expect to generate at least \$50,000 of OTS each month in FY 2025. Further, the OTS carried into FY 2025 is expected to rise as the final FY 2024 hires choose their medical and dental benefits.



FY 2025 Ongoing Turnover Savings as of 08/26/2024

#	Funding Type	Actual	Forecasted
		Amount YTD	Amount @ YE
	Internal Savings	53,594	53,594
	Internal Savings	(30,610)	(30,610)
1	Internal Savings	-	500,000
		22,984	522,984
2		(81,008)	(200,000)
		(81,008)	(200,000)
3		(58,024)	322,984

Prior Report Totals N/A; this is the first report of FY 2025)

- * Ongoing turnover savings only happens when a vacant position is filled at a lower rate and / or with lower benefits.
- * There are currently 23 positions that have turned over within the past 90 days that are currently listed as having unknown benefits. As those employees select their benefits, if they select lower benefits, there will be additional savings.
- * Currently, 45.5 FTE are vacant.
- 1 We are currently estimating \$50,000 of ongoing savings a month for the remainder of the fiscal year.
- 2 Authority was delegated from the Judicial Council to the State Court Administrator/Deputy in October 2022 to expend up to \$200,000 annually.

One-Time Turnover Savings/ FY 2025 YE Requests - One-time TOS are generated from position vacancies which are higher in FY 2025 (we averaged +/- 30 in FY 2024 and we are averaging +/- 40 in FY 2025). Our initial actual 1x TOS is running almost \$2,000 per work hour based on a 2088 annual hour year, versus \$1200 per hour actual for FY 2024. Our initial FY 2025 forecast is a conservative \$2,661,425.



FY 2025 One Time Turnover Savings

Updated as of Pay Period Ending 08/02/2024 (200 out of 2,088 hours)

#	Funding Type	Actual Amount
1	Internal Savings	395,825
2	Internal Savings (Est.)	2,265,600
Total Potential One Time Savings		2,661,425

Prior Report Totals (as of ESTIMATE)

2,505,600

- 2 \$1,200/ pay hour represents the actual FY 2024 average; going with this conservative amount for the balance of the year.
- * Actual per hour turnover savings for the last 3 pay periods (oldest to newest) are \$1,172 (1/2 pay period), \$2,201, and \$2,160. The average per hour turnover savings FY 2025 YTD is \$1,979.

ARPA Expenditures – We have expended \$13.5M of ARPA funds as of August 26, 2024. This leaves an available balance of \$1.52M of the \$15 million that was awarded to the courts. We anticipate that the remaining \$1.52M will be spent by the extended cutoff date of December 31, 2026.



ARPA Expenses as of 8/26/2024 (period 2 not closed)

	A Judicial Council Approved	B Actual FY 2022 Expended	C Actual FY 2023 Expended	D Actual 2024 Expended	E FY Actual 2025 Expended	F Total Expended Amount	G Balance Available
IT Access to Justice - Part I + II	12,373,400	3,042,467.67	4,613,254.75	3,075,857.40	124,875.00	10,856,454.82	1,516,945.18
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	152,863.52	-	324,500.00	-
TOTAL	15,000,000	3,750,430.78	5,792,026.58	3,815,722.46	124,875.00	13,483,054.82	1,516,945.18

Expenditures added since last report: \$ 124,875.00

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

Historical Trends

IT Access to Justice Use - Last 3 Periods

Period 13	Period 1	Period 2
\$ 60,342.30	\$ 51,245.00	\$ 73,630.00

Legal Sandbox - Last 3 Periods

Period 13	Period 1	Period 2
\$ 10,384.62	\$ -	\$ -

Period 1 and 2 Expenses \$ 124,875.00

TOTAL INCREASE FROM PRIOR TOTAL EXPENDED AMOUNT: \$ 124,875.00

Alisha Johnson reviewed the FY 2025 Year End Spending Requests and Forecasted Available One-Time Funds. As of period 2, the 1x turnover and operational savings is forecasted to be \$3,212,272 of one-time funds based upon last year's actual of \$1,200 per pay hour. Our carry-forward dollar expectation is initially set for 2026 as \$2.5M with the legislatively authorized amount of \$3.2M available if we can generate more total 1x OTS. This gives the Courts the forecasted potential of one-time savings available of \$712,272 in YE 2025 funds. The Judicial Council previously approved \$461,427 of YE 2025 1x spending, which leaves a balance of \$250,845 in forecasted 1x funds available for future FY25 spending requests. It is important to note that \$451,427 of the forecasted expenditures are construction contingencies which may or may not be necessary. We will update you on Chris Talbot's expectations for use of the contingency in future meetings.



FY 2025 Year End Requests and Forecasted Available One-time Funds - Period 2

Forecasted Available One-time Funds			#	One-time Spending Plan Requests	Adjusted Requests Amount	Judicial Council Approved Amount
Description	Funding Type	Amount				
Sources of YE 2025 Funds			1	Tooele Courtroom Construction Contingency (10%)	\$ -	451,427
* Turnover Savings as of PPE 08/02/2024	Turnover Savings	395,825	2	All Rise Utah Welcome Dinner	\$ -	10,000
Turnover savings Estimate for the rest of the year (\$1,200 x 1,888 pay hours)	Turnover Savings	2,265,600				
Total Potential One Time Turnover Savings		2,661,425				
Less: Judicial Council Delegated to State Court Administrator for Discretionary Use		(250,000)				
(a) Total Potential One Time Turnover Savings Less Discretionary Use		2,411,425				
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)		3,212,272				
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)		712,272				
Less: Judicial Council Requests Previously Approved		(461,427)				
Remaining Forecasted Funds Available for FY 2025 YE Spending Requests		250,845				
Updated 8/26/2024						

* Actual per hour turnover savings for the last 3 pay periods (oldest to newest) are \$1,172, \$2,201, and \$2,160.
The average per hour turnover savings YTD was \$1,979.
(b) Estimate only; Operational Savings from TCE / AOC Budgets will be updated in January / February 2025.
FY 2024 operational savings were \$1.3M.

3. Minimal Fees for Governmental Entity Definition Adoption Follow-up (Daniel Meza Rincon – “Presenter”)

Daniel Meza Rincon presented an updated memorandum to the BFMC. At the July 2024 BFMC meeting, the Committee recommended the following changes:

- Define minimal in the accounting manual as anything \$10 or less. A slight change in definition from the initially proposed definition of “anything less than \$10 per transaction.”
- That this change be accompanied by an amendment to CJA Rule 4-202.08(10)(A)(i) so that the fee for copies of audio records shared via the FTR cloud can be reduced.

Per the July 8, 2024, meeting minutes, the BFMC asked the presenters to update the memo and the accounting manual to define minimal as \$10 or less. They approved a motion to forward the memo to the to the Judicial Council with a recommendation to approve once those changes were made, therefore no new motion was made during this meeting.

Grants

2. Byrne Grant through CCJJ (Jordan Murray and Amy Hernandez – “Presenters”)

Jordan Murray and Amy Hernandez requested permission to submit a preliminary grant application to the National Council of Juvenile and Family Court Judges (NCJFCJ) in partnership with the Office of Violence Against Women (OVW) for a grant titled “The Cook County Model: A Pilot Project to Increase Safe Child-Related Relief in Civil Protection Orders.” Because this particular type of application to be considered as a grant is not set forth in UCJA 3-411 Grants, in an abundance of caution, we are seeking BFMC approval to go forward with this application to be considered for a grant even if it is not presently clearly required. If we are

selected, we will receive special guidance on how to implement a child related relief protective order program. Jordan will notify the committee if we are selected to proceed, and we will go through our standard grant approval process.

Motion: Judge Keith Barnes made a motion to approve the preliminary application submission. Margaret Plane seconded the motion, and it passed unanimously.

4. New Business/Old Business

None

Adjourned at 12:40 p.m.

Next meeting October 7, 2024

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

Webex video conferencing
October 4, 2024 – 12 p.m.

MEMBERS:

PRESENT

EXCUSED

Judge James Gardner, <i>Chair</i>	✓	
Justice Paige Petersen	✓	
Judge Angela Fonnesbeck	✓	
Judge Jon Carpenter	✓	

GUESTS:

Keri Sargent
Paul Barron
Jon Puente
Bryson King

STAFF:

Keisa Williams
Brody Arishita
Cindy Schut

(1) Welcome and approval of minutes:

Judge Gardner welcomed Justice Peterson and Judge Fonnesbeck to the Policy, Planning, and Technology Committee (PP&T). PP&T considered the minutes from the September 5, 2024 meeting. With no changes, Judge Carpenter moved to approve the minutes as presented. Judge Gardner seconded the motion. The motion passed unanimously.

(2) Elect new Chair:

Because Judge Chiara was reassigned to another executive committee, PP&T must elect a new chair. Judge Gardner noted that he believes a well-functioning committee should have a rotating chair and suggested conducting a new election every year. By rule, PP&T may elect chairs on a schedule deemed appropriate by the committee.

Judge Carpenter moved to elect Judge Gardner as the new Chair and to hold a new election in October 2025. Justice Petersen seconded the motion. The motion passed unanimously.

(3) CJA 4-202.07. Appeals

The proposed amendments to rule 4-202.07 are in response to a request from the Management Committee to clarify and streamline the records access appeal process for records not associated with a case. Bryson King provided an overview of the changes, pointing out an inconsistency in the current rule regarding an appellant's right to a hearing and the timing of those hearings. PP&T made minor changes for clarification and consistency purposes and removed language requiring the Management Committee to make certain findings in written decisions. PP&T noted that the rule does not require the Management Committee to issue a written decision within a specific timeframe and asked Mr. King to get the Management Committee's feedback on that issue.

Following further discussion, PP&T directed Mr. King to take the revised draft of rule 4-202.07 to the Management Committee for review.

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

CJA 3-114. Judicial outreach (REPEAL)

Following a round of public comments, the amendments to rule 1-205 creating the Tribal Liaison Committee and removing the general counsel member position from the WINGS Committee were approved by PP&T at the last meeting and are scheduled to be on the Judicial Council's October agenda for final approval. The new proposed amendments eliminate the Pretrial Release and Supervision Committee (lines 41, 280-314) and consolidate the Judicial Outreach Committee (Outreach Committee) with the Committee on Fairness and Accountability (CFA) (lines 182-193).

The Committee on Pretrial Release and Supervision is staffed by Michael Drechsel and has been on hiatus since the end of 2021 due to legislative interest in pretrial reform and a federal lawsuit regarding issues related to pretrial reform. The chair's term ended in 2021 and all of the committee members' terms have expired. The Council has shifted its focus to other equally important topics and Mr. Drechsel feels the committee is no longer needed.

Because much of the work of the Outreach Committee and the CFA overlaps, the chairs agreed to consolidate. If approved, the CFA would absorb subcommittees from the Outreach Committee and the Outreach Committee would be eliminated, requiring the repeal of rule 3-114. The Office of Fairness and Accountability staffs both committees and would work with the chairs to ensure a smooth transition.

Ms. Williams recommended that the latest amendments be included in the version already scheduled for final approval by the Judicial Council, with a recommendation that they be approved on an expedited basis, followed by a public comment period. She indicated that it may be confusing to have two recently amended versions circulating at the same time, and holding the initial amendments for a second round of public comments would delay the Tribal Liaison Committee's work.

Following further discussion, Justice Petersen moved to recommend to the Judicial Council that all amendments to rule 1-205 be approved on an expedited basis with a November 1, 2024 effective date, followed by a 45-day public comment period. Judge Carpenter seconded the motion. The motion passed unanimously.

(5) CJA 4-401. Proceedings conducted by remote transmission (NEW)

At its September 12, 2024 meeting, the Judicial Council determined that the judiciary should have a rule regarding the security of remote court proceedings and directed PP&T to remove references in rule 4-401 to a particular platform. The Council also determined that exceptions must be approved by the Judicial Council, not the Management Committee.

Following discussion, Judge Carpenter moved to send rule 4-401 to the Judicial Council with a recommendation that it be published for a 45-day public comment period. Judge Fannesbeck seconded the motion. The motion passed unanimously.

Technology report/proposals:

The Technology Advisory Committee (TAC) is reviewing essential functions for each court level, working to identify which court systems could be affected in the event of a cybersecurity attack or natural disaster, and devising short- and long-term options for responding to such an event. TAC is also looking at a new tool to educate employees about cybersecurity and phishing scams and would like to send out

training videos. Mr. Arishita noted that the strategic plan will be on the Management Committee's Oct. 8th agenda for final approval.

Justice Petersen asked if the IT department is performing any testing to determine whether Artificial Intelligence (AI) could be helpful to the judiciary in the long term, avoiding risks to the extent possible. Mr. Arishita noted that some departments are currently testing AI-assisted products and IT performs a robust security assessment before products are approved for use.

Old Business/New Business:

Style Guide - Ms. Williams recommended that PP&T adopt a style guide to ensure CJA rules are consistent. The guide could be modeled after the Supreme Court's style guide, with adjustments based on PP&T's preferences. PP&T agreed and determined that rules will be amended in accordance with the style guide moving forward. Ms. Williams will make edits to the Supreme Court's style guide and send it to the committee for review.

Committee review - Ms. Williams requested that PP&T authorize a review of the judiciary's general policy regarding the creation of standing committees, ad hoc committees, advisory groups, etc. Many judges and court staff have indicated that they are overwhelmed with committee assignments, particularly in rural districts and benches with a small number of judges. With help from Tucker Samuelson, the general counsel's office is populating a spreadsheet that lists every committee, subcommittee, advisory group, working group, and board, and identifies the number of assignments per bench/district. Ms. Williams suggested that the purpose of the review could be to determine whether committees are still needed, whether there are any redundancies that would allow for consolidation, and whether there is a more efficient way to accomplish the judiciary's work. Judge Gardner noted that, while serving on a committee is a privilege and judicial participation should be encouraged, creating efficiencies and eliminating unnecessary work makes sense. PP&T discussed developing principles that committees could follow, such as the frequency of meetings and staff autonomy.

Keri Sargent expressed concern about the pendulum swinging too far, eliminating committees that court employees need to receive direction.

Ms. Williams pointed to paragraph (1)(D) in rule 1-205 requiring the Management Committee to conduct a performance review of each committee every six years to determine whether the committee continues to serve its purpose and to make a recommendation to the Judicial Council about whether the committee should continue. Ms. Williams is unsure whether those reviews have been conducted and suggested consulting the Management Committee about whether that requirement should be removed. Committees could be required to conduct their own self-assessment every six years and include the results in their annual report to the Council under (1)(C).

After further discussion, PP&T directed Ms. Williams to draft an email asking all committee chairs and staff to conduct a self-assessment using the principles outlined by PP&T. Ms. Williams will also refer the question about conducting a six-year assessment to the Management Committee for consideration.

Adjourn: With no further items for discussion, the meeting adjourned at 1:27 p.m. The next meeting will be held on November 1, 2024, at noon via Webex video conferencing.

Tab 3

**Budget and Grants Agenda
For the November 25, 2024
Judicial Council Meeting**

1. Monthly YTD Financials Alisha Johnson
(Item 1 – Information)
2. Year End Funding FY 2025 1x Spending Requests Karl Sweeney
(Item 2 – Action)
 - 1. Various Construction Projects (FY 2025) Contingency (10%) Chris Talbot*
 - 2. All Rise Welcome DinnerJonathan Puente*
 3. Q1/Q2 2025 Performance Bonus Funding..... Bart Olsen, Erin Rhead, Karl Sweeney
 4. Upgrade Credit Card Swipe Machines (EMV) for PCI Compliance..... Suzette Deans
and Karl Sweeney
3. GrantsAmy Hernandez, Jordan Murray
(Item 3 – Action)

Item 1



FY 2025 One Time Turnover Savings

Updated as of Pay Period Ending 10/25/2024 (680 out of 2,088 hours)

			Actual
#		Funding Type	Amount
1	One Time Turnover Savings (from actual payroll data versus budget as of PPE 10/25/2024)	Internal Savings	1,326,140
2	Est. One Time Savings for remaining pay hours (1,408 @ \$1,200 / pay hour)	Internal Savings (Est.)	1,689,600
Total Potential One Time Savings			3,015,740

Prior Report Totals (as of 08/02/2024)

2,661,425

2 \$1,200 / pay hour represents the actual FY 2024 average; going with this conservative amount for the balance of the year.

* Actual per hour turnover savings for the last 4 pay periods (oldest to newest) are \$2,222.25, \$2,078.92, \$2,276.80, and \$2,460.27.
The average per hour turnover savings FY 2025 YTD is \$1,950.21



#	One-time Spending Plan Requests	Adjusted Requests Amount	Judicial Council Approved Amount
1	Various Construction Projects (FY 2025) Contingency (10%)	\$ -	451,427
2	All Rise Utah Welcome Dinner	\$ -	10,000
3	Q1 / Q2 Performance Bonus	\$ 156,000	
4	Replacement of EMV Credit Card Devices	\$ 36,500	
	Reimbursement from Trust Account Interest Earnings	\$ (36,500)	
	Current Month One-time Spending Requests	156,000	
	Previously Approved 1x FY 2024 YE Spending Request		461,427

* Actual per hour turnover savings for the last 4 pay periods (oldest to newest) are \$2,222.25, \$2,078.92, \$2,276.80, and \$2,460.27. The average per hour turnover savings FY 2025 YTD is \$1,950.21

(b) Estimate only; Operational Savings from TCE / AOC Budgets will be updated in January / February 2025. FY 2024 operational savings were \$1.3M.



FY 2025 Ongoing Turnover Savings as of 11/6/2024

#		Funding Type	Actual	Forecasted
			Amount YTD	Amount @ YE
	Net Carried over Ongoing Savings (finalized from FY 2024)	Internal Savings	140,594	140,594
	Ongoing Turnover Savings FY 2025 (actual year-to-date, Salary Differential only)	Internal Savings	282,124	282,124
1	Ongoing Turnover Savings FY 2025 (forecast \$50,000 / month x 8 months, Salary Differential only)	Internal Savings	-	400,000
	Benefit Differential Savings FY 2025 (will be recognized in this row starting in Q4)	Internal Savings	-	-
	TOTAL SAVINGS		422,718	822,718
2	2025 Annual Authorized Hot Spot Raises		(88,807)	(200,000)
	TOTAL USES		(88,807)	(200,000)
3	Total Actual/Forecasted Unencumbered Turnover Savings for FY 2025		333,911	622,718

Prior Report Totals as of 08/26/2024

(58,023.92)

322,984.13

- * Ongoing turnover savings only happens when a vacant position is filled at a lower rate (Salary Differential) and / or with lower benefits (Benefit Differential).
- * We defer recognizing the Benefit Differential until Q4 of the fiscal year due to potential volatility in benefit selection in the short term.
This allows time for the benefit selections for the year to normalize.
YTD benefit differential is -\$123,646. FY 2024 full year benefit differential was \$331,176
- * Currently, 34.5 FTE are vacant.
- 1 We are currently estimating \$50,000 of ongoing Salary Differential savings a month for the remainder of the fiscal year.
- 2 Authority was delegated from the Judicial Council to the State Court Administrator/Deputy in October 2022 to expend up to \$200,000 annually.

Definitions:

Salary Differential - the annualized difference in salary and salary related benefits between a prior employee and a replacement employee.
Recognized when a new employee is hired.

Benefit Differential - the annualized difference in medical and dental benefit cost between a prior employee and a replacement employee.
Recognized in Q4 of the fiscal year and only after benefits are selected.



ARPA Expenses as of 11/5/2024 (period 4 closed)

	A Judicial Council Approved	B Actual FY 2022 Expended	C Actual FY 2023 Expended	D Actual FY 2024 Expended	E Actual FY 2025 Expended	F Total Expended Amount	G Balance Available	% Obligated
IT Access to Justice - Part I + II	12,373,400	3,042,468	4,613,255	3,075,857	240,925	10,972,505	1,400,895	0
Courts Case Backlog - Part I + II	2,302,100	707,963	1,007,135	587,002	-	2,302,100	Completed in FY 2024	
Legal Sandbox Response to COVID	324,500	-	171,636	152,864	-	324,500	Completed in FY 2024	
TOTAL	15,000,000	3,750,430.78	5,792,026.58	3,815,722.46	240,925.00	13,599,104.82	1,400,895.18	

Expenditures added since last report: \$ 116,050.00

ARPA funds expended cut off date is 12/31/2026; ARPA funds obligated cut off date is 12/31/2024.

The definition of obligation is not only budgeting money but also taking steps to create a contract, sub-award, or similar transaction that requires payment. Consider the time it takes to negotiate and execute a contract when planning to meet the obligation deadline.

Facilities Spending Plan for Large Projects FY25 - 11/13/24 update

Credits in FY25 Only						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
Sub Total	\$	1,581,000				
		(a)	(b)	(b) - (a)		
Projects		Estimated	Actual	(Under)/Over Budget	Impact on Contingency (Used)	
Provo FF&E		\$ 60,000	\$ 72,404	\$ 12,404	\$ (12,404)	Completed
Heber FF&E **		\$ -	\$ -	\$ -		N/A
Manti Security Systems ***		\$ -	\$ -	\$ -		N/A
Manti FF&E Overage		\$ 72,000			\$ -	
Roosevelt Design and TI		\$ 269,274	\$ -	\$ (269,274)	\$ 26,927	Deferred until FY 2026
Provo AV Equipment		\$ 285,000	\$ 104,346	\$ (180,654)	\$ 18,065	\$224K actual - \$119K paid in FY24 = \$104K actual remaining to calculate difference
Provo Security Equipment		\$ 42,000	\$ 36,275	\$ (5,725)	\$ 5,725	Completed
AOC 3rd Floor Furniture		\$ 167,000	\$ 174,993	\$ 7,993	\$ (7,993)	Completed
AF Hearing Room Const		\$ 500,000			\$ -	Will have estimates around Jan. 1, 2025
AF Chambers, Office & Support Space Const		\$ 275,000			\$ -	Will have estimates around Jan. 1, 2025
AF FF&E		\$ 65,000			\$ -	Will have estimates around Jan. 1, 2025
WJ Juv Shell Buildout		\$ 1,655,000			\$ -	Will have estimates around Jan. 1, 2025
Math 1st Floor Courtroom Const		\$ 720,000			\$ -	Will have estimates around Jan. 1, 2025
Math 1st Floor Chambers & Support Spaces Const		\$ 309,000			\$ -	Will have estimates around Jan. 1, 2025
Math 1st floor courtroom FF&E		\$ 95,000			\$ -	Will have estimates around Jan. 1, 2025
Sub Total		\$ 4,514,274	\$ 388,018			
Total		\$ (2,933,274)			\$ 30,321	Contingency Eligible for Release
10% Contingency		\$ (451,427)			\$ (451,427)	
Total with 10% Contingency		\$ (3,384,701)			\$ (421,106)	Contingency Available for Remaining Projects

Red = Placeholder budget number

* 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

3. FY 2025 YE Spending – Supplemental Q1/Q2 Performance Bonus Funding Request

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 \$2.5M 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: 10/22/2024

Department or District: AOC HR and Finance

Requested by: Bart Olsen, Erin Rhead and Karl Sweeney

Request title: Increase Q1/Q2 Performance Bonus Funds to Historical Norm of \$450,000

Amount requested: \$156,000 in One-time Turnover Savings funds

Purpose of funding request:

As shown on Exhibit A, historically, the Courts have approved 1x turnover savings ("1x TOS") to be used once or twice per year to permit the payment of performance bonus funds to Court employees. These funds are an essential part of the overall compensation strategy of the Courts. In FY 2024, due to fewer jobs unfilled and demands by the Legislature for 1x funds from the Courts (\$600,000), the Courts only generated sufficient 1x TOS to fund \$450,000 for Q1/Q2 performance pay bonuses.

Due to higher numbers of open positions YTD in FY 2025 (open positions generate 1x savings to budget since the budget assumes full year funding for each position) we have confidence that we can fund the Q1/Q2 performance pay bonus. Since \$294,000 of those funds were funded from FY 2024 carryforward funds, we only need an incremental \$156,000 of 1x TOS to fund the full \$450,000 needed for Q1/Q2 2025. If present trends continue, we expect to have sufficient 1x TOS funds to also do a Q3/Q4 FY 2025 performance bonus payment of \$450,000. We will return to the BFMC in March/April 2025 (after the session and close enough to the YE to have "banked" the funds needed) to request these funds.

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

See above.

Alternative funding sources, if any: None.

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

We are asking for these funds in time for them to be disbursed before the end of calendar year 2024. Making this payment would be a very positive signal to our Court employees. Delaying the funding would be a missed opportunity to boost employee morale and strengthen the confidence our workforce has in the Judiciary's commitment to retain talent by recognizing and rewarding high performance.

4. FY 2025 YE Spending Request – Replacement of EMV Credit Card Devices

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 \$2.5M 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: 11/13/2024

Department or District: AOC Finance Department

Requested by: Suzette Deans and Karl Sweeney

Request title: Replacement of Non-PCI Compliant EMV Credit Card Devices

Amount requested: \$36,500 of One-time Turnover Savings funds/Interest on Trust Funds

Purpose of funding request: To replace 114 EMV¹ credit card devices located primarily at the front counter of our courthouses that are no longer compliant with Payment Card Industry Standards (PCI).

The Payment Card Industry Data Security Standard (PCI DSS) is a set of security standards that businesses must follow to protect cardholder data and prevent fraud. The Payment Card Industry Security Standards Council (PCI SSC) administers the PCI DSS. The PCI SSC was formed in 2006 by American Express, Discover Financial Services, JCB International, MasterCard, and Visa Inc. The Payment Card Industry Data Security Standard (PCI DSS) is a widely accepted set of policies and procedures intended to optimize the security of credit, debit and cash card transactions and protect cardholders against misuse of their personal information.

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

At the end of January 2019, the Administrative Office signed a credit card servicing agreement contract with Heartland Payment Systems (“Heartland”). At that time, we were provided with 114 EMV Ingenico iPP320 credit card machines. Those machines were given to the District Courts, Juvenile Courts, Appellate Court, Law Library, and Administrative Office.

With the renegotiation of the Heartland contract in January 2024, the Courts assumed responsibility for EMV upgrades as needed to retain PCI compliance in exchange for lower fees to process credit card transactions. The total savings over 5 years from lower fees under the new contract is projected at \$228,275. This more than exceeds this request. Further, although we will be paying for the new machines with 1x general funds, since this is an ordinary and necessary cost of accepting credit cards, the costs will be reimbursed from the Court’s interest earnings which are also used to cover other direct costs of using credit cards, so the net impact on the Court’s general funds will be zero.

The Ingenico iPP320 model is no longer supported with software updates and is not compliant with PCI Standards. The iPP320 device uses an outdated software version of security that protects cardholder data. This software has known exploits and places cardholder data in jeopardy of being stolen and misused.

¹ EMV credit card devices read chips and were developed by Europay, Mastercard and Visa hence “EMV”.

4. FY 2025 YE Spending Request – Replacement of EMV Credit Card Devices

To be PCI compliant the Courts must follow PCI requirements which include:

- Protecting cardholder data: This is the most important requirement and includes:
 - Restricting physical access: Restricting physical access to cardholder data, especially for vendors who store data on-site
 - Encrypting data: Encrypting cardholder data with industry-accepted algorithms and security keys
 - Tracking data: Knowing where and how long cardholder data is stored
- Using firewalls: Firewalls are a key line of defense for securing a network
- Using antivirus and anti-malware software: These tools help detect and remove malicious software
- Keeping software updated: Keeping software updated helps maintain a secure environment
- Restricting data access: Restricting access to cardholder data based on a need-to-know basis
- Assigning unique IDs: Assigning unique IDs to people who have access to cardholder data
- Creating and monitoring access logs: Logging and monitoring all access to cardholder data and system components
- Testing security systems: Regularly testing security systems and processes to ensure they work as intended
- Maintaining an information security policy: Maintaining a policy that addresses organizational policies, procedures, and other relevant information for all personnel who have access to cardholder data

If this request is approved, we will replace the 114 Ingenico iPP320 credit card machines with a newer PaxA80 model which is PCI compliant. The cost for the PaxA80 is \$320 per EMV machine ($\$320 \times 114 = \$36,500$.) Purchasing these machines and retiring the old iPP320 would bring the court back into PCI compliance thus significantly lowering risk of misuse of customer data.

Alternative funding sources, if any:

FY 2026 carryforward funds are a potential funding source, but this would leave us non-compliant for the balance of this fiscal year.

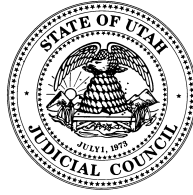
If this request is not funded at this time, what are the consequences or is there an alternative strategy?

There is no alternative strategy. If the 114 Ingenico iPP320 credit card machines are not replaced, we will not be in compliance with Payment Card Industry standards (PCI).

There are several risks associated with not being PCI compliant, the most prominent of which are:

- **Fines** - Card brands and processors can impose significant fines for non-compliance, starting at \$25,000 per card type.
- **Legal action** - Victims of data breaches may take legal action, and we would be potentially liable for damages.
- **Increased processing fees** - Card brands may increase transaction fees for merchants who are not PCI compliant.

Item 3



Administrative Office of the Courts

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

November 6, 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
Jordan Murray, Grants Coordinator

RE: GAP: Cook County Model: A Pilot Project to Increase Safe Child-Related Relief in Civil Protection Orders

The Domestic Violence Program requests permission to submit the second phase of a grant application for \$180,000 to the National Council of Juvenile and Family Court Judges (NCJFCJ) in partnership with the Office of Violence Against Women (OVW) for a grant titled “The Cook County Model: A Pilot Project to Increase Safe Child-Related Relief in Civil Protection Orders.” This grant, if awarded, begins to address the work associated with [Utah House Bill 272](#) (please see “Attachment A” for the HB 272 memorandum presented to the Judicial Council in September 2024).

Interested applicants must participate in a selection process comprising two distinct phases.¹ Phase-1 requires the applicant to submit preliminary details about their court system to determine suitability for grant funds. With prior approval from the Judicial Council in September 2024, the Domestic Violence Program submitted a preliminary application to learn more about the pilot program and pre-qualify to be selected.

The grant application has now moved to Phase-2, and the Domestic Violence Program has been asked to complete an interview process and submit a grant budget. As promised, the Domestic Violence Program is submitting an updated Grant Application Proposal (GAP) to explain new details of the grant proposal for the Judicial Council’s review. It is anticipated that grant funding will be used to support an ongoing part-time position (0.5 FTE) to run the program. Amy Hernandez will supervise this position; and beyond Amy’s supervision, this position should only

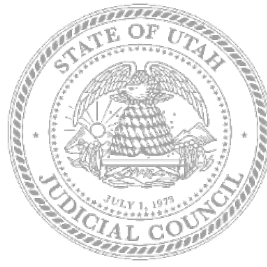
¹ A two-phase application process is not uncommon for awarding agencies wishing to narrow their field of eligible candidates. The initial step “phase-1” helps the awarding agency anticipate their own resource demands and simplifies communication when disseminating detailed aspects of a program or project, occurring in “phase-2.”

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.

require the basic onboarding resources for a new employee and ongoing general support (e.g., access to the help desk, etc.).

If the Judicial Council approves this request to submit further application materials, this program holds promise to significantly improve safety and procedural justice outcomes in protective orders involving children. We look forward to discussing this request with you.

Thank you.



Administrative Office of the Courts

Grant Application Proposal (GAP) Federal Grant

November 6, 2024

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

B. Grant Details			
Grantor:	Office on Violence Against Women (OVW) and the National Council of Juvenile and Family Court Judges (NCJFCJ)		
Title of Grant:	Cook County Model: A Pilot Project to Increase Safe Child-Related Relief in Civil Protection Orders		
Application Deadline:	January 1, 2025		
Amount Requested:	\$180,000.00		
Grant Period Begins:	01/01/2025	Ends:	12/31/2027
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.

The Cook County Model: A Pilot Project to Increase Safe Child-Related Relief in Civil Protection Orders is a pilot program offered by the National Council of Juvenile and Family Court Judges (NCJFCJ) in partnership with the Office of Violence Against Women (OVW). This model centers upon five key values as guiding principles; they are:

- safety and well-being of children and parents;
- access to justice;
- due process;
- collaboration; and
- accountability and transparency.

These values ensure that court patrons can receive child-related relief in protective order hearings in a manner that meets both parties' needs while prioritizing the safety of their children.

This grant opportunity would provide funding and technical assistance oversight from NCJFCJ to replicate the protective order model used by the Domestic Violence Division of the Cook County (Chicago), IL Circuit Court over a three-year period (see attached information). OVW and NCJFCJ have certified this protective order model as the gold standard in protective order practices as it has significantly increased reported safety outcomes for court patrons and their children.

The benefits are most pronounced for pro se litigants who often lack the resources to hire an attorney or pay for a custody evaluation. This model would inform the courts about these self-represented parties' custody and parent-time needs in domestic violence cases, where there is often a risk of further domestic violence, child abuse, and/or homicide. With this model, judicial officers may have more information to balance safety and parental rights in child custody, parent-time, and child support orders for court patrons with very few resources.

By participating in this pilot program, the Utah Courts will demonstrate a commitment to the key values outlined in the Cook County model. These values mirror the values expressed in the courts' mission statement by ensuring fair and transparent access to justice while advancing safety and accountability for court patrons in protective order cases.

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.

It is anticipated that grant funding will pay for a 0.5 FTE position and travel costs for judicial officers and court staff involved in the pilot program. To support the part-time position, the Domestic Violence Program Manager (DVPM) will supervise that position. If the courts are awarded SCIP grant funding (requested earlier this year), this funding will be combined with the SCIP funding to create a full-time position. Aside from supervision from the DVPM, this

position will only require the typical resources associated with onboarding a new employee and maintaining their accounts. Finally, the overall program will require support from the judicial officers and court staff participating in the pilot sites. These judicial officers, their court staff, the Clerks of Court, the Trial Court Executives, and other court programs have agreed to support this program.

Before the grant period concludes, the DVPM plans to request state funding to support this position and project. This pilot program and grant request reflects the work required by House Bill 272 (AKA Om's Law). The legislature required the courts to look at training opportunities and court programs to address domestic violence and child abuse in civil cases. It is implied in the bill that these efforts will initially be funded with grant funds but may later be funded with state funding. The Domestic Violence Program hopes to show positive outcomes from this program to demonstrate why the state should continue to fund this program.

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?

Yes, additional funding will be required to support this program once the grant period ends. The Domestic Violence Program does not have the resources to support this program without additional grant funding or state funding. The DVPM will request state and/or grant funding to continue supporting this project and position once the grant ends. For example, the SCIP formula grant funding requested in September 2024 would contribute an additional 0.5 FTE to this position, if awarded.

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."

One part-time position (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."

NA.

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	25-26	\$60,000
FY	26-27	\$60,000
FY	27-28	\$60,000

F. Resource Impact Assessment

This section completed by Grant Coordinator

UCJA Rule 3-411 (4)

Summary Recommendation

This grant opportunity provides funding for 0.5 FTE and covers travel costs associated with judicial officers and other courts staff participating in the pilot program over a three-year period. If awarded, this grant begins to address the work associated with [Utah House Bill 272](#). Current staffing levels must be supplemented to successfully carry out the additional work. The legislation encourages pursuit of grant funding to support the program, either fully or in part. Please see “Attachment A” for a memorandum on HB 272 that was presented to the Judicial Council in September 2024.

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

Current staffing levels must be supplemented to successfully oversee the work associated with Utah House Bill 272 (AKA Om’s Law). This legislation requires the courts to look at training opportunities and court programs addressing domestic violence and child abuse in civil cases, and recommends these efforts be supported (in whole or part) with grant funds (78A-2-232 (3)(b)(iv)). Initial staffing of 0.5 additional FTE is required to ensure core aspects of the associated work are addressed, with an additional 0.5 FTE (1.0 FTE total) required to sustain the program long-term. Multiple sources of funding are being considered to support this position and related work in the future (see “Attachment A” pg. 2, section 4).

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

Incremental impacts are anticipated as a condition of Utah House Bill 272, regardless of whether grant funding supports the program. HB 272 requires the development of a judicial education program to strengthen the courts’ ability identifying domestic violence and child abuse in child custody proceedings. In addition, the courts must comply with new requirements for evidence admission and orders in district court proceedings involving child custody and parent-time matters.

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

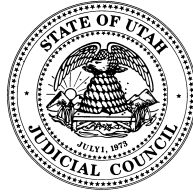
☐ Applicable Board of Judges and Court Level Administrator

☒ AOC Grant Coordinator and Finance Director

☐ The Utah Supreme Court (UCJA Rule 3-105)

Approved by the Judicial Council (date):

State Court Administrator Signature:



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:

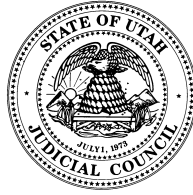
The mission of the Utah judiciary is to provide the people an open, fair, efficient, and independent system for the advancement of justice under the law.

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 4



Administrative Office of the Courts

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

November 12, 2024

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

MEMORANDUM

TO: The Judicial Council

FROM: Alyson McAllister and Jace Willard

RE: Annual Report on the Model Utah Civil Jury Instructions Committee

The Judicial Council's Standing Committee on the Model Utah Civil Jury Instructions (MUJI-Civil) is comprised of district judges, attorneys primarily representing plaintiffs, attorneys primarily representing defendants, and a linguist. This year, a few changes were made to the membership of the Committee. The Committee has a new district judge member, a new defendant's attorney member, and a new recording secretary. The current membership list is as follows:

Last	First	Role
Bolinder	Brian	Judge
Eggington	William	Linguist
Harman	Stewart	Defendant
Lichfield	Michael	Defendant
Lusty	Benjamin	Defendant
Macfarlane	John	Plaintiff
McAllister	Alyson	Plaintiff, <i>Chair</i>
Morris	Mark	Defendant
Mortensen	Douglas	Plaintiff
North	Kara	Recording Secretary
Shelton	Ricky	Plaintiff
Willard	Jace	Staff

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.

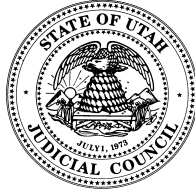
Utah Code of Judicial Administration [Rule 1-205](#) provides for the establishment of the MUJI-Civil Committee, and [Rule 3-418](#) sets out the Committee's charge. For reference, the Committee's meeting materials are posted [here](#), and the completed instructions are found [here](#). Over the last year, the Committee has discussed several sets of jury instructions including:

- *Present Cash Value*: Having previously amended the Committee Notes to this instruction to reflect an update to the relevant law, the Committee considered a public comment received in response.
- *Prescriptive Easement*: The Committee is fortunate to have the continued assistance of a dedicated subcommittee working on instructions for real property disputes. This year, the subcommittee presented additional draft Prescriptive Easement instructions. The Committee approved a final draft of this set of instructions.
- *Easement by Necessity*: With the assistance of the same subcommittee, the Committee made modifications to the draft Easement by Necessity instructions. The Committee approved a final draft of this set of instructions.
- *Easement by Implication*: The same subcommittee also assisted the Committee to improve draft instructions on Easement by Implication. The Committee approved a final draft of these instructions.
- *Medical Malpractice*: At the invitation of the Utah Supreme Court, the Committee reviewed instructions relating to the burden of proof applicable to a medical negligence claim. The Committee approved amendments to the notes related to these instructions. Following consideration of public comments received, the Committee made an additional change to an instruction to clarify the applicable burden.
- *Use of Alternative Treatment Methods*: The Committee approved the removal of this instruction due to some common confusion regarding its applicability. The Committee also added a Committee Note explaining the removal.
- *Assault*: The Committee benefits from a knowledgeable subcommittee that presented this year regarding various torts. The subcommittee's first set of draft instructions were for Assault. The subcommittee is presently researching the law to address certain concerns raised regarding the draft and is scheduled to return and present to the Committee next month.
- *Malicious Prosecution*: The same subcommittee also presented draft Malicious Prosecution instructions. The subcommittee is considering suggested revisions to these instructions and is scheduled to return and present to the Committee next month.
- *False Imprisonment*: This subcommittee also presented a draft False Imprisonment instruction. The subcommittee is considering suggestions regarding this instruction and is scheduled to return and present to the Committee next month.
- *Survival Claim*: The Committee updated the Committee Notes to the Survival Claim instruction to reflect the statutory removal of a damage cap.

Other instructions are pending in subcommittees. These include draft instructions on Insurance, Wills and Probate, Directors and Officers Liability, and Product Liability. The Linguistics and Law Subcommittee formed last year also continues to meet. The linguistics professors and attorneys on that subcommittee are currently working together to develop reliable methods for evaluating comprehension of the jury instructions by laypersons.

The Committee looks forward to continuing its important work in the new year and welcomes any thoughts or guidance from the Council members.

Tab 5



Administrative Office of the Courts

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

November 18, 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 Final Approval

Proposed amendments to CJA rules 4-202.02, 4-202.03, and 6-104 are back from a 45-day public comment period. No public comments were received for rule 6-104. After reviewing public comments received for rules 4-202.02 and 4-202.03, PP&T determined that the proposed language in 4-202.03(2)(D) granting the Utah Office for Victims of Crime (UOVC) access to sealed nonpublic restitution records was unnecessary because the UOVC already has access to those records. Under Utah Code Section [63M-7-527](#), the UOVC is responsible for providing redacted nonpublic restitution records to the court, prosecuting attorney, and counsel for the offender.

All remaining amendments to rule 4-202.03 are clerical. No additional amendments were made to rule 4-202.02.

CJA 4-202.02. Records classification (AMEND)

The proposed amendments reclassify probation progress/violation reports as protected records, classify “nonpublic restitution records” as sealed records in accordance with Utah Code, and update statutory references.

CJA 4-202.03. Records access (AMEND)

The proposed amendments are non-substantive clerical changes.

CJA 6-104. District court water judges (AMEND)

The proposed amendments clarify that the supervising water judge is responsible for reassigning water cases upon the retirement of a water judge.

PP&T recommends approving the proposed amendments to CJA rules 4-202.02, 4-202.03, and 6-104 with a *May 1, 2025 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.

Posted: August 30, 2024

Utah Courts

Code of Judicial Administration – Comment Period Closed October 14, 2024

CJA4-202.02. Records classification. AMEND. The proposed amendments reclassify probation progress/violation reports as protected records, classify “nonpublic restitution records” as sealed records in accordance with Utah Code, and update statutory references to account for the recodification of the Domestic Relations code.

CJA4-202.03. Records access. AMEND. The proposed amendments authorize the Utah Office for Victims of Crime (UVOC) to access sealed “nonpublic restitution records” to ensure the UVOC can fulfill its statutory obligations.

CJA6-104. District court water judges. AMEND. The proposed amendments clarify that the supervising water judge is responsible for reassigning water cases upon the retirement of a water judge.

This entry was posted in [CJA04-0202.02](#), [CJA04-0202.03](#), [CJA06-0104](#), [Uncategorized](#).

« Notice of Approved Amendments and Public Comment Period for Utah Code of Judicial Administration – Comment Period Closed October 20, 2024

Supreme Court Rules of Professional Practice – Comment Period Closed October 6, 2024 »

UTAH COURTS

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Daniel Meza and Heather Olson

-Rules of Professional Conduct

-Rules of Professional Practice

-Rules of Small Claims Procedure

ADR101

ADR103

Appendix B

Appendix F

CJA Appendix F

CJA01-0201

CJA01-0204

CJA01-0205

CJA01-0205

CJA01-0302

CJA01-0303

CJA01-0304

CJA01-0305

CJA010-01-0404

CJA010-1-020

CJA02-0101

CJA02-0102

CJA02-0103

CJA02-0104

CJA02-0106.01

CJA02-0106.02

CJA02-0106.03

CJA02-0106.04

CJA02-0106.05

CJA02-0204

CJA02-0206

CJA02-0208

CJA02-0208

CJA02-0211

CJA02-0212

CJA03-0101

CJA03-0102

CJA03-0103

CJA03-0103

CJA03-0104

CJA03-0105

CJA03-0106

CJA03-0106

CJA03-0107

CJA03-0108

CJA03-0109

CJA03-0111

CJA03-0111.01

CJA03-0111.02

CJA03-0111.03

CJA03-0111.04

CJA03-0111.05

CJA03-0111.06

CJA03-0112

CJA03-0113

CJA03-0114

CJA03-0115

CJA03-0116

CJA03-0117

CJA03-0201

CJA03-0201.02

CJA03-0202

CJA03-0301

https://legacy.utcourts.gov/utc/rules-comment/2024/08/30/code-of-judicial-administration-comment-period-ends-october-14-2024/

2/16

October 9, 2024 at 10:17 am

Our Juvenile Court Team has a few questions related to proposed changes to CJA 4-202.02 and CJA 4-202.03.

Related to CJA 4-202.02 – With non public restitution records being classified as sealed records, would they be sealed upon filing? and if not, would they be sealed in a specific time frame? Should these records be treated as adoption records and expungement records and sealed from our case management systems? Would this prevent other attorneys from seeing the records?

Related to CJA 4-202.03 – Would UOVC only have access to nonpublic restitution records filed by their office, or would they have access to nonpublic restitution records filed by someone else?

Would these updates to the rule result in UOVC not needing to file protective orders on restitution records containing medical or mental health records? Currently those requests ask that Judges and attorneys on a case be able to view the records and that it isn't further distributed. Would proposed changes limit access by Judges and attorneys?

William Hains

October 14, 2024 at 9:42 pm

When UOVC relies on nonpublic restitution records to request restitution in the district court, it must provide that information to the prosecutor and defense counsel. Utah Code § 63M-7-527(5). I understand that sealing the filing does not prevent UOVC from complying with that obligation by separately giving the records to the attorneys. But if the attorneys and the court have access to that information during the restitution proceedings in the district court, they should have access to that information on appeal. On appeal, the only information the attorneys can use to challenge or defend the district court's order is what is filed on the district court's docket. Under this rule, the nonpublic restitution records would be sealed and accessible only on motion brought under Rule 4-202.04. See *State v. Chadwick*, 2023 UT 12. Requiring the prosecutor and defense counsel to file such motions in every restitution appeal involving UOVC is cumbersome. Rather, the rule should explicitly allow it. Perhaps the new language on lines 71-72 of Rule 4-202.03 could read, "(2)(D) Nonpublic restitution records. The Utah Office for Victims of Crime (UOVC), the prosecutor, and counsel for the defendant may access nonpublic restitution records."

- CJA03-0301.01
- CJA03-0302
- CJA03-0303
- CJA03-0304
- CJA03-0304.01
- CJA03-0305
- CJA03-0306
- CJA03-0306.01
- CJA03-0306.02
- CJA03-0306.03
- CJA03-0306.04
- CJA03-0306.05
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- CJA03-0415
- CJA03-0418
- CJA03-0419
- CJA03-0420
- CJA03-0421
- CJA03-0422
- CJA03-0501
- CJA03-0501
- CJA04-0101
- CJA04-0103
- CJA04-0106
- CJA04-0110
- CJA04-0201
- CJA04-0202
- CJA04-0202.01
- CJA04-0202.02
- CJA04-0202.03
- CJA04-0202.04
- CJA04-0202.05
- CJA04-0202.06
- CJA04-0202.07
- CJA04-0202.08
- CJA04-0202.09
- CJA04-0202.10
- CJA04-0202.11
- CJA04-0202.12
- CJA04-0203
- CJA04-0205
- CJA04-0206
- CJA04-0208
- CJA04-0302
- CJA04-0401
- CJA04-0401.01
- CJA04-0401.02
- CJA04-0401.03
- CJA04-0402
- CJA04-0403
- CJA04-0404
- CJA04-0405
- CJA04-0408

Rule 4-202.02. Records Classification.**Intent:**

To classify court records as public or non-public.

Applicability:

This rule applies to the judicial branch.

Statement of the Rule:

(1) **Presumption of Public Court Records.** Court records are public unless otherwise classified by this rule.

(2) **Public Court Records.** Public court records include but are not limited to:

(2)(A) abstract of a citation that redacts all non-public information;

(2)(B) aggregate records without non-public information and without personal identifying information;

(2)(C) appellate filings, including briefs;

(2)(D) arrest warrants, but a court may restrict access before service;

(2)(E) audit reports;

(2)(F) case files;

(2)(G) committee reports after release by the Judicial Council or the court that requested the study;

(2)(H) contracts entered into by the judicial branch and records of compliance with the terms of a contract;

(2)(I) drafts that were never finalized but were relied upon in carrying out an action or policy;

(2)(J) exhibits, but the judge may regulate or deny access to ensure the integrity of the exhibit, a fair trial or interests favoring closure;

(2)(K) financial records;

(2)(L) indexes approved by the Management Committee of the Judicial Council, including the following, in courts other than the juvenile court; an index may contain any other index information:

(2)(L)(i) amount in controversy;

(2)(L)(ii) attorney name;

(2)(L)(iii) licensed paralegal practitioner name;

(2)(L)(iv) case number;

(2)(L)(v) case status;

(2)(L)(vi) civil case type or criminal violation;

(2)(L)(vii) civil judgment or criminal disposition;

(2)(L)(viii) daily calendar;

(2)(L)(ix) file date;

(2)(L)(x) party name;

(2)(M) name, business address, business telephone number, and business email address of an adult person or business entity other than a party or a victim or witness of a crime;

(2)(N) name, address, telephone number, email address, date of birth, and last four digits of the following: driver's license number; social security number; or account number of a party;

(2)(O) name, business address, business telephone number, and business email address of a lawyer or licensed paralegal practitioner appearing in a case;

(2)(P) name, business address, business telephone number, and business email address of court personnel other than judges;

(2)(Q) name, business address, and business telephone number of judges;

(2)(R) name, gender, gross salary and benefits, job title and description, number of hours worked per pay period, dates of employment, and relevant qualifications of a current or former court personnel;

(2)(S) unless classified by the judge as private or safeguarded to protect the personal safety of the juror or the juror's family, the name of a juror empaneled to try a case, but only 10 days after the jury is discharged;

(2)(T) opinions, including concurring and dissenting opinions, and orders entered in open hearings;

(2)(U) order or decision classifying a record as not public;

(2)(V) private record if the subject of the record has given written permission to make the record public;

~~(2)(W) probation progress/violation reports;~~

(2)(~~W~~X) publications of the administrative office of the courts;

(2)(~~XY~~) record in which the judicial branch determines or states an opinion on the rights of the state, a political subdivision, the public, or a person;

(2)(~~YZ~~) record of the receipt or expenditure of public funds;

(2)(~~ZAA~~) record, minutes, or transcript of an open meeting;

(2)(~~AABB~~) official audio record, minutes, or transcript of an open hearing;

(2)(~~BBGG~~) record of formal discipline of current or former court personnel or of a person regulated by the judicial branch if the disciplinary action has been completed, and all time periods for administrative appeal have expired, and the disciplinary action was sustained;

(2)(~~CCDD~~) record of a request for a record;

(2)(~~DDEE~~) reports used by the judiciary if all of the data in the report is public or the Judicial Council designates the report as a public record;

(2)(~~EEFF~~) rules of the Supreme Court and Judicial Council;

(2)(~~FFGG~~) search warrants, the application and all affidavits or other recorded testimony on which a warrant is based are public after they are unsealed under Utah Rule of Criminal Procedure 40;

(2)(~~GGHH~~) statistical data derived from public and non-public records but that disclose only public data; and

(2)(~~HHH~~) notwithstanding subsections (6) and (7), if a petition, indictment, or information is filed charging a person 14 years of age or older with a felony or an offense that would be a felony if committed by an adult, the petition, indictment or information, the adjudication order, the disposition order, and the delinquency history summary of the person are public records. The delinquency history summary ~~shall~~ will contain the name of the person, a listing of the offenses for which the person was adjudged to be within the jurisdiction of the juvenile court, and the disposition of the court in each of those offenses. Upon a finding of good cause on the record, the juvenile court may reclassify these records as non-public.

(3) Sealed Court Records. The following court records are sealed:

(3)(A) records in the following actions:

(3)(A)(i) Title 78B, Chapter 6, Part 1 – Utah Adoption Act six months after the conclusion of proceedings, which are private until sealed;

(3)(A)(ii) Title 78B, Chapter 15, Part 8 – Gestational Agreement, six months after the conclusion of proceedings, which are private until sealed;

(3)(A)(iii) Section 76-7-304.5 – Consent required for abortions performed on minors; and

- 152 (3)(A)(iv) Section 78B-8-402 – Actions for disease testing;
153
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-Title~~ 75, ~~Chapter~~ -2,
166 ~~Part~~ -9, Custody and Deposit of Wills~~04~~;
167
168 (3)(G) records designated as sealed by rule of the Supreme Court;
169
170 (3)(H) record of a Children's Justice Center investigative interview after the conclusion of
171 any legal proceedings;
172
173 (3)(I) on appeal, any record previously designated as sealed by another court;
174
175 (3)(J) video record of a court proceeding, other than security video; ~~and~~
176
177 (3)(K) “nonpublic restitution records” as defined in Section 63M-7-502; and
178
179 (3)(~~L~~~~K~~) other records as ordered by the court under Rule 4-202.04.
180

181 **(4) Private Court Records.** The following court records are private:
182

- 183 (4)(A) records in the following actions:
184
185 (4)(A)(i) Section 26B-5-332, Involuntary commitment under court order;
186
187 (4)(A)(ii) Section 76-10-532, Removal from the National Instant Check System
188 database;
189
190 (4)(A)(iii) Title 78B, Chapter 6, Part 1, Utah Adoption Act, until the records are
191 sealed;
192
193 (4)(A)(iv) Title 78B, Chapter 15, Part 8, Gestational Agreement, until the records
194 are sealed;
195
196 (4)(A)(v) cases initiated in the district court by filing an abstract of a juvenile court
197 restitution judgment; and
198
199 (4)(A)(vi) Section 26B-8-111, Sex designation changes, and name changes
200 combined with sex designation changes for both minors and adults, except that:
201
202 (4)(A)(vi)(a) the case history is public for minors; and

(4)(A)(vi)(b) the case history and record of public hearings are public for adults.

(4)(B) records in the following actions, except that the case history, judgments, orders, decrees, letters of appointment, and the record of public hearings are public records:

(4)(B)(i) Title ~~8130, Husband and Wife~~ Utah Domestic Relations Code, including qualified domestic relations orders, except that an action for consortium due to personal injury under Section ~~30-2-1181-3-111~~ is public;

(4)(B)(ii) Title 75, Chapter 5, Protection of Persons Under Disability and ~~I~~their Property;

(4)(B)(iii) Title 78B, Chapter 7, Protective Orders and Stalking Injunctions;

(4)(B)(iv) Title ~~8178B~~, Chapter ~~642, Utah Child Support Act~~ Child Support;

(4)(B)(v) Title 78B, Chapter 13, Utah Uniform Child Custody Jurisdiction and Enforcement Act;

(4)(B)(vi) Title 78B, Chapter 14, Uniform Interstate Family Support Act;

(4)(B)(vii) Title 78B, Chapter 15, Utah Uniform Parentage Act; and

(4)(B)(viii) an action to modify or enforce a judgment in any of the actions in this subparagraph (B);

(4)(C) records related to determinations of indigency;

(4)(D) an affidavit supporting a motion to waive fees;

(4)(E) aggregate records other than public aggregate records under subsection (2);

(4)(F) alternative dispute resolution records;

(4)(G) applications for accommodation under the Americans with Disabilities Act;

(4)(H) jail booking sheets;

(4)(I) citation, but an abstract of a citation that redacts all non-public information is public;

(4)(J) judgment information statement;

(4)(K) judicial review of final agency action under Utah Code Section 80-2-707;

(4)(L) the following personal identifying information about a party: driver's license number, social security number, account description and number, password, identification number, maiden name and mother's maiden name, and similar personal identifying information;

(4)(M) the following personal identifying information about a person other than a party or a victim or witness of a crime: residential address, personal email address, personal telephone number; 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;

(4)(N) medical, psychiatric, or psychological records;

(4)(O) name of a minor, except that the name of a minor party is public in the following district and justice court proceedings:

(4)(O)(i) name change of a minor, unless the name change is combined with a sex designation change;

(4)(O)(ii) guardianship or conservatorship for a minor;

(4)(O)(iii) felony, misdemeanor, or infraction when the minor is a party;

(4)(O)(iv) protective orders and stalking injunctions; and

(4)(O)(v) custody orders and decrees;

(4)(P) nonresident violator notice of noncompliance;

(4)(Q) personnel file of a current or former court personnel or applicant for employment;

(4)(R) photograph, film, or video of a crime victim;

(4)(S) record of a court hearing closed to the public or of a child's testimony taken under URCrP 15.5:

(4)(S)(i) permanently if the hearing is not traditionally open to the public and public access does not play a significant positive role in the process; or

(4)(S)(ii) if the hearing is traditionally open to the public, until the judge determines it is possible to release the record without prejudice to the interests that justified the closure;

(4)(T) record submitted by a senior judge or court commissioner regarding performance evaluation and certification;

(4)(U) record submitted for in camera review until its public availability is determined;

(4)(V) reports of investigations by Child Protective Services;

(4)(W) statement in support of petition to determine competency;

(4)(X) victim impact statements;

(4)(Y) name of a prospective juror summoned to attend court, unless classified by the judge as safeguarded to protect the personal safety of the prospective juror or the prospective juror's family;

(4)(Z) records filed pursuant to Rules 52 - 59 of the Utah Rules of Appellate Procedure, except briefs filed pursuant to court order;

(4)(AA) records in a proceeding under Rule 60 of the Utah Rules of Appellate Procedure;

(4)(BB) records related to Court Commissioner Conduct Committee and Council actions under Rule 3-201.02, other than a public censure by the Council, and

(4)(CC) other records as ordered by the court under Rule 4-202.04.

(5) Protected Court Records. The following court records are protected:

(5)(A) attorney's work product, including the mental impressions or legal theories of an attorney or other representative of the courts concerning litigation, privileged communication between the courts and an attorney representing, retained, or employed by the courts, and records prepared solely in anticipation of litigation or a judicial, quasi-judicial, or administrative proceeding;

(5)(B) records that are subject to the attorney client privilege;

(5)(C) bids or proposals until the deadline for submitting them has closed;

(5)(D) budget analyses, revenue estimates, and fiscal notes of proposed legislation before issuance of the final recommendations in these areas;

(5)(E) budget recommendations, legislative proposals, and policy statements, that if disclosed would reveal the court's contemplated policies or contemplated courses of action;

(5)(F) court security plans;

(5)(G) investigation and analysis of loss covered by the risk management fund;

(5)(H) memorandum prepared by staff for a member of any body charged by law with performing a judicial function and used in the decision-making process;

(5)(I) confidential business records under Utah Code Section 63G-2-309;

(5)(J) record created or maintained for civil, criminal, or administrative enforcement purposes, audit or discipline purposes, or licensing, certification or registration purposes, if the record reasonably could be expected to:

(5)(J)(i) interfere with an investigation;

(5)(J)(ii) interfere with a fair hearing or trial;

(5)(J)(iii) disclose the identity of a confidential source; or

(5)(J)(iv) concern the security of a court facility;

(5)(K) record identifying property under consideration for sale or acquisition by the court or its appraised or estimated value unless the information has been disclosed to someone not under a duty of confidentiality to the courts;

(5)(L) record that would reveal the contents of settlement negotiations other than the final settlement agreement;

(5)(M) record the disclosure of which would impair governmental procurement or give an unfair advantage to any person;

(5)(N) record the disclosure of which would interfere with supervision of an offender's incarceration, probation, or parole;

(5)(O) record the disclosure of which would jeopardize life, safety, or property;

(5)(P) strategy about collective bargaining or pending litigation;

(5)(Q) test questions and answers;

(5)(R) trade secrets as defined in Utah Code Section 13-24-2;

(5)(S) record of a Children's Justice Center investigative interview before the conclusion of any legal proceedings;

(5)(T) presentence investigation report;

(5)(U) probation progress/violation reports;

(5)(V) except for those filed with the court, records maintained and prepared by juvenile probation; and

(5)(~~W~~V) other records as ordered by the court under Rule 4-202.04.

(6) Juvenile Court Social Records. The following are juvenile court social records:

(6)(A) correspondence relating to juvenile social records;

(6)(B) custody evaluations, parent-time evaluations, parental fitness evaluations, substance abuse evaluations, domestic violence evaluations;

(6)(C) medical, psychological, psychiatric evaluations;

(6)(D) pre-disposition, dispositional, and social summary reports;

(6)(E) probation agency and institutional reports or evaluations;

(6)(F) referral reports;

- (6)(G) report of preliminary inquiries;
- (6)(H) treatment or service plans;
- (6)(I) nonjudicial adjustment records; and
- (6)(J) documents filed with the court that were received pursuant to the Utah Interstate Compact for Juveniles.

(7) Juvenile Court Legal Records. The following are juvenile court legal records:

- (7)(A) accounting records;
- (7)(B) discovery filed with the court;
- (7)(C) pleadings, summonses, subpoenas, motions, affidavits, calendars, minutes, findings, orders, decrees, probable cause statements;
- (7)(D) name of a party or minor;
- (7)(E) record of a court hearing;
- (7)(F) referral and offense histories; and
- (7)(G) any other juvenile court record regarding a minor that is not designated as a social record.

(8) Safeguarded Court Records. The following court records are safeguarded:

- (8)(A) upon request, location information, contact information, and identity information, other than the name of a petitioner and other persons to be protected, in an action filed under Title 78B, Chapter 7, Protective Orders and Stalking Injunctions;
- (8)(B) upon request, location information, contact information and identity information, other than the name of a party or the party's child, after showing by affidavit that the health, safety, or liberty of the party or child would be jeopardized by disclosure in a proceeding under Title 78B, Chapter 13, Utah Uniform Child Custody Jurisdiction and Enforcement Act or Title 78B, Chapter 14, Uniform Interstate Family Support Act or Title 78B, Chapter 15, Utah Uniform Parentage Act;
- (8)(C) upon request, if the information has been safeguarded under paragraph (8)(A) or (8)(B), location information, contact information and identity information, other than the name of a party or the party's child, in a proceeding under Title ~~8130, Husband and Wife~~ Utah Domestic Relations Code.
- (8)(D) location information, contact information, and identity information of prospective jurors on the master jury list or the qualified jury list;
- (8)(E) location information, contact information, and identity information other than name of a prospective juror summoned to attend court;

(8)(F) the following information about a victim or witness of a crime:

(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-May~~ 1, 202~~5~~4

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

To identify who may access court records.

Applicability:

This rule applies to the judicial branch.

Statement of the Rule:

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

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

(2)(A) **Adoption records.** Upon request and presentation of positive identification, an adoption petition, and any other documents filed in connection with the adoption, may be open to inspection and copying:

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

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

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

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

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

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

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

(2)(B)(i) The following may obtain certified copies of the expungement order and the case history upon request and presentation of positive identification:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(3)(H) anyone by court order;

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

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

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

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

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

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

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

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

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

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

(4)(G) anyone by court order;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(5)(M) anyone by court order.

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

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

(5)(O)(i) a prosecuting attorney, a defense attorney, a Guardian ad Litem, and an Attorney General involved in the litigation in which the record is filed;

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

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

(5)(O)(iv) anyone by court order.

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

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

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

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

(6)(B) a law enforcement agency;

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

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

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

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

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

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

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

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

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

(7)(E) anyone by court order;

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

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

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

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

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

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

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

Effective: ~~January~~May 1, 202~~5~~4

Tab 6



UTAH STATE COURTS

REVIEW OF COURT FEES FOR FISCAL YEAR 2024

2023 GENERAL SESSION HOUSE BILL 531 REPORT



ADMINISTRATIVE OFFICE OF THE COURTS

November 25, 2024



Administrative Office of the Courts

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

November 25, 2024

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

Infrastructure and General Government Appropriations Subcommittee
350 State Street
Salt Lake City, UT 84103

Dear Committee Members:

The Administrative Office of the Courts has completed the review of court fees as required by House Bill 531 that passed in the 2023 General Session. This report issued by the Judicial Council provides the information outlined in House Bill 531 as follows:

- The types of court fees charged and the amounts collected.
- The cost related to each fee, including the direct and indirect costs and expenses for providing the good or service for each fee.
- A determination of whether the fees generate excess revenue.
- The count and amount of waived fees.
- The history of court fees.

This report shows that overall, court fees do not generate excess revenue. Court fees help support the goods or services being provided, but most costs exceed the fee amount. Court fees collected and retained is a small percentage (5 percent) of the revenue needed to support court operations. The General Fund is the main source of revenue that supports court operations.

We are happy to meet with appropriate committees and individuals to discuss any item contained in the report.

Respectfully,

A handwritten signature in blue ink, appearing to read "Ronald B. Gordon, Jr.", is written over a light blue horizontal line.

Ronald B. Gordon, Jr.
State Court Administrator

cc: Ivan D. Djambov, Finance Manager LFA
Rachel Nicole Boe, Financial Analyst LFA

**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.**

450 South State Street / P.O. Box 140241 / Salt Lake City, Utah 84114-0241 / 801-578-3800/ Fax: 801-578-3843

Overview

House Bill 531 which was passed in the 2023 General Session requires the Judiciary to join the Executive Branch in providing to the Infrastructure and General Government Appropriations Subcommittee an annual report (due before November 30th) that provides the direct and indirect costs and expenses for providing the good or service for which the fee is charged. As required by House Bill 531 this report includes details on the (1) types of fees charged and collected by the Supreme Court, the Court of Appeals, District Courts, and Juvenile Courts, (2) the methods used to determine each fee charged, (3) the estimated cost related to each fee, (4) whether each fee is intended to cover the Judiciary's cost related to the fee, and (5) the number of fee waivers for each type of fee. Based on this scope, fines were excluded from our analysis. In addition, justice courts are part of the Judiciary, but were not included in House Bill 531.

A Recent State Audit Provided a Limited Review of Court Fees

The Utah Office of the State Auditor issued a *Limited Review of Utah State Courts Fees* in March 2023 that examined three fees charged by the Utah Judiciary. We have followed the same methodology as the State Auditor, but we collected data statewide rather than collecting data from two districts. The following section is an excerpt from the State Auditor's report regarding the history of court fees:

In 1992, the legislature consolidated and made uniform the filing fees for all courts of record in Utah. During the committee and floor debates on the 1992 consolidation bill,¹ bill sponsors Senator Lyle Hillyard and Representative John Valentine did not elaborate on how the court fees in the bill were determined. Thirty years later, those bill sponsors do not recall whether an analysis had been performed on the fees proposed by the USC [Utah State Courts].

In addition, Judicial Council staff who were involved in those discussions have long since retired and their historical knowledge has been lost. Currently, there is no way to discern if an analysis was performed to determine the appropriateness of the amounts of the court fees that were adopted.

The Judicial Council assumes that that Legislature may have set court fees below the actual cost to provide those services, subsidizing the USC's budgets through the State's general funds. The USC has expressed concern that high fees may limit citizens' constitutional right to access the courts². While court fees have been revised since that original bill, we could not identify any methodology used for calculating fee recommendations provided to the Legislature.

The State Auditor's report describes the Utah State Court fees as a fee for service. A fee for service is a "specific charge in return for a specific benefit to the one paying the fee."³ Overall,

¹ Utah S.B. 197, 1992 General Legislative Session.

² Fee waivers and adjustments have been made available to those the legislature determines to meet the requirements for relief.

³ V-1 Oil Co. v Utah State Tax Com'n, 942 P.2d 906 (Utah 1996).

court fees do not generate excess revenue, meaning the cost to provide the good or service exceeds the fee amount. Only 1 of the 82 fees listed in this report generated excess revenue in 2024.⁴

Court Fees Help Support Court Operations, but the General Fund Is the Main Source of Revenue

The General Fund is the main source of revenue for court operations. In fiscal year 2024, the Judiciary received \$181.5 million from the General Fund. Court fees collected and retained is a small percentage (5 percent) of the revenue needed to support court operations.⁵ Figure 1 shows the court fees collected for fiscal year 2024, and for future years we will continue to provide this report on a fiscal year basis.

Figure 1. 2024 Court Fee Summary. A majority of the court fees collected, 61 percent, are transferred to the General Fund.

FY 2024 Court Fee Collection Summary	Amount	Percent
Total Fees Transferred to General Fund	\$ 18,998,282	61.1 %
Total Fees Retained by Statute (Restricted Funds)	7,736,773	24.9
Total Fees Transferred to URS (Judge's Retirement)	1,694,942	5.5
Total Other Service Fees Retained by the Judiciary	2,633,133	8.5
Total Fees Collected	\$ 31,063,130	

Figure 1 shows that Utah Judiciary collected fees totaling \$31.1 million for fiscal year 2024. The Judiciary retained 33 percent of the fees collected (\$31.1 million) including (1) restricted funds as required by statute for specific purposes and (2) certain service fees.

Restricted Funds. The funds are used solely for the purposes as designated in statute. The funding source is related to the use of the fund. For example, court security fees are restrictively used for court security.

Judge's Retirement. The funds are forwarded to Utah Retirement Systems (URS) monthly for judicial officers' retirement. A flat rate of \$15 is derived from certain filings fees in *Utah Code* 78A-2-301 and allocated per *Utah Code* Title 49, Chapter 17, Judges' Contributory Retirement Act since 1992.

Other Service Fees. The Judiciary also retains a few fees to manage specific services outlined in the Utah Code of Judicial Administration (UCJA); for example, the Xchange program, copy fees, and electronic media fees.

⁴ Mandatory Parenting/Orientation Courses (Figure 9).

⁵ This percentage includes Total Fees Retained by Statute (\$7,736,773) and Total Other Service Fees Retained by the Judiciary (\$2,633,133) divided by total revenue \$191.9 million (general fund appropriation and fees retained).

Cost Analysis Was Performed for Each Individual Fee

To review each court fee to determine whether the fees are generating excess revenue, we determined the cost to provide each specific service. As required by House Bill 531, the cost includes both direct costs and administrative overhead (indirect costs).

Weighted caseload studies for the district and juvenile courts were used to calculate direct costs for this report. The weighted caseload studies include questionnaires of judges and court staff as to how much time it takes to complete routine tasks, such as reviewing and filing certain types of documents and holding certain types of hearings. For the weighted caseload process, the number of documents, hearings, or events of each type are counted and the time is averaged for each type of case. For the purposes of this report, the weighted caseload data is multiplied by compensation of the employees or judges performing the tasks to obtain an average dollar cost, and those totals are used to estimate how much judicial officer and clerical support are needed to perform court business.

The same underlying methodology was used to calculate the average clerical and judicial time it takes for the Judiciary to provide the non-caseload services related to the different fee types being reported under House Bill 531. For fees that required supplemental information not found in the weighted caseload questionnaires, select judges and employees were surveyed to obtain information on the staff and judicial time needed for services related to those fees. The times from the surveys were multiplied by compensation to obtain an average dollar cost for providing the related service for the applicable fee.

In addition, an overhead cost is added to each type of fee to cover administration, building costs, and support personnel. The overhead cost is calculated on a per filing basis. An overhead cost was not calculated for service fees, as it would not apply to all the fees, and would not be a material amount for other service fees such as copies and emails. For the analysis of all the fees in this report, we used fiscal year 2024.

The following sections of the report list all the fees required under House Bill 531. The fees are organized in the following order: filing fees, document fees, and service fees. In addition, Appendix A shows the number and amount of waived fees as required in House Bill 531, and Appendix B provides historic notes for specific fees and a summarized history of the fees.

Case Filing Fees

Case filing fees consist of the fee for filing any civil complaint or petition initiating the opening of a court case and invoking the jurisdiction of a court of record. All of the courts of record in Utah (district courts, juvenile courts, and appellate courts) have case filing fees.

District Court Case Filing Fees. Utah District Courts are trial courts of original jurisdiction over civil cases, criminal felonies, and certain misdemeanors. The district courts also hear domestic relations cases, such as divorces, child custody and support, adoption, and probate cases. Figure 2 shows the total number of filings for each civil fee for fiscal year 2024, the cost per filing, the fee amount, and the difference between the cost per filing and fee amount.

Figure 2. District Court Case Filing Fees. Each of the district court case filing fees are authorized in *Utah Code* 78A-2-301.

District Court Case Filing Fees	Total Filings	Cost Per Filing	Fee Amount	Over or (Under)
Abstract or Transcript Judgment	605	\$ 196	\$ 50	\$ (146)
Administrative Agency Review	27	587	375	(212)
Award of Arbitration	37	328	35	(293)
Complaint or Petition:				
\$2,000 or less	46,103	295	90	(205)
\$2,001 to \$9,999	22,274	298	200	(98)
\$10,000 or more	10,167	382	375	(7)
Not Governed by Another Subsection <i>Utah Code</i> (78A-2-301(1)(a))*	15,626	512	375	(137)
Divorce Filing (after temp. separation)	24	483	290	(193)
Divorce or Separation Petition	14,432	483	325	(158)
Foreign Probate or Child Custody	31	274	35	(239)
Foreign Transcript of Judgment	70	225	35	(190)
Guardianship	491	503	35	(468)
Judicial Document Approval	652	239	35	(204)
Judgment by Confession	461	253	35	(218)
Municipal Appeal	13	587	80	(507)
Notice of Appeal	412	1,408	240	(1,168)
Petition for Expungement	4,188	226	150	(76)
Petition to Open Sealed Record	21	345	35	(310)
Sex Offender and Kidnap Offender Registry	11	268	125	(143)
Small Claims:**				
\$0 - \$2,000	1	857	60	(797)
\$2,001 - \$7,499	5	543	100	(443)
\$7,500 or more	6	715	185	(530)
Temporary Separation Order	128	675	35	(640)
Trial De Novo	220	806	240	(566)

*Includes general civil, domestic, and probate cases.

**Most small claims cases are filed in justice courts.

Figure 2 shows that the average cost per filing for all of the district court case filing fees exceed the fee amount.

Juvenile Court Case Filing Fees. The Utah Juvenile Court has original jurisdiction over individuals, who were under 18 years of age at the time they violated any federal, state, or municipal law, and any child who is abused, neglected, or dependent. The court has the power to

determine child custody, support, visitation and, in some circumstances, to permanently terminate parental rights.

Figure 3 shows the total number of filings for each fee for fiscal year 2024, the average cost per filing, and the fee amount. The average cost per filing exceeds the fee amount for every Juvenile Court filing fee.

Figure 3. Juvenile Court Case Filing Fees. Each of the juvenile court case filing fees are authorized in *Utah Code* 78A-2-301.

Juvenile Court Case Filing Fees	Total Filings	Cost Per Filing	Fee Amount	Over or (Under)
Notice of Appeal	100	\$ 1,446	\$ 240	\$ (1,206)
Petition – Emancipation	64	712	50	(662)
Petition – Expungement	257	296	150	(146)
Petition - Minor to Marry	26	1,169	5	(1,164)
Petition - Open Sealed Record	13	629	35	(594)
Petition - Original Complaint*	857	932	375	(557)

*Consists of Adoptions, Child Welfare Proceedings, Termination of Parental Rights, Voluntary Relinquishment, and Substantiation petitions that were not filed by the State.

Appellate Courts’ Case Filing Fees. Utah has two appellate courts, the Court of Appeals and the Supreme Court. The Court of Appeals hears all appeals from the juvenile courts and those from the district courts involving domestic relations and criminal matters of less than a first-degree felony. It also may hear any cases transferred to it by the Supreme Court, including first-degree felony criminal cases.

The Supreme Court is the “court of last resort” in Utah. It hears appeals from capital and first-degree felony cases and all district court civil cases other than domestic relations cases. The Supreme Court also has jurisdiction over judgments of the Court of Appeals, proceedings of the Judicial Conduct Commission, lawyer discipline, and constitutional and election questions.

Note. Due to the significant variation in judicial officer costs resulting from a case being disposed of prior to oral argument and a written opinion, or after, Figures 4 and 5 do not include judicial officer costs and the costs incurred by the judicial officers’ law clerks. The cost per filing amounts in Figures 4 and 5 include only the costs associated with the front office staff, clerks of court, appellate mediation staff, and appellate central staff attorneys.

Figure 4 displays the case filing fees for the Court of Appeals, and Figure 5 displays the case filing fees for the Supreme Court. The figures show the total number of filings for each fee for fiscal year 2024, the average cost per filing (as set forth in the note above), the fee amount, and the difference between the cost per filing and fee amount. We are providing the average cost per filing due to the variation in cost resulting from the different avenues of disposition for cases on appeal. In the Court of Appeals for example, the total cost to process a case that is disposed of through a Summary Disposition, would be significantly less than the total cost to dispose of a

case by an Opinion Order, which in turn would also be significantly less than disposing of a case through oral argument and a full written opinion.

Figure 4. Court of Appeals Case Filing Fees. Each of the Court of Appeals case filing fees are authorized in *Utah Code* 78A-2-301.

Court of Appeals Case Filing Fees	Total Filings	Cost Per Filing	Fee Amount	Over or (Under)
Interlocutory	123	\$ 1,898	\$ 240	\$ (1,658)
Notice of Appeal	882	3,854	240	(3,614)
Other Petition – Extraordinary Writs	20	1,703	375	(1,328)
Other Petition – Review	71	3,175	375	(2,800)

Figure 4 shows the average cost per filing for the Court of Appeals exceeds the fee amount. The Court of Appeals handles about 1,000 cases per year among the seven judicial officers. If a case is not set for oral argument and a written opinion, the Court of Appeals relies heavily on the work and recommendations of the four central staff attorneys regarding which disposition mechanism is proper for the specific case. The Court of Appeals also disposes of cases through appellate mediation.

Figure 5. Supreme Court Civil Filing Fees. Each of the Supreme Court case filing fees are authorized in *Utah Code* 78A-2-301.

Supreme Court Case Filing Fees	Total Filings	Cost Per Filing	Fee Amount	Over or (Under)
Interlocutory	24	\$ 619	\$ 240	\$ (379)
Notice of Appeal	7	451	240	(211)
Other Petition – Extraordinary Writs	20	5,727	375	(5,352)
Other Petition – Review	3	345	375	30
Petition for Certiorari	133	1,050	240	(810)
Petition for Expungement	0	718	150	(568)

Figure 5 shows the average cost per filing for the Supreme Court exceeds the fee amount, except for the Petition for Review. However, the cost per filing does not include judicial officers' time or the judicial officers' law clerks' time due to the nature of appealed cases. The cost per filing for the Petition for Review would exceed the fee amount if the judicial officers' and law clerks' time could be included.

Document Filing Fees

Document filing fees consist of the fee for filing any document in a court of record that does not initiate the opening of a court case. Courts of record that have document filing fees include the district court and juvenile court.

District Court Document Filing Fees. Figure 6 shows the total number of filings for each fee for fiscal year 2024, the cost per filing, the fee amount, and the difference between the cost per filing and fee amount.

Figure 6. District Court Document Filing Fees. Each of the district court document filing fees are authorized in *Utah Code* 78A-2-301.

District Court Document Filing Fees	Total Filings	Cost Per Filing	Fee Amount	Over or (Under)
Accounting - Estate Value:				
\$50,000 or less	778	\$ 262	\$ 15	\$ (247)
\$50,001 - \$75,000	33	262	30	(232)
\$75,001 - \$112,000	28	262	50	(212)
\$112,001 - \$168,000	38	262	90	(172)
\$168,001 or more	233	262	175	(87)
Counter Claim Paternity/Grandparent Visitation	232	766	170	(596)
Counter/Cross Claim Divorce or Separate Maintenance	2,740	1,101	130	(971)
Counter/Cross Claim, Third Party:				
\$2,000 or less	101	823	55	(768)
\$2,001 - \$9,999	65	718	165	(553)
\$10,000 or more	1,272	1,344	170	(1,174)
Demand for Civil Jury	3,462	325	250	(75)
Foreign Deposition Notice	397	212	35	(177)
Garnishment	69,202	241	50	(191)
Motion to Renew Civil Judgment:				
\$0 - \$2,000	1,983	212	45	(167)
\$2,001 - \$9,999	1,836	212	100	(112)
\$10,000 or more	710	212	188	(24)
Motion to Renew Judgment by Confession	1	212	18	(194)
Motion to Renew Small Claims:*				
\$0 - \$2,000	0	212	30	(182)
\$2,001 - \$7,499	0	212	50	(162)
\$7,500 or more	0	212	93	(119)
Petition to Disburse Funds	142	257	50	(207)
Petition to Modify Divorce Decree	3,038	1,014	100	(914)
Petition to Reopen Estate Case	16	295	170	(125)
Vital Statistics Fee	14,151	167	8	(159)
Writ of Replevin, Attachment or Execution	3,533	223	50	(173)

* Most small claims cases are filed in justice courts.

Figure 6 shows the average cost per filing for all district court document filing fees exceeds the fee amount.

Juvenile DNA and Document Fee. Figure 7 shows the juvenile court fee for DNA collection and one document filing fee for Vital Statistics. The figure shows the total number of filings for each fee for fiscal year 2024, the cost per filing, the fee amount, and the difference between the cost per filing and fee amount.

Figure 7. Juvenile Court Document and DNA Fee. Both of these juvenile fees are authorized in statute (see descriptions below Figure 7).

Juvenile Court Filing Fees	Total Filings	Cost Per Filing	Fee Amount	Over or (Under)
DNA Collection Fee	825	\$ 207	\$ 150	\$ (57)
Vital Statistics Fee	311	189	8	(181)

Figure 7 shows the average cost per filing for both of the juvenile court fees exceeds the fee amount. Each fee is briefly described below.

DNA Collection Fee. A minor who is 14 years old or older who is adjudicated by the juvenile court due to the commission of a felony or class A misdemeanor is required to submit DNA. The fee of \$150 is set in *Utah Code* 53-10-404.

Vital Statistics Document Fee. In accordance with *Utah Code* 26B-8-128 for each adoption ordered or decreed in Utah, the clerk of court shall prepare a certificate or report of adoption on a form furnished by the state of the child's birth. The fee for this certificate is \$8 authorized in *Utah Code* 78A-2-301(1)(y).

Service Fees

The Utah Judiciary also collect service fees, which applies to the Supreme Court, the Court of Appeals, District Courts, and Juvenile Courts. Most of the service fees are related to providing records and public case information. The fees in Figure 8 are presented as the average cost per receipt to provide the service and the average collection per receipt because the cost increases as the number of copies requested increases. It is not a flat rate for all copies and email. The average cost per item includes the cost to provide services to (1) government entities none of whom are charged the fee and (2) any person whose fee has been waived (see Appendix A).

Figure 8. Service Fees. Fees for records and information include audio, video, and electronic media, paper copies, and emailed copies. These service fees are authorized in *UCJA Rule* 4-202.08.

Service Fees	Total Receipts	Average Cost per Receipt	Average Collection per Receipt	Over or (Under)
Electronic Media (\$15)*	11,448	\$ 25	\$ 16	\$ (9)
Copies:				
Standard (\$0.25 per page)	6,605	10	6	(4)
Certified (\$4 & \$0.50 per page)	37,600	9	6	(3)
Exemplified Document (\$6 & \$0.50 per page)	1,471	22	6	(16)
Email (\$5 & \$0.50 per page 11+)	826	9	8	(1)

* Electronic Media includes audiotape and videotape.

For all the fees listed in Figure 8 the cost to provide the record or information exceeds the amount collected.

Figure 9 shows other types of services fees that provide records and case information to the public as well as other types of miscellaneous services. Each service is described below Figure 9.

Figure 9. Other Service Fees. Each of these services are authorized in statute or administrative rule, except for the Certificate of Good Standing and Duplicate Attorney Certificate.

Service Fee	Fee Amount	Total Expenses	Total USC Collections	Over or (Under)
Bar Admission Certificate	\$ 50	\$ 31,882	\$ 29,250	\$ (2,632)
Certificate of Good Standing	15	5,262	2,610	(2,652)
Data and Research Services	45	58,483	25,750	(32,733)
Deferred Traffic Prosecution	5	451,046	2,115	(448,931)
Duplicate Attorney Certificate	25	3,530	3,384	(146)
Interest-Bearing Account	varies	0	0	0
Interpreter Credentialing	varies	40,528	4,370	(36,158)
Mandatory Parenting/Orientation Courses	5/8	103,560	113,144	9,584
Online Court Assistance Program (OCAP)	20	194,455	115,618	(78,837)
Xchange	varies	3,723,962	2,245,183	(1,478,779)

Overall, the expenses exceed service fees collected except for the Bar Admission Certificate and the Mandatory Parenting/Orientation Courses. Each of the service fees in Figure 9 are described as follows:

- **Bar Admission Certificate.** The appellate courts receive a \$50 fee for a certificate of admission from all new attorneys as required by *Utah Code* 78A-9-102. Statute also requires that \$30 of the \$50 fee be distributed to benefit the State Law Library. In fiscal year 2024, \$17,550 was distributed to the law library, and only \$10,000 was used toward needed expenses. The remaining amount of \$7,550 will be carried forward to fiscal year 2025 as allowed by *Utah Code* 63J-1-602.1(64). Since the carry forward amount must be used for future State Law Library needed expenses, we are including the \$7,550 in the current year expenses, which will increase the expenses to \$31,882. This amount exceeds the total revenue by \$2,632.
- **Certificate of Good Standing.** A certificate of good standing is a document issued by the Utah Supreme Court that provides verification of a Utah attorney's admission date and licensing status. The \$25 fee was reduced by the Utah Supreme Court in 2023 by \$10 because the revenue exceeded the cost by \$515 as reported for calendar year 2022 in the Court Fees report last year. The current fee is \$15.
- **Data and Research Services.** This is a specific service for bulk data or research requests for reports on public court data. The fee is \$45 per hour for a programmer/analyst. The fee is set in *UCJA Rule* 4-202.08.
- **Deferred Traffic Prosecution.** Deferred Prosecution is a program that allows individuals with a traffic citation to have their case dismissed after a 12-month deferral period. *Utah Code* 77-2-4.2 outlines the requirements to participate in the program. Qualified individuals pay their fine like a normal ticket and the \$5 administrative fee. If individuals have a clean record for 12 months, then the charge is dismissed.
- **Duplicate Attorney Certificate.** The Utah Supreme Court occasionally provides duplicate copies of attorney license certificates, which are large certificates that attorneys can display in their offices. These certificates are \$25. The original certificate is provided to attorneys as part of their admission fees.
- **Interest-Bearing Account (IBA).** The court may order funds (typically over \$5,000) be deposited in an interest-bearing trust account. The bank account allows interest to be earned for parties while the case is in litigation. *UCJA Rule* 4-301 gives the Judiciary authority to charge a fee. On November 20, 2023, the Judicial Council approved a change in the IBA fee. Standardized charges for each IBA account of (1) \$250 for the initial deposit, (2) \$50 for subsequent deposits or withdrawals, and (3) \$100 to close the account and perform the payout. This change was implemented for all IBA accounts effective March 19, 2024. The total amount collected under the former fee for fiscal year 2024 was \$0, and the total amount collected under the new fee for fiscal year 2024 was \$0.
- **Interpreter Credentialing.** *UCJA Rule* 3-306.03 outlines the procedure for credentialing of interpreters for legal proceedings. The Utah Judiciary contracts with two

third-party vendors to provide interpreter credentialing services. The cost to the Judiciary to provide testing and credentialing of interpreters is \$22,924 and cost of employees to oversee this credentialing is \$17,604. Total Collections represent several fees charged to interpreters which include the skill building workshop (\$150), written exam (\$25), orientation (\$100), oral proficiency interview (\$108), and the oral proficiency exam (\$200). The court collects the fees and pays the vendors for their service. Due to a shortage of qualified interpreters, the Judicial Council temporarily suspended certain fees charged to interpreters beginning January 16, 2024. The suspension of fees remains in effect for calendar year 2024.

- **Mandatory Parenting/Orientation Courses.** The Mandatory Parenting Course, formerly titled as the Divorce Education Course, is required by *Utah Code* 81-9-103, and a Mandatory Orientation Course for divorcing parties is required by *Utah Code* 81-4-105. The fees for the courses are set by *UCJA Rule* 4-907. The fee for the Mandatory Parenting Course is \$35 and the Utah Judiciary receive \$8 of that fee for the Children’s Legal Defense Fund. The fee for the Mandatory Parenting Orientation Course is \$30, and the Utah Judiciary receive \$5 of that fee for the Children’s Legal Defense Fund. The private vendors collect the fees and remit the Utah Judiciary portion monthly. In 2011, the cost to attend the Mandatory Parenting Course increased to \$35, and the Mandatory Orientation course increased in 2014 to \$30. Figure 9 depicts only the collections the court receives for deposit to the Children’s Legal Defense Fund (from the \$8 and \$5 fees) and related expenses. Expenses include offsetting impecunious waivers and the expenses of Utah Judiciary employees who oversee the courses, which are paid from the Children’s Legal Defense Fund. These totals do not include vendor expenses or the amount they collect.
- **Online Court Assistance Program (OCAP).** The program is provided to assist court users who do not have an attorney to prepare court documents. The program is outlined in *Utah Code* 78A-2-501 and 78A-2-301. The fee to use the program is \$20.
- **Xchange.** Xchange is a program to access the repository of district court and justice court case information. The public can subscribe to Xchange to access public record case information. Xchange has three subscription options: (1) A one-time user account has an initial fee of \$5, and searches charged at \$0.20 each and documents at \$0.50 each. These charges are credited from the initial \$5 fee. (2) A guest account has the same fees as a one-time user account, but no account will be created. (3) A monthly subscription account requires a \$25 initial set up fee and has a \$40 fee each month. The fee to access public online services without subscribing is a transaction fee of \$5 allowing up to 10 searches during a session. The program and fees are governed by *UCJA Rule* 4-202.08.

Conclusion

The Mandatory Parenting/Orientation Courses are the only fees that exceeded the costs in fiscal year 2024. The excess revenue collected totaled \$9,584. The fees for these two education courses are set by *UCJA Rule* 4-907. However, *Utah Code* 81-4-105 and *Utah Code* 81-9-103 state the

amount to be deposited to the Children's Legal Defense Fund. The fee amounts are described in the previous section of this report. The excess revenue is only the amounts the court receives for deposit to the Children's Legal Defense Fund, a restricted account. Between the Office of Guardian ad Litem and the Utah Judiciary, all of the revenue collected for the Children's Legal Defense Fund for FY 2024 was used to pay for needed expenses.

This is the second year that the revenue exceeded expenses for these courses. However, the excess revenue has decreased by 65 percent. The Court Fees report last year showed the revenue exceeded expenses by \$27,296.

Recommendation: The Judiciary should work with the Legislature to determine if the fees (\$8 and \$5) the Judiciary receives for the Children's Legal Defense Fund should be adjusted, so collections are closer to the cost of the mandatory parenting/orientation courses. The \$8 fee has been in effect since 1994, and the \$5 fee since 2012.

The excess revenue of \$9,584 for the divorce courses for fiscal year 2024 is a small amount when compared with the Utah Judiciary \$181.5 million General Fund budget. It is also important to note that the costs per filing and service fees exceeded the fee amount for 81 court fees by a total of \$49 million in 2024.

APPENDIX A Fee Waivers

House Bill 531 from the 2023 General Session requires the Utah Judiciary to report the number of fee waivers granted by the Judiciary (78A-2-310 (2)(a)(v)). Figure 10 shows the number of waived fees by judges. The figure also shows the number of government filings, and the total dollar amount waived by judges or not charged to government entities. The Judiciary does not charge a fee for government filings (78A-2-301(1)(ff)). If government entities were charged a fee, the collected amount would have been incrementally increased by \$486,707.

Figure 10. Number and Amount of Waived and Government Filings for FY 2024. The total number of filings waived in full or in part or not charged to government entities for the year was 16,870 and the total amount waived or not charged was \$2,113,999.

Type of Fee	Waived Filings	Govt. Filings	Total Filings	Amount
Abstract or Transcript Judgment	0	501	501	\$ 25,050
Accounting - Estate Value:				
\$50,000 or less	8	0	8	90
Administrative Agency Review	7	0	7	2,600
Appeal	32	11	43	9,753
Complaint or Petition:				
\$2,000 or less	22	27	49	4,000
\$2,001 to \$9,999	19	8	27	5,365
\$10,000 or more	37	15	52	19,400
No Amount Specified	878	295	1,173	432,102
Copies (certified)	15	0	15	75
Copies (standard)	27	0	27	386
Counter/Cross Claim, 3rd Party:				
\$2,000 or less	13	29	42	2,310
\$2,001 - \$9,999	16	1	17	2,805
\$10,000 or more	33	33	66	11,220
Counterclaim Paternity/Grandparent Visitation	21	1	22	3,535
Demand for Civil Jury	21	67	88	21,700
Divorce Education	28	0	28	850
Divorce Filing (after temp. separation)	2	0	2	580
Divorce or Separate Maintenance – Counter Claim or Cross Claim	163	8	171	21,585
Divorce or Separation Petition	2,751	208	2,959	953,351
Electronic Media	13	563	576	8,749

Type of Fee (continued)	Waived Filings	Govt. Filings	Total Filings	Amount
Foreign Deposition Notice	3	2	5	\$ 175
Foreign Transcript of Judgment	2	0	2	70
Foreign Probate or Child Custody	2	0	2	70
Garnishment	1	3,361	3,362	168,100
Guardianship	25	0	25	840
Interlocutory, Certiorari	273	0	273	65,520
Judicial Document Approval	6	62	68	2,380
Motion to Renew Civil Judgment:				
\$0 - \$2,000	0	303	303	13,635
\$2,001 - \$9,999	0	100	100	10,000
\$10,000 or more	0	13	13	2,438
Municipal Appeal	0	1	1	80
Offender Registry	0	1	1	125
Online Court Assistance Program (OCAP)	2,799	0	2,799	55,450
Petition for Expungement	1,034	3	1,037	154,675
Petition for Review	116	0	116	43,500
Petition to Disburse Funds	3	32	35	1,750
Petition to Modify Divorce Decree	97	336	433	42,940
Petition to Open Sealed Record	3	0	3	105
Small Claims Affidavit:				
\$7,500 or more	2	0	2	740
Temporary Separation Order	128	0	128	840
Trial De Novo	13	0	13	2,780
Vital Statistics	2,158	18	2,176	17,280
Writ of Replevin, Attachment, or Execution	0	100	100	5,000
Government Amount Not Charged				\$ 486,707
Government Percentage of Total				23 %
Total	10,771	6,099	16,870	\$ 2,113,999

It is also important to note that the juvenile court management system, Court and Agency Records Exchange (CARE) does not have the ability to track waivers. An enhancement to the CARE system is in process to be able to track waivers in the future. In addition, the appellate courts management system, Appellate Information System (AIS), does not have the ability to track waivers. Figure 10 does not include fee waivers for the juvenile courts or for the appellate courts.

APPENDIX B Historical Notes

Fees Set by Statute

The 1992 General Session passed Senate Bill 197 Court Fees effective July 1, 1992: *“An act relating to Court Fees; consolidating the fees for all Courts of Record; making fees uniform in all courts; raising some fees and eliminating miscellaneous fees; and providing an effective Date.”* (**Utah Code** 21-1-5 Civil Fees of the Courts of Record.)

The 2001 General Session passed House Bill 19, which recodified **Utah Code** 21-1-5 to **Utah Code** 78-7-35 Civil Fees of the Courts of Record–Courts Complex Design.

The 2008 amendment, effective February 7, 2008, renumbered this section to UCA 78A-2-301.

Five restricted accounts receive amounts from filing fees outlined in statute as follows:

- As currently stated in **Utah Code** 78A-2-301(j)(i): *“Fifteen dollars of the fees established by Subsections (1)(a) through (i) shall be allocated to and between the Judges’ Contributory Retirement Trust Fund and the Judges’ Noncontributory Retirement Trust Fund, as provided in Title 49, Chapter 18, Judges’ Noncontributory Retirement Act.”*
Note: This allocation has not increased since 1992.
- Effective March 17, 1994, Senate Bill 275 Court Complex Financing Authorization was passed. *“An Act relating to Judiciary; increasing certain civil filing fees; defining the allocation of the revenues from that increase; creating a restricted account in the Division of Finance; authorizing design of the project and providing an effective date.”*
Note: The Judiciary has not increased this allocation since 1994. (78a-2-301(2)(b)(i)).
- **Utah Code** 78A-2-301(j)(ii): *“___ dollars of the fees established by Subsections (1)(a) through (i) shall be allocated by the state treasurer to be deposited in the restricted account, Children’s Legal Defense Account, as provided in Section 51-9-408.”*
Note: The following two increases have occurred:
 - From 1992-2007: \$2.00 was deposited per filing fee
 - From 2008-2024: \$4.00 was deposited per filing fee
- **Utah Code** 78A-2-301(j)(iii): *“___ dollars of the fees established under subsections (1)(a) through (e), (1)(g), and (1)(s) shall be allocated to and deposited with the Dispute Resolution Account as provided in Section 78B-6-209.”*
Note: The following 3 increases have occurred:
 - From Jan 1, 1995 – April 29, 2007: \$1.00 was deposited per filing fee
 - From April 30, 2007 – May 3, 2020: \$3.00 was deposited per filing fee
 - From May 4, 2020 – Current 2024: \$5.00 was deposited per filing fee

- **Utah Code** 78A-2-301(j)(iv): “_____dollars of the fees established by Subsections (1)(a), (1)(b)(iii) and (iv), (1)(d)(iii) and (iv), (1)(g)(ii), and (1)(i) shall be allocated by the state treasurer to be deposited in the restricted account, Court Security Account, as provided in Section 78A-2-602.”

Note: The following two increases have occurred:

From May 5, 2003 – June 30, 2020: \$15 was deposited per filing fee

From July 1, 2020 – Current 2024: \$30 was deposited per filing fee

Utah Code 78A-2-301(J)(v): “_____dollars of the fees established by Subsections (1)(b)(i) and (ii) and (1)(g)(i) shall be allocated by the state treasurer to be deposited in the restricted account, COURT SECURITY ACCOUNT, as provided in Section 78A-2-602.”

Note: The following two increases have occurred:

From May 5, 2003 – June 30, 2020: \$5 was deposited per filing fee

From July 1, 2020 – Current 2024: \$20 was deposited per filing fee

Fees Set by Utah Code of Judicial Administration Rule

Rule 4-202.08 created in April 1996 for the purpose of: “*establishing uniform fees for requesting records, information, and services.*”

Highlighted historical changes in descending date order:

Effective 1/1/2024

Amendments:

- 1) Rather than listing various storage mediums to be duplicated and their associated costs (microfiche, audio tape, video tape etc.) a flat rate of \$15 per unit will be assessed for any “electronic storage medium”.
- 2) Amendment to (6)(B) removes the cost per personnel classification to research requests over the first 15 minutes. The fees for personnel time may be set by the State Court Administrator. The following are no longer detailed in the rule: (i) clerical assistant: \$15.00 per hour;(ii) technician: \$22.00 per hour; (iii) senior clerical: \$21.00 per hour (iv) programmer/analyst: \$32.00 per hour;(v) manager: \$37.00 per hour.
- 3) Provision added regarding bulk data requests. Bulk data fees are now posted on the court’s webpage along with other personnel classifications:
<https://www.utcourts.gov/en/court-records-publications/records/request-a-court-record.html>
- 4) Clarify that court appointed attorneys qualify for a fee waiver if they are requesting records on behalf of an indigent client and the client would qualify for a waiver.
- 5) Public Online Services (Xchange) – non-subscription access at a transaction fee of \$5 up to 10 searches during a session. This has been mentioned in prior revisions as a future enhancement that went into practice 1/1/23.

Effective 11/1/2022

Amendments:

- 1) Allow the court to charge for requests for the first 15 minutes of personnel time if the person has submitted a separate request within the 10-day period immediately prior to the date of the new request, provided the person is not a Utah media representative.
- 2) Indigent requesters are allowed one free copy of each record, after which they would be required to pay the standard rates.
- 3) Public Online Services (Xchange) Monthly subscription fee increased from \$30 to \$40 per month.

Effective Oct 7, 2015

Amendment: Xchange document access went from \$2.50 to \$.50 on Oct 7, 2015.

Effective 2012

Emailed documents costs are the same as the current facsimile cost at \$5.00 for 10 pages or less. The fee for additional pages is \$.50 per page.

Effective March 1, 2011

Amendment: Public Online Services renamed “Xchange”. Setup fee of \$25 with a monthly subscription cost of \$30.

Effective August 1, 2006

Amendment: Public Online Services search over 200 during a billing cycle was reduced from \$.20 to \$.10

Effective April 1, 1996

The following reflects those fees put into effect the year Rule 4-202.08 was created:

(3) Copies. Copies are made of court records only. The term “Copies” includes the original production. For tapes and floppy disks, an additional \$2.00 shall be charged if the person making the request does not provide the medium. Fees for copies are based on the number of record sources to be copied and are as follows:

- (A) paper: \$.25 per sheet*
- (B) microfiche: \$1.00 per card*
- (C) audio tape: \$5.00 per tape*
- (D) video tape: \$15.00 per tape*
- (E) floppy disk: \$15.00 per disk*
- (F) Compact disk: \$40.00 per disk*

(6)(B) Personnel time. The fee for time beyond the first 15 minutes is charged in 15-minute increments for any part thereof. The fee for personnel time is charged at the following rates for the least expensive group capable of providing the record, information or service:

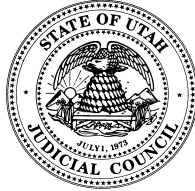
- i) clerical assistant: \$13.00 per hour;*
- ii) technician: \$15.00 per hour;*
- iii) senior clerical: \$21.00 per hour*
- iv) programmer/analyst: \$21.00 per hour;*
- v) manager: \$33.00 per hour;*

Historical Fee Adjustments from 1992-2023 set by Statute

Filing Fees (UCA 78A-2-301)	1992	1993	1994	1995	2000	2001	2002	2003	2006	2007	2009	2010	2011	2012	2015	2017	2020	Current Fees as of 2023
Petition or Complaint - Original \$2,000 or less	\$20.00		\$25.00	\$37.00			\$45.00	\$50.00			\$75.00						\$90.00	\$90.00
GT \$2,000 and LT \$10,000	\$40.00		\$60.00	\$80.00			\$90.00	\$95.00			\$185.00						\$200.00	\$200.00
\$10,000 or more	\$80.00		\$100.00	\$120.00			\$140.00	\$155.00			\$360.00						\$375.00	\$375.00
Filing Fee for Civil Complaint or Petition not governed by another section	\$80.00		\$100.00	\$120.00			\$140.00	\$155.00			\$360.00						\$375.00	\$375.00
Motion to Renew Civil Judgment \$0 - \$2,000													\$37.50				\$45.00	\$45.00
GT \$2,000 and LT \$10,000													\$92.50				\$100.00	\$100.00
\$10,000 or more													\$180.00				\$187.50	\$187.50
Divorce or Separate Maintenance Petition				\$80.00				\$95.00	\$155.00		\$310.00						\$325.00	\$325.00
Cohabitant Abuse Act fee- required if Petition of Divorce was not filed. Fee Removed in 1995.	\$25.00																	
Temporary Separation Order										\$25.00	\$35.00							\$35.00
Divorce Filing AFTER Temporary separation						\$60.00	\$70.00	\$85.00			\$275.00						\$290.00	\$290.00
Modify Divorce or Separate Maintenance - Counter Claim or Cross Claim	\$30.00						\$40.00				\$100.00	\$115.00					\$130.00	\$130.00
Counter Claim, Cross Claim, Intervention, 3rd Party Complaint \$2,000 or less	\$15.00		\$35.00	\$45.00							\$55.00						\$55.00	\$55.00
GT \$2,000 and LT \$10,000	\$30.00		\$50.00	\$60.00			\$70.00	\$75.00			\$150.00						\$165.00	\$165.00
\$10,000 or more	\$60.00		\$80.00	\$90.00				\$105.00			\$155.00						\$170.00	\$170.00
Counterclaim, Paternity/Grandparent Guardian Child (18-22)	\$60.00		\$80.00	\$90.00				\$105.00			\$155.00						\$170.00	\$170.00
Demand for Civil Jury	\$50.00						\$75.00				\$250.00						\$35.00	\$35.00
Trial De Novo (Justice or Small Claims Court)	\$50.00			\$70.00				\$75.00			\$225.00						\$240.00	\$240.00
Municipal Appeal					\$40.00			\$55.00			\$65.00						\$80.00	\$80.00
Appeal	\$160.00		\$180.00	\$190.00				\$205.00			\$225.00						\$240.00	\$240.00
Appellate Interlocutory Order or Writ of Certiorari	\$160.00		\$180.00	\$190.00				\$205.00			\$225.00						\$240.00	\$240.00
Petition for Expungement (not charged from 5/4/22- 6/30/2023)	\$50.00							\$65.00			\$135.00						\$150.00	\$150.00
Offender Registry Ptn														\$125.00				\$125.00
Foreign Transcript of Judgment (from a court of another state)	\$25.00										\$35.00							\$35.00
Foreign Probate or Child Custody	\$25.00										\$35.00							\$35.00
Abstract or Transcript Judgment of Court or Agency of Utah	\$10.00			\$40.00							\$50.00							\$50.00
Judgment by Confession	\$25.00										\$35.00							\$35.00
Motion to Renew Judgment by Confession															\$17.50			\$17.50
Award of Arbitration	\$25.00										\$35.00							\$35.00
Petition to modify a divorce decree	\$30.00									\$10.00	\$100.00							\$100.00
Accounting - Estate Value	*80.00																	
\$50,000 or Less		\$10.00									\$15.00							\$15.00
GT \$50,000, LT or EQ \$75,000		\$20.00									\$30.00							\$30.00
GT \$75,000, LT or EQ \$112,000		\$40.00									\$50.00							\$50.00
GT \$112,000, LT or EQ \$168,000		\$80.00									\$90.00							\$90.00
Greater Than \$168,000		\$150.00									\$175.00							\$175.00
PETN Reopen Estate Case															\$170.00			\$170.00
PETN to disburse Funds																\$50.00		\$50.00
Demand for Civil Jury	\$50.00						\$75.00				\$250.00							\$250.00
Judicial Document Approval (not part of a case)	\$25.00										\$35.00							\$35.00
Petition to Open Sealed Record	\$25.00										\$35.00							\$35.00
Writ of Replevin, Attachment, or Execution	\$5.00			\$20.00			\$35.00				\$50.00							\$50.00
Garnishment	\$5.00			\$20.00			\$35.00				\$50.00							\$50.00
Vital Statistics Fee	\$2.00										\$8.00							\$8.00
Pet to authorize to marry		\$5.00																\$5.00
Emancipation of a minor									\$50.00									\$50.00
DNA (Juv)							\$75.00						\$150.00					\$150.00
OCAP (Online Court Assistance Program)					\$20.00													\$20.00
Deferred Prosecution (Effective 5/3/23)																		\$5.00
Fees for certificate of Bar Admission	\$50.00																	\$50.00

*The fee for filing any accounting required by law was a set fee until 1993. At that time fees were incremental based on estate value.

Tab 7



Administrative Office of the Courts

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

November 18, 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 4-402.08. Fees for records, information, and services (AMEND)

The proposed amendments: 1) set the fee waiver limit for government entities at \$10.00 per transaction to ensure consistent application across the state; 2) set the fee for access to audio records of court proceedings via the FTR Cloud at \$10.00 per transaction; 3) allow the State Court Administrator and Clerks of Court to waive the one free copy limit; and 4) identify individuals and entities that qualify for bulk data fee waivers.

CJA 4-403. Electronic signature and signature stamp use (AMEND)

The proposed amendments grant district, juvenile, and justice courts the discretion to authorize clerks to electronically sign or stamp additional document types without judicial review by issuing a standing order signed by the presiding judge of the district, or for justice courts, a local standing order pre-approved by the presiding justice court judge of the district. The amendments also specify when such authorization must be documented in writing in the case.

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

Rule 4-202.08. Fees for records, information, and services.**Intent:**

To establish uniform fees for requests for records, information, and services.

Applicability:

This rule applies to all courts of record and not of record and to the Administrative Office of the Courts. This rule does not apply to the Self-Help Center.

Statement of the Rule:

(1) **Fees payable.** Fees are payable to the court or office that provides the record, information, or service at the time the record, information, or service is provided. The initial and monthly subscription fee for public online services is due in advance. The connect-time fee is due upon receipt of an invoice. If a public online services account is more than 60 days overdue, the subscription may be terminated. If a subscription is terminated for nonpayment, the subscription will be reinstated only upon payment of past due amounts and a reconnect fee equal to the subscription fee.

(2) **Use of fees.** Fees received are credited to the court or office providing the record, information, or service in the account from which expenditures were made. Fees for public online services are credited to the Administrative Office of the Courts to improve data quality control, information services, and information technology.

(3) **Copies.** Copies are made of court records only. The term "copies" includes the original production. Fees for copies are based on the number of record sources to be copied or the means by which copies are delivered and are as follows:

(3)(A) paper except as provided in (D): \$.25 per sheet;

(3)(B) electronic storage medium other than of court hearings: \$15.00 per unit;

(3)(C) electronic copy of audio record or video record of court proceeding: \$15.00 for each one-half day of testimony or part thereof; ~~and~~

(3)(D) access to audio record of court proceedings via the FTR Cloud: \$10.00 per transaction; and

(3)(~~ED~~) pre-printed forms and associated information: an amount for each packet established by the state court administrator.

(4) **Mailing.** The fee for mailing is the actual cost. The fee for mailing ~~shall~~will include necessary transmittal between courts or offices for which a public or private carrier is used.

(5) **Fax or e-mail.** The fee to fax or e-mail a document is \$5.00 for 10 pages or less. The fee for additional pages is \$.50 per page. Records available on Xchange will not be faxed or e-mailed.

(6) **Personnel time.**

(6)(A) There is no fee for the first 15 minutes of personnel time required to provide the copy, record, information, or service, unless the person who submits the request:

(6)(A)(i) is not a Utah media representative; and

(6)(A)(ii) has submitted a separate records request within the 10-day period immediately prior to the date of the request to which the court or office is responding.

(6)(B) The fee for time beyond the first 15 minutes is charged in 15-minute increments for any part thereof. The fees for personnel time may be set by the State Court Administrator and the rates charged should be for the least expensive group capable of providing the record, information, or service.

(7) **Public online services.**

(7)(A) The fee to subscribe to Xchange ~~shall~~will be as follows:

(7)(A)(i) a set-up fee of \$25.00;

(7)(A)(ii) a subscription fee of \$40.00 per month for any portion of a calendar month; and

(7)(A)(iii) \$.15 for each search over 500 during a billing cycle. A search is counted each time the search button is clicked.

(7)(B) The fee to access public online services without subscribing ~~shall~~will be a transaction fee of \$5.00, which will allow up to 10 searches during a session.

(7)(C) The fee to access a document ~~shall~~will be \$.50 per document.

(8) **Bulk Data.** If approved, individuals or entities may subscribe to receive indexed court data authorized under rule 4-202.02(2)(L) electronically in bulk. The fee to receive bulk data may be set by the State Court Administrator. Requests for bulk data should be made to the Office of Judicial Data and Research.

(9) **No interference.** Records, information, and services ~~shall~~will be provided at a time and in a manner that does not interfere with the regular business of the courts. The Administrative Office of the Courts may disconnect a user of public online services whose use interferes with computer performance or access by other users.

(10) **Waiver of fees.**

(10)(A) Subject to (10)(B), fees established by this rule, other than fees for bulk data and public online services, ~~shall~~will be waived for:

(10)(A)(i) any government entity of Utah or its political subdivisions if the fee is ~~minimal~~\$10.00 or less per transaction;

(10)(A)(ii) any person who is the subject of the record and who is indigent;

(10)(A)(iii) any court appointed attorney acting on behalf of a client, if the client would qualify for a fee waiver under (10)(A)(ii); and

(10)(A)(iv) a student engaged in research for an academic purpose.

(10)(B) Individuals who qualify for a fee waiver under (10)(A)(ii) and (10)(A)(iii) are entitled to one free copy of the record requested. The State Court Administrator may ~~waive the one free copy limit for administrative records or records associated with a case. Clerks of Court or the clerk's designee in courts of record and justice court designees in courts not of record, may waive the one free copy limit~~ for records associated with a case. under this rule for good cause.

(10)(C) Fees for public online services ~~shall~~will be waived for:

(10)(C)(i) up to 10,000 searches per year for a news organization that gathers information for the primary purpose of disseminating news to the public and that requests a record to obtain information for a story or report for publication or broadcast to the general public;

(10)(C)(ii) any government entity of Utah or its political subdivisions;

(10)(C)(iii) the Utah State Bar;

(10)(C)(iv) public defenders for searches performed in connection with their duties as public defenders; and

(10)(C)(v) any person or organization who the XChange administrator determines offers significant legal services to a substantial portion of the public at no charge.

(10)(D) Fees for bulk data will be waived for:

(10)(D)(i) any government entity of Utah or its political subdivisions;

131 (10)(D)(ii) the Utah State Bar;
132
133 (10)(D)(iii) public defenders for searches performed in connection with their
134 duties as public defenders; and
135
136 (10)(D)(iv) a student engaged in research for an academic purpose.
137
138 *Effective: ~~January~~ July 1, 20254*

Rule 4-403. Electronic signature and signature stamp use.**Intent:**

To establish a uniform procedure for the use of judges' and commissioners' electronic signatures and signature stamps.

Applicability:

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

Statement of the Rule:

(1) **Approved document types.** A clerk may, with the prior approval of the judge or commissioner, use an electronic signature or signature stamp in lieu of obtaining the judge's or commissioner's signature on the following document types:

(1)(A) bail bonds from approved bondsmen;

(1)(B) bench warrants;

(1)(C) civil orders for dismissal when submitted by the plaintiff in uncontested cases or when stipulated by both parties in contested cases;

(1)(D) civil orders for dismissal pursuant to Rule 4-103, URCP 3 and URCP 4(b);

(1)(E) orders to show cause and orders to appear/attend under URCP 7A~~(e)(4)~~ and URCP 7B~~(e)(4)~~;

(1)(F) orders to take into custody;

(1)(G) summons;

(1)(H) supplemental procedure orders;

(1)(I) orders setting dates for hearing and for notice;

(1)(J) orders on motions requesting the Department of Workforce Services (DWS) to release information concerning a debtor, where neither DWS nor the debtor opposes the motion;

(1)(K) orders for transportation of a person in custody to a court hearing, including writs of habeas corpus ad prosequendum and testificandum; and

(1)(L) orders appointing a court visitor.

~~(2) When a clerk is authorized to use a judge's or commissioner's electronic signature or signature stamp as provided in paragraph (1), the clerk shall sign his or her name on the document directly beneath the electronic signature or stamped imprint of the judge's or commissioner's signature.~~

(2) Approval of additional document types.

(2)(A) Trial courts of record. In a court of record, a judge or commissioner may authorize a clerk to use the electronic signature or signature stamp of the judge or commissioner, in lieu of obtaining the judge's or commissioner's signature, on document types listed in paragraph (1) and on document types authorized by a standing order issued by the presiding judge of that district.

(2)(A)(i) **Standing order.** The presiding judge of a juvenile or district court may, by standing order, authorize clerks to use the electronic signature or signature stamp of a judge or commissioner in the district, in lieu of obtaining the judge's or commissioner's signature, on document types not listed in paragraph (1).

(2)(A)(ii) **Retention.** Standing orders and documentation of the authorization must be maintained in accordance with the Utah State Courts Records Retention Schedule.

(2)(B) **Trial courts not of record.** In courts not of record, a clerk may, with the prior approval of the judge, use an electronic signature or signature stamp in lieu of obtaining the judge's signature on document types not listed in paragraph (1). Judges may grant such approval by standing order, listing each approved document type.

(2)(B)(i) **Presiding judge approval.** All document types in the standing order must be pre-approved, in writing, by the presiding judge of the district.

(2)(B)(ii) **Retention.** Standing orders and documentation of the presiding judge's approval must be maintained in accordance with the Utah State Courts Records Retention Schedule.

(3) **Automatic.** The electronic signature of a judge may be automatically affixed to the following documents without the need for specific direction from the assigned judge when issued using a form approved by the Judicial Council;

(3)(A) a domestic relations injunction issued under URCP 109;

(3)(B) an automatic expungement order issued under Utah Code; and

(3)(C) automated orders related to deferred traffic prosecution cases under Utah Code Section§ 77-2-4.2.

(4) **Approval on a document-by-document basis.** All ~~other~~ documents not covered under paragraphs (1), (2), or (3) that require the judge's or commissioner's signature shall must be personally signed by the judge or commissioner, unless the judge or commissioner, on a document-by-document basis, authorizes the clerk to use the judge's or commissioner's electronic signature or signature stamp in lieu of the judge's or commissioner's signature. The judge or commissioner must review the document prior to granting such authorization.

(5) **Documentation in the case.** Authorization granted under paragraph (4) must be documented in writing in the case. Authorization granted under paragraphs (1), (2), or (3) does not need to be documented in the case.

(6) **Clerk signature.** When a clerk is authorized to use a judge's or commissioner's electronic signature or signature stamp under this rule, ~~On such documents, the clerk shall~~ must indicate in writing that the electronic signature or signature stamp was used at the direction of the judge or commissioner and ~~shall sign his or her name~~ directly beneath the electronic signature or stamped imprint of the judge's or commissioner's signature.

Effective: ~~October~~ May 1, 2025~~2~~

Tab 8

**UTAH JUDICIAL COUNCIL
STANDING COMMITTEE ON MODEL UTAH CRIMINAL JURY
INSTRUCTIONS**

October 4th, 2024
Judge Teresa Welch – Chair

Dear Council:

The Standing Committee on Model Utah Criminal Jury Instructions has two vacancies, resulting from the appointment of Richard Pehrson to the Third District Court, and the retirement of Dr. Jennifer Andrus as the Committee's linguistic expert. As such, the Committee sought out a prosecutor and linguistic expert to fill these vacancies. After notice was sent to the Utah Bar, six (6) candidates applied for the prosecutor vacancy, and three (3) candidates applied for the linguistic expert vacancy. Following careful contemplation of the Committee's needs, recommendations from existing Committee members, and in conjunction with U.C.J.A. Rule 1-205, I propose the Council appoint Breanne Miller to fill the prosecutor vacancy and Dr. Jay Jordan to fill the linguistic expert vacancy.

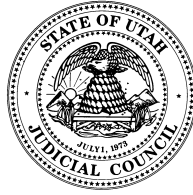
Breanne Miller is a Senior Attorney at the Salt Lake County District Attorney's Office, currently responsible for prosecuting homicide, gang, domestic violence, special victim, and other high-level offenses. She possesses a wealth of experience in trial court, having taken more than 60 cases to trial in her career. It is proposed that she fill Richard Pehrson's position, who was a former prosecutor with the DA's Office, and prosecuted similar offenses to those Ms. Miller currently oversees.

Dr. Jay Jordan is a tenured professor with the University of Utah, has a PhD in English (Rhetoric and Composition), and focuses his teaching on multilingual writing, rhetoric, and second language acquisition. He comes highly regarded by Dr. Jennifer Andrus, whom it is proposed Dr. Jordan replace on the Committee.

Thank you for your attention to this matter. Both myself and staff for the Committee, Bryson King, will be available to present these recommendations to the Management Committee and answer any questions. Should the Council have any questions regarding these appointments, we are happy to assist.

Warm regards,
Judge Teresa Welch – Chair
Bryson King – Staff

Tab 9



Administrative Office of the Courts

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

October 16, 2024

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

MEMORANDUM

**TO: Management Committee
Judicial Council**

FROM: Sonia Sweeney, Juvenile Court Administrator

RE: Juvenile Judge Seat on the Commission on Criminal and Juvenile Justice

This memorandum is being submitted to the Management Committee for approval to be placed on the consent calendar for the Judicial Council to appoint Judge Ryan Peters, Fourth District Juvenile Court, to the non-voting juvenile court judge seat on the Commission on Criminal and Juvenile Justice (CCJJ), pursuant to Utah Code § 63M-7-201.

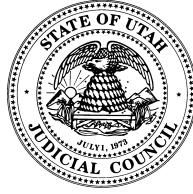
This request follows the resignation of Judge Susan Eisenman, Third District Juvenile Court, from the CCJJ after her appointment to the Judicial Council. Following Judge Eisenman's resignation, I solicited interest from the Juvenile Bench to fill the vacancy. Judge Peters expressed his interest in serving on the CCJJ, and I presented this information to the Board of Juvenile Court Judges on October 11, 2024. The Board subsequently voted to recommend Judge Peters for the position. Below is Judge Peters' statement of interest, as presented to the Board.

I am interested in submitting my name for the Juvenile Judge position on the CCJJ. My interest stems from my career in the criminal and juvenile justice fields. I spent 17 years as a prosecutor working extensively with victims of crime and juveniles who have entered the delinquency system. I've also worked with those being prosecuted to achieve a fair outcome for all interested parties. I've tried to become well-rounded in the field of criminal and juvenile justice, having served on the Utah Cold Case Review Board, the Statewide Association of Prosecutors and Public Attorneys, the Supreme Court Advisory Committee on the Rules of Criminal Procedure, the 4th District Victim's Rights Committee, and the Juab/Millard Children's Justice Center Advisory Board. Importantly in 2019, I served on a CCJJ subcommittee created by HB 398 to study inmate health care in the jails and prisons of this state. We returned important recommendations to the CCJJ and the legislature for the improvement of inmate health care, some of which were implemented to improve the mental and physical health of those incarcerated. I believe that my experience gives me a unique perspective, particularly in light of

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

my past career and my current position as a juvenile judge, that would be helpful to the committee.

Tab 10



Administrative Office of the Courts

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

October 28, 2024

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

MEMORANDUM

TO: Members of the Judicial Council Management Committee

FROM: Blake Murdoch, Deputy Juvenile Court Administrator

RE: Probation Officer Safety - Certification Training

Probation Officer Safety - Certification Training

The Probation Officer Safety - Certification Training policy is a new policy that establishes statewide requirements for probation officer safety training. The proposed policy outlines the requirements for probation officers regarding their completion of mandatory PO Safety Training.

Probation officers must complete three sequential safety training sessions:

1. Safety 1: Basic techniques (via LMS)
2. Safety 2: Online training regarding safety and de-escalation
3. Safety 3: In-person hands-on skills and techniques

Probation officers who are unable to physically demonstrate tactics in Safety 3 must actively observe. Annual recertification by certified instructors follows the completion of all three trainings.

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.

Probation Officer Safety - Certification Training

Policy: This policy establishes statewide standards for Probation Safety Training for all probation staff to be incorporated while working with youth and families in the office, home, and other community settings.

Scope: This policy applies to all Juvenile Probation staff of the Juvenile Court.

Authority:

- [UCJA Rule 3-414](#)
- [Probation Education Guide](#)

Reference:

- [Law Clerk Memo: Certifications](#)
- [JTCE Memo: Probation Officer Safety Training Requirements](#)

Procedure: Probation Officer Safety Training curriculum is available by contract through the Community Corrections Institute and facilitated by certified Utah Juvenile Probation staff in accordance with the training standards provided by the Utah State Courts Education Department.

1. Probation Officer Safety Training is provided in three stages of increasing complexity as well as a yearly recertification. Successful completion of all three stages of the Probation Officer Safety Training curriculum is required. Please refer to the [Juvenile Probation - Community Field Visits policy](#) for specific requirements relating to in-person visits with youth and families.
 - 1.1. Probation Officer Safety 1 addresses basic safety techniques and is provided via the Utah Courts Learning Management System (LMS).
 - 1.2. Probation Officer Safety 2 focuses on Probation Policies related to Probation Officer Safety and de-escalation techniques. Probation Officer Safety 2 is facilitated by an online meeting with a PO safety committee member.
 - 1.3. Probation Officer Safety 3, Defensive Tactics, is a skills and technique training that is supported by the Community Corrections Institute.
 - 1.3.1. This training consists of a required 24-hour initial training session that is instructed by two or more Natural Response Control Tactics Certified instructors from within Utah Juvenile Probation staff.

- 1.3.2. Probation Officers who are unable to physically demonstrate the Defensive Tactics included in the training will actively participate in the form of attentive and engaged observation.
- 1.4. An annual six-hour PO Safety Recertification training to be facilitated by certified instructors.

History:

Approved by Policy Committee June 20, 2024

DRAFT FOR APPROVAL

Probation Officer Safety - Certification Training

Policy: This policy establishes statewide standards for Probation Safety Training for all probation staff to be incorporated while working with youth and families in the office, home, and other community settings.

Scope: This policy applies to all Juvenile Probation staff of the Juvenile Court.

Authority:

- [UCJA Rule 3-414](#)
- [Performance Education for Probation Education Guide](#)

Reference:

- [Law Clerk Memo: Certifications](#)
- [JTCE Memo: Probation Officer Safety Training Requirements](#)

Procedure: Probation Officer Safety Training curriculum is available by contract through the Community Corrections Institute and facilitated by certified Utah Juvenile Probation staff in accordance with the training standards provided by the Utah State Courts Education Department.

1. Probation Officer Safety Training is provided in three stages of increasing complexity as well as a yearly recertification. Successful completion of all three stages of the Probation Officer Safety Training curriculum is required. Please refer to the Juvenile Probation - Community Field Visits policy for specific requirements relating to in-person visits with youth and families.
 - 1.1. Probation Officer Safety 1 addresses basic safety techniques and is provided via the Utah Courts Learning Management System (LMS).
 - 1.2. Probation Officer Safety 2 focuses on Probation Policies related to Probation Officer Safety and de-escalation techniques. Probation Officer Safety 2 is facilitated ~~in~~ **by** an online meeting ~~by~~ **with** a PO safety committee member.
 - 1.3. Probation Officer Safety 3, Defensive Tactics, is a skills and technique training **that is** supported by the Community Corrections Institute.
 - 1.3.1. This training consists of a required 24-hour initial training session **that is** instructed by two or more Natural Response Control Tactics Certified instructors; from within Utah Juvenile Probation staff.

- 1.3.2. Probation Officers who are unable to physically demonstrate the Defensive Tactics included in the training will actively participate in the form of attentive and engaged observation.
- 1.4. An annual six-hour PO Safety Recertification training to be facilitated by certified instructors.

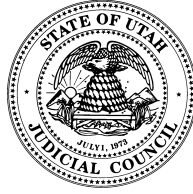
History:

Approved by Policy Committee June 20, 2024

ORIGINAL VERSION WITH EDITS

Proposed Update for Probation Officer Certification Training Policy

1. Comment/Theme: No Comments Received



Administrative Office of the Courts

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

October 28, 2024

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

MEMORANDUM

TO: Members of the Judicial Council Management Committee

FROM: Blake Murdoch, Deputy Juvenile Court Administrator

RE: Probation Policies for Review and Approval to Remove

Handcuffing Policy and Transporting a Minor in Custody

Probation Leadership, in collaboration with the Office of General Counsel and the Court Security Director, has approved a recommendation to discontinue both the Handcuffing Policy and the Transporting Minors in Custody Policy. If approved by the Board of Juvenile Court Judges, the Management Committee of the Judicial Council, and the Judicial Council, these changes would eliminate the use of handcuffs and the transportation of minors in custody by probation officers.

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.

Handcuffing

Policy:

This policy provides uniform guidelines for the use of handcuffs.

Scope:

This policy applies to all probation department staff of the Utah State Juvenile Court.

Authority:

- [UCA 76-2-403](#)
- [UCA 77-7-1](#)
- [UCA 80-6-201](#)
- [Utah State Juvenile Probation Officer Natural Response Control Tactics Training Curriculum](#)
- Interstate Compact on Juveniles
 - [Rule 6-102](#)
 - [Rule 6-103](#)
 - [Rule 6-103A](#)
 - [Rule 7-102](#)
 - [Rule 7-106](#)

Procedure:

1. Probation department staff shall complete and be current in the required *Probation Officer Safety Training* prior to the use of handcuffs.
2. The probation officer's use of handcuffs is appropriate when:
 - 2.1. taking a minor into custody;
 - 2.2. transporting a minor who is in custody (see [Probation Policy Transporting a Minor in Custody](#));
 - 2.3. transporting an Out-of-State Runaway, Absconder, Escapee, Accused Status Offender, or Accused Delinquent subject to the Interstate Compact for Juveniles (ICJ) to the airport for return to the home/demanding state;
 - 2.4. protecting the minor from potential harm (See [Probation Policy Continuum of Force](#)); and
 - 2.5. protecting self or others from potential harm (See [Probation Policy Continuum of Force](#)).

3. The probation officer shall notify the supervisor about any incident involving handcuffs in regard to subsections 2.4 or 2.5 above and document in accordance with Local Security Plans.

Approved by the Judicial Council and Effective April 27, 2020

Transporting a Minor in Custody

Policy:

This policy provides direction to probation department staff when transporting minors who are in custody.

Scope:

This policy applies to all probation department staff of the Utah State Juvenile Court.

Authority:

- [UCA 77-7](#)
- [UCA 78A-6-352](#)
- [UCA 80-6-201](#)
- [Utah Rules of Juvenile Procedure - Rule 7](#)
- Interstate Compact on Juveniles
 - [Rule 5-103](#)
 - [Rule 6-102](#)
 - [Rule 6-103](#)
 - [Rule 6-103A](#)
 - [Rule 7-102](#)
 - [Rule 7-104](#)
 - [Rule 7-105](#)
 - [Rule 7-106](#)

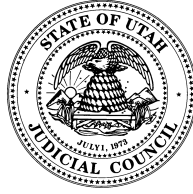
Procedure:

1. The probation department shall obtain an order for detention before a minor is taken into custody. The probation department may take a minor into custody for transport to detention when:
 - 1.1. The parent, guardian or custodian is unable or unwilling to transport the minor to detention; and
 - 1.2. Law enforcement is unavailable to transport the minor to detention.
2. Probation staff shall adhere to the following when transporting a minor in custody:
 - 2.1. A state vehicle shall be used to transport the minor;
 - 2.2. Two or more probation staff shall be present when securing and transporting a minor;
 - 2.2.1. At least one of the probation staff involved in the transport shall have completed the *Probation Officer Safety Training* series.

- 2.3. The vehicle shall be searched prior to placing a minor in the vehicle;
 - 2.4. The minor shall be searched, handcuffed and properly seatbelted (see [Probation Policy Handcuffing](#));
 - 2.5. The minor shall be placed in the rear seat on the passenger side;
 - 2.6. One probation staff will sit behind the driver's seat;
 - 2.7. The rear doors of the vehicle shall be locked and any child-lock mechanisms shall be engaged when available; and
 - 2.8. The vehicle shall be searched again for restricted or illegal items following transport.
-
- 3. ICJ cases, including Out-of-State Runaways, Absconders, Escapees, Accused Status Offenders, and Accused Delinquents requiring transportation to the local airport are transported in the same manner as youth-in-custody as outlined above in Paragraph 2.
-
- 4. The probation officer shall contact law enforcement when a minor presents an immediate threat to safety or absconds.

History:

Approved by the Judicial Council on October 28, 2019



Administrative Office of the Courts

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

October 28, 2024

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

MEMORANDUM

TO: Members of the Judicial Council Management Committee

FROM: Blake Murdoch, Deputy Juvenile Court Administrator

RE: Detention Admission and Hearings Policy

Detention Admission and Hearings Policy

The Detention Admission and Hearings Policy was last updated on December 19, 2022. This policy gives direction to probation officers regarding minors being placed in a detention facility or on a home detention program.

The proposed policy seeks to clarify what information a probation officer must be prepared to provide at detention hearings. Additional statutory references were added to the policy. The proposed changes give direction to probation officers when the district court and juvenile court have concurrent jurisdiction of a minor, or when criminal information has been filed.

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.

Detention Admission and Hearings

Policy:

This policy provides direction to probation staff in regard to minors being placed in a secure youth detention facility or on a home detention program.

Scope:

This policy applies to all probation department staff of the Utah State Juvenile Court.

Authority:

- [UCA 78A-6-350](#)
- [UCA 80-6-207](#)
- [UCA 80-6-704](#)
- [UCA 80-6-503](#)
- [UCA 80-6-504](#)
- [UCA 80-6-203](#)
- [UCA 80-6-202](#)
- [UCA 80-5-202\(1\)\(a\)](#)
- Utah Rules of Juvenile Procedure
 - [Rule 4](#)
 - [Rule 6](#)
 - [Rule 7](#)
 - [Rule 9](#)
 - [Rule 11](#)
 - [Rule 26](#)
 - [Rule 29B](#)
- [Utah Administrative Code Title R547-13 Human Services, Juvenile Justice and Youth Services, Guidelines for Admissions to Secure Youth Detention Facilities](#)

Procedure:

1. A minor may be admitted to a secure youth detention facility when:
 - 1.1. The minor is alleged to have committed an offense outlined in the Utah Administrative Code [Title R547-13](#)
 - 1.2. The minor is an out of state runaway ([Probation Policy Interstate Compact for Juveniles](#))
 - 1.3. The Court has issued a warrant for detention ([UCA 80-6-202](#))
2. The probation officer shall attempt to make contact with the minor's parent/guardian/custodian prior to the detention hearing to discuss the minor's detention status.

3. The probation officer shall review the minor's detention status and determine if it is appropriate to release the minor to the minor's parent/guardian/custodian prior to the initial detention hearing. ([UCA 80-6-207](#))
 - 3.1. The probation officer shall eFile the Early Release from Detention/Promise to Appear form when releasing a minor prior to the initial detention hearing (see Addendum [2.9.1 Early Release from Detention/Promise to Appear Form](#)). ([UCA 80-6-203](#))
4. When a minor is booked into a detention center outside of their home district, the probation officer where the youth was booked will take lead in covering the initial detention hearing virtually or in person according to local judicial preference, unless prior arrangements were made by the home district. ([UCA 78A-6-350](#))
 - 4.1. The probation officer covering the initial detention hearing shall collaborate with the probation and clerical teams in their district and in the minors home district as outlined in [Probation Policy Case and Referral Transfers](#).
 - 4.2. The probation officer from the home district will take lead after the initial detention hearing and coordinate whether hearings may be held virtually or in person according to judicial preference on all future hearings and as outlined in [Probation Policy Case and Referral Transfers](#). ([UCA 78A-6-350](#))
5. A minor may not be held in a detention facility longer than 48 hours prior to a detention hearing, excluding weekends and holidays, unless the court has entered an order for continued detention. ([UCA 80-6-207](#))([Rule 9](#))
6. At the time of the initial detention hearing, the probation officer shall provide information to the Court whether or not:
 - 6.1. Releasing the minor to the minor's parent, guardian, or custodian presents an unreasonable risk to public safety;
 - 6.2. Less restrictive nonresidential alternatives to detention have been considered and, where appropriate, attempted-;
 - 6.3. The allegation(s) that make the youth eligible for detention. ([UCA 80-5-202\(1\)\(a\)](#)) ([Utah Administrative Code Title R547-13](#))
7. Except as provided in section 9, if a minor remains in a detention facility prior to disposition, a review shall be held at least every seven calendar days. ([Rule 9](#))
 - 7.1. At the detention review the probation officer shall provide information to the court whether or not:
 - 7.1.1. A petition has been filed within five working days of the date the minor was admitted to detention; ([Rule 11](#))
 - 7.1.2. An arraignment hearing has been scheduled within 10 days of the date the petition was filed.([Rule 11](#))
8. The probation officer shall notify Juvenile Justice and Youth Services (JJYS) when the minor is ordered into a JJYS home detention program and direct the

parent, guardian, or custodian to contact the program immediately upon release from detention.

8.1. Following an order to home detention, only the court may release a minor from home detention.

8.2. A review shall be held at least every 15 calendar days while a minor is on home detention. ([Rule 9](#))

8.2.1. At the home detention review, the probation officer shall provide information to the court whether or not a petition has been filed within 30 days of the placement of the minor on home detention. ([Rule 11](#))

9. When the district court and juvenile court have concurrent jurisdiction over a minor, or when criminal information has been filed pursuant to [UCA 80-6-503](#), a review of the case will be held every 30 days. ([Rule 9](#))

9.1. At the review, the probation officer shall provide a report to the court regarding any predisposition order to detention. ([Rule 9\(o\)](#))

Addendum [2.9.1 Early Release from Detention/Promise to Appear Form](#)

History:

Approved by the Judicial Council on December 19, 2022

Updated by the Policy Committee January 18, 2024

Detention Admission and Hearings

Policy:

This policy provides direction to probation staff in regard to minors being placed in a secure youth detention facility or on a home detention program.

Scope:

This policy applies to all probation department staff of the Utah State Juvenile Court.

Authority:

- [UCA 78A-6-350](#)
- [UCA 80-6-207](#)
- [UCA 80-6-704](#)
- [UCA 80-6-503](#)
- [UCA 80-6-504](#)
- [UCA 80-6-203](#)
- [UCA 80-6-202](#)
- [UCA 80-5-202\(1\)\(a\)](#)
- Utah Rules of Juvenile Procedure
 - [Rule 4](#)
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 - [Rule 9](#)
 - [Rule 11](#)
 - [Rule 26](#)
 - [Rule 29B](#)
- [Utah Administrative Code Title R547-13 Human Services, Juvenile Justice and Youth Services, Guidelines for Admissions to Secure Youth Detention Facilities](#)

Procedure:

1. A minor may be admitted to a secure youth detention facility when:
 - 1.1. The minor is alleged to have committed an offense outlined in the Utah Administrative Code [Title R547-13](#)
 - 1.2. The minor is an out of state runaway ([Probation Policy Interstate Compact for Juveniles](#))
 - 1.3. The Court has issued a warrant for detention ([UCA 80-6-202](#))
2. The probation officer shall attempt to make contact with the minor's parent/guardian/custodian prior to the detention hearing to discuss the minor's detention status.

3. The probation officer shall review the minor's detention status and determine if it is appropriate to release the minor to the minor's parent/guardian/custodian prior to the initial detention hearing. ([UCA 80-6-207](#))
 - 3.1. The probation officer shall eFile the Early Release from Detention/Promise to Appear form when releasing a minor prior to the initial detention hearing (see Addendum [2.9.1 Early Release from Detention/Promise to Appear Form](#)). ([UCA 80-6-203](#))
4. When a minor is booked into a detention center outside of their home district, the probation officer where the youth was booked will take lead in covering the initial detention hearing virtually or in person according to local judicial preference, unless prior arrangements were made by the home district. ([UCA 78A-6-350](#))
 - 4.1. The probation officer covering the initial detention hearing shall collaborate with the probation and clerical teams in their district and in the minors home district as outlined in [Probation Policy Case and Referral Transfers](#).
 - 4.2. The probation officer from the home district will take lead after the initial detention hearing and coordinate whether hearings may be held virtually or in person according to judicial preference on all future hearings and as outlined in [Probation Policy Case and Referral Transfers](#). ([UCA 78A-6-350](#))
5. A minor may not be held in a detention facility longer than 48 hours prior to a detention hearing, excluding weekends and holidays, unless the court has entered an order for continued detention. ([UCA 80-6-207](#))([Rule 9](#))
6. At the time of the **initial** detention hearing, the probation officer shall provide information to the Court whether or not:
 - 6.1. Releasing the minor to the minor's parent, guardian, or custodian presents an unreasonable risk to public safety;
 - 6.2. Less restrictive nonresidential alternatives to detention have been considered and, where appropriate, attempted-;
 - 6.3. **The allegation(s) that make the youth eligible for detention.** ([UCA 80-5-202\(1\)\(a\)](#)) ([Utah Administrative Code Title R547-13](#))
7. **Except as provided in section 9,** if a minor remains in a detention facility prior to disposition, a review shall be held at least every seven calendar days. ([Rule 9](#))
 - 7.1. At the detention review the probation officer shall provide information to the court whether or not:
 - 7.1.1. A petition has been filed within five working days of the date the minor was admitted to detention; ([Rule 11](#))
 - 7.1.2. An arraignment hearing has been scheduled within 10 days of the date the petition was filed. ([Rule 11](#))

8. The probation officer shall notify Juvenile Justice and Youth Services (JJYS) when the minor is ordered into a JJYS home detention program and direct the parent, guardian, or custodian to contact the program immediately upon release from detention.
 - 8.1. Following an order to home detention, only the court may release a minor from home detention.
 - 8.2. A review shall be held at least every 15 calendar days while a minor is on home detention. [\(Rule 9\)](#)
 - 8.2.1. At the home detention review, the probation officer shall provide information to the court whether or not a petition has been filed within 30 days of the placement of the minor on home detention. [\(Rule 11\)](#)
9. **When the district court and juvenile court have concurrent jurisdiction over a minor, or when criminal information has been filed pursuant to [UCA 80-6-503](#), a review of the case will be held every 30 days. [\(Rule 9\)](#)**
 - 9.1. **At the review, the probation officer shall provide a report to the court regarding any predisposition order to detention. [\(Rule 9\(o\)\)](#)**

Addendum [2.9.1 Early Release from Detention/Promise to Appear Form](#)

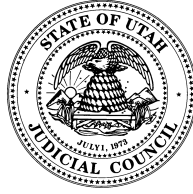
History:

Approved by the Judicial Council on December 19, 2022

Updated by the Policy Committee January 18, 2024

Detention Admission and Hearings Comment and Response Summary:

No comments were submitted during the comment period that ended on 4/22/2024.



Administrative Office of the Courts

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

October 28, 2024

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

MEMORANDUM

TO: Members of the Judicial Council Management Committee

FROM: Blake Murdoch, Deputy Juvenile Court Administrator

RE: Interstate Compact for Juveniles Policy

Interstate Compact for Juveniles Policy

The Interstate Compact for Juveniles Policy was last updated on December 21, 2020. This policy gives direction to probation officers for youths who fall under any of the ICJ Rules. The proposed policy revisions are needed to align with the ICJ Rule Amendments that went into effect on April 1, 2024, and to clarify current practice. The following changes are reflected in the proposed policy:

1. A new Failed Supervision Report has been added as an addendum to the policy. Under the proposed policy, probation officers are mandated to contact the Utah ICJ Office and to provide specific details about how the determination of failed supervision was made and other details about interventions attempted with the youth.
2. Travel permits are now necessary for youth who qualify and are either adjudicated or the Court delays entry of a minor's admission. They are also required for all transfers of supervision when the minor has left the State of Utah and is pending a request for transfer of supervision.
3. The proposed policy adds a requirement for probation officers to include a detailed justification if recommending that supervision be denied. The justification must include why the proposed residence is not safe and/or suitable.
4. The proposed policy clarifies that probation officers must complete all assessments and case plans as outlined in the probation policy "until supervision is accepted by, and the minor has arrived in, the receiving state".

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.

5. When a travel permit exceeds thirty calendar days the PO needs to provide specific instructions for the minor to maintain contact with the probation officer. This is not a new practice but is included in the proposed policy to improve consistency.
6. The proposed policy provides direction to probation officers regarding their role in ICJ transports. Probation officers will not be providing transportation to youths but will assist by providing supervision at the airport after a transport has been arranged collaboratively between JJYS, the Juvenile Court, and the Utah ICJ Office.

Interstate Compact for Juveniles

Policy:

The Interstate Compact for Juveniles (ICJ) provides for the transfer of supervision of minors under court jurisdiction, establishes a procedure for the return of runaways, probation/parole absconders, escapees, accused status offenders, and accused delinquents, and outlines the process for submitting travel permits.

Scope:

This policy applies to all probation staff of the Utah State Juvenile Court.

Authority:

- [UCA 80-6-1101 through 1119](#)
- [UCA 78A-6-103](#)
- [UCA 80-6-202](#)
- [UCA 80-6-701](#)
- [UCA 80-6-607](#)
- [Utah Administrative Code R547-13-4\(1\)\(c\)](#)
- [ICJ Rules - Interstate Commission for Juveniles](#)
- [Law Clerk Memo Regarding How to Handle Case Plans with ICJ Transfers](#)

Reference:

- [ICJ Overview of the Transfer of Supervision Flow Chart](#)
- [ICJ Voluntary Return of a Juvenile Flow Chart](#)
- [ICJ Travel Permit Overview Flow Chart](#)
- [ICJ Transportation Overview for Returning a Juvenile to the Home/Demanding/Sending State via Air Flow Chart](#)

Procedure:

1. Sending a minor on Interstate Compact:
 - 1.1. The probation officer shall complete and submit to the Utah ICJ office all applicable Interstate Compact forms once a minor is adjudicated and is establishing a residence out of state:
 - 1.1.1. [Form VI Application for Services and Waiver](#);
 - 1.1.2. [Form IV Parole and Probation Investigation Request](#) (including cover letter, petitions, orders, legal and social history, parole/probation conditions, school records, immunizations, protective and risk assessment, any other assessments and evaluations, case plans, supervision summary, and any other pertinent information);
 - 1.1.3. [Form VII Travel Permit](#) (mandatory for all transfers of supervision when the minor has left the State of Utah and is pending a request for transfer of supervision).

- 1.2. The probation officer shall complete all assessments and case plans as outlined in probation policy until supervision is accepted by, and the minor has arrived in, the receiving state.
 - 1.3. The Utah ICJ Office, upon the receiving state accepting supervision, will request permission from the receiving state's ICJ Office for the local probation officers to speak directly about the case.
 - 1.3.1. The Utah probation officer shall make an entry in Case Notes of any communication/correspondence with the receiving state probation officer and notify the Utah ICJ Office that the note(s) have been entered when direct communication has been approved.
 - 1.4. The probation officer shall maintain responsibility for the case until Interstate Compact probation supervision is terminated. This includes but is not limited to:
 - 1.4.1. Contacting the minor and family regarding progress, compliance, and noncompliance at least once a month;
 - 1.4.2. Contacting the minor and family within two business days to gain their perspective on the matter and discuss possible responses when a Violation Report from the receiving state is received;
 - 1.5. The Utah ICJ Office may request progress reports from the receiving state at any time to aid in the completion of court reports.
2. Receiving a minor on Interstate Compact:
 - 2.1. The assigned probation officer, after reviewing the transfer of supervision referral packet, shall conduct and submit a home evaluation to the Utah ICJ Office within 30 days recommending that supervision be accepted or denied. If recommending that supervision be denied, the home evaluation report shall include a detailed justification to include why the proposed residence is not safe and/or suitable. The Utah ICJ Office will make a final determination of whether or not the case is accepted for supervision.
 - 2.2. The probation officer shall submit ICJ Form IX ([Quarterly Progress, Violation, Absconder Report](#), or [Failed Supervision Report](#)) every 90 days to the Utah ICJ Office. Reports shall be typed and thoroughly detail the probation department's efforts in reducing risk through the use of incentives and sanctions.
 - 2.3. The probation officer shall submit ICJ Form IX ([Quarterly Progress, Violation, Absconder Report](#), or [Failed Supervision Report](#)) to the Utah ICJ Office within five business days of any violation or new charge.
 - 2.3.1. Absconder Reports shall include:
 - 2.3.1.1. the probation officer's efforts to locate the minor including contact at the last known residence, school and/or employer and contact with family members and collateral contacts
 - 2.3.1.2. the minor's last known address and telephone number
 - 2.3.1.3. the date of the minor's last personal contact with the probation officer
 - 2.3.1.4. the details leading to the discovery that the minor absconded
 - 2.3.1.5. information regarding pending charges, if any.

- 2.3.2. Violation Reports shall include:
 - 2.3.2.1. the date and description of a new citation or technical violation
 - 2.3.2.2. the status and disposition of charges, if any
 - 2.3.2.3. supporting documentation regarding the violation, e.g. police reports, drug testing results, and/or lab results, court orders, etc.
 - 2.3.2.4. sanctions utilized
 - 2.3.2.5. the probation officer's recommendations.
 - 2.3.3. Failed Supervision
 - 2.3.3.1. The probation officer shall contact and review the case with the Utah ICJ Office. The probation officer and the Utah ICJ Office will review [ICJ Rule 5-103A](#) to determine if supervision has failed in Utah.
 - 2.3.3.2. Failed Supervision Reports shall include:
 - 2.3.3.2.1. Details regarding how the probation officer determined supervision in Utah has failed; and
 - 2.3.3.2.2. Description of efforts or interventions to redirect behavior or maintain current residence; and
 - 2.3.3.2.3. Description of any pending charges in Utah.
 - 2.4. The probation officer shall supervise the out-of-state probationer exercising the same standards of supervision that prevail for a Utah probation minor, including applying the Risk, Need, and Responsivity Principles of Effective Case Management (See [ICJ Rule 5-101\(1\)\(2\)\(3\)](#)), including but not limited to:
 - 2.4.1. Completion of assessments as outlined in the [Assessment Tools Probation Policy](#) and Case Plans as outlined in the [Case Planning Probation Policy](#).
 - 2.4.2. Responding to compliant and non-compliant behavior as outlined in the [Probation Response to Compliant and Non-Compliant Behavior Probation Policy](#).
 - 2.4.3. Staffing of the case with a probation supervisor to address criminogenic needs through the use of court contracts, community interventions, and the Department of Health and Human Services (DHHS) contracted services.
 - 2.5. The probation officer may supervise the minor according to the reduced risk level when the minor is on a determinate sentence in the sending state but has demonstrated a reduction in risk,
 - 2.6. The Utah ICJ Office shall request any additional information from the sending state that may aid the probation officer in effectively supervising the minor.
- 3. Out-of-State Runaways, Probation/Parole Absconders, Escapees, Accused Status Offenders, and Accused Delinquents:
 - 3.1. An out of state runaway may be released from detention by juvenile authorities to parents or legal guardians within 24 hours of being detained

- (excluding weekends and holidays) except in cases where abuse or neglect in the residence of the legal guardian or custodial agency is suspected.
- 3.2. A detention hearing shall be scheduled for any out of state runaway held longer than 24 hours (excluding weekends and holidays), or for any out-of-state probation/parole absconder, escapee, accused status offender, and accused delinquent. The Utah ICJ office shall be notified that the minor is in detention.
- 3.2.1. At the detention or subsequent hearing, the probation officer shall present the [Form III](#) (Consent for Voluntary Return of Out of State Juvenile) and the [ICJ Juvenile Rights Form for Consent for Voluntary Return of Out of State Juvenile](#) to the Court, counsel, and the minor after pending charges, if any, have been resolved.
- 3.2.2. The probation officer shall forward the signed forms to the Utah ICJ Office immediately following the hearing.
- 3.2.3. All travel arrangements will be coordinated through the Utah ICJ Office.
- 3.3. The probation officer shall contact the Utah ICJ office for further direction if the runaway does not voluntarily agree to return home and refuses to sign the Form III.
- 3.4. If responsible for the transport of the minor to an airport, probation will collaborate with JJYS and the Utah ICJ Office to coordinate the transport to the airport.
- 3.4.1. Probation may not transport the youth to the airport.
- 3.4.2. Probation will provide supervision at the airport as arranged in collaboration with JJYS and the Utah ICJ Office.
- 3.4.2.1. Supervision at the airport means that probation will remain with the minor, ensure the minor obtains their boarding pass, and is screened through the Transportation Security Administration (TSA) checkpoint.
- 3.4.2.2. Probation will remain at the flight departure gate until the minor's flight departs. Probation must confirm with the gate attendant that the flight is in the air before leaving the departure gate.
- 3.4.2.3. Probation will email the Utah ICJ Office to report that the supervision procedures outlined in this policy were followed.
- 3.4.3. The Utah ICJ Office will work with JJYS and the home/demanding state to determine what, if any, property the minor is allowed to travel with. If traveling with property, Probation may help check luggage at the airline ticket counter.
- 3.4.4. In the event that a minor needs to return to Utah detention due to an emergency situation, e.g., weather, flight delays or cancellations, or a missed flight, probation will request that law enforcement return the minor to the nearest detention facility.

4. Travel Permits

- 4.1. The probation officer shall complete [ICJ Form VII Travel Permit](#) and submit to the Utah ICJ office for a minor traveling out of state for a period longer than 24 hours under the following circumstances:
 - 4.1.1. The minor has been adjudicated or the Court delays entry of a minor's adjudication and the minor is under supervision for:
 - 4.1.1.1. Sex-related offenses;
 - 4.1.1.2. Violent offenses that have resulted in personal injury or death;
 - 4.1.1.3. Offenses committed with a weapon;
 - 4.1.2. The minor is testing placement and is eligible for transfer under ICJ rules;
 - 4.1.3. The minor is returning to the state from which they were transferred for the purposes of visitation;
 - 4.1.4. The minor is transferring to a subsequent state with the approval of the initial sending state.
 - 4.1.5. The minor has been accepted in Utah and the victim notification laws, policies and practices of the sending and/or receiving state require notification.
- 4.2. The probation officer may submit [ICJ Form VII Travel Permit](#) for minors placed in a residential treatment facility for notification purposes.
- 4.3. A travel permit shall not exceed 90 calendar days.
 - 4.3.1. When a travel permit exceeds thirty (30) calendar days, the probation officer shall provide specific instructions for the minor to maintain contact with the probation officer.

History:

Approved by the Judicial Council December 21, 2020

Updated by the Policy Committee June 20, 2024

Interstate Compact for Juveniles

Policy:

The Interstate Compact for Juveniles (ICJ) provides for the transfer of supervision of minors under court jurisdiction, establishes a procedure for the return of runaways, probation/parole absconders, escapees, accused status offenders, and accused delinquents, and outlines the process for submitting travel permits.

Scope:

This policy applies to all probation staff of the Utah State Juvenile Court.

Authority:

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- [ICJ Transportation Overview for Returning a Juvenile to the Home/Demanding/Sending State via Air Flow Chart](#)

Procedure:

1. Sending a minor on Interstate Compact:
 - 1.1. The probation officer shall complete and submit to the Utah ICJ office all applicable Interstate Compact forms once a minor is adjudicated and is establishing a residence out of state:
 - 1.1.1. [Form I-A VI Application for Services and Waiver](#);
 - 1.1.2. [Form IV Parole and Probation Investigation Request](#) (including cover letter, petitions, orders, legal and social history, parole/probation conditions, school records, immunizations, **protective and risk assessment, any other** assessments and evaluations, **case plans**, supervision summary, and any other pertinent information);
 - 1.1.3. [Form VII Travel Permit](#) (mandatory for **all transfers of supervision when the minor has left the State of Utah and is pending a request for transfer of supervision** ~~sex offenders relocating to the receiving state prior to the receiving state accepting supervision~~).

- 1.2. The probation officer shall complete all assessments and case plans as outlined in probation policy **until supervision is accepted by, and the minor has arrived in, the receiving state.**
 - 1.3. The Utah ICJ Office, upon the receiving state accepting supervision, will request permission from the receiving state's ICJ Office for the local probation officers to speak directly about the case.
 - 1.3.1. The Utah probation officer shall make an entry in Case Notes of any communication/correspondence with the receiving state probation officer and notify the Utah ICJ Office that the note(s) have been entered when direct communication has been approved.
 - 1.4. The probation officer shall maintain responsibility for the case until Interstate Compact probation supervision is terminated. This includes but is not limited to:
 - 1.4.1. Contacting the minor and family regarding progress, compliance, and noncompliance at least once a month;
 - 1.4.2. Contacting the minor and family within two business days to gain their perspective on the matter and discuss possible responses when a Violation Report from the receiving state is received;
 - 1.5. The Utah ICJ Office may request progress reports from the receiving state at any time to aid in the completion of ~~risk assessments~~ and court reports.
2. Receiving a minor on Interstate Compact:
 - 2.1. The assigned probation officer, after reviewing the transfer of supervision referral packet, shall conduct and submit a home evaluation to the Utah ICJ Office within 30 days recommending that supervision be accepted or denied. **If recommending that supervision be denied, the home evaluation report shall include a detailed justification to include why the proposed residence is not safe and/or suitable.** The Utah ICJ Office will make a final determination of whether or not the case is accepted for supervision.
 - 2.2. The probation officer shall submit ICJ Form IX ([Quarterly Progress, Violation, or Absconder Report](#), or [Failed Supervision Report](#)) every 90 days to the Utah ICJ Office. Reports shall be typed and thoroughly detail the probation department's efforts in reducing risk through the use of incentives and sanctions.
 - 2.3. The probation officer shall submit ICJ Form IX ([Quarterly Progress, Violation, or Absconder Report](#), or [Failed Supervision Report](#)) to the Utah ICJ Office within five business days of any violation or new charge.
 - 2.3.1. Absconder Reports shall include:
 - 2.3.1.1. the probation officer's efforts to locate the minor including contact at the last known residence, school and/or employer and contact with family members and collateral contacts
 - 2.3.1.2. the minor's last known address and telephone number
 - 2.3.1.3. the date of the minor's last personal contact with the probation officer
 - 2.3.1.4. the details leading to the discovery that the minor absconded

- 2.3.1.5. information regarding pending charges, if any.
 - 2.3.2. Violation Reports shall include:
 - 2.3.2.1. the date and description of a new citation or technical violation
 - 2.3.2.2. the status and disposition of charges, if any
 - 2.3.2.3. supporting documentation regarding the violation, e.g. police reports, drug testing results, and/or lab results, court orders, etc.
 - 2.3.2.4. sanctions utilized
 - 2.3.2.5. the probation officer's recommendations.
 - 2.3.3. Failed Supervision**
 - 2.3.3.1. The probation officer shall contact and review the case with the Utah ICJ Office. The probation officer and the Utah ICJ Office will review [ICJ Rule 5-103A](#) to determine if supervision has failed in Utah.**
 - 2.3.3.2. Failed Supervision Reports shall include:**
 - 2.3.3.2.1. Details regarding how the probation officer determined supervision in Utah has failed; and**
 - 2.3.3.2.2. Description of efforts or interventions to redirect behavior or maintain current residence; and**
 - 2.3.3.2.3. Description of any pending charges in Utah.**
 - 2.4. The probation officer shall supervise the out-of-state probationer exercising the same standards of supervision that prevail for a Utah probation minor, including applying the Risk, Need, and Responsivity Principles of Effective Case Management (See [ICJ Rule 5-101\(1\)\(2\)\(3\)](#)), including but not limited to:
 - 2.4.1. Completion of assessments as outlined in the [Assessment Tools Probation Policy](#) and Case Plans as outlined in the [Case Planning Probation Policy](#).
 - 2.4.2. Responding to compliant and non-compliant behavior as outlined in the [Probation Response to Compliant and Non-Compliant Behavior Probation Policy](#).
 - 2.4.3. Staffing of the case with a probation supervisor to address criminogenic needs through the use of court contracts, community interventions, and the Department of **Health and** Human Services (DHHS) contracted services.
 - 2.5. The probation officer may supervise the minor according to the reduced risk level when the minor is on a determinate sentence in the sending state but has demonstrated a reduction in risk,
 - 2.6. The Utah ICJ Office shall request any additional information from the sending state that may aid the probation officer in effectively supervising the minor.
3. Out-of-State Runaways, Probation/Parole Absconders, Escapees, Accused Status Offenders, and Accused Delinquents:

- 3.1. An out of state runaway may be released from detention by juvenile authorities to parents or legal guardians within 24 hours of being detained (excluding weekends and holidays) except in cases where abuse or neglect in the residence of the legal guardian or custodial agency is suspected.
- 3.2. A detention hearing shall be scheduled for any out of state runaway held longer than 24 hours (excluding weekends and holidays), or for any out-of-state probation/parole absconder, escapee, accused status offender, and accused delinquent. The Utah ICJ office shall be notified that the minor is in detention.
 - 3.2.1. At the detention or subsequent hearing, the probation officer shall present the [Form III](#) (Consent for Voluntary Return of Out of State Juvenile) and the [ICJ Juvenile Rights Form for Consent for Voluntary Return of Out of State Juvenile](#) to the Court, counsel, and the minor after pending charges, if any, have been resolved.
 - 3.2.2. The probation officer shall forward the signed forms to the Utah ICJ Office immediately following the hearing.
 - 3.2.3. All travel arrangements will be coordinated through the Utah ICJ Office.
- 3.3. The probation officer shall contact the Utah ICJ office for further direction if the runaway does not voluntarily agree to return home and refuses to sign the Form III.
- 3.4. ~~The probation officer shall refer to the [Transporting a Minor in Custody Probation Policy](#) if responsible for the transport of the minor to an airport, probation will collaborate with JJYS and the Utah ICJ Office to coordinate the transport to the airport.~~
 - 3.4.1. **Probation may not transport the youth to the airport.**
 - 3.4.2. **Probation will provide supervision at the airport as arranged in collaboration with JJYS and the Utah ICJ Office.**
 - 3.4.2.1. **Supervision at the airport means that probation will remain with the minor, ensure the minor obtains their boarding pass, and is screened through the Transportation Security Administration (TSA) checkpoint.**
 - 3.4.2.2. **Probation will remain at the flight departure gate until the minor's flight departs. probation must confirm with the gate attendant that the flight is in the air before leaving the departure gate.**
 - 3.4.2.3. **Probation will email the Utah ICJ Office to report that the supervision procedures outlined in this policy were followed.**
 - 3.4.3. **The Utah ICJ Office will work with JJYS and the home/demanding state to determine what, if any, property the minor is allowed to travel with. If traveling with property, Probation may help check luggage at the airline ticket counter.**

- 3.4.4. **In the event that a minor needs to return to Utah detention due to an emergency situation, e.g., weather, flight delays or cancellations, or a missed flight, probation will request that law enforcement return the minor to the nearest detention facility.**

4. Travel Permits

- 4.1. The probation officer shall complete [ICJ Form VII Travel Permit](#) and submit to the Utah ICJ office for a minor traveling out of state for a period longer than 24 hours under the following circumstances:
- 4.1.1. The minor has been adjudicated **or the Court delays entry of a minor's adjudication** and **the minor is** under supervision for:
- 4.1.1.1. Sex-related offenses;
- 4.1.1.2. Violent offenses that have resulted in personal injury or death;
- 4.1.1.3. Offenses committed with a weapon;
- 4.1.2. The minor is testing placement and is eligible for transfer under ICJ rules;
- 4.1.3. The minor is returning to the state from which they were transferred for the purposes of visitation;
- 4.1.4. The minor is transferring to a subsequent state with the approval of the initial sending state.
- 4.1.5. The minor has been accepted in Utah and the victim notification laws, policies and practices of the sending and/or receiving state require notification.
- 4.2. The probation officer may submit [ICJ Form VII Travel Permit](#) for minors placed in a residential treatment facility for notification purposes.
- 4.3. A travel permit shall not exceed 90 calendar days.
- 4.3.1. **When a travel permit exceeds thirty (30) calendar days, the probation officer shall provide specific instructions for the minor to maintain contact with the probation officer.**

History:

Approved by the Judicial Council December 21, 2020

Updated by the Policy Committee June 20, 2024

Proposed Update for Interstate Compact for Juveniles Policy

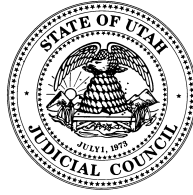
1. Comment/Theme:

- ❖ **This may be more of a training issue. At 3.4.4. it states that "In the event that a minor needs to return to Utah detention due to an emergency situation... probation will request that law enforcement return the minor to the nearest detention facility." I cannot help but wonder if the PO would need a formal order of detention, or would the original court order for detention suffice? I could imagine that some law enforcement would tell the PO that they will not transport a youth to DT without a current order to detention. But, then I do not work with law enforcement along the Wasatch Front. Maybe they would be cool with taking a ICJ youth back to detention upon the request of the PO. Idk. #overthinking**
 - **Policy Committee Response:** There have been discussions with the SLCPD - Airport Division and they have agreed to help transport ICJ youth back to detention in an emergency situation. For ICJ youth there does not need to be a formal order for law enforcement to return the youth to detention. [Detention Admission Guidelines](#) have also been amended to support this temporary placement in detention. Lastly, JJYS's new detention referral form for law enforcement use references the admission guidelines.
 - **Policy Committee Decision:** No Change.

2. Comment/Theme:

- ❖ **The edits to the policy under paragraph 3.4.1 state "Probation may not transport the youth to the airport." I was under the impression that probation may on occasion have to assist JJYS with a transport, if that is the case this policy states they cannot. If probation is no longer going to be assisting with transport at all then this is fine.**
 - **Policy Committee Response:** There have been discussions with JJYS leadership, and they are comfortable committing to always providing transportation of ICJ youths to the airport. However, JJYS is not able to provide supervision of the youth at the airport due to time constraints. Probation will need to supervise the youth at the airport.
 - **Policy Committee Decision:** No Change.

Tab 11



Administrative Office of the Courts

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

October 29, 2024

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

MEMORANDUM

TO: Management Committee
FROM: Nini Rich, ADR Programs Director
RE: ADR Committee Appointee Request

Name of Committee: Alternative Dispute Resolution Committee

Staff: Nini Rich

Reason for Vacancy: This vacancy is the result of the resignation of Talatou (Abdoulaye) Maiga who was appointed by the Judicial Council.

Eligibility Requirements: This vacancy is for a professional ADR Provider.

Description of recruitment process: In response to the Office of Fairness and Accountability (OFA) request to add community voices to our ADR Committee, the Committee approved a resolution to shift the status of the Executive Director of Utah Dispute Resolution (UDR) from Guest to full ADR Committee Member. UDR is the community mediation center that provides mediation services to the largest number of self-represented litigants statewide. UDR processes over 800 mediation referrals annually. The services are provided at no cost or on a sliding scale.

Nominees for consideration: The ADR Committee, Chaired by Judge Adam T. Mow, has recommended Karrie Ketchum, Executive Director of Utah Dispute Resolution for appointment to the ADR Committee. (resume attached)

Current ADR Committee Members: list attached

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.

Karrie A. Ketchum
karketchum@gmail.com

Executive Director, UDR · Board Member, UCCR · Family Mediator · Paralegal
Commercial Construction Business Owner

SKILLS

- Leadership and Business Management
 - Business Processes
 - Teaching / Training
 - Multiple forms of Technical Platforms for Case Management, Accounting
 - Website Development and Maintenance
 - Accounting / QuickBooks
 - Client Relations
 - Event Planning
 - Document Preparation and Filing
 - Organization
 - Communication
 - Negotiation
 - Neutrality
-

PROFESSIONAL EXPERIENCE

UTAH DISPUTE RESOLUTION | 2017 – PRESENT

- Current Executive Director
- Primary trainer for mediators aspiring to achieve court roster status
- Mentor for mediators aspiring to achieve court divorce roster status
- Presenter of conflict resolution skills to businesses and community
- Volunteer family and community mediator
- Case management, extensive communication with attorneys and clients
- Domestic violence screening, review of protective orders and temporary restraining orders
- Drafting of documents including memorandum of understanding
- Scheduling with clients, attorneys and court
- Coordination of small claims court participants and volunteer mediators. Conducting mediation, co-mediation and on-record statements to the Judge and/or commissioner
- Mediation for the Third District Court Assisted Pro Se calendar

UTAH COUNCIL ON CONFLICT RESOLUTION | 2019 – PRESENT

- Current board member
- Past Administrator which included task such as:
 - Attendance of board meetings, including scheduling, preparation of agenda and meeting minutes
 - Managing membership of over 150 members, including communication, correspondence and collection of dues

- Preparation of monthly CLE events, including correspondence with membership and introduction of guest speakers
- All administrative duties involved in preparing a yearly symposium with a keynote speaker and membership

QUANTUM DOOR SERVICES | 2008 – PRESENT

- Business manager and accountant
- Use of QuickBooks for accounting services
- Communication with customers
- Filing of quarterly taxes and business forms

PARALEGAL | 2000 - 2010

- Paralegal duties including case management, scheduling, document drafting, court filing, and legal research
- Areas of practice: bankruptcy – including chapter 7, 13 and 11, estate planning, Native American tribal law including casino law
- Office management including attorney time sheets and billing
- Worked closely with outside and in-house counsel
- Drafted pleadings, hearing notices and certificates of services

Utah Judicial Council's ad hoc Committee on Alternative Dispute Resolution

ADR Committee Membership as of October 29, 2024

Judge Adam T. Mow, Chair, Third District Court

Judge Ryan M. Harris, Utah Court of Appeals

Judge Troy Little, Fifth District Juvenile Court

Commissioner Michelle C. Tack, Third District Court

Michele Mattsson, Chief Appellate Mediator, Utah Court of Appeals

Professor James Holbrook, S.J. Quinney College of Law, University of Utah

Professor LeeAnn Glade, J. Reuben Clark Law School, Brigham Young University

Carolynn Clark, Professional Mediator and Mediation Instructor

Michelle M. Oldroyd, Utah State Bar, Director of Professional Education

Stephen D. Kelson, Attorney/Mediator

Anne A. Cameron, Attorney/Mediator

Nini Rich, staff, ADR Director, Administrative Office of the Courts

Tab 12

Rule 4-202.07. Appeals**Intent:**

To establish the rights and procedures in an appeal of a record request.

Applicability:

This rule applies to requests to access or to classify a court record other than a motion or petition under Rule 4-202.04.

Statement of the Rule:

(1) **Access – Extraordinary circumstances.** A person requesting access to a court record may appeal a denial of the request, a claim of extraordinary circumstances, or the time claimed necessary to address the extraordinary circumstances. A person whose interests are protected by closure may appeal a decision to permit access to a court record.

(2) **Classification.** A person requesting that a court record be classified as private or protected may appeal a denial of the request.

(3) **Time for filing appeal.** An appeal must be made in writing within 30 days after the decision giving rise to the appeal, or within 30 days after a request is deemed denied under Rule 4-202.06(6).

(4) Notice of appeal.

(4)(A) The notice of appeal must contain the appellant's name, email address, mailing address, daytime telephone number, the relief sought, and a statement of facts, authority and argument in support of the appeal.

(4)(B) If the original request was to the custodian of the record, the appeal is to the state court administrator. If the original request was to the state court administrator, the appeal is to the Management Committee. The appeal of a decision by the state court administrator is to the Management Committee.

(4)(C) The notice of appeal must be delivered to the state court administrator, including appeals to the Management Committee.

(5) **State court administrator.** The state court administrator may mail a decision within 5 business days after receiving the appeal, or within 15 business days after mailing a notice under Rule 4-202.05(2)(B). If the state court administrator does not mail a decision, the appeal is deemed denied.

(6) Management Committee.

(6)(A) **Initial review.** The Management Committee will review an appeal at its first meeting held no fewer than 15 business days, but not more than 45 business days, after receiving the appeal. After reviewing the appeal, the Management Committee will determine whether to issue a decision denying the appeal, schedule a hearing on the appeal, or take no action on the appeal, in which case the appeal is deemed denied. An appeal to the Management Committee is deemed denied unless a decision on the appeal is mailed within 5 business days after the Management Committee's initial review

(6)(B) **Notice of hearing.** If the Management Committee determines to hold a hearing on the appeal, the state court administrator will:

(6)(B)(i) notify the Office of General Counsel no fewer than 15 business days before the hearing to submit a written statement of facts, authority and argument in opposition to the appeal and to appear before the Management Committee . The Office of General Counsel shall submit its written statement of facts, authority and argument to the state court administrator and the appellant at least 7 business days before the meeting; and

(6)(B)(ii) notify the appellant no fewer than 5 business days after the initial review that a hearing will be held.

(6)(C) **Hearing.**

(6)(C)(i) The Management Committee may permit any other person whose interests are substantially affected by a decision to participate. The order of presentation will be decided by the Management Committee.

(6)(C)(ii) Discovery is prohibited, but the Management Committee may compel the production of evidence. The Management Committee may review a record in a closed meeting.

(6)(C)(iii) The deliberations of the Management Committee are closed, but the hearing on the appeal is an open and public meeting of which notice will be given in accordance with Rule 2-103.

(6)(D) **Decision.** Following the hearing or the initial review of the appeal, the Management Committee may issue a written decision on the appeal. The state court administrator will mail written decisions to all participants.

(7) **Time.** The time periods in this rule may be extended by mutual agreement. A document required to be sent by mail may be sent by email, fax or hand-delivery. The duties of the state court administrator may be delegated.

(8) **Judicial review.** Nothing in this rule prevents an individual from filing a petition for judicial review as provided by statute.

Effective: November 1, 2024