

JUDICIAL COUNCIL MEETING

AGENDA

December 16, 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. Chair’s Report.....Chief Justice Matthew B. Durrant
(Information)

3. 9:15 a.m. State Court Administrator’s Report.....Ron Gordon
(Information)

4. 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)

5. 9:35 a.m. Budget and Grants.....Karl Sweeney
(TAB 3 – Information) Alisha Johnson

6. 9:50 a.m. Manti Treatment Court Recertification.....Cris Karren
(TAB 4 – Action) Katy Collins

7. 10:00 a.m. Forms Committee Annual Report.....Pleasy Wayas
(TAB 5 - Information) Judge Chelsea Koch

10:10 a.m. Break

- 8. 10:20 a.m. Board of Senior Judges Annual Report.....Judge Gordon Low
(TAB 6 - Information) Neira Siaperas
- 9. 10:30 a.m. Justice Courts Weighted Caseload Follow-up.....Ron Gordon
(Discussion) Jim Peters
Tucker Samuelson
- 10. 10:45 a.m. MUJI Criminal Committee Annual Report.....Bryson King
(TAB 7 – Information)
- 11. 10:50 a.m. Consent Calendar.....Chief Justice Matthew B. Durrant
(Action)
- 12. 10:55 a.m. Old Business / New Business.....All
(Discussion)
- 14. 11:05 a.m. Adjourn.....Chief Justice Matthew B. Durrant

Consent Calendar

- 1. Rules for Public Comment
(TAB 8)
- 2. Form Updates
(TAB 9)
- 3. Treatment Courts Grant Renewal
(TAB 10)

Tab 1

**JUDICIAL COUNCIL MEETING
Minutes**

November 25, 2024

**Meeting held through Webex
and in person**

Matheson Courthouse

9:00 a.m. – 12:00 p.m.

Chief Justice Matthew B. Durrant, Chair, Presiding

Members:

Chief Justice Matthew B. Durrant, Chair
Hon. David Mortensen, Vice Chair
Hon. Suchada Bazzelle
Hon. Brian Brower
Hon. Jon Carpenter
Hon. Samuel Chiara
Hon. Rita Cornish
Hon. Michael DiReda
Hon. Susan Eisenmann
Hon. Ryan Evershed
Hon. Angela Fannesbeck
Hon. James Gardner
Hon. Thomas Low
Hon. Brendan McCullagh
Hon. Amber Mettler
Justice Paige Petersen
Kristin K. Woods

AOC Staff:

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

Excused:

Presenters:

Judge Kate Appleby
Amy Hernandez
Alisha Johnson
Wayne Kidd
Bryson King
Meredith Mannebach
Alyson McAllister
Jordan Murray
Bart Olsen

Erin Rhead
Nini Rich
Jason Richards
Cindy Schut
Stacy Snyder
Judge Clay Stucki
Karl Sweeney
Jace Willard
Judge David Williams

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 Susan Eisenman made a motion to approve the meeting minutes from the October 28, 2024 Judicial Council meeting. Judge Ryan Evershed seconded the motion, and the motion passed unanimously.

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

Chief Justice Durrant administered the Oath of Office to new Council members Judge Rita Cornish and Judge Angela Fannesbeck who were not available to meet in person at the October 2024 meeting.

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

Ron Gordon announced that Chief Justice Durrant will be interviewed by Governor Herbert at Utah Valley University on December 5th, 2024. The interview will be recorded, and the judiciary will be able to use that recording to share the message and story of the judiciary, both internally and externally.

Mr. Gordon congratulated Judge Ryan Evershed for his recent appointment to the Second Judicial District, beginning January 6, 2025.

Mr. Gordon discussed the budget deep dive the Administrative Office of the Courts (AOC) has been conducting in an effort to identify funds that could be redirected to address the Judicial Assistant (JA) and Probation Officer (PO) job turnover. He commented that it is possible there will be enough funds to create three additional Judicial Assistant (JA) positions that could either be assigned to the districts with the highest need, or some JA duties could be assigned to a few centrally located positions. Mr. Gordon stated that he intends to request funding from the Judicial Council to match the amounts identified in the budget and support the addition of more judicial assistants. He plans to present this request to the Budget and Fiscal Management Committee (BFMC).

Mr. Gordon shared that he has completed his district visits for this year and expressed gratitude for the quality of court employees around the state.

Mr. Gordon discussed the wonderful leadership conference he attended in mid-November for Presiding Judges, Trial Court Executives, Clerks of Court, Chief Probation Officers, Directors and other staff from the AOC. Mr. Gordon and Neira Siaperas had the opportunity to present the preliminary results from phase two of the System Review survey at the conference. He added that the System Review Oversight Committee is working with the Nation Center for State Courts (NCSC) to analyze the results. The NCSC is expected to deliver a report with recommendations in early 2025.

4. COMMITTEE REPORTS:

Management Committee Report:

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

Budget & Fiscal Management Committee Report:

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

Liaison Committee Report:

Michael Drechsel shared that there are two bill files that Senator Weiler will be sponsoring; one requesting the new judicial officers that the Council proposed at the August 2024 meeting, and one for a proposed increase for the OCAP fee from \$20 to \$60. He addressed another bill that Representative Ballard will run that would make a modification to jury eligibility, allowing an individual with a felony conviction to be eligible for jury duty as long as they are 10 years out from their conviction.

Policy, Planning, and Technology Committee Report:

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

Bar Commission Report:

Kristin Woods shared some announcements from the Bar Commission. Of the 336 people who took the July 2024 Utah State Bar exam, 295 passed. The Bar's 95th anniversary will be in 2026, which they will celebrate by taking the Bar convention back to Sun Valley in the summer of 2026. The Bar's Fall Forum took place last week and several legislators participated in a panel.

5. BUDGET & GRANTS: (Karl Sweeney, Alisha Johnson, Jordan Murray, Amy Hernandez, Bart Olsen, Erin Rhead, Suzette Deans)

Karl Sweeney and Alisha Johnson presented the financial reports.

FY 2025 One Time Turnover Savings

#		Funding Type	Actual 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

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

Forecasted Available One-time Funds			
	Description	Funding Type	Amount
Sources of YE 2025 Funds			
*	Turnover Savings as of PPE 10/25/2024	Turnover Savings	1,326,140
	Turnover savings Estimate for the rest of the year (\$1,200 x 1,408 pay hours)	Turnover Savings	1,689,600
	Total Potential One Time Turnover Savings		3,015,740
	Less: Judicial Council Delegated to State Court Administrator for Discretionary Use		(250,000)
(a)	Total Potential One Time Turnover Savings Less Discretionary Use		2,765,740
	<i>Operational Savings From TCE / AOC Budgets - Estimate</i>	<i>Internal Operating Savings</i>	800,000
	<i>Reserve Balance (balance from FY 2024 Carryforward)</i>	<i>Judicial Council Reserve</i>	847
	<i>Anticipated Reserve Uses - including previously approved and pending requests</i>	<i>Jud. Council Reserve Uses</i>	-
(b)	Total Operational Savings and Reserve		800,847
(c)	Total of Turnover Savings & Operational Savings = (a) + (b)		3,566,587
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)			1,066,587
Less: Judicial Council Requests Previously Approved			(461,427)
Less: Judicial Council Current Month Spending Requests			(156,000)
Remaining Forecasted Funds Available for FY 2025 YE Spending Requests			449,160

Updated 11/06/2024

FY 2025 Ongoing Turnover Savings

#	Funding Type	Actual	Forecasted
		Amount YTD	Amount @ YE
	Internal Savings	140,594	140,594
	Internal Savings	282,124	282,124
1	Internal Savings	-	400,000
	Internal Savings	-	-
		422,718	822,718
2		(88,807)	(200,000)
		(88,807)	(200,000)
3		333,911	622,718

Prior Report Totals as of 08/26/2024

(58,023.92)

322,984.13

Facilities Spending Plan for Large Projects FY25

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)		
		Estimated	Actual	(Under)/Over Budget	Impact on Contingency (Used)	
Projects						
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

Year End Funding FY 2025 One-time Spending Requests

Q1/Q2 2025 Performance Bonus Funding:

Bart Olsen explained that these performance bonuses are an effective tool to create a performance incentive. Mr. Olsen shared that the bonuses aren't only available to seasoned employees, but the model accounts for newer employees that are doing a fantastic job in the time they have been with the courts. He also shared that TCEs have reported back on how impactful these performance bonuses have been with their staff.

Motion: Judge Eisenman made a motion to approve the performance bonus funding totalling \$450,000. Judge Brendan McCullagh seconded the motion, and the motion passed unanimously.

Upgrade Credit Card Swipe Machines (EMV) for PCI Compliance:

Karl Sweeney presented a request to upgrade 114 EMV credit card devices located primarily at the front counter of Utah courthouses that are no longer compliant with Payment Card Industry Standards. He explained that these would be paid for with interest earned on a trust account that holds the accrued credit card fees.

Motion: Judge Brian Brower made a motion to approve the request for \$36,500 to upgrade credit card devices as requested. Judge Thomas Low seconded the motion, and the motion passed unanimously.

Grant Proposals

The Cook County Model

Jordan Murray and Amy Hernandez presented phase two of “The Cook County Model: A Pilot Project to Increase Safe Child-Related Relief in Civil Protection Orders” grant application proposal. Ms. Hernandez shared that the judiciary would receive \$180,000 over a three-year period, which would pay for a part time position to conduct the program and would also pay for the judges and court staff to travel to Cook County to see their model. Ms. Hernandez would request funding for a part time position which, combined with the Skip Grant funding, would be a full time position.

Motion: Judge Cornish made a motion to move forward with phase two of the grant application as presented. Judge Suchada Bazzelle seconded the motion, and the motion passed.

Water Law Education

Mr. Gordon discussed a request for additional funding for the Water Law education curriculum. In March of this year, Judge Kate Appleby and Dr. Don Judges provided an overview of the first training model that was developed, and the Council recently approved an additional \$20,000 of investment funds. The National Judicial College has become the lead partner in this education development and has adopted “Dividing the Waters” as its official program. Mr. Gordon explained that according to the draft Memorandum of Understanding (MOU) with the National Judicial College, the Utah judiciary would continue to have access to everything it has access to currently, but might not have access to everything that was envisioned in the original MOU with Southern Utah University without an annual contribution moving forward. Mr. Gordon explained that the scope of the original MOU was so broad that most of the components of that curriculum would not be built without additional funding. Therefore, the judiciary is likely not losing anything. Mr. Gordon asked if the Council is comfortable with that, in which case he and Judge Appleby will move forward. The Council members agreed to move forward with the arrangement as presented.

6. MUJI CIVIL COMMITTEE REPORT: (Alyson McAllister, Jace Willard)

Alyson McAllister and Jace Willard presented an annual report on the MUJI Civil Committee. Over the past year, the committee has had to replace Ms. McAllister’s co-chair, the linguist member and two judge members. The committee has also updated some of the MUJI instructions to align with current statutes, as well as some of the medical malpractice instructions. They continued work with their sub-committees, focusing on easement instructions, assault and false imprisonment instructions, and on the product liability instructions, as that sub-committee has lost almost all of its members. Ms. McAllister added that a few of the MUJI Civil Committee members are working together on a sub-committee to evaluate the comprehensibility of the jury instructions to non-attorney lay persons to make them more easily understandable for everyone.

7. RULES FOR FINAL APPROVAL: (Keisa Williams)

Keisa Williams presented proposed amendments to CJA rules 4-202.02, 4-202.06, and 6-104, which have returned from a 45-day public comment period. No public comments were received for rule 6-104. She explained that after reviewing public comments received for rules 4-202.02 and 4-202.03, Policy, Planning & Technology (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 UOVC already has access to those records. Ms. Williams added that all remaining amendments to rule 4-202.03 are clerical, and no additional amendments were made to rule 4-202.02. Ms. Williams requested these rules be final with a May 1, 2025 effective date.

Motion: Judge James Gardner made a motion to approve the proposed amendments to CJA rules 4-202.02, 4-202.03, and 6-104. Judge Brower seconded the motion, and the motion passed unanimously.

8. BOARD OF JUSTICE COURT JUDGES Report: (Judge Clay Stucki, Jim Peters)

Jim Peters introduced Judge Clay Stucki as the new Board of Justice Court Judges chair. Judge Stucki and Mr. Peters gave an annual report from the Board of Justice Court Judges, as well as an update on the status of Justice Court reform. Although Justice Court Reform has come to a halt, the Justice Courts were able to make a lot of progress. The Legislative Task Force on Justice Court Reform will sunset on July 1, 2025, but Mr. Peters added that it's possible another bill could come out of the upcoming legislative session. There was a discussion about how to move forward in a meaningful way. Mr. Peters passed on the recommendation from the Board of Justice Court Judges that the Council rescind its initial direction for he and Michael Drechsel to advocate for the second phase of Justice Court Reform and that the Board also pause in order to regroup and formulate what makes sense going forward.

9. GAL OVERSIGHT COMMITTEE REPORT: (Jason Richards, Stacey Snyder)

Stacey Snyder and Jason Richards gave an annual report on the Guardian ad Litem (GAL) Oversight Committee. Mr. Richards shared that the main mission of the GAL office is to provide exceptional representation to children in the courtroom and outside of the courtroom, and that part of that mission is ongoing training. He added that the National Association of Council for Children held their annual conference in Salt Lake City this past year and there was substantial attendance from all areas in child welfare practice.

Ms. Snyder discussed a request for legislative ongoing funding to keep their attorney salaries competitive and to retain high quality, capable attorneys.

10. MARCH JUDICIAL COUNCIL MEETING: (Ron Gordon)

Mr. Gordon asked the Judicial Council members if they would like to continue holding the March Judicial Council meetings in St. George in connection with the Bar Conference. In the past, there have been Council members who don't have time to travel down and stay for the Bar Conference, so they end up driving or flying down just for the Council meeting and then turning around and going back. Judge Chiara commented that he tries to attend the entire conference and really enjoys it. He added that there are several Council members who have been asked to sit on a panel for the Bar Conference this year, so attendance should not be an issue. The consensus was to continue to hold the March Judicial Council meeting in St. George.

11. BOARD OF DISTRICT COURT JUDGES REPORT: (Judge David Williams, Shane Bahr)

Judge David Williams and Shane Bahr presented the Board of District Court Judges annual report. In October 2024, the Board unanimously elected Judge Don Torgerson as the vice chair and welcomed three new judges to fill the vacancies. Judge Williams shared that the Board remains goal driven, and discussed some of those goals addressed over the past year. He talked specifically about the development of law clerk attorneys who make the judiciary a long term career rather than cycling out of that position. He added that the Board hopes to be more proactive with judicial outreach, and hopes to collaborate with the Office of Fairness and Accountability in their efforts.

12. 2024 COURT FEES REPORT TO THE LEGISLATURE: (Wayne Kidd, Karl Sweeney)

Wayne Kidd explained that HB 531, which was passed in the 2023 general legislative session, requires the Judicial Council to provide a report on court fees to the legislature by November 30th each year. The main purpose of the bill is to determine if the court fees are generating excess revenue. A work group that reviewed 82 court fees for fiscal year 2024 determined that overall the court fees do not generate excess revenue. Revenue exceeded expenses for only one fee category, the Mandatory Parenting/Orientation Courses. Mr. Kidd noted that court fees collected and retained are only 5% of the revenue needed to support court operations. He recommended that the judiciary work with the Legislature to determine if the fee for the Mandatory Parenting/Orientation Courses needs to be adjusted.

Motion: Judge Amber Mettler made a motion to approve the 2024 Court Fees Report and to send it to the Legislature as presented. Judge Cornish seconded the motion, and the motion passed unanimously.

13. CONSENT CALENDAR: (Chief Justice Matthew B. Durrant)

Judge McCullagh expressed some concern with CJA 4-403. Electronic signature and signature stamp use. After a brief discussion, Judge McCullagh stated he is comfortable with the rule moving forward to public comment where he can provide input.

Motion: Judge McCullagh made a motion to approve the items on the consent calendar. Judge Low seconded the motion, and the motion passed unanimously.

15. OLD BUSINESS/NEW BUSINESS: (All)

There was none.

16. SENIOR JUDGE APPLICATION: (Neira Siaperas)

Motion: Judge Mettler 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, and for legal advice of counsel. Judge McCullagh seconded the motion, and the motion passed unanimously.

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

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

Motion: Judge Eisenman made a motion to approve the settlement that was proposed to the Council with the addition of protections for third party beneficiaries of the settlement, and also with the caveat that Mr. Gordon will come back and help the Council understand how the issue occurred and what measures should be taken to ensure it doesn't happen again. Judge McCullagh seconded the motion, and the motion passed unanimously.

Motion: Judge McCullagh made a motion to recommend the approval of the inactive senior judge application to the Supreme Court. Judge Mettler seconded the motion, and the motion passed unanimously.

Motion: Judge Eisenman made a motion to recommend to the Supreme Court that the judge applying for active senior judge status does not meet the qualifications specified in UCJA Rule 11-201(a)(1)(F) and 11-201(a)(2)(D). Judge McCullagh seconded the motion, and the motion passed unanimously.

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

The meeting was adjourned.

18. ANNUAL COUNCIL PHOTO: (All)

CONSENT CALENDAR ITEMS

1. Rules for Public Comment
2. MUJI Crim New Member Appointment Requests
3. CCJJ Juvenile Judge Appointment Request
4. Probation Policy Updates
5. ADR Committee Appointment Request

6. Updates to Rule 4-202.07

DRAFT

Tab 2

**JUDICIAL COUNCIL'S
BUDGET & FISCAL MANAGEMENT COMMITTEE**

Minutes

November 13, 2024

Meeting held virtually through WebEx

12:00 p.m. – 1:00 p.m.

Members Present:

Judge Michael DiReda
Judge Susan Eisenman
Judge Rita Cornish
Kristin “Katie” Woods, J.D.

Guests:

Mark Urry, TCE, Fourth District Court
Brett Folkman, TCE, First District Courts

Excused:

AOC Staff Present:

Ron Gordon
Neira Siaperas
Nick Stiles
Shane Bahr
Erin Rhead
Amy Hernandez
Tina Sweet
Jordan Murray
Karl Sweeney
Alisha Johnson
Suzette Deans, Recording Secretary

1. WELCOME AND APPROVAL OF MINUTES (Karl Sweeney – “Presenter”)

Karl Sweeney welcomed everyone to the meeting and asked for a motion to approve the minutes from the last meeting.

Motion: Judge Susan Eisenman moved to approve the August 29, 2024, minutes, as presented. Judge Michael DiReda seconded the motion, and it passed unanimously.

2. Election of a New Chair (Karl Sweeney – “Presenter”)

Motion: Judge Susan Eisenman nominated Judge Rita Cornish as the new committee chair for a term of one year. Judge Michael DiReda seconded the motion, and it passed unanimously.

3. Review of the Court’s Financial Cycle and Financial Terminology (Karl Sweeney, Alisha Johnson, and Jordan Murray.)

The Committee had no questions on the powerpoint deck which was distributed before the meeting as a pre-read.

4. FY 2025 Financials / Turnover Savings / ARPA Update (Alisha Johnson – “Presenter”)

One-Time Turnover Savings (“TOS”)/ 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 FY 2025 actual 1x TOS is averaging almost \$2,000 per work hour based on a 2088 annual hour year, versus \$1,200 per hour actual for FY 2024. Our initial FY 2025 forecast is a conservative \$3,015,740.



FY 2025 One Time Turnover Savings

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

#		Funding Type	Actual 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 1,888 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

Alisha Johnson reviewed the FY 2025 Year End Spending Requests and Forecasted Available One-Time Funds. As of period 4, the 1x turnover and operational savings is forecasted to be \$3,015,740 of one-time funds based upon actual YTD results and a conservative forecast for the balance of FY 2025 set at last year’s actual of \$1,200 per pay hour. Our 1x carryforward forecast is initially set for 2026 at \$2.5M which is below the legislatively authorized amount of \$3.2M that is available if we can generate more total 1x TOS. This gives the Courts the forecasted potential of excess one-time TOS and operational savings of \$1,066,587 above the \$2.5M carryforward amount in YE 2025 funds which can be used to either (1) increase the carryforward amount or (2) fund FY 2025 1x requests.

The Judicial Council previously approved \$461,427 of YE 2025 1x spending, if this month’s requests are approved it would leave a balance of \$434,160 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.



FY 2025 Year End Requests and Forecasted Available One-time Funds - Period 4

Forecasted Available One-time Funds			Adjusted Requests	Judicial Council Approved
Description	Funding Type	Amount	Amount	Amount
Sources of YE 2025 Funds				
* Turnover Savings as of PPE 10/25/2024	Turnover Savings	1,326,140		451,427
Turnover savings Estimate for the rest of the year (\$1,200 x 1,408 pay hours)	Turnover Savings	1,689,600		10,000
Total Potential One Time Turnover Savings		3,015,740		
Less: Judicial Council Delegated to State Court Administrator for Discretionary Use		(250,000)		
(a) Total Potential One Time Turnover Savings Less Discretionary Use		2,765,740		
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)		3,566,587		
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)		1,066,587		
Less: Judicial Council Requests Previously Approved		(461,427)		
Less: Judicial Council Current Month Spending Requests		(171,000)		
Remaining Forecasted Funds Available for FY 2025 YE Spending Requests		434,160		

#	One-time Spending Plan Requests	Adjusted Requests	Judicial Council Approved
		Amount	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	Jury Pay Project	\$ 15,000	
5	Replacement of EMV Credit Card Devices	\$ 36,500	
	Reimbursement from Trust Account Interest Earnings	\$ (36,500)	
	Current Month One-time Spending Requests	171,000	
	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 uses \$1,288

Ongoing Turnover Savings (“OTS”)/FY 2025 Carryforward and Ongoing Requests – Alisha Johnson reviewed the OTS schedule which shows that the Courts carried over \$140,594 in ongoing savings (OTS do not expire if not used) from FY 2024.

FY 2025 YTD, salary differential OTS is \$282,124 giving a total savings realized YTD of \$422,718. We have forecasted OTS for FY 2025 of \$822,718 which incorporates the actual YTD plus \$50,000 a month for the next 8 months.



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)	140,594	140,594
	Ongoing Turnover Savings FY 2025 (actual year-to-date, Salary Differential only)	282,124	282,124
1	Ongoing Turnover Savings FY 2025 (forecast \$50,000 / month x 8 months, Salary Differential only)	-	400,000
	Benefit Differential Savings FY 2025 (will be recognized in this row starting in Q4)	-	-
	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 Expenditures – We have expended \$13.6M of ARPA funds as of November 05. This leaves an available balance of \$1.4M of the \$15 million that was awarded to the courts. We anticipate that the remaining \$1.4M will be obligated by December 31, 2024 and spent by the extended project completion date of December 31, 2026.



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 2024 Expended	E FY Actual 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.

Karl reviewed the Facilities Spending Plan and the \$451,000 of construction contingency that was previously approved by the Judicial Council. The contingency amounts will be updated in January 2025 once the projects have gone through demolition and any “surprises” incorporated into the estimated expenditures.

Facilities Spending Plan for Large Projects FY25 - 10/28/24 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	(Surplus)/Use of Deficit	
Provo FF&E		\$ 60,000	\$ 72,404	\$ 12,404	Completed
Heber FF&E **		\$ -	\$ -	\$ -	
Manti Security Systems ***		\$ -	\$ -	\$ -	
Manti FF&E Overage		\$ 72,000			
Roosevelt Design and TI		\$ 269,274			
Provo AV Equipment		\$ 285,000	\$ 104,346	\$ (180,654)	\$224K actual - \$119K paid in FY24 = \$104K actual remaining to calculate difference
Provo Security Equipment		\$ 42,000	\$ 36,275	\$ (5,725)	Completed
AOC 3rd Floor Furniture		\$ 167,000	\$ 174,993	\$ 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	\$ (165,982)	
Total	\$	(2,933,274)			
10% Contingency		\$ (451,427)			
Total with 10% Contingency	\$	(3,384,701)			

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

5. YE FY 2025 1x Funding Requests (Expected Turnover Savings and Operational Savings > \$2.5M)

3. Q1/Q2 2025 Performance Bonus Funding (Bart Olsen, Erin Rhead and Karl Sweeney – “Presenters”)

Bart Olsen is requesting \$156,000 in one-time Turnover Savings to increase the Q1/Q2 Performance Bonus Funds to Historical Norm of \$450,000. 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 FY 2025 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 FY 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.

Motion: Judge Rita Cornish made a motion to approve, Judge Susan Eisenman seconded the motion, and it passed unanimously. Will be forwarded to the Judicial Council with a favorable recommendation to approve.

4. Jury Pay Project (Jon Puente – “Presenter”)

Jon Puente was unable to join the BFMC meeting and answer questions regarding the \$15,000 in one-time turnover savings that the office of fairness and accountability (“OFA”) is requesting in order to run a pilot (*i.e.*, proof-of concept) empirical study to determine if increasing juror compensation will increase juror participation, *i.e.*, the “jury yield” rate in Utah District Court jury pools, particularly among traditionally underrepresented demographic groups (e.g., hourly wage workers, sole business owners, low income individuals, parents with young children, and ethnic minorities). Our hypothesis is that increased compensation will increase jury yield and we would like to substantiate this hypothesis (or find evidence to the contrary) with a well-designed empirical study.

Action: Due to Jon’s absence, the request was tabled until the BFMC’s December 2nd meeting.

5. Replacement of EMV Credit Card Devices (Suzette Deans and Karl Sweeney – “Presenters”)

Suzette Deans is requesting \$36,000 of one-time Turnover Savings Funds/Interest on Trust Funds for the purchase of 114 credit card devices. 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.

Motion: Judge Michael DiReda made a motion to approve, Judge Rita Cornish seconded the motion, and it passed unanimously. Will be forwarded to the Judicial Council with a favorable recommendation to approve.

6. Grants (Jordan Murray and Amy Hernandez – “Presenters”)

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.

Motion: Judge Susan Eisenman made a motion to approve, Judge Rita Cornish seconded the motion, and it passed unanimously. Will be forwarded to the Judicial Council with a favorable recommendation to approve.

7. Approval of BFMC Calendar for 2025 (Suzette Deans – “Presenters”)

The following dates have been recommended for the BFMC meeting calendar for 2025.

- January 13, 2025
- February 10, 2025
- March 3, 2025
- April 7, 2025
- May 12, 2025
- June 9, 2025
- July 7, 2025
- August 4, 2025
- August 25, 2025
- October 13, 2025
- November 17, 2025
- December 8, 2025

Motion: Judge Michael DiReda made a motion to approve, Judge Rita Cornish seconded the motion, and it passed unanimously.

Other Business

Suzette gave a brief overview of the BFMC website and will email the link to the committee members.

Next meeting December 2, 2024

Meeting adjourned at 12:50 p.m.

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

Webex video conferencing
November 1, 2024 – 12 p.m.

MEMBERS:	PRESENT	EXCUSED	GUESTS:
Judge James Gardner, <i>Chair</i>	✓		Keri Sargent
Justice Paige Petersen		✓	Tucker Samuelson
Judge Angela Fonnesbeck	✓		Daniel Meza-Rincon
Judge Jon Carpenter	✓		Shannon Treseder
			Stacy Haacke
			Meredith Mannebach
			Chris Palmer
			STAFF:
			Keisa Williams
			Brody Arishita
			Cindy Schut

(1) Welcome and approval of minutes:

Judge Gardner welcomed the committee members to the Policy, Planning, and Technology Committee (PP&T). PP&T considered the minutes from the October 4, 2024 meeting. With no changes, Judge Carpenter moved to approve the minutes as presented. Judge Fonnesbeck seconded the motion. The motion passed unanimously.

(2) Rules back from public comment:

- **CJA 3-102. Assumption of judicial office**
- **CJA 4-206. Exhibits**
- **CJA 4-101. Manner of appearance**
- **CJA 4-202.02. Record classification**
- **CJA 4-202.03. Records access**
- **CJA 6-104. District court water judges**

The proposed amendments to rules 3-102, 4-206, and 4-101 were approved on an expedited basis and are back from a 45-day public comment period. No public comments were received.

The proposed amendments to rule 6-104 clarify that the supervising water judge is responsible for reassigning water cases upon the retirement of a water judge. No public comments were received. The proposed amendments to rule 4.202.02 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. The proposed amendments to rule 4-202.03 authorize the Utah Office for Victims of Crime (UOVC) to access sealed “nonpublic restitution records.” Two public comments were received.

The committee discussed the comments, including when the records would be sealed (upon filing), what parties would have access to them, and the IT programming necessary to facilitate compliance with the rule, if the court were to implement the process contemplated in Mr. Hains' comment. Unsealing the records to allow attorneys in a case to access nonpublic restitution records without filing a motion, while also shielding the records from offenders, would require programming to create special classification / access privileges in the courts' case management systems. The committee reasoned that attorneys will already have access to the records because the UOVC is required to provide copies to the court, prosecutor, and counsel for the offender under 63M-7-527; sealed documents are in the court record on appeal; and filing a motion to access them is not too onerous because the number of appeals is low. Based on the discussion, the committee determined that the language in 4-202.03(2)(D) is unnecessary and removed it from the rule draft. The committee asked Ms. Williams to make a note of the committee's reasoning with respect to Mr. Hains' comment in the memo to the Judicial Council.

Following further discussion, Judge Gardner moved to send rules 4-202.02, 6-104, and 4-202.03, as amended, to the Judicial Council with a recommendation that they be approved as final with a May 1, 2025 effective date. Judge Carpenter seconded the motion. The motion passed unanimously.

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

The District, Juvenile, and Justice Court Boards of Judges (Boards) proposed amendments to rule 4-403 that would grant judges and commissioners more discretion than what is authorized under the rule. PP&T sought feedback from the Boards on three versions of rule 4-403 with varying levels of discretion. The Boards were not in agreement. PP&T took the underlying question of discretion to the Council, along with two versions of rule 4-403. The Council voted to grant each district the authority to add document types through a standing order issued by the Presiding Judge of the district, provided individual judicial officers maintain the discretion to restrict the use of their signature. The Council asked PP&T to conduct one final review before sending the rule out for public comment.

The committee discussed language at the end of subsection (4) ("The judge or commissioner must review the document prior to granting such authorization") and the practical implications of requiring a judge to review and sign a formal order after the judge orally gave clerks the authority to sign an order on the record during a court proceeding. Ms. Sargent noted that court clerks could document in a minute entry that an oral ruling had been issued and that clerks were granted the authority to sign the order, which would satisfy audit requirements. The committee agreed that a minute entry would suffice and changed the language in subsection (5) from "in writing and documented" to "must be documented in writing" for clarity purposes. The committee asked Ms. Williams to notify the Boards of that change and ensure they have an opportunity to provide feedback when the rule is posted for comment.

Following further discussion, Judge Carpenter moved to send rule 4-403 to the Judicial Council with a recommendation that it be posted for a 45-day public comment period. Judge Gardner seconded the motion. The motion passed unanimously.

(4) 4-410. Courthouse closure

In a recent security training, staff identified an issue in rule 4-410 with respect to emergencies that require immediate action. As currently written, the only person authorized to make courthouse closure decisions is a presiding judge, but presiding judges may not be on site or available when immediate decisions must be made regarding safety and building closure. Following discussion, the committee

agreed that the rule should be amended to outline a clear line of authority when immediate decisions must be made, referring judges and court staff to the local security plans for each facility.

Following further discussion, PP&T directed Ms. Williams to take the proposed amendments to rule 4-4-410 to the AOC Directors for review and recommendations.

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

The proposed amendments in lines 104-108 were sent out for public comment. No public comments were received. At its September meeting, the Judicial Council agreed that the term “minimal” in line 94 should be changed to a set dollar amount to ensure consistent application across the state and \$10.00 was deemed to be a reasonable amount. The Council also agreed that access to audio via the FTR Cloud should be \$10.00 per transaction (lines 35-36). Staff are proposing additional amendments in line 90 and lines 127-136. The additional proposed amendments would allow the Data and Research department to waive fees for bulk data.

Following discussion, Judge Carpenter moved to recommend to the Judicial Council that rule 4-202.08 be sent out for public comment. Judge Gardner seconded the motion. The motion passed unanimously.

Technology report/proposals:

The Strategic Plan and Emergency Response Plan have been approved by the Management Committee. The Technology Advisory Subcommittee (TAC) is continuing to work on identifying essential functions for each court level. TAC will meet with juvenile, justice, district, and appellate courts to list main essential functions and work within those groups to develop workarounds in the event an essential function is lost.

Mr. Arishita gave the committee more information about the software that will roll out at the end of November. Employees will begin to see 3–5-minute training videos to enhance cybersecurity awareness and knowledge among all staff members. The new software will focus on the latest cybersecurity trends, with the long-term goal of making employees more aware and informed.

Old Business/New Business: The committee decided to defer the discussion on the draft style guide until next month's meeting to allow for input from Justice Petersen. The committee discussed the goal of reducing meeting times to 1.5 hours when possible.

Adjourn: With no further items for discussion, the meeting adjourned at 1:22 p.m. The next meeting will be held on December 6, 2024, at noon via Webex video conferencing.

Tab 3



FY 2025 Ongoing Turnover Savings as of 11/26/2024

			Actual	Forecasted
#		Funding Type	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	268,779	268,779
1	Ongoing Turnover Savings FY 2025 (forecast \$50,000 / month x 7 months, Salary Differential only)	Internal Savings	-	350,000
	Benefit Differential Savings FY 2025 (will be recognized in this row starting in Q4)	Internal Savings	-	-
	TOTAL SAVINGS		409,373	759,373
2	2025 Annual Authorized Hot Spot Raises		(96,305)	(200,000)
	TOTAL USES		(96,305)	(200,000)
3	Total Actual/Forecasted Unencumbered Turnover Savings for FY 2025		313,068	559,373

Prior Report Totals as of 11/06/2024

333,911.44

622,718.44

- * 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 -\$98,750. FY 2024 full year benefit differential was \$331,176
- * Currently, 34 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.
- 3 The current month total forecasted ongoing turnover savings has declined primarily due to two positions where the replacement hire was paid more than the incumbent. This is an uncommon occurrence and takes place most often for key positions needing upgraded skills. The new hires were within the hiring range for those positions.

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.



FY 2025 One Time Turnover Savings

Updated as of Pay Period Ending 11/08/2024 (760 out of 2,088 hours)

			Actual
#		Funding Type	Amount
1	One Time Turnover Savings (from actual payroll data versus budget as of PPE 11/08/2024)	Internal Savings	1,460,090
2	Est. One Time Savings for remaining pay hours (1,328 @ \$1,200 / pay hour)	Internal Savings (Est.)	1,593,600
Total Potential One Time Savings			3,053,690

Prior Report Totals (as of 10/25/2024)

3,015,740

- 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 \$2,037.69, \$2,215.19, \$2,429.80, and \$1,961.98. The average per hour turnover savings FY 2025 YTD is \$1,921.17



FY 2025 Year End Requests and Forecasted Available One-time Funds - Period 5

Forecasted Available One-time Funds			#	One-time Spending Plan Requests	Adjusted Requests	Judicial Council Approved
Description	Funding Type	Amount			Amount	Amount
Sources of YE 2025 Funds						
* Turnover Savings as of PPE 11/08/2024	Turnover Savings	1,460,090	1	Various Construction Projects (FY 2025) Contingency (10%)	\$ -	451,427
Turnover savings Estimate for the rest of the year (\$1,200 x 1,328 pay hours)	Turnover Savings	1,593,600	2	All Rise Utah Welcome Dinner	\$ -	10,000
Total Potential One Time Turnover Savings		3,053,690	3	Q1 / Q2 Performance Bonus	\$ -	\$ 156,000
Less: Judicial Council Delegated to State Court Administrator for Discretionary Use		(250,000)	4	Replacement of EMV Credit Card Devices	\$ -	\$ 36,500
(a) Total Potential One Time Turnover Savings Less Discretionary Use		2,803,690	5	Reimbursement from Trust Account Interest Earnings	\$ -	\$ (36,500)
Operational Savings From TCE / AOC Budgets - Estimate	Internal Operating Savings	800,000		Jury Pay Project	\$ 15,000	
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		Current Month One-time Spending Requests	15,000	
(c) Total of Turnover Savings & Operational Savings = (a) + (b)		3,604,537		Previously Approved 1x FY 2024 YE Spending Request		617,427
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)		1,104,537				
Less: Judicial Council Requests Previously Approved		(617,427)				
Less: Judicial Council Current Month Spending Requests		(15,000)				
Remaining Forecasted Funds Available for FY 2025 YE Spending Requests		472,110				

Updated 11/27/2024

- * Actual per hour turnover savings for the last 4 pay periods (oldest to newest) are \$2,037.69, \$2,215.19, \$2,429.80, and \$1,961.98. The average per hour turnover savings FY 2025 YTD is \$1,921.17
- (b) Estimate only; Operational Savings from TCE / AOC Budgets will be updated in January / February 2025. FY 2024 operational savings were \$1.3M.



ARPA Expenses as of 11/26/2024 (period 5 not closed)

	A	B	C	D		E		F	G	%
	Judicial Council Approved	Actual FY 2022 Expended	Actual FY 2023 Expended	Actual 2024 Expended	FY 2025 Expended	Actual FY	Actual FY	Total Expended Amount	Balance Available	Obligated
IT Access to Justice - Part I + II	12,373,400	3,042,468	4,613,255	3,075,857	280,759			11,012,339	1,361,061	100.00%
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	280,758.90			13,638,938.72	1,361,061.28	

Expenditures added since last report: \$ 39,833.90

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

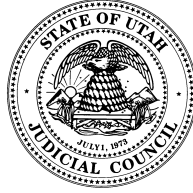
Red = Placeholder budget number

* 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

Tab 4



Administrative Office of the Courts

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

December 22, 2024

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

MEMORANDUM

TO: Management Committee, Utah Judicial Council

**FROM: Cris Karren, Statewide Treatment Court Certification Coordinator
Katy Collins, Statewide Treatment Court Coordinator**

RE: Treatment Court Certification - Recommendations

According to UCJA [Rule 4-409](#) Council Approval of Problem-Solving Courts, each problem-solving court must be considered for certification by the Judicial Council every two years. Prior to submitting certification recommendations to the Judicial Council, the Statewide Treatment Court Certification Coordinator conducts site visits with each court to observe the pre-court staffing and treatment court hearings and interviews team members. The coordinator also reviewed the Certification Checklist, staffing documents and the policy and procedure manuals for each treatment court. The coordinator completed a jurisdiction report for each court which includes the strengths and recommendations. A sample report is included in the materials packet for the Judicial Council's information.

The following Court is submitted to the Council for approval:

Sixth District: Sanpete County, Manti – Judge Brody Keisel Adult Recovery Court meets all certification criteria.

Presumed Criteria #11 - Drug test results are available within 48 hours.

The Court checked no incorrectly as they receive test results within 48 hours a majority of the time. The confirmation test results are often delayed as they are sent via the postal service.

Presumed Criteria #35 - The drug court has a minimum of 15 participants and not more than 125 participants.

Judge Keisel reports historically the Court averages 6-10 participants.

Non-Certification Related Best Practice Standards #14 - Information relating to the services provided and participants' in-program performance is entered into an electronic database. Statistical summaries from the database provide staff with real-time information concerning the Drug Court's adherence to best practices and in-program outcomes.

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

The state does not have a treatment court case management system which tracks program performance and participant progress.

**UTAH JUDICIAL COUNCIL
ADULT DRUG COURT CERTIFICATION CHECKLIST
REVISED AND ADOPTED DECEMBER 16, 2019**

COURT LOCATION: Manti Utah
 JUDGE NAME: Judge Brody Keisel
 REVIEW DATE: 9-19-24

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

YES	NO	#	REQUIRED CERTIFICATION CRITERIA <i>Adherence to these standards is required for certification.</i>	BPS
<input checked="" type="checkbox"/>	<input type="checkbox"/>	1	Eligibility and exclusion criteria are defined and applied objectively.	I.A.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	2	Eligibility and exclusion criteria are specified in writing.	I.A.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	3	The program admits only participants who are high-risk high-need as measured by the RANT or some other approved and validated assessment tool.	I.B.*
<input checked="" type="checkbox"/>	<input type="checkbox"/>	4	Candidates for the Drug Court are assessed for eligibility using validated risk-assessment tool that has been demonstrated empirically to predict criminal recidivism or failure on community supervision and is equivalently predictive for women and racial or ethnic minority groups that are represented in the local arrestee population.	I.C.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	5	Candidates for the Drug Court are assessed for eligibility using validated clinical-assessment tool that evaluates the formal diagnostic symptoms of substance dependence or addiction.	I.C.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	6	Evaluators are trained and proficient in the administration of the assessment tools and interpretation of the results.	I.C.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	7	Current or prior offenses may not disqualify candidates from participation in the Drug Court unless empirical evidence demonstrates offenders with such records cannot be managed safely or effectively in a Drug Court.	I.D.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	8	Offenders charged with non-drug charges, drug dealing or those with violence histories are not excluded automatically from participation in the Drug Court.	I.D.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	9	If adequate treatment is available, candidates are not disqualified from participation in the Drug Court because of co-occurring mental health or medical conditions or because they have been legally prescribed psychotropic or addiction medication.	I.E.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	10	The program has a written policy addressing medically assisted treatment.	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	11	Participants ordinarily appear before the same judge throughout their enrollment in the Drug Court.	III.C.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	12	The judge regularly attends pre-court staff meetings during which each participant's progress is reviewed and potential consequences for performance are discussed by the Drug Court team.	III.D.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	13	Participants appear before the judge for status hearings no less frequently than every two weeks during the first phase of the program. In rural areas, some allowance may be made for other appearances or administrative reviews when the judge is unavailable.	III.E.

YES NO

		#	REQUIRED CERTIFICATION CRITERIA <i>Adherence to these standards is required for certification.</i>	BPS
<input checked="" type="checkbox"/>	<input type="checkbox"/>	14	Status hearings are scheduled no less frequently than every four weeks until participants graduate. In rural areas, some allowance may be made for other appearances or administrative reviews when the judge is unavailable.	III.E.*
<input checked="" type="checkbox"/>	<input type="checkbox"/>	15	The judge allows participants a reasonable opportunity to explain their perspectives concerning factual controversies and the imposition of sanctions, incentives, and therapeutic adjustments.	III.G.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	16	If a participant has difficulty expressing him or herself because of such factors as a language barrier, nervousness, or cognitive limitation, the judge permits the participant's attorney or legal representative to assist in providing such explanations.	IV.B.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	17	The judge is the ultimate arbiter of factual controversies and makes the final decision concerning the imposition of incentives or sanctions that affect a participant's legal status or liberty.	III.H. VIII.D.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	18	The judge makes these decisions after taking into consideration the input of other Drug Court team members and discussing the matter in court with the participant or the participant's legal representative.	III.H. VIII.D.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	19	The judge relies on the expert input of duly trained treatment professionals when imposing treatment-related conditions.	III.H.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	20	Policies and procedures concerning the administration of incentives, sanctions, and therapeutic adjustments are specified in writing and communicated in advance to Drug Court participants and team members.	IV.A.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	21	The policies and procedures provide a clear indication of which behaviors may elicit an incentive, sanction, or therapeutic adjustment; the range of consequences that may be imposed for those behaviors; the criteria for phase advancement, graduation, and termination from the program; and the legal and collateral consequences that may ensue from graduation and termination.	IV.A.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	22	The Drug Court has a range of sanctions of varying magnitudes that may be administered in response to infractions in the program.	IV.E.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	23	For goals that are difficult for participants to accomplish, such as abstaining from substance use or obtaining employment, the sanctions increase progressively in magnitude over successive infractions. For goals that are relatively easy for participants to accomplish, such as being truthful or attending counseling sessions, higher magnitude sanctions may be administered after only a few infractions.	IV.E.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	24	Consequences are imposed for the non-medically indicated use of intoxicating or addictive substances, including but not limited to alcohol, cannabis (marijuana) and prescription medications, regardless of the licit or illicit status of the substance.	IV.F.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	25	Drug testing is performed at least twice per week.	VII.A.*
<input checked="" type="checkbox"/>	<input type="checkbox"/>	26	Drug testing is random, and is available on weekends and holidays.	VII.B.*
<input checked="" type="checkbox"/>	<input type="checkbox"/>	27	Collection of test specimens is witnessed and specimens are examined routinely for evidence of dilution, tampering and adulteration.	VII.E.* VII.F.*
<input checked="" type="checkbox"/>	<input type="checkbox"/>	28	Drug testing utilized by the Drug Court uses scientifically valid and reliable testing procedures and establishes a chain of custody for each specimen.	VII.G.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	29	Metabolite levels falling below industry- or manufacturer-recommended cutoff scores are not interpreted as evidence of new substance use or changes in substance use patterns, unless such conclusions are reached by an expert trained in toxicology, pharmacology or a related field.	VII.G.*

YES NO

		#	REQUIRED CERTIFICATION CRITERIA <i>Adherence to these standards is required for certification.</i>	BPS
<input checked="" type="checkbox"/>	<input type="checkbox"/>	30	Upon entering the Drug Court, participants receive a clear and comprehensive explanation of their rights and responsibilities relating to drug and alcohol testing.	VII.I.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	31	The program requires a period of at least 90 consecutive days drug-free to graduate.	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	32	The minimum length of the program is twelve months.	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	33	Unless a participant poses an immediate risk to public safety, jail sanctions are administered after less severe consequences have been ineffective at deterring infractions.	IV.J.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	34	Jail sanctions are definite in duration and typically last no more than three to five days.	IV.J.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	35	Participants are given access to counsel and a fair hearing if a jail sanction might be imposed.	IV.J.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	36	Participants are not terminated from the Drug Court for continued substance use if they are otherwise compliant with their treatment and supervision conditions, unless they are non-amenable to the treatments that are reasonably available in their community.	IV.K.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	37	If a participant is terminated from the Drug Court because adequate treatment is not available, the participant does not receive an augmented sentence or disposition for failing to complete the program.	IV.K.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	38	Participants are not incarcerated to achieve clinical or social service objectives such as obtaining access to detoxification services or sober living quarters.	V.B.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	39	Treatment providers are licensed or certified to deliver substance abuse treatment, as required by the Department of Human Services or other relevant licensure or certification entity.	V.H.*
<input checked="" type="checkbox"/>	<input type="checkbox"/>	40	Participants regularly attend self-help or peer support groups in addition to professional counseling.	V.I.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	41	The peer support groups follow a structured model or curriculum such as the 12-step or Smart Recovery models.	V.I.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	42	There is a secular alternative to 12-step peer support groups.	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	43	Participants complete a final phase of the Drug Court focusing on relapse prevention and continuing care.	V.J.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	44	Participants are not excluded from participation in Drug Court because they lack a stable place of residence.	VI.D.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	45	Participants diagnosed with mental illness receive appropriate mental health services beginning in the first phase of Drug Court and continuing as needed throughout their enrollment in the program.	VI.E.*
<input checked="" type="checkbox"/>	<input type="checkbox"/>	46	Participants are not required to participate in job seeking or vocational skills development in the early phases of drug court.	VI.I.*
<input checked="" type="checkbox"/>	<input type="checkbox"/>	47	At a minimum, the prosecutor / assistant attorney general, defense counsel, treatment representative, law enforcement, a guardian ad litem (in dependency courts), and the judge attend each staffing meeting.	VIII.B.*
<input checked="" type="checkbox"/>	<input type="checkbox"/>	48	At a minimum, the prosecutor / assistant attorney general, defense counsel, treatment representative, law enforcement, a guardian ad litem (in dependency courts), and the judge attend each Drug Court session.	VIII.A.*
<input checked="" type="checkbox"/>	<input type="checkbox"/>	49	Pre-court staff meetings are presumptively closed to participants and the public unless the court has good reason for a participant to attend discussions related to that participant's case.	VIII.B.

YES	NO	#	REQUIRED CERTIFICATION CRITERIA <i>Adherence to these standards is required for certification.</i>	BPS
<input checked="" type="checkbox"/>	<input type="checkbox"/>	50	Participants provide voluntary and informed consent permitting team members to share specified data elements relating to participants' progress in treatment and compliance with program requirements.	VIII.C.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	51	Court fees are disclosed to each participant, are reasonable, and are based on each participant's ability to pay. Any fees assessed by the Drug Court must be reasonably related to the costs of testing or other services.	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	52	Treatment fees are based on a sliding fee schedule and are disclosed to each participant.	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	53	The Drug Court develops a remedial action plan and timetable to implement recommendations from the evaluator to improve the program's adherence to best practices.	X.D.*
<input checked="" type="checkbox"/>	<input type="checkbox"/>	54	The Drug Court has written policies and procedures that ensure confidentiality and security of participant information, which conform to all applicable state and federal laws, including, but not limited to, Utah's Governmental Records Access and Management Act (GRAMA), the Health Insurance Portability and Accountability Act of 1996 (HIPAA), and 42 C.F.R. 2 (Confidentiality of Substance Abuse Disorder Patient Records).	VIII.C.*

YES	NO	#	PRESUMED CERTIFICATION CRITERIA <i>There is a presumption that these standards must be met. If your program can show sufficient compensating measures, compliance with the standard may be waived.</i>	BPS
<input checked="" type="checkbox"/>	<input type="checkbox"/>	1	Eligibility and exclusion criteria are communicated to potential referral sources.	I.A.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	2	The Drug Court regularly monitors the delivery of incentives and sanctions to ensure they are administered equivalently to all participants.	II.D.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	3	Each member of the Drug Court team attends up-to-date training events on recognizing implicit cultural biases and correcting disparate impacts for members of historically disadvantaged groups.	II.F.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	4	The Drug Court judge attends current training events on legal and constitutional issues in Drug Courts, judicial ethics, evidence-based substance abuse and mental health treatment, behavior modification, and community supervision.	III.A.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	5	The judge presides over the Drug Court for no less than two consecutive years.	III.B.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	6	The Judge spends an average of at least three minutes with each participant.	III.F.*
<input checked="" type="checkbox"/>	<input type="checkbox"/>	7	The Drug Court team relies on expert medical input to determine whether a prescription for an addictive or intoxicating medication is medically indicated and whether non-addictive, non-intoxicating, and medically safe alternative treatments are available.	IV.F.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	8	Phase promotion is predicated on the achievement of realistic and defined behavioral objectives, such as completing a treatment regimen or remaining drug-abstinent for a specified period of time.	IV.I.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	9	Treatment is reduced only if it is determined clinically that a reduction in treatment is unlikely to precipitate a relapse to substance use.	IV.I.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	10	Testing regimens are not scheduled in seven-day or weekly blocks. The chances of being tested should be at least two in seven every day.	VII.B.*
<input type="checkbox"/>	<input checked="" type="checkbox"/>	11	Drug test results are available within 48 hours.	VII.H.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	12	Participants are required to deliver a test specimen within 8 hours of being notified that a drug	VII.B.

YES NO		PRESUMED CERTIFICATION CRITERIA		BPS
		#	<i>There is a presumption that these standards must be met. If your program can show sufficient compensating measures, compliance with the standard may be waived.</i>	
			or alcohol test has been scheduled.	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	13	Randomly selected specimens are tested periodically for a broader range of substances to detect any new drugs of abuse that might be emerging in the Drug Court population.	VII.D.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	14	If a participant denies substance use in response to a positive screening test, a portion of the same specimen is subjected to confirmatory analysis using an instrumented test, such as gas chromatography/mass spectrometry (GC/MS).	VII.G.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	15	Standardized patient placement criteria govern the level of care that is provided.	V.A.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	16	Adjustments to the level of care are predicated on each participant's response to treatment and are not tied to the Drug Court's programmatic phase structure.	V.A.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	17	Participants receive a sufficient dosage and duration of substance abuse treatment to achieve long-term sobriety and recovery from addiction.	V.D.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	18	Participants meet with a treatment provider or clinical case manager for at least one individual session per week during the first phase of the program.	V.E.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	19	Participants are screened for their suitability for group interventions, and group membership is guided by evidence-based selection criteria including participants' gender, trauma histories and co-occurring psychiatric symptoms.	V.E.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	20	Treatment providers administer behavioral or cognitive-behavioral treatments that are documented in manuals and have been demonstrated to improve outcomes for addicted persons involved in the criminal justice system.	V.F. VI.G
<input checked="" type="checkbox"/>	<input type="checkbox"/>	21	Treatment providers are proficient at delivering the interventions and are supervised regularly to ensure continuous fidelity to the treatment models.	V.F.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	22	Treatment providers are supervised regularly to ensure continuous fidelity to evidence-based practices.	V.H.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	23	Before participants enter the peer support groups, treatment providers use an evidence-based preparatory intervention, such as 12-step facilitation therapy.	V.I.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	24	Participants prepare a continuing-care plan together with their counselor to ensure they continue to engage in pro-social activities and remain connected with a peer support group after their discharge from the Drug Court.	V.J.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	25	Where indicated, participants receive assistance finding safe, stable, and drug-free housing beginning in the first phase of Drug Court and continuing as necessary throughout their enrollment in the program.	VI.D.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	26	Participants are assessed using a validated instrument for trauma history, trauma-related symptoms, and posttraumatic stress disorder (PTSD).	VI.F.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	27	All Drug Court team members, including court personnel and other criminal justice professionals, receive formal training on delivering trauma-informed services.	VI.F.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	28	Participants with deficient employment or academic histories receive vocational or educational services beginning in a late phase of Drug Court.	VI.I.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	29	Participants complete a brief evidence-based educational curriculum describing concrete measures they can take to prevent or reverse drug overdose.	VI.L.
<input type="checkbox"/>	<input type="checkbox"/>	30	Clients are placed in the program within 50 days of arrest.	

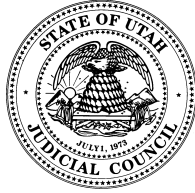
YES NO		PRESUMED CERTIFICATION CRITERIA		BPS
#		<i>There is a presumption that these standards must be met. If your program can show sufficient compensating measures, compliance with the standard may be waived.</i>		
<input checked="" type="checkbox"/>	<input type="checkbox"/>	31	Team members are assigned to Drug Court for no less than two years.	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	32	All team members use electronic communication to contemporaneously communicate about Drug Court issues.	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	33	Subsequently, team members attend continuing education workshops on at least an annual basis to gain up-to-date knowledge about best practices on topics including substance abuse and mental health treatment, complementary treatment and social services, behavior modification, community supervision, drug and alcohol testing, team decision making, and constitutional and legal issues in Drug Courts.	VIII.F.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	34	New staff hires receive a formal orientation training on the Drug Court model and best practices in Drug Courts as soon as practicable after assuming their position and attend annual continuing education workshops thereafter.	VIII.F.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	35	The Drug Court has more than 15 but less than 125 active participants.	IX.A.*
<input checked="" type="checkbox"/>	<input type="checkbox"/>	36	The Drug Court monitors its adherence to best practice standards on at least an annual basis, develops a remedial action plan and timetable to rectify deficiencies, and examines the success of the remedial actions.	X.A.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	37	New arrests, new convictions, and new incarcerations are monitored for at least three years following each participant's entry into the Drug Court.	X.C.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	38	A skilled and independent evaluator examines the Drug Court's adherence to best practices and participant outcomes no less frequently than every five years.	X.D.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	39	Staff members are required to record information concerning the provision of services and in-program outcomes within forty-eight hours of the respective events.	X.G.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	40	The program conducts an exit interview for self-improvement.	

YES NO		NON-CERTIFICATION-RELATED BEST PRACTICE STANDARDS		BPS
#		<i>These are best practice standards that research has shown will produce better outcomes. Failure to meet these standards will not result in decertification.</i>		
<input checked="" type="checkbox"/>	<input type="checkbox"/>	1	The Drug Court offers a continuum of care for substance abuse treatment including detoxification, residential, sober living, day treatment, intensive outpatient and outpatient services.	V.A.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	2	Treatment groups ordinarily have no more than twelve participants and at least two leaders or facilitators.	V.E.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	3	Treatment providers have substantial experience working with criminal justice populations.	V.H.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	4	For at least the first ninety days after discharge from the Drug Court, treatment providers or clinical case managers attempt to contact previous participants periodically by telephone, mail, e-mail, or similar means to check on their progress, offer brief advice and encouragement, and provide referrals for additional treatment when indicated.	V.J.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	5	Participants are assessed using a validated instrument for major mental health disorders that co-occur frequently in Drug Courts, including major depression, bipolar disorder (manic depression), posttraumatic stress disorder (PTSD), and other major anxiety disorders.	VI.E.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	5	Participants with PTSD or severe trauma-related symptoms are evaluated for their suitability for group interventions and are treated on an individual basis or in small groups when	VI.F.

YES NO

NON-CERTIFICATION-RELATED BEST PRACTICE STANDARDS		
#	<i>These are best practice standards that research has shown will produce better outcomes. Failure to meet these standards will not result in decertification.</i>	BPS
	necessary to manage panic, dissociation, or severe anxiety.	
<input checked="" type="checkbox"/> <input type="checkbox"/>	7 Female participants receive trauma-related services in gender-specific groups.	VI.F.
<input checked="" type="checkbox"/> <input type="checkbox"/>	8 Participants are required to have a stable job, be enrolled in a vocational or educational program, or be engaged in comparable pro-social activity as a condition of graduating from Drug Court.	VI.I.
<input checked="" type="checkbox"/> <input type="checkbox"/>	9 Participants receive immediate medical or dental treatment for conditions that are life-threatening, cause serious pain or discomfort, or may lead to long-term disability or impairment.	VI.J.
<input checked="" type="checkbox"/> <input type="checkbox"/>	10 Before starting a Drug Court, team members attend a formal pre-implementation training to learn from expert faculty about best practices in Drug Courts and develop fair and effective policies and procedures for the program.	VIII.F.
<input checked="" type="checkbox"/> <input type="checkbox"/>	11 Supervision caseloads do not exceed fifty active participants per supervision officer.	IX.B.
<input checked="" type="checkbox"/> <input type="checkbox"/>	12 Caseloads for clinicians must permit sufficient opportunities to assess participant needs and deliver adequate and effective dosages of substance abuse treatment and indicated complementary services.	IX.C.
<input checked="" type="checkbox"/> <input type="checkbox"/>	13 The Drug Court continually monitors participant outcomes during enrollment in the program, including attendance at scheduled appointments, drug and alcohol test results, graduation rates, lengths of stay, and in-program technical violations and new arrests or referrals.	X.B.*
<input type="checkbox"/> <input checked="" type="checkbox"/>	14 Information relating to the services provided and participants' in-program performance is entered into an electronic database. Statistical summaries from the database provide staff with real-time information concerning the Drug Court's adherence to best practices and in-program outcomes.	X.F.
<input checked="" type="checkbox"/> <input type="checkbox"/>	15 Outcomes are examined for all eligible participants who entered the Drug Court regardless of whether they graduated, withdrew, or were terminated from the program.	X.H.
<input checked="" type="checkbox"/> <input type="checkbox"/>	16 The Drug Court regularly monitors whether members of historically disadvantaged groups complete the program at equivalent rates to other participants.	II.B. X.E.
	17 <u>Clients are placed in the program within 50 days after change of plea, sentencing, or a finding that a probation violation has occurred, or within a short period of time thereafter. The earlier treatment begins, the better the outcomes.</u>	

Tab 5



Administrative Office of the Courts

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

December 2, 2024

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

MEMORANDUM

TO: Judicial Council

FROM: Judge Chelsea Koch and Plesy Wayas, on behalf of the Committee on Court Forms

RE: Forms Committee Annual Report

The Standing Committee on Court Forms (Forms Committee) requests that the Judicial Council review the work of the Forms Committee in the past year, pursuant to CJA 1-205(1)(c).

The Forms Committee is charged, under CJA 3-117, with reviewing the need for court forms and creating forms written in plain language. Court data shows that the overwhelming number of people facing litigation in district courts represent themselves. Without legally accurate and comprehensible forms, these self-represented litigants are largely unable to access the courts.

The Committee receives numerous requests for forms and prioritizes its work as follows:

1. Forms that must be amended or created because of changes in the law.
2. Forms that contain a mistake.
3. Forms that fall within one of the LPP practice areas (Code of Judicial Administration Rule 14-802(c)).
4. Forms submitted or requested by one of the boards of judges.
5. Other forms, decided on a case-by-case basis. Requests are evaluated on criteria including:
 - access to justice principles,
 - the mission of the courts,
 - the number of people who are or would be impacted by a form, and
 - fixing a flaw in a court process.

Since our last report to the Council in November 2023, the Committee has:

- partnered with the Self-Help Center and their one-year judicial fellow from Georgetown Law to review a number of stylistic choices in our court forms and develop changes to increase comprehensibility of forms, including a revision of the certificate of service;
- partnered with the WINGS Committee to standardize and improve guardianship forms;
- revised divorce and custody forms to work with the new MyPaperwork interview (the replacement for OCAP);
- formalized a procedure to recommend forms for translation into other languages;
- met monthly by Webex;
- maintained current forms consistent with the state of the law;
- worked on 98 forms, which included:
 - revising and improving 86 existing forms,
 - drafting 12 new forms, and
 - approving the revision of code citations on numerous forms affected by recodifications from the 2024 legislative session.

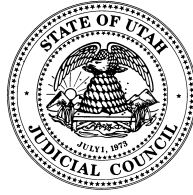
Looking to the future, the Forms Committee, plans to:

- continue to partner with our domestic violence program coordinator to standardize and improve all civil protective order forms;
- continue to partner with the WINGS Committee to standardize and improve guardianship forms;
- revise the Forms Style Guide to contemplate the new Forms Engine and user design principles learned over the past year;
- prepare for the sundown of OCAP in July 2025 by revising forms for the new MyPaperwork interviews or to be available separately on the court website;
- create two new subcommittees (for eviction forms and criminal/justice court forms);
- continue to carefully review family law forms to make them more concise, clearer, and more accessible; and
- recommend forms for translation into other languages.

The members of the Committee, all of whom have other major responsibilities both within and outside the court system, continue to be dedicated and diligent members of the Committee and deserve a big vote of thanks for their volunteer service.

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

Tab 6



Administrative Office of the Courts

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

December 10, 2024

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

MEMORANDUM

TO: Judicial Council
FROM: Hon. Gordon Low, Chair, Board of Senior Judges
Neira Siaperas, Deputy State Court Administrator
RE: Board of Senior Judges - Annual Report

Board of Senior Judges

The Board of Senior Judges represents senior judges from all court levels and consists of six active senior judges, as defined in UCJA Rule 1-305. The Board provides leadership and guidance for senior judges, ensuring their needs are effectively addressed and supported. The current members of the Board are:

Judge Gordon Low (Chair)	Judge Renee Jimenez
Judge Michelle Heward (Vice Chair)	Judge Elizabeth Lindsley
Judge Kate Appleby	Judge Ronald Powell

Active and Inactive Senior Judges

The judiciary currently includes 36 active and 24 inactive senior judges, distributed as follows:

- Court of Appeals: 2 active and 1 inactive senior judge
- Juvenile Court: 6 active and 8 inactive senior judges
- District Court: 24 active and 4 inactive senior judges
- Justice Court: 4 active and 11 inactive senior judges

Senior Judge Assignments

As of December 4, 2024, active senior judges have worked a total of 486.5 days this calendar year:

- Court of Appeals: 29 days
- District Court: 445 days
- Juvenile Court: 12.5 days

These figures include only completed assignments and exclude cases that were settled, canceled, or still pending. While the total days worked by senior judges in 2024 is comparable to 2023 and 2022, the

numbers are influenced by two extended judicial vacancies in the Fifth and Sixth Districts, which temporarily increased the need for senior judge coverage this year. Absent these unique circumstances, the overall use of senior judges has been declining.

Senior Judge Budget

The base budget for senior judges is \$168,100. Between FY 2022 and FY 2024, the Judiciary utilized \$2,000,000 in ARPA funding to address case backlogs by expanding senior judge use and hiring time-limited judicial assistants. This funding was fully expended by February 2024.

To address ongoing needs in reducing case backlogs, the legislature provided \$1,600,000 in one-time funding during the 2024 session -- \$400,000 for the remainder of FY 2024 and \$1,200,000 for FY 2025. Starting July 1, 2025, the senior judge budget will return to the \$168,100 base funding, significantly reducing available funding and hours for senior judges.

Since July 1, 2024 (the start of FY 2025), \$114,031.46 has been spent from the base senior judge budget, along with an additional \$89,195.99 from supplemental legislative funding. Additionally, \$281,069.70 in legislative funding has been used to pay for time-limited judicial assistants.

Senior Judge Program

The Code of Judicial Administration (CJA) governs the work of senior judges, including the required qualifications, authority, terms, performance standards, compensation, and appointment procedures. Over the past year, the Board of Senior Judges, in collaboration with the Administrative Office of the Courts (AOC), implemented significant enhancements to the senior judge program. These changes strengthened support for senior judges, streamlined administrative processes, and clarified and aligned court rules to improve efficiency and effectiveness.

Some of the key changes to the senior judge program include:

Education and Resources: Development of a senior judge guide, orientation for new senior judges, and a dedicated Learning Management System (LMS) section for education.

Improved Administrative Tools: Implementation of new forms, including applications, surveys, and payment forms, to simplify processes.

Revised Reappointment Process: Updated qualifications and a clearer process for reappointing senior judges.

Clarification of Roles: Clearly defined authority of the Judicial Council and the Supreme Court in appointments and reappointments.

Enhanced Performance Standards: New performance standards and processes, including internal evaluation processes to survey attorneys, court employees, and presiding judges.

Expanded Authority: Inactive senior judges now authorized to administer oaths of office.

Simplified Assignment Criteria: Streamlined criteria for assigning senior judges to cases.

Fiscal Year Alignment: Terms of office now aligned with fiscal years for consistency.

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

Tab 7

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

**Memorandum to Chief Justice Matthew Durrant
Annual Report**

November 26th, 2024
Judge Teresa Welch – Chair
Bryson King - Staff

Current Membership

Honorable Teresa Welch, *District Court Judge* [Chair]
Sharla Dunroe, *Defense Attorney*
Janet Lawrence, *Defense Attorney*
Jeffrey Mann, *Prosecutor*
Freyja Johnson, *Defense Attorney*
Dustin Parmley, *Defense Counsel*
McKay Lewis, *Prosecutor*
Nic Mills, *Prosecutor*
Honorable Matthew Bates, *District Court Judge*
Honorable Linda Jones, *District Court Judge* [Emeritus member]
VACANT, *Justice Court Judge*
VACANT, *Prosecutor*
VACANT, *Linguistic Expert*

Committee's Work

In February 2023, Judge James Blanch retired from his position as chair of the Committee, and Judge Teresa Welch was appointed as his replacement. The Committee, under Judge Welch's leadership, met nine times in 2023, and has met eight times this year, 2024. The Committee thanks the following members who finished terms in 2023 and 2024 and have since retired from serving on the Committee: Sandi Johnson (prosecutor), Jennifer Andrus (linguistic expert), Richard Pehrson (prosecutor), Brian Williams (prosecutor), and Judge Brendan McCullagh (Justice Court Judge). The Committee currently has three vacancies among its members. However, we appreciate the Judicial Council recently approving our recommendations to fill two of those vacancies: Breanne Miller as prosecutor, and Dr. Jay Jordan as linguistic expert. Those nominees will be notified shortly regarding their appointments. We are waiting for recommendations from the Board of Justice Court Judges to replace Judge McCullagh on the Committee.

In 2023 and 2024, the Committee focused its attention on the DUI Series of criminal instructions and worked diligently to update and publish several amended and new instructions. The Committee also completed its work from previous years on affirmative defense instructions related to perfect and imperfect self-defense, and developed instructions related to jury unanimity. The following are a list of amended and new instructions completed and published by the Committee in 2023 and 2024:

Amended Instructions

- CR430 - Jury Unanimity - Single Offense in More than One Way
- CR432 - Jury Unanimity - Evidence of More Occurrences than Charges
- CR1008 - Driving With any Measurable Controlled Substance in the Body
- CR1320 - Aggravated Assault
- CR1321 - Aggravated Assault by Prisoner
- CR1610 - Sodomy on a Child

New Instructions

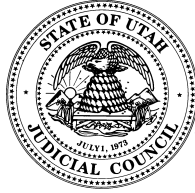
- CR416 - Adverse Inference on Body-Worn Cameras
- CR444 - Pro se Defendant and Standby Counsel
- CR1006 - Automobile Homicide
- CR1009 - Negligently Operating a Vehicle Resulting in Injury
- CR1101 - Failure to Respond to an Officer's Signal to Stop (Class A Misdemeanor)
- CR1102 - Failure to Respond to an Officer's Signal to Stop (Third Degree Felony)
- CR1451 - Definition of Imperfect Self-Defense
- CR1451 - Imperfect Self-Defense: Prosecutor's Burden
- CR1453 - Explanation of Perfect/Imperfect Self-Defense Special Verdict Form

The Committee looks forward to continuing its work to develop accurate and accessible criminal jury instructions for practitioners and litigants across the state and thanks the Judicial Council for supporting the Committee's ongoing work. We look forward to reporting our achievements and progress to you next year.

Warm regards,

Judge Teresa Welch, *Chair*
Bryson King, *Staff*

Tab 8



Administrative Office of the Courts

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

December 9, 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 4-402.02. Records classification (AMEND)

The proposed amendments classify the contact and identifying information of a participant in the Safe at Home Program under Utah Code, title 77, chapter 38, part 6, as “safeguarded” upon receipt of notice. All other amendments are non-substantive formatting changes.

CJA 4-202.04. Request to access a record associated with a case; request to classify a record associated with a case (AMEND)

The proposed amendments eliminate the requirement to submit a court records request in writing, if the individual is requesting access to non-public court records that they are authorized to access under Rule 4-202.03. All other amendments are non-substantive formatting changes.

CJA 4-202.07. Appeals (AMEND)

The proposed amendments streamline and clarify the appeals process for requests to access court records, including the creation of an initial review process whereby the Management Committee will determine whether to deny an appeal, schedule a hearing, or take no action on an appeal.

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

1 **Rule 4-202.02. Records Classification.**

2

3 **Intent:**

4 To classify court records as public or non-public.

5

6 **Applicability:**

7 This rule applies to the judicial branch.

8

9 **Statement of the Rule:**

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

12

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

14

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

16

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

19

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

21

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

23

24 (2)(E) audit reports;

25

26 (2)(F) case files;

27

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

30

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

33

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

36

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

39

40 (2)(K) financial records;

41

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

45

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

47

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

49

- 50 (2)(L)(iii) licensed paralegal practitioner name;
51
52 (2)(L)(iv) case number;
53
54 (2)(L)(v) case status;
55
56 (2)(L)(vi) civil case type or criminal violation;
57
58 (2)(L)(vii) civil judgment or criminal disposition;
59
60 (2)(L)(viii) daily calendar;
61
62 (2)(L)(ix) file date;
63
64 (2)(L)(x) party name;
65
66 (2)(M) name, business address, business telephone number, and business email
67 address of an adult person or business entity other than a party or a victim or witness of
68 a crime;
69
70 (2)(N) name, address, telephone number, email address, date of birth, and last four
71 digits of the following: driver's license number; social security number; or account
72 number of a party;
73
74 (2)(O) name, business address, business telephone number, and business email
75 address of a lawyer or licensed paralegal practitioner appearing in a case;
76
77 (2)(P) name, business address, business telephone number, and business email
78 address of court personnel other than judges;
79
80 (2)(Q) name, business address, and business telephone number of judges;
81
82 (2)(R) name, gender, gross salary and benefits, job title and description, number of
83 hours worked per pay period, dates of employment, and relevant qualifications of a
84 current or former court personnel;
85
86 (2)(S) unless classified by the judge as private or safeguarded to protect the personal
87 safety of the juror or the juror's family, the name of a juror empaneled to try a case, but
88 only 10 days after the jury is discharged;
89
90 (2)(T) opinions, including concurring and dissenting opinions, and orders entered in open
91 hearings;
92
93 (2)(U) order or decision classifying a record as non~~nt~~-public;
94
95 (2)(V) private record if the subject of the record has given written permission to make the
96 record public;
97
98 (2)(W) publications of the Administrative Office;
99

- 100 (2)(X) record in which the judicial branch determines or states an opinion on the rights of
101 the state, a political subdivision, the public, or a person;
102
103 (2)(Y) record of the receipt or expenditure of public funds;
104
105 (2)(Z) record, minutes, or transcript of an open meeting;
106
107 (2)(AA) official audio record, minutes, or transcript of an open hearing;
108
109 (2)(BB) record of formal discipline of current or former court personnel or of a person
110 regulated by the judicial branch if the disciplinary action has been completed, and all
111 time periods for administrative appeal have expired, and the disciplinary action was
112 sustained;
113
114 (2)(CC) record of a request for a record;
115
116 (2)(DD) reports used by the judiciary if all of the data in the report is public or the Council
117 designates the report as a public record;
118
119 (2)(EE) rules of the Supreme Court and Judicial Council;
120
121 (2)(FF) search warrants, the application and all affidavits or other recorded testimony on
122 which a warrant is based are public after they are unsealed under Rule 40 of the Utah
123 Rules of Criminal Procedure;
124
125 (2)(GG) statistical data derived from public and nonpublic records but that disclose only
126 public data; and
127
128 (2)(HH) notwithstanding subsections (6) and (7), if a petition, indictment, or information is
129 filed charging a person 14 years of age or older with a felony or an offense that would be
130 a felony if committed by an adult, the petition, indictment or information, the adjudication
131 order, the disposition order, and the delinquency history summary of the person are
132 public records. The delinquency history summary will contain the name of the person, a
133 listing of the offenses for which the person was adjudged to be within the jurisdiction of
134 the juvenile court, and the disposition of the court in each of those offenses. Upon a
135 finding of good cause on the record, the juvenile court may reclassify these records as
136 nonpublic.

137
138 **(3) Sealed Court Records.** The following court records are sealed:

139
140 (3)(A) records in the following actions:

141
142 (3)(A)(i) Utah Code Title 78B, Chapter 6, Part 1—Utah Adoption Act, six
143 months after the conclusion of proceedings, which are private until sealed;

144
145 (3)(A)(ii) Utah Code Title 78B, Chapter 15, Part 8—Gestational Agreement,
146 six months after the conclusion of proceedings, which are private until sealed;

147
148 (3)(A)(iii) Utah Code Section 76-7-304.5—Consent required for abortions
149 performed on minors; and
150

- 151 (3)(A)(iv) Utah Code ~~S~~Section 78B-8-402, —Actions for disease testing;
152
153 (3)(B) expunged records;
154
155 (3)(C) orders authorizing installation of pen register or trap and trace device under Utah
156 Code ~~s~~Section 77-23a-15;
157
158 (3)(D) records showing the identity of a confidential informant;
159
160 (3)(E) records relating to the possession of a financial institution by the commissioner of
161 financial institutions under Utah Code ~~s~~Section 7-2-6;
162
163 (3)(F) wills deposited for safe keeping under Utah Code title 75, chapter 2, part 9,
164 Custody and Deposit of Wills;
165
166 (3)(G) records designated as sealed by rule of the Supreme Court;
167
168 (3)(H) record of a Children's Justice Center investigative interview after the conclusion of
169 any legal proceedings;
170
171 (3)(I) on appeal, any record previously designated as sealed by another court;
172
173 (3)(J) video record of a court proceeding, other than security video;
174
175 (3)(K) “nonpublic restitution records” as defined in Utah Code section 63M-7-502; and
176
177 (3)(L) other records as ordered by the court under Rule 4-202.04.
178

179 **(4) Private Court Records.** The following court records are private:
180

181 (4)(A) records in the following actions:
182

183 (4)(A)(i) Utah Code ~~s~~Section 26B-5-332, Involuntary commitment under court
184 order;
185

186 (4)(A)(ii) Utah Code ~~S~~Section 76-10-532, Removal from the National Instant
187 Check System database;
188

189 (4)(A)(iii) Utah Code, ~~T~~title 78B, ~~C~~chapter 6, ~~P~~part 1, Utah Adoption Act, until the
190 records are sealed;
191

192 (4)(A)(iv) Utah Code, ~~t~~title 78B, ~~c~~Chapter 15, ~~p~~Part 8, Gestational Agreement,
193 until the records are sealed;
194

195 (4)(A)(v) cases initiated in the district court by filing an abstract of a juvenile court
196 restitution judgment; and
197

198 (4)(A)(vi) Utah Code ~~s~~Section 26B-8-111, Sex designation changes, and name
199 changes combined with sex designation changes for both minors and adults,
200 except that:
201

- 202 (4)(A)(vi)(a) the case history is public for minors; and
203
204 (4)(A)(vi)(b) the case history and record of public hearings are public for
205 adults.
206
- 207 (4)(B) records in the following actions, except that the case history, judgments, orders,
208 decrees, letters of appointment, and the record of public hearings are public records:
209
- 210 (4)(B)(i) Utah Code, title 81, Utah Domestic Relations Code, including qualified
211 domestic relations orders, except that an action for consortium due to personal
212 injury under section 81-3-111 is public;
213
- 214 (4)(B)(ii) Utah Code, Title 75, Chapter 5, Protection of Persons Under
215 Disability and their Property;
216
- 217 (4)(B)(iii) Utah Code, Title 78B, Chapter 7, Protective Orders and Stalking
218 Injunctions;
219
- 220 (4)(B)(iv) Utah Code, title 81, chapter 6 Child Support;
221
- 222 (4)(B)(v) Utah Code, Title 78B, Chapter 13, Utah Uniform Child Custody
223 Jurisdiction and Enforcement Act;
224
- 225 (4)(B)(vi) Utah Code, Title 78B, Chapter 14, Uniform Interstate Family Support
226 Act;
227
- 228 (4)(B)(vii) Utah Code, Title 78B, Chapter 15, Utah Uniform Parentage Act; and
229
- 230 (4)(B)(viii) an action to modify or enforce a judgment in any of the actions in this
231 subparagraph (4)(B);
232
- 233 (4)(C) records related to determinations of indigency;
234
- 235 (4)(D) an affidavit supporting a motion to waive fees;
236
- 237 (4)(E) aggregate records other than public aggregate records under subsection
238 paragraph (2);
239
- 240 (4)(F) alternative dispute resolution records;
241
- 242 (4)(G) applications for accommodation under the Americans with Disabilities Act;
243
- 244 (4)(H) jail booking sheets;
245
- 246 (4)(I) citation, but an abstract of a citation that redacts all non-public information is public;
247
- 248 (4)(J) judgment information statement;
249
- 250 (4)(K) judicial review of final agency action under Utah Code Section 80-2-707;
251

- 252 (4)(L) the following personal identifying information about a party: driver's license
253 number, social security number, account description and number, password,
254 identification number, maiden name and mother's maiden name, and similar personal
255 identifying information;
256
- 257 (4)(M) the following personal identifying information about a person other than a party or
258 a victim or witness of a crime: residential address, personal email address, personal
259 telephone number; date of birth, driver's license number, social security number,
260 account description and number, password, identification number, maiden name,
261 mother's maiden name, and similar personal identifying information;
262
- 263 (4)(N) medical, psychiatric, or psychological records;
264
- 265 (4)(O) name of a minor, except that the name of a minor party is public in the following
266 district and justice court proceedings:
267
- 268 (4)(O)(i) name change of a minor, unless the name change is combined with a
269 sex designation change;
270
- 271 (4)(O)(ii) guardianship or conservatorship for a minor;
272
- 273 (4)(O)(iii) felony, misdemeanor, or infraction when the minor is a party;
274
- 275 (4)(O)(iv) protective orders and stalking injunctions; and
276
- 277 (4)(O)(v) custody orders and decrees;
278
- 279 (4)(P) nonresident violator notice of noncompliance;
280
- 281 (4)(Q) personnel file of a current or former court personnel or applicant for employment;
282
- 283 (4)(R) photograph, film, or video of a crime victim;
284
- 285 (4)(S) record of a court hearing closed to the public or of a child's testimony taken under
286 [URCrP Rule 15.5 of the Utah Rules of Criminal Procedure](#);
287
- 288 (4)(S)(i) permanently if the hearing is not traditionally open to the public and
289 public access does not play a significant positive role in the process; or
290
- 291 (4)(S)(ii) if the hearing is traditionally open to the public, until the judge
292 determines it is possible to release the record without prejudice to the interests
293 that justified the closure;
294
- 295 (4)(T) record submitted by a senior judge or court commissioner regarding performance
296 evaluation and certification;
297
- 298 (4)(U) record submitted for in camera review until its public availability is determined;
299
- 300 (4)(V) reports of investigations by Child Protective Services;
301
- 302 (4)(W) statement in support of petition to determine competency;

- 303
304 (4)(X) victim impact statements;
305
306 (4)(Y) name of a prospective juror summoned to attend court, unless classified by the
307 judge as safeguarded to protect the personal safety of the prospective juror or the
308 prospective juror's family;
309
310 (4)(Z) records filed pursuant to Rules 52 - 59 of the Utah Rules of Appellate Procedure,
311 except briefs filed pursuant to court order;
312
313 (4)(AA) records in a proceeding under Rule 60 of the Utah Rules of Appellate Procedure;
314
315 (4)(BB) records related to Court Commissioner Conduct Committee and Council actions
316 under Rule 3-201.02, other than a public censure by the Council, and
317
318 (4)(CC) other records as ordered by the court under Rule 4-202.04.
319

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

- 321
322 (5)(A) attorney's work product, including the mental impressions or legal theories of an
323 attorney or other representative of the courts concerning litigation, privileged
324 communication between the courts and an attorney representing, retained, or employed
325 by the courts, and records prepared solely in anticipation of litigation or a judicial, quasi-
326 judicial, or administrative proceeding;
327
328 (5)(B) records that are subject to the attorney client privilege;
329
330 (5)(C) bids or proposals until the deadline for submitting them has closed;
331
332 (5)(D) budget analyses, revenue estimates, and fiscal notes of proposed legislation
333 before issuance of the final recommendations in these areas;
334
335 (5)(E) budget recommendations, legislative proposals, and policy statements, that if
336 disclosed would reveal the court's contemplated policies or contemplated courses of
337 action;
338
339 (5)(F) court security plans;
340
341 (5)(G) investigation and analysis of loss covered by the risk management fund;
342
343 (5)(H) memorandum prepared by staff for a member of any body charged by law with
344 performing a judicial function and used in the decision-making process;
345
346 (5)(I) confidential business records under Utah Code ~~s~~Section 63G-2-309;
347
348 (5)(J) record created or maintained for civil, criminal, or administrative enforcement
349 purposes, audit or discipline purposes, or licensing, certification or registration purposes,
350 if the record reasonably could be expected to:
351
352 (5)(J)(i) interfere with an investigation;
353

- 354 (5)(J)(ii) interfere with a fair hearing or trial;
355
356 (5)(J)(iii) disclose the identity of a confidential source; or
357
358 (5)(J)(iv) concern the security of a court facility;
359
360 (5)(K) record identifying property under consideration for sale or acquisition by the court
361 or its appraised or estimated value unless the information has been disclosed to
362 someone not under a duty of confidentiality to the courts;
363
364 (5)(L) record that would reveal the contents of settlement negotiations other than the
365 final settlement agreement;
366
367 (5)(M) record the disclosure of which would impair governmental procurement or give an
368 unfair advantage to any person;
369
370 (5)(N) record the disclosure of which would interfere with supervision of an offender's
371 incarceration, probation, or parole;
372
373 (5)(O) record the disclosure of which would jeopardize life, safety, or property;
374
375 (5)(P) strategy about collective bargaining or pending litigation;
376
377 (5)(Q) test questions and answers;
378
379 (5)(R) trade secrets as defined in Utah Code ~~s~~Section 13-24-2;
380
381 (5)(S) record of a Children's Justice Center investigative interview before the conclusion
382 of any legal proceedings;
383
384 (5)(T) presentence investigation report;
385
386 (5)(U) probation progress/violation reports;
387
388 (5)(V) except for those filed with the court, records maintained and prepared by juvenile
389 probation; and
390
391 (5)(W) other records as ordered by the court under Rule 4-202.04.
392

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

- 394
395 (6)(A) correspondence relating to juvenile social records;
396
397 (6)(B) custody evaluations, parent-time evaluations, parental fitness evaluations,
398 substance abuse evaluations, domestic violence evaluations;
399
400 (6)(C) medical, psychological, psychiatric evaluations;
401
402 (6)(D) pre-disposition, dispositional, and social summary reports;
403
404 (6)(E) probation agency and institutional reports or evaluations;

- 405
406 (6)(F) referral reports;
407
408 (6)(G) report of preliminary inquiries;
409
410 (6)(H) treatment or service plans;
411
412 (6)(I) nonjudicial adjustment records; and
413
414 (6)(J) documents filed with the court that were received pursuant to the Utah Interstate
415 Compact for Juveniles.

416
417 **(7) Juvenile Court Legal Records.** The following are juvenile court legal records:

- 418
419 (7)(A) accounting records;
420
421 (7)(B) discovery filed with the court;
422
423 (7)(C) pleadings, summonses, subpoenas, motions, affidavits, calendars, minutes,
424 findings, orders, decrees, probable cause statements;
425
426 (7)(D) name of a party or minor;
427
428 (7)(E) record of a court hearing;
429
430 (7)(F) referral and offense histories; and
431
432 (7)(G) any other juvenile court record regarding a minor that is not designated as a
433 social record.

434
435 **(8) Safeguarded Court Records.** The following court records are safeguarded:

- 436
437 (8)(A) upon request, location information, contact information, and identity information,
438 other than the name of a petitioner and other persons to be protected, in an action filed
439 under Utah Code, Title 78B, Chapter 7, Protective Orders and Stalking Injunctions;
440
441 (8)(B) upon request, location information, contact information and identity information,
442 other than the name of a party or the party's child, after showing by affidavit that the
443 health, safety, or liberty of the party or child would be jeopardized by disclosure in a
444 proceeding under Utah Code, Title 78B, Chapter 13, Utah Uniform Child Custody
445 Jurisdiction and Enforcement Act; ~~or Utah Code, Title 78B, Chapter 14, Uniform~~
446 Interstate Family Support Act; or Utah Code, Title 78B, Chapter 15, Utah Uniform
447 Parentage Act;
448
449 (8)(C) upon request, if the information has been safeguarded under paragraph (8)(A) or
450 (8)(B), location information, contact information and identity information, other than the
451 name of a party or the party's child, in a proceeding under Utah Code, title 81, Utah
452 Domestic Relations Code.
453
454 (8)(D) location information, contact information, and identity information of prospective
455 jurors on the master jury list or the qualified jury list;

456
457 (8)(E) location information, contact information, and identity information other than name
458 of a prospective juror summoned to attend court; and

459
460 (8)(F) the following information about a victim or witness of a crime, including, upon
461 receipt of notice, a participant in the Safe at Home Program under Utah Code, title 77,
462 chapter 38, part 6, Safe at Home Program:

463
464 (8)(F)(i) business and personal address, email address, telephone number, and
465 similar information from which the person can be located or contacted;

466
467 (8)(F)(ii) date of birth, driver's license number, social security number, account
468 description and number, password, identification number, maiden name,
469 mother's maiden name, and similar personal identifying information;:-

470
471 (8)(F)(iii) except for a Safe at Home Program participant's assigned address,
472 documents showing a participant's enrollment, including the authorization card,
473 for a program participant under Utah Code, title 77, chapter 38, part 6, Safe at
474 Home Program.

475
476
477
478 *Effective: January-May 1, 2025*

1 **Rule 4-202.04. Request to access a record associated with a case; request to classify a**
2 **record associated with a case.**

3 **Intent:** to establish the process for accessing a court record associated with a case.

4 **Applicability:**

5 This rule applies to court records associated with a case.

6 (1) **Written request.** A request to access a public court record ~~shall~~ must be presented in writing
7 to the court ~~clerk-of-the-court~~, unless the court clerk waives the requirement. A written request to
8 access a non-public court record is not required for to which a person ~~is~~ authorized to access
9 the record pursuant to Rule 4-202.03 ~~shall be presented in writing to the clerk of the court~~
10 ~~unless the clerk waives the requirement~~. A written request ~~shall~~ must contain the requester's
11 name, email address, mailing address, ~~daytime~~ telephone number, and a description of the
12 record requested. If the record is a non-public court record, the ~~person making the~~
13 ~~request~~ requester ~~shall~~ must present identification.

14 (2) **Motion or petition to access record.**

15 (2)(A) If a written request to access a court record is denied by the court ~~clerk-of-court~~,
16 the ~~person making the request~~ requester may file a motion or petition to access the
17 record.

18 (2)(B) A person not authorized to access a non-public court record pursuant to ~~R~~Rule 4-
19 202.03 must file a motion or petition to access the record. If the court allows access, the
20 court may impose any reasonable conditions to protect the interests favoring closure.

21 (2)(C) A motion should be filed when the court record is associated with a case over
22 which the court has continuing jurisdiction. A petition should be filed ~~to access the record~~
23 ~~when~~ if the court record is associated with a case over which the court no longer has
24 jurisdiction.

25 (3) **Motion or petition to reclassify record.**

26 (3)(A) If the court record is associated with a case over which the court has continuing
27 jurisdiction, a person with an interest in a court record may file a motion to classify the
28 record as a private, protected, sealed, safeguarded, juvenile court legal, or juvenile court
29 social record; or to have information redacted from the record. The court ~~shall~~ must deny
30 access to the record until the court enters an order.

31 (3)(B) If the court record is associated with a case over which the court no longer has
32 jurisdiction, a person with an interest in the record may file a petition to classify the
33 record as a private, protected, sealed, safeguarded, juvenile court legal, or juvenile court
34 social record; or to have information redacted from the record. The court ~~shall~~ must deny
35 access to the record until the court enters an order.

36 (4) **Rules of Procedure Applicable to Motions and Petitions.** As appropriate for the nature of
37 the case with which the record is associated, the motion or petition ~~shall~~ must be filed, and
38 proceedings ~~shall~~ must be conducted, ~~in accordance with~~ under the Utah Rules of Ccivil
39 Procedure, Utah Rules of Criminal Procedure, Utah Rules of Juvenile Procedure, or Utah
40 Rules of Appellate Procedure. The person filing the motion or petition ~~shall~~ must serve any
41 representative of the press who has requested notice in the case. The court ~~shall~~ must conduct

42 a closure hearing when a motion or petition to close a record is contested, when the press has
43 requested notice of closure motions or petitions in athe particular case, or when the court
44 decides public interest in the record warrants a hearing.

45 (5) **Classify – Redact.** The court may classify the record as a private, protected, sealed,
46 safeguarded, juvenile court legal, or juvenile court social record, or redact information from the
47 record if the record or information:

48 (5)(A) is classified as a private, protected, sealed, safeguarded, juvenile court legal, or
49 juvenile court social record under Rule 4-202.02;

50 (5)(B) is classified as a private, controlled, or protected record by a governmental entity
51 and shared with the court under Utah Code, title 63G, chapter 2, the Government
52 Records Access and Management Act;

53 (5)(C) is a record regarding the character or competence of an individual; or

54 (5)(D) is a record containing information the disclosure of which constitutes an
55 unwarranted invasion of personal privacy.

56 (6) **Factors and findings.** ~~In-When~~ deciding whether to allow access to a court record or
57 whether to classify a court record as a private, protected, or sealed, safeguarded, juvenile court
58 legal, or juvenile court social record, or to redact information from the record, the court may
59 consider any relevant factor, interest, or policy, including but not limited to the interests
60 described in Rule 4-202. In ruling on a motion or petition under this rule the court ~~shall~~must:

61 (6)(A) make findings and conclusions about specific records;

62 (6)(B) identify and balance the interests favoring opening and closing the record; and

63 (6)(C) if the record is ordered closed, determine there are no reasonable alternatives to
64 closure sufficient to protect the interests favoring closure.

65 (7) **Appellate briefs.** If an appellate brief is sealed, the court clerk ~~of the court~~ ~~shall~~must seal
66 the brief under Rule 4-205. If an appellate brief is classified as a private, protected,
67 safeguarded, juvenile court legal, or juvenile court social record, the court clerk ~~of the court~~ ~~shall~~
68 must allow access only to persons authorized by Rule 4-202.03. If the court orders information
69 redacted from the brief, the court clerk ~~of the court~~ ~~shall~~must remove the information and allow
70 public access to the edited brief.

71 (8) **State Law Library.** If the petitioner serves ~~an~~the order on the director of the ~~s~~State ~~l~~Law
72 ~~l~~ibrary, the director ~~shall~~must comply with the order in the same manner as ~~at~~the court clerk ~~of~~
73 ~~the court under paragraph (7).~~

74 (9) **Compliance.** Unless otherwise ordered by the court, the order is binding only on the court,
75 the parties to the motion or petition, and the state law library. Compliance with the order by any
76 other person is voluntary.

77 (10) **Governing rules.** A request under this rule to access a public court record is also governed
78 by Rule 4-202.06. A motion or petition under this rule is not governed by Rule 4-202.06 or Rule
79 4-202.07.

80 *Effective: ~~April 11, 2011~~ May 1, 2025*

1 **Rule 4-202.07. Appeals**

2 **Intent:**

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

4 **Applicability:**

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

7 **Statement of the Rule:**

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

12 **(2) Classification.** A person requesting that a court record be classified as private or protected
13 may appeal a denial of the request. ~~A person whose interests are protected by closure may~~
14 ~~appeal a decision to permit access to a court record.~~

15 **(3) Time for filing appeal.** An appeal ~~must~~shall be made in writing within 30 days after the
16 decision giving rise to the appeal, or within 30 days after a request is deemed denied under
17 Rule 4-202.06(6). ~~A person described in this subsection may petition for judicial review as~~
18 ~~provided by statute.~~

19 **(4) Notice of appeal.**

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

23 ~~(42)~~**(B)** If the original request was to the custodian of the record, the appeal is to the
24 state court administrator. If the original request was to the state court administrator, the
25 appeal is to the Management Committee ~~of the Judicial Council.~~ The appeal of a
26 decision by the state court administrator is to the Management Committee.

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

29 ~~(54)~~ **State court administrator.** ~~An appeal to T~~the state court administrator may mail a decision
30 within 5 business days after receiving the appeal, or within 15 business days after mailing a
31 notice under Rule 4-202.05(2)(B). ~~If the state court administrator does not mail a decision is~~
32 ~~deemed denied unless a decision on the appeal is mailed within 5 business days after receiving~~
33 ~~the appeal or within 15 business days after mailing notice under Rule 4-202.05(2)(B), the appeal~~
34 ~~is deemed denied.~~

35 **(6) Management Committee.**

36 ~~(6)~~**(A) Initial review.** The Management Committee will review an appeal at its first
37 meeting held no fewer than 15 business days, but not more than 45 business days, after
38 receiving the appeal. After reviewing the appeal, the Management Committee will

39 determine whether to issue a decision denying the appeal, schedule a hearing on the
 40 appeal, or take no action on the appeal, in which case the appeal is deemed denied. An
 41 appeal to the Management Committee is deemed denied unless a decision on the
 42 appeal is mailed within 5 business days after ~~the first meeting of the~~ Management
 43 Committee's initial review ~~held more than 15 business days after receiving the appeal.~~

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

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

52 (6)(B)(ii) notify the Petitionerappellant no fewer than 5 business days after the
 53 initial review that a hearing will be held. 15 business days before the hearing to
 54 appear before the Management Committee to present their argument.

55 (6)(C)(5) Hearing. ~~The state court administrator shall mail notice of the Management~~
 56 ~~Committee meeting to all participants at least 10 business days before the meeting. At~~
 57 ~~least 7 business days before the meeting, all participants shall mail to the state court~~
 58 ~~administrator and to the other participants a written statement of facts, authority and~~
 59 ~~argument in support of or opposition to the appeal.~~

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

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

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

69
 70 ~~(6) The Management Committee shall allow the participants a reasonable opportunity to present~~
 71 ~~facts, authority and argument in support of or opposition to the appeal. The order of~~
 72 ~~presentation shall be decided by the Management Committee. The Management Committee~~
 73 ~~may review the record in a closed meeting. Discovery is prohibited, but the Management~~
 74 ~~Committee may compel the production of evidence.~~

75 (6)(D)(7) Decision. Following the hearing or the initial review of the appeal, the
 76 Management Committee may issue a written decision on the appeal. The state court
 77 administrator ~~will~~ shall mail ~~the decision~~ written decisions on an appeal to all participants.
 78 ~~The decision shall:~~

- 79 ~~(7)(A) describe the record or portions of the record to which access is granted or denied~~
80 ~~in a manner that does not disclose information other than public information;~~
- 81 ~~(7)(B) refer to the authority under which access to the record or portions of the record~~
82 ~~the request is being denied;~~
- 83 ~~(7)(C) make findings and conclusions about specific records;~~
- 84 ~~(7)(D) identify and balance the interests favoring opening and closing the record; and, if~~
85 ~~the record is closed, determine there are no reasonable alternatives to closure sufficient~~
86 ~~to protect the interests favoring closure;~~
- 87 ~~(7)(E) state that the requester may appeal or seek judicial review; and~~
- 88 ~~(7)(F) state the time limits for filing an appeal or petition for judicial review, and the name~~
89 ~~and address of the person to whom the appeal or petition must be directed.~~

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

93

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

96

97 ~~*Effective: November 1, 2018 May 1, 2025*~~

Tab 9

Name

Address

City, State, Zip

Phone

Email

I am Petitioner
 Petitioner's Attorney (Utah Bar #: _____)

If you do not respond to this document within applicable time limits, judgment could be entered against you as requested.

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

In the District Court of Utah

_____ Judicial District _____ County

Court Address _____

In the Matter of the Marriage of

(name of Petitioner)

and

(name of Respondent)

Other parties (if any)

Verified Petition for Annulment or in the Alternative for Divorce

(Utah Code 81-4-301 to 303)

and Stipulation

Case Number

Judge

Commissioner

This form is used to start an annulment case. This is different from divorce. It can be complicated. You might want to get legal advice. utcourts.gov/annul

I ask the court to grant an order of annulment and state:

1. **Jurisdiction** (Choose all that apply.)

I am a resident of _____ County, Utah
on the date this case is filed.

And have been a resident there for at least three months before filing this petition. (Only required for divorce.)

The respondent is a resident of _____ County, Utah on the date this case is filed.

And has been a resident there for at least three months before filing this petition. (Only required for divorce.)

2. Marriage

We were married on _____ (date) in _____ (place of marriage).

We separated on _____ (date).

3. Grounds for Annulment (Choose all that apply)

Statutory Grounds

One of us was not divorced from a living spouse at the time of our marriage.

Our marriage was between parents and children.

Our marriage was between ancestors or descendants of every degree (grandfather, grandmother, grandson, granddaughter, etc.).

Our marriage was between brothers and sisters (either full or half).

Our marriage was between uncles or aunts and nieces or nephews.

Our marriage was between relatives within the fifth degree of kinship who were:

- first cousins who were both not 65 years old or older.

OR

- first cousins who were both not 55 years old or older and the district court did not make a finding that either party was unable to reproduce.

One of us was 16 or 17 years old when we got married. There was no parental consent, no court authorization, or both for our marriage. We were not legally married before May 14, 2019.

One of us was under 16 years old and not legally married before May 14, 2019. (After May 14, 2019, those under 16 cannot get married.)

Common Law Grounds

The respondent lied to me or did not share something important with me before we got married. If I had known the truth I would not have agreed to the marriage. (Describe in detail. Attach additional sheets if needed.):

- Our marriage was never consummated.
- One or both of us did not have the mental capacity to enter into marriage.
- One or both of us were under duress or forced to marry.
- Other common law grounds (describe in detail):

4. Children

(If there are children, you cannot use this form.)

We do not have any children from our marriage. No child was born or adopted during our marriage. Neither of us are pregnant.


5. Personal Property including Financial Assets (Choose one.)

- We do not need the court to make any orders about personal property.
- I ask the court to order that our personal property be divided as follows:

Property I should get:

Property the respondent should get:

6. Real Estate (Choose one.)

 (image to be added: caution icon, <https://fontawesome.com/icons/diamond-exclamation?f=classic&s=solid>) (Decisions about real estate issues can be complicated and have serious consequences. Consider getting legal advice before you file.)

- We do not have any real estate from our marriage. We do not need the court to make any orders about real estate.
- We have the following real estate from our marriage:
(Write the address and legal description.)

I ask the court to order the following about this real estate:

7. **Debts** (Choose one)

- We do not need the court to make any orders about debts.
- I will be responsible for debts in my name. The respondent will be responsible for debts in their name.
- We have debts from our marriage. I ask the court to order those debts to be paid as follows:

I must pay:

The respondent must pay:

8. **Name change** (Optional. Only answer #8 if one of you wants to change your name)

- I would like to change my name back to my former name:

First name	
Middle name (if any)	
Last name	

- The respondent wants to change their name back to their former name: (only ask for this if the respondent wants their name changed back):

First name	
Middle name (if any)	
Last name	

9. I ask the court to enter other orders as follows:

10. This marriage should be declared null and void from the date of the marriage. In the alternative, a divorce should be granted on the grounds of irreconcilable differences because: (choose one)

The marriage is irretrievably broken. Although we have attempted to solve our problems and make the marriage work, we have not been able to do so.

One or both of us has done things that have damaged the marriage beyond repair, and despite best efforts, the marriage can no longer be sustained.

We are separated because of problems in the marriage, and despite best efforts, we cannot get back together to make the marriage work.

11. I understand that there is no waiting period for an annulment, but there is a 30-day waiting period for a divorce.

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

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

Date

Signature ► _____
Printed Name _____

Attorney or Licensed Paralegal Practitioner (if applicable)

Date

Signature ► _____
Printed Name _____

Stipulation (optional) (The respondent signs this page if they want to agree with everything in the petition above.)

I am the respondent and the party responding to this Verified Petition for Annulment or in the Alternative for Divorce.

1. I have received and read the petition and its supporting documents (if any).
2. I understand what the petition requests.
3. I understand I have the right to contest the petition by filing an answer and have the court decide the issues.
4. I waive service of the Summons.
5. I agree this court has the authority to decide this matter, and I enter my appearance for that purpose.
6. I agree to the requests in the petition.
7. I agree the court may enter a decree consistent with the petition at any time and without further notice.

Respondent

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

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

Date

Signature ► _____

Printed Name _____

Attorney (if applicable)

Date

Signature ► _____

Printed Name _____

Name

Address

City, State, Zip

Phone

Email

In the District Court of Utah

_____ Judicial District _____ County

Court Address _____

In the Matter of the Marriage of

(name of Petitioner)

and

(name of Respondent)

Other parties (if any)

**Findings of Fact and Conclusions of
Law on Verified Petition for
Annulment or in the Alternative for
Divorce**

Case Number

Judge

Commissioner

The matter before the court is a Verified Petition for Annulment or in the Alternative for Divorce. This matter is being resolved by: (Choose all that apply.)

The default of Petitioner Respondent.

The stipulation of the parties.

The pleadings and other papers of the parties.

A hearing held on _____ (date), notice of which was served on all parties.

Petitioner

was present was not present.

was represented by _____ (name).

was not represented.

Respondent

was present was not present.

was represented by _____ (name).

was not represented.

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

The court finds:

1. **Jurisdiction**

The petitioner was a resident of _____
County, Utah on the date this case was filed.

And had been a resident for at least three months before filing this
petition. (Only required for divorce.)

The respondent was a resident of _____
County, Utah on the date this case was filed.

And had been a resident for at least three months before filing this
petition. (Only required for divorce.)

2. **Marriage**

The parties were married on _____ (date) in
_____ (place of marriage).

The parties separated on _____ (date).

3. **Grounds for Annulment**

Statutory Grounds

One party was not divorced from a living spouse at the time of the marriage.

The marriage was between parents and children.

The marriage was between ancestors or descendants of every degree
(grandfather, grandmother, grandson, granddaughter, etc.).

The marriage was between brothers and sisters (either full or half).

The marriage was between uncles or aunts and nieces or nephews.

The marriage was between persons related to each other within the fifth
degree of kinship who were not either:

- first cousins who were both 65 years of age or older.

OR

- first cousins who were both 55 years of age or older and the district court made a finding that either party was unable to reproduce.
- One party was 16 or 17 years old when they got married. There was no parental consent, no court authorization, or both for our marriage. The parties were not legally married before May 14, 2019.
- One party was under 16 years old and not legally married before May 14, 2019. (After May 14, 2019, those under 16 cannot get married.)

Common Law Grounds

- The respondent lied to the petitioner or did not share something important with the petitioner before the parties got married. If the petitioner had known the truth the petitioner would not have agreed to the marriage.

- The marriage was never consummated.
- One or both parties did not have the mental capacity to enter into marriage.
- One or both parties were under duress or forced to marry.
- Other common law grounds:

4. Children

The parties do not have any children from their marriage. No child was born or adopted during the marriage. Neither party is pregnant.

5. Personal Property including Financial Assets

- The parties do not ask for any orders about personal property.
- The personal property of the parties should be divided as follows:

to the petitioner:

to the respondent:

6. **Real Estate**

The parties do not have any real estate from their marriage. The parties do not ask for any orders about real estate.

The parties have the following real estate from their marriage:

(Address and legal description.)

The court should do the following with the real estate described above:

7. **Debts**

The parties do not ask for any orders about debts.

The petitioner should be responsible for debts in their name. The respondent should be responsible for debts in their name.

The parties have debts from their marriage. Those debts should be paid as follows:

The petitioner must pay:

The respondent must pay:

8. **Name change**

The petitioner's name should be changed back to their former name:

First name	
------------	--

Middle name (if any)	
Last name	

The respondent's name should be changed back to their former name:

First name	
Middle name (if any)	
Last name	

9. Other findings:

10. This marriage should be declared null and void from the date of the marriage. In the alternative, a divorce should be granted on the grounds of irreconcilable differences because:

The marriage is irretrievably broken. Although the parties have attempted to solve their problems and make the marriage work, they have not been able to do so.

One or both of the parties have done things that have damaged the marriage beyond repair, and despite best efforts, the marriage can no longer be sustained.

The parties are separated because of problems in the marriage, and despite best efforts, they cannot get back together to make the marriage work.

The court concludes:

11. The court does does not have jurisdiction.

12. There are are not grounds to annul this marriage.

In the alternative,

There are are not grounds to grant a decree of divorce.

13. Other conclusions:

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

Date

Signature ► _____
Commissioner _____

Date

Signature ► _____
Judge _____

Approved as to form.

Date

Signature ► _____
Petitioner or Attorney _____

Date

Signature ► _____
Respondent or Attorney _____

Certificate of Service

I certify that I filed with the court and served a copy of this Findings of Fact and Conclusions of Law on Verified Petition for Annulment or in the Alternative for Divorce on the following people.

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

 Date

Signature ► _____
 Printed Name _____

Name

Address

City, State, Zip

Phone

Email

In the District Court of Utah

_____ Judicial District _____ County

Court Address _____

In the Matter of the Marriage of

(name of Petitioner)

and

(name of Respondent)

Other parties (if any)

Decree of:

Annulment

Divorce

Case Number

Judge

Commissioner

The court, having entered its Findings of Facts and Conclusions of Law and being otherwise fully advised, adjudges and decrees as follows:

1. The Petition for Annulment is:

denied.

granted and the marriage between the petitioner and respondent is annulled.

In the alternative:

The Petition for Divorce is:

denied.

granted and the parties are granted a decree of divorce.

2. **Personal Property**

The parties did not ask for an order about personal property.

The personal property of the parties is divided as follows:

to the petitioner:

to the respondent:

3. **Real Estate**

The parties did not ask for an order about real estate.

The parties have the following real estate from their marriage:

(Address and legal description.)

The court orders the following about the real estate described above:

4. **Debts**

The parties did not ask for an order about debts.

The petitioner is responsible for debts in their name. The respondent is responsible for debts in their name.

The parties have debts from their marriage. Those debts are to be paid as follows:

The petitioner must pay:

The respondent must pay:

5. **Name change**

The petitioner's name is changed back to their former name:

First name	
Middle name (if any)	
Last name	

The respondent's name is changed back to their former name:

First name	
Middle name (if any)	
Last name	

6. **Other:**

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

Date

Signature ► _____
Commissioner _____

Date

Signature ► _____
Judge _____

Approved as to form.

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

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

Certificate of Service

I certify that I filed with the court and served a copy of this Decree of Annulment or Decree of Divorce on the following people.

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

 Date

 Signature ►

 Printed Name

Name

Address

City, State, Zip

Phone

Email

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

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

In the District Court of Utah

_____ Judicial District _____ County

Court Address _____

In the Matter of (select one)

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

(name of Petitioner)

and

(name of Respondent)

Other parties (if any)

**Notice of Disclosure Requirements
in Domestic Relations Cases**

(Utah Rule of Civil Procedure 26.1)

Case Number

Judge

Commissioner

1. What are the disclosure requirements?

Generally, parties must exchange information in their case. Parties must always provide income verification in cases involving child support. But, they do not need to exchange other information if:

- The responding party does not file an Answer disagreeing with the petition,
- The parties agree and file a stipulation instead of an Answer, or
- The parties agree and file a stipulation within 14 days of when the Answer was filed.

The court can always require the parties to provide information.

2. What do you need to exchange?

If a party files an Answer, the parties must exchange the following documents within 14 days of when the Answer was filed :

- **Initial Disclosures.** (The court-approved Initial Disclosures form is available at www.utcourts.gov/init.)
- **Financial Declaration and required attachments.** (The court-approved Financial Declaration form is available at www.utcourts.gov/fin.)
 - Documents verifying the amounts for every item listed in the Financial Declaration (excluding monthly expenses).
 - For the **two tax years** before the petition was filed, complete federal and state **income tax returns**, including Form W-2 and supporting tax schedules and attachments, filed by or on behalf of that party or by or on behalf of any entity in which the party has a majority or controlling interest, including, but not limited to, Form 1099 and Form K-1 with respect to that party. If you don't have these, contact the IRS or the State Tax Commission.
 - **Pay stubs** and other evidence of earned and un-earned income for the **past 12 months**.
 - All loan applications and financial statements from the 12 months before the petition was filed.
 - Documents verifying the value of all real estate in which you have an interest. This includes the most recent appraisal, tax valuation, and refinance documents.
 - All statements for the **3 months** before the petition was filed for all financial accounts. This includes, but is not limited to, checking, savings, credit cards, money transfer apps, money market funds, certificates of deposit, brokerage, investment, and retirement.
 - If you do not have some of the above documents, you may estimate the amounts. You must explain on the Financial Declaration how you chose the estimated amount and why the documents are not available.



Scan QR code
to visit page

3. Do you need to complete a full Financial Declaration?

The parties do not have to disclose all of the information above if this case does not involve dividing property or other valuables. This could include paternity, modification, and grandparents' rights cases. If the parties are not dividing property or other valuables in this case the parties must only serve:

- three most recent paystubs and the previous year tax return;
- if self-employed, that person must serve six months of bank and profit and loss statements; and
- proof of any other assets or income relevant to the calculation of child support.

The court may require each party to complete a full Financial Declaration for any reason.

4. What do you do after filling out the Initial Disclosures and Financial Declaration?

a. Serve the documents, attachments, and certificates of service on the other parties.

b. File the Certificates of Service with the court. Do not file the other documents and attachments unless the court asks for them.

5. What are the consequences for not providing all of the required disclosures?

If a party does not disclose all assets and income in the Financial Declaration and attachments, that person may be subject to sanctions. (Utah Rule of Civil Procedure 37). Sanctions may include awarding assets to the other person, requiring you to pay the other person's attorney's fees, or other sanctions decided by the court.

_____ Signature ► _____
Date Printed Name _____

The Certificate of Service proves you gave copies of this document to everyone involved in your case. It is saying, "I gave everyone the papers they need to see." (Utah Rule of Civil Procedure 5)

1. **Fill out the sections below:** Write the information for each person you are sending a copy to. You have space to include two people and may add more pages if needed.
2. **Serve it:** You need to give a copy of the document including the certificate of service page to the other person. Give it to them on or before the day you give the document to the court.
3. **File it:** You need to give this document including the certificate of service page to the court. Make sure you also keep a copy for yourself.

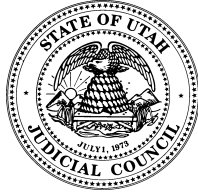
Certificate of Service

I confirm that I provided a copy of this Notice of Disclosure Requirements in Domestic Relations Cases to the following people.

I provided a copy to Name of Person	I provided the copy by [x]check one	I provided the copy to this address (based on ← option checked)	I provided the copy on Date
1.	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed/MyCase <input type="checkbox"/> Email <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
2.	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed/MyCase <input type="checkbox"/> Email <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		

Date (when you filled this out)	Your Signature ► Your Printed Name	
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Tab 10



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

MEMORANDUM

TO: The Management Committee

FROM: Katy Burke, Statewide Treatment Court Coordinator
Jordan Murray, Grants Coordinator
Shane Bahr, District Court Administrator

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

Dear Management Committee:

Following the recommendation of the Budget & Fiscal Management Committee¹, we kindly request this grant renewal application be considered for the Judicial Council’s consent calendar on 12/16/2024, per [UCJA Rule 3-411\(12\)](#) as the award amount, material conditions of the grant, and AOC resource impact assessment remain unchanged from prior years (“Attachment A”). The application for last year’s funds was approved through the renewal process and is presented again for consideration in the same manner.

This funding is provided by the State Asset Forfeiture Grant Program (SAFG) and is administered by the Utah Commission on Criminal & Juvenile Justice (CCJJ). CCJJ generously supports the annual training initiatives pursued by the treatment courts as their yearly appropriation permits. Our partners at CCJJ have again reserved \$25,000 to support the reimbursement of costs associated with the annual “All Rise” Conference (“RISE25”) scheduled for May 28-31, 2025 in Kissimmee, Florida.

The FY2025 CCJJ grant application is attached (“Attachment B”).

Thank you.

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

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

¹ Meeting: December 2, 2024

ATTACHMENT [A]
Grant Renewals

UCJA Rule 3-411. Grant Management.

UCJA Rule 3-411 (12) Renewing the Grant

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

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

**ATTACHMENT [B]
Grant Application**

State of Utah



**UTAH COMMISSION ON
CRIMINAL & JUVENILE JUSTICE**

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



State Asset Forfeiture Grant (SAFG)

CCJJ Grant # 25N20

1. Your Agency Name and Address:

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

2. Agency Contact (Grant Project Director):

Katy Burke

3. Phone Number:

(801) 578-3893

4. E-mail Address:

Katyb@utcourts.gov

5. Grant Start Date and End Date:

Start Date: **10/1/2024** End Date: **6/30/2025**

6. Federal Tax Identification Number (87-_____):

87-6000 545

7. Application Budget Summary:

Contract Services: \$0

Equipment, Supplies and Operating : \$0

Travel & Training: \$25,000.00

Total Grant Funds: \$25,000.00

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

8. Print Name and Title of Official Authorized to Sign

Ronald B. Gordon, Jr.
State Court Administrator

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

For CCJJ use ONLY

**Tom Ross,
Executive Director of CCJJ**

Application Narrative

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

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

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

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

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

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

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

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

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

All Rise provides training to over 7,000 treatment court professionals annually at its national conference – the largest training conference in the nation addressing substance abuse and crime. RISE25 is specifically tailored to enhance the skills, leadership, and training of the treatment court team with over 250 cutting-edge sessions, opportunities to connect and learn from colleagues around the world. RISE25 offers courses for the new practitioner and team members who have been in the field for years. The sessions will be a blend of providing what to watch for now and in the future and practical ways to implement these concerns at a minimal cost. Further, it will help us focus our attention on the highest risk areas, given how stretched our resources are. Plenary presentations and breakout sessions will include topics for all types of treatment courts. If funded, this grant will permit approximately eight judicial personnel (Estimated cost of attendance per staff member is \$2,774) to attend and bring the information back to share with their team and colleagues. RISE25 offers a world-class education that is unparalleled in our field.

Application Budget Tables & Narrative

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

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

Total Contract Costs	\$
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(Provide budget detail and narrative here)

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

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

(Provide budget detail and narrative here)

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

Total Travel/Training Costs	\$25,000
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The estimated training/travel budget includes the following: flight \$550 + Lodging (\$145/night x 5 nights) \$725 + Ground transportation (2 trips) \$170 + Airport parking (\$10/day x 5 days) \$50 + Meals (\$54/day x 6 days) \$324 + Checked bag fee \$60 + Conference registration fee \$895 = \$2,774/ court staff member.

Many treatment courts do not have funding to send team members to the national conference. If funded, this grant will provide the opportunity for a judge, or designee, from each court type to attend the conference. The judicial role is identified as the team leader and imperative they receive training on the foundation and facilitation of a treatment court. This will also provide an opportunity for increasing team cohesiveness as the attendees will be expected to share the knowledge gained from the conference with their team members and colleagues.

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

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

Total CI Costs	\$
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Total Grant	\$25,000.00
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Appendix 1

CERTIFIED ASSURANCES (Utah State Funded Grants)

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

See State of Utah Travel Rates: https://www.gsa.gov/travel/plan-book/per-diem-rates/per-diem-rates-results?action=perdiems_report&fiscal_year=2025&state=UT&city=&zip=

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

3. The applicant certifies that the programs contained in its application meet all requirements, that all the information is correct, that there has been appropriate coordination with affected agencies and that the applicant will comply with all applicable Utah State laws, regulations, and guidelines.
4. The applicant assures that it will comply, and all its contractors will comply, with the nondiscrimination requirements of Title VI of the Civil Rights Act of 1964; Section 504 of the Rehabilitation Act of 1973 as amended; Title IX of the Education Amendments of 1972; the Age Discrimination Act of 1975; the Americans with Disabilities Act of 1990; the Department of Justice Nondiscrimination Regulations 28 CFR Part 42, Subparts C, D, E, and G; and their implementing regulations, 41 CFR Part 60.1 et seq., as applicable to construction contracts.
5. The applicant assures that in the event a Federal or State court or Federal or State administrative agency makes a finding of discrimination after a due process hearing on the grounds of race, color, religion, national origin, sex or disability against a recipient of funds the recipient will forward a copy of the findings to CCJJ.

GRANT CONDITIONS (Utah State Funded Grants)

1. **Compensation and Method of Payment.** The Utah Commission on Criminal and Juvenile Justice (CCJJ) will advance or reimburse the grantee, depending on the amount of award, for approved program expenditures as outlined in the grantee's budget. Reimbursement checks will be issued on a monthly or quarterly basis as financial status reports are submitted and approved unless other payment arrangements have been agreed to by CCJJ.
2. **Reports.** The grantee shall submit such reports as CCJJ may reasonably require, including but not limited to quarterly financial and progress reports, and final financial and narrative reports. Quarterly financial and progress reports shall be received no later than 30 days (or as specified by CCJJ) after each quarter ends on March 31, June 30, September 30, and December 31. At such a point where grant funds have been accounted for in total, quarterly financial reports will no longer be required, however, narrative reports must continue to be submitted until the end of the grant period. **Recipients (project director or proxy) of grant funding from CCJJ shall, at CCJJ's discretion, produce written and oral reports for the Utah Legislature or other entities on project progress and other information that pertains to the grant program.**

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

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

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

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

Unallowable Costs of the SAFG State Grant Program

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

Allowable Costs of the SAFG State Grant Program

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

6. **Written Approval of Changes.** Grantees must obtain prior written approval from CCJJ for major program changes. These include (a)

changes of substance in program activities, designs, or objectives; (b) changes in the project director or key professional personnel identified in the approved application; (c) changes in the approved project budget as specified in condition 4; (d) budget adjustments in excess of ten percent (10%) of the affected budget category.

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

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

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

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

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

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

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