

JUDICIAL COUNCIL MEETING

AGENDA

April 28, 2025

**Meeting held through Webex
and in person**

**Matheson Courthouse – Council Room
450 S State Street
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. 9:10 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.....Judge Thomas Low
Policy, Planning, and Technology Committee.....Judge Jon Carpenter
Bar Commission.....Katie Woods, esq.
(TAB 2 - Information)
5. 9:35 a.m. Courtroom Art Policy.....Chris Talbot
(TAB 3 – Action) Holly Albrecht
6. 9:45 a.m. Budget and Grants.....Karl Sweeney
(TAB 4 – Information) Alisha Johnson
Ron Gordon
Neira Siaperas
7. 10:00 a.m. Compensation, Careers, and Flexibility.....Ron Gordon
(Action) Neira Siaperas

10:30 a.m. Break

8. 10:40 a.m. Tax Law & Water Law Judge Appointments.....Judge Kate Appleby
(TAB 5 – Action) Shane Bahr
9. 10:50 a.m. URCP Rule 26 Evaluation.....Paula Hannaford
(TAB 6 – Action) Miriam Hamilton
10. 11:50 a.m. Language Access Committee Report.....Cade Stubbs
(Information) Jessica Vazquez-Leavitt

12:00 p.m. Lunch Break

11. 12:10 p.m. Rules for Final Approval.....Keisa Williams
(TAB 7 – Action)
12. 12:15 p.m. Strategic Plan.....Judge Monica Diaz
(TAB 8 – Action) Judge Michele Christiansen-Forster
Justice Jill Pohlman
Neira Siaperas
Jon Puente
13. 12:45 p.m. Court Commissioner Conduct Committee Report.....Judge Ryan Harris
(Information) Keisa Williams
14. 12:55 a.m. Juror Compensation.....Judge Dianna Gibson
(TAB 9 – Action) Judge Ryan Harris
Jon Puente
15. 1:10 p.m. Judicial Performance Evaluation Comm. (JPEC)...Mary-Margaret Pingree
(TAB 10 – Information) Report Commissioner Christian Hansen
16. 1:25 p.m. Penalty Adjustment Approval.....Michael Drechsel
(TAB 11 - Action)
17. 1:30 p.m. Uniform Fine Committee Report.....Judge Jennifer Valencia
(Action) & Fine Schedule Michael Drechsel

18. 1:40 p.m. Third District Commissioner Confirmation.....Mark Paradise
(Action)
19. 1:45 p.m. Treatment Court Recertifications.....Cris Seabury
(TAB 12 – Action) Katy Burke
20. 1:50 p.m. Old Business / New Business.....All
(Discussion)
21. 2:00 p.m. Consent Agenda.....Chief Justice Matthew B. Durrant
(Action)
22. 2:05 p.m. Senior Judge Appointments & Reappointments.....Neira Siaperas
(Action)
23. 2:10 p.m. Executive Session.....Chief Justice Mathew B. Durrant
24. 2:25 p.m. Adjourn.....Chief Justice Matthew B. Durrant

Consent Calendar

1. Rules for Public Comment
(TAB 13)
2. MUJI Crim Committee Appointment
(TAB 14)
3. MUJI Civil Committee Appointment
(TAB 15)
4. Committee on Resources for Self-Represented Parties Appointment
(TAB 16)
5. Forms Updates
(TAB 17)

Tab 1

**JUDICIAL COUNCIL MEETING
Minutes**

March 13, 2025

**Meeting held through Webex
and in person**

**Dixie Convention Center - “Entrada A”
1835 S. Convention Center Dr
St. George, UT 84790**

12:00 p.m. – 3:05 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 Eisenman
Hon. Angela Fonnesbeck
Hon. James Gardner
Hon. Michael Leavitt
Hon. Thomas Low
Hon. Brendan McCullagh
Hon. Amber Mettler
Justice Paige Petersen
Kristin K. Woods

Presenters:

Lauren Andersen
Travis Erickson
Alisha Johnson
Jessica Vasquez-Leavitt

AOC Staff:

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

Excused:

Presenters (cont.)

Jordan Murray
Jon Puente
Russ Pearson
Shonna Thomas

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 Angela Fannesbeck made a motion to approve the February 24, 2025 meeting minutes. Judge Suchada Bazzelle seconded the motion, which passed unanimously.

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

Chief Justice Matthew B. Durrant reported on a difficult legislative session. He noted that the majority of Judicial Council's budget requests were not funded and commented on SB296 which grants the governor authority to appoint the Chief Justice and requires confirmation by the Senate every four years. The Chief Justice also stated that the judiciary ended up in a far better place than expected and thanked the administrators, Legislative Liaison committee, Council colleagues, and the Utah State Bar leadership for their efforts.

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

Ron Gordon reported a challenging budget session where only one of the seven budget priorities was fully funded: the interpreter funds (Council's number six priority). The Judiciary received the full requested amount of just under \$1.5 million in ongoing funds and \$450,000 in one-time funds for the Juror Witness and Interpreter Fund, which is very good news. He noted that the sixth-ranked priority received funding at the expense of higher-ranked items - most notably the top priority, Core Workforce employee compensation, which had a \$3 million funding request. While the appropriations subcommittees only make recommendations to the Executive Appropriations Committee (EAC), their ranking was high and would have typically been honored by the EAC. Despite the high ranking, the requested employee compensation funding was not appropriated.

Mr. Gordon mentioned receiving a \$1 million ongoing appropriation on the last day of the session, without specific restrictions, thanks to the efforts of a key legislator. He announced that he and Neira Siaperas will present a comprehensive proposal next month on reinvesting this \$1 million appropriation and turnover savings into employee retention, recruitment, and compensation. He emphasized the need to balance incentives for new hires with the value of retaining existing staff. This proposal will be presented to the Budget and Fiscal Management Committee first for approval.

Mr. Gordon stated he has been candid with AOC directors and TCEs about submitting budget requests as he will ask the Council to fully fund the employee recruitment and retention proposal before considering any other requests. He also reported continued work on implementing recommendations from the System Review report presented at the last Judicial Council meeting, with a strategy to develop implementation plans and fiscal/policy impacts for each recommendation.

Mr. Gordon also mentioned that employees and judges will receive a 2.5% pay increase. For employees, it is a COLA, and for judges, the salary increase is the equivalent of the COLA.

4. COMMITTEE REPORTS:

Management Committee Report:

Nothing to report.

Budget & Fiscal Management Committee Report:

Judge Cornish reported a quiet month in finance but acknowledged they are heading into the last quarter of the fiscal year and anticipate additional work.

Liaison Committee Report:

Judge Thomas Low reported a difficult legislative year but ultimately, there was a lot of success in negotiating problematic bills. He highlighted very good conversations with the legislature and the positive working relationship, thanking Michael Drechsel and Mr. Gordon. Judge Low also thanked the Supreme Court for addressing important issues. Judge David Mortensen added his appreciation for the work of the Liaison Committee, noting the significant focus and time commitment involved.

Judge Brian Brower also thanked the committee, especially Mr. Drechsel, Mr. Gordon, and Ms. Siaperas, recognizing their hard work and experience.

Policy, Planning, and Technology Committee Report:

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

Bar Commission Report:

The work of the Bar Commission will be reported later in the meeting.

5. BUDGET & GRANTS: (Karl Sweeney, Alisha Johnson)

Alisha Johnson presented the financial reports.

FY 2025 Ongoing Turnover Savings

#		Funding Type	Actual Amount YTD	Forecasted 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	720,212	720,212
1	Ongoing Turnover Savings FY 2025 (forecast \$50,000 / month x 4 months, Salary Differential only)	Internal Savings	-	200,000
	Benefit Differential Savings FY 2025 (will be recognized in this row starting in Q4)	Internal Savings	-	-
	TOTAL SAVINGS		860,807	1,060,807
2	2025 Annual Authorized Hot Spot Raises		(150,091)	(200,000)
	TOTAL USES		(150,091)	(200,000)
Total Actual/Forecasted Unencumbered Turnover Savings for FY 2025			710,715	860,807
Prior Report Totals as of 01/30/2025			556,476.66	746,740.94

FY 2025 One Time Turnover Savings

#		Funding Type	Actual Amount
1	One Time Turnover Savings (from actual payroll data versus budget as of PPE 02/14/2025)	Internal Savings	2,103,301
2	Est. One Time Savings for remaining pay hours (768 @ \$1,200 / pay hour)	Internal Savings (Est.)	921,600
Total Potential One Time Savings			3,024,901
Prior Report Totals (as of 01/17/2025)			2,996,897

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 02/14/2025	Turnover Savings	2,103,301
	Turnover savings Estimate for the rest of the year (\$1,200 x 768 pay hours)	Turnover Savings	921,600
	Total Potential One Time Turnover Savings		3,024,901
	Less: Judicial Council Delegated to State Court Administrator for Discretionary Use		(250,000)
(a)	Total Potential One Time Turnover Savings Less Discretionary Use		2,774,901
	Operational Savings From TCE / AOC Budgets - mid-year forecast	Internal Operating Savings	629,905
	Operational Savings from IT Budget - unused Carryforward Request	Internal Operating Savings	150,000
	Reserve Balance (balance from FY 2024 Carryforward)	Judicial Council Reserve	847
	Estimated unclaimed property claims (received and pending)	Additional Revenue Received	730,000
	Prior year adjustments - impact on current year operations (Hyrum and OFA)	Adjustments to CY Operations	(90,000)
(b)	Total Operational Savings, Reserve, Unclaimed Property and Prior Year Adjustments		1,420,752
(c)	Total of Turnover Savings & Operational Savings = (a) + (b)		4,195,653
Uses of YE 2025 Funds			
(d)	Carryforward into FY 2026 (Anticipate request to Legislature for \$3,700,000)	FY 2026 Carryforward	(3,200,000)
	Total Potential One Time Savings = (c) less Carryforward (d)		995,653
	Less: Judicial Council Requests Previously Approved		(797,427)
	Less: Judicial Council Current Month Spending Requests		(36,800)
	Remaining Forecasted Funds Available for FY 2025 YE Spending Requests		161,426

Updated 02/26/2025

Spending Requests

Lauren Andersen presented a request from Education to sunset the current Judiciary's Learning Management System (LMS) and purchase a new one in this fiscal year. Reasons include the need to manage the onboarding process without service disruption, given a small education team. Education has \$25,000 in savings from a downgraded service available this fiscal year for the project, and the Justice Court Board has tentatively allocated \$25,000 as well. The total project cost is \$77,700, with a request for \$27,700 from the Judicial Council. Ms. Andersen emphasized the reliance on the LMS for onboarding and tracking education requirements and the desire to implement it correctly without rushing. The proposal is to purchase this year, spend three to five months learning and building the system, start training, and go live with the new system by July 2026, turning off the old one at the end of June 2026.

Motion: Justice Paige Petersen made a motion to approve the request as presented. Judge Brower seconded the motion, which passed unanimously.

Jessica Vazquez-Leavitt presented a request for an increase in the secondary language stipend. She explained the request for \$9,800 to increase secondary language stipend availability. Currently, 64 positions are filled, and this additional funding would cover five individuals on the waitlist and two pending off the waitlist for the remaining months of the fiscal year.

Motion: Judge Michael Leavitt made a motion to approve the \$9,800 increase request as presented. Judge Fonnesebeck seconded the motion, which passed unanimously.

6. FIFTH DISTRICT REPORT: (Judge John Walton, Cade Stubbs)

Judge John Walton and Cade Stubbs reported on the Fifth District, noting that they have 10 judges (seven District and three Juvenile), with five judges onboarded in the past five years. Judge Walton noted some growing pains but overall successful onboarding processes.

Mr. Stubbs shared that the federal court is occupying one of the Fifth District courtrooms, as they are in the process of renovating their own building. Their lease expires at the end of the fiscal year, at which time it will transition to a month-to-month lease. Judge Leavitt extended an invitation to the Judicial Council to the Fifth District's celebration of the 120th anniversary of Juvenile Courts in Utah on April 25th, 28th, and 29th, to be held at their three courthouses.

7. RULES FOR FINAL APPROVAL: (Keisa Williams)

Keisa Williams presented CJA Rule 4-202.07. She reminded the Council that this rule was presented last month, and Judge Eisenman had a question about notice of appeal for individuals whose interests are protected by disclosure. Ms. Williams took the question to Policy, Planning and Technology (PP&T) for further consideration, and provided an explanation of the Committee's direction in the memo. She requested the rule be approved with a May 1, 2025 effective date.

Motion: Kristin Woods made a motion to approve CJA Rule 4-202.07, with an effective date of May 1, 2025. Judge Samuel Chiara seconded the motion, which passed unanimously.

Ms. Williams then presented CJA Rule 4-206 for expedited approval. This rule concerns exhibits and was amended last year to reflect statutory changes. Feedback was received from prosecuting agencies regarding the sending of defense exhibits and bulky exhibits requiring law enforcement chain of custody to them. Similar concerns were raised by Judge McCullagh. Staff worked with the prosecuting agency to amend paragraphs 2, 3, and 5 to address this. Given the nature of the change, expedited approval with a March 14th effective date was requested, followed by a 45-day public comment period.

Judge Leavitt asked about procedures in case of a dispute between the prosecutor and law enforcement regarding who should retain an exhibit, and asked if there was a way to make the direction clearer for Judicial Assistants (JAs). He expressed concern about the process after a trial ends and the judge takes a matter under advisement, specifically regarding exhibit disposal. Judge Leavitt stated that he didn't think the rule itself needed to be changed but suggested ensuring clear direction for JAs on practical implementation. Judge James Gardner added that if there were any additional concerns on this topic, they could be addressed after the comment period.

Motion: Judge Low made a motion to approve CJA Rule 4-206 with a March 14, 2025 effective date. Judge Leavitt seconded the motion, which passed unanimously.

8. LEGISLATIVE UPDATE: (Michael Drechsel)

Michael Drechsel provided a schedule of upcoming legislative updates to various groups. The general legislative update for the judicial officers is in three weeks. He added that the effective date for most bills will be May 7th, 2025.

Out of 582 bills passed (slightly less than last year), 264 were actively monitored due to their connection with court operations. He identified 81 bills that need to be summarized, mostly dealing with criminal justice issues (52), with only five of those being traffic-related and two specifically juvenile justice. He stated there were no really big sweeping changes in the passed bills, despite significant concerns about some proposed bills that did not pass, except for Senate Bill 296 concerning the Governor appointing and Senate confirming the Chief Justice every four years.

Of the remaining bills to be summarized (around 30), about 10 are in domestic/family law, three in child welfare, three around guardianship and civil commitment, and four in probate, with the rest in civil or procedural contexts. Mr. Drechsel noted it would not be a very heavy year for implementing changes, but there will be moving pieces, including the recodification of several important sections of code.

Regarding the judiciary's own legislative efforts, the new judges bill (Senate Bill 109) did not pass as the funding was not appropriated for the positions. The bill to increase the online court assistance fee and make court security-related provision changes (Senate Bill 148) also did not pass. This means issues like Business Chancery Court not being included in the ability to pay for bailiff services through the court security account will need to be navigated for another year. Mr. Drechsel commended the Salt Lake County Sheriff's Office for their work on court security and indicated he would consult with the Liaison Committee and the Council on whether to pursue these issues again next year.

Mr. Drechsel also addressed the Salt Lake County Justice Court closure set for June 30, 2027, noting the potential million-dollar case processing impact on the District Court in Salt Lake County, which won't require funding until fiscal year 2028. Finally, Mr. Drechsel mentioned House Bill 273 (law enforcement investigation amendments), which creates a new type of warrant called a reverse keyword warrant and will likely increase the workload related to warrant requests, without any associated funding. He estimated a need for \$130,000 in ongoing funding and some one-time funds for IT system updates to offset these impacts.

9. TCE REPORT: (Russell Pearson, Travis Erickson)

Russell Pearson and Travis Erickson, co-chairs of the TCE group, presented their report to the Judicial Council. Mr. Pearson began by highlighting challenges faced by TCEs, including hiring, recruitment, retention, and morale. He expressed appreciation for Mr. Gordon, and Ms. Siaperas' support in trying to increase compensation for Judicial Assistants and Probation Officers. High turnover keeps training coordinators busy, impacting the ability to provide additional training for newer employees. Change fatigue is another ongoing challenge, especially with annual legislative changes, and Mr. Pearson noted the importance of reminding employees of the

technological advancements and changes the courts have undergone over the years. He expressed excitement about the potential of leveraging generative AI for future improvements.

Mr. Erickson continued by outlining efforts to address concerns, focusing on projects that better serve staff and the organization. District-level recognition efforts are used to engage staff, recognizing their work even when increased financial compensation isn't possible. He reiterated appreciation for the Council's ongoing support for incentives, bonuses, and salary increases, acknowledging that some years are more difficult financially. Retention remains a struggle, and efforts focus on making districts desirable places to work, emphasizing the staff's role in the courts' mission through mentorship and leadership development opportunities. Mr. Erickson specifically thanked Mr. Gordon, Ms. Siaperas, Sonia Sweeney, and Shane Bahr for their visits and engaging discussions with staff, which help staff feel connected to the Judiciary's mission. He also commended Human Resources for providing updates and in-person engagement and IT for their on-site support and proactive approach to equipment needs.

10. UTAH STATE BAR REPORT: (Cara Tangaro, Kim Cordova, Elizabeth Wright)

Cara Tangaro, President of the Utah State Bar, presented the Bar's report. She acknowledged the Bar's busy legislative session and appreciated the Judiciary's support. Ms. Tangaro shared information from Elizabeth Wright about the February Bar exam, noting higher than historical application numbers (106 compared to the typical 87-92). The upcoming July Bar exam venue has been changed from the Mountain America Event Center to the Western State Event Venue in Davis County due to a scheduling conflict. This new location is newly renovated and will save the bar a significant amount of money, potentially making it the new permanent location.

Ms. Tangaro conveyed the Government Relations Committee and Bar leadership's gratitude back to the Judiciary and their satisfaction in making an impact. Chief Justice Durrant emphasized the speed of the Bar's response to legislation, which was very impressive. Justice Petersen added that the Bar's support had an effect on both the legislature and the public, with the letter signed by many attorneys getting public attention.

Ms. Tangaro then discussed the Bar's increased focus on government relations, aiming to build relationships with legislators during the off-season and be a resource for them on legal matters. She highlighted the importance of continuity in Bar leadership, with the president-elect (Kim Cordova) and incoming president-elect being involved in current activities. The Bar brought on Jacey Skinner to assist with the legislative session and will be evaluating its governmental relations efforts. Ms. Tangaro thanked past judges for their support and noted the strategic plan to involve them in advocacy, and emphasized the Bar's firm stance on judicial independence and separation of powers. She also noted the significant volunteer hours dedicated by lawyers to bar committees like the Governmental Relations Committee and Admissions Committee. The upcoming Bar convention is expected to be successful, with 363 paid attendees, adding that the Bar is focusing on fiscal responsibility due to its mandatory nature. Next year's annual meeting will be in Sun Valley for their 95th anniversary, and this year's will be at This is the Place on June 26th. Ms. Tangaro expressed her and Ms. Cordova's deep respect and gratitude for the Utah Judiciary, recognizing their dedication and the service they provide.

Judge Chiara asked about the scope of bills the Bar can weigh in on. Ms. Tangaro explained that the bar must be non-political, focusing on the rule of law and access to justice. She also mentioned the ongoing lawsuit against mandatory bars nationwide, highlighting the need to ensure Bar activities (like wellness programs) relate to the practice of law.

Judge Chiara also inquired if the Bar ever provides input on bills without taking a formal position, similar to the Liaison Committee's practice of offering feedback on potential impacts. Ms. Tangaro indicated that the Bar does this and wants to be a resource for legislators wherever possible. She reiterated the Bar's commitment to educating the public on judicial independence.

Ms. Cordova briefly added that the bar aims to be proactive and work with legislators, courts, and the governor's office during the interim to build relationships and offer their expertise to help draft better bills.

11. INTERLOCAL AGREEMENT BETWEEN IRON COUNTY AND PAROWAN CITY: (Jim Peters)

Jim Peters presented a request regarding an interlocal agreement where Parowan City Justice Court proposes to cease operating without dissolving altogether, with Iron County Justice Court handling cases originating in Parowan City, effective July 1, 2025. He noted similar instances with Springville and Mapleton four or five years prior. Iron County is a Class One court, while Parowan's workload study indicates a very low volume. The city is supportive, and the city clerk will be repurposed; discussions are underway regarding the Parowan City judge's payout for the remainder of his term (just under two years). Iron County's attorney, judge, and court administrator are all supportive. The July 1st effective date provides lead time for IT changes and allows Parowan to inform residents about case resolution options.

Judge Brendan McCullagh raised concerns, stating that the agreement is essentially about prosecution, defense, and expenses, as cases would go to Iron County Court anyway if Parowan closed. He questioned if the agreement obligates Iron County to perform Parowan City's services in exchange for 25% of the fines. Judge McCullagh was concerned about the scenario where the agreement falls apart later, and Parowan City no longer has a judge, potentially leaving cases in Iron County Justice Court without a Parowan court to revert to. He also expressed concern about the agreement addressing the constitutional obligation of compensating the judge upon severance.

Mr. Peters clarified that the motion is to approve Iron County handling Parowan City cases, waiving the 180-day time period for a July 1st effective date.

Motion: Judge McCullagh made a motion to approve the interlocal agreement between Iron County and Parowan City with an effective date of July 1, 2025, subject to the Council receiving verification that the Parowan City has disbursed the Justice Court judge's compensation per the agreement. Judge Jon Carpenter seconded the motion, and the motion stalled for discussion.

Judge Mortensen voted no on the motion, adding that the Council doesn't usually get involved to that degree. Discussion ensued regarding the implications and conditions of the motion. Judge McCullagh emphasized the importance of ensuring the Parowan judge is appropriately compensated.

The motion was restated: Judge McCullagh made a motion to approve the agreement to consolidate the courts with an effective date of July 1st, waiving the 180-day time period, subject to receiving assurances from both Parowan City and the judge that the constitutional obligations to pay the judge his salary for the term of office, having been met before July 1, 2025. Judge Carpenter seconded the motion, and the motion passed with nine in favor, six against.

12. CERTIFICATION OF NEW JUSTICE COURT JUDGE: (Jim Peters)

Mr. Peters reported that Pleasant Grove City has selected and their city council has ratified Brook Larson to replace Judge Randy Birch as a Justice Court judge. Brook Larson has completed the abbreviated orientation seminar and passed the exam.

Motion: Judge Bazzelle made a motion to certify Brook Larson as a Justice Court judge. Judge Low seconded the motion, which passed unanimously.

13. WINGS COMMITTEE REPORT: (Judge Keith Kelly, Shonna Thomas)

Judge Keith Kelly and Shonna Thomas presented the WINGS (Working Interdisciplinary Network of Guardianship Stakeholders) Committee Report. Judge Kelly highlighted several projects illustrating WINGS' value, including a legislative project resulting in updates to Utah Code 75-5-303 to address medically obsolete language and in-person appearance requirements, enacted through House Bill 334. WINGS also suggested changes to Rule 26.4 regarding initial disclosures in guardianship proceedings, which was adopted by the Rules of Civil Procedure Advisory Committee and is out for comment. An emerging issue being pursued is requiring criminal background checks for prospective guardians, prompted by a case of significant financial exploitation. Judge Kelly noted the formalization of WINGS as a Judicial Council committee, ensuring oversight and continuity, which is particularly important as he is retiring in September. Succession planning will be a follow-up with the Judicial Council and Management Committee.

Judge Kelly commended Ms. Thomas, the grant coordinator, for her excellent work in leading various issues and ensuring commitments are met. He also mentioned the ongoing challenge of finding guardians for indigent individuals needing protection, which was pursued legislatively.

Ms. Thomas added that WINGS is a large committee with over 30 stakeholders from various relevant fields (medical, legal, mental health, aging), who are invested in improving Utah's response to guardianships and alternatives. She highlighted the collaborative effort in making recommendations, such as the changes to 75-5-303, ensuring diverse perspectives were considered. Ms. Thomas expressed gratitude for Judge Kelly's dedicated work on the committee.

Justice Paige Petersen seconded the comments about Judge Kelly's fantastic dedication to the committee.

Judge Leavitt asked if there is a sufficient roster of attorneys available for appointment in guardianship cases. Judge Kelly acknowledged this as an ongoing problem, mentioning a legislative suggestion to fund a couple of attorneys for such cases, similar to the Guardian ad Litem office, though it did not get far in the budget process. Ms. Thomas confirmed a shortage of

volunteers and that many cases rely on the court visitor program as an alternative. They will pursue funding again and explore grant options.

14. OLD BUSINESS/NEW BUSINESS: (All)

There was none.

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

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

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

The meeting was adjourned.

CONSENT CALENDAR ITEMS

1. Rules for Public Comment
2. Forms Updates

DRAFT

Tab 2

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

**Minutes
March 3, 2025
Meeting held virtually through WebEx
12:00 p.m. – 1:00 p.m.**

Members Present:

Judge Rita Cornish (Chair)
Judge Michael DiReda
Judge Susan Eisenman
Kristin Woods

Guests:

Mark Urry, TCE, Fourth District Court
Brett Folkman, TCE, First District Court
Jessica Leavitt
Alicia Espinoza

AOC Staff Present:

Neira Siaperas
Todd Eaton
Erin Rhead
Tina Sweet
Lauren Andersen
Karl Sweeney
Alisha Johnson
Kelly Moreira
Jordan Murray
Suzette Deans, Recording Secretary

Excused:

1. WELCOME AND APPROVAL OF MINUTES (Judge Rita Cornish – “Presenter”)

Judge Rita Cornish welcomed everyone to the meeting and asked for a motion to approve the minutes from the February 10, 2025 meeting.

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

2. FY 2025 Financials (Kelly Moreira – “Presenter”)

FY 2025 Ongoing Turnover Savings (“OTS”) – Kelly Moreira indicated we carried over \$140,594 in ongoing savings from FY 2024 and combined with YTD savings of \$720,212 we have generated total OTS savings of \$860,807 for FY 2025 YTD. We forecast future OTS amount of \$200,000 (4 months @ \$50K per month) for a total forecast of OTS of \$1,060,807 that is

coincidentally reduced by \$200,000 for hot spot raise funds leaving a net total of \$860,807 for future discretionary use.



FY 2025 Ongoing Turnover Savings as of 02/26/2025

#	Funding Type	Actual	Forecasted
		Amount YTD	Amount @ YE
	Internal Savings	140,594	140,594
	Internal Savings	720,212	720,212
1	Internal Savings	-	200,000
	Internal Savings	-	-
		860,807	1,060,807
2		(150,091)	(200,000)
		(150,091)	(200,000)
Total Actual/Forecasted Unencumbered Turnover Savings for FY 2025		710,715	860,807

Prior Report Totals as of 01/30/2025 556,476.66 746,740.94

- * 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 increased compared from the last report - to (\$58,540) from (\$52,928) last month. FY 2024 full year benefit differential was +\$331,176
- * Currently, 31 FTE are vacant.
- 1 Currently estimating \$50,000 of ongoing Salary Differential savings a month for the remainder of the FY; actual run rate is \$720,212/8 months = \$90,026.50/month
- 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.

FY 2025 One-Time Turnover Savings – Ms. Moreira reported that our actual YTD 1x TOS is running about \$1,590 per work hour versus \$1,200 per work hour actual for full FY 2024. Our FY 2025 forecast combines the actual YTD 1x TOS per hour of \$1,593.41 x YTD hours (1,320) with a conservative future forecast for the balance of the year of \$1,200 per hour x 768 hours which yields a conservative \$3,024,901 total.



FY 2025 One Time Turnover Savings

Updated as of Pay Period Ending 02/14/2025 (1,320 out of 2,088 hours)

#	Funding Type	Actual Amount
1	Internal Savings	2,103,301
2	Internal Savings (Est.)	921,600
Total Potential One Time Savings		3,024,901

Prior Report Totals (as of 01/17/2025) 2,996,897

- 1 Actual per hour turnover savings for the last 4 pay periods (oldest to newest) are \$1,567.22, \$454.00, \$1,183.18, and \$1,825.06. The average per hour turnover savings FY 2025 YTD is \$1,593.41
- 2 \$1,200 / pay hour represents the actual FY 2024 average; going with this conservative amount for the balance of the year.

Ms. Moreira next reviewed the FY 2025 Year End Spending Requests and Forecasted Available One-Time Funds – As of period 8, as recapped on the prior schedule, the 1x TOS savings are forecasted to be \$3,024,901. After deducting \$250,000 of hot spot incentive pay, our total 1x TOS is \$2.77M. Operational savings are estimated to be \$629,905. We have also included \$730K

of unclaimed property funds and (\$90,000) of prior period adjustments to reach a net total forecasted 1x funds of \$4.19M. We are showing \$3.2M of carryforward usage with upside to increase the carryforward to a requested legislatively-authorized amount of \$3.7M. This gives the Courts the forecasted potential of one-time savings available for use in FY 2025 of \$995,653 of which \$797K+ has already been approved for use. It is important to note that \$301,427 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 8

Forecasted Available One-time Funds			One-time Spending Plan Requests		Adjusted Requests	Judicial Council
Description	Funding Type	Amount	#		Amount	Approved
Sources of YE 2025 Funds			1	Various Construction Projects (FY 2025) Contingency (10%)	\$ -	301,427
* Turnover Savings as of PPE 02/14/2025	Turnover Savings	2,103,301	2	All Rise Utah Welcome Dinner	\$ -	10,000
Turnover savings Estimate for the rest of the year (\$1,200 x 768 pay hours)	Turnover Savings	921,600	3	Q1 / Q2 Performance Bonus	\$ -	156,000
Total Potential One Time Turnover Savings		3,024,901	4	Replacement of EMV Credit Card Devices	\$ -	36,500
Less: Judicial Council Delegated to State Court Administrator for Discretionary Use		(250,000)	5	Reimbursement from Trust Account Interest Earnings	\$ -	(36,500)
(a) Total Potential One Time Turnover Savings Less Discretionary Use		2,774,901	6	Purchasing Utah Code and Court Rules per CIA 3-413	\$ -	30,000
Operational Savings From TCE / AOC Budgets - mid-year forecast	Internal Operating Savings	629,905	7	Mitigate Laptop Price Increases	\$ -	300,000
Operational Savings from IT Budget - unused Carryforward Request	Internal Operating Savings	150,000	8	Bridge Replacement LMS System Go-Live	\$ 27,700	
Reserve Balance (balance from FY 2024 Carryforward)	Judicial Council Reserve	847		Increase in Secondary Language Stipend	\$ 9,100	
Estimated unclaimed property claims (received and pending)	Additional Revenue Received	730,000				
Prior year adjustments - impact on current year operations (Hyrum and OFA)	Adjustments to CY Operations	(90,000)				
(b) Total Operational Savings, Reserve, Unclaimed Property and Prior Year Adjustments		1,420,752		Current Month One-time Spending Requests	36,800	
(c) Total of Turnover Savings & Operational Savings = (a) + (b)		4,195,653		Previously Approved 1x FY 2024 YE Spending Request		797,427
Uses of YE 2025 Funds						
(d) Carryforward into FY 2026 (Anticipate request to Legislature for \$3,700,000)	FY 2026 Carryforward	(3,200,000)				
Total Potential One Time Savings = (c) less Carryforward (d)		995,653				
Less: Judicial Council Requests Previously Approved		(797,427)				
Less: Judicial Council Current Month Spending Requests		(36,800)				
Remaining Forecasted Funds Available for FY 2025 YE Spending Requests		161,426				

Updated 02/26/2025

- * Actual per hour turnover savings for the last 4 pay periods (oldest to newest) are \$1,567.22, \$454.00, \$1,183.18, and \$1,825.06.
The average per hour turnover savings FY 2025 YTD is \$1,593.41
- (b) Operational Savings from TCE / AOC Budgets has been updated. We expect further updates to occur through the rest of the fiscal year.
FY 2024 operational savings were \$1.3M.

ARPA Expenditures – We have expended \$13.9M of ARPA funds as of period 8. This leaves an available balance of \$1.13M of the \$15 million that was awarded to the courts 100% of which has been obligated with a signed contract. We anticipate this remaining balance of \$1.13M will have checks cut against it before the extended cutoff date of December 31, 2026.



ARPA Expenses as of 02/26/2025 (period 8 not closed yet)

	A	B	C	D	E	F	G	
	Judicial Council Approved	Actual FY 2022 Expended	Actual FY 2023 Expended	Actual FY 2024 Expended	Actual FY 2025 Expended	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	515,145	11,246,725	1,126,675	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	515,145.29	13,873,325.11	1,126,674.89	

Expenditures added since last report: \$ 5,480.00

ARPA funds expended cut off date is 12/31/2026; ARPA funds obligated cut off date was 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 Sweeney indicated that the Facilities Spending Plan had no changes from the last update and the potential is that \$301K of remaining construction contingency will not be updated until further expenditures have occurred which is not likely until June 2025.

Facilities Spending Plan for Large Projects FY25 - 2/13/25 update - NO CHANGE FROM LAST REPORT

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)	(c)	(a) - ((b)+(c))	
Projects	Adjusted Budget	Original Budget	Actual To Date/Projected	Contingency = 10% of original budget	(Under)/Over Budget	Contingency Available for Use
Provo FF&E		\$ 60,000	\$ 72,404		\$ 12,404	Completed
Heber FF&E **		\$ -	\$ -		\$ -	N/A
Manti Security Systems ***		\$ -	\$ -		\$ -	N/A
Manti FF&E Overage		\$ 72,000		\$ -	\$ (72,000)	Completed
Roosevelt Design and TI		\$ 269,274	\$ -			Deferred until FY 2026
Provo AV Equipment		\$ 285,000	\$ 104,346		\$ (180,654)	Completed; \$224K actual - \$119K paid in FY24 = \$104K actual
Provo Security Equipment		\$ 42,000	\$ 81,963		\$ 39,963	Completed
Provo / AF Furniture Move			\$ 16,499		\$ 16,499	Completed
AOC 3rd Floor Furniture		\$ 167,000	\$ 174,993		\$ 7,993	Completed
AF Hearing Room Const		\$ 500,000	\$ 704,678	\$ 50,000	\$ 254,678	Will be adjusted as construction is completed
AF Chambers, Office & Support Space Const		\$ 275,000	\$ 330,000	\$ 27,500	\$ 82,500	Will be adjusted as construction is completed
AF FF&E		\$ 65,000	\$ 60,321		\$ (4,679)	Completed
AF AV, access, cameras and Cabling		\$ -	\$ 175,390		\$ 175,390	Harris (\$9,684), Cabling \$13,792, and AV (\$124,981) only; will be adjusted as construction is completed
WI Juv Shell Buildout		\$ 1,655,000	\$ 1,067,200	\$ 165,500	\$ (422,300)	will be adjusted as construction is completed
WI FF&E			\$ 41,241		\$ 41,241	recon \$2,982 + new \$38,259; will be adjusted as construction is completed
WI AV, Sec and Cabling			\$ 121,271		\$ 121,271	Harris \$15,678, Yamas \$14,465, AV \$77,958 and cabling \$13,170; will be adjusted as construction is completed
Math 1st Floor Courtroom Const		\$ 720,000	\$ 739,680	\$ 72,000	\$ 91,680	inc 9K change order; will be adjusted as construction is completed
Math 1st Floor Chambers & Support Spaces Const		\$ 309,000			\$ (309,000)	Included in the \$739K bid/actual
Math AV, Sec and Cabling			\$ 146,708		\$ 146,708	AV \$116,177 + Harris \$16,695 + cabling \$13,836; will be adjusted as construction is completed
Math 1st floor courtroom FF&E		\$ 95,000	\$ 65,553		\$ (29,447)	Completed
Sub Total		\$ 4,514,274	\$ 3,902,247	\$ 315,000	\$ (27,753)	
Total Columns (b) + (c)				\$ 4,217,247		Total Spend with Contingency
Adjust for Roosevelt Deferred to FY 2026	\$	(269,274)				
Adjusted Sub Total of Expenditures	\$	4,245,000	\$ 4,514,274		\$ 315,000	Contingency Allocated to WIP
Total Net Spend (Credits less Expenditures)	\$	(2,664,000)	\$ (2,933,274)		\$ (27,753)	Net Base Budget Over/(Under) = adjustment to contingency
10% Contingency on Expenditures	\$	(424,500)	\$ (451,427)		\$ (451,427)	Contingency Available
Total Net Spend with 10% Contingency	\$	(3,088,500)	\$ (3,384,701)		\$ (164,180)	Subtotal of above
					\$ (150,000)	Contingency Released

* 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

3. YE Budget Requests (Alisha Johnson– “Presenter”)

7. FY 2025 YE Spending Request – Bridge Replacement LMS System Go-Live (Lauren Andersen – “Presenter”)

Lauren Andersen is requesting \$27,000 in YE 2025 one-time turnover savings. The Education Department would like to sunset our current LMS and debut a new LMS in FY26. The current LMS provider has consistently increased its price and failed to deliver on promises that were made when the service was acquired. To eliminate any gaps in LMS coverage, the Education Department recommends purchasing the new LMS in FY25 so that we may build out and pilot a new LMS in the first eight months of FY26.

Motion: Judge Susan Eisenman made a motion to recommend the request be forwarded to the Judicial Council with a recommendation for approval. Michael DiReda seconded the motion, and it passed unanimously.

8. FY 2025 YE Spending Request – Increase in Secondary Language Stipend (Jessica Leavitt – “Presenter”)

Jessica Leavitt is requesting \$9,100 in YE 2025 one-time turnover savings for an increase in Secondary Language Stipend. The current annual stipend pays in-house court patron interpreters $\$100 \times 26$ pay periods = \$2,600 per year. There are 64 slots available to receive this stipend. The annualized cost is $64 \times \$2,600 = \$166,400$ for FY 2025 which was funded by a carryforward request in June 2024. All 64 slots currently available to receive this stipend are filled. Due to increasing demand from the District and Juvenile Courts, we are requesting 7 additional positions be funded, 5 identified on our wait list and 2 for additional future fills. The request will fund for the months of March, April, May, and June 2025 (13 weeks @ \$100 per week x 7 persons = \$9,100 of FY 2025 YE funding. Our FY 2026 carryforward funding request will be increased from \$166,400 to \$175,500.

Motion: Judge Michael DiReda made a motion to recommend the request be forwarded to the Judicial Council with a recommendation to approval. Judge Susan Eisenman seconded the motion, and it passed unanimously.

4. Other Business

EAC Additional proposed Funding items for the 2025 General Session was shared with BFMC just before the start of the meeting. Committee decided to review the final EAC approvals (coming out later in the week) at the next BFMC meeting and bring up any questions then.

Next meeting April 7, 2025

Meeting adjourned at 12:25 p.m.

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

Webex video conferencing
March 7, 2025 – 12 p.m.

MEMBERS:

PRESENT

EXCUSED

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

GUESTS:

Daniel Meza-Rincon
Janine Liebert
Keri Sargent
Meredith Mannebach
Jace Willard

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 February 7, 2025 meeting. With no changes, Judge Fonnesbeck moved to approve the minutes as presented. Judge Gardner seconded the motion. The motion passed unanimously.

(2) Rules back from public comment:

- **CJA 4-202.06. Response to request to access or classify a court record**
- **CJA 4-202.07. Appeals**
- **CJA 4-403. Electronic signature and signature stamp use**

Rule 4-403 and 4-202.07 were removed from the Judicial Council's agenda in February and sent back to PP&T for further discussion.

Rule 4-202.06

Ms. Williams proposed amendments to clean up and clarify language in rule 4-202.06.

The committee took no action on rule 4-202.06.

Rule 4-202.07

The Council sought clarification on paragraph (1) of rule 4-202.07, specifically regarding notice to individuals whose interests are protected by closure. Ms. Williams clarified that rule 4-202.07 governs appeals related to requests for administrative court records, aggregate court records, and court records for the purpose of research. Those requests are governed by rules 4-202.05 and 4-202.06 and are made to the custodian of the record, which will always be someone in the judiciary. In short, the onus is on the

Administrative Office of the Courts to determine whose interests are protected by closure and to give them notice. Following discussion, PP&T made no further amendments to the rule.

Judge Fennesbeck moved to recommend to the Judicial Council that rule 4-202.07 be approved as final with a May 1, 2025 effective date. Judge Carpenter seconded the motion. The motion passed unanimously.

Rule 4-403

Following a round of public comments and by motion of PP&T, the proposed amendments to 4-403 were sent to the Judicial Council for final approval in February. At the request of Judge McCullagh, the rule was removed from the Council's agenda for further discussion by PP&T.

Judge McCullagh provided feedback and proposed language to PP&T, with the goal of making the practice contemplated in rule 4-403 consistent throughout the juvenile, district, and justice courts. Following a discussion, the committee adopted Judge McCullagh's proposed language, with minor, non-substantive changes.

With no 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.

(3) CJA 4-206. Exhibits

This rule was recently amended to reflect statutory changes concerning the receipt, retention, and exposal of court exhibits. Primarily, the amendments referred parties to the statute regarding their retention obligations in criminal cases and required that all exhibits in the court's custody in criminal cases be given to the prosecuting agency. Court staff received feedback expressing concerns about giving bulky or sensitive exhibits that require law enforcement chain of custody and defense exhibits to prosecuting agencies. Jace Willard explained the proposed amendments in paragraphs (2)(A), (3), and (5) made in response to that feedback. Mr. Willard noted that properly interpreted, the changes are in compliance with Utah Code section 77-11c-102.

Following further discussion, Judge Gardner moved to recommend to the Judicial Council that the proposed amendments to rule 4-206 be approved as final with an expedited effective date, followed by a 45-day public comment period. Judge Carpenter seconded the motion. The motion passed unanimously.

(4) URE Committee

The Supreme Court's Advisory Committee on the Utah Rules of Evidence (URE) is requesting to add a feature to the court's website to make it easier to track changes to the rules and their source. Right now, other than the committee notes in the rules, someone looking for this information can search the approved amendments page. Sometimes the posts on that page include a note regarding associated legislative amendments, but that is rare. You can search by rule number if a tag was included in the post, which should bring up all amendments to the rule. The posts include dates and redlined changes. In addition, the committee webpages allow you to search committee meeting agendas and materials for changes regarding specific rules tagged on each post. However, we don't have a feature similar to the

legislature's historical code page. The URE Committee is requesting the new feature, but it would be pertinent to all court rules, not just the URE.

Brody Arishita discussed the feasibility of the request with Jason Ralston who manages the court's website and noted that some older versions of the rules are already stored in the system. The Committee discussed referring the matter to the Technology Advisory Subcommittee (TAC) who could create prototypes and prioritize the request in accordance with TAC's guidelines. TAC could start with the URE and, once functionality is built, PP&T could decide to add other rules depending on prioritization and cost.

After further discussion, Justice Petersen moved to refer the request to add features to the court's website to TAC. Judge Fannesbeck seconded the motion. The motion passed unanimously.

(5) CJA 4-111. Priority of post-conviction petitions in capital cases

At its February meeting, the Judicial Council sent rule 4-111 back to PP&T to discuss whether there is continued utility in expediting procedures in capital cases above all other cases. If so, the Council asked PP&T to determine whether the policy needs to be memorialized in rule. If not, the rule can be repealed.

The Committee discussed whether removing the language in paragraph (1) and keeping an internal policy of expediting post-conviction petitions would be sufficient. The Committee determined that there is value in keeping the language as a reminder that those cases should be prioritized to prevent lengthy delays.

Judge Gardner moved to recommend to the Judicial Council that CJA rule 4-111 be approved for a 45-day public comment period. Justice Petersen seconded the motion. The motion passed unanimously.

(6) HR Policies. Due to scheduling conflicts, HR policies were moved to a future date.

Technology report/proposals:

Mr. Arishita will meet with the clerks of court on March 12th to review the essential court functions that could be affected in the event of an emergency. There will also be a separate meeting with the justice court clerks of court and Mr. Arishita will report back to PP&T at a later date.

Old Business/New Business:

Keri Sargent asked about the status of the amendments to rule 4-202.08 that were tabled at March's PP&T meeting. Ms. Williams noted that the Salt Lake District Attorney's office was able to get a legislator to sponsor a bill waiving all fees for government agencies, but must wait until the legislative session ends to see if the bill passes.

Adjourn: With no further items for discussion, the meeting adjourned at 12:58 p.m. The next meeting will be held on April 18, 2025, at noon via Webex video conferencing.

Tab 3

Statewide Courtroom Artwork Display Policy

The following are the mandatory requirements for requesting and displaying artwork in any courtroom statewide.

1. Artwork appropriateness and content

- a. All artwork must comply with the Human Resources policy, HR09-12(4), for public displays.

Political and religious statements, displays, and discussions are prohibited in areas visible to or within earshot of the public. Employees should exercise caution with political and religious displays, statements, and discussions in all other areas of the workplace. Employees and judicial officers shall carry out their responsibilities behaving with dignity, respect, and professionalism toward coworkers, management, court patrons, and the public.

- b. Artwork must not suggest or imply commercial, political, religious, or personal endorsements.
- c. Artwork should not distract from court proceedings or be subject to misinterpretation as offensive. Landscapes or simple abstract designs are strongly recommended.

2. Artwork from Utah Arts & Museums

- a. All artwork displayed in courtrooms must be provided by Arts & Museums as part of the state-owned art on-loan program.
- b. Only two-dimensional, framed pieces designed for wall display are permitted.
- c. The artwork is provided on loan from Arts & Museums and must be displayed in a publicly accessible area - not in private offices or for personal use.

3. Artwork location within Courtrooms

- a. Artwork may only be displayed in the public gallery area walls, including side and rear wall(s).
- b. Display of artwork is not permitted in the courtroom well, including areas behind the bench, behind the jury box, or anywhere past the public gallery.
- c. Multiple smaller pieces may be displayed (stacked) on the same wall, provided they meet the size and spacing guidelines outlined below.

4. Artwork allowable size / quantity per courtroom

- a. Maximum of 4 pieces total:
- b. Combined artwork size must not exceed 1,728 square inches
- c. Acceptable configurations include:
 - i. Two (2) pieces at 24" x 36" (each = 864 sq. in.)
 - ii. Four (4) pieces at 12" x 18" (each = 216 sq. in.)
 - iii. Or any combination not exceeding 4 pieces and 1,728 sq. in. total
- d. These requirements will also apply to courtroom support public spaces such as jury assembly and jury deliberation rooms.

5. Artwork Request Procedure

- a. A judge or court staff must contact AOC Facilities to request an evaluation for art placement in a courtroom. Contact / requests shall not be made directly with Arts & Museums.
- b. AOC Facilities will invite Arts & Museums to evaluate the courtroom space.
- c. Arts & Museums will send multiple artwork recommendations directly to AOC Facilities.
- d. AOC Facilities will review artwork selections for compliance with this policy and forward approved selections to the judge.
- e. The judge or court staff will confirm selections directly with AOC Facilities.
- f. AOC Facilities will coordinate artwork installation with court staff and Arts & Museums.
- g. All artwork must be installed by Arts & Museums personnel.

6. On-loan artwork requirements

- a. The contract and inventory for loaned courthouse artwork are maintained by AOC Facilities and Arts & Museums.

- b. Arts & Museums will conduct an annual inventory (or more frequently, if needed).
- c. Should artwork need to be moved, repaired or replaced, AOC Facilities will schedule Arts & Museums upon request from a Judge or court staff.
- d. All artwork must remain in publicly accessible areas and may not be relocated without prior approval from AOC Facilities. Public areas include courtrooms, jury assembly rooms and deliberation rooms.

7. Existing courtroom artwork

- a. Subject to paragraph (1), artwork installed by Arts & Museums before February 2025 for a specific judge is exempt from current requirements on limits (size and number of pieces).
- b. When a courtroom is reassigned to a judge, all artwork will be removed and returned to Arts & Museums. The judge may request new artwork under this policy. Only current judges who remain in their same courtroom are exempt per 7(a), as artwork stays with the courtroom, not the judge.
- c. All existing artwork in courtrooms that was not provided by Arts & Museums must be removed. Personally owned artwork must comply with paragraph (1) and is permitted only in judges' chambers.

Tab 4

**Budget and Grants Agenda
For April 28, 2025
Judicial Council Meeting**

1. Monthly YTD Financials Alisha Johnson
(Item 1 – Information)
 2. Approval to Increase Civil Penalty Required by UCA 78B-6-2105..... Karl Sweeney
(Item 2 – Action)
 3. Ongoing / Carryforward Budget Request Karl Sweeney
(Item 3 – Action)
- Investing in our People Ron Gordon and Neira Siaperas

Item 1



FY 2025 One Time Turnover Savings

Updated as of Pay Period Ending 03/14/2025 (1,480 out of 2,088 hours)

			Actual
#		Funding Type	Amount
1	One Time Turnover Savings (from actual payroll data versus budget as of PPE 03/14/2025)	Internal Savings	2,325,179
2	Est. One Time Savings for remaining pay hours (608 @ \$1,500 / pay hour)	Internal Savings (Est.)	912,000
Total Potential One Time Savings			3,237,179

Prior Report Totals (as of 02/14/2025)

3,024,901

- 1 Actual per hour turnover savings for the last 4 pay periods (oldest to newest) are \$1,199.38, \$1,833.40, \$1,737.76, and \$420.45. The average per hour turnover savings FY 2025 YTD is \$1,571.07; most recent week amount includes bonus payments for legislative team. This is a one-time event and future weeks are expected to return to the \$1,500 per pay hour amount.
- 2 \$1,500 / pay hour represents slightly below the actual YTD FY 2025 average (last year average was \$1,200); raising the forecast to \$1,500 per hour from \$1,200 per hour for the balance of the year.



FY 2025 Ongoing Turnover Savings as of 03/31/2025

#		Prior Month	Forecast	Actual	Forecasted	Change in Forecast
		Amount @ YE		Amount YTD	Amount @ YE	Amount @ YE
	Net Carried over Ongoing Savings (finalized from FY 2024)	140,594		140,594	140,594	0
	Ongoing Turnover Savings FY 2025 (actual year-to-date, Salary Differential only)	720,212		734,456	734,456	14,244
1	Ongoing Turnover Savings FY 2025 (forecast \$65,000 / month x 3 months, Salary Differential only)	200,000		-	195,000	(5,000)
	TOTAL SALARY RELATED ONGOING SAVINGS	1,060,806		875,051	1,070,051	9,244
	Benefit Differential Savings FY 2025 (will be recognized in this row starting in Q4)	-		34,050	34,050	34,050
	TOTAL SAVINGS	1,060,806		909,100	1,104,100	43,294
2	2025 Annual Authorized Hot Spot Raises	(200,000)		(184,372)	(200,000)	-
	TOTAL USES	(200,000)		(184,372)	(200,000)	-
Total Actual/Forecasted Unencumbered Turnover Savings for FY 2025		860,806		724,728	904,100	43,294

* 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 increased compared from the last report - to a positive \$34,050 from (\$58,540) last month. FY 2024 full year benefit differential was +\$331,176

* Currently, 26.5 FTE are vacant.

1 Currently estimating \$65,000 of ongoing Salary Differential savings a month for the remainder of the FY; actual run rate is \$734,456/9 months = \$81,606.22/month

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.



FY 2025 Year End Requests and Forecasted Available One-time Funds - Period 9

Forecasted Available One-time Funds				# One-time Spending Plan Requests			Adjusted Requests	Judicial Council Approved
Description				Funding Type			Amount	Amount
Sources of YE 2025 Funds								
* Turnover Savings as of PPE 03/14/2025		Turnover Savings	2,325,179	1	Various Construction Projects (FY 2025) Contingency (10%)			\$ - 301,427
Turnover savings Estimate for the rest of the year (\$1,500 x 608 pay hours)		Turnover Savings	912,000	2	All Rise Utah Welcome Dinner			\$ - 10,000
Total Potential One Time Turnover Savings			3,237,179	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			2,987,179	5	Reimbursement from Trust Account Interest Earnings			\$ - \$ (36,500)
Operational Savings From TCE / AOC Budgets - mid-year forecast		Internal Operating Savings	629,905	6	Purchasing Utah Code and Court Rules per CJA 3-413			\$ - \$ 30,000
Operational Savings from IT Budget - unused Carryforward Request		Internal Operating Savings	150,000	7	Mitigate Laptop Price Increases			\$ - \$ 300,000
Reserve Balance (balance from FY 2024 Carryforward)		Judicial Council Reserve	847	8	Bridge Replacement LMS System Go-Live			\$ - \$ 27,700
Estimated unclaimed property claims (received and pending)		Additional Revenue Received	737,577		Increase in Secondary Language Stipend			\$ - \$ 9,100
Prior year adjustments - impact on current year operations (Hyrum and OFA)		Adjustments to CY Operations	(90,000)					
(b) Total Operational Savings, Reserve, Unclaimed Property and Prior Year Adjustments			1,428,329		Current Month One-time Spending Requests			-
(c) Total of Turnover Savings & Operational Savings = (a) + (b)			4,415,508		Previously Approved 1x FY 2024 YE Spending Request			834,227
Uses of YE 2025 Funds								
(d) Carryforward into FY 2026 (Anticipate request to Legislature for \$3,700,000)		FY 2026 Carryforward	(3,581,281)					
Total Potential One Time Savings = (c) less Carryforward (d)			834,227					
Less: Judicial Council Requests Previously Approved								
Less: Judicial Council Current Month Spending Requests								
Remaining Forecasted Funds Available for FY 2025 YE Spending Requests								

Updated 03/31/2025

- * Actual per hour turnover savings for the last 4 pay periods (oldest to newest) are \$1,199.38, \$1,833.40, \$1,737.76, and \$420.45. The average per hour turnover savings FY 2025 YTD is \$1,571.07; most recent week amount includes bonus payments for legislative team. This is a one-time event and future weeks are expected to return to the \$1,500 per pay hour amount.
- (b) Operational Savings from TCE / AOC Budgets have been updated. Due to inflation, we expect minimal further operational savings for the rest of the fiscal year. FY 2024 operational savings were \$1.3M.



FY 2026 Carryforward and Ongoing Requests - Period 9, FY 2025

3/31/2025

Funding Sources

	One Time	Ongoing
Ongoing Turnover Savings carried over from FY 2024		\$ 140,594.35
Forecasted YE Ongoing Turnover Savings from FY 2025		\$ 963,506
Subtotal		\$ 1,104,100
Unobligated Fiscal Note Funds - District Court (net)	\$ (10,500)	\$ 20,800
Unobligated Fiscal Note Funds - Juvenile Court	\$ (5,200)	\$ 15,700
Unobligated Fiscal Note Funds - Admin	\$ -	\$ -
Additional Legislative Appropriation	\$ -	\$ 1,000,000
Wellness Council Portion of Carryforward		
Expected Carryforward Amount from Fiscal Year 2025	\$ 3,581,281	\$ -
Total Available Funding	\$ 3,565,581	\$ 2,140,600
Less: Judicial Council Delegated to State Court Administrator for Discretionary Use	\$ (250,000)	\$ (200,000)
Net Ongoing TOS Available for Use	\$ 3,315,581	\$ 1,940,600

Ongoing Requests

	Presented		Judicial Council Approved	
	One Time	Ongoing	One Time	Ongoing
1 Investing in Our People - Ron Gordon and Neira Siaperas		\$ 1,745,900		
Subtotal	\$ -	\$ 1,745,900	\$ -	\$ -
Balance Remaining After Judicial Council Approvals			\$ 3,315,581	\$ 1,940,600
Balance Remaining Inclusive of "Presented"	\$ 3,315,581	\$ 194,700		

Carryforward One Time Requests

	Presented		Judicial Council Approved	
	One Time	Ongoing	One Time	Ongoing
1 Investing in Our People - Ron Gordon and Neira Siaperas	\$ 1,334,600			
Subtotal	\$ 1,334,600	\$ -	\$ -	\$ -
Balance Remaining After Judicial Council Approvals			\$ 3,315,581	\$ 1,940,600
+ Balance Remaining Inclusive of "Presented"	\$ 1,980,981	\$ 194,700		

Prior Report Balances (first report of the fiscal year) N/A N/A

LEGEND

Highlighted items are currently being presented to the Budget and Fiscal Management Committee.

Highlighted items have been approved by the BFMC and are on track for being presented to the Judicial Council.

Highlighted items have been previously approved by the Judicial Council.

Highlighted items that are Fiscal Note Funds

* - items have been presented and approved in prior years.

+ - One-time balance remaining is available to go into Judicial Council reserve. Ongoing balance remaining will be included in the beginning balance for ongoing turnover savings.

^ - Request to Legislature was Not Funded

BFMC approval to submit request to Judicial Council does not imply Judicial Council must approve the recommendation.

If more funds are available than the total of requests received, prioritization is optional.



ARPA Expenses as of 03/31/2025 (period 9 not closed yet)

	A Judicial Council Approved	B Actual FY 2022 Expended	C Actual FY 2023 Expended	D Actual FY 2024 Expended	E Actual FY 2025 Expended	F Total Expended Amount	G Balance Available	% Obligated
IT Access to Justice - Part I + II	12,373,400	3,042,468	4,613,255	3,075,857	664,413	11,395,993	977,407	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	3,750,431	5,792,027	3,815,722	664,413	14,022,593	977,407	
Expenditures added since last report:						149,268		

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

Historical Trends

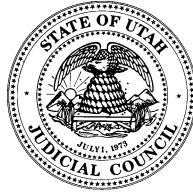
IT Access to Justice Use - Last 3 Periods

Period 7	Period 8	Period 9
\$ 228,821	\$ 5,480	\$ 149,268

Period 9 Expenses	\$ 149,268
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INCREASE FROM PRIOR TOTAL EXPENDED AMOUNT:	\$ 149,268
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Item 2



Administrative Office of the Courts

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

April 16, 2025

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

TO: Judicial Council

FROM: Karl Sweeney

RE: Approval to Increase Civil Penalty in UCA 78B-6-2105 by 5- year CPI

We need Judicial Council approval to increase the \$2,500 civil penalty for inflation as noted in section 26 of [UCA 78B-6-2105](#):

"Beginning May 1, 2025, and at each five-year interval, the dollar amount of the civil penalty provided in Subsection (3) shall be adjusted by the Judicial Council based on the change in the annual Consumer Price Index for the most recent five-year period ending on December 31 of the previous year, and rounded to the nearest five dollars. The attorney general shall publish the dollar amount of the civil penalty together with the date of the next scheduled adjustment."

As noted in the legislation, the Judicial Council approves the increase based on the annual increase in CPI for the "most recent five-year period ending on December 31 of the previous year" – and since the CPI-adjusted new civil penalty amount is to go into effect May 1, 2025, we have used the 5 year period starting January 1, 2020 and ending December 31, 2024 as the base. Here's the [link](#) for the historical CPI-U calculation published by the Bureau of Labor Statistics (BLS). CPI-U (for Urban) for all US regions is the most common reference point to track CPI - based increases.

The civil penalty is \$2,500 today; the increase is based on the change in CPI-U from the December 31, 2019 month end (there is no CPI-U for January 1) through December 31, 2024 which equals 5 full years. The chart below uses the CPI-U numbers from the link above and shows the increase as 22.82% which increases the new civil penalty to \$3,070 rounded to the nearest \$5:

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

UCA 78B-6-2104 (26)			
	CPI-U - YE	CPI - U Dec	Last 5 year period
YE	2019	256.974	
YE	2020	260.474	
YE	2021	278.802	
YE	2022	296.797	
YE	2023	306.746	
YE	2024	315.605	
1.1.2020 - 12.31.2024			256.974
			315.605
5 Year Change	(d)		58.631
Base	(e)		256.974
Base Fee/Increase %		\$ 2,500 (a)	(d)/(e)
			22.82% (b)
Base with 5 Year Growth			\$ 3,070.40 (a) x (b)
Round to nearest \$5			\$ 3,070

Quotient of
change divided
by base year =
increase %

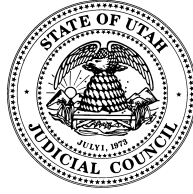
The above methodology is demonstrated on [this BLS website](#).

If approved, we will notify the AG office, and they will publish it.

The next increase in this civil penalty will be in May 2030 based on the five year period from December 31, 2024 – December 31, 2029.

Thank you!

Item 3



Administrative Office of the Courts

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

April 16, 2025

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

MEMORANDUM

TO: Judicial Council

FROM: Ron Gordon, State Court Administrator
Neira Siaperas, Deputy State Court Administrator

RE: Investing in Our People: Compensation, Careers & Flexibility

The Utah Judiciary is experiencing an unsustainably high turnover rate in certain key positions, including judicial assistants and probation officers. When turnover takes place, the longer-serving employees assume additional responsibilities while there is a vacancy and while a new employee is being trained.

This is true in any organization and is part of organizational staffing. However, the high turnover rate that has persisted for multiple years has resulted in a constant pattern of longer-serving employees performing additional duties. Those employees are exhausted because of these additional duties. If we do not address the high turnover rate, we are also at risk of losing our longer-serving employees. Many have remained with the courts because they know we are working on solutions to our current challenges. If we do not solve those challenges, we cannot expect them to remain in the Judiciary.

High turnover also significantly impacts judicial officers who rely on staff to help them fulfill their responsibilities. This adds burdens to the already overworked judicial officers and can contribute to frustrations of parties and lawyers.

Our court patrons also feel the consequences of high turnover. New judicial assistants and new probation officers require 12-18 months of training. This training period slows the work of the Judiciary when it applies to such a large percentage of our workforce. A high number of new employees can also result in inaccurate information being provided to some court patrons.

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

Because of these concerns, the Judicial Council submitted a budget request to the legislature for \$3,019,000 to be used for employee compensation. That budget request was one part of a larger plan to slow turnover, increase job satisfaction, and improve the operations of the Judiciary. Another part of that plan is this proposal, which has always been intended to supplement an appropriation from the legislature. In light of the legislature's decision to not fund the employee compensation budget request, this part of the plan becomes even more critical.

This proposal seeks to:

- improve retention of new employees;
- improve retention of longer-serving employees;
- expand career advancement options; and
- identify ongoing funding for our essential software budget request that has not been funded by the legislature. (This is unrelated to employee turnover, but is included as part of the funding recommendations.)

This proposal includes the following elements:¹

- budget requests;
- annual/administrative leave adjustments; and
- wellness release policy amendments.

An explanation of each of the elements follows. Additional details are found in the PowerPoint slides that follow this memorandum.

¹ Though the Budget and Fiscal Management Committee only needs to approve the budget requests, we present the full proposal for context.

Budget Requests

	Ongoing Funding	One-time Funding
New compensation structure for employees who make less than \$25/hour and who have been with the Judiciary for less than 18 months. <ul style="list-style-type: none"> • 6 month retention bonus of \$1,000 • Salary increase of \$1/hour at 12 months • 18 month retention bonus of \$1,500 • Retroactive bonuses 	\$799,900	\$176,600
Service recognition bonuses for longer-serving employees	\$558,000	\$347,500
Performance bonuses (This supplements the funds appropriated by the legislature and allows every employee with satisfactory performance or better to receive a bonus of \$1,000.)		\$447,500
Additional incentive award funds		\$280,000
14 new Lead Judicial Assistant positions and 8 new Lead Probation Officer positions (This funds the salary increase that will be given to the current employees who will work in these positions.)	\$100,000	
Judicial assistant staffing (7 new JA positions and extension of 6 time-limited positions)	\$595,000	\$183,000
Salary compression offset	\$200,000	
Essential software	\$963,000	
Total	\$3,215,900	\$1,434,600

This proposal will draw upon seven funding sources as noted below.

Funding Source	Ongoing Amount	One-time Amount
Legislation appropriation of \$1,000,000 for FY26	\$1,000,000	
Ongoing turnover savings	\$709,400	
One-time savings		\$1,334,600
AOC budget reductions	\$270,000	
Increased Xchange fees ²	\$1,200,000	
FY26 fiscal note funding	\$36,500	
FY26 one-time hot spot funding		\$100,000
Total	\$3,215,900	\$1,434,600

² The Judicial Council's FY24 fee report showed that the costs to operate Xchange exceed the revenue collected from Xchange fees by nearly \$1,500,000. We will present a separate proposal to the Judicial Council to increase the Xchange fees. We believe the new fees will generate an additional \$1,200,000.

Annual/Administrative Leave

In addition to these funding requests, the proposal seeks approval of the following leave-related changes.

- Grant all new employees 24 hours of administrative leave at the start of their employment.
- All employees in their first or second year of employment as of July 1, 2025 will retroactively receive 24 hours of administrative leave.
- Adjust the annual leave accrual structure so that employees accrue more annual leave earlier in their careers.
- Grant 40 hours of administrative leave to employees with over 20 years of service as of July 1, 2025.

Wellness Policy

We propose amending the current Exercise Release policy (HR 08-3(3)) to a Wellness Release policy that includes activities other than exercise that contribute to employees' overall wellness.



Investing in Our People: Compensation, Careers & Flexibility

April 2025

Compensation

New Hire Compensation Track

Bonus Structure



Current compensation model:

- ❑ Hotspot Bonuses
- ❑ Incentive Awards
- ❑ Performance-based Bonuses
- ❑ Hotspot Salary Increases
- ❑ Performance-based Salary Increases

Proposed enhancements to the current model:

- ❑ Implement a structured 18-month compensation track for new employees making less than \$25/hour
- ❑ Expand bonus and promotion opportunities for all employees beyond their first 18 months of employment

New Hire Compensation Track

- ❑ Implement retention incentives to reduce turnover in the first two years of employment
- ❑ Eligibility:
 - New hires starting on or after July 1, 2025 and earning under \$25/hour
 - Current employees still within their first year as of July 1, 2025 and earning under \$25/hour

Item	Amount	Funding
Retention Bonus (6 months)	\$1,000	\$183,100
Salary Increase (12 months)	\$1 per hour	\$377,500
Retention Bonus (18 months)	\$1,500	\$239,300
Retroactive Bonuses (6 and 18 months)*	\$1,000 and \$1,500	\$176,600
TOTAL FUNDING		\$976,500

*For employees already in the first year of employment as of July 1, 2025

New Hire Compensation Track

Implementation

- ❑ During the new hire compensation track (18 months):
 - Eligible for incentive awards and COLA increases
 - Not eligible for performance-based bonuses or salary increases
- ❑ Eligible for all compensation options after completing the track
- ❑ TCEs will inform the AOC of salary compression concerns affecting employees who are not part of the New Hire compensation track.
 - The Retention and Recruitment Fund will support compression-related salary adjustments.

Enhanced Bonus Structure

- ❑ Increase the Incentive Award funds and expand criteria to include trainer bonuses and other recognition bonuses
- ❑ Implement Service Recognition Bonuses and Judicial Council Award Bonuses

Implementation

- ❑ Employees who reach a new service milestone on or after July 1, 2025 will receive their bonus in the month they reach the milestone.
- ❑ Employees who reached an old service milestone (in 5-year increments) between January 1, 2024 and June 30, 2025 will receive their bonus retroactively.

Years of Service	3	5	7	10	12	15	17	20	22	25	27	30	35	40
Bonus	\$500	\$500	\$700	\$1,000	\$1,200	\$1,500	\$1,700	\$2,000	\$2,200	\$2,500	\$2,700	\$3,000	\$3,500	\$4,000
Administrative Leave	0	8 hrs	0	24 hrs	0	32 hrs	0	40 hrs	0	40 hrs	0	40 hrs	0	40 hrs

Enhanced Bonus Structure

Item	Amount	Funding
Incentive Awards*	Varies	\$280,000
Service Recognition Bonus	Varies	\$558,000
Service Recognition Bonus (retroactive)	Varies	\$347,500
Performance Bonus (FY 26)**	\$1,000	\$447,500
Judicial Council Award Bonus	\$1,000 per award	\$5,000
TOTAL FUNDING		\$1,633,000

*Increase in the Incentive Award funds (currently \$280,000)

**Each employee will receive a \$1,000 bonus in July 2025 with satisfactory performance.

Professional Growth

Expanded Career Advancement Options

- ❑ A limited number of Lead roles will be available:
 - 14 Lead Judicial Assistant (JA) positions
 - 8 Lead Probation Officer (PO) positions
- ❑ Existing positions will be converted to Lead roles as JA and PO vacancies occur.
- ❑ Lead roles include core JA/PO duties plus added responsibilities, as outlined in new job descriptions.
- ❑ These are promotional opportunities, but not managerial roles.
- ❑ Selection will occur through internal recruitment.

UTAH JUDICIARY

Staffing and Workload

UTAH JUDICIARY

Judicial Assistant Positions

- ❑ Extend 2 full-time and 4 part-time time-limited Judicial Assistant positions through December 31, 2025:
 - 4th District (2 FT and 3 PT)
 - 8th District (1 PT)
- ❑ Fund 7 new JA positions and allocate them to the districts according to the FY25 Clerical Weighted Caseload study

Item	Funding
6 time-limited JA positions	\$183,000
7 permanent JA positions	\$595,000
TOTAL FUNDING	\$778,000

UTAH JUDICIARY

Funding

UTAH JUDICIARY

Compensation and Staffing Funding Requests

Program	Current Onetime Funding	Current Ongoing Funding	New (Additional) Onetime Funding	New (Additional) Ongoing Funding
New Hire Compensation Track	\$0	\$0	\$176,600	\$799,900
Incentive Awards	\$280,000	N/A	\$280,000	N/A
Retention & Recruitment Bonuses	\$250,000	N/A	\$0	N/A
Retention & Recruitment Salary Increases	N/A	\$200,000	N/A	\$0
Performance Bonuses*	\$900,000	N/A	\$0	N/A
Service Recognition Bonuses	\$0	N/A	\$347,500	\$558,000
Judicial Assistant positions (7)	N/A	N/A	N/A	\$595,000
Time-limited Judicial Assistants (6)	N/A	\$0	\$183,000	N/A
Salary Compression offset	N/A	\$0	N/A	\$200,000
Lead JA and PO positions (22)	N/A	\$0	N/A	\$100,000
Additional funding for performance bonuses**	\$910,500	N/A	\$447,500	\$0
TOTAL New Funding (FY 2026)			\$1,434,600	\$2,252,900

*TBD on one-time turnover savings

**Supplemental funding to the \$910,500 in legislative funding for FY26 performance bonuses



	Need		FY26 Appropriation \$1,000,000	Judicial Council - Turnover Savings				AOC \$270,000	Xchange Fees Increase \$1,200,000	Fiscal Note \$36,500	Hot Spot \$100,000
	Ongoing	One-time FY26	Ongoing	Ongoing FY26	Ongoing FY27+	One-time FY26	One-time FY27+	Ongoing	Ongoing	Ongoing	One-time FY26
Microsoft	\$250,000								\$250,000		
Adobe Sign	\$300,000								\$300,000		
Adobe Pro	\$128,000								\$128,000		
FTR	\$220,000								\$220,000		
Appellate e-filing	\$40,000								\$40,000		
Auto expungement	\$25,000								\$25,000		
Retroactive Comp Track Salary	\$0										
First year comp track-salary	\$377,500		\$33,600	\$343,900	\$370,000						
Retroactive Comp Track Bonuses - 6 month		\$97,600				\$97,600					
Retroactive Comp Track Bonuses - 18 month		\$79,000				\$79,000					
First year comp track-bonuses*	\$422,400		\$15,400					\$170,000	\$237,000		
Enhanced bonuses	\$558,000		\$389,000	\$89,000				\$80,000			
Retroactive Enhanced Bonuses		\$336,200				\$236,200					\$100,000
"Above Average" Year - Bonuses		\$11,300				\$11,300					
Time-limited JA positions		\$183,000				\$183,000					
7 JA positions	\$595,000		\$470,000	\$68,500				\$20,000		\$36,500	
Increased Incentive awards		\$280,000				\$280,000					
Increased Incentive awards FY27							\$280,000				
Extra Funds for Leg Perf Bonus		\$447,500				\$447,500					
Compression offset	\$200,000		\$92,000	\$108,000							
Lead JA / PO positions (14 JA 8 PO)	\$100,000			\$100,000							
Total	\$3,215,900	\$1,434,600	\$1,000,000	\$709,400	\$370,000	\$1,334,600	\$280,000	\$270,000	\$1,200,000	\$36,500	\$100,000
Projected Available			\$1,000,000	\$940,594	\$777,819	\$1,447,150	\$361,040	\$270,000	\$1,200,000	\$36,500	\$100,000
Balance (over) / under budget			\$0	\$231,194	\$407,819	\$112,550	\$81,040	\$0	\$0	\$0	\$0

Total of Ongoing amount requested = \$1,000,000 + \$709,400 + \$36,500 = \$1,745,900

Total on One Time amount requested = \$1,334,600

Other Employee Incentives



Flexibility and Incentives

- ❑ Grant all new hires 24 hours of administrative leave at the start of their employment
- ❑ All employees in their first or second year of employment as of July 1, 2025 will retroactively receive 24 hours of administrative leave.
- ❑ Adjust the annual leave accrual structure to the following:

Current	Hours per pay period	Proposed	Hours per pay period
0-5 years	4 hrs	0-1 years	4 hrs
5-10 years	5 hrs	2-5 years	5 hrs
10-20 years	6 hrs	6-10 years	6 hrs
20+ years	7 hrs	10+ years	7 hrs

- ❑ All employees will begin accruing annual leave based on the new schedule starting July 1, 2025
 - Employees with over 20 years of service as of July 1, 2025 will receive 40 hours of administrative leave
- ❑ Revise the current Exercise Release policy [HR 08-3(3)] to a Wellness Release policy





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



1. FY 2025 Ongoing Funds Spending Request – Investing in Our People

The Judicial Council approves uses of Ongoing Turnover Savings and Legislative Ongoing Discretionary Funding (Case Processing). This is a request to the Budget and Fiscal Management Committee and the Judicial Council to allocate the use of some of these FY 2025 Ongoing Funds for ongoing personnel needs that will be utilized in FY 2026.

Date: 2 April 2025

Department or District: Administrative Office of the Courts

Requested by: Ron Gordon and Neira Siaperas

Request title: [insert from heading]

Amount requested: Ongoing \$ \$1,745,900

- \$1,036,500 would come from funds appropriated by the legislature for FY26.
- \$709,400 would come from ongoing turnover savings.

Purpose of funding request:

We request these funds to implement our proposal titled “Investing in Our People: Compensation, Careers, & Flexibility.” That proposal is outlined in the attached memorandum.

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

Alternative funding sources, if any: None.

There are two main reasons for this proposal.

First, we continue to experience a high turnover rate in many of our key employee positions. Most of this turnover takes place during the first two years of employee service in the Judiciary. The high turnover negatively impacts longer-serving employees (who must perform additional duties while new employees are trained and who must also train the new employees), judges (who rely on the work of judiciary employees to help them fulfill their functions), and court patrons (who receive less than ideal service at times because of the volume of new employees). The most significant factor contributing to high turnover is low pay. High turnover interferes with our ability to fulfill all aspects of our mission.

Second, as we address the high turnover rate for newer employees, we need to make sure that we do not overlook the employees who have remained with the Judiciary despite the challenges. We must address the low wages of longer-term employees and provide additional opportunities for professional growth.

If the legislature had approved the Judicial Council’s employee compensation budget request, we would still be submitting this request to supplement that funding. Because the legislature did not approve the budget request, this request is even more important. There is no alternative funding source.

1. FY 2025 Ongoing Funds Spending Request – Investing in Our People

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

The problems associated with high turnover will persist until we are able to address the root causes. If this proposal is not funded, we will continue losing 20-25% of people filling key positions within their first two years of service with the Judiciary. Additionally, if we do not address these problems soon, we will almost certainly see longer-term employees begin leaving the Judiciary at higher rates. Many employees have continued to work for the Judiciary because they know we are actively working on solutions to our current challenges. If those challenges are not addressed, we cannot expect longer-term employees to continue working for the Judiciary.

1. FY 2026 Carryforward Spending Request – Investing in Our People

The Judicial Branch receives budget funds annually through the Legislative appropriations process. Funds appropriated for FY 2025 are normally to be spent between July 1, 2024 and June 30, 2025; however **the Legislature has approved the Judicial Branch to carryforward up to \$3.7M in unspent FY 2025 funds into FY 2026. This is a request to the Budget and Fiscal Management Committee/Judicial Council to allocate the use of some of these FY 2025 carryforward funds for one-time projects that will be delivered in FY 2026.**

Date: 04/02/2025

Department or District: Administrative Office of the Courts

Requested by: Ron Gordon and Neira Siaperas

Request title:

Amount requested: One-time \$1,334,600

Purpose of funding request:

We request these funds to implement our proposal titled “Investing in Our People: Compensation, Careers, & Flexibility.” That proposal is outlined in the attached memorandum.

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

There are two main reasons for this proposal.

First, we continue to experience a high turnover rate in many of our key employee positions. Most of this turnover takes place during the first two years of employee service in the Judiciary. The high turnover negatively impacts longer-serving employees (who must perform additional duties while new employees are trained and who must also train the new employees), judges (who rely on the work of judiciary employees to help them fulfill their functions), and court patrons (who receive less than ideal service at times because of the volume of new employees). The most significant factor contributing to high turnover is low pay. High turnover interferes with our ability to fulfill all aspects of our mission.

Second, as we address the high turnover rate for newer employees, we need to make sure that we do not overlook the employees who have remained with the Judiciary despite the challenges. We must address the low wages of longer-term employees and provide additional opportunities for professional growth.

If the legislature had approved the Judicial Council’s employee compensation budget request, we would still be submitting this request to supplement that funding. Because the legislature did not approve the budget request, this request is even more important.

1. FY 2026 Carryforward Spending Request – Investing in Our People

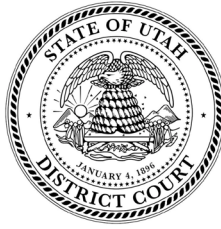
Alternative funding sources, if any:

There is no alternative funding source.

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

The problems associated with high turnover will persist until we are able to address the root causes. If this proposal is not funded, we will continue losing 20-25% of people filling key positions within their first two years of service with the Judiciary. Additionally, if we do not address these problems soon, we will almost certainly see longer-term employees begin leaving the Judiciary at higher rates. Many employees have continued to work for the Judiciary because they know we are actively working on solutions to our current challenges. If those challenges are not addressed, we cannot expect longer-term employees to continue working for the Judiciary.

Tab 5



BOARD OF DISTRICT COURT JUDGES

April 18, 2025

Hon. David Williams, Chair
Chair, Second District
Hon. Don Torgerson
Vice Chair, Seventh District
Hon. Joseph M. Bean
Second District
Hon. Matthew Bell
Fifth District

Hon. Kent Holmberg
Third District
Hon. Heather Brereton
Third District
Hon. Anthony Howell
Fourth District

Hon. Mandy Larsen
Sixth District
Hon. Brandon Maynard
First District
Commissioner Russell Minas
Third District
Hon. Denise M. Porter
Fourth District

MEMORANDUM

TO: The Judicial Council

FROM: The Board of District Court Judges

RE: Appointment of Tax Law Judges

UCJA Rule [6-103](#) reads that the Judicial Council shall formally designate at least three district court judges who volunteer to serve as tax judges.

The impending retirements of Judge Holmberg, Judge Kelly, Judge Hyde, and the appointment of Judge Cornish to the Business and Chancery Court, there will be two tax judges remaining. The Board of District Court Judges recommends Judge Richard Daynes and Judge Charles Stormont be appointed as Tax Law Judges.

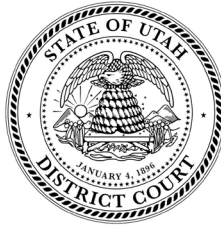
Honorable Richard Daynes was chief of the Financial Litigation Section at the United States Attorney's Office. He was also Chief of the Asset Forfeiture Unit and handled many large white collar crime cases during his time at the U.S. Attorney's Office including many cases with IRS Criminal Investigations. Although he realizes he is not a tax expert, he is willing to serve in any capacity where he is needed and glad to work on becoming an expert.

Honorable Charles A. Stormont was appointed to the Third District Court in June 2023. Prior to that, Judge Stormont had a broad background in civil litigation, including eminent domain, intellectual property, antitrust, debt collection, and accounting malpractice matters. Judge Stormont was also the Director of Right of Way at the Utah Department of Transportation for approximately five years, when he oversaw a team of real estate professionals and was responsible for over \$750 million in real estate acquisitions and sales. Over the course of his career, Judge Stormont has focused on remedies issues and has worked with expert economists, accountants, and appraisers (among others). He also holds the RWP designation from the International Right of Way Association, which is based on a combination of training on real

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

estate matters in the transportation industry, including valuation principles. Through his work, Judge Stormont has reviewed hundreds of appraisals and appraisal reviews, which are often central to tax matters.

Thank you for your consideration.



BOARD OF DISTRICT COURT JUDGES

April 18, 2025

Hon. David Williams, Chair
Chair, Second District
Hon. Don Torgerson
Vice Chair, Seventh District
Hon. Joseph M. Bean
Second District
Hon. Matthew Bell
Fifth District

Hon. Kent Holmberg
Third District
Hon. Heather Brereton
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Hon. Anthony Howell
Fourth District

Hon. Mandy Larsen
Sixth District
Hon. Brandon Maynard
First District
Commissioner Russell Minas
Third District
Hon. Denise M. Porter
Fourth District

MEMORANDUM

TO: The Judicial Council

FROM: The Board of District Court Judges

RE: Appointment of New Water Law Judges

The Board of District Court Judges recommends Judge Richard Mrazik, Judge Jennifer Maybe, and Judge Don Torgerson be appointed to serve as water law judges. In anticipation of Judge Holmberg's retirement, Judge Valencia (the Administrative Water Law Judge) and Senior Judge Kate Appleby thought it prudent to fill the vacancy created by Judge Holmberg's retirement, and to recruit additional law judges in the process. Appointing these three judges will bring the total number of water law judges to ten. We are happy to expand our water judge bench to broaden geographic representation in the State.

Pursuant to Rule 6-104, the Board of District Court Judges is asking the Judicial Council to recommend the Honorable Richard Mrazik, Honorable Jennifer Maybe and Judge Torgerson to the Council for appointment as water law judges.

Thank you for your consideration.

Tab 6

The Longer Term Impact of Civil Justice Reform:

A 10-Year Retrospective on Utah Civil Discovery Reform

Paula Hannaford-Agor, JD
Miriam Hamilton, MS

February 2025





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Introduction

On November 1, 2011, the Utah judicial branch enacted dramatic revisions to its Rules of Civil Procedure governing discovery in civil cases. The new rules were the first implemented by a state court to operationalize *proportionality*—that is, the concept of tailoring court rules, business practices, and attention from judicial officers and court staff to the specific needs of individual cases—into the discovery phase of civil litigation. The revisions to Rule 26 created three distinct tiers of civil cases based on the amount-in-controversy alleged in case pleadings, then specified the permissible scope of discovery and deadlines for completing discovery for each tier.

These revisions were a historic shift in state courts' approach to civil litigation, which generally had followed the practices of the federal Rules of Civil Procedure. To educate the practicing bar and secure acceptance of the new approach, the Utah Supreme Court Advisory Committee on the Rules of Civil Procedure spent more than three years debating the rules and soliciting public comment from civil justice stakeholders. Related efforts were made to strengthen the administrative and technological capacity to support effective case management, including upgrades to the statewide case

management system and reorganization of the state's judicial staffing model.

The Utah discovery reforms generated intense interest from leadership in state and federal courts. With funding from the Bureau of Justice Assistance, the National Center for State Courts (NCSC) evaluated the impact of the Utah rule revisions on civil case processing.¹ The NCSC evaluation compared case characteristics and outcomes for cases filed in the Utah district courts before and after implementing the revised Rule 26. It also surveyed attorneys about their experience with the new rules in the context of newly filed cases and conducted focus groups with judges to solicit their perspectives about the impact of the revised rule. Consistent with the intended goals of the rule revisions, the average time from filing to disposition decreased significantly across all judicial districts. Overall, there was strong compliance with the rules and very few instances in which attorneys requested permission to expand discovery beyond the scope designated in Rule 26. In fact, an especially surprising finding from the Utah Rule 26 evaluation was the proportion of cases in which no discovery took place other than required disclosures.² The impact of the revisions on the frequency of discovery

1 PAULA HANNAFORD-AGOR & CYNTHIA G. LEE, UTAH: IMPACT OF THE REVISIONS TO RULE 26 ON DISCOVERY PRACTICE IN THE UTAH DISTRICT COURTS (April 2015).

2 Respondents to the attorney survey reported that neither the plaintiff nor the defendant conducted discovery in 32% of Tier 1 and Tier 2 cases. An additional 23% of Tier 1 cases and 17% of Tier 2 cases involved no formal discovery for at least one of the parties. There was no formal discovery beyond the automatic disclosures in 9% of Tier 3 cases and an additional 13% had no formal discovery by at least one of the parties. *Id.* at 34-35.

disputes varied by discovery tier. Overall, however, when disputes arose, they did so approximately four months earlier than before implementation of the revisions.

The findings of the evaluation greatly informed deliberations of the Civil Justice Improvements Committee (CJI Committee), appointed by the Conference of Chief Justices in 2013 to examine the civil justice system and develop recommendations to ensure the “just, speedy, and inexpensive resolution of civil cases.”³ Ultimately, the CJI Committee’s recommendations concerning triage and differentiated case management drew directly from Rule 26.⁴ Following the endorsement of the CJI Committee report and recommendations, NCSC and IAALS, the Institute for the Advancement of the American Legal System, with support from a generous grant by the State

Justice Institute (SJI),⁵ partnered on a three-year effort to implement the recommendations in state courts. As a result, many jurisdictions embraced the CJI recommendations and early assessments of their impact validated their efficacy in both expediting case processing and encouraging professionalism by civil litigators.⁶

In some jurisdictions, however, civil trial judges and attorneys were less enthusiastic about implementing these reforms.⁷ For example, some lawyers working in traditional tort and commercial contract litigation failed to appreciate how the landscape of civil litigation had shifted.⁸ They continued to believe that the existing rules and court practices were working reasonably well and that reforms were not urgently needed. In other states, judges balked at using performance measurement to increase transparency and accountability, fearing that

3 CCJ Resolution 5 to Establish a Committee Charged with Developing Guidelines and Best Practices for Civil Justice (adopted Jan. 30, 2013). The work of the CJI Committee was supported by a generous grant from the State Justice Institute (SJI-13-P-201).

4 CCJ CIVIL JUSTICE IMPROVEMENTS COMMITTEE, *CALL TO ACTION: ACHIEVING CIVIL JUSTICE FOR ALL* (2016).

5 The CJI Implementation Plan featured education and technical assistance to statewide task forces, demonstration pilot sites, and the development of tools and resources. SJI-16-P-231.

6 See, e.g., PAULA HANNAFORD-AGOR & LYDIA HAMBLIN, *CIVIL JUSTICE INITIATIVE: EVALUATION OF THE CIVIL JUSTICE INITIATIVE PILOT PROJECT (CJIPP)*(April 2019); COURTNEY BROSCIOUS & SHELLEY SPACEK MILLER, *CIVIL JUSTICE INITIATIVE: EVALUATION OF THE CIVIL JUSTICE INITIATIVE PROJECT (CJIP)*(June 2019).

7 Paula Hannaford-Agor, *Changing Times, Changing Relationships for the Civil Bench and Bar*, 2018 *TRENDS IN STATE COURTS* 32-33.

8 Instead of civil dockets composed of cases in which both plaintiffs and defendants were represented, the CJI Committee found that civil dockets were overwhelming composed of cases with self-represented litigants, especially defendants. PAULA HANNAFORD-AGOR, SCOTT GRAVES & SHELLEY SPACEK MILLER, *THE LANDSCAPE OF CIVIL LITIGATION IN STATE COURTS* 31-33 (2015).

such measures could be weaponized in judicial election campaigns.⁹ Finally, a well-ingrained legal culture in which judges and lawyers are inherently resistant to change also hindered efforts to implement the CJI recommendations.¹⁰ Whatever complaints many judges and lawyers had about the existing civil justice system, the prospect of introducing anything different was viewed skeptically at best and potentially as a major step in the wrong direction.

Civil justice reform efforts had slowed in many states but did not stall until the arrival of COVID-19, which imposed devastating disruptions to state courts. Many courts suspended in-person hearings for much of 2020, causing massive backlogs across all case types. Civil caseloads were hit especially hard as courts prioritized criminal cases, particularly for in-custody defendants, to comply with speedy trial requirements. Throughout this tumultuous time, one of the few silver linings was that the reforms pioneered by Utah and other early adopters of civil justice reform offered a concrete roadmap for addressing the most serious challenges to effective civil case management—but only if state and local courts could successfully overcome hesitation from reluctant civil justice stakeholders.

One way to do so was to return to Utah, which now has one of the longest track records with these reforms, to assess and document longer-term impacts on case processing and on changes in judges' and lawyers' approaches to civil litigation and legal practice. In 2021, NCSC

obtained grant funding from SJI to undertake a retrospective study of the Utah civil justice reforms. The new study replicated some of the analyses from the 2015 study, including using data extracted from CORIS, Utah's case management system (CMS), to compare case characteristics and outcomes against the post-implementation data extracted for the 2015 study. These analyses would indicate the extent to which Utah had sustained its previous performance while controlling for external factors, such as shifts in civil case filings, subsequent amendments to civil rules, court opinions interpreting Rule 26, and internal changes to civil case processing practices.

In addition to examining the impact on case characteristics and outcomes, an objective of the new study was to examine the impact of the Rule 26 revisions on practitioner behavior, which is less easily captured in case filings. To do so, NCSC convened a project advisory committee to help identify issues to explore and conducted focus groups with judges and lawyers to learn how practitioners responded to the Rule 26 revisions. Those insights were incorporated in a survey distributed to attorneys who had filed civil cases in the district courts to test assertions about practitioner behavior in response to the changes. This report summarizes the data and methods employed in this retrospective study, key findings, and conclusions and recommendations for court leadership in Utah and in other states continuing to implement civil justice reforms.

⁹ COURTNEY BROSCIOUS & SHELLEY SPACEK MILLER, *supra* note 6, at 14-15.

¹⁰ Paula Hannaford-Agor, *supra* note 7, at 32.

Data and Methods

To the extent practicable, NCSC replicated the methods employed for the 2015 evaluation, including analyses of case-level data extracted from CORIS; surveys of attorneys who were listed as counsel of record on pleadings in civil cases; and focus groups with district court judges. It was necessary, however, to modify the research methods to address gaps in the previous methodological approach and to control for potential distortions related to the longer timeframe for the present evaluation. For example, the previous evaluation compared case characteristics and outcomes for cases filed before and after the Rule 26 revisions went into effect. Both samples tracked cases from filing to disposition, or from filing to June 30, 2014, whichever occurred first. Consequently, the post-implementation sample tracked cases for a significantly shorter time (up to 30 months) than the pre-implementation sample. The present evaluation compares case characteristics and outcomes for cases filed from January 1, 2013, through December 31, 2019. The longer evaluation period permits NCSC to examine the impact of the Rule 26 revisions on the manner of disposition and time to disposition, two key performance measures, for more complex cases that were still pending

at the 30-month cut-off period in the post-implementation sample.

In addition, it is possible that case characteristics and outcomes in the post-implementation sample were affected by the uncertainty of the Utah bench and bar as they acclimated to the new procedures immediately after the Rule 26 revisions went into effect. The present evaluation picks up with cases filed at least 14 months later, by which time the bench and bar presumably had fully acclimated to the change. Equally important, the selection of December 31, 2019 as the cut-off date for the new evaluation sample avoids the potential distortions in time-to-disposition and manner of disposition related to COVID-19.¹¹

Another important modification to the study methods was the design and objectives of the focus groups, especially with attorneys. The previous evaluation employed focus groups with Utah district court judges as a mechanism to solicit feedback and clarify questions about the preliminary findings from the CORIS analyses. The new evaluation, in contrast, was designed to focus as much on how the Rule 26 revisions affect the out-of-court experience of legal practice for civil trial lawyers as on the impact on case characteristics and outcomes. The focus

11 Approximately 91% of cases in the sample had fully disposed by March 6, 2020, the date on which Utah Governor Herbert declared a state of emergency. NAT'L GOVERNORS' ASSN., UTAH – CORONAVIRUS STATE ACTIONS, available at <https://www.nga.org/coronavirus-state-actions/utah/>.

groups dedicated substantial attention to topics that cannot usually be gleaned from reviews of case filings, including the extent to which the Rule 26 revisions affected how attorneys decide whether to represent a client in a new case, how they advise clients on case strategies, and how they interact with opposing counsel. Similarly, the focus group with judges sought their observations and insights about attorney behavior in civil practice beyond formal legal interactions in individual cases. Focus group insights were subsequently used to inform the design of the attorney survey.

The attorney survey component of the present evaluation was modified not only with respect to the content but also to the framework of the questions. The survey employed in the previous study was distributed on a rolling basis to plaintiff and defense attorneys as civil cases filed after implementation of the Rule 26 revisions were resolved. It inquired about details from those cases that would not ordinarily be available in the CORIS data or case documents. The CORIS dataset for the new study included cases that resolved as long ago as 2013, making it impractical to ask attorneys to provide details from memory. Instead, the new survey asked about attorneys' opinions and general experiences with various aspects of civil case management under the Rule 26 revisions.

The 2015 evaluation included two additional methodological components – an analysis of trends in aggregate filings, and a second attorney survey of litigation costs – that were not replicated in the present study. The filing trend analysis found no evidence that the Rule 26 revisions had an impact on the number of civil cases filed and thus was not performed in the present evaluation. The litigation cost survey was designed to provide estimates of litigation costs for different categories of civil cases, but not specifically to assess the extent to which litigation costs were affected by the Rule 26 revisions.¹² The sections below describe the data collected for each of the methods included in the present study, including details related to the interpretation of the study findings.

CMS Data

To compare case characteristics and outcomes from the 2015 evaluation to the present study, the request for data extracted from CORIS attempted to mirror the case selection criteria and data elements as closely as possible.¹³ The initial dataset consisted of 477,756 cases involving tort, contract (debt collection and non-debt collection), property rights, and water rights claims filed in the Utah district courts between

¹² HANNAFORD-AGOR & LEE, *supra* note 1, at 7, 46-52.

¹³ The 2015 evaluation also assessed the impact of the Rule 26.1 revisions on domestic relations cases, which were implemented concurrently with the Rule 26 revisions. Grant funding for the present evaluation limited its scope to general civil cases. Domestic relations cases were excluded from the CORIS datasets for the present study.

January 1, 2013, and December 31, 2019.¹⁴ Because Rule 26 regulates discovery practices in civil cases, it was necessary to screen out uncontested cases – that is, cases in which the defendant failed to file an answer or otherwise contest the allegations in the complaint – because discovery cannot take place in the absence of an engaged defendant.¹⁵ However, CORIS did not have a data element indicating whether a case was contested and an answer had been filed, or whether and when discovery activities and conflicts occurred. For this information, a second dataset was extracted from CORIS consisting of a list of filed document titles with associated case numbers, document entry dates, and document types and categories. For the present evaluation, NCSC included only cases with associated filings identified by the document type “Answer” and the categories “Answer,” “Regular,” or “Cross Claim.”¹⁶

The final dataset included 61,856 unique cases in which an answer was filed (12.9%). Answer rates varied by discovery tier, in large part due to the underlying composition of the caseloads in each tier, as shown in Table 1. Seventy percent (70%) of Tier 3 cases, 51% of Tier 2 cases, and 11% of Tier 1 cases received an answer and were thus included. Additionally, while the majority of the overall initial dataset consisted of debt-collection cases, an answer was filed in less than 10% of these cases. On the other hand, over half of the cases in the non-debt collection categories recorded an answer. Answer rates ranged from a low of 12% in 2016 to a high of 14% in 2013, but there was no discernible trend toward increased or decreased answer rates over the study period.

14 Data elements for each case included location, case type, Rule 26 tier level, disposition information, the amount in controversy, disposition dates, judgment descriptions, trial dates (bench and jury), and scheduled discovery activity due dates. For analysis purposes, the original case types were aggregated into four main case categories: Tort (Asbestos, Automobile Tort, Civil Rights, Intentional Tort, Malpractice, Malpractice-Medical/Other, Personal Injury, Premises Liability, Product Liability, Property Damage, Slander/Libel/Defamation, Wrongful Death), Real Property (Condemnation, Property Rights, Water Rights), Non-Debt Contract Cases (Employment Discrimination, Fraud, Contracts, Lien/Mortgage Foreclosures, Wrongful Termination), and Debt Collection.

15 Most uncontested cases are disposed by default judgment or summary judgment. In some instances, however, the defendant settles the case with the plaintiff without filing an answer and the case is dismissed with prejudice.

16 “Regular” documents were further filtered to only select those which included the words (in various spellings) “answer, to file, cert, sign, certificate, sign, letter, response, notice of, in sup, proposed, verified motion”.

Table 1: Answer Rates, by Discovery Tier and Case Category

Discovery Tier*	Case Category	N	Answer Rate
Tier 1	Tort	4,929	59%
	Debt Collection	432,116	10%
	Contract, Non-Debt Collection	10,100	25%
	Property Rights, Water Rights	611	36%
	ALL CASE TYPES	447,756	11%
Tier 2	Tort	3,738	73%
	Debt Collection	3,094	29%
	Contract, Non-Debt Collection	5,347	52%
	Property Rights, Water Rights	2,276	46%
	ALL CASE TYPES	14,455	51%
Tier 3	Tort	5823	77%
	Debt Collection	348	43%
	Contract, Non-Debt Collection	2671	60%
	Property Rights, Water Rights	317	64%
	ALL CASE TYPES	9,159	70%

* Excludes 6,386 cases (1.3%) not assigned to a Rule 26 discovery tier.

Half the cases in the sample originated in District 3, which notably saw a smaller proportion of debt collection and a larger proportion of tort cases than other districts. Table 2 shows each jurisdiction's sample's total number and case composition. Water and property rights cases comprised a higher-than-average proportion in Districts 6, 7, and 8, whereas the proportion of tort cases was lower than in other jurisdictions.

Table 2: Case Composition by District

Case Category	District 1	District 2	District 3	District 4	District 5	District 6	District 7	District 8
Contract, Non-Debt Collection	8%	9%	13%	11%	9%	10%	8%	11%
Debt Collection	74%	74%	66%	72%	71%	70%	77%	71%
Property Rights, Water Rights	3%	2%	2%	3%	4%	11%	6%	9%
Tort	15%	16%	19%	14%	16%	10%	9%	9%
Total # of Cases	2,423	10,861	30,634	11,047	4,273	869	818	931

Focus Groups

In May 2023, NCSC convened a series of focus groups with experienced civil trial practitioners to solicit their insights about preliminary findings from the CORIS analyses and to learn about their experience litigating civil cases since 2011 when the Rule 26 revisions were enacted.

NCSC extended invitations to participate in the focus groups to 250 attorneys identified as the most frequent attorneys of record for both plaintiffs and defendants in filings from the CORIS dataset for automobile tort, contract, medical malpractice, personal injury, and premises liability cases. Twenty-three (23) accepted the invitation and were scheduled for one of five focus groups held remotely and in-person in the Judicial Council Conference Room at the Utah Administrative Office of the Courts from May 8 to May 10, 2023. See Acknowledgements for the list of participating attorneys. NCSC also conducted a focus group with district court judges at the May 2023 Judicial Education Conference on Thursday, May 11, in Cedar City, Utah.

The attorney focus group protocols included an overview of the project background and objectives, a brief summary of preliminary findings from the CORIS analyses, and a series of questions concerning judicial enforcement of Rule 26 provisions; decision-making related to damage estimates in pleadings; the use of mandatory disclosures; and the impact of the Rule 26 reforms on relationships with opposing counsel and with clients. For attorneys in practice before the revisions were enacted, NCSC also asked about efforts by the Utah Supreme Court's Advisory Committee on Rules

of Civil Procedure to disseminate information about the revisions. The judicial focus group protocols were similar but also inquired about topics raised during judicial focus groups in the 2015 study and the extent to which they had changed in the intervening time. The focus group discussions were used to refine the survey distributed to attorneys in late 2023.

Attorney Survey

A link to the online survey was distributed to 5,106 attorneys by the Utah Administrative Office of the Courts on November 6, 2023, and the survey platform remained open until the end of November. A total of 491 attorneys responded (9.6% response rate). Information about their civil litigation experience, practice areas, and the judicial district in which they most frequently practice is shown in Table 3. Nearly half (44%) had practiced in Utah for more than 20 years, predating the 2011 Rule 26 revisions. Although plaintiff attorneys outnumbered defense attorneys (29% versus 19%), more than half reported a mixed practice representing both sides in civil litigation. Most respondents practiced in multiple areas of law, including business litigation (51%), real property disputes (36%), automobile tort (31%), insurance litigation (25%), premises liability (21%), and trusts and estates (20%). Nearly three-quarters (74%) practiced primarily in the Third Judicial District, followed by the Fourth and Second Judicial Districts (10% and 6%, respectively); the remaining 10% practiced in other districts across the state.

Table 3: Attorney Survey Respondent Characteristics

Length of time in legal practice			
Less than 5 years	5%		
5 to 10 years	16%		
11 to 15 years	18%		
16 to 20 years	17%		
More than 20 years	44%		
Practice Areas			
Business Litigation	51%	Employment Law	17%
Real Property	36%	Landlord/Tenant	15%
Automobile Tort	30%	Product Liability	15%
Other Area of Law	27%	Civil Rights	10%
Insurance Litigation	25%	Consumer Debt	9%
Premises Liability	21%	Defamation/Slander	8%
Trust & Estate	20%	Other Malpractice	8%
Medical Malpractice	19%	Water Rights	6%
Number of Practice Areas			
One	22%		
2-3	40%		
4-5	26%		
6-10	11%		
More than 10	2%		
Which party do you represent primarily?			
Plaintiff/Petitioner	29%		
Defendant/Respondent	19%		
Mixed Practice	52%		
Primary Judicial District			
First	3%	Fifth	4%
Second	6%	Sixth	1%
Third	74%	Seventh	1%
Fourth	10%	Eighth	<1%

Findings

The immediate impact of the Rule 26 revisions generated a great deal of interest and excitement, particularly due to the significant increase in settlement rates and decrease in filing-to-disposition time across all three discovery tiers.¹⁷ An important focus of the present study was the degree to which the Utah district courts maintained those successes and addressed the few problem areas identified in the 2015 evaluation. The present evaluation specifically examined the consistency and accuracy of tier assignments, including the tendency of attorneys in tort cases to inflate the amount-in-controversy alleged in the pleadings to conduct the scope of discovery permitted under higher discovery tiers. It also focused on the sustainability of the previous findings concerning the manner and timeliness of disposition and on attorney views about the adequacy of timelines and scope of discovery in Rule 26.

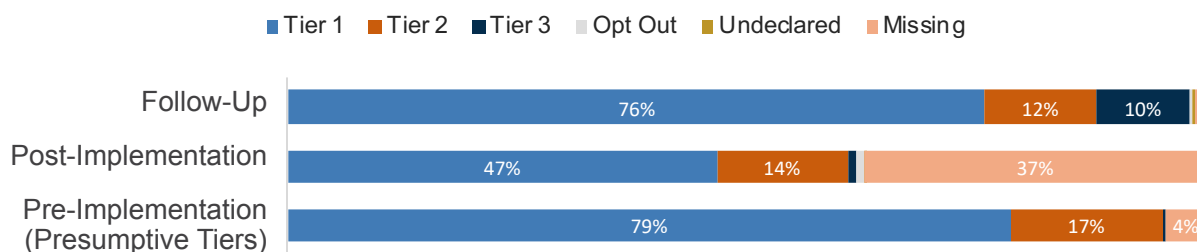
Tier Assignments

One complication in the 2015 evaluation was the inconsistent assignment of cases to discovery tiers at filing and the documentation of the discovery tier in CORIS. More than one-third of the civil cases in the post-implementation sample were missing a tier assignment in CORIS and, presumably, parties were not sent a case scheduling order setting out the allowable scope of discovery and deadlines. And, of course, the pre-implementation sample had no discovery tiers. For the missing information in both samples, NCSC used the amount-in-controversy in the complaint, which was captured in CORIS, to assign presumptive discovery tiers. The consistency in tier assignment was remarkably better in the present study. As shown in Figure 1, 98% of cases were assigned to one of the three discovery tiers over the entire seven-year period of the follow-up sample, and almost all cases without a discovery assignment were filed in 2013 (7% that year).¹⁸ Thereafter, the discovery assignment was missing in only 0.2% of contested cases.

¹⁷ Other positive impacts included strong compliance with the discovery limits associated with each tier and decreased rates of discovery disputes in Tier 2 and Tier 3 cases. HANNAFORD-AGOR & LEE, *supra* note 1.

¹⁸ CORIS recorded the discovery tier as Tier 1, Tier 2, Tier 3, Exempt/Null, Opt Out, Undeclared, or Tier 3 Pilot Program.

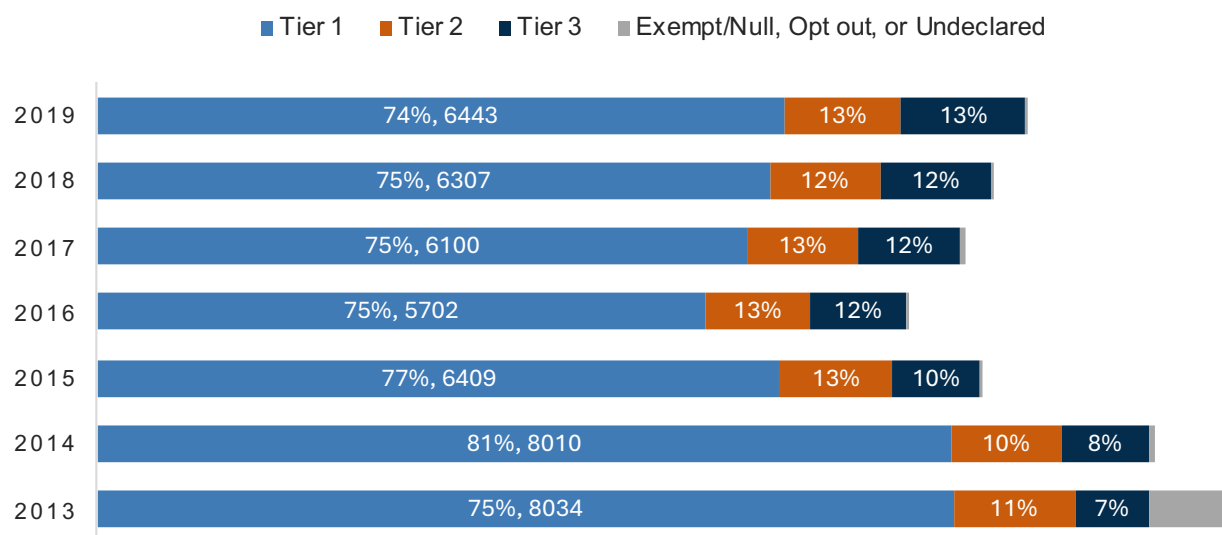
Figure 1: Tier Assignment by Sample



A significant finding from the 2015 study was the degree of tier inflation, especially in tort cases, as plaintiffs alleged higher damage awards, ostensibly to obtain more discovery than permitted under Tier 1 and Tier 2. Overall, the proportion of Tier 3 cases increased from 1.9% to 2.3% in the 2015 evaluation.¹⁹ CORIS data from the present study suggests that this trend not only continued but has even accelerated since 2013. As shown in Figure 2, the proportion of cases assigned to Tier 3 increased from 2.3% in the post-implementation sample to 7% in 2013, 8% in 2014, 10% in 2015, 12% in 2016, then to 13% in 2019. There was a higher-than-usual number of Tier 1 cases (81%) in 2014, which may have been the last remnants of debt collection actions stemming from the 2008-2009 recession.²⁰ However, since 2016, the proportion of cases assigned to each tier remained relatively stable, with about three-quarters of cases assigned to Tier 1.

¹⁹ The proportion of tort cases in Tier 2 increased from 16% to 35% and in Tier 3 from 10% to 25%; the proportion of non-debt collection contract cases in Tier 2 increased from 22% to 28% and in Tier 3 from 13% to 20%; and the proportion of property rights cases in Tier 2 increased from 21% to 62% but decreased in Tier 3 from 41% to 13%. HANNAFORD-AGOR & LEE, *supra* note 1, at 11.

²⁰ PAULA HANNAFORD-AGOR, SCOTT GRAVES & SHELLEY SPACEK MILLER, THE LANDSCAPE OF CIVIL LITIGATION IN STATE COURTS 36 (NCSC 2015).

Figure 2: Cases by Tier and Year

Tier assignment is based on the amount-in-controversy alleged in the complaint, providing incentives for parties to draft complaints strategically as needed to achieve their objectives (e.g., expedited case resolution, greater discovery, or the possibility of higher damage awards than anticipated). Some types of cases, especially debt collection, are less susceptible to tier inflation because the alleged damages are more concrete. Tort and non-debt collection contract cases, in contrast, often involve more speculative damages (e.g., lost profits and noneconomic damages) that frequently rely on contested expert evidence. As shown in Table 4, case category is strongly predictive of tier assignment. Almost all debt collection cases (96%) were assigned to Tier 1. The other case categories are somewhat more evenly distributed, although most tort cases (43%) end up in Tier 3 and most Property/Water Rights cases (68%) in Tier 2.

Table 4: Tier Assignment in Each Case Category

Case Category	Tier 1	Tier 2	Tier 3
Tort	28%	26%	43%
Property / Water Rights	14%	68%	13%
Non-Debt Contract	37%	39%	22%
Debt Collection	96%	2%	0%

Given that debt collection cases dominate the incoming caseload (see Table 1, above), and most of these cases are assigned to Tier 1, it is no surprise that 87% of the Tier 1 caseload consists of debt collection cases (see Figure 3 below). In contrast, Tier 2 primarily deals with non-debt contract cases (39%) and tort cases (37%). Debt collection cases are rarely assigned to Tier 3 (see Table 4 above), which predominately includes tort cases (70%), 26% of non-debt contract cases, but only 3% of property or water rights cases, and a mere 2% of debt cases (see Figure 3 below).

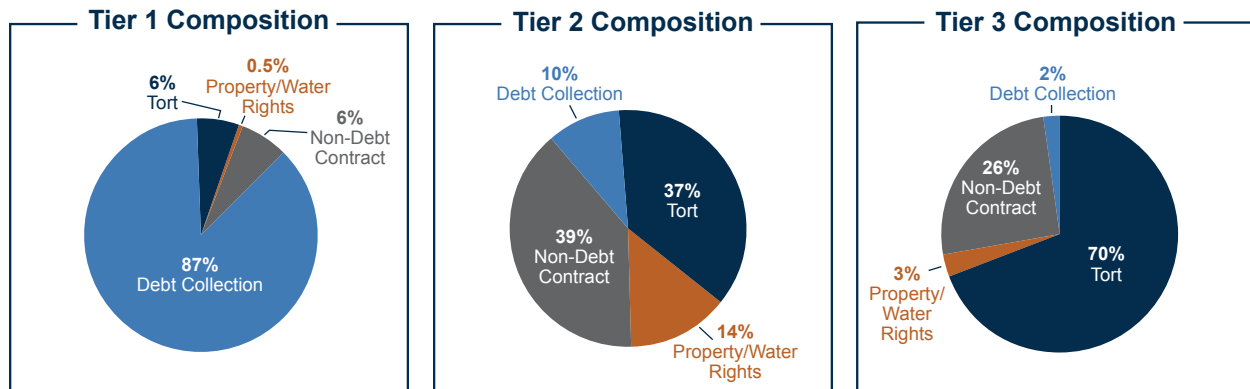
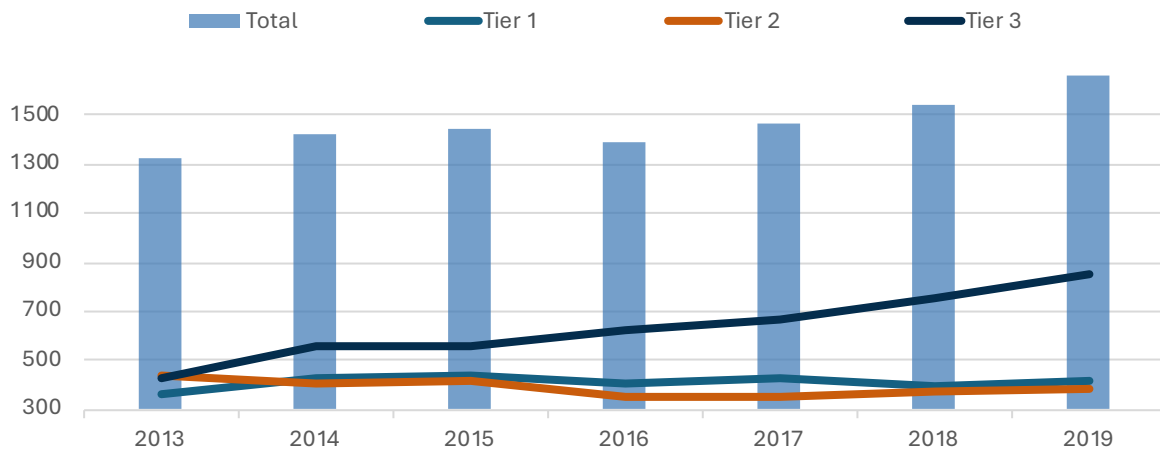
As the overall caseload composition changed over the years, the composition of cases within each tier also shifted. However, changes in case filings do not account for all shifts in tier composition. The tendency to assign certain

case types to specific tiers also evolved between 2013 and 2019. For instance, there was an increasing tendency to assign debt collection cases to Tier 1, tort cases to Tier 3, and non-debt collection contract cases to Tier 2 or 3. As noted in the 2015 evaluation, tier inflation was the apparent cause of the increased proportion of tort and non-debt contract cases assigned to Tiers 2 and 3 as litigants specified higher amounts-in-controversy to secure a higher discovery tier assignment, as shown in Figure 4.²¹ Participants in the attorney focus groups confirmed that this was the general practice, especially for tort cases.²² The Utah Supreme Court decision in *Pilot v. Hill*, which held that damage awards cannot exceed the monetary threshold for the discovery tier to which the case was assigned, has solidified that practice.²³

21 HANNAFORD-AGOR & LEE, *supra* note 1, at 10-11.

22 Tort cases were decreasingly frequently assigned to Tier 1, although their case proportion in Tier 1 grew by 43% due to an overall tort caseload proportion growth of 54%. As Figure 4 illustrates, Tort cases were also less frequently assigned to Tier 2 over time, where their proportion decreased by 12% but more frequently to Tier 3 (especially in 2014), where their proportion increased by 19%.

23 *Pilot v. Hill*, 437 P.3d 362 (2019). In the 2015 evaluation, damage awards in 59 cases exceeded the \$50,000 monetary threshold for Tier 1, and four cases exceeded the \$300,000 monetary threshold for Tier 2.

Figure 3: Tier Composition**Figure 4: Tort Cases**

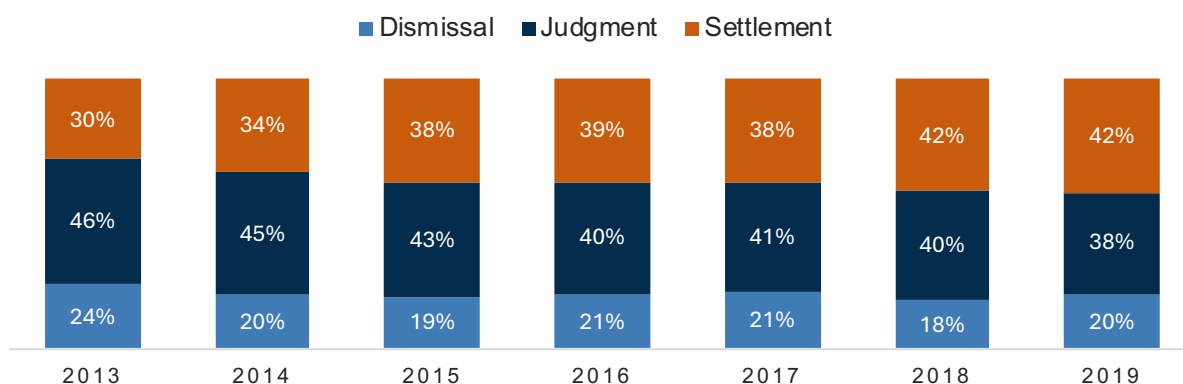
Manner of Disposition

Due to the longer timeframe for the present study, all but 787 cases (1.3%) in the CORIS dataset had fully disposed by March 9, 2023, when the case-level data were extracted.²⁴

The 2015 study found that settlement and dismissal rates increased and judgment rates decreased across all three discovery tiers as a result of the Rule 26 revisions.²⁵ As shown in Figure 5, the settlement and judgment trends persisted throughout the seven-year period. For cases filed in 2013, the most frequent manner of disposition was by judgment (46%). By 2019, settlement was the most frequent manner of disposition (42%). However, the dismissal rate dropped from 24% in 2013 to 20% in 2019.

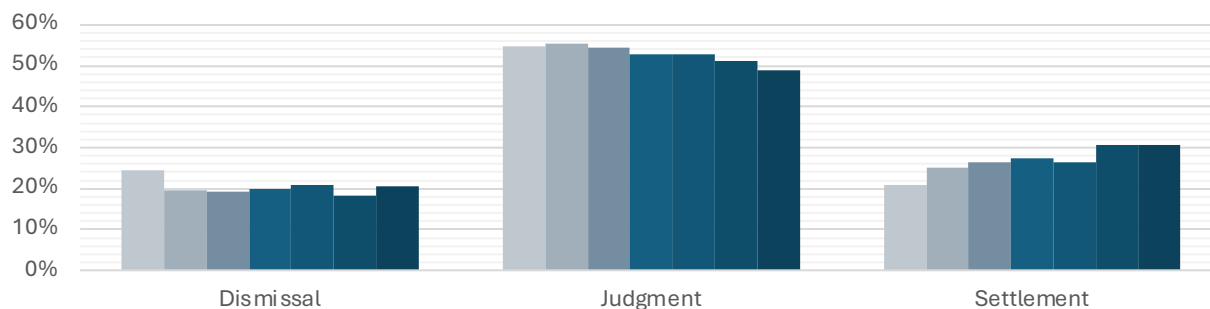
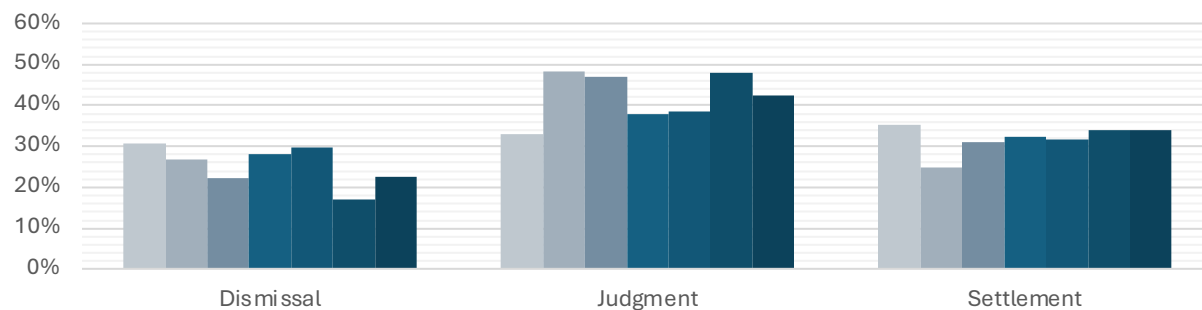
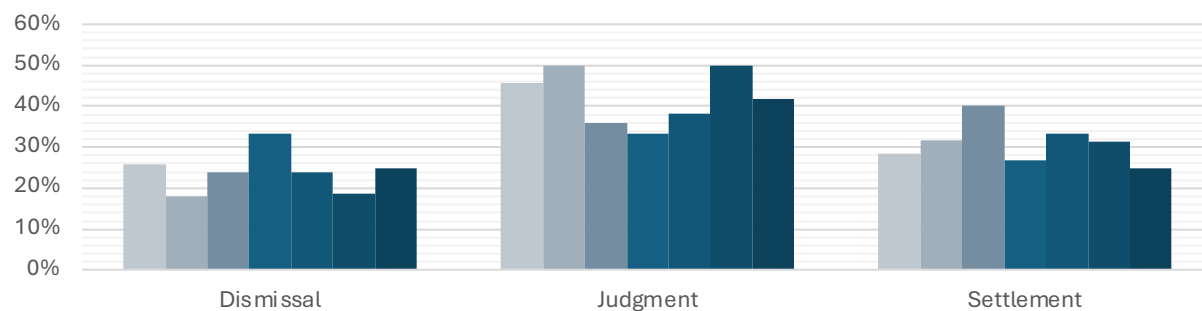
Although increased settlement rates affected all case categories, the changing caseload composition and tier assignments partially explain the shift toward higher settlement rates. For example, settlement rates increased most dramatically for debt collection cases (by 43%), which were driven most consistently by cases assigned to Tier 1. On average, debt collection cases in Tiers 2 and 3 also settled more frequently, but the year-over-year trend was less consistent, as shown in Figures 6a-c. Dispositions for other case types and discovery tiers showed similar increased settlement rates over time but with variations of decreased judgment and dismissal rates.

Figure 5: Manner of Disposition, by Year



²⁴ Cases that lacked a disposition description, a judgment description, or judgment amounts were treated as pending cases. In contrast, approximately one-third of cases were pending at the time NCSC analyzed the manner of disposition in the 2015 evaluation.

²⁵ NCSC determined the Manner of Disposition based on disposition and judgment descriptions. Descriptions categorized as Dismissals include Dismissed, Dismsd w/o prejudice, No Cause of Action, Prior Commitment Dsm, and Set aside/Withdrawn. Settlements include ADR-Stipulation, Dismsd w prejudice, and Stipulated Agreeemnt). Judgments include Denied, Granted, Judgment, Default-Clerk, Default-Judge, Judgment on Pleading, Stipulated Judgment, and Summary Judgment. Other Manner of Disposition includes Case consolidation, Change of Venue, Criminal Case Closed, Probate closing, Remanded, and Removed Fed Court.

Figure 6a: Debt Collection Manner of Disposition Trend, Tier 1**Figure 6b: Debt Collection Manner of Disposition Trend, Tier 2****Figure 6c: Debt Collection Manner of Disposition Trend, Tier 3**

■ 2013 ■ 2014 ■ 2015 ■ 2016 ■ 2017 ■ 2018 ■ 2019

Time to Disposition

One of the most significant findings from the 2015 evaluation was the dramatic decrease in time from filing to disposition that was observed across all discovery tiers and all case types. To determine if the Rule 26 revisions were still having the desired effect on the time to disposition, NCSC compared time to disposition for the pre-implementation and post-implementation cases from the 2015 evaluation to the follow-up sample using Kaplan-Meier survival analyses.²⁶ This approach models the duration a case “survives” as a pending case before disposition, i.e., time from filing to disposition. Pending (censored) cases contribute to the calculation of the time-to-disposition probabilities for the time intervals before they are censored, i.e. the date of data extraction.²⁷

Figure 7 presents the survival functions estimating the probability of cases remaining pending over time (surviving) in the follow-up sample compared to earlier samples. The yellow and green curves represent disposition

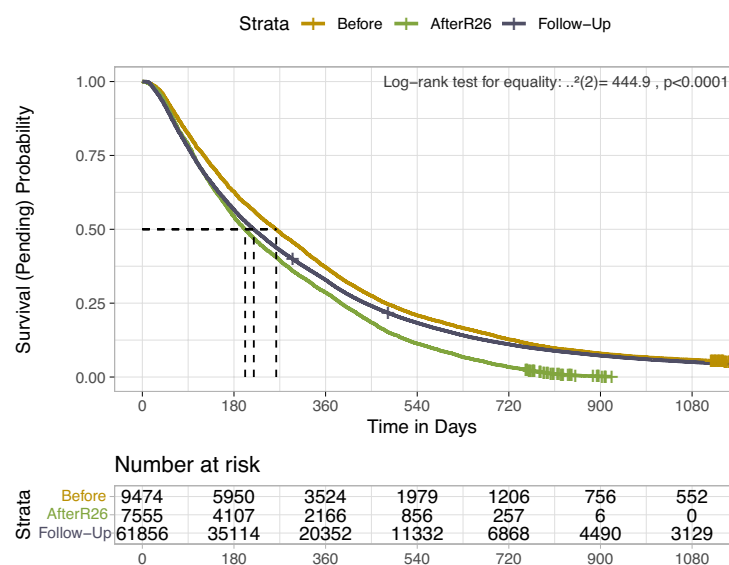
rates for the first two samples, indicating that cases were disposed faster after the Rule 26 revisions (Sample 2) compared to before their implementation (Sample 1). The follow-up sample, shown in grey, had a median time to disposition (dashed lines) that was between those of the earlier samples. The tick marks on the tails of the Sample 1 and Sample 2 curves represent cases that were still pending (censored) at the time the data were extracted.

At the filing date (Day 0), all cases in the three samples were pending (100%), and their survival curves overlapped for the first month. The curves for Sample 2 and Sample 3 continued to overlap for an additional three and a half months before diverging. After this point, the probability that a case filed in 2013 or later would still be pending was greater than cases filed immediately after the Rule 26 revisions were implemented.²⁸ In other words, the reduced time from filing to disposition achieved after the revisions went into effect has not been fully sustained since 2013.

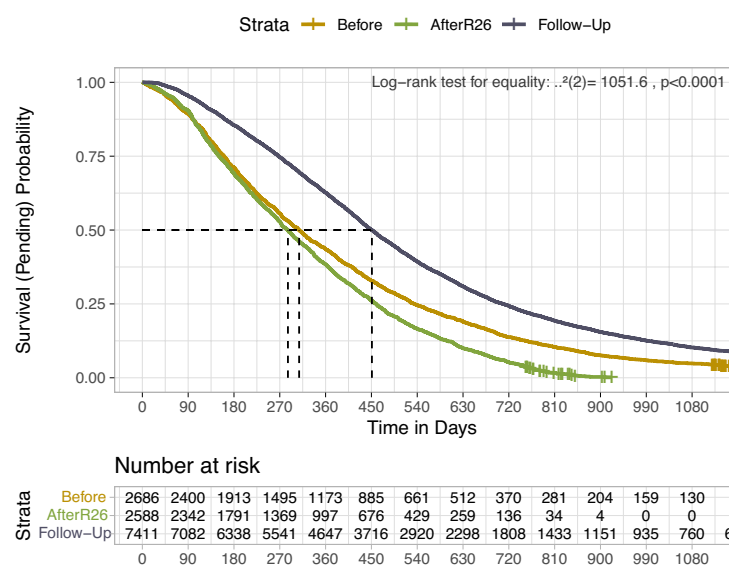
26 Kaplan-Meier survival analysis is a statistical technique that estimates the probability that a case would be fully disposed at any given point in time. Time to disposition is measured in days from case filing to disposition (or, estimated end of case), with pending cases considered as “censored” observations at the time of data extraction for each sample. Survival distributions of two or more groups of a between-subjects factor can be compared for equality. Survival curves were calculated using the R package ‘survival’ (survfit) in R.4.2.2; Therneau, T.M. (2023), at <https://cran.r-project.org/web/packages/survival/survival.pdf>

27 While the total time to disposition of a censored case is not known, the fact that the case “survived” at least until the time it was censored is factored into the overall survival rate probabilities. Once censored, they no longer contribute to calculations for later time intervals since their exact disposition timing is unknown.

28 The log-rank test confirms a statistically significant difference in case disposition times between the groups.

Figure 7: Cumulative Probability of Survival for All Civil Case Types, by Sample

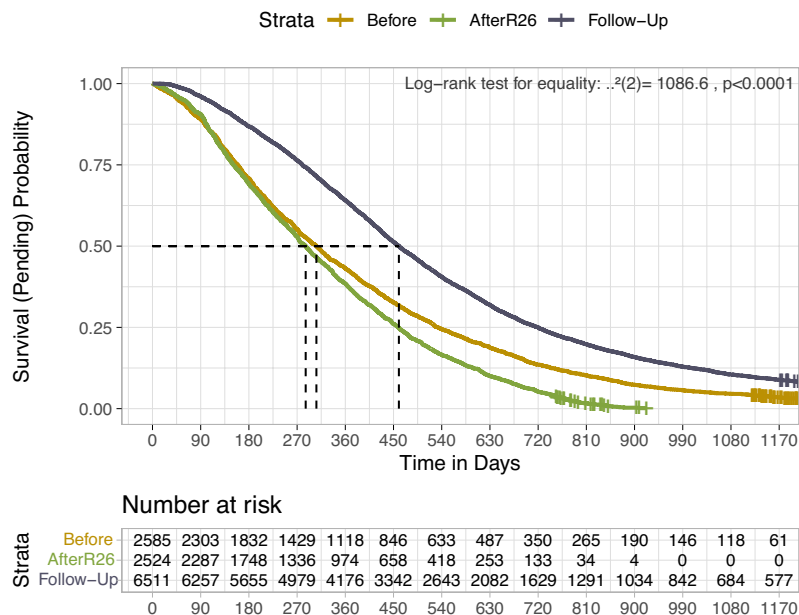
Plotting survival curves for the three samples by each tier reveals distinct patterns. For Tier 1 and Tier 3, the curve for the follow-up sample lies between the two earlier curves, similar to the overall sample trend. Specifically, the median number of days to disposition for Tier 1 cases was highest in Sample 1 (191 days), compared to Sample 2 (152 days) and Sample 3 (168 days). Similarly, Tier 3 cases in Sample 1 had the highest median days to disposition (679 days), followed by Sample 2 (442 days) and Sample 3 (563 days).

Figure 8: Tier 2 Cases, by Sample

Tier 2 exhibits a different pattern, however (Figure 8). While Sample 2 had a lower median number of days to disposition (286 days) compared to Sample 1 (308 days), the follow-up sample had a significantly higher median (451 days), even exceeding the pre-revision cases. That is, cases assigned to Tier 2 in the follow-up sample are now disposing even slower than before the Rule 26 revisions were implemented in 2011.

As a comparison of Figure 9a with Figures 9b and 9c shows, the slower disposition rates in Tier 2 are primarily driven by non-debt contract dispositions, which account for 39% of the Tier 2 caseload. The median time to disposition for non-debt contract cases in the follow-up sample was 460 days compared to 306 days in the pre-implementation sample. Similarly, the median time to disposition for real property/water rights cases was 496 days compared to 464 days in the pre-implementation sample.²⁹ In contrast, time to disposition for debt collection and tort cases (380 days and 449 days, respectively) mostly reverted to the pre-Rule 26 median (384 days and 514 days), but did not further erode like the other case types (Figure 9b and 9c).³⁰

Figure 9a: Tier 2 Non-Debt Contract Cases, by Sample



29 Due to the very small sample of real property/water rights, especially in the pre-implementation sample, the confidence intervals are quite large and overlap, which suggests caution in interpreting differences at specific time points. However, the difference in the overall survival experience of the sample is statistically significant ($p < 0.001$).

30 While the log-rank test confirms that these times were statistically different, the wide confidence intervals are an indication for less precise estimates and for a large variability of disposition times (and small sample sizes), especially for the earlier two samples.

Figure 9b: Tier 2 Tort Cases, by Sample

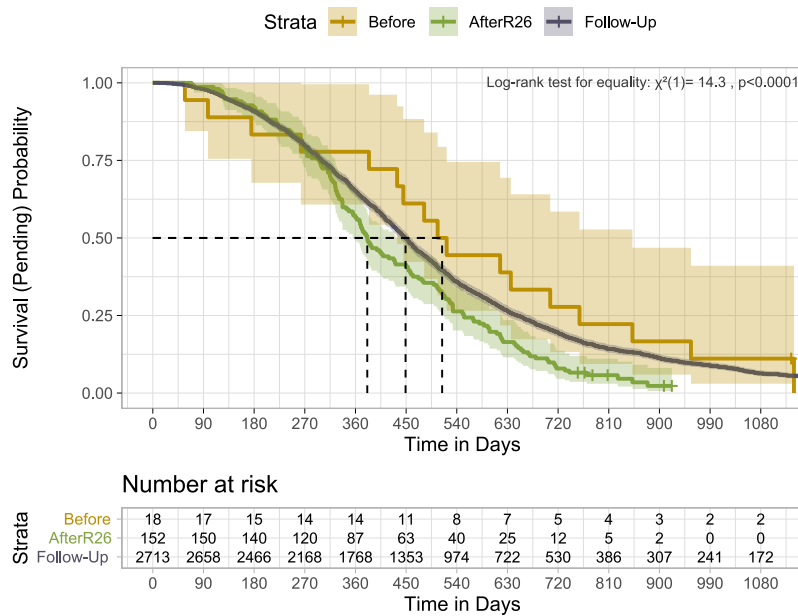
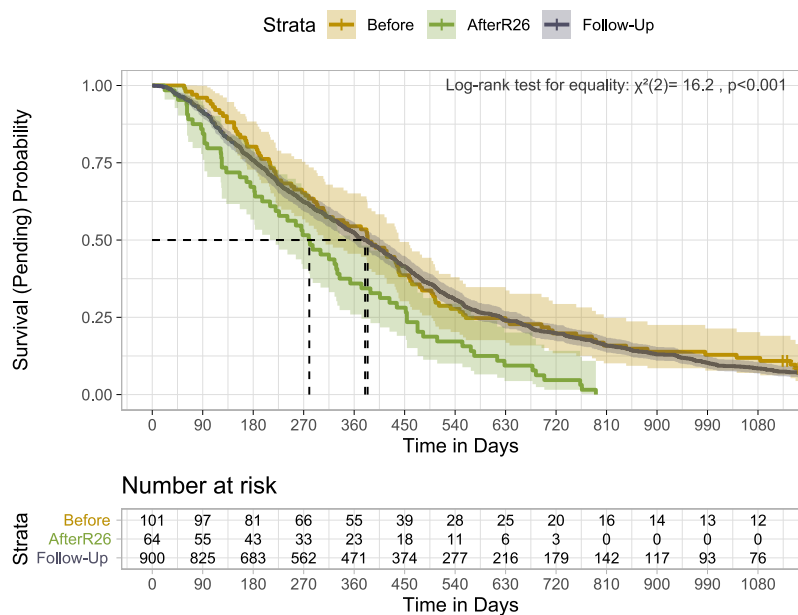


Figure 9c: Tier 2 Debt Collection Cases, by Sample



Although the previous evaluation found that the Rule 26 revisions had an impact in all judicial districts, time to disposition was shorter in the Second, Fourth, and Seventh Districts, which had stronger active caseload management practices compared to other judicial districts. Cases in the follow-up samples from the Second, Fourth, and Seventh Districts were still resolving faster than the other districts (Figure 10). However, the follow-up data also reveals that the impact of the rule revisions has worn off to some degree. For the Second, Fourth, and

Seventh Districts, the median number of days to disposition is still very close to those of the post-revision cases, with 232 days compared to 221 days. However, after about a year the survival probabilities begin to resemble those of the pre-revision cases (Figure 11). For the other districts, the median time to disposition (196 days) is 20 days later than what it was for the post-revision cases (176 days) (Figure 12), suggesting somewhat stronger backsliding compared to Districts 2, 4, and 7.

Figure 10: Districts 2, 4, and 7 Versus All Other Districts in the Follow-Up Sample

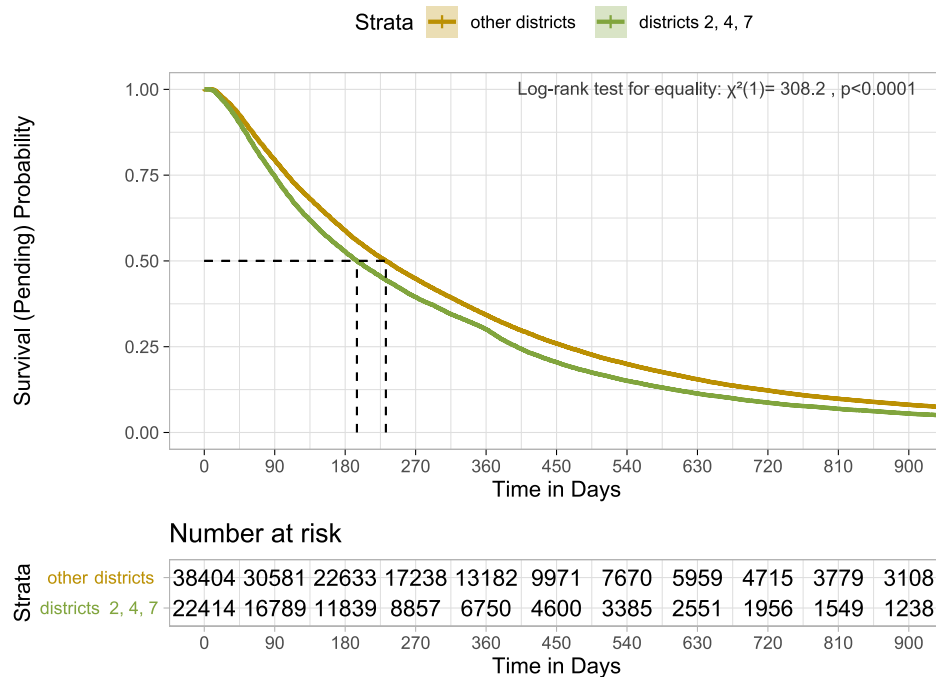


Figure 11: Districts 2, 4, and 7, by Sample

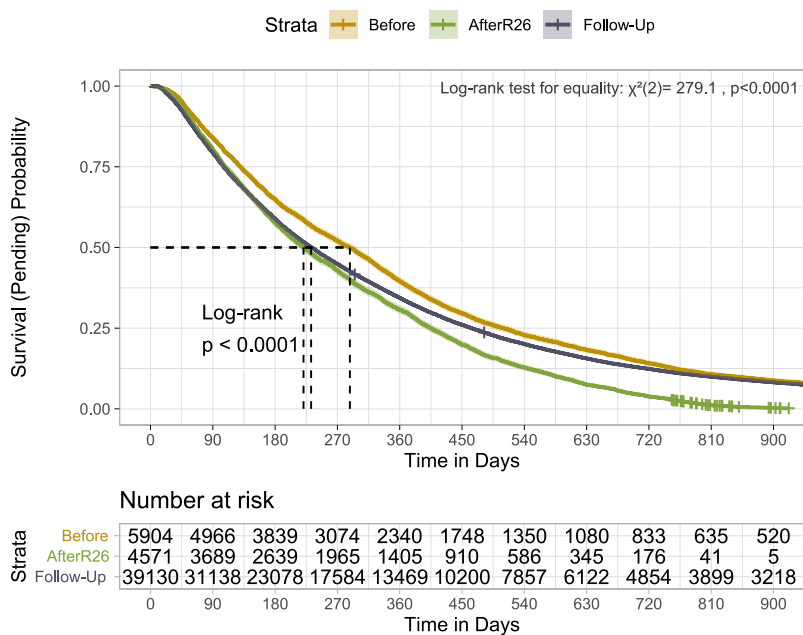
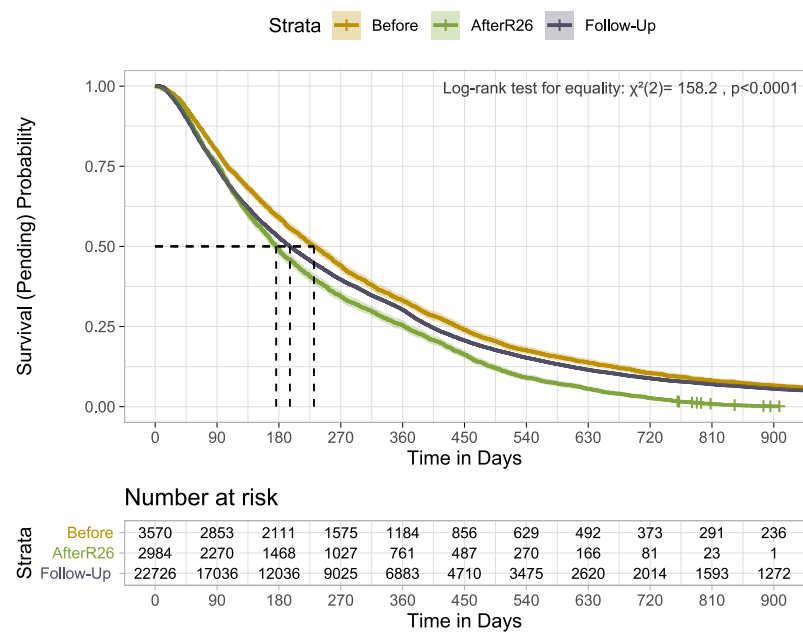


Figure 12: All other Districts, by Sample

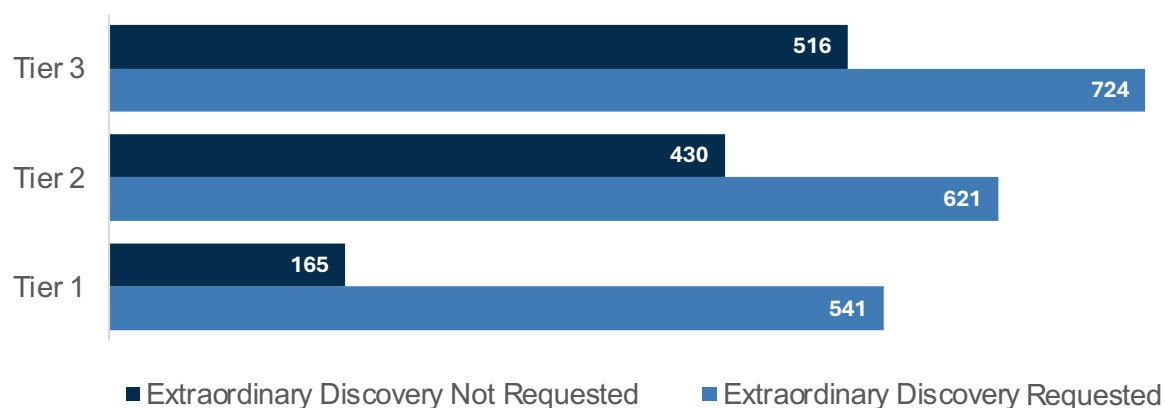


When the Rule 26 revisions were drafted, the Advisory Committee on Civil Rules understood that some cases would require more discovery, and hence more time to complete discovery, than permitted. Rule 26(c)(6) describes conditions under which parties may request or stipulate to extraordinary discovery, either as an expanded amount of discovery or an expanded amount of time to complete discovery.³¹ Attorneys overwhelmingly agreed (47% somewhat agree, 45% strongly agree) that opposing counsel are generally reasonable about stipulating to extensions of discovery deadlines. The proportion of parties seeking extraordinary discovery was slightly greater in the follow-up sample (1.8%) compared to the post-implementation sample (1.3%).³² The rate of extraordinary discovery requests ranged from 0.4% in Tier 1 cases, to 4.7% in Tier 2 cases,

and 8.2% in Tier 3 cases. These motions were almost always granted (98%).

Figure 13 compared the median time from filing to disposition for cases that filed a motion or stipulation for extraordinary discovery with cases that did not. As expected, across all three tiers, cases that requested extraordinary discovery took significantly longer to dispose than cases that did not. More notable are the Tier 2 and Tier 3 cases that did not request extraordinary discovery, which took 430 days and 516 days, respectively, to fully resolve. Although the parties did not seek extraordinary discovery, it is still taking an additional 8 to 10 months to close these cases after fact discovery should have been completed.

Figure 13: Median Time to Disposition (days), by Extraordinary Discovery Requested



³¹ Utah Rules of Civil Procedure, Rule 26(c)(6).

³² Key words/phrases used to identify document filings related to extraordinary discovery included “stipulation”, “joint motion”, “motion”, “extraordinary discovery”, and “extension of time.” Filings seeking an extension of time to serve parties were excluded. This analysis identified 936 cases in which at least one stipulation or joint motion for extraordinary discovery or for an extension of time was filed and, altogether, identified 1,705 motions for extraordinary discovery or an extension of time.

Compliance with Rule 26 Deadlines

In April 2013, the Utah Judicial Branch upgraded its CORIS functionality to automate Rule 26 discovery tier assignments at filing, including embedding Rule 26 discovery deadlines into its CMS. The new data elements permitted judicial and case management staff to generate case scheduling orders for the parties as well as monitor compliance with deadlines more effectively. Yet the fact that the CORIS functionality now existed does not necessarily mean that it was employed on a consistent basis. More than one-third of attorneys reported that judges seldom (19%) or almost never (18%) issue case scheduling orders. NCSC found no significant differences in attorney responses to this question by judicial district.

Due dates automatically scheduled for the certificate of readiness for trial (COR) established clear guidelines for when discovery should be completed. Rule 16(b) requires the

court to schedule a trial “as soon as mutually convenient to the court and parties” after the COR is filed. For the purpose of the present evaluation, NCSC assumed a 90-day timeframe after the COR due date as the presumptive deadline to fully dispose the case. Thus, the expected timeframe for case resolution is 210 days for Tier 1 cases, 270 days for Tier 2 cases, and 300 days for Tier 3 cases.

Of the 61,856 cases in the follow-up sample, 58,084 cases (93%) did not file a COR before the case resolved. The majority of these cases (61%) disposed on or before the scheduled COR due date, making the COR filing irrelevant.³³

Table 5 shows the number, percentage, and median days from filing to disposition for cases disposed before the COR due date, on or within 90 days of the COR due date, and more than 90 days after the COR due date. For Tier 1 cases disposed before the scheduled COR due date (71%), the median time to disposition was 121 days or roughly four months after filing. For Tier 2 (43%) and Tier 3 cases (37%), the median time to disposition was 247 days (eight months) and 292 days (ten months), respectively.

³³ COR due dates were found in the CORIS data for 91.5% cases. Of those cases, 35,757 (58%) were disposed before the scheduled COR due date.

Table 5: Case Disposition in Relation to COR Due Date

		N	(%)	Median days to Disposition
Tier 1	Before COR due date	30,470	71%	121
	On or within 90 days of COR due date	4,360	10%	350
	90+ days after COR due date	7,967	19%	557
Tier 2	Before COR due date	2,997	43%	247
	On or within 90 days of COR due date	933	13%	434
	90+ days after COR due date	3,017	43%	728
Tier 3	Before COR due date	2,201	37%	292
	On or within 90 days of COR due date	695	12%	469
	90+ days after COR due date	3,065	51%	807

An additional 5,988 cases (10%) disposed on or within 90 days of the COR due date, which suggests that the parties had conducted enough discovery to resolve the case, regardless of whether they formally advised the court with a COR filing. Although these cases appear to resolve within a reasonable time after the COR due date, the median time to disposition is considerably longer than expected – almost a year after filing for Tier 1 cases, and 14 and 15 months for Tier 2 and Tier 3 cases, respectively – which suggests that the COR due dates were adjusted in CORIS, presumably by request or stipulation of the parties.

Although most cases resolve before or shortly after the COR due date, just under one-quarter of cases (22%) in the follow-up sample disposed more than 90 days after the COR due date. Tier 2 and Tier 3 cases were

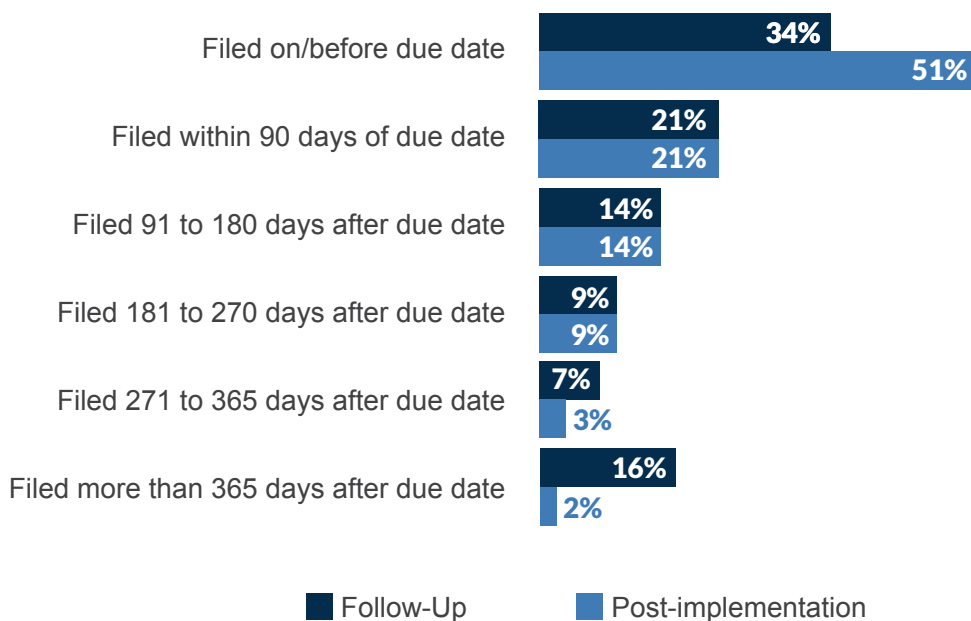
more than twice as likely as Tier 1 cases to have a delayed disposition (43% and 51%, respectively, compared to 19% for Tier 1 cases). Even assuming that the parties requested or stipulated to extend the discovery period, the much longer time to disposition suggests a troubling lack of compliance with the Rule 26 deadlines. The median time to disposition was 18 months for Tier 1 cases that disposed more than 90 days after the COR due date, two years for Tier 2 cases, and 26 months for Tier 3 cases, all of which are much longer than even the recommended timeframes reported in the attorney survey. These are the median times from filing to disposition, which means that half of the cases took even longer to resolve.

The 2015 evaluation report noted the lack of compliance with COR filing requirements in the post-implementation sample and recommended

increased use of CORIS functionality to monitor and enforce Rule 26 deadlines.³⁴ Data from the follow-up sample indicates some improvement in compliance rates – namely, that a COR was filed in 11% of contested civil cases not disposed prior to the COR due date compared to 5% in the post-implementation sample. However, the timeliness of the COR filings is worse overall. Nearly three-quarters

of the CORs (72%) were filed before or within 90 days of the COR due date in the post-implementation sample compared to 55% in the follow-up sample (Figure 14). The proportion of CORs filed more than 9 months (270 days) after the COR due date increased to 23% in the follow-up sample compared to 5% in the post-implementation sample.³⁵

Figure 14: Timeliness of COR Filings (cases not disposed before COR due date)



³⁴ HANNAFORD-AGOR & LEE, *supra* note 1, at 23-24, 56.

³⁵ Timeliness for Tier 3 was comparable across the two samples (60% in 2013-2019, 63% in 2011-2014).

The decreased timeliness of the COR filings in the follow-up sample was especially pronounced in Tier 2 and 3 cases. A COR was filed before or within 90 days of the COR due date in only 48% of Tier 2 cases and 40% of Tier 3 cases, compared to 74% for Tier 1 cases (see Table 6). The proportion of CORs filed more than 9 months (270 days) after the COR due date was 11% for Tier 1 cases, followed by 25% of Tier 2 cases, and 34% of Tier 3 cases. For Tier 1 cases that did not dispose prior to the COR due date, a COR was on average filed just before

the COR due date (12 days), while CORs were filed an average three months after the due date in Tier 2 cases, and five months after the due date in Tier 3 cases. Particularly for Tier 2 non-debt contract cases, it is possible that cases seeking non-monetary relief contributed to the longer than expected lag compared to the pre-implementation sample. Those types of cases often seek injunctive relief early in the case to address an urgent matter, but once that matter is resolved, the final disposition may be delayed.

Table 6: Certificate of Readiness for Trial Filed in Cases Not Disposed Prior to Due Date

	Total	Tier 1	Tier 2	Tier 3
Number of cases (% of total not disposed prior to due date)	2171 (11%)	806 (7%)	667 (17%)	691 (18%)
<i>COR filed compared to due date</i>				
Filed on or before due date	34%	56%	22%	19%
Filed within 90 days of due date	21%	18%	26%	21%
Filed 91 to 180 days after due date	14%	9%	18%	15%
Filed 181 to 270 days after due date	9%	6%	9%	11%
Filed 271 to 365 days after due date	7%	4%	8%	10%
Filed more than 365 days after due date	16%	7%	17%	24%
Median time between due date and COR	68 days	-12 days	97 days	147 days

These findings about the rate and timing of COR filings are the most concrete examples of noncompliance with the Rule 26 deadlines that explain the increased time to disposition documented in the follow-up sample. As the name of the filing implies, a Certificate of Readiness for Trial indicates that the parties have completed all necessary pretrial procedures, including discovery, and are prepared to proceed to trial without any significant outstanding issues or delays. Yet final case disposition in the follow-up sample took an average of 209 days (7 months) after the COR filing (174 days for Tier 1 cases, 240 days for Tier 2, and 244 days for Tier 3 cases). NCSC investigated whether timeframes for setting cases for a final hearing or trial might contribute to these delays. Of cases in which a COR was filed, 29% were disposed by judgment. In these cases, the final disposition was entered 310 days on average (10 months) after the COR filing.

The CORIS data included final hearing dates for cases that disposed by bench and jury trial (3% of cases in which a COR was filed), but not for the remaining 26% of cases that resulted in a judgment. On average, bench and jury trials commenced 237 days (8 months) and 316 days (10 months), respectively, after the COR filing.

Thus, the 10-month interval between the COR filing and the final disposition date for these cases is likely due to setting the trial date so far out on the calendar. A similar explanation may exist for non-trial cases that result in judgments if case calendaring delays also occur for other types of hearings and pretrial conferences. It is unclear, however, what is causing the delay for cases that ultimately settled (52% of cases) or were dismissed (20%). Cases that settled disposed somewhat faster than those with judgments with an average final disposition entered 216 days (7 months) after the COR filing. Cases that were ultimately dismissed took the longest to dispose – 356 days (12 months) on average after the COR filing. It is possible that these are cases in which the parties have settled but are holding the case open on the court's docket until the monetary terms of the settlement agreement are satisfied.

Lengthy times from filing to disposition and the failure to file CORs in a timely manner indicate general noncompliance with Rule 26 deadlines. Indeed, nearly two-thirds of respondents to the attorney survey explicitly reported that judges are lax about enforcing Rule 26 deadlines (47% lax, 17% extremely lax). When there has been no case activity for a prolonged period, case managers often issue an order to show cause (OSC) to warn parties that the case will be dismissed if they cannot show compliance with existing court rules or orders. While OSCs are not necessarily a gauge of judicial oversight, the number of OSCs might serve as an indicator of overall delays. Of cases that had not resolved by the COR due date and for which a COR was not filed by that date, only 3.5% included an OSC.³⁶ Not only are OSCs used very infrequently, but two-thirds (67%) were issued more than 90 days after the COR due date (Table 7).

Table 7: Orders to Show Cause in Cases Not Disposed by COR Due Date and Without a COR by Due Date

	Total (N=696)	Tier 1 (N=332)	Tier 2 (N=205)	Tier 3 (N=157)
<i>OSC compared to COR due date</i>				
On or before due date ³⁷	17%	12%	15%	31%
Within 90 days of due date	16%	24%	12%	2%
91 to 180 days after due date	14%	15%	15%	9%
181 to 270 days after due date	12%	13%	13%	10%
271 to 365 days after due date	12%	12%	10%	15%
More than 365 days after due date	29%	24%	36%	32%
<i>Disposition compared to OSC</i>				
Before OSC date	11%	12%	11%	10%
On OSC date	29%	41%	27%	6%
Within 90 days of OSC	13%	15%	14%	10%
91 to 180 days later	9%	11%	8%	9%
181 to 270 days later	6%	5%	9%	5%
271 to 365 days later	6%	4%	7%	7%
More than 365 days later	22%	11%	20%	46%

³⁶ Because many judges have a standing policy to issue OSCs for cases in which no activity has taken place over a prolonged period, even this relatively low rate likely overstates the proportion of OSCs entered specifically to enforce the COR deadline.

³⁷ Orders issued prior to the COR due date were likely not issued due to an outstanding COR.

OSCs tended to be issued sooner after a Tier 1 COR due date had passed (in 48% of cases after six months) compared to Tier 2 and Tier 3 cases (in 58% of cases after six months).³⁸ Forty-two percent of cases were disposed on the same day the OSC was issued or within 90 days of it. This happened much more frequently in Tier 1 cases (56%) compared to Tier 2 (41%) or Tier 3 cases (16%). However, a large proportion of cases (22%) had not been disposed even a year after the first OSC had been issued, with this occurring more frequently for Tier 3 cases (46%) than in Tier 2 (20%) or Tier 1 cases (11%).

Attorney Opinions on Rule 26 Revisions

Despite the apparent lack of compliance, most attorneys reported that the timeframes for completion of discovery are “about right” for all three discovery tiers (Tier 1-57%, Tier 2-61%, and Tier 3-50%). Overall, 39% said that the timeframes were too short (Tier 1-40%, Tier 2-34%, and Tier 3-43%). The median recommended timeframes for these attorneys were 180 days, 240 days, and 300 days, for the respective discovery tiers—that is, extending

the Tier 1 and Tier 2 timeframes by 2 months and the Tier 3 timeframe by 3 months.

Interestingly, lawyers with less than 5 years of legal practice were significantly more comfortable with the Rule 26 timeframes for Tier 1 and Tier 2 cases than more experienced lawyers (16 or more years in practice).³⁹ It is possible that this difference is more indicative of the types of cases, especially the degree of case complexity, that younger lawyers are tasked with managing compared to more experienced attorneys. But it may also indicate that lawyers who first learned civil litigation practice under the preexisting discovery rules had more difficulty adjusting their practices to comply with the revised timeframes. Lawyers who primarily represent plaintiffs or who have a mixed plaintiff/defense practice were marginally more comfortable with the Rule 26 timeframes for Tier 2 cases and significantly more comfortable with the timeframes for Tier 3 cases than lawyers who primarily represent defendants.⁴⁰ This difference may reflect the benefit that accrues to plaintiff attorneys from expedited timeframes and a restricted scope of discovery, especially those operating under contingency agreements, as compared to defense attorneys who are more likely to bill their clients on an hourly basis. There was

38 Identifying the prevalence of orders to show cause via document title analysis did not allow conclusions regarding whether the orders were connected with outstanding CORs. Additionally, the percentages presented here do not differentiate between cases depending on when a COR was filed other than excluding those for which a COR was received by the due date.

39 Tier 1 Chi-Square (df=8)=22.183, $p=0.005$; Tier 2 Chi-Square (df=8)=17.175, $p=0.028$.

40 Tier 2 Chi-Square (df=4)=9.184, $p=0.057$; Tier 3 Chi-Square (df=4)=16.404, $p=0.003$.

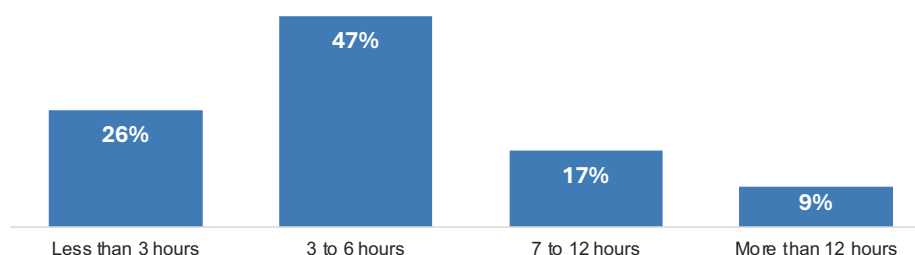
no correlation between the length of legal practice and which party the attorneys primarily represent, so the differences described above are independent of one another.

Of course, the timeframe for completing fact discovery was not the only change in discovery practices introduced with the Rule 26 revisions. It also introduced mandatory disclosures, restrictions on expert discovery, and a revised process for litigating discovery disputes (Rule 37). In addition to issues related to discovery timeframes, the attorney survey asked respondents about their experiences and their views on these reforms as well.

With respect to mandatory disclosures, attorneys reported that in approximately three-quarters of cases (73%) they spend less than 6 hours preparing mandatory disclosures for the opposing party (Figure 15).⁴¹ In general,

they found mandatory disclosures useful both for evaluating the merits of the case (32% agree, 41% strongly agree) and for client education and engagement (37% agree, 31% strongly agree). The length of time in legal practice affected opinions on both topics, with younger lawyers more likely to agree than more experienced lawyers.⁴² Attorneys who primarily represent defendants were also more likely to agree with the usefulness of mandatory disclosures compared to plaintiff attorneys and attorneys working in mixed practices.⁴³ Views on the compliance of opposing counsel were mixed. While a majority of attorneys reported that opposing counsel “often” (47%) or “almost always” (16%) fully comply with mandatory disclosure requirements, more than one-third reported that opposing counsel “seldom” (29%) or “almost never” (7%) comply.

Figure 15: Time Preparing Mandatory Disclosures



41 The modal value was 3 to 6 hours for all areas of law except consumer debt collection (less than 3 hours reported by 47% of respondents) and water rights (even split of 29% between less than 3 hours and 3 to 6 hours). The proportion of respondents reporting 3 to 6 hours spent on preparing mandatory disclosures varied based on the respondents' primary area of legal practice (ranging from 42% for insurance litigation to 63% for employment law).

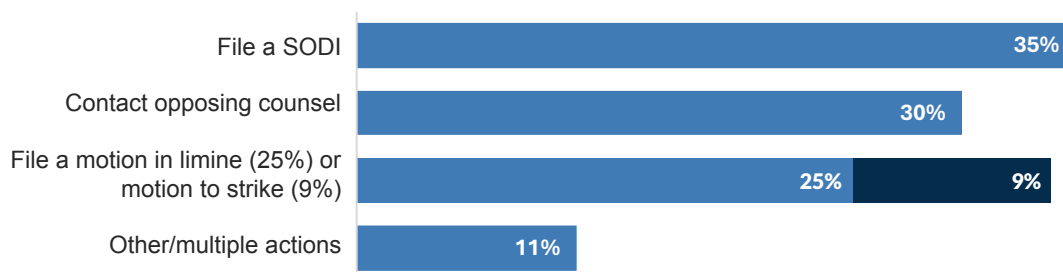
42 ANOVA Evaluating Case Merits $F(4, 401)=3.908$, $p=0.004$; ANOVA Client Education $F(4, 401)=2.627$, $p=0.034$.

43 ANOVA Evaluating Case Merits $F(2, 403)=5.673$, $p=0.004$; ANOVA Client Education $F(2, 403)=4.677$, $p=0.010$.

Across all practice areas, attorneys reported that more than half of their cases require supplemental disclosures, especially concerning evidence related to economic damages.⁴⁴ There was more variation in the agreement rates concerning the usefulness of the supplemental disclosures. As long as the initial disclosures provided fair notice of the types of damages sought, most attorneys agreed (28%) or strongly agreed (25%) that continuously filing supplemental disclosures was unnecessary. On the other hand, 17% of attorneys disagreed and 23% strongly disagreed with that statement. Regional differences affected agreement rates, with attorneys practicing in the Second Judicial District more likely to agree and attorneys in the Third Judicial District, which tends to draw more complex, higher-value cases, more likely to disagree.⁴⁵ Similarly, plaintiff attorneys and attorneys working in mixed practices were more likely to agree than defense attorneys.⁴⁶

When opposing counsel fail to comply with the mandatory disclosure requirements, attorneys have several options, including calling or sending a courtesy email reminding them of the requirement, filing a Statement of Discovery Issues (SODI) with the district court to compel compliance, filing a motion in limine or motion to strike evidence that was untimely or inadequately disclosed. Attorneys reported that they pursue these approaches in roughly equal measures (Figure 16). Most attorneys who responded to the survey agreed (46% somewhat agree, 12% strongly agree) that discovery disputes can be resolved through meet-and-confer conferences. Nevertheless, several focus group participants noted that recent appellate opinions on Rule 26 had incentivized attorneys to make strategic use of motions in limine and motions to strike evidence rather than pursue collaborative efforts to obtain discovery.

Figure 16: Action most often taken when opposing counsel fails to send mandatory disclosures in a timely and adequate manner



⁴⁴ The proportion of respondents reporting that 50% or more of their cases needed supplemental disclosures also varied by practice area from 40% in consumer debt collection cases to 80% in medical malpractice cases.

⁴⁵ ANOVA $F(4, 392)=5.548, p<0.001$.

⁴⁶ ANOVA $F(2, 401)=36.582, p<0.001$.

Attorneys generally reported favorably on the use of SODIs to resolve discovery disputes, with nearly two-thirds saying that the 4-page limit on SODIs is “about right” (61%) and that judges decide SODI filings in a timely manner (64% somewhat or strongly agree).⁴⁷ They were less sanguine about the consistency of judicial decisions on SODIs. For example, 17% responded that judges “almost never” and 40% responded that judges “seldom” enforce deadlines for mandatory disclosures consistently. Similarly, they reported that judges are extremely lax (12%) or somewhat lax (46%) about enforcing the adequacy of mandatory disclosures. Asked about their preferences for judicial enforcement, most attorneys (55%) said they preferred strict enforcement of timely and adequate mandatory disclosures. An additional 26% had no strong preference about whether judges are lax or strict about enforcing mandatory disclosures but said judges should be collectively consistent in practice.⁴⁸ Only 20% of attorneys preferred that judges exercise their discretion to admit untimely or inadequate disclosures. Attorney preferences concerning the consistency of judicial enforcement differed both regionally

and based on their primary client base. In the Second and Seventh Judicial Districts, for example, attorneys were significantly more likely to prefer judicial discretion to admit untimely or inadequately disclosed evidence (48% and 50%, respectively) compared to attorneys practicing in other judicial districts, who strongly preferred strict enforcement of the rules (59%).⁴⁹ It is possible that attorneys and judges especially in the Seventh District, which is rural with small communities, work in a more cohesive manner, thus making strict enforcement seem less necessary than elsewhere. Although most plaintiff attorneys also preferred strict enforcement (48%), they were two to three times more likely to prefer that judges admit untimely or inadequate evidence (33%) compared to defense attorneys (10%) and attorneys working in mixed plaintiff/defense practices (16%).⁵⁰

Attorney views about Rule 26 revisions related to expert discovery were somewhat more nuanced compared to their views about changes related to fact discovery. For example, 62% of attorneys agreed or strongly agreed that restricting expert discovery to either a

47 Thirty-nine percent of attorneys said the 4-page limit on SODIs was too short to describe contested discovery issues adequately. Attorneys with this opinion recommended, on average, a length of 8 pages.

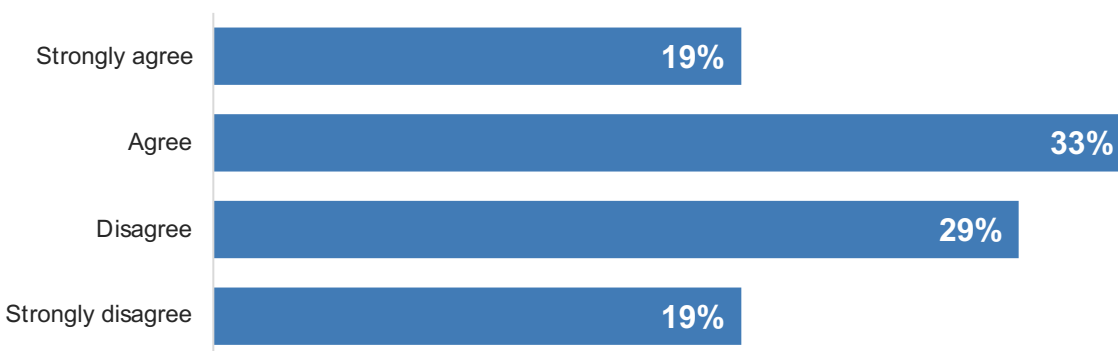
48 This latter view was also emphasized by several attorneys during the focus groups who complained about the difficulty of predicting judicial decisions on discovery motions, which tended to differ from judge to judge, and even by individual judges from case to case.

49 Pearson Chi-Squared (df 14)=23.318, $p=0.055$. The Sixth, Seventh, and Eighth Judicial Districts had very few respondents, decreasing the power of the statistical test. If those districts are excluded from analysis, Pearson Chi-Square (df 8)=17.859, $p=0.022$.

50 Pearson Chi-Square (df 4)=24.393, $p<0.001$.

deposition or a written report, but not both, has significantly reduced the costs of expert evidence in civil cases. Nevertheless, a sizeable majority (71%) of attorneys said that opposing parties should still be permitted to depose an expert witness, even if the expert witness report was included with the mandatory disclosures. This suggests that concerns about the cost of expert witness evidence are secondary to the strategic value of comprehensive discovery. Focus group participants also noted an ongoing debate within the Utah civil bar community about whether non-retained expert witnesses should be disclosed as part of fact discovery. Survey respondents were similarly divided (Figure 17), with 52% agreeing and 48% disagreeing.

Figure 17: Non-retained experts should be disclosed during fact discovery.

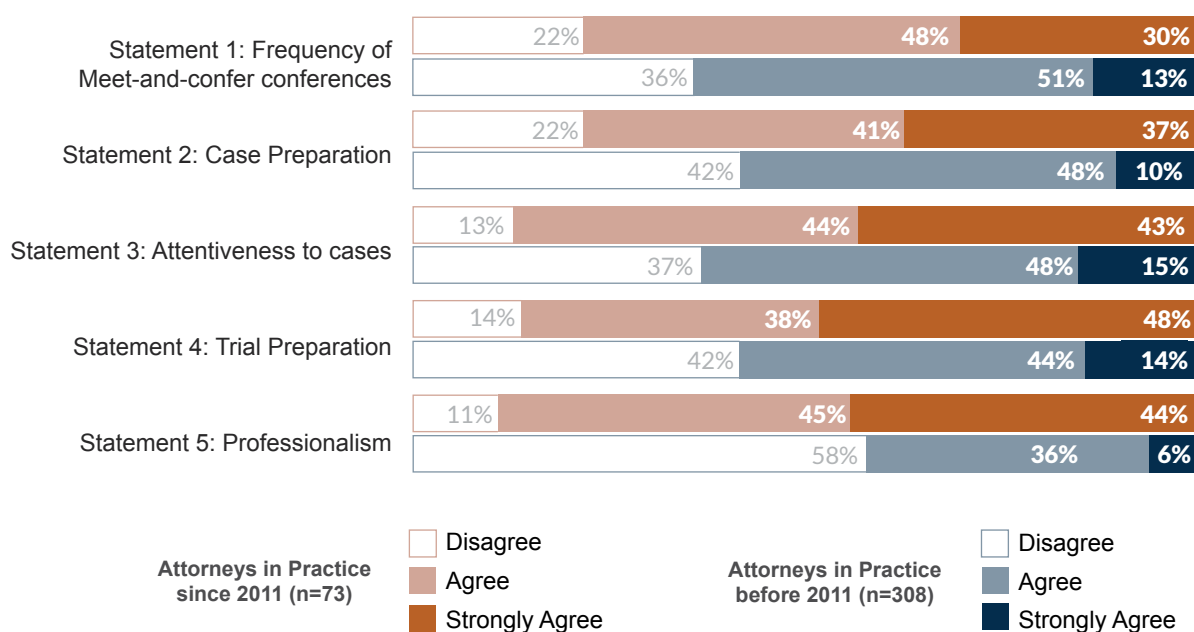


In addition to studying the impact of the Rule 26 revisions on civil case management, a key objective of the present study was to assess their impact on civil legal practice generally, especially the extent to which they incentivized greater diligence, competence, and professionalism by attorneys. To investigate these topics, NCSC included two different sets of questions in the attorney survey. One set of questions was directed to attorneys who had been admitted to practice before 2011 and asked them to indicate their level of agreement or disagreement with a series of statements about the impact of the revisions. The second set of questions was directed to attorneys admitted to practice after the revisions were enacted and thus would have no basis for assessing the impact of the changes. Those questions covered the same topics but asked attorneys to indicate their level of agreement or disagreement about the impact of the revisions on their own practice (Table 8). Figure 18 shows their rates of agreement.

Table 8: Statements about the Impact of Rule 26 Revisions

Attorneys in practice before 2011 (n=308)	Attorneys in practice since 2011 (n=73)
Attorneys meet and confer more regularly to discuss litigation issues.	I meet and confer regularly with opposing counsel to discuss litigation issues.
The mandatory disclosure requirements have made attorneys better prepared to file cases.	The mandatory disclosure requirements help me prepare more effectively to file cases.
The deadlines for completing fact and expert discovery make attorneys more attentive to their cases.	The deadlines for completing fact and expert discovery make me pay more attention to my cases.
The disclosure requirements have made attorneys better prepared for trial.	The disclosure requirements help me prepare for trial.
The Rule 26 revisions have made attorneys behave more professionally toward each other	Most attorneys with whom I interact behave professionally toward one another.

Figure 18: Agreement with Statements about the Impact of Rule 26 Revisions



With the exception of the statement about professionalism, attorneys in both groups agree or strongly agree that the Rule 26 revisions have had a positive impact on legal practice. Figure 18 makes it clear that attorneys who have only practiced under revised Rule 26 have significantly more positive views about its impact.⁵¹ Moreover, the difference is driven almost entirely by the proportion of respondents who strongly agreed with each of the statements; the proportion of attorneys who only agreed with each statement is roughly comparable across groups.⁵² There are several possible explanations for the difference in enthusiasm. First, younger attorneys who are still learning the profession may, in fact, benefit more from the clarity and streamlined procedures in Rule 26 compared to attorneys who were accustomed to exercising a great deal more discretion about discovery. The lower agreement rates for more experienced attorneys may also reflect a lingering preference for the more expansive discovery allowed by the previous version of Rule 26. Finally, even though the statements posed to each group focused on the same topics, it is possible that the semantic differences prompted different responses.

The attorney survey also provided an opportunity for respondents to provide open-ended comments on the Rule 26 revisions, of which nearly half (46%) took advantage. Many of their comments expanded on responses to survey questions. Given that open-ended survey questions more often elicit criticism than praise, it is noteworthy that nearly one in five respondents (17%) simply said that they liked the Rule 26 revisions and considered them an improvement over the previous rule as well as over discovery practice in federal courts and in neighboring states. The single largest complaint, voiced by 25% of respondents, was noncompliance on the part of attorneys and non-enforcement on the part of judges, which they claimed undermines the rule's effectiveness. Most other comments offered recommendations on discrete issues (31%), especially related to the timing and scope of expert discovery, the applicability of the revisions on specific types of cases (e.g., government agency actions, domestic relations cases), and SODIs. Approximately one in five expressed dissatisfaction with the revisions (21%), especially alleging that mandatory disclosures created more work and expense but very little actionable information, that the revisions had increased gamesmanship, and that the rule was biased against plaintiffs.

51 Statement 1 Pearson Chi-Square (1,381)=5.520, $p=.019$; Statement 2 Pearson Chi-Square (1,381)=9.979, $p=.002$; Statement 3 Pearson Chi-Square (1, 381)=14.592, $p<.001$; Statement 4 Pearson Chi-Square (1,381)=21.046, $p<.001$; Statement 5 Pearson Chi-Square (1, 381)=53.090, $p<.001$.

52 Notably, the number of years in legal practice was the only factor that yielded significant differences in agreement rates. Factors such as judicial district and primary client base that affected other measures in this evaluation had no effect on the agreement rates.

Conclusions and Recommendations

More than a decade has passed since the revisions to Rule 26 were implemented in the Utah district courts – more than enough time for judges and attorneys to acclimate and assess the longer-term impact on civil litigation. The purpose of this retrospective study was twofold: (1) to determine whether the Utah district courts were able to sustain the positive results that were documented in the 2015 evaluation, and (2) to examine how the revisions have changed civil legal practice more generally. To ensure comparability, the present study employed the same basic methods as the 2015 evaluation with modifications only as necessary to accommodate the longer timeframe for analysis.

The findings reveal a decidedly mixed picture. Following the 2015 evaluation, the Utah district courts continued to invest in CORIS functionality to better support civil case management. For example, deadlines for Rule 26 are entered automatically into CORIS as soon as the tier assignment is complete, permitting judges and case managers to generate case scheduling orders and monitor compliance with case activity. Since 2014, discovery tiers are assigned for virtually all newly filed civil cases, which is a marked improvement since the previous evaluation in which the discovery tier was missing in CORIS for more than one-third of the post-implementation sample. In addition to internal infrastructure, the Utah appellate courts have consistently upheld district court decisions to exclude or strike evidence that was not timely

or adequately disclosed, providing additional support for judicial enforcement of Rule 26.

Although unlikely to be related to the substance of the Rule 26 revisions, answer rates decreased significantly for cases across all three discovery tiers following implementation in 2011. Answer rates for Tier 1 cases declined slightly from 12% post-implementation to 11% in the follow-up sample. However, the trend toward lower answer rates abruptly reversed course, increasing from 47% to 51% for Tier 2 cases and from 49% to 70% in Tier 3 cases. Again, it is not clear that the revisions prompted this change, but the increased answer rate may nevertheless be related to subsequent changes in the manner of disposition. For cases in which an answer was filed, the disposition trend continued with a 40% increase in the proportion of settlements and commensurate decreases in the proportion of dismissals (17% decrease) and judgments (18% decrease).

One concern identified in the 2015 study was tier inflation, which appears stubbornly persistent. The proportion of cases assigned to Tier 3 has steadily increased from 2.3% in the post-implementation sample to 13% in 2019, mostly driven by tort and non-debt contract filings. Most of this increase occurred from 2013 to 2016 and appears to have leveled off. Some of the increase can plausibly be explained by the fact that the monetary thresholds for the discovery tiers have not changed since their implementation in 2011. Although the cost of

living (and presumably monetary damages resulting from injuries or breach of contract terms) increased 14% over the same period, it does not fully account for the fivefold increase in the proportion of Tier 3 cases. Instead, the *Pilot v. Hill* holding that damage awards cannot exceed the monetary threshold for the discovery tier to which the case was assigned appears to have solidified the practice of alleging amounts-in-controversy to preserve the possibility of a higher than anticipated damage award.

The most disappointing finding from the present study is the overall increase in time from filing to final disposition across all three tiers and all judicial districts. The Kaplan-Meier survival curves show that Tier 1 and Tier 3 cases in the follow-up sample took longer to resolve than the post-implementation sample but did not completely revert to the pre-implementation timeframes. Tier 2 cases, however, took substantially longer to resolve than before the Rule 26 revisions were implemented. Non-debt contract and property rights and water rights cases are the primary drivers for the longer timeframes; the survival curves for Tier 2 tort and debt collection cases mirrored those in Tiers 1 and 3.

Parties filed motions or stipulations for extraordinary discovery in less than 2% of cases, which explains their longer time to disposition for those cases. However, cases in the remaining 98% that did not request extraordinary discovery were closed 8 to 10 months after discovery should have

been completed. It is possible that delays in scheduling final hearings on outstanding matters, especially bench and jury trials, account for the longer time to disposition for cases disposed by judgment, but it is harder to justify the delays for cases that ultimately settled or were dismissed.

Instead, both the CORIS data and the attorney survey responses indicate that noncompliance with the Rule 26 deadlines and inconsistent enforcement by district court judges are the primary causes of longer timeframes. Parties failed to file a COR in 89% of cases that had not disposed before the COR due date. Although this was an improvement over the post-implementation sample, 24% of CORs in Tier 1 cases, 52% in Tier 2 cases, and 60% in Tier 3 cases were filed more than 90 days after the COR due date. Yet OSCs were issued in only 3.5% of cases in which the COR was filed late or not at all.

Attorneys overwhelmingly agreed that opposing counsel are reasonable about requests for extraordinary discovery, especially for extensions of time, but they recognized that lack of judicial enforcement creates delay, increasing costs as well as opportunities for excessive gamesmanship. Indeed, complaints about the lack of judicial enforcement were the single most frequent theme expressed in the open-ended comments section of the attorney survey. Over half the survey respondents preferred strict enforcement of Rule 26 and an additional 26% simply preferred collective

consistency from judges to either enforce, or not enforce, Rule 26.

These findings highlight an apparent disconnect between the policy choice behind the Rule 26 revisions and how it has operated since 2011. The Advisory Committee on Rules of Civil Procedure made a deliberate choice to impose restrictions on both the time and scope of discovery and then spent a lot of time educating the civil bar about the need for proportionality before the new rule was implemented. In most respects, attorneys view the Rule 26 revisions as a positive change in civil procedure. Administratively, the Utah judicial branch has strengthened its technology and staffing infrastructure to provide more effective tools for civil case management and the appellate courts have consistently affirmed district court decisions that strictly enforced Rule 26. The clear conclusion is that district court judges are not using the tools at their disposal to monitor compliance with Rule 26 and, when asked explicitly to enforce its provisions, are not consistently holding noncompliant parties accountable.

In light of this conclusion, NCSC first recommends that the Utah judicial branch revisit the core policy choice that was the impetus for the Rule 26 revisions. It is axiomatic that rules are not self-enforcing; they require

both the collective will to comply on the part of those to whom the rule applies and an effective infrastructure to enforce the rule as needed to address noncompliance. The gap in the enforcement infrastructure for Rule 26 is the district court judges who are not using the available tools to monitor compliance. Their failure to do so incentivizes excessive gamesmanship on the part of noncompliant attorneys and puts attorneys who just want to follow the rules in the unenviable position of having to initiate enforcement efforts with inconsistent results. Unless the judicial branch is willing and able to address this critical gap, Rule 26 will not live up to its promise of “moving quickly and efficiently to the disposition of the merits of the case.”⁵³

If the Utah judicial branch recommits itself to the policy underlying Rule 26, it has several options for pursuing this objective, none of which are mutually exclusive. First, it can consider adjusting the timeframes for completing discovery.⁵⁴ While more than half of survey respondents said that the timeframes were “about right,” a sizeable minority indicated that they were two months too short for Tier 1 and 2 cases and three months too short for Tier 3 cases. Given the obvious difficulty that attorneys have in meeting the existing deadlines, it would not be unreasonable to

⁵³ UTAH SUPREME COURT ADVISORY COMMITTEE ON THE RULES OF CIVIL PROCEDURE, PROPOSED RULES GOVERNING CIVIL DISCOVERY 2.

⁵⁴ Similarly, it could consider adjusting the monetary values for each of the discovery tier to account for inflation since 2011 and to address the extent of tier inflation due to *Pilot v. Hill*.

provide more time. If it does so, however, it should take additional steps to monitor and enforce the new deadlines or risk creating even greater delays in case disposition.

One of those steps would involve additional training for judges and civil case managers on using the tools embedded in CORIS to inform attorneys of the permitted scope and timeframe for discovery, especially COR due dates, which would address reports from attorneys that more than one-third of judges rarely or never issue case scheduling orders. Thereafter, judges and civil case managers should use those tools to monitor and enforce the case scheduling orders. For example, they should review CORIS reports listing cases in which the COR deadline has passed and develop consistent business practices to remind parties that the COR is past due. Or, better yet, send electronic reminder notifications when the COR due date is approaching, which would signal that the court is monitoring compliance and preemptively incentivize compliant behavior. Such automatic notifications can be sent at certain intervals, such as 30 days ahead of a deadline, on the due date, and 30 days past the deadline. Tools already exist in CORIS to run reports listing cases with upcoming or past deadlines, and a system can be set in place to send notifications automatically to attorneys and to litigants,

including self-represented litigants (SRLs), who have enrolled in MyCourtCase.⁵⁵ Automatic reminder notifications would also be helpful for attorneys practicing in an environment in which updates to court rules occur more frequently, making it more difficult to keep themselves fully informed. Relatedly, the Utah judicial branch should take steps to encourage litigants, especially SRLs, to enroll in MyCourtCase to use automatic notifications to increase awareness of the deadlines without burdening court staff by generating paper notifications.

Inconsistent decisions on the scope of discovery, especially concerning inadequate or untimely disclosures, are another area to address through judicial training. The topic of Rule 26 has not been a session on the district judges' biannual education program since 2015, when NCSC presented its findings from the previous evaluation. At that time, most judges had little experience with enforcing Rule 26 and many still had questions about whether the appellate courts would support strict enforcement. Although the Utah AOC created an online, self-education course to educate district judges about Rule 26, they have had no formal opportunity to learn from each other how to exercise their discretion on Rule 26 motions effectively or to develop a shared consensus about criteria for granting or denying those

⁵⁵ [MyCourtCase](#) is an online portal that permits users to view their case history, including case filings, and receive electronic notifications about the status of their case. Litigants, including self-represented litigants (SRLs), who are not enrolled in MyCourtCase would receive paper notifications by first-class mail. The largest proportion of SRLs and parties with limited representation in the follow-up sample were defendants in Tier 1 cases (72%); defendants in 14% of Tier 2 cases and 4% of Tier 3 cases also had limited or no legal representation.

motions. No doubt there would be some initial consternation from attorneys who have become accustomed to lax enforcement, but the survey responses suggest that most attorneys would welcome a move toward more consistent enforcement.

A final area of civil case management to consider is calendaring practices for pretrial conferences and final court hearings, especially bench and jury trials. A significant portion of the delay in civil case processing appears to be

the lag between the filing of a COR (when filed at all) and the final disposition date. Several attorneys also noted this delay in the open-ended comment section of the attorney survey. This might be addressed either by setting a presumptive date or timeframe for trial in case scheduling orders or by prioritizing final conferences and hearings on judicial calendars, prompting attorneys to complete settlement negotiations or prepare for trial.

Acknowledgements and Disclaimers

This project began as a conversation among court leaders in the fall of 2019 about how civil justice reform efforts might regain momentum after their early acclaim following release of the CCJ Civil Justice Improvements Committee in 2016 began to lose steam. Because the Utah judicial branch was the first to implement and study the impact of discovery reform efforts, it was suggested that returning to Utah to study the longer-term impact, especially on lawyers practicing civil litigation, would provide a valuable perspective. Almost 10 years had passed since the Rule 26 revisions were implemented, which would be more than enough time. Before NCSC could move forward, however, COVID-19 disrupted court operations nationally and completely sidelined the idea. It was late 2022 before we could resume those discussions, and the lingering effects of the pandemic created additional delays once we began to conduct the research in earnest.

Nevertheless, the research would have taken longer and been considerably less useful were it not for the assistance from a variety of people who supported the concept and provided expert assistance and encouragement along the way. First and foremost, we want to acknowledge the Utah judicial branch leadership for its collaboration and willingness to undertake a rigorous self-assessment. Not only do they continually model transparency and accountability, they are exceedingly generous about sharing information about improving the civil justice system with courts in other states and in the federal court system.

Over the course of the project, we benefitted from the expertise of our project advisory committee members, who helped us every step of the way, including designing the study methods, providing insightful context about curious and sometimes perplexing findings, and providing helpful feedback on our conclusions and recommendations.

Advisory Committee Members:

- **Rod Andreason**, Chair, Utah Supreme Court Advisory Committee on the Rules of Civil Procedure; Kirton McConkie.
- **Lauren DiFrancesco**, Former Chair, Utah Supreme Court Advisory Committee on the Rules of Civil Procedure; Greenberg Traurig, LLP
- **Ron Gordon**, Utah State Court Administrator
- **Jon Hafen**, Former Chair, Utah Supreme Court Advisory Committee on the Rules of Civil Procedure; Parr, Brown, Gee & Loveless
- **Michael Lanza**, Executive President/General Counsel, Selective Insurance Group
- **Judge Lee H. Rosenthal**, U.S. District Court, Southern District of Texas
- **Judge Laura Scott**, Utah Supreme Court Advisory Committee on the Rules of Civil Procedure, Third District Court
- **Michael C. Smith**, American Board of Trial Advocates (East Texas Chapter)
- **Fran Wickstrom**, Former Chair, Utah Supreme Court Advisory Committee on the Rules of Civil Procedure; Person, Behle & Latimer and
- **Judge Teresa Welch**, Third District Court

We are also grateful to the attorneys who donated their time, their expertise, and their candor during a series of focus groups in May 2023. These discussions greatly enhanced the scope of questions included in the attorney survey component of this study.

Focus Group Participants:

- **Stewart Harman**, Plant, Christensen & Kanell
- **Kevin Tanner**, Christensen & Jensen
- **Derek Williams**, Campbell, Williams, Ference and Hall
- **Joseph Minnock**, Morgan, Minnock, Rice & Miner
- **Daniel Bertch**, Bertch Associates
- **Tawni Anderson**, Hall Prangle & Schoonveld
- **John Berger**, Siegfried & Jensen
- **Jason Hull**, Marshall Olson & Hull
- **Michael Barnhill**, Michael Best & Friedrich
- **Erika Larsen**, Pia Hoyt
- **Gregory Sanders**, Kipp and Christian
- **George Waddoups**, Waddoups Law
- **Ryan Atkinson**, Strong & Hanni
- **Ryan Hancey**, Kessler Rust
- **Edward Havas**, Dewsnap King Olsen Worel Havas Mortensen

Research projects as complex as this one are never undertaken, much less accomplished, by the principal investigators alone. We are indebted to our NCSC colleagues Catherine Zacharias and Breanna Bell for research assistance, Erika Stevens for editorial assistance, Bree Harris for graphic design, and especially Keeley Daye, who kept the trains on the right track and was unfailingly gracious and helpful when things went sideways. Finally, we are grateful to the State Justice Institute, for its generous financial assistance (SJI-22-P-039) and its patience as we sorted through the data. As always, the views expressed in this report are those of the authors and do not necessarily represent those of the Utah judicial branch, the State Justice Institute, or the National Center for State Courts.



National Center for State Courts

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The Longer Term Impact of Civil Justice Reform: **A 10-Year Retrospective on Utah Civil Discovery Reform**

EXECUTIVE SUMMARY

February 2025

**Paula Hannaford-Agor, JD
Miriam Hamilton, MS
Erika Stevens, MA**

Background

On November 1, 2011, the Utah judicial branch implemented new rules governing discovery in civil cases. The revisions to Rule 26 incorporated proportionality into the discovery phase of civil litigation by creating three distinct tiers of civil cases based on the amount-in-controversy alleged in case pleadings and by specifying the permissible scope of discovery and deadlines for completing discovery for each tier.

As these rule revisions were the first of their kind, they generated considerable interest from leadership in both state and federal courts. In 2015, the National Center for State Courts (NCSC) published an evaluation of the short-term impact of the Utah rule revisions on civil case processing.¹ The NCSC evaluation compared case characteristics and outcomes for cases filed in the Utah district courts before and after implementing the revised Rule 26. It also surveyed attorneys about their experience with the new rules and conducted focus groups with judges to solicit their perspectives about the revisions.

The 2015 evaluation found a significant decrease in time from filing to disposition across all judicial districts and a significant increase in settlement rates. The study also found strong attorney compliance with the new rules. The impact of the revisions on the frequency of discovery disputes varied by discovery tier, but disputes that arose did so earlier than before the rule revisions.

In 2021, NCSC obtained grant funding from the State Justice Institute (SJI) for a retrospective study of the Rule 26 revisions. The purpose of the new study was to assess the sustainability of

¹ Paula Hannaford-Agor & Cynthia G. Lee, Utah: Impact of the Revisions to Rule 26 on Discovery Practice in the Utah District Courts (April 2015).

the previous findings and the longer-term impact of the reforms, especially on attorney practices. To achieve these goals, the new study replicated the general methods employed for the 2015 evaluation, including analyses of case-level data, attorney surveys, and focus groups with district court judges. However, by evaluating case characteristics and outcomes for cases filed from January 1, 2013, through December 31, 2019, the new study allowed NCSC to examine the impact of the Rule 26 revisions on more complex cases that were still pending at the time of the previous study, while avoiding distortions in case processing time related to COVID-19. The additional focus groups and updated attorney survey allowed NCSC to assess the long-term effects of the Rule 26 changes on attorney practices and experiences with civil case processing. Key findings are summarized below.

Tier Assignment

The 2015 evaluation reported inconsistencies in the assignment of cases to discovery tiers at filing and in the documentation of discovery tiers in CORIS, with more than a third of cases missing their tier assignment. The new study found considerable improvement in tier assignment, with 98% of cases assigned to one of the three discovery tiers over the entire seven-year period of the follow-up study sample. The Utah Judicial Branch has continued its investment in CORIS to provide better functionality to support civil case management, including the automatic entry of Rule 26 deadlines when tiers are assigned.

Tier Inflation

Tier inflation, already notable in the 2015 study, persisted in the current study. The proportion of cases assigned to Tier 3 steadily increased from 2.3% in the post-implementation (2015) sample to 13% in 2019. Tier assignment is based on the amount-in-controversy alleged in the complaint, incentivizing parties to allege higher damages to obtain a higher tier and greater discovery. In addition, the Utah Supreme Court held in *Pilot v. Hill* that damage awards cannot exceed the monetary threshold for the discovery tier to which the case was assigned.² Case types with more concrete alleged damages, such as debt collection cases, are less susceptible to tier inflation than case types where damages are more speculative, such as tort and non-debt collection contract cases. For example, almost all debt collection cases (96%) were assigned to Tier 1, while most Property/Water Rights cases (68%) were assigned to Tier 2 and most tort cases (43%) to Tier 3.

2 *Pilot v. Hill*, 437 P.3d 362 (2019).

Manner of Disposition

The 2015 study found that settlement and dismissal rates increased and judgment rates decreased across all three discovery tiers as a result of the Rule 26 revisions. The present evaluation indicated that the settlement and judgment trends persisted throughout the seven-year period. By 2019, settlement was the most frequent manner of disposition (42%); the dismissal rate dropped from 24% in 2013 to 20% in 2019.

Time to Disposition

Compared to the 2015 study, the new study found an overall increase in time from filing to disposition across all three tiers and all judicial districts. While all three tiers took longer to resolve than in the 2015 study, cases assigned to Tier 2 in the follow-up sample are now disposing more slowly than before the Rule 26 revisions were implemented, driven mainly by non-debt contract and property rights and water rights cases. Both the CORIS data and the attorney survey responses indicate that noncompliance with the Rule 26 deadlines and inconsistent enforcement by district court judges are the primary causes of longer timeframes.

Current Civil Case Practice

While the upgrades to the CORIS system permit staff to generate case scheduling orders and monitor compliance, these tools are not consistently employed. More than one-third of attorneys reported that judges seldom (19%) or almost never (18%) issue case scheduling orders. Parties failed to file a certificate of readiness for trial (COR) in 89% of cases that had not disposed before the COR due date.

Most attorneys reported that the timeframes for completion of discovery are “about right” for all three discovery tiers (Tier 1-57%, Tier 2-61%, and Tier 3-50%). For those who said the timeframes are too short, the median recommended timeframes were 180 days, 240 days, and 300 days for the respective discovery tiers. These numbers reflect an additional two months for Tier 1 and Tier 2 cases and an additional three months for Tier 3 cases.

Attorneys overwhelmingly agreed that opposing counsel are reasonable about requests for extraordinary discovery, especially for extensions of time, but they recognized that lack of judicial enforcement creates delay. Over half the attorney survey respondents preferred strict enforcement of Rule 26, and an additional 26% simply preferred collective consistency from judges regarding Rule 26 enforcement.

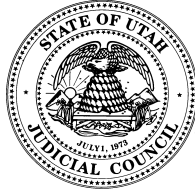
Recommendations

While the results from the 2015 study were promising, the current evaluation indicates that the short-term positive outcomes from this earlier study were not sustained long-term. Most concerning are the increase in time to disposition and the lack of enforcement leading to delay in completion of discovery. The Utah judicial branch has invested considerable time, money, and infrastructure pursuing a policy goal that most attorneys view as a positive change, but additional steps are needed to achieve the desired results.

NCSC offers the following recommendations for improving implementation of the Rule 26 revisions:

- **Revisit the core policy choice for the Rule 26 revisions to address the gap in monitoring and enforcing compliance.** Technological enhancements and appellate court decisions affirming strict Rule 26 enforcement already provide district court judges with the tools needed to ensure attorney compliance, but judges must commit themselves to consistently holding parties accountable.
- **Consider adjusting timeframes for completing discovery.** Many attorneys reported needing additional time for discovery, especially for Tier 3 cases. If additional time is provided, corresponding increases in monitoring and enforcement will be necessary to avoid the risk of further delays in case processing.
- **Provide additional training.** Judges and civil case managers may require additional training on using the tools embedded in CORIS to inform attorneys of the permitted scope and timeframe for discovery. Further judicial training may address inconsistent decisions on the scope of discovery.
- **Send electronic notifications for approaching and past-due COR deadlines.** Automatic reminder notifications would be helpful to busy attorneys and to self-represented litigants and would signal that the court is monitoring compliance.
- **Review calendaring practices.** Prioritizing pretrial conferences and final court hearings on court calendars and setting a presumptive trial date in case scheduling orders may address the delay in civil case processing related to the lag between the filing of a COR and the final disposition date.

Tab 7



Administrative Office of the Courts

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

April 18, 2025

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

MEMORANDUM

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

Proposed amendments to CJA rules 1-205, 3-306.04, and 4-510.03 are back from a 45-day public comment period. No public comments were received. The Policy, Planning, and Technology Committee (PP&T) recommends that all three rules be approved as final with a *May 1, 2025 effective date*.

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

The proposed amendments: 1) add community representatives who are knowledgeable about the needs of self-represented litigants to court committees; 2) require the chair of each standing committee to conduct a performance review and identifies the content of the review; and 3) make non-substantive formatting changes.

CJA 3-306.04. Interpreter appointment, payment, and fines (AMEND)

The amendments prohibit parties from asking court interpreters to provide on-the-spot interpretation of recorded evidence during proceedings. All other amendments are non-substantive formatting changes.

CJA 4-510.03. Qualifications of ADR providers (AMEND)

The amendments remove language allowing the Judicial Council to establish alternative education, training, and experience requirements for inclusion in the Roster as an arbitrator.

Non-substantive changes were made to rules 4-202.02, 4-510.06, and 4-613 in response to legislative recodification. PP&T recommends that all three rules be approved as final with a *May 1, 2025 effective date, without going out for public comment*.

CJA 4-202.02. Records classification (AMEND)

CJA 4-510.06. Cases exempt from ADR rules (AMEND)

CJA 4-613. Jail prisoner transportation (AMEND)

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

PP&T recommends that rule 4-202.03 and Appendix A be adopted as final on an expedited basis, with a *May 1, 2025 effective date, followed by a 45-day public comment period.*

CJA 4-202.03. Records access (AMEND)

The proposed amendments to rule 4-202.03 are in response to [H.B. 129](#). As explained in a brief snippet from Michael Drechsel's Legislative Synopses materials:

Prior to HB0129, an adopted individual was only able to access adoption documents at any time with a court order or once they were an adult with birth parent consented. HB0129 flips that second option around: **an individual adopted as a child has the right to inspect and copy adoption documents without a court order once they turn 18 years old unless the court grants a petition from the birth parent to keep the records sealed.**

Additional changes involve the filing of a petition. Given the scope of H.B. 129, the proposed amendments simply reference the statute.

CJA Appendix A. Justice Court Nominating Commissions Procedure Manuel (AMEND)

The proposed amendments to Appendix A of the Code of Judicial Administration update justice court nominating commission procedures. Among other things, the amendments require applicants to use an online portal to be considered for a judgeship in justice courts and remove the credit check requirement.

Rule 1-205. Standing and Ad Hoc Committees.**Intent:**

To establish standing and ad hoc committees to assist the Council and provide recommendations on topical issues.

To establish uniform terms and a uniform method for appointing committee members.

To provide for a periodic review of existing committees to assure that their activities are appropriately related to the administration of the judiciary.

Applicability:

This rule applies to the internal operation of the Council.

Statement of the Rule:**(1) Standing Committees.**

(1)(A) **Establishment.** The following standing committees of the Council are hereby established:

(1)(A)(i) Uniform Fine Committee;

(1)(A)(ii) Ethics Advisory Committee;

(1)(A)(iii) Judicial Branch Education Committee;

(1)(A)(iv) Court Facility Planning Committee;

(1)(A)(v) Committee on Children and Family Law;

(1)(A)(vi) Committee on Resources for Self-represented Parties;

(1)(A)(vii) Language Access Committee;

(1)(A)(viii) Guardian ad Litem Oversight Committee;

(1)(A)(ix) Committee on Model Utah Civil Jury Instructions;

(1)(A)(x) Committee on Model Utah Criminal Jury Instructions;

(1)(A)(xi) Committee on Court Forms;

(1)(A)(xii) Committee on ~~Judicial~~ Fairness and Accountability;

(1)(A)(xiii) Working Interdisciplinary Network of Guardianship Stakeholders (WINGS); and

(1)(A)(xiv) Tribal Liaison Committee.

(1)(B) Composition.

(1)(B)(i) The **Uniform Fine Committee** performs the duties described in rule 4-302 and will consist of:

(1)(B)(i)(a) one district court judge who has experience with a felony docket;

(1)(B)(i)(b) three district court judges who have experience with a misdemeanor docket; and

(1)(B)(i)(c) four justice court judges.

(1)(B)(ii) The **Ethics Advisory Committee** performs the duties described in rule 3-109 and will consist of:

(1)(B)(ii)(a) one judge from the Court of Appeals;

(1)(B)(ii)(b) one district court judge from Judicial Districts 2, 3, or 4;

(1)(B)(ii)(c) one district court judge from Judicial Districts 1, 5, 6, 7, or 8;

(1)(B)(ii)(d) one juvenile court judge;

(1)(B)(ii)(e) one justice court judge; and

(1)(B)(ii)(f) an attorney from either the Bar or a college of law.

(1)(B)(iii) The **Judicial Branch Education Committee** performs the duties described in rule 3-403 and will consist of:

(1)(B)(iii)(a) one judge from an appellate court;

(1)(B)(iii)(b) one district court judge from Judicial Districts 2, 3, or 4;

(1)(B)(iii)(c) one district court judge from Judicial Districts 1, 5, 6, 7, or 8;

(1)(B)(iii)(d) one juvenile court judge;

(1)(B)(iii)(e) the education liaison of the Board of Justice Court Judges;

(1)(B)(iii)(f) one state-court level administrator;

(1)(B)(iii)(g) the Human Resource Management Director;

(1)(B)(iii)(h) one court executive;

(1)(B)(iii)(i) one juvenile court probation representative;

(1)(B)(iii)(j) two court clerks from different levels of court and different judicial districts;

(1)(B)(iii)(k) one data processing manager; and

(1)(B)(iii)(l) one adult educator from higher education.

(1)(B)(iii)(m) The Human Resource Management Director and the adult educator will serve as non-voting members. The courtstate level administrator and the Human Resource Management Director will serve as permanent Committee members.

(1)(B)(iv) The **Court Facility Planning Committee** performs the duties described in rule 3-409 and will consist of:

(1)(B)(iv)(a) one judge from each level of trial court;

(1)(B)(iv)(b) one appellate court judge;

(1)(B)(iv)(c) the state court administrator;

(1)(B)(iv)(d) a trial court executive;

(1)(B)(iv)(e) two business people with experience in the construction or financing of facilities; and

(1)(B)(iv)(f) the court security director; and

(1)(B)(iv)(g) two community representatives who are knowledgeable about the needs of the self-represented litigants.

(1)(B)(v) The **Committee on Children and Family Law** performs the duties described in rule 4-908 and will consist of:

(1)(B)(v)(a) one Senator appointed by the President of the Senate;

(1)(B)(v)(b) the Director of the Department of Human Services or designee;

(1)(B)(v)(c) one attorney of the Executive Committee of the Family Law Section of the Utah State Bar;

(1)(B)(v)(d) one attorney with experience in abuse, neglect and dependency cases;

(1)(B)(v)(e) one attorney with experience representing parents in abuse, neglect and dependency cases;

(1)(B)(v)(f) one representative of a child advocacy organization;

(1)(B)(v)(g) the ADR Program Director or designee;

(1)(B)(v)(h) one professional in the area of child development;

(1)(B)(v)(i) one mental health professional;

(1)(B)(v)(j) one-two community representatives of the community who are knowledgeable about the needs of self-represented litigants;

(1)(B)(v)(k) the Director of the Office of Guardian ad Litem or designee;

(1)(B)(v)(l) one court commissioner;

(1)(B)(v)(m) two district court judges; and

(1)(B)(v)(n) two juvenile court judges.

(1)(B)(v)(o) One of the district court judges and one of the juvenile court judges will serve as co-chairs to the committee. In its discretion, the committee may appoint non-members to serve on its subcommittees.

(1)(B)(vi) The **Committee on Resources for Self-represented Parties** performs the duties described in rule 3-115 and will consist of:

(1)(B)(vi)(a) two district court judges;

(1)(B)(vi)(b) one juvenile court judge;

(1)(B)(vi)(c) two justice court judges;

(1)(B)(vi)(d) three clerks of court – one from an appellate court, one from an urban district, and one from a rural district;

(1)(B)(vi)(e) one representative from a social services organization providing direct services to underserved communities;

(1)(B)(vi)(f) one representative from the Utah State Bar;

(1)(B)(vi)(g) two representatives from legal service organizations that serve low-income clients;

(1)(B)(vi)(h) one private attorney experienced in providing services to self-represented parties;

(1)(B)(vi)(i) two law school representatives;

(1)(B)(vi)(j) the state law librarian; and

(1)(B)(vi)(k) two community representatives who are knowledgeable about the needs of self-represented litigants.

(1)(B)(vii) The **Language Access Committee** performs the duties described in rule 3-306.02 and will consist of:

(1)(B)(vii)(a) one district court judge;

(1)(B)(vii)(b) one juvenile court judge;

(1)(B)(vii)(c) one justice court judge;

(1)(B)(vii)(d) one trial court executive;

(1)(B)(vii)(e) one court clerk;

(1)(B)(vii)(f) one interpreter coordinator;

(1)(B)(vii)(g) one probation officer;

(1)(B)(vii)(h) one prosecuting attorney;

(1)(B)(vii)(i) one defense attorney;

(1)(B)(vii)(j) two certified interpreters;

(1)(B)(vii)(k) one approved interpreter;

(1)(B)(vii)(l) one expert in the field of linguistics; ~~and~~

(1)(B)(vii)(m) one American Sign Language representative; and

(1)(B)(vii)(n) two community representatives who are knowledgeable about the needs of self-represented litigants.

(1)(B)(viii) The **Guardian ad Litem Oversight Committee** performs the duties described in rule 4-906 and will consist of:

(1)(B)(viii)(a) seven members with experience in the administration of law and public services selected from public, private, and non-profit organizations.

(1)(B)(ix) The **Committee on Model Utah Civil Jury Instructions** performs the duties described in rule 3-418 and will consist of:

(1)(B)(ix)(a) two district court judges;

(1)(B)(ix)(b) four lawyers who primarily represent plaintiffs;

(1)(B)(ix)(c) four lawyers who primarily represent defendants; and

(1)(B)(ix)(d) one person skilled in linguistics or communication.

(1)(B)(x) The **Committee on Model Utah Criminal Jury Instructions** performs the duties described in rule 3-418 and will consist of:

(1)(B)(x)(a) two district court judges;

(1)(B)(x)(b) one justice court judge;

(1)(B)(x)(c) four prosecutors;

(1)(B)(x)(d) four defense counsel; and

(1)(B)(x)(e) one person skilled in linguistics or communication.

(1)(B)(xi) The **Committee on Court Forms** performs the duties described in rule 3-117 and will consist of:

(1)(B)(xi)(a) two district court judges;

(1)(B)(xi)(b) one court commissioner;

(1)(B)(xi)(c) one juvenile court judge;

(1)(B)(xi)(d) one justice court judge;

- (1)(B)(xi)(e) one court clerk;
- (1)(B)(xi)(f) one appellate court staff attorney;
- (1)(B)(xi)(g) one representative from the Self-Help Center;
- (1)(B)(xi)(h) the State Law Librarian;
- (1)(B)(xi)(i) the district court administrator or designee;
- (1)(B)(xi)(j) one representative from a legal service organization that serves low-income clients;
- (1)(B)(xi)(k) one paralegal;
- (1)(B)(xi)(l) one educator from a paralegal program or law school;
- (1)(B)(xi)(m) one person skilled in linguistics or communication;
- (1)(B)(xi)(n) one representative from the Utah State Bar; **and**
- (1)(B)(xii)(o) the LPP administrator; **and**
- (1)(B)(xii)(p) two community representatives who are knowledgeable about the needs of the self-represented litigants.

(1)(B)(xii) The **Committee on Fairness and Accountability** performs the duties described in rule 3-420. The committee will include members who demonstrate an interest in or who have experience with issues of diversity, equity, and inclusion and will consist of:

- (1)(B)(xii)(a) one district court judge;
- (1)(B)(xii)(b) one juvenile court judge;
- (1)(B)(xii)(c) one justice court judge;
- (1)(B)(xii)(d) one appellate court judge;
- (1)(B)(xii)(e) two former judges from any court level;
- (1)(B)(xii)(f) the General Counsel or designee;

(1)(B)(xii)(g) ~~one two community~~ representatives ~~of the community who~~
are knowledgeable about the needs of self-represented litigants;

(1)(B)(xii)(h) the Director of the Office of Fairness and Accountability;

(1)(B)(xii)(i) the Director of Data and Research or designee; and

(1)(B)(xii)(j) up to two additional qualified individuals.

(1)(B)(xiii) The **Working Interdisciplinary Network of Guardianship Stakeholders (WINGS)** performs the duties described in rule 3-421, and will consist of:

(1)(B)(xiii)(a) **Judiciary** representatives:

(1)(B)(xiii)(a)(i) two or more district court judges;

(1)(B)(xiii)(a)(ii) two or more district court judicial support staff with experience in guardianship matters;

(1)(B)(xiii)(a)(iii) one representative from the Guardianship Reporting and Monitoring Program (GRAMP); and

(1)(B)(xiii)(a)(iv) one representative from the Court Visitor Program.

(1)(B)(xiii)(b) **Community stakeholder** representatives:

(1)(B)(xiii)(b)(i) one representative from Adult Protective Services;

(1)(B)(xiii)(b)(ii) one representative from Disability Law Center;

(1)(B)(xiii)(b)(iii) one representative from Adult and Aging Services;

(1)(B)(xiii)(b)(iv) one representative from Office of Public Guardian;

(1)(B)(xiii)(b)(v) one representative from the Utah State Bar;

(1)(B)(xiii)(b)(vi) one representative from Office of the Attorney General;

(1)(B)(xiii)(b)(vii) one representative from the Utah legislature;

(1)(B)(xiii)(b)(viii) one representative from the Utah Commission on Aging;

(1)(B)(xiii)(b)(ix) one representative from Utah Legal Services; and

(1)(B)(xiii)(b)(x) the Long-Term Care Ombudsman or designee.

(1)(B)(xiii)(c) **Individual community** representatives. Three or more community stakeholders representing:

(1)(B)(xiii)(c)(i) mental health community;

(1)(B)(xiii)(c)(ii) medical community;

(1)(B)(xiii)(c)(iii) private legal community that specializes in guardianship matters;

(1)(B)(xiii)(c)(iv) aging-adult services community;

(1)(B)(xiii)(c)(v) educator from a legal program or law school;

(1)(B)(xiii)(c)(vi) organization serving low-income, minorities, or marginalized communities;

(1)(B)(xiii)(c)(vii) citizens under or involved in guardianship; and

(1)(B)(xiii)(c)(viii) other organizations with a focus including, but not limited to guardianship, aging, legal services, or disability.

(1)(B)(xiv) The **Tribal Liaison Committee** performs the duties described in rule 3-422 and will consist of:

(1)(B)(xiv)(a) one district court judge;

(1)(B)(xiv)(b) one juvenile court judge;

(1)(B)(xiv)(c) one justice court judge;

(1)(B)(xiv)(d) one appellate court judge;

(1)(B)(xiv)(e) one federal district court judge or magistrate;

(1)(B)(xiv)(f) one tribal court judge;

(1)(B)(xiv)(g) two representatives of Utah's Indian Tribes or affiliated community groups;

(1)(B)(xiv)(h) the Tribal Liaison;

(1)(B)(xiv)(i) one trial court executive;

(1)(B)(xiv)(j) one clerk of court or designee;

(1)(B)(xiv)(k) one representative from the Utah State Bar Indian Law Section;

(1)(B)(xiv)(l) one representative from the United States Attorney's Office;

(1)(B)(xiv)(m) one representative from the Indigent Defense Commission; and

(1)(B)(xiv)(n) one representative from the Guardian ad Litem's Office.

(1)(C) **Standing committee meetings and chairs.** The ~~Judicial~~ Council will designate the chair of each standing committee. Standing committees will meet as necessary to accomplish their work. ~~Standing committees will report to the Council as necessary but a minimum of once every year.~~ Except for the Committee on ~~Judicial~~ Fairness and Accountability, ~~C~~council members may not serve, participate or vote on standing committees. Standing committees may invite participation by others as they deem advisable, but only members designated by this rule may make motions and vote. All members designated by this rule may make motions and vote unless otherwise specified. Standing committees may form subcommittees as they deem advisable.

(1)(D) **Committee performance review.**

(1)(D)(i) **Council.** Standing committees will report to the Council as necessary, but at least annually.

(1)(D)(ii) **Committee assessment.** At least once every ~~six-three~~ years, the chair of each standing committee~~Management Committee~~ will ~~review the performance of each committee~~conduct a performance assessment. Chairs should, at a minimum, consider:

(1)(D)(ii)(a) whether there is a more efficient way to accomplish the committee's work;

(1)(D)(ii)(b) whether there are any redundancies that would allow for consolidation with other committees or working groups; and

(1)(D)(ii)(c) whether the committee continues to serve its purpose or could be dissolved.

(1)(D)(iii) **Management Committee.** Committee chairs will report the results of the performance assessment in paragraph (1)(D)(ii) to the Management Committee. If the Management Committee determines that the committee continues to serve its purpose, the Management Committee will recommend to the ~~Judicial~~ Council that the committee continue. If the Management Committee determines that modification of a committee is warranted, it may so recommend to the ~~Judicial~~ Council.

(1)(D)(iv) **Guardian ad Litem Oversight Committee.** Notwithstanding subsection (1)(D), ~~the~~ Guardian ad Litem Oversight Committee, recognized by Section 78A-~~2-1046-901~~, will not terminate.

(2) **Ad hoc committees.** The Council may form ad hoc committees or task forces to consider topical issues outside the scope of the standing committees and to recommend rules or resolutions concerning such issues. The Council may set and extend a date for the termination of any ad hoc committee. The Council may invite non-Council members to participate and vote on ad hoc committees. Ad hoc committees will keep the Council informed of their activities. Ad hoc committees may form sub-committees as they deem advisable. Ad hoc committees will ~~disband~~ upon issuing a final report or recommendation(s) to the Council, upon expiration of the time set for termination, or upon the order of the Council.

(3) **General provisions.**

(3)(A) **Appointment process.**

(3)(A)(i) **Administrator's responsibilities.** The state court administrator will select a member of the administrative staff to serve as the administrator for committee appointments. Except as otherwise provided in this rule, the administrator will:

(3)(A)(i)(a) announce expected vacancies on standing committees two months in advance and announce vacancies on ad hoc committees in a timely manner;

(3)(A)(i)(b) for new appointments, obtain an indication of willingness to serve from each prospective appointee and information regarding the prospective appointee's present and past committee service;

(3)(A)(i)(c) for reappointments, obtain an indication of willingness to serve from the prospective reappointee, the length of the prospective reappointee's service on the committee, the attendance record of the

prospective reappointee, the prospective reappointee's contributions to the committee, and the prospective reappointee's other present and past committee assignments; and

(3)(A)(i)(d) present a list of prospective appointees and reappointees to the Council and report on recommendations received regarding the appointment of members and chairs.

(3)(A)(ii) **Council's responsibilities.** The Council will appoint the chair of each committee. Whenever practical, appointments will reflect geographical, gender, cultural, and ethnic diversity.

(3)(B) **Terms.** Except as otherwise provided in this rule, standing committee members will serve staggered three-year terms. Standing committee members may not serve more than two consecutive terms on a committee unless the Council determines that exceptional circumstances exist which justify service of more than two consecutive terms.

(3)(C) **Expenses.** Members of standing and ad hoc committees may receive reimbursement for actual and necessary expenses incurred in the execution of their duties as committee members.

(3)(D) **Secretariat.** The Administrative Office will serve as secretariat to the Council's committees.

Effective: ~~November 1, 2024~~ May 1, 2025

Rule 3-306.04. Interpreter appointment, payment, and fines.**Intent:**

To state the policy of the Utah courts to secure the rights of people under Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d, et seq. in legal proceedings who are unable to understand or communicate adequately in the English language.

To outline the procedures for appointment and payment of contract interpreters for legal proceedings.

Applicability:

This rule ~~shall apply~~applies to legal proceedings in courts of record and not of record.

This rule ~~shall apply~~applies to interpretation for individuals with a primary language other than English and limited English proficiency (LEP). ~~This rule does not apply to non-English speaking people and not to~~ interpretation for ~~persons~~individuals with a hearing impairment, which is governed by Utah and federal statutes.

Statement of the Rule:**(1) Appointment.**

(1)(A) Except as provided in paragraphs (1)(B) and (1)(C), if the appointing authority determines that a party, witness, victim or person who will be bound by the legal proceeding has a primary language other than English and ~~limited English proficiency~~LEP, the appointing authority ~~will~~shall appoint a certified or approved interpreter in all legal proceedings. A person requesting an interpreter is presumed to be a person of LEP~~limited English proficiency~~.

(1)(B) A registered interpreter may be appointed if no certified or approved interpreter is reasonably available.

(1)(C) A conditionally-approved interpreter may be appointed if the appointing authority, after evaluating the totality of the circumstances, finds that:

(1)(C)(i) the prospective interpreter has language skills, knowledge of interpreting techniques, and familiarity with interpreting sufficient to interpret the legal proceeding; ~~and~~

(1)(C)(ii) appointment of the prospective interpreter does not present a real or perceived conflict of interest or appearance of bias; and

(1)(C)(iii) a certified, approved, or registered interpreter is not reasonably available or the gravity of the legal proceeding and the potential consequence to the person are so minor that delays in obtaining a certified or approved

44 interpreter are not justified.

45
46 (1)(D) **Out of state credentials.** The appointing authority may appoint an interpreter
47 with certified or approved or equivalent credentials from another state if the
48 appointing authority finds that the approved, registered, or conditionally approved
49 interpreters who are reasonably available do not have the language skills,
50 knowledge of interpreting techniques, or familiarity with interpreting sufficient to
51 interpret the legal proceeding. The appointing authority may consider the totality of
52 the circumstances, including the complexity or gravity of the legal proceeding, the
53 potential consequences to the person of ~~LEP~~~~limited English proficiency~~, and any other
54 relevant factor.

55
56 (1)(E) **Direct verbal exchange.** No interpreter is needed for a direct verbal exchange
57 between the person and court staff if the court staff can fluently speak the language
58 understood by the person and the state court employee is acting within guidelines
59 established in the Human Resources Policies and Procedures. An approved,
60 registered, or conditionally approved interpreter may be appointed if court staff
61 does not speak the language understood by the person.

62
63 (1)(F) **Number of interpreters.** The appointing authority will appoint one interpreter
64 for all participants with ~~LEP~~~~limited English proficiency~~, unless the judge determines that
65 the participants have adverse interests, or that due process, confidentiality, the
66 length of the legal proceeding, or other circumstances require that there be
67 additional interpreters.

68
69 (2) **Review of denial of request for interpreter.** A person whose request for an interpreter
70 has been denied may apply for review of the denial. The application ~~shall~~will be decided by
71 the presiding judge. If there is no presiding judge or if the presiding judge is unavailable,
72 the court clerk ~~will~~~~of the court shall~~ refer the application to any judge ~~of the court or any judge~~ of
73 a court of equal jurisdiction. The application must be filed within 20 days after the denial.

74
75 (3) **Waiver.** A person may waive an interpreter if the appointing authority approves the
76 waiver after determining that the waiver has been made knowingly and voluntarily. A
77 person may retract a waiver and request an interpreter at any time. An interpreter is for
78 the benefit of the court as well as for the ~~non-English-speaking~~ person with a primary language
79 other than English and LEP, so the appointing authority may reject a waiver.

80
81 (4) **Translation of court forms.** Forms must be translated by a team of at least two people
82 who are interpreters certified or approved under this rule or translators accredited by the
83 American Translators Association.

84
85 (5) Recorded evidence.
86

(5)(A) **Sight translations.** Parties may not ask interpreters to produce on-the-spot sight translations of written documents. The court may explain to the parties why this task is inappropriate.

(5)(B) **Recorded evidence in languages other than English.** When offering a recording of a spoken language other than English, a party must offer a written transcript of the recording to aid the jury or the court in understanding the recording. Admissibility of the recording and transcript is governed by the Utah Rules of Evidence.

(5)(C) **Recorded evidence in English.** Audio and video files recorded in English that will be played in open court should be reviewed by the interpreter(s) who will be providing language services for that hearing prior to the proceeding.

(5)(D) **Emergency circumstances.** If the situation involves an emergency circumstance, the court may require a party with LEP to testify as to what is being said on the recording and have that testimony interpreted by the court interpreter for the record. If the recorded evidence is brief or not complex, the court may permit on-the-spot interpretation with the consent of the court interpreter.

(5)(E) **Duty to inform.** Court interpreters assigned to a given proceeding must inform the judge if they are unable to provide an on-the-spot interpretation of audio or video recordings, or sight translations of written documents in English.

(56) Payment.

(56)(A) **Courts of record.** The fees and expenses for language access in courts of record ~~shall will~~ be paid by the Administrative Office. Payment of fees and expenses ~~shall will~~ be made in accordance with the Accounting Manual.

(56)(B) **Courts not of record.** The local government that funds a court not of record ~~shall will~~ set and pay the fees and expenses for interpreters in that court.

(56)(C) **Parties.** The court may assess the fees and expenses as costs to a party as otherwise provided by law- (e.g., Utah Constitution, Article I, Section 12, Utah Code Sections 77-1-6(2)(b), 77-18-116, 77-32b-104, 78B-1-146(3), URCP-Rule 54 of the Utah Rules of Civil Procedure(d)(2), and Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d, et seq., ~~and including~~ regulations and guidance adopted under that title-).

(56)(D) **Review.** A person who has been ordered to pay fees and expenses for language access may apply to the presiding judge to review the order. If there is no presiding judge, the person may apply to any judge of ~~the court or any judge of a~~ court of equal jurisdiction. The application must be filed within 20 days after the date the order was issued.

| 131 *Effective:* ~~2/27/2024~~May 1, 2025

Rule 4-510.03. Qualification of ADR providers.**Intent:**

To establish eligibility and qualification requirements for inclusion on the Utah Court Approved ADR Roster including additional requirements for designation as a Divorce Roster Mediator, Master Mediator, and Domestic Mentor.

Applicability:

This rule applies ~~to in the~~ district courts.

Statement of the Rule:

(1) **Application.** To be eligible for the roster, an applicant must:

(1)(A) submit a written application to the Director setting forth:

(1)(A)(i) a description of how the applicant meets, or will meet within a reasonable time, the requirements specified in paragraph (2)(A), if applicable;

(1)(A)(ii) the major areas of specialization and experience of the applicant, such as real estate, estates, trusts and probate, family law, personal injury or property damage, securities, taxation, civil rights and discrimination, consumer claims, construction and building contracts, corporate and business organizations, environmental law, labor law, natural resources, business transactions/commercial law, administrative law and financial institutions law;

(1)(A)(iii) the maximum fees the applicant will charge for service as a provider under the ADR program; and

(1)(A)(iv) the judicial districts in which the applicant is offering to provide services and the location and a description of the facilities in which the applicant intends to conduct the ADR proceedings;

(1)(B) agree to complete and annually complete up to six hours of ADR training as required by the Judicial Council;

(1)(C) submit an annual report to the Director indicating the number of mediations and arbitrations the ADR provider has conducted that year; and

(1)(D) be re-qualified annually.

(2) **Mediator eligibility.** To be included on the roster as a mediator:

(2)(A) **Education and experience.** ~~all n~~New applicants to the court roster must ~~also~~ have successfully completed at least 40 hours of court-approved basic formal mediation training in the last three years. This training ~~shall~~ **must** be under a single training course from a single, court-approved training provider. The applicant must also complete 10 hours of experience in observing a court-qualified mediator conduct mediation, and 10 hours in either conducting mediations singly or co-mediating with a court-qualified

mediator, ~~or meet such other education, training and experience requirements as the Council finds will promote the effective administration of the ADR program;~~

(2)(B) **Examination.** ~~New applicants must~~ successfully pass an examination on the ethical requirements for mediators on the Utah Court Roster;

(2)(C) **Pro bono mediation.** ~~New applicants and providers must~~ agree to conduct at least three pro bono mediations each year as referred by the Director; ~~and~~

(2)(D) **Good moral character.** ~~New applicants and providers must~~ be of good moral character in that the provider has not been convicted of a felony, a misdemeanor involving moral turpitude, or any other serious crime, and has not received professional sanctions that, when considered in light of the duties and responsibilities of an ADR provider, are determined by the Director to indicate that the best interests of the public are not served by including the provider on the roster.

(3) **Divorce mediator eligibility.** To be included on the court roster for qualified divorce mediators:

(3)(A) **Training.** ~~All n~~New applicants to the roster of divorce mediators must also have an additional 32 hours of court-approved training specific to the skills, Utah laws, and information needed to conduct divorce mediation. This training shall be under a single training course from a single, court-approved provider.

(3)(B) **Domestic violence training.** ~~All New~~ applicants must have a minimum of 6 hours of training specific to domestic violence and screening for domestic violence which may be included in the court-approved 32-hour training referred to above.

(3)(C) **Experience.** New applicants to the court roster of divorce mediators are required to have acquired experience specific to divorce mediation. This is in addition to the 20 hours of experience required for the court roster of basic mediators. The additional experience includes having observed a minimum of two divorce mediations, co-mediating two divorce mediations, and having been observed conducting two divorce mediations. Each of these includes debriefing and analysis afterward with a mediator who has Domestic Mentor status. The Domestic Mentor may charge a fee for this service.

(3)(D) **List.** The Director will maintain and make available a list of those mediators who have Domestic Mentor status.

(4) **Master Mediator.** To be included on the roster as a Master Mediator, the provider must also have completed 300 hours in conducting mediation sessions.

(5) **Domestic Mentor.** To be included on the roster as a Domestic Mentor, the provider must also have completed 300 hours in conducting mediation in domestic cases and completed a domestic mentor orientation.

(6) **Arbitrator eligibility.** To be included on the roster as an arbitrator, the provider must also:

(6)(A) Utah Bar. ~~h~~Have been a member in good standing of the Utah State Bar for at least ten years; ~~or meet such other education, training and experience requirements as the Council finds will promote the effective administration of the ADR program;~~

(6)(B) Good moral character. ~~b~~Be of good moral character in that the provider has not been convicted of a felony, a misdemeanor involving moral turpitude, or any other serious crime, and has not received professional sanctions that, when considered with the duties and responsibilities of an ADR provider are determined by the Director to indicate that the best interests of the public are not served by including the provider on the roster; and

(6)(C) Pro bono arbitration. ~~a~~Agree to conduct at least one pro bono arbitration each year as referred by the Director.

(7) Mediator re-qualification. To be re-qualified as a mediator, the provider must, unless waived by the Director for good cause, demonstrate that the provider has conducted at least six mediation sessions or conducted 24 hours of mediation during the previous year.

(8) Arbitrator re-qualification. To be re-qualified as an arbitrator, the provider must, unless waived by the Director for good cause, demonstrate that the provider has conducted at least three arbitration sessions or conducted 12 hours of arbitration during the previous year.

(9) Sanctions. A provider may be sanctioned for failure to comply with the code of ethics for ADR providers as adopted by the Supreme Court or for failure to meet the requirements of this rule or state statute. The Judicial Council's ad hoc committee on ADR ("Cecommittee") ~~shall will~~ inform the public of public sanctions against a provider promptly after imposing the sanction.

(9)(A) Public sanctions. Public sanctions may include singly or with other sanctions:

(9)(A)(i) a written warning and requirement to attend additional training;

(9)(A)(ii) ~~require the mediator to allow the Director or designee to observe~~ ation by the Director, or the Director's designee, of a set number of mediation sessions conducted by the mediator;

(9)(A)(iii) suspension for a period of time from the court roster; ~~or~~

(9)(A)(iv) ~~removal from the court roster.~~

(9)(B) Private sanctions. Private sanctions may include singly or with other sanctions:

(9)(B)(i) admonition; ~~or~~

(9)(B)(ii) a requirement to re-take and successfully pass the ADR ethical exam.

~~(9)(C)~~ Procedures. The Cecommittee ~~shall will~~ approve and publish procedures consistent with this rule to be used in imposing the sanction.

(10) Complaints. The complainant ~~shall must be submitted to the Director in writing file a written~~ and signed by the complainant ~~with the director.~~ The Ddirector ~~shall will~~ notify the provider in writing of the complaint and provide an opportunity to respond. The ~~d~~Ddirector may

interview the complainant, the provider and any parties involved. Upon consideration of all factors, the ~~d~~Director may impose a sanction, with notice to ~~and notify~~ the complainant and the ~~p~~Pprovider. If the ~~p~~Pprovider seeks to challenge the sanction, the ~~p~~Pprovider must notify the ~~D~~irector within 10 days of receipt of the notification. The ~~p~~Pprovider may request reconsideration by the ~~d~~Director or a hearing by the ~~Judicial Council's ad hoc C~~committee ~~on~~ ADR. The decision of the ~~C~~committee is final.

Effective: ~~11/1/2018~~May 1, 2025

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

To classify court records as public or non-public.

Applicability:

This rule applies to the judicial branch.

Statement of the Rule:

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

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

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

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

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

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

(2)(E) audit reports;

(2)(F) case files;

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

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

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

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

(2)(K) financial records;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(2)(U) order or decision classifying a record as non~~u~~-t public;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(3)(A)(i) ~~Utah Code, Title 8178B, Chapter 136, Part 1, Utah Adoption Act~~, six months after the conclusion of proceedings, which are private until sealed;

(3)(A)(ii) ~~Utah Code, Title 8178B, Chapter 45, Part 8, Gestational Agreement~~, six months after the conclusion of proceedings, which are private until sealed;

(3)(A)(iii) Utah Code s~~S~~Section 76-7-304.5.— Consent required for abortions performed on minors; and

(3)(A)(iv) Utah Code s~~S~~Section 78B-8-402.— Actions for disease testing;

(3)(B) expunged records;

(3)(C) orders authorizing installation of pen register or trap and trace device under Utah Code s~~S~~Section 77-23a-15;

(3)(D) records showing the identity of a confidential informant;

(3)(E) records relating to the possession of a financial institution by the commissioner of financial institutions under Utah Code s~~S~~Section 7-2-6;

(3)(F) wills deposited for safe keeping under Utah Code, Section-title 75, chapter -2, part -9, Custody and Deposit of Wills~~04~~;

(3)(G) records designated as sealed by rule of the Supreme Court;

(3)(H) record of a Children's Justice Center investigative interview after the conclusion of any legal proceedings;

(3)(I) on appeal, any record previously designated as sealed by another court;

(3)(J) video record of a court proceeding, other than security video; ~~and~~

(3)(K) "nonpublic restitution records" as defined in Utah Code section 63M-7-502; and

(3)(~~L~~K) other records as ordered by the court under Rule 4-202.04.

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

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

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

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

(4)(A)(iii) Utah Code, t~~T~~itle 8178B, c~~C~~hapter 136, p~~P~~art 1, Utah-Adoption-Act, until the records are sealed;

(4)(A)(iv) Utah Code, t~~T~~itle 8178B, c~~C~~hapter 15, p~~P~~art 8, Gestational Agreement, until the records are sealed;

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

(4)(A)(vi) Utah Code sSection 26B-8-111, Sex designation changes, and name changes combined with sex designation changes for both minors and adults, except that:

(4)(A)(vi)(a) the case history is public for minors; and

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

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

(4)(B)(i) Utah Code, Title 8130, Husband and WifeUtah Domestic Relations Code, including qualified domestic relations orders, except that an action for consortium due to personal injury under Utah Section ~~30-2-118~~1-3-111 is public;

(4)(B)(ii) Utah Code, Title 75, Chapter 5, Protection of pPersons uUnder dDisability and their Property;

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

(4)(B)(iv) Utah Code, Title 8178B, Chapter 612, _Utah Child Support ActChild Support;

(4)(B)(v) Utah Code, Title 8178B, Chapter 113, Utah Uniform Child Custody Jurisdiction and Enforcement Act;

(4)(B)(vi) Utah Code, Title 8178B, Chapter 814, Uniform Interstate Family Support Act;

(4)(B)(vii) Utah Code, Title 8178B, Chapter 45, Utah Uniform Parentage Act; and

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

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

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

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

(4)(F) alternative dispute resolution records;

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

(4)(H) jail booking sheets;

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

(4)(J) judgment information statement;

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

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

(4)(M) the following personal identifying information about a person other than a party or a victim or witness of a crime: residential address, personal email address, personal telephone number; date of birth, driver's license number, social security number, account description and number, password, identification number, maiden name, mother's maiden name, and similar personal identifying information;

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

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

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

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

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

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

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

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

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

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

(4)(S) record of a court hearing closed to the public or of a child's testimony taken under ~~URCrP~~ Rule 15.5 of the Utah Rules of Criminal Procedure:

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

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

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

- (4)(U) record submitted for in camera review until its public availability is determined;
- (4)(V) reports of investigations by Child Protective Services;
- (4)(W) statement in support of petition to determine competency;
- (4)(X) victim impact statements;
- (4)(Y) name of a prospective juror summoned to attend court, unless classified by the judge as safeguarded to protect the personal safety of the prospective juror or the prospective juror's family;
- (4)(Z) records filed pursuant to Rules 52 - 59 of the Utah Rules of Appellate Procedure, except briefs filed pursuant to court order;
- (4)(AA) records in a proceeding under Rule 60 of the Utah Rules of Appellate Procedure;
- (4)(BB) records related to Court Commissioner Conduct Committee and Council actions under Rule 3-201.02, other than a public censure by the Council, and
- (4)(CC) other records as ordered by the court under Rule 4-202.04.

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

- (5)(A) attorney's work product, including the mental impressions or legal theories of an attorney or other representative of the courts concerning litigation, privileged communication between the courts and an attorney representing, retained, or employed by the courts, and records prepared solely in anticipation of litigation or a judicial, quasi-judicial, or administrative proceeding;
- (5)(B) records that are subject to the attorney client privilege;
- (5)(C) bids or proposals until the deadline for submitting them has closed;
- (5)(D) budget analyses, revenue estimates, and fiscal notes of proposed legislation before issuance of the final recommendations in these areas;
- (5)(E) budget recommendations, legislative proposals, and policy statements, that if disclosed would reveal the court's contemplated policies or contemplated courses of action;
- (5)(F) court security plans;
- (5)(G) investigation and analysis of loss covered by the risk management fund;
- (5)(H) memorandum prepared by staff for a member of any body charged by law with performing a judicial function and used in the decision-making process;
- (5)(I) confidential business records under Utah Code ~~s~~Section 63G-2-309;

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

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

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

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

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

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

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

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

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

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

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

(5)(Q) test questions and answers;

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

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

(5)(T) presentence investigation report;

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

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

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

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

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

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

- (6)(C) medical, psychological, psychiatric evaluations;
- (6)(D) pre-disposition, dispositional, and social summary reports;
- (6)(E) probation agency and institutional reports or evaluations;
- (6)(F) referral reports;
- (6)(G) report of preliminary inquiries;
- (6)(H) treatment or service plans;
- (6)(I) nonjudicial adjustment records; and
- (6)(J) documents filed with the court that were received pursuant to the Utah Interstate Compact for Juveniles.

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

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

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

- (8)(A) upon request, location information, contact information, and identity information, other than the name of a petitioner and other persons to be protected, in an action filed under Utah Code, Title 78B, Chapter 7, Protective Orders and Stalking Injunctions;
- (8)(B) upon request, location information, contact information and identity information, other than the name of a party or the party's child, after showing by affidavit that the health, safety, or liberty of the party or child would be jeopardized by disclosure in a proceeding under Utah Code, Title 81-78B, Chapter 113, Utah Uniform Child Custody Jurisdiction and Enforcement Act, ~~or Utah Code, Title 81-78B, Chapter 84, Uniform Interstate Family Support Act~~; ~~or~~ Utah Code, Title 81-78B, Chapter 15, Utah Uniform Parentage Act;
- (8)(C) upon request, if the information has been safeguarded under paragraph (8)(A) or

(8)(B), location information, contact information and identity information, other than the name of a party or the party's child, in a proceeding under Utah Code, Title 81-30, Husband and Wife Utah Domestic Relations Code;

(8)(D) location information, contact information, and identity information of prospective jurors on the master jury list or the qualified jury list;

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

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

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

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

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

Effective ~~January~~ May 1, 2025~~4~~

Rule 4-510.06. Cases exempt from ADR rules.**Intent:**

To identify the actions exempt from Rules 4-510.01 through 4-510.05.

Applicability:

This rule applies in the district court.

Statement of the Rule:

(1) Rules 4-510.01 through 4-510.05 do not apply to the following actions:

(1)(A) Title 26B, Chapter 3, Part 10, Medical Benefits Recovery;

(1)(B) Title 26B, Chapter 9, Recovery Services and Administration of Child Support;

(1)(C) Title 78B, Chapter 7, Part 61, Cohabitant Abuse Protective Orders;

(1)(D) Title 26B, Chapter 5, Health Care - Substance Use and Mental Health;

(1)(E) Rules 65A, 65B and 65C of the Utah Rules of Civil Procedure; and

(1)(F) uncontested matters.

(2) Rules 4-510.01 through 4-510.05 do not apply to the following actions, but they may undergo ADR procedures under other programs:

(2)(A) Title 78A, Chapter 8, Small Claims Court; and

(2)(B) Title 78B, Chapter 6, Part 8, Forcible Entry and Detainer.

(3) Rules 4-510.01 through 4-510.05 do not apply to the following actions, but the judge may direct that they undergo ADR procedures under these rules:

(3)(A) Title 81, Chapter 6, Child Support;

(3)(B) Title 81, Chapter 8~~Title 78B, Chapter 14~~, Uniform Interstate Family Support Act;

(3)(C) Title 81, Chapter 5~~Title 78B, Chapter 15~~, Utah Uniform Parentage Act;

(3)(D) Title 81, Chapter 11~~Title 78B, Chapter 13~~, Utah Uniform Child Custody Jurisdiction and Enforcement Act; and

(3)(E) temporary orders requested under Title 81, Chapter 4, Dissolution of Marriage, except temporary separation orders under Section 81-4-104.

Effective: ~~November 1, 2024~~May 1, 2025

Rule 4-613. Jail prisoner transportation**Intent:**

To establish a procedure for designating on the statewide warrants system offenses which require transportation of an individual arrested in a county other than the county from which the warrant was issued.

Applicability:

This rule ~~shall apply~~applies to all warrants issued on or after November 1, 2011.

Statement of the Rule:

(1) Unless otherwise ordered by the court, warrants for the following offenses will require transportation from the county in which the defendant is arrested:

(1)(A) felonies;

(1)(B) class A misdemeanors; and

(1)(C) class B misdemeanors charged under Utah Code Title 76 Chapter 5 (Offenses Against the Person), Title 76, Chapter 11, Weapons ~~Chapter 10, Part 5 (Weapons)~~, and Title 41, Chapter 6a, Part 5 (Driving Under the Influence and Reckless Driving).

(2) Unless otherwise ordered by the court, warrants for the following offenses will require transportation only within the county from which the warrant originates:

(2)(A) class B misdemeanors not included in paragraph (1); and

(2)(B) class C misdemeanors.

Effective: ~~11/1/2011~~May 1, 2025

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

To identify who may access court records.

Applicability:

This rule applies to the judicial branch.

Statement of the Rule:

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

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

(2)(A) **Adoption records.** Upon request and presentation of positive identification, adoption records may be accessed according to Utah Code title 81, chapter 13, or pursuant to any court order that may have been entered. ~~an adoption petition, and any other documents filed in connection with the adoption, may be open to inspection and copying;~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

87 (3)(E) the person who submitted the record;
88

89 (3)(F) the attorney or licensed paralegal practitioner for a person who may access the
90 private record or an individual who has a written power of attorney from the person or
91 the person's attorney or licensed paralegal practitioner;
92

93 (3)(G) an individual with a release from a person who may access the private record
94 signed and notarized no more than 90 days before the date the request is made;
95

96 (3)(H) anyone by court order;
97

98 (3)(I) court personnel, but only to achieve the purpose for which the record was
99 submitted;
100

101 (3)(J) a person provided the record under Rule 4-202.04 or Rule 4-202.05; and
102

103 (3)(K) a governmental entity with which the record is shared under Rule 4-202.10.
104

105 (4) **Protected Court Records.** The following may access a protected court record:
106

107 (4)(A) the person or governmental entity whose interests are protected by closure;
108

109 (4)(B) the parent or guardian of the person whose interests are protected by closure if
110 the person is an unemancipated minor or under a legal incapacity;
111

112 (4)(C) the person who submitted the record;
113

114 (4)(D) the attorney or licensed paralegal practitioner for the person who submitted the
115 record or for the person or governmental entity whose interests are protected by closure
116 or for the parent or guardian of the person if the person is an unemancipated minor or
117 under a legal incapacity or an individual who has a power of attorney from such person
118 or governmental entity;
119

120 (4)(E) an individual with a release from the person who submitted the record or from the
121 person or governmental entity whose interests are protected by closure or from the
122 parent or guardian of the person if the person is an unemancipated minor or under a
123 legal incapacity signed and notarized no more than 90 days before the date the request
124 is made;
125

126 (4)(F) a party, attorney for a party, or licensed paralegal practitioner for a party to
127 litigation in which the record is filed;
128

129 (4)(G) anyone by court order;
130

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(5)(M) anyone by court order.

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

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

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

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

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

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

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

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

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

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

(6)(B) a law enforcement agency;

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

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

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

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

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

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

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

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

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

(7)(E) anyone by court order;

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

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

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

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

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

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

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

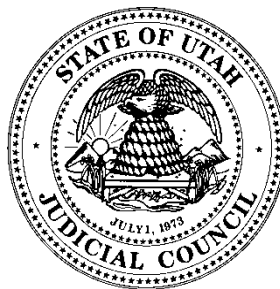
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264 *Effective: November 1, 2025*



Utah State Courts

Manual of Procedures
for
Justice Court Nominating Commissions



20~~25~~⁴⁶

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.

Manual of Procedures
for
Justice Court Nominating Commissions
20~~25~~¹⁶

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(1) List of Utah Judicial Nominating Commissions by Counties

Counties Served	District
Box Elder, Cache, Rich	1
Davis, Morgan, Weber	2
Salt Lake, Summit, Tooele	3
Juab, Millard, Utah, Wasatch	4
Beaver, Iron, Washington	5
Garfield, Kane, Piute, Sanpete, Sevier, Wayne	6
Carbon, Emery, Grand, San Juan	7
Daggett, Duchesne, Uintah	8

Nominating ~~committees~~ commissions are formed ~~in a county~~ as needed by county to fill ~~a~~ judicial vacancies in justice courts. Individuals appointed to these ~~committees~~ commissions serve a four-year term and may be asked to participate any time a new vacancy occurs within that county during their term. Two additional commission members selected by the local government which has posted the vacancy (see Composition of Utah Judicial Nominating Commissions) are not subject to the four-year term.

(2) Introduction

Utah ~~j~~udicial ~~n~~ominating ~~e~~commissions serve a critical function. The work of a commission marks the beginning of a process that culminates in the appointment ~~by the local government executive~~ of a new member of the judiciary by the local government executive. Service on a judicial nominating commission is, ~~therefore~~, a serious undertaking. It requires a willingness to devote the time and energy to nominate the candidates who will most effectively enhance the quality of the bench. It requires the discipline to work in a group and within the confines of a strict timetable. It requires the commitment to proceed through the various steps of the judicial nomination process with care and integrity. While the work of a judicial nominating commission is both concentrated and time consuming, participants will find satisfaction in the knowledge that their work directly improves the quality of Utah's ~~j~~udiciary system.

Throughout their thoughtful and impartial deliberations, the commissioners must hold the public interest foremost in the decision-making process. The quality of Utah's ~~j~~udiciary rests initially in the nomination of qualified candidates by the commissioners. The commissioners have many applicants from which to choose. Consequently, only extreme diligence by the nominating commission assures that all of the nominees submitted to the local government executive will strengthen ~~the state's~~ Utah's ~~j~~udiciary.

This manual was developed to assist Utah's ~~j~~udicial ~~n~~ominating ~~e~~commissions by providing a common background of information and by establishing guidelines both for commission procedures and applicant evaluation. Its goal is to enhance the efficiency of the nominating process by resolving procedural issues and preserving the time of the commissioners for a more thorough investigation and evaluation of applicants. It also

Seeks to articulate the qualifications and some of the more important qualities necessary for judicial office, thus providing practical guidelines for applicant evaluation.

(3) Merit Selection of Judges

The office of judge is unique in our society. A judge is a public servant holding an office of high public trust and as such, ~~so~~ should answer to the public. However, the obligation of a judge is to resolve disputes impartially and base decisions solely upon the facts of the case and the law. A judge, therefore, should be insulated from public pressure.

The federal government and the states balance the competing interests of judicial accountability and judicial independence in a variety of ways. A federal judge, for example, is almost completely insulated from public pressure by serving a life term. There are two basic approaches to judicial selection and retention at the state level. Judges of many states face periodic partisan or nonpartisan elections which force them to act as politicians as well as jurists. Other states, including Utah, have decided to choose their judges by merit selection.

Merit selection was developed as an alternative to the federal system and to state systems requiring that judges run in contested elections, both of which have been criticized as unduly politicizing the judiciary and undermining the integrity of the law. Merit selection plans have been in the process of development in many states since 1913 under the auspices of the American Judicature Society, a non-profit, non-partisan organization formed to improve the judicial selection process. Utah initially developed its merit selection system by statute in 1967 to govern gubernatorial appointments and combined it with nonpartisan, contested elections for retention. The revised Judicial Article of the Utah Constitution, effective July 1, 1985, established merit selection as the exclusive method of choosing a state court judge. Legislation passed in 1994 changed the composition of the nominating commissions and the method of selecting commission members. Legislation passed since has resulted in additional changes. However, despite the changes in the commission composition and selection, the over-arching goal of the system -- the nomination and appointment of the best qualified candidates on a nonpartisan basis -- remains unchanged. As stated in the Utah Constitution: "Selection of judges shall be based solely upon consideration of fitness for office without regard to any partisan political consideration."

There are five steps in the Utah merit selection plan: nomination, appointment, confirmation, certification and retention. The nomination of judges includes several steps preceding the selection of nominees. A commission has 45 days from its first meeting to complete this process. The steps of the nomination process include:

- the application process;
- screening of applicants by commission staff to determine minimum constitutional qualifications for office;
- the organizational meeting, including an opportunity for the public to provide input~~testimony~~;
- the review~~screening~~ of applicants by the commission based only on the application materials;
- the summary investigation of applicants by staff;
- investigation of the applicants as directed~~determined~~ by the commissioners;
- ~~the screening of applicants prior to interviews;~~

- preparation for the interviews;
- personal interviews of the candidates;
- selection of a preliminary list of nominees;
- public dissemination of the names of the proposed nominees and public comment upon their qualification for office;
- further investigation of the proposed nominees as determined by the commissioners;
- final selection of the nominees; and
- submitting the nominees to the local government executive.

The local government executive must appoint one of the nominees within ~~thirty~~ 30 days of receiving the nominations. That appointment must then be ratified by the local legislative body and certified by the Utah Judicial Council.

After certification by the Judicial Council, the new judge assumes the duties of the bench for at least three years before facing the first unopposed retention election. Judicial retention elections are held in even-numbered years as part of the state's general elections. In the unopposed retention election, the electorate is asked whether the judge should be retained in office. Thereafter, the term of office of a judge is six years. At the end of each term of office, the judge faces another unopposed retention election.

(4) Composition of Utah Judicial Nominating Commissions

~~The~~ Justice court nominating commissions and their composition are established by statute, ~~and their composition is determined by statute.~~ A county justice court nominating commission will be created when there is a vacant justice court judge position or when a new position is created. Membership of the county justice court nominating commission ~~shall~~ must include:

1. One member appointed by the county commission if the county has a commission form of government

OR

The county executive if the county has an executive-council form of government

2. One member appointed by the municipalities in the counties as follows:

-If the county has only one municipality, appointment ~~shall~~ will be made by the governing body of that municipality; or

-If the county has more than one municipality, appointment ~~shall~~ will be made by a municipal selection committee composed of the mayors of each municipality in the county

3. One member appointed by the county bar association

-If there is no county bar association, the member ~~shall~~ will be appointed by the regional bar association. If no regional bar association exists, the state bar association ~~shall~~ will make the appointment

4. Two members appointed by the governing authority of the jurisdiction where the judicial office is located

Reference Table:

Number of appointees	Appointing Authority	<u>Can Appointee be an Elected Official?</u>	Term of Appointment
1	County commission/executive	<u>No</u>	4 years
1	Municipality/Municipal selection committee comprised of mayors of each municipality	<u>No</u>	4 years
1	County Bar Association	<u>No</u>	4 years
2	Governing authority of the jurisdiction where judicial vacancy is locate	<u>No</u>	No term – varies by vacancy

Certain ~~N~~ominating commission members may not be elected officials of the county or municipality. Members of the commission are not eligible to apply for judicial vacancies within the appointing county during their term and may not be closely related to an applicant (see 6c). Commissioners are not paid for their work, but they may receive reimbursement for any necessary expenses incurred in the performance of their duties.

(5) The Application Process

(a) Notice of Vacancy

The notice of vacancy is in the form of a press release. The notice includes the jurisdiction of the court, the ~~constitutional~~ minimum requirements for judicial office (see Section 7, Evaluation Criteria), a brief description of the work of the court, ~~the method for obtaining application forms,~~ a link to the application portal, the application deadline, the names and cities of residence of commission members, when available (if appointments are pending, this will also be indicated), and the method for submitting oral or written testimony at the organizational meeting.

The notice is prepared by the Administrative Office of the Courts, ~~and It is then posted to the Public Notice Website, emailed to members of released to the Salt Lake Tribune, the Deseret News,~~ the Utah State Bar, ~~and released to newspapers major media outlets that cover with circulation within~~ the geographic venue of the court. ~~Press releases are also provided to the network affiliated television stations in Salt Lake City.~~

(b) Applications

Application for judicial vacancies in a justice court must be made online at www.justicecourtvacancies.utah.gov. At this portal, the applicant must complete forms and the required waivers are available from and should be submitted to the Administrative Office of the Courts, Attention: Judicial Nominations, P.O. Box 140241, Salt Lake City, Utah 84114-0241 or at Scott M. Matheson Courthouse, 450 South State Street, Suite N31. Application and waiver forms are available on preprinted forms and in an electronic format. ~~The application package consists of the following:~~

~~An original and six copies of the application form. upload a~~
~~An original and six copies of the applicant's resume. waive~~
~~A check or money order payable to the Administrative Office of the Courts for~~
~~\$8.70 to cover the cost of a credit check.~~
~~A waiver of the right to review the records of the commission. and the~~
~~A waiver of confidentiality of records. and provide a A one- paragraph summary of~~
~~professional qualifications that will be made available to the public if the applicant is~~
~~selected to be the new judge's name is released for public comment prior to nomination.~~

The waiver of confidentiality pertains to records which are the subject of investigation by the commission.

~~If the applicant has applied for another judicial position within the prior year, the applicant may submit copies of the application package from the previous vacancy with a letter of interest that includes a summary of any changes to the previous application package and a check or money order for the credit check.~~

(i) Adverse References

The application provides space for listing references. However, letters of recommendation are not submitted by the applicant. The judicial nominating commission selects from among the references listed, and the commission or its staff contacts the references.

(ii) Reference Letters

The judicial nominating commission or its staff contacts ~~a minimum of three up to five~~ of the references listed on the application form and requests the references to complete and submit a standard reference letter approved by the Judicial Council. The commission may designate other references to be contacted either by the standard reference letter or by other means.

(iii) Deadline

The deadline for filing applications is established by the published notice. The minimum application period is ~~1530~~ days, but the notice of vacancy may provide for an extended application period. ~~If fewer than nine applications are received the vacancy must be announced for an additional 15 days. If, in counties of the first and second class, there are not at least three qualified applicants If there are not at least two applicants for a justice court judge position who have a degree from a law school that makes one eligible to apply for admission to a bar in any state, the justice court nominating commission may re-advertise the position and accept applications from individuals who do not have a law degree. the position shall be re-advertised and applications may be accepted from persons who are not residents of the county or an adjacent county in which the court is located. Also in such circumstances applicants would only be required to have, at the minimum, a high school diploma or GED. See U.C.A. §78A-7-201.~~

~~The application is considered submitted upon receipt by the Administrative Office of the Courts with inclusion of all required application materials listed above. The Administrative Office of the Courts is not responsible for applications mailed but not delivered.~~

A notice of receipt is sent to the email address provided by the applicant. ~~If the~~

~~application is incomplete, the applicant is notified of the deficiency. The application may not be considered timely filed unless the deficiency is corrected before the application period closes.~~

(c) Recruitment

If commissioners wish to solicit individuals to apply for judicial vacancies they may do so directly or request that staff from the Administrative Office of the Courts solicit applications of specific individuals by writing a letter indicating that the individual's name has been referred as a potential judicial applicant and inviting the individual to submit an application. If a third party presents the name of a potential applicant to a commissioner, the same procedure should be followed. ~~Staff members should not personally solicit applications without a request by a commissioner.~~

(d) Pre-screening by Staff

After the expiration of the filing deadline, the staff person assigned to a nominating commission reviews the applications to screen out those applicants not meeting the minimum ~~constitutional~~ qualifications for office. A list of any applicants identified as not meeting the minimum qualifications and the deficiency is provided to all commissioners. ~~Staff will notify T~~those applicants not successfully passing the pre-screening ~~are advised by letter email from the staff.~~

(e) Distribution of Application Materials

After the close of the application process, the staff to the commission ~~provides access to delivers a copy of~~ each application and resume and a list of all applicants in alphabetical order to the commissioners. ~~Access to A~~all application materials ~~will be revoked are returned to the staff of the commission~~ at the close of the nomination process in accordance with the section governing records.

(6) Organizational Meeting

(a) Introduction

The date, time, and place of the organizational meeting are published as a part of the notice of the vacancy or in a separate public notice. ~~If possible, C~~commissioners are notified individually of the commission's first meeting ~~prior to before~~ the public notice ~~if possible~~. The organizational meeting should be held as soon as practicable after the close of the application deadline.

The importance of this initial meeting cannot be overstated. If the commission is not well organized, it likely will face problems later. The least of these problems is the inefficient use of limited time. More serious problems such as breaches of ethics and confidentiality or disputes over voting procedures may develop. The organizational meeting is used to anticipate these problems before they occur.

The commission ~~should must~~ accomplish five things during the organizational meeting. During the public portion of the meeting:

1. The commission ~~should must~~ discuss issues of ethics and legal obligations (6c).
2. The commission ~~should must~~ consider any administrative or procedural questions (6d).

3. The commission ~~should~~must develop a realistic time table in which to accomplish its many tasks (6e).
4. The commission ~~should~~must, upon request, receive oral and written testimony from the public about community needs, the qualifications for the judicial office, and the nominating process, but not about individual applicants (6f).

After the public portion of the meeting, the commission ~~shall~~will go into executive session to discuss the qualifications of applicants and make an initial screening of the applicants. This initial screening of applicants by the commission is based upon the information contained in the application materials (6g).

(b) Conduct of Meetings

The chair of each nominating commission presides at all meetings and ensures that each commissioner has the opportunity to be a full participant in the commission process. For the purpose of organizing the first meeting, the chair of each nominating commission will be the appointed representative from the Bar. During the nominating commission's first meeting, the commission will select a chair. All commission members ~~shall~~will have the opportunity to question applicants and to discuss the qualifications of applicants. In questioning applicants and discussing the qualifications of applicants, the chair ~~shall~~will speak last.

(c) Ethical and Legal Obligations

The organizational meeting is the appropriate time and place to address any issues regarding commission ethics that may be of concern. It is far better ~~to try~~ to anticipate problems and avoid them rather than ~~to try~~ to solve them once they occur. The goal of commissioners should be to avoid not only impropriety itself, but also the appearance of impropriety.

Failure to Follow Law or Procedures. If a commissioner fails or refuses to follow statutes, rules, or this manual regulating the nomination of candidates, the commissioner is disqualified from the commission, and the local government executive ~~shall~~will appoint a replacement as provided by statute.

Confidentiality. The names of the nominees are released to the public for the purpose of comment prior to submission to the local government executive, and the application materials and investigation reports for the nominees are forwarded to the local government executive. Otherwise, the policy in Utah is to maintain the confidentiality of all applicants and of all investigation sources. Subject only to the responsibility to report violations of the law and breaches of professional ethics, information provided by the applicant and information gathered as a result of the investigation are not disclosed. However, if an applicant is selected as a nominee, the application package of the nominee and the results of any investigation, including information from investigation sources, are forwarded to the local government executive. The application and investigation results are not otherwise disclosed by the commission.

Relationship to the Applicant. Perhaps one of the most common problems faced by nominating commissions is that some commissioners have a business, professional, or personal relationship to one or more of the applicants. Commissioners are required to disclose to the commission the existence and nature of such relationships, including any

adverse relationship. These declarations should be made prior to screening the applicants. If an applicant is a commissioner's spouse or a person within the third degree of relationship to a commissioner, (grandparents; parents or parents-in-law; aunts or uncles; children, nieces and nephews and their spouses) that commissioner must disqualify him/herself from the nominating commission process. If a commissioner declares some other type of relationship with an applicant, the other commission members must decide if that relationship constitutes a conflict of interest. If they so decide, the commissioner disclosing the relationship must ~~disqualify-recuse~~ him/herself from ~~voting on that applicant the nominating commission process~~. If the other commission members decide, by a majority vote, that the relationship does not constitute a conflict of interest, the commissioner disclosing the relationship may ~~participate in the process~~ vote on that applicant. Only declarations which are determined by the commission to pose a conflict of interest are recorded in the minutes of the meeting. ~~If a commissioner is recused for a conflict of interest or is otherwise unable to serve, the vacant position is filled by the appropriate appointing authority. The commissioner may continue to serve until a successor is appointed, but the commissioner may not vote for so long as the grounds for recusal continue. If the grounds for recusal are eliminated, the commissioner shall participate fully in the nomination process.~~

Solicited Information. Commission members should inquire on their own regarding the qualifications of judicial applicants. Commissioners should seek information from any source likely to provide insight into the qualifications and ability of individual applicants to serve in the judiciary, including but not limited to attorneys, judges, members of the executive and legislative branches of government, business associates, neighbors, and acquaintances. The commission should not solicit information from clients of lawyer applicants, unless the applicant has approved the solicitation. The names of applicants are formally confidential during this phase so inquiries should be discreet. However, it obviously will be necessary to reveal the name of an applicant when inquiring of others about the applicant. Information so gathered will be helpful to the commission in the process of its deliberations.

Unsolicited Information. The commission may receive unsolicited information or statements from third parties supporting or opposing an applicant. These should be received, considered, and, if appropriate, investigated. The response to the writer or caller should be uniform. The commission member or its staff should explain the impartial procedures that all applicants must complete and thank the individual for the information.

Contact with an Applicant. Commissioners should refrain from discussion with an applicant about his/her application. Feedback on interview performance should not be provided by commission or staff members to applicants.

Commissioner Bias. All people have particular philosophies and viewpoints. Commissioners can only realize that these biases exist and make every effort to ensure that they do not cloud the decision making process.

Legal Requirements. Sections of the Utah Constitution and Code applicable to the nomination and election of judges are provided to commission members.

(d) Administrative Issues

The organizational meeting should be used to answer any questions or concerns of the commissioners. A few issues are outlined here.

Reimbursement of Expenses. Commissioners are entitled to be reimbursed for all actual and necessary expenses incurred in the course of their duties as commissioners. Mileage records and expense receipts should be submitted to the staff person assigned to the commission at, or soon after, the final meeting of the commission. Note, however, that if the work of the commission begins in one fiscal year and continues into the next fiscal year, expenses must be reimbursed with funds from the year in which the expenses were incurred. Requests for reimbursement of expenses incurred during one fiscal year must be submitted no later than July 20 of the next fiscal year. The fiscal year ends June 30.

Records. By statute, the Administrative Office of the Courts serves as staff to each of the nominating commissions. ~~Forms are available from and a~~All records of the commissions are maintained in that office. The notes of the commissioners are their own and are not filed with the Administrative Office of the Courts.

Summary minutes only, and not verbatim minutes, are maintained of all commission meetings including interview meetings and voting meetings. The minutes include:

- a) The date, time, and place of the meeting.
- b) A list of the commissioners present and a list of those absent or excused.
- c) A list of staff members present.
- d) A general description of the nature of the business to be conducted.
- e) A general description of the decisions made.
- f) Any declarations by commissioners of a relationship, interest, or bias concerning any applicant.
- g) A record of the total tally of all votes, but not the vote of individual commissioners.
- h) Written statements submitted to the commission regarding issues facing the judiciary.
- i) Any other matter desired by the commission to be recorded.

All records of the commission are maintained by the staff member assigned to the nominating commission by the Administrative Office of the Courts, but are not subject to public disclosure. The records are maintained until the appointee of the local government executive takes the oath of office. The records are then destroyed.

Quorum. Three commissioners must be present to conduct any business. Commissioners may be present through electronic means such as telephone or video conferencing. If a written ballot is required of a commissioner present through electronic means, the commission may submit the vote by ~~fax,~~ electronic mail, or other electronic means. The commission should take steps to secure the confidentiality of debate and votes made by electronic means.

(e) Timetable

The commission should develop a timetable of specific dates for the completion of the various steps in the nomination process. The commission should establish a deadline for each interim step in the process. Including the organizational meeting, commissioners will usually meet formally two to three times.

384 **(f) Public Testimony**

385 The public portion of the organizational meeting is used to ~~develop~~receive oral and
386 written testimony about issues of local concern, the general qualifications of judges, and
387 constructive recommendations to the Judiciary. Statements concerning particular
388 applicants or cases are prohibited. It is important at the initial meeting to develop a good
389 sense of the interests of the communities served by a court. ~~This is especially difficult in~~
390 ~~Utah where the jurisdiction of a court usually covers several counties.~~

391 The procedure for submitting written statements or a request for time to deliver an oral
392 statement at the organizational meeting is as follows. Any interested person or
393 organization may submit written statements to the Administrative Office of the Courts. A
394 written statement may be accompanied by a request for time to present the statement
395 orally to the commission. Requests for time to present an oral statement are not preferred
396 unless accompanied by the written statement. The chair of the commission may permit a
397 person to present an oral statement without submitting a written statement. A maximum
398 time limit for oral statements is five-three minutes. A judge appointed by the Board of
399 Justice Court Judges is invited to speak to the commission to address the importance of
400 justice court judge selection without submitting a written statement.

401 The chair of the commission retains the discretion to deny a written request for oral
402 testimony only to ensure the orderly conduct and timely completion of the public portion
403 of the organizational meeting. If permission to provide oral testimony is granted, the
404 person requesting permission is notified by staff in the Administrative Office of the Courts.
405 All written statements become a part of the record of the commission. The substance of
406 the statement and identification of the author are publicly disclosed at the organizational
407 meeting. The statement may be read verbatim.

408
409 **(g) Initial Screening by Commission**

410 A screening process may be needed to reduce the number of applicants to a
411 manageable number for purposes of further investigation and selecting candidates for
412 interview. The initial screening should occur at the organizational meeting and is based
413 upon the applicants' application and resume, and other application materials.

414 The objective of the commission in screening applicants is not to retain all applicants
415 who may conceivably be qualified for further investigation and interviews ~~all applicants~~
416 ~~who may conceivably be qualified~~ but to retain enough applicants so as to be reasonably
417 certain that the best qualified applicants are among them, given the information available
418 to the commission at the time, the number of vacancies to be filled, and the overall quality
419 of the applicant pool. The commission members review the application materials
420 available, discuss the qualifications of the applicants, compare the information with the
421 evaluation criteria, and vote to retain or eliminate an applicant. Depending upon the size
422 and relative qualifications of the applicant pool, the commission may complete the
423 screening at the organizational meeting, or the commission may complete the screening
424 at a subsequent meeting at which the results of the investigation are made available.

425 During the initial screening, unrestricted voting is acceptable. However, when voting
426 for final nominees, voting is conducted by confidential ballot. Each commissioner is
427 provided a ballot with the names of all applicants to be voted upon in alphabetical order.

Next to each applicant's name is a space designated "yes" and a space designated "no." The commissioner casts an affirmative or a negative vote for each applicant. The votes are tallied by the staff person and chair of the commission. All applicants receiving at least three affirmative votes ~~shall~~will be retained for further consideration. If, after voting, the commission determines there are too many applicants remaining given the number of vacancies and the overall quality of the applicant pool, the commission may further discuss the qualifications of applicants and conduct another round of voting. For each applicant retained after ~~screening the review~~ is concluded, the commission identifies ~~the~~ which five references listed by the applicant are to be contacted by staff.

The total vote tally, but not the vote of individual commissioners, is recorded in the minutes of the commission. After the total vote tally is verified and recorded, the voting ballots are destroyed.

Those applicants not selected for investigation and a possible interview ~~shall~~will be notified by the commission staff.

(7) Investigation of Screened Applicants; Further Screening

(a) Summary Staff Investigation of Applicants

After screening out those applicants not meeting the minimum ~~constitutional~~ requirements, and after initial screening by the commission, the Administrative Office of the Courts conducts a summary investigation of all remaining applicants. The commission may conduct a further investigation, or may direct staff to do so, of any applicant remaining after screening.

As a part of the summary investigation, the staff person ~~shall~~will:

~~a) *Order a summary credit check of the applicant.~~

~~b)a)~~ _____ Contact a ~~minimum of three~~ maximum of five references listed by the applicant and designated by the commission for a recommendation.

~~c)b)~~ _____ Contact the disciplinary committee of any state bar of which the applicant is or was a member to determine the existence of any disciplinary action.

~~d)c)~~ _____ Contact the judicial disciplinary agency of any jurisdiction where the applicant was a judge to determine the existence of any disciplinary action.

~~e)d)~~ _____ *Contact the Bureau of Criminal Identification (BCI) to determine whether the applicant has any criminal record.

~~*May be completed during pre-screening process depending upon the size of the applicant pool.~~

An applicant's personal physician may be contacted and asked to disclose the particulars of an applicant's medical history only if the sound mental health of an otherwise qualified applicant becomes an issue of concern to the commission. Any inquiry will be limited to information necessary to resolve the particular concern.

Because an applicant may be screened from further consideration based on the results of the investigation, the applicant may have no opportunity to rebut claims made during the investigation. Therefore, it is essential that the investigation be thorough and without errors.

(b) Further Investigation by Staff and Commission

The commission may direct that a more in-depth background investigation be conducted by the staff of the Administrative Office of the Courts on any applicant remaining after screening. In addition to coordinating a background check with law enforcement agencies to determine if the applicant has been or is the subject of a criminal investigation or has any record of past criminal activity, Sstaff conducting the investigation should accomplish the following might also:

~~Coordinate a background check with law enforcement agencies to determine if the applicant has been or is the subject of a criminal investigation or has any record of past criminal activity.~~

- a) Contact current or former employers, partners, or associates.
- b) Contact any listed professional and civic organizations to determine the level of the applicant's activity.
- c) Contact any references listed by the applicant.
- d) Follow up on any areas of concern raised by any member of the nominating commission or otherwise revealed during the screening process.

In addition to any investigation conducted by staff, commission members should inquire on their own regarding the qualifications of judicial applicants. Commissioners should seek information from any source likely to provide insight into the qualifications and ability of individual applicants to serve in the judiciary, including but not limited to attorneys, judges, members of the executive and legislative branches of government, business associates, neighbors, and acquaintances. The commission should not solicit information from clients of applicants, unless the applicant has approved the solicitation. The names of applicants are formally confidential during this phase so inquiries should be discreet. However, it ~~obviously~~ will be necessary to reveal the name of an applicant when inquiring of others about the applicant.

(c) Report of Investigation Results

Prior to the meeting for the further screening of applicants and the selection of candidates for interview; or, if no subsequent screening is needed to reduce the applicant pool further; prior to the meeting for interviews, each commissioner receives access to the following for each applicant:

- a) A copy of the application form and resume.
- b) A summary report of information contained in the application and information gathered as a result of the staff investigation. ~~Credit check and~~ BCI information is summarized orally with the nominating commission. This information may be shared with the commission during the initial meeting and screening of applicants if the size of the applicant pool warrants only one meeting prior to interviews. The summary report is intended only as a tool for the commissioners in organizing the often voluminous information. The report contains neither recommendations nor evaluations concerning the applicant.
- c) Copies of reference letters received.

(d) Further Screening and Selection of Interviewees

If there is a second screening of applicants before interviews, the commission screens the applicants based upon the results of investigations. The commission should

conduct the voting for this subsequent screening of applicants in the same manner as the initial screening.

(8) Evaluation Criteria

(a) Constitutional and Statutory Minimum Requirements

U.C.A. Section 78A-7-201 requires that a justice court judge be:

Citizenship. A citizen of the United States.

Age. U.C.A. Section 78A-7-201 requires that a justice court judge must be 25 years old or older.

Residency. Justice court judges must be a resident of the county in which the court is located or an adjacent county for at least six months Utah for at least three years immediately preceding appointment and be a qualified voter of the county in which the judge resides., and

Education Requirements. In counties of the first and second class, a justice court judge shall have a degree from a law school that makes one eligible to apply for admission to the bar in any state. In counties of the third, fourth, fifth and sixth class, a justice court judge shall have at the minimum a high school diploma or GED.

Restricted Activities. Section 78A-7-206 of the Utah Code establishes further restrictions on the activity of judges.

(1) A justice court judge may not appear as an attorney in any criminal matter in a federal, state, or justice court or appear as an attorney in any justice court or in any juvenile court case involving conduct which would be criminal if committed by an adult.

(2) A justice court judge may not hold any office or employment including contracting for services in any justice agency of state government or any political subdivision of the state including law enforcement, prosecution, criminal defense, corrections, or court employment.

(3) A justice court judge may not hold any office in any political party or organization engaged in any political activity or serve as an elected official in state government or any political subdivision of the state.

(4) A justice court judge may not own or be employed by any business entity which regularly litigates in small claims court.

(b) Qualities of Judges

The following criteria for evaluating applicants are derived from the American Bar Association's Guidelines for Reviewing Qualifications of Applicants for State Judicial Office, which offer some guidance for determining "fitness for office." Following the ABA guidelines are some additional considerations. ~~Although not all justice court judges are required to be attorneys, these modified guidelines provide useful suggestions and standards for all applicants.~~

(i) American Bar Association Guidelines

Introduction

Below is a section of the American Bar Association Guidelines that are applicable to the justice court judge. These guidelines are intended for use by bar association committees and judicial nominating commissions which are evaluating applicants for state and local judicial office. It is assumed that the evaluators desire to recommend to the electorate or to the appointing authority the applicants who are most qualified by virtue of merit.

The guidelines attempt to identify those characteristics ~~to be sought after of highly qualified in the~~ judicial applicants. They attempt to establish criteria for the prediction of successful judicial performance. The identified traits are not mutually exclusive and cannot be wholly separated one from another. The outlined areas have been selected as essential for inquiry in considering all applicants for judicial office. With the exception of integrity, which is always indispensable, the degree to which the characteristics should be present in any particular applicant may vary in relation to the responsibility of the office.

These guidelines are not intended to deal with methods or procedures for judicial selection; nor are they intended to provide specific operating rules for the commissions and committees. The guidelines are not intended as a definitive review of the qualifications of sitting judges when being considered for retention or evaluation, since judicial experience will ~~then~~ provide important additional criteria which are treated elsewhere.

It is hoped that the use of these guidelines, if made known to the public and the press, will enhance the understanding and respect to which the judiciary is entitled in the community being served. The ultimate responsibility for selecting the judiciary is in the appointing power of any given judicial system. The function of these guidelines is to present minimum criteria for appointment; the more rigorous the criteria the better the quality of the judiciary.

1. Integrity. An applicant should be of undisputed integrity.

The integrity of the judge is, in the final analysis, the keystone of the judicial system; for it is integrity which enables ~~a judge~~ to disregard personalities and partisan political influences and enables ~~him or her them~~ to base decisions solely on the facts and the law applicable to those facts. It is, therefore, imperative that a judicial applicant's integrity and character with regard to honesty and truthfulness be above reproach. An individual with the integrity necessary to qualify must be one who is able, among other things, to speak the truth without exaggeration, admit responsibility for mistakes and put aside self-aggrandizement. Other elements demonstrating integrity are intellectual honesty, fairness, impartiality, ability to disregard prejudices, obedience to the law and moral courage.

An applicant's past personal and professional conduct should demonstrate consistent adherence to high ethical standards. If applicable, the evaluator should make inquiries of judges before whom the applicant has appeared, and among other members of the bar, as to whether or not an applicant's representations can be relied upon. An applicant's disciplinary record, if any, should be considered. Hence, an applicant should

waive any privilege of confidentiality, so that the appropriate disciplinary body may make available to the evaluator the record of disciplinary sanctions imposed and the existence of serious pending grievances. The reputation of the applicant for truthfulness and fair dealing in extra-legal contexts should also be considered. Inquiry into an applicant's prejudices that tend to disable or demean others is relevant. However, since no human being is completely free of bias, the important consideration is that of whether or not the applicant can recognize his or her own biases and set them aside.

2. Legal Knowledge and Ability. An applicant should possess a high degree of knowledge of established legal principles and procedures and have a high degree of ability to interpret and apply them to specific factual situations.

Legal knowledge may be defined as familiarity with established legal principles and evidentiary and procedural rules. Legal ability is the intellectual capacity to interpret and apply established legal principles to specific factual situations and to communicate, both orally and in writing, the reasoning leading to the legal conclusion. Legal ability also connotes ~~also~~ certain kinds of behavior by the judge, such as the ability to reach concise decisions rapidly once ~~he or she is~~ apprised of sufficient facts, the ability to respond to issues in a reasonably unequivocal manner and to quickly grasp the essence of questions presented.

Legal knowledge and ability are not static qualities, but are acquired and enhanced by experience and the continual learning process involved in keeping abreast of changing concepts through education and study. More important is the demonstration of ~~an attitude reflective of a~~ willingness to learn the new skills and knowledge which will from time to time become essential to a judge's performance and ~~of a~~ willingness to improve judicial procedure and administration.

A review of an applicant's academic distinctions and professional colleagues who have had first-hand dealings with the applicant will be helpful in evaluating knowledge and ability.

3. Professional Experience. Professional experience should be long enough to provide a basis for the evaluation of the applicant's demonstrated performance and long enough to ensure that the applicant has had substantial experience that would allow them to successfully analyze legal problems and the judicial process.

The extent and variety of an applicant's experience should be considered in light of the nature of the judicial vacancy that is being filled. A successful applicant will have a broad range of professional and life experiences that will add depth to the judicial office they hold.

4. Judicial Temperament. An applicant should possess a judicial temperament, which includes common sense, compassion, decisiveness, firmness, humility, open-mindedness, patience, tact and understanding.

Judicial temperament is universally regarded as a valid and important criterion in the evaluation of an applicant. There are several indicia of judicial temperament which, while premised upon subjective judgment, are sufficiently understood by lawyers and non-lawyers alike to afford workable guidelines for the evaluator.

~~Among the qualities which comprise judicial temperament are patience, open-mindedness, courtesy, tact, firmness, understanding, compassion and humility.~~ Because the judicial function is essentially one of facilitating conflict resolution, judicial temperament requires an ability to deal with counsel, jurors, witnesses, and parties calmly and courteously, and the willingness to hear and consider the views of all sides. It requires the ability to be even-tempered, yet firm; open-minded, yet willing and able to reach a decision; confident, yet not egocentric. Because of the range of topics and issues with which a judge may be required to deal, judicial temperament requires a willingness and ability to assimilate data outside the judge's own experience. It requires, moreover, an even disposition, buttressed by a keen sense of justice which creates an intellectual serenity in the approach to complex decisions, and forbearance under provocation. Judicial temperament also implies a mature sense of proportion; reverence for the law, but appreciation that the role of law is not static and unchanging; and understanding of the judge's important role in the judicial process, yet recognition that the administration of justice and the rights of the parties transcend the judge's personal desires. Judicial temperament ~~is typified by recognition that there must be~~ requires compassion as the judge deals with matters ~~put before~~ presented to him or her.

Factors which indicate a lack of judicial temperament are also identifiable and understandable. Judicial temperament thus implies an absence of arrogance, impatience, pomposity, loquacity, irascibility, arbitrariness, ~~or and~~ tyranny. The absence of judicial temperament ~~is a quality which is not easily identifiable, but which does not wholly evade discovery. Its absence~~ can usually be fairly ascertained.

Wide-ranging interviews should be undertaken to provide insight into the temperament of a judicial applicant.

5. Diligence. An applicant should be diligent and punctual.

Diligence is defined as a constant and earnest effort to accomplish that which has been undertaken. ~~While diligence although it~~ is not necessarily the same as industriousness, ~~it does imply~~ Diligence implies the elements of constancy, attentiveness, perseverance, and assiduousness, ~~in addition to. It does imply~~ the possession of good work habits and the ability to set priorities in relation to the importance of the tasks to be accomplished.

Punctuality should be recognized as a complement of diligence. An applicant should be known to meet procedural deadlines in trial work and to keep appointments and commitments. An applicant should be known to respect the time of other lawyers, clients, and judges.

6. Health. A candidate should be in good health.

Good health embraces a condition of being sound in body and mind relative to the extraordinary decision-making power vested in judges. Physical disabilities and diseases which do not prevent a person from fully performing judicial duties will not be a cause for rejection of a candidate. However, any serious condition which would affect the candidate's ability to perform the duties of a judge may be further investigated by the evaluator. The evaluator may require a candidate to provide a physician's written report of a recent thorough medical examination addressing the condition of concern.

Good health includes the absence of erratic or bizarre behavior which would significantly affect the candidate's functioning as a fair and impartial judge. Addiction to alcohol or other drugs is of such an insidious nature that the evaluator should affirmatively determine that a candidate does not presently suffer from any such disability.

The ability to handle stress effectively is a component of good mental health. A candidate should have ~~developed~~ the ability to refresh himself or herself occasionally with non-work-related activities and recreations. A candidate should have a positive ~~perception of his or her own~~ self-worth, in order to be able to withstand the psychological pressures inherent in the task of judging.

The evaluator should give consideration to the age of a candidate as it bears upon health and upon the number of years of service that the candidate may be able to perform.

7. Financial Responsibility. An applicant should be financially responsible.

The demonstrated financial responsibility of an applicant is one of the factors to be considered in predicting the applicant's ability to serve properly. Whether there have been any unsatisfied judgments or bankruptcy proceedings against an applicant and whether the applicant has promptly and properly filed all required tax returns are pertinent to financial responsibility. Financial responsibility demonstrates self-discipline and the ability to withstand pressures that might compromise independence and impartiality.

8. Public Service. Consideration should be given to an applicant's previous public service activities.

The rich diversity of backgrounds of ~~American~~ judges is one of the strengths of the American ~~j~~udiciary, experience which provides an awareness of, and a sensitivity to, people and their problems may be just as helpful in ~~athe~~ decision-making process as a knowledge of the law. There is, then, no one career path to the judiciary. A broad, non-legal academic background, supported by varied and extensive non-academic achievements are important parts of an applicant's qualifications. Examples of such non-legal experience are involvement in community affairs and participation in political activities, including election to public office. The most desirable applicant will have had broad life experiences.

There should be no issue-oriented litmus test for selection of an applicant. No applicant should be precluded from consideration because of his or her opinions or activities in regard to controversial public issues. No applicant should be excluded from consideration because of race, creed, sex or marital status.

While interviews of applicants may touch on a wide range of subjects in order to test an applicant's breadth of interests and thoughtfulness, ~~the~~ applicants should not be required to indicate how ~~they or she~~ would decide particular issues that may arise on litigated cases. However, an applicant's judicial philosophy and ideas concerning the role of the judicial system in our scheme of government are relevant subjects of inquiry.

(ii) Other Considerations for Qualification

In addition to the ABA guidelines, the commissioners may wish to consider the following in analyzing the qualifications of an applicant for judicial office:-

Impartiality. A judge must be able to determine the law (and ~~some~~often times the facts) of a dispute objectively and impartially. Applicants should be challenged on their ability to make the transition from advocate to arbiter, on their ability to hear and consider all sides of an issue, and on their ability to put aside prejudice and bias.

Industry. Applicants must demonstrate a willingness to dedicate themselves to diligent, efficient, and thorough work. Work habits differ; work techniques vary; but rising court caseloads demand industry of judges. This means the ability to manage time efficiently, to persevere against obstacles, to prepare thoroughly and punctually, and to resolve issues concisely and decisively.

Age. ~~A justice of the Supreme Court must be at least 30 years old. A justice court judge of any other court~~ must be at least 25 years old. In addition, justice court judges may only serve until they turn 75 years old. Otherwise, there are no restrictions on the age of nominees to judicial office. Applicants should not be judged by their age alone. But they may be judged by the qualifications that may wax or wane with age: maturity, stability, legal skills, health, and vitality.

The Unique Role of Justice Court Judges. Justice court judges are in contact with the public more than any other judge. Justice courts are established by counties and municipalities and have the authority to hear class B and C misdemeanors, violations of ordinances, small claims, and infractions committed within their territorial jurisdiction. Justice court judges serve the citizens of the city or county who appoint them and are often the first or only interaction many citizens will have with the court.

Diversity on the Bench. When deciding among applicants whose qualifications appear in all other respects to be equal, it is relevant to consider the background and experience of the applicants in relation to the current composition of the bench for which the appointment is being made. The idea is to promote a judiciary of sufficient diversity that it can most effectively serve the needs of the community.

(9) The Interview

(a) Scheduling Interviews

After the candidates are selected for interview, the commission develops an interview schedule and should prepare questions for the interviews. This may be done at the same meeting in which the candidates for interview are selected or at an intervening meeting before the interviews begin.

Depending on the number of candidates, interviews ~~sh~~could be completed in one day or on successive days. The number of intervening days between interviews should be kept to a minimum. It may be necessary for the commission to conduct some interviews in the evening. The interviews should be scheduled to include about ten minutes between interviews to review the qualifications of the candidate, if desired. Interviews should last about 20 to 30 minutes per candidate. This means that at least one-half hour per candidate should be scheduled.

Each interview is conducted in a similar fashion. The chair briefly introduces the candidate to the commissioners. The candidate is given several minutes to make an opening statement, if desired, which should include a statement of reasons for seeking the office. The commissioners then conduct the questioning. At the end of the questioning the candidate is given several minutes to make a closing statement.

Candidates are selected for time slots by the staff on a random basis. This avoids any accusation that a particular candidate was given a favored time slot.

Once set, the interview schedule is firmly fixed. Changes in the interview schedule lead only to scheduling difficulties and confusion. Rarely will any interview schedule satisfy all of the candidates, so the initial random schedule should not be changed except in extreme circumstances. The Administrative Office of the Courts is responsible for notifying the candidates of the date, time, location, and format of the interview.

(b) Preparation for Interviews

Interviews are more productive if the commissioners are well-prepared. Prepare the questions beforehand. Some questions are asked of all candidates for all judgeships. Some questions might be asked only for a particular candidate or vacancy. The investigation of candidates likely will lead to questions designed for a particular candidate.

Determine the order of questions beforehand. Every commissioner should have the opportunity to ask questions. Generally, the questioning should rotate through commissioners. The chair should ask questions last.

Determining the questions and their order does not mean that the commissioners are prohibited from following up an answer with a more particularized question. The format of the interviews should be flexible enough to pursue an unanticipated line of questioning. Preparing the questions and their order beforehand helps in returning the interview to its original course.

(c) Suggested Questions

Candidates must be treated fairly, but commissioners are encouraged to conduct aggressive questioning of the potential judges. Judges must frequently face the stress of decisions affecting the lives and property of other people. The commissioners have the responsibility to assess the ability of the candidate to resolve close questions under stress.

Phrasing of the questions is important. The commissioners may closely question the candidates concerning social issues, but the questions should be phrased to avoid opinion shopping or reducing the interview to a political interrogation. The questions should be phrased to elicit an applicant's knowledge and understanding of important issues.

Commissioners also should not hesitate to inquire about a candidate's qualifications for a position on the bench, including the applicant's health.

Each commission is responsible for developing its own set of questions suitable to the particular court and candidate. A few examples of possible questions follow. ~~Not all questions may be applicable to every level of court.~~

Candidate's Skills, Experience, and Personal Traits

- How would you deal with an attorney who is:
 - unprepared?
 - argumentative?
 - late?
- What would be your most important contribution to the court?
- What do you anticipate will be your frustrations on the bench?
- What aspects of the judicial profession do you anticipate will be boring?
- What are your most important interests outside of your present work?
- Will you have to forgo any of these interests to keep up with the court's caseload?

Candidate's General Judicial Philosophy

- Why do you want to be a judge?
- What characteristics and qualities do you think are important for a judge to possess?
- Do you have a particular philosophy of law?
- What is your view of the role of the Judiciary in society?
- To what extent should a judge consider political, social, and economic consequences in decisions?

Candidate's View of the Court System

- What do you see as the strengths and weaknesses of Utah's criminal justice system?

(10) Selection of Nominees

(a) Order of Debate and Voting

After the interviews are completed, the commissioners should devote sufficient time to discuss the qualifications of the candidates. This deliberation may help the commission to form a consensus and facilitate the selection of nominees. Every commissioner should have the opportunity to participate in the debate. Generally, the debate should rotate through commissioners. The chair should participate in the debate last. The commission may conduct its debate, or further debate, before every round of voting.

Voting for the selection of nominees must be conducted by confidential ballot, but otherwise is the same as voting during the screening process. Any candidate receiving a majority of votes of voting commissioners present is selected as a nominee. The commission should thoroughly debate the qualifications of candidates prior to voting. The commission can reconsider its action on any candidate upon a majority vote to do so.

The nominating commission must submit at least 3 ~~and no more than 5~~ names to the appointing authority. See U.C.A. §78A-7-202(2)(~~ef~~). If, after full deliberation, the commission is unable to agree upon the number of nominees permitted or required, the commission should further debate the qualifications of the candidates and conduct additional rounds of voting until commissioners agree upon the permitted or required number of nominees.

A nominating commission may not decline to nominate a candidate merely because that commission or another declined to nominate the candidate to a previous vacancy; or because that commission or another nominated the candidate to a previous vacancy and the local hiring executive selected someone else.

The total vote tally, but not the vote of individual commissioners, is recorded in the minutes. After the vote tallies are verified and recorded, the ballots are destroyed.

(b) Public Comment Regarding Nominees; Removal of Nominee

Candidates are notified individually of their nomination. Candidates interviewed but not selected as nominees are notified of that fact ~~by letter in writing~~ from the staff of the commission. The names of the nominees are made public by the commission. The public release of the names of the nominees includes a statement that persons having comments to make regarding the nominees should provide a written statement addressed to the commission ~~chair~~ through the Administrative Office of the Courts. Statements must be received by the Administrative Office of the Courts within 10 days of the public release of names. A copy of the public release is sent to the local government executive.

The commission may meet to review any public comments not sooner than ten days after the public release of the names of the nominees. The commission ~~shall will~~ provide a nominee with a copy of any written negative comment received and ~~shall will~~ provide a nominee the opportunity to respond ~~in person or~~ in writing. The commission may conduct further interviews of any nominee. The commission may request further investigation of any nominee.

After consideration of any comments and the response of the nominee, the commission may remove a candidate from the list of nominees upon the vote of four members of the commission. The commission ~~shall will~~ select another nominee from among interviewed candidates in the manner described in paragraph 10(a) of this section for voting upon nominees. The nomination process is not final until the commission submits the nominees to the city/county executive.

(c) Submitting Nominees

Nominees are submitted to the local government executive by letter from the ~~chair of the nominating~~ commission. A copy of the letter is sent to each commission member. The letter should encourage the local government executive to conduct further review of the nominees and to encourage public comments which could provide valuable insight to ensure that the best nominee is appointed. The application package, including investigation reports, reference letters, and public comments, of each nominee is forwarded to the local government executive.

Nominees are listed in alphabetical order without any indication of rank or preference and without any indication of the vote of the commission. Because the authority of the nominating commission ends with the nomination of candidates, it is important that there be no effort to influence or persuade the local government executive in the appointment. Minority reports and expressions of personal feelings regarding nominees are inappropriate. The appointment authority belongs to the local government, not to the commission. The local government executive has the means to conduct an independent investigation of the nominees and will select the nominee best qualified for the position. While commission members should not contact the local government executive, they should feel free to respond to inquiries initiated by the local government executive's office regarding the nominees.

If a nominee withdraws before the local government executive has made an appointment, the commission may, at the request of the local government executive, nominate a replacement. Unless time permits, the Commission does not need to publish the nominee's name for public comment.

(d) Nominee Selection and Certification

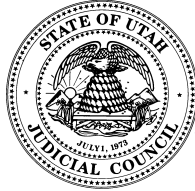
The appointment of a new judge is a three step process:

- Selection
- Confirmation
- Certification

After the local government executive has made a selection, the local legislative body is required to confirm the appointment. Once confirmed, a press release is issued naming the judicial appointee. This public notice provides the name of the appointee in addition to a brief summary of the appointee's education and work history.

The appointee is then required to successfully complete the Justice Court New Judge Orientation program provided by the Administrative Office of the Courts. ~~This is a one week training program conducted in Salt Lake City.~~ Upon completion of the orientation process, the Justice Court Administrator makes a recommendation to the Utah Judicial Council respecting certification. Certification is based on attendance—successful completion of all parts of the orientation and on achieving a passing score on the exam administered at the end of in connection with the orientation. The Council issues final certification of the appointment.

Tab 8



Administrative Office of the Courts

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

April 21, 2025

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

MEMORANDUM

TO: Judicial Council

FROM: Jon Puente, Director of the Office of Fairness and Accountability

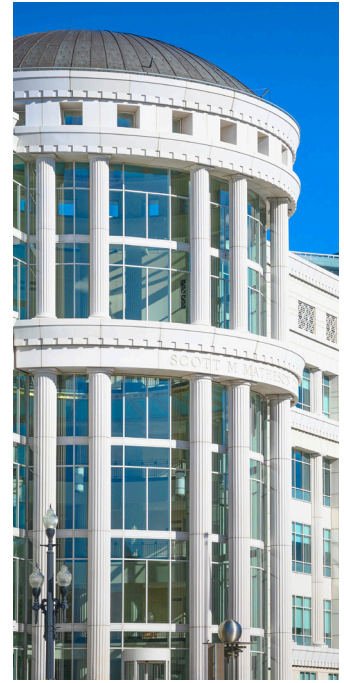
RE: Strategic Plan

When the Judicial Council established the Office of Fairness and Accountability (OFA), it tasked the OFA, along with the Committee on Fairness and Accountability (CFA), with developing a strategic plan to address bias and inequity within the courts. The Judicial Council gave guidance under applicable UCJA rules that strategic plan shall include “the Judiciary’s goals and policy directives for meeting the court’s mission for the open, fair and efficient administration of justice under the law while also being responsive to the state’s cultural, ethnic, socioeconomic, linguistic, physical, gender, and age diversities. Branch efforts in this regard will strive to eliminate bias and the appearance of bias, meet the needs of increasing numbers of self-represented litigants, remain receptive to the needs of all branch constituents, ensure that court procedures are fair and understandable, and provide culturally responsive programs and services.”

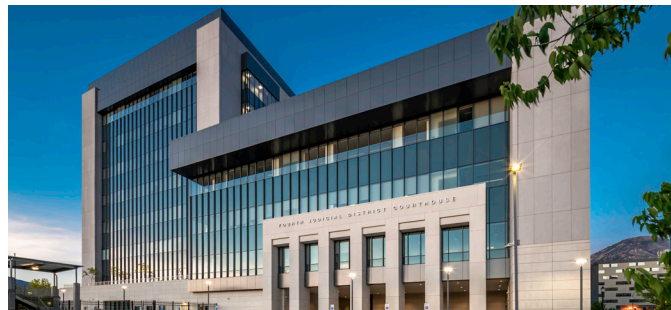
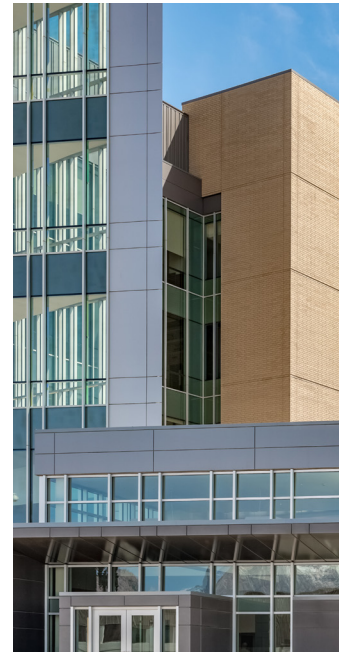
The CFA established a Strategic Plan Drafting Committee composed of employees and judges from every court level and district around the State. The drafting committee has written the goals, strategies, and action items included in this plan to help the judiciary meet its mission.

The OFA and CFA are pleased to present this comprehensive three-year strategic plan for adoption. Attached are a public version of the plan and an internal operational version of the plan.

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



Utah Judiciary Strategic Plan



2026-2029



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Chief Justice Matthew B. Durrant

Message from the Chief

Utah is nationally renowned for its legal system. But to continue our reputation for excellence, we must commit to doing more and constantly improve the system we have. When people come within the walls of a courthouse, they are entitled to an environment that is professional, respectful, and impartial. They will find court staff who are knowledgeable, helpful, and committed to assisting with the judicial process in an efficient and culturally competent manner. They will also find judges who listen carefully and respectfully, treating every individual with dignity. Our judges take an oath to decide cases based on the facts presented, reasoned argument, and established law—without regard to personal characteristics such as socioeconomic status, political beliefs, or identity. Every person can expect to be heard and to receive a fair and impartial decision, free from bias or external influence. These values are at the heart of how we serve the public each day—and they also form the foundation of our future direction.

It is my great privilege to introduce the Utah Judiciary's Three-Year Strategic Plan, a comprehensive vision that will guide our courts in ensuring justice for all Utahns and build upon the excellence we have already achieved. The Judiciary plays a critical role in upholding the rule of law, safeguarding constitutional rights, and fostering public trust. Our strategic priorities reflect our commitment to being an open, fair, inclusive, and efficient Judiciary that serves all individuals with integrity and excellence.

An Open Judiciary

Transparency and accessibility are essential to public trust. The Utah Judiciary is committed to ensuring that court procedures, decisions, and operations are open and understandable to all. Through increased access to information, expanded digital resources, and community engagement, we will continue to operate responsibly and ensure that every Utahn has meaningful access to the courts.

A Fair Judiciary

Impartiality is at the heart of justice. Our Judiciary must remain free of bias in its actions, procedures, and decisions. Building on the foundation of past efforts, including the 1996 Utah Task Force on Racial and Ethnic Fairness and the establishment of the Office of Fairness and Accountability in 2021, we reaffirm our dedication to eliminating bias, enhancing procedural fairness, and fostering trust in the legal system for all Utahns.

An Inclusive Judiciary

Justice must be welcoming and accessible to all individuals, regardless of background, language, ability, or identity. Our strategic plan prioritizes inclusivity by expanding culturally responsive programs, improving language access, and ensuring that all court users feel respected and accommodated. We are dedicated to fostering a Judiciary that serves the diverse needs of Utah's communities.

An Efficient Judiciary

Timely and fair resolution of legal matters is fundamental to justice. We are committed to adopting best practices, leveraging technology, and implementing evidence-based methodologies to enhance efficiency while maintaining the highest standards of judicial integrity. Virtual hearings, electronic filing, and modernized case management systems are just a few of the initiatives aimed at ensuring a responsive and effective judicial system.

The Utah Judiciary is steadfast in its mission to administer justice fairly and efficiently. This strategic plan reflects our dedication to continuous improvement, innovation, and service to the people of Utah. I look forward to working alongside our judicial colleagues, legal partners, and the community to bring this vision to life.



Overview

Beginning in 1996, the Judicial Council’s Utah Task Force on Racial and Ethnic Fairness in the Legal System conducted a comprehensive review of the Utah criminal justice system to examine issues of racial and ethnic fairness. The Task Force published a final report that included suggestions to address equity issues found within the judicial branch. A quarter-century later, the Judiciary is reflecting on the progress made since those efforts and looking toward the future.

In 2021, the Judicial Council established the Office of Fairness and Accountability, charging it — through the Committee on Fairness and Accountability — with developing a strategic plan to address bias and inequity in the judicial system. Under the applicable Rules of Judicial Administration, this strategic plan must include “the Judiciary’s goals and policy directives for meeting the court’s mission for the open, fair, and efficient administration of justice under the law while also being responsive to the state’s cultural, ethnic, socioeconomic, linguistic, physical, gender, and age diversities. Branch efforts in this regard will strive to eliminate bias and the appearance of bias, meet the needs of increasing numbers of self-represented litigants, remain receptive to the needs of all branch constituents, ensure that court procedures are fair and understandable, and provide culturally responsive programs and services.”

To develop this plan, the Committee on Fairness and Accountability convened a Strategic Plan Drafting Committee composed of employees and judges from every court level and district around the State. This committee has created the goals, strategies, and action items necessary to help the Judiciary meet its mission. By formalizing a strategic plan, the Judiciary can assess areas for improvement, set clear objectives, and advance its mission while upholding our commitment to excellence.

MISSION

To provide an open, fair, efficient, and independent system for the advancement of justice under the law.

JUDICIARY VALUES

Uphold the Rule of Law

The Judiciary applies the law equally to institutions, entities, and individuals.

Independent

The Judiciary is an independent, self-governing branch of government, which acts in accordance with the law at every level to make impartial decisions that are free from improper influence or pressure.

Open

The Judiciary operates transparently and responsibly and is accessible to all.

Fair

The Judiciary is impartial and free of bias in its actions, procedures, and decisions.

Inclusive

The Judiciary provides a respectful, welcoming, and accommodating environment for all.

Efficient

The Judiciary ensures the fair and timely resolution of all matters by adopting and utilizing best practices, technology, and evidence-based methodologies to serve all court uses.

Promoting Public Trust and Confidence

The Utah Judiciary is dedicated to upholding its constitutional duty to provide open courts that resolve disputes, interpret and apply the law, and safeguard the constitutional rights of all Utahns. The effectiveness of this role relies on maintaining public trust and confidence, as well as fostering strong relationships with the other branches of government. To uphold that trust, the Judiciary is committed to transparent communication, active community engagement, and exemplary service to the people of Utah.



GOAL 1

Discern public opinion regarding the Judiciary and its processes and implement changes where necessary

Strategy 1: Gather and assess current public opinion

Strategy 2: Create opportunities for ongoing feedback

GOAL 2

Communicate more effectively with the public and increase public outreach and education

Strategy 1: Increase utility of the public website

Strategy 2: Increase opportunities for public outreach by courts in each district

Strategy 3: Increase engagement with schools

Strategy 4: Increase engagement with the media

GOAL 3

Improve and expand training for all court staff and judicial officers to enhance consistency and efficiency throughout the State to improve service to the public

Strategy 1: Enhance and expand current training and practices to ensure exemplary service

GOAL 4

Increase opportunities for strategic engagement with other branches of government

Strategy 1: Continue engagement and identify new ways to engage with other branches of government

Strategy 2: Increase opportunities for engagement with Tribal Nations

COMMITMENT TWO

Increasing Access to Justice

Many obstacles hinder the promise of equal justice under the law. These challenges include the complexity of legal and judicial systems, difficulties faced by self-represented litigants, language barriers, and perceptions of bias and unfairness in governmental institutions. The Utah Judiciary is committed to reviewing and improving court processes and rules to expand access to justice. By actively seeking and addressing feedback from court patrons and community members, the Judiciary will hold itself accountable for removing barriers and ensuring equal access to justice for all.



GOAL 1

Address immediate barriers to accessing the judicial system

Strategy 1: Employ strategies to increase the understanding of court rules and procedures by non-law trained individuals

Strategy 2: Enhance our service culture

GOAL 2

Create accountability mechanisms for expanding court access and increase our capacity to improve while balancing sustainability of operations

Strategy 1: Invite community members to provide input to help us find ways to increase access to justice and continually solicit feedback from community members about court processes and their impact on the community and access to justice



COMMITMENT THREE

Ensuring Constitutional Openness

Utah's judicial system is designed to be fair and accessible to everyone. Utah's Constitutional Declaration of Rights declares that courts shall be open and that every person shall have remedy under the law without denial or delay. To uphold this principle, the Judiciary must identify and systematically eliminate practices that result in disparate treatment. These practices may exist in various areas including courthouse facilities, juror selection, access to legal resources, hiring procedures, and employee retention strategies. By gathering data in these areas, the Judiciary remains responsive to Utah's evolving community needs and ensures equal treatment for all who interact with the judicial system.



GOAL 1

Advance a fair and inclusive judiciary

Strategy 1: Identify practices and conditions that may create or contribute to disparate treatment and outcomes

Strategy 2: Identify existing data on demographics and create processes to enhance collection of demographic data

Strategy 3: Eliminate practices that create or contribute to disparate outcomes and implement practices that are just and equitable for all

GOAL 2

Provide equal opportunities for all employees

Strategy 1: Promote fair hiring practices in recruitment efforts

Strategy 2: Expand employee retention efforts

Strategy 3: Support efforts to increase and broaden the applicant pool for judicial positions

GOAL 3

Provide resources to understand and mitigate bias

Strategy 1: Expand training and educational opportunities in areas that contribute to fair treatment and outcomes

Special Thanks

Judicial Council Members

Chief Justice Matthew B. Durrant
Chair, Utah Supreme Court

Judge David N. Mortensen
Vice Chair, Utah Court of Appeals

Judge Suchada Bazzelle
Fourth District Juvenile Court

Judge Brian Brower
Clearfield, Sunset, and Morgan County Justice Courts

Judge Jon Carpenter
Carbon County, Wellington City, and East Carbon Justice Courts

Judge Samuel Chiara
Eighth District Court

Judge Rita Cornish
Business and Chancery Court

Judge Michael DiReda
Second District Court

Judge Susan Eisenman
Third District Juvenile Court

Judge Angela Fannesbeck
First District Court

Judge James Gardner
Third District Court

Judge Michael Leavitt
Fifth District Juvenile Court

Judge Thomas Low
Fourth District Court

Judge Brendan McCullagh
West Valley City Justice Court

Judge Amber Mettler
Third District Court

Justice Paige Petersen
Utah Supreme Court

Katie Woods
Utah State Bar

Ron Gordon
Staff, State Court Administrator, Administrative Office of the Courts

Strategic Plan Drafting Committee

Judge Michele Christiansen Forster
Chair, Court of Appeals

Judge Monica Diaz
Chair, Third District Juvenile Court

Neira Siaperas
Chair, Deputy State Court Administrator

Holly Albrecht
Facilities Coordinator

Lauren Andersen
Director of Utah Judicial Institute

Shane Bahr
District Court Administrator

Tricia Bradshaw
Clerk of Court

Sherrone Braegger
Probation Officer

Miranda Buchanan
Probation Supervisor

Spencer Cottle
Chief Probation Officer

Judge Dianna Gibson
Third District Court

Alicia Espinoza
Language Access Program Coordinator

Marketa Heslop
Judicial Case Manager

Judge Eric Jewell
Payson, Santaquin, Genola, and Goshen Justice Courts

Bryson King
Associate General Counsel

Janine Liebert
Director of Self-Help Center & Law Library

Kristy Martinez
Clerk of Court

Tania Mashburn
Director of Communications

Brielle McCourt
Judicial Assistant

Judge Richard Mrazik
Third District Court

Zerina Ocanovic
Juvenile Court Management Analyst

Bart Olsen
Director of Human Resources

Jim Peters
Justice Court Administrator

Nathanael Player
Former Self-Help Center & Law Library Director

Tiffany Power
Trial Court Executive

Jonathan Puente
Director of Office of Fairness and Accountability

Kapiolani Smith
Judicial Team Manager

Nick Stiles
Appellate Court Administrator

Cade Stubbs
Trial Court Executive

Karl Sweeney
Director of Finance

Sonia Sweeney
Juvenile Court Administrator

Erin York
Judicial Team Manager

Committee on Fairness and Accountability

Justice Jill Pohlman
Chair, Utah Supreme Court

Judge Monica Diaz
Third District Juvenile Court

Judge Renee Jimenez
Senior Judge

Bryson King
Associate General Counsel

Shawn Newell
Public Member

Jonathan Puente
Director of Office of Fairness and Accountability

Judge Steven Roth
Retired Judge

Judge Todd Shaughnessy
Third District Court

Judge Bill Thorne
Retired Judge

Judge Danalee Welch-O'Donnal
Moab Justice Court

Justice Michael Zimmerman
Retired





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Utah Judiciary Strategic Plan

FY 2026-2029

Beginning in 1997, the Judicial Council’s Utah Task Force on Racial and Ethnic Fairness in the Legal System conducted a comprehensive review of the Utah criminal justice system to examine issues of racial and ethnic fairness. The Task Force published a final report that included suggestions to address equity issues found within the judicial branch. A quarter of a century later, the Judiciary is reflecting on where we are in relation to those past efforts while it looks to the future. When the Judicial Council established the Office of Fairness and Accountability in 2021, it tasked that Office, through the Committee on Fairness and Accountability, with developing a strategic plan to address bias and inequity within the justice system. Under the applicable Rules of Judicial Administration, the strategic plan is to include “the Judiciary’s goals and policy directives for meeting its mission for the open, fair and efficient administration of justice under the law while also being responsive to the state’s cultural, ethnic, socioeconomic, linguistic, physical, gender, and age diversities. Branch efforts in this regard will strive to eliminate bias and the appearance of bias, meet the needs of increasing numbers of self-represented litigants, remain receptive to the needs of all branch constituents, ensure that court procedures are fair and understandable, and provide culturally responsive programs and services.”

The Committee on Fairness and Accountability established a Strategic Plan Drafting Committee composed of employees and judges from every court level and district around the State. This committee has written the goals, strategies, and action items included in this plan to help the judiciary meet its mission. Formalizing a strategic plan will help the Judiciary set the goals that will help us achieve our mission and continue striving for excellence.

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Mission

To provide a fair, efficient, open, and independent system of justice for the people of Utah.

Judiciary Values

Uphold the Rule of Law

The Judiciary applies the law equally to institutions, entities, and individuals.

Independent

The Judiciary is an independent, self-governing branch of government, which acts in accordance with the law at every level to make impartial decisions that are free from improper influence or pressure.

Open

The Judiciary operates transparently and responsibly and is accessible to all.

Fair

The Judiciary is impartial and free of bias in its actions, procedures, and decisions.

Inclusive

The Judiciary provides a respectful, welcoming, and accommodating environment for all.

Efficient

The Judiciary ensures the fair and timely resolution of all matters by adopting and utilizing best practices, technology, and evidence-based methodologies to serve all court uses.

Commitment: Promoting Public Trust and Confidence

GOAL 1: Discern public opinion regarding the Judiciary and its processes and implement changes where necessary

Strategy 1: Gather and assess current public opinion

	ACTION ITEM(S)	DELIVERABLE	LEAD PERSON/SUBCOMMITTEE	COMPLETION
1	Hire a third party to administer a public trust and confidence survey	Draft and distribute survey to public	Data & Research	<input type="checkbox"/> Year 1 – draft survey <input type="checkbox"/> Year 2 – distribute survey <input type="checkbox"/> Create ongoing surveys or resend years 4 or 5
2	Create a plan and benchmarks to address concerns identified by the public survey and implement the plan	Create and implement action plan	State Court Administrator or designee	<input type="checkbox"/> Year 3+

Strategy 2: Create opportunities for ongoing feedback

	ACTION ITEM(S)	DELIVERABLE	LEAD PERSON/SUBCOMMITTEE	COMPLETION
3	Create and offer various opportunities for the public to provide ongoing feedback regarding court processes, efficiency, and other issues that impact the Judiciary’s values	Establish opportunities for ongoing feedback (QR codes, surveys, on-line opportunities following each hearing, etc.)	Data & Research: compile and present information to the Judicial Council Judicial Council: assign follow-up actions as deemed appropriate	<input type="checkbox"/> Year 2

GOAL 2: Communicate more effectively with the public and increase public outreach and education

Strategy 1: Increase utility of the public website

ACTION ITEM(S)		DELIVERABLE	LEAD PERSON/GROUP	COMPLETION
4	Refine the public website to be more user-friendly based upon feedback from stakeholders, Self-help Center, and other internal employees that regularly engage with the public	Annual report to Judicial Council on improvements made	IT, Communications, Self-help Center	<input type="checkbox"/> Ongoing

Strategy 2: Increase opportunities for public outreach by courts in each district

ACTION ITEM(S)		DELIVERABLE	LEAD PERSON/GROUP	COMPLETION
5	Utilize the Committee on Fairness and Accountability to create a subcommittee with representatives from each judicial district from all court levels to engage local communities <ul style="list-style-type: none">Consider hosting annual/bi-annual open house at each courthouse and/or judicial districtBrown bag luncheonsMeet and Greet w/ court staff (Q&A); etc.Develop consistency in outreach with all districts (non-profit local org., school visits, court tours)	Create subcommittee and engagement plan; engage local communities	Committee on Fairness & Accountability	<input type="checkbox"/> Year – creation of subcommittee and community engagement plan <input type="checkbox"/> Year 2+ – implement engagement plan
6	Develop templates and outreach packets for all court levels	Complete and distribute packets	Public Outreach & Education Coordinator, Community Relations Subcommittee	<input type="checkbox"/> Year 2

7	Evaluate court tours currently provided throughout the state and evaluate ways to increase interest in tours. Create consistency throughout each district in the state (e.g., create talking points for tours)	Standardize public tours and increase number of tours being offered	Judicial Outreach Committee, district representatives (Trial Court Executives, Clerks of Court, etc.)	<input type="checkbox"/> Year 1 – standardize tours <input type="checkbox"/> Ongoing
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Strategy 3: Increase engagement with schools

ACTION ITEM(S)	DELIVERABLE	LEAD PERSON/GROUP	COMPLETION
8 Increase school visits by drafting/sending a letter from each district, juvenile, and justice court directly to local schools inviting schools to visit <ul style="list-style-type: none">• Increase opportunities for judicial officers to visit schools (include this service in the letter)	Develop templates and outreach packet for all districts	Public Outreach & Education Coordinator, Trial Court Executives	<input type="checkbox"/> Ongoing

Strategy 4: Increase engagement with media

ACTION ITEM(S)	DELIVERABLE	LEAD PERSON/SUBCOMMITTEE	COMPLETION
9 Promote positive news stories happening within the Judiciary and publicize access to justice initiatives through traditional and social media platforms <ul style="list-style-type: none">• Build relationship with/actively engage media• Seek judges’ feedback on topics commonly misrepresented/misunderstood and remind judges that the Communications Director is	Quarterly educational engagement with the media	Communication Department	<input type="checkbox"/> Ongoing

	<p>the avenue to the media for feedback and corrections</p> <ul style="list-style-type: none">• Direct media to existing resources (media website)• Pick different topics and invite reporters.• Give tutorials on how to use XChange• Press release to the media each quarter• Work with media to help educate the public on the role of the Judiciary• Enhance media relationships to ease addressing miscommunication/misunderstanding• Publicize access to justice initiatives through traditional and social media platforms• Increase presence on social media platforms			
10	<p>Educate media on topics that are difficult for journalists to cover or are often misunderstood</p> <ul style="list-style-type: none">• Law School for Journalist twice/yr• Seek judges’ feedback on which topics are commonly misunderstood	<p>Minimum of quarterly post on court social media/press outlets</p>	<p>Communication Department</p>	<p><input type="checkbox"/> Ongoing</p>

GOAL 3: Improve and expand training for all court staff and judicial officers to enhance consistency and efficiency throughout the State to improve service to the public

Strategy 1: Enhance and expand current training and practices to ensure exemplary service

	ACTION ITEM(S)	DELIVERABLE	LEAD PERSON/SUBCOMMITTEE	COMPLETION
11	<p>Standardize training for tasks that are consistent throughout all districts at all court levels</p>	<p>Standardize training protocols</p>	<p>Education Team, Clerks of Court, Probation Chiefs,</p>	<p><input type="checkbox"/> Year 2</p>

			Training Coordinators, Clerk Education Committee	
12	Expand written material for training to use statewide	Implement the best training practices for all court staff and judicial officers to use statewide. This can be based on subject matter (ex. WebEx, LMS, in-person)	Education Team, Clerks of Court, Training Coordinators, Clerk Education Committee	<input type="checkbox"/> Ongoing
13	Evaluate year 1 training processes, adjust and introduce new subject matters into statewide training	Include evaluation and any adjustments made in annual report to the Judicial Council	Education Team, Clerks of Court, Probation Chiefs, Training Coordinators, Clerk Education Committee	<input type="checkbox"/> Year 2
14	Develop and implement training for all staff on legal advice vs. legal information	Deliver training	General Counsel, Education Team, Probation Chiefs, Clerk Education Committee	<input type="checkbox"/> Year 1
15	Continue to develop, refine, and evaluate training	Include updates in annual report to the Judicial Council	Education Team, Clerks of Court, Probation Chiefs, Training Coordinators, Clerk Education Committee	<input type="checkbox"/> Year 3

GOAL 4: Increase opportunities for strategic engagement with other branches of government

Strategy 1: Continue engagement and identify new ways to engage with other branches of government

ACTION ITEM(S)		DELIVERABLE	LEAD PERSON/SUBCOMMITTEE	COMPLETION
16	Create a plan that allows consistent and strategic engagement with other branches of government (e.g. Legislative lunch)	Present and seek approval from the Judicial Council for the plan	State Court Administrator or designee	<input type="checkbox"/> Ongoing

Strategy 2: Increase opportunities for engagement with Tribal Nations

ACTION ITEM(S)		DELIVERABLE	LEAD PERSON/SUBCOMMITTEE	COMPLETION
17	Create a plan for consistent engagement with Tribal Nations	Include efforts made in annual report to the Judicial Council	Tribal Liaison Committee	<input type="checkbox"/> Ongoing

Commitment: Increasing Access to Justice

GOAL 1: Address immediate barriers to accessing the judicial system

STRATEGY 1: Employ strategies to increase the understanding of court rules and procedures by non-law trained individuals

ACTION ITEM(S)		DELIVERABLE	LEAD PERSON/SUBCOMMITTEE	COMPLETION
18	Identify potential amendments and additions to rules of procedure to remove obstacles for self-represented litigants	Report to the Utah Supreme Court including feedback from judicial boards.	Self-help Center, court level representative, all Supreme Court Advisory Committees on Rules of Procedure, Standing Committee on Resources for Self-Represented Litigants	<input type="checkbox"/> Year 1, 2
19	Draft and publish amendments and additions to rules of procedure, as approved by the Utah Supreme Court, to remove obstacles for self-represented litigants	Publish new rules	Self-help Center, court level representative, all Supreme Court Advisory Committees on Rules of Procedure, Standing Committee on Resources for Self-Represented Litigants	<input type="checkbox"/> Year 3
20	Create explanations to help self-represented litigants understand the rules of procedure	Publish explanations	Communications Office, Self-help Center, General Counsel, Committee on Resources for Self-Represented Litigants, all Supreme Court Advisory Committees on Rules of Procedure	<input type="checkbox"/> Year 2, 3

21	Create and implement strategies to work with the bench on plain language vs. legalese for interacting with self-represented litigants	Develop training modules and bench resources for judges	Education Team	<input type="checkbox"/> Year 2, 3
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STRATEGY 2: Enhance our service culture

ACTION ITEM(S)		DELIVERABLE	LEAD PERSON/SUBCOMMITTEE	COMPLETION
22	Improve understanding of how/when to use Language Line or a similar service	Training modules	Language Access Team, Education Team	<input type="checkbox"/> Year 1 <input type="checkbox"/> Ongoing
23	Identify and prioritize standardized forms (i.e. summons/notices) to be translated in prioritized languages	Translate identified forms and make them accessible	Self-help Center, Law Library, Language Access Team	<input type="checkbox"/> Ongoing
24	Create an education course that helps court employees to more effectively interact with self-represented litigants and ask the Judicial Council to require the education course	Coordinate with Education Team to develop the course	Self-help Center, Law Library Director, Education Team	<input type="checkbox"/> Year 1 – create education course and propose requirement to Judicial Council <input type="checkbox"/> Years 2 – launch education course
25	Actively work on enhancing a court culture that is public-service oriented <ul style="list-style-type: none">Require Human Resources to use service-oriented language in job postingsCreate a communication plan to be used with employeesCreate education around service-oriented business model	Updated language in job postings Implement communication plan Training modules	Education Team, Human Resources, Communication Team	<input type="checkbox"/> Ongoing <input type="checkbox"/> Years 2 and 3: additional action steps as needed

26	Revise standard notices using language written at a 5th grade reading level	Revise standard notices	Self-help Center, Law Library, Forms Committee, IT, Clerks of Court	<input type="checkbox"/> Year 1 – meet with forms committee to create process/revise forms <input type="checkbox"/> Years 2, 3 – implement revised forms
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GOAL 2: Create accountability mechanisms for expanding court access and increase our capacity to improve while balancing sustainability of operations

STRATEGY 1: Invite community members to provide input to help us find ways to increase access to justice and continually solicit feedback from community members about court processes and their impact on the community and access to justice

ACTION ITEM(S)		DELIVERABLE	LEAD PERSON/SUBCOMMITTEE	COMPLETION
27	Invite each district to meet at regular intervals with the community members who help and support court patrons and litigants. Document their feedback and provide regular updates on how the feedback is addressed	Hold meetings and implement feedback	District Court Administrator, Juvenile Court Administrator, Justice Court Administrator, Trial Court Executives	<input type="checkbox"/> Year 1 <input type="checkbox"/> Year 2, 3+ – implement subsequent action step to be developed pending initial action decisions

Commitment: Ensuring Constitutional Openness

GOAL 1: Advance a fair and inclusive Judiciary

STRATEGY 1: Identify practices and conditions that may create or contribute to disparate treatment and outcomes

ACTION ITEM(S)		DELIVERABLE	LEAD PERSON/SUBCOMMITTEE	COMPLETION
28	Review and inventory internal practices, protocols, and policies utilizing an equity impact assessment rubric to determine whether they create or contribute to disparate treatment or outcomes	Create an equity impact assessment rubric and conduct the review	Human Resources, District/Juvenile/Justice Court Administrators, Office of Fairness & Accountability	<input type="checkbox"/> Year 1 <input type="checkbox"/> Ongoing
29	Create recommendations based on the above inventories to eliminate practices that may result in disparate treatment and outcomes	Review the findings of the inventories and create recommendations in years 2 and/or 3	Judicial Council Committees	<input type="checkbox"/> Years 2 and 3
30	Evaluate accessibility to all patrons and employees by inventorying court facilities for ADA compliance	Inventory all court facilities	Facilities Director	<input type="checkbox"/> Year 2
31	Complete data gathering and information gathered from judicial Racial Ethnic and Disparities (“RED”), Racial Ethnic and Fairness (“REF”), and Justice REF workgroups to propose changes in the practices to that result in disparate treatment and outcomes to the Judicial Council	Complete data gathering Review the findings of RED, REF, and Justice REF groups and identify changes to be completed	Office of Fairness & Accountability, Committee on Fairness & Accountability, Trial Court Executives	<input type="checkbox"/> Years 1, 2, 3+

STRATEGY 2: Identify existing data on demographics and create processes to enhance collection of demographic data

ACTION ITEM(S)		DELIVERABLE	LEAD PERSON/SUBCOMMITTEE	COMPLETION
32	Create or strengthen court rules to govern the storing, collection, and release of disclosed demographic data	Propose rule changes	General Counsel, Jury Equity Group, REF, RED, Justice REF, Human Resources	<input type="checkbox"/> Year 1
33	Collect voluntarily disclosed demographic data on judicial officers and court employees to understand the make-up of our workforce	Identify and compile existing information	Human Resources	<input type="checkbox"/> Year 1
34	Collect voluntarily disclosed data on juror demographics to assist the Judiciary in meeting constitutional requirements	Build tool to collect the data Deploy tool	Jury Equity Group, Data & Research	<input type="checkbox"/> Year 1 – build tool <input type="checkbox"/> Years 2, 3 – implement tool
35	Collect voluntarily disclosed data on patron demographics to assist the Judiciary in determining whether the community is receiving equal access to justice	Build tool to collect the data Deploy tool	Data & Research	<input type="checkbox"/> Ongoing

STRATEGY 3: Eliminate practices that create or contribute to disparate outcomes and implement practices that are just and equitable for all

ACTION ITEM(S)		TARGET	LEAD PERSON/GROUP	COMPLETION
36	Improve accessibility to all patrons and employees by updating court facilities identified as not in compliance with current ADA requirements and requesting updates to contracted facilities	Ensure court facilities are ADA compliant	Facilities Director, General Counsel, Human Resources	<input type="checkbox"/> Year 2, 3
37	Ensure accessibility to court resources with easy to navigate and readable digital court platforms (websites, MyCase, etc.) to meet the	Update digital court platforms each year to ensure they meet ADA guidelines	IT, Communications, Self-help Center	<input type="checkbox"/> Ongoing

	Website Content Accessibility Guidelines required by the ADA			
38	Update all court management systems to accommodate preferred pronouns and preferred names	Propose changes to the applicable policy decision makers Updates to CARE, CORIS and Judicial Workspace and build training	CORE Groups, IT, Education Team	<input type="checkbox"/> Year 2
39	Implement recommendations from the Jury Equity Workgroup approved by the Committee on Fairness and Accountability and the Judicial Council	Jury Equity Workgroup recommendations are reviewed and implemented	Committee on Fairness & Accountability, Liaison Committee, District Court Administrator	<input type="checkbox"/> Years 2 and 3+

GOAL 2: Provide equal opportunities for all employees

STRATEGY 1: Promote fair hiring practices in recruitment efforts

ACTION ITEM(S)		DELIVERABLE	LEAD PERSON/SUBCOMMITTEE	COMPLETION
40	Identify the make-up of interview panels	Managers will submit names of individuals who serve on interview panels to Human Resources	Human Resources, Managers	<input type="checkbox"/> Ongoing
41	Implement Human Resources Policy 04-4(6) when creating interview panels	Managers, supervisors, directors, etc. will create interview panels in accordance with Human Resources policy	Human Resources, Hiring Managers	<input type="checkbox"/> Ongoing

42	Consider policy change or court rule addressing skills-first hiring rather than requirement for higher education degrees for all jobs	Change in policy or development of new rule	Human Resources, Hiring Managers, Trial Court Executives	<input type="checkbox"/> Year 1
43	Utilize community partners to advertise employment opportunities	Postings with the Governor's Office in Multicultural Affairs, universities and colleges; junior colleges, community partners, LGBTQ Center, etc.	Human Resources, Hiring Managers	<input type="checkbox"/> Year 1

STRATEGY 2: Expand employee retention efforts

ACTION ITEM(S)		TARGET	LEAD PERSON/GROUP	COMPLETION
44	Review local policies/procedures for outdated or obsolete job duties	Remove tasks that are obsolete in Judicial Assistant and Probation Officers job duties	District/Juvenile/ Court Administrators, Trial Court Executives, Probation Chiefs, Clerks of Court	<input type="checkbox"/> Year 3
45	Provide Employee Resource Groups (“ERGs”) resources and administrative support	Create an avenue for ERGs to request resources and administrative support	Office of Fairness & Accountability, Budget & Fiscal Management	<input type="checkbox"/> Year 1
46	Provide professional development and training to advance within the Judiciary	Annual Leadership Academy with sustained funding	Education Team	<input type="checkbox"/> Year 1
47	Provide mentoring opportunities	Annual mentoring program with sustained funding	Education Team, Trial Court Executives	<input type="checkbox"/> Year 1

48	Create and implement strategic plan. Work with leadership to establish shared values that may be included in the rules	Implement Strategic Plan Create shared values	Judicial Council, Office of Fairness & Accountability	<input type="checkbox"/> Ongoing
49	Create sustained funding for employees that provide second language services in court roles	Annual funding for language stipend	Language Access, Budget & Fiscal Management	<input type="checkbox"/> Year 1
50	Create employee satisfaction survey that includes information about the process for making complaints to Human Resources regarding discrimination/inclusivity	Implement employee survey	Data & Research, Human Resources	<input type="checkbox"/> Year 2
51	Report on actions taken based on the results from employee survey	Annual report on what leadership has done based on comments from employee survey	State Court Administrator or designee, Judicial Council	<input type="checkbox"/> Year 3

STRATEGY 3: Support efforts to increase and broaden the applicant pool for judicial positions

ACTION ITEM(S)		TARGET	LEAD PERSON/GROUP	COMPLETION
52	Work with AllRise Utah, the Utah State Bar, and affinity bar groups to encourage law school students and bar members to consider careers in the Judiciary	Support the development of programs (including mentoring) that support individuals who are interested in becoming judicial officers	Office of Fairness & Accountability	<input type="checkbox"/> Ongoing
53	Create, house, and maintain AllRise Utah website	Establishment and maintenance of website	IT, Office of Fairness & Accountability	<input type="checkbox"/> Year 1

54	Encourage judicial officers conducting school visits to share their path to the Judiciary	Increased school visits with discussion of pathway to the bench	Office of Fairness & Accountability	<input type="checkbox"/> Ongoing
55	Encourage judicial officers to participate in events sponsored by affinity bar organizations and the Utah State Bar	Increased judicial attendance	Office of Fairness & Accountability	<input type="checkbox"/> Ongoing
56	Partner with faculty at Utah universities and colleges to share information about how a person becomes a judicial officer and timelines to become a judicial officer	Increased interaction with Utah universities	Office of Fairness & Accountability	<input type="checkbox"/> Ongoing

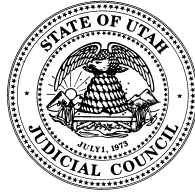
GOAL 3: Provide resources to understand and mitigate bias

STRATEGY 1: Expand training and educational opportunities in areas that contribute to fair treatment and outcomes

ACTION ITEM(S)		TARGET	LEAD PERSON/GROUP	COMPLETION
57	Increase awareness of availability of resources to address potential bias and racism	Resources available to all court employees and judicial officers	Education Team	<input type="checkbox"/> Year 1
58	Make training available to bailiffs, contract court interpreters, and legal aid on the Judiciary’s mission and how their interaction with patrons reflects on the courts	Develop training for bailiffs, contract court interpreters, and legal aid that incorporates the Judiciary’s mission	Court Security Director, Education Team, Office of Fairness & Accountability, Language Access	<input type="checkbox"/> Ongoing
59	Streamline, improve, and communicate court complaint process regarding: <ul style="list-style-type: none">• Harassment• Abusive Conduct	Rolling out communication on complaint process; consider adding a contact button on public website and update	Human Resources, Communications, Administrative Office of the Courts, IT	<input type="checkbox"/> Year 1, 2

	<ul style="list-style-type: none">• Judicial officers• Court staff	intranet to contact Human Resources		
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Tab 9



Administrative Office of the Courts

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

April 21, 2025

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

MEMORANDUM

TO: Management Committee

FROM: The Jury Equity Committee

RE: Proof of Concept Pilot Program and Section 78B-1-119

The Jury Equity Committee presented to the Judicial Council during their February meeting a proof of concept pilot program regarding juror compensation and asked if they could seek external funding for the program. The Budget and Fiscal Management Committee had previously decided not to fund the pilot program internally. The Council, before deciding whether or not to allow the Committee to seek funding, had some questions regarding Section 78B-1-119 establishing a ceiling or a floor on juror compensation and asked that the Committee write a memo explaining their position and meet with and discuss their memo and position with the Office of General Counsel. The Committee met with the OGC on two occasions, and the OGC agreed Section 78B-1-119 does not set a ceiling on juror compensation. The Committee then met with the Management Committee during their April meeting to answer any further questions before returning to the Judicial Council.

The Committee, now respectfully comes back to the Judicial Council to ask if all of their questions have been answered regarding Section 78B-1-119 and the pilot program, if they can seek external funding for their proof of concept pilot program.

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

Tab 10

JUDICIAL PERFORMANCE EVALUATION COMMISSION

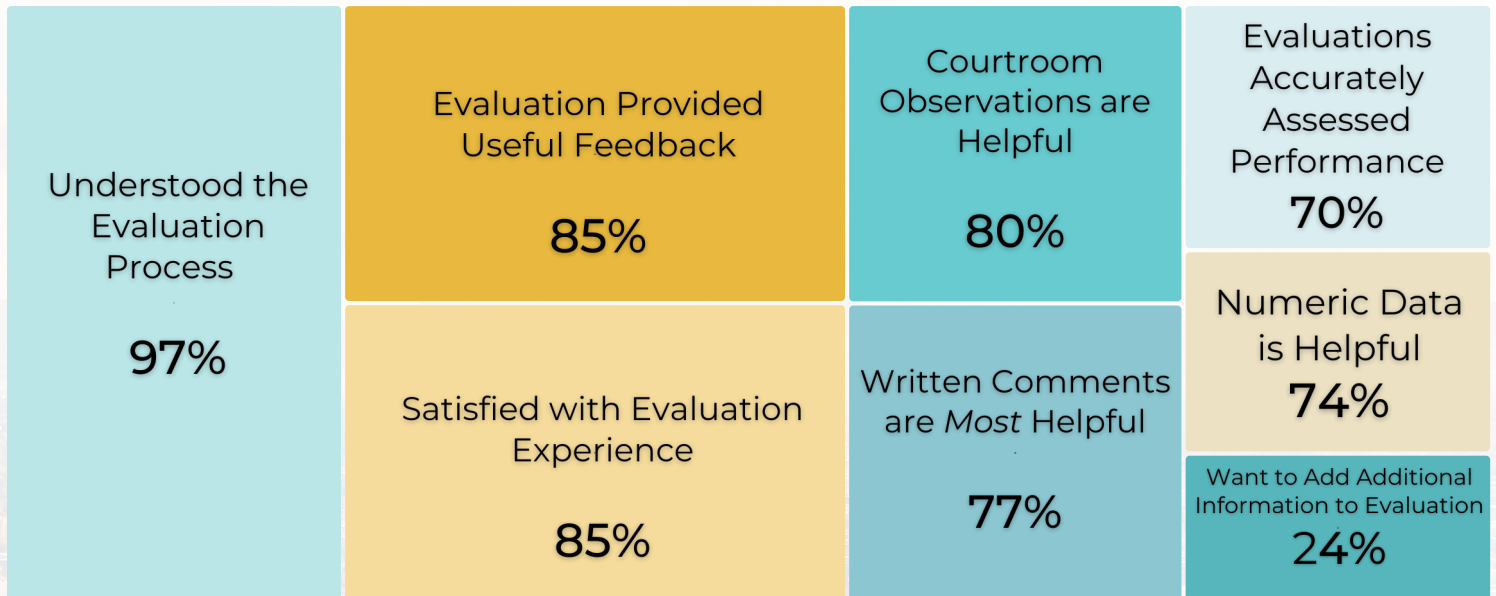
2024 RETENTION CYCLE FEEDBACK

In early 2025, JPEC conducted an electronic survey of judges retained in the 2024 election. The purpose of the survey was to solicit feedback from judges about the evaluation process. This sheet contains a summary of the results and addresses questions raised by respondents.

Survey Pool: 50 retention judges

Response Rate: 80%

Overall Results



Courtroom Observation

Courtroom observers are volunteers from the community that usually have little legal experience. This is intentional. Although JPEC trains observers, their purpose is to provide the perspective of a “regular” citizen.

JPEC tries to balance the training we provide with the need for the voice of the average person in the evaluation process. Too much training and the perspective of the regular citizen is lost--too little training and misunderstandings cloud the evaluation.

JPEC will evaluate our training program to address the concerns raised by judges.

Blind Review Process

Aware of Blind Review Process: 66%

Unsure if Blind Review Improves Process: 60%

JPEC works to minimize bias in the evaluation process by removing all identifying information (name, gender, race, court location) from a judge’s evaluation data. This “blind review” process requires commissioners to evaluate judges solely on their qualifications and skills, rather than potentially biased factors.

FAQs

Can I change my biography?

Yes. A judge can choose what to include in their biography as long as it fits the space constraints of the Voter Information Pamphlet. A draft of your Voter Information Pamphlet page and an invitation to make updates is sent with your retention evaluation report.

How does JPEC determine whether courtroom observers watch court in person or through WebEx?

JPEC uses the public calendar to schedule observations. Observers attend virtual proceedings virtually and in person proceedings in person. JPEC avoids observing via WebEx if court is being held in person. Occasionally the public calendar is incorrect which results in observers attending an in person hearing virtually.

How are average scores calculated? Sometimes the numbers don't seem to add up.

The average score for each performance standard cannot be calculated by averaging the scores for each individual question in that category. Questions are weighted based on how many respondents answered them. If, for example, one question had 50 respondents and another had 45 respondents, the first question would have a larger impact on the overall performance standard score. All response data is needed to calculate an accurate average.

Who is the "peer" group and how is their score calculated?

Each election cycle, JPEC evaluates $\frac{2}{3}$ of all judges on the bench. In any given cycle, $\frac{1}{3}$ of all judges are retention judges, $\frac{1}{3}$ are midterm judges and $\frac{1}{3}$ are not evaluated. The peer group is the average score of all judges in each level of court (appellate, district, juvenile, justice) evaluated during that survey cycle. Adjustments are made if the peer group is small and not statistically reliable.

How do we know if we will be invited to speak to the commission?

If JPEC has questions or concerns about your evaluation report the Commission will reach out in March or April of an election year and invite the judge to meet.

How does JPEC choose who receives a survey?

- **Jurors:** A staff member from each court collects contact information for all jurors willing to be surveyed and sends it to JPEC's survey contractor.
- **Court Staff:** JPEC staff work with Trial Court Executives, Clerks of Court, JJYS, and other staff to compile a complete list of all individuals that work within your courtroom. JPEC also reaches out to all active court interpreters.
- **Attorneys:** The courts provide JPEC with attorney contact information and appearance data. Attorney's with less than one trial or 3 appearances during a judge's current survey cycle are removed. The remaining pool is randomized to ensure one large firm or group is not overly represented. Attorneys are never asked to complete a survey for more than nine judges.

Blind Review

Original Comment:

Considering Judge Doe's age and personal health problems, it is amazing that he was able to retain his patient and respectful demeanor with everyone in his courtroom. It is always a pleasure to be in the Central City courtroom because of Judge Doe's fairness, temperament and understanding of the law.

Redacted Comment:

[Redaction] it is amazing that X was able to retain X patient and respectful demeanor with everyone in X courtroom. It is always a pleasure to be in the X courtroom because of X fairness, temperament and understanding of the law.

Court Staff Surveys

	2023	2021	2019	2017
Attorneys				
Surveys Sent	18,126	18,077	18,553	17,071
Responses	7,613	7,050	8,349	6,999
Response Rate	42%	39%	45%	41%
Court Staff				
Surveys Sent	2,538	3,035	3,835	4,170
Responses	1,320	1,669	2,071	2,210
Response Rate	52%	55%	54%	53%

Tab 11



Administrative Office of the Courts

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

Ronald B. Gordon, Jr.
State Court Administrator

Neira Siaperas
Deputy Court Administrator

MEMORANDUM

To: Judicial Council
From: Michael C. Drechsel, Assistant State Court Administrator
Date: Thursday, March 13, 2025
Re: 78B-6-2105 Penalty Adjustment

This memo asks the Judicial Council to increase the 78B-6-2105 penalty from \$2,500 to \$3,070, as required by statute.

Title 78B, Chapter 6, Part 21 contains the Utah “Cause of Action for Minors Injured by Pornographic Material” statutes.¹ This bill creates a private cause of action for a minor who is harmed by pornographic material. The statute requires a warning describing the dangers of pornographic materials on minors to be provided prior to distributing the materials to a consumer.² The statute creates a penalty for violating enforcement provisions.³ Utah Code section 78B-6-2105(26) states:

Beginning May 1, 2025, and at each five-year interval, the dollar amount of the civil penalty provided in Subsection (4) shall be adjusted by the Judicial Council based on the change in the annual Consumer Price Index [“CPI”] for the most recent five-year period ending on December 31 of the previous year, and rounded to the nearest five dollars. The attorney general shall publish the dollar amount of the civil penalty together with the date of the next scheduled adjustment.

The Subsection (4) penalty in statute is currently set at **\$2,500**. For a five-year CPI adjustment ending December 2024:

- December 2019 CPI: 256.974
- December 2024 CPI: 315.605

To calculate the adjusted amount, we calculate the percentage change in CPI:

- $(315.605 - 256.974) / 256.974 \times 100 = 22.82\%$

Applying the percentage increase to the current penalty amount of \$2,500:

- $\$2,500 \times (1 + 0.2282) = \$3,070.50$

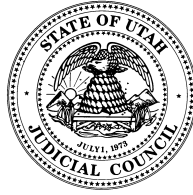
Rounding to the “nearest five dollars” means the new penalty amount should be set at **\$3,070** for the next five-year period (May 2025 – May 2030).

¹ <https://le.utah.gov/xcode/Title78B/Chapter6/78B-6-P21.html>

² Utah Code § 78B-6-2105(1).

³ Utah Code § 78B-6-2105(4).

Tab 12



Administrative Office of the Courts

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

March 28, 2025

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

MEMORANDUM

TO: Management Committee, Utah Judicial Council

FROM: Cris Seabury Statewide Treatment Court Certification 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, hearing and interviews team members. The Certification Coordinator also reviewed the certification checklist, staffing documents and the policy and procedure manuals for each Treatment Court. The Certification Coordinator completed a jurisdiction report for each Court which includes the strengths and recommendations.

First District - Box Elder County - Judge Spencer Walsh Adult Mental Health Court meets all required certification criteria. Based on the Courts' answers on the certification checklist, team member interviews, and Court observation I recommend the Judicial Council certify the First District Box Elder County Adult Mental Health Court.

REQUIRED CERTIFICATION CRITERIA

#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. Judge Walsh put a "?" next to the yes/no box. After meeting with the treatment team it was determined that evidence-based tools are used to properly screen candidates. The team was encouraged to update their policy and procedures manual to reflect the current assessment tool being used.

#10. The program has a written policy addressing medically assisted treatment. Judge Walsh put a "?" next to the yes/no box. Participants are instructed to take all medications as prescribed by their health care provider and to provide a list of current medications. The use of medication

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.

assisted treatment is mentioned in the policy and procedures manual and the participant handbook but the team was encouraged to include a formal written policy.

#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. Judge Walsh answered “Phase 4 - Every 6 weeks”. Participants begin the program attending Court weekly and, once they have accomplished proximal goals (objective and observable behaviors) and phase up, they appear less frequently. Phase advancement should be predicated on managing current phase goals and should not be based on arbitrary minimum or maximum time periods. It was determined that if a participant in a higher phase is struggling or non-compliant, they are ordered to appear at the next Court date instead of waiting until their phase date.

PRESUMED CERTIFICATION CRITERIA

#35. The Mental Health Court has more than 15 but less than 125 active participants. Judge Walsh answered “11 current participants and 6 observing”. This was confirmed during the site visit.

#40. The program conducts an exit interview for self-improvement. The team requested more information and examples were included in the jurisdiction report.

UTAH JUDICIAL COUNCIL
MENTAL HEALTH COURT CERTIFICATION CHECKLIST
 REVISED AND ADOPTED 2020

COURT LOCATION: Box Elder County
 NAME: Mental Health Court
 REVIEW DATE: March 4, 2025

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"/>		Eligibility and exclusion criteria are defined and applied objectively.	I.A.
<input checked="" type="checkbox"/>	<input type="checkbox"/>		Eligibility and exclusion criteria are specified in writing.	I.A.
?	<input type="checkbox"/>		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"/>		Candidates for the Mental health 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"/>		Candidates for the Mental health 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"/>		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"/>		Current or prior offenses may not disqualify candidates from participation in the Mental health Court unless empirical evidence demonstrates offenders with such records cannot be managed safely or effectively in a Mental health Court.	I.D.
<input checked="" type="checkbox"/>	<input type="checkbox"/>		Offenders charged with non-drug charges, drug dealing or those with violence histories are not excluded automatically from participation in the Mental health Court.	I.D.
<input checked="" type="checkbox"/>	<input type="checkbox"/>		If adequate treatment is available, candidates are not disqualified from participation in the Mental health Court because of co-occurring mental health or medical conditions or because they have been legally prescribed psychotropic or addiction medication.	I.E.
?	<input type="checkbox"/>		The program has a written policy addressing medically assisted treatment.	
<input checked="" type="checkbox"/>	<input type="checkbox"/>		Participants ordinarily appear before the same judge throughout their enrollment in the Mental health Court.	III.C.
<input checked="" type="checkbox"/>	<input type="checkbox"/>		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 Mental health Court team.	III.D.
<input checked="" type="checkbox"/>	<input type="checkbox"/>		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	III.E.

YES NO

phase 4 = weeks
every 6☐ ☒☒ ☐☒ ☐☒ ☐☒ ☐☒ ☐☒ ☐☒ ☐☒ ☐☒ ☐☒ ☐☒ ☐☒ ☐☒ ☐☒ ☐☒ ☐☒ ☐

#	REQUIRED CERTIFICATION CRITERIA <i>Adherence to these standards is required for certification.</i>	BPS
	other appearances or administrative reviews when the judge is unavailable.	
19	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.*
20	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.
21	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.
22	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.
23	The judge makes these decisions after taking into consideration the input of other Mental health Court team members and discussing the matter in court with the participant or the participant's legal representative.	III.H. VIII.D.
24	The judge relies on the expert input of duly trained treatment professionals when imposing treatment-related conditions.	III.H.
25	Policies and procedures concerning the administration of incentives, sanctions, and therapeutic adjustments are specified in writing and communicated in advance to Mental health Court participants and team members.	IV.A.
26	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.
27	The Mental health Court has a range of sanctions of varying magnitudes that may be administered in response to infractions in the program.	IV.E.
28	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.
29	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.
30	Drug testing is performed at least twice per week.	VII.A.*
31	Drug testing is random, and is available on weekends and holidays.	VII.B.*
32	Collection of test specimens is witnessed and specimens are examined routinely for evidence of dilution, tampering and adulteration.	VII.E* VII.F.*
33	Drug testing utilized by the Mental health Court uses scientifically valid and reliable testing procedures and establishes a chain of custody for each specimen.	VII.G.
34	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	VII.G.*

YES NO

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#	REQUIRED CERTIFICATION CRITERIA <i>Adherence to these standards is required for certification.</i>	BPS
	such conclusions are reached by an expert trained in toxicology, pharmacology or a related field.	
10	Upon entering the Mental health Court, participants receive a clear and comprehensive explanation of their rights and responsibilities relating to drug and alcohol testing.	VII.I.
11	The program requires a period of at least 90 consecutive days drug-free to graduate.	
12	The minimum length of the program is twelve months.	
13	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.
14	Jail sanctions are definite in duration and typically last no more than three to five days.	IV.J.
15	Participants are given access to counsel and a fair hearing if a jail sanction might be imposed.	IV.J.
16	Participants are not terminated from the Mental health 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.
17	If a participant is terminated from the Mental health 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.
18	Participants are not incarcerated to achieve clinical or social service objectives such as obtaining access to detoxification services or sober living quarters.	V.B.
19	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.*
20	Participants regularly attend self-help or peer support groups in addition to professional counseling.	V.I.
21	The peer support groups follow a structured model or curriculum such as the 12-step or Smart Recovery models.	V.I.
22	There is a secular alternative to 12-step peer support groups.	
23	Participants complete a final phase of the Mental health Court focusing on relapse prevention and continuing care.	V.J.
24	Participants are not excluded from participation in Mental health Court because they lack a stable place of residence.	VI.D.
25	Participants diagnosed with mental illness receive appropriate mental health services beginning in the first phase of Mental health Court and continuing as needed throughout their enrollment in the program.	VI.E.*
26	Participants are not required to participate in job seeking or vocational skills development in the early phases of mental health court.	VI.I.*
27	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.*
28	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 Mental health Court session.	VIII.A.*

YES NO

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#	REQUIRED CERTIFICATION CRITERIA <i>Adherence to these standards is required for certification.</i>	BPS
	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.
	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.
	Court fees are disclosed to each participant, are reasonable, and are based on each participant's ability to pay. Any fees assessed by the Mental health Court must be reasonably related to the costs of testing or other services.	
	Treatment fees are based on a sliding fee schedule and are disclosed to each participant.	
	The Mental health 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.*
	The Mental health 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

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#	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
	Eligibility and exclusion criteria are communicated to potential referral sources.	I.A.
	The Mental health Court regularly monitors the delivery of incentives and sanctions to ensure they are administered equivalently to all participants.	II.D.
	Each member of the Mental health 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.
	The Mental health Court judge attends current training events on legal and constitutional issues in Mental health Courts, judicial ethics, evidence-based substance abuse and mental health treatment, behavior modification, and community supervision.	III.A.
	The judge presides over the Mental health Court for no less than two consecutive years.	III.B.
	The Judge spends an average of at least three minutes with each participant.	III.F.*
	The Mental health 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.
	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.
	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.
	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.*

YES NO

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PRESUMED CERTIFICATION CRITERIA

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.

BPS

Drug test results are available within 48 hours.

VII.H.

Participants are required to deliver a test specimen within 8 hours of being notified that a drug or alcohol test has been scheduled.

VII.B.

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 Mental health Court population.

VII.D.

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.

Standardized patient placement criteria govern the level of care that is provided.

V.A.

Adjustments to the level of care are predicated on each participant's response to treatment and are not tied to the Mental health Court's programmatic phase structure.

V.A.

Participants receive a sufficient dosage and duration of substance abuse treatment to achieve long-term sobriety and recovery from addiction.

V.D.

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.

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.

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

Treatment providers are proficient at delivering the interventions and are supervised regularly to ensure continuous fidelity to the treatment models.

V.F.

Treatment providers are supervised regularly to ensure continuous fidelity to evidence-based practices.

V.H.

Before participants enter the peer support groups, treatment providers use an evidence-based preparatory intervention, such as 12-step facilitation therapy.

V.I.

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 Mental health Court.

V.J.

Where indicated, participants receive assistance finding safe, stable, and drug-free housing beginning in the first phase of Mental health Court and continuing as necessary throughout their enrollment in the program.

VI.D.

Participants are assessed using a validated instrument for trauma history, trauma-related symptoms, and posttraumatic stress disorder (PTSD).

VI.F.

All Mental health Court team members, including court personnel and other criminal justice professionals, receive formal training on delivering trauma-informed services.

VI.F.

Participants with deficient employment or academic histories receive vocational or educational services beginning in a late phase of Mental health Court.

VI.I.

Participants complete a brief evidence-based educational curriculum describing concrete measures they can take to prevent or reverse drug overdose.

VI.L.

YES NO

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PRESUMED CERTIFICATION CRITERIA

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.

BPS

Clients are placed in the program within 50 days of eligibility screening.

Team members are assigned to Mental health Court for no less than two years.

All team members use electronic communication to contemporaneously communicate about Mental health Court issues.

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 Mental health Courts.

VIII.F.

New staff hires receive a formal orientation training on the Mental health Court model and best practices in Mental health Courts as soon as practicable after assuming their position and attend annual continuing education workshops thereafter.

VIII.F.

The Mental health Court has more than 15 but less than 125 active participants.

IX.A.*

The Mental health 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.

New arrests, new convictions, and new incarcerations are monitored for at least three years following each participant's entry into the Mental health Court.

X.C.

A skilled and independent evaluator examines the Mental health Court's adherence to best practices and participant outcomes no less frequently than every five years.

X.D.

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.

The program conducts an exit interview for self-improvement.

YES NO

☒ ☐☒ ☐☒ ☐☒ ☐☒ ☐

NON-CERTIFICATION-RELATED BEST PRACTICE STANDARDS

These are best practice standards that research has shown will produce better outcomes. Failure to meet these standards will not result in decertification.

BPS

The Mental health Court offers a continuum of care for substance abuse treatment including detoxification, residential, sober living, day treatment, intensive outpatient and outpatient services.

V.A.

Treatment groups ordinarily have no more than twelve participants and at least two leaders or facilitators.

V.E.

Treatment providers have substantial experience working with criminal justice populations.

V.H.

For at least the first ninety days after discharge from the Mental health 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.

Participants are assessed using a validated instrument for major mental health disorders that co-occur frequently in Mental health Courts, including major depression, bipolar disorder (manic depression), posttraumatic stress disorder (PTSD), and other major anxiety disorders.

V.I.E.

YES NO

☒ ☐☒ ☐☒ ☐☒ ☐☒ ☐☒ ☐☒ ☐☒ ☐☒ ☐☒ ☐☒ ☐

NON-CERTIFICATION-RELATED BEST PRACTICE STANDARDS

These are best practice standards that research has shown will produce better outcomes. Failure to meet these standards will not result in decertification.

BPS

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 necessary to manage panic, dissociation, or severe anxiety.

VI.F.

Female participants receive trauma-related services in gender-specific groups.

VI.F.

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 Mental health Court.

VI.I.

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.

Before starting a Mental health Court, team members attend a formal pre-implementation training to learn from expert faculty about best practices in Mental health Courts and develop fair and effective policies and procedures for the program.

VIII.F.

Supervision caseloads do not exceed fifty active participants per supervision officer.

IX.B.

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.

The Mental health 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.*

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 Mental health Court's adherence to best practices and in-program outcomes.

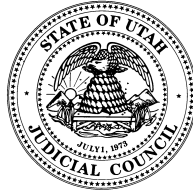
X.F.

Outcomes are examined for all eligible participants who entered the Mental health Court regardless of whether they graduated, withdrew, or were terminated from the program.

X.H.

The Mental health Court regularly monitors whether members of historically disadvantaged groups complete the program at equivalent rates to other participants.

II.B.
X.E.



Administrative Office of the Courts

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

March 28, 2025

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

MEMORANDUM

TO: Management Committee, Utah Judicial Council

FROM: Cris Seabury Statewide Treatment Court Certification 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 Certification Coordinator also reviewed the certification checklist, staffing documents and the policy and procedure manuals for each Treatment Court. The Certification Coordinator completed a jurisdiction report for each Court which includes the strengths and recommendations.

First District - Box Elder County - Judge Kirk Morgan Juvenile Mental Health Court meets all required certification criteria. Based on the Courts' answers on the certification checklist, team member interviews, and Court observation I recommend the Judicial Council certify the First District Box Elder County Juvenile Mental Health Court.

REQUIRED CERTIFICATION CRITERIA

#10. The program has a written policy addressing medically assisted treatment. There is only one medically assisted treatment that is FDA approved for children under the age of 18. A participant meets with their primary care doctor and, if deemed necessary, is prescribed medications to assist in managing their mental health. The Judge orders participants to comply with the recommendations from their medical provider. It was noted that not all participants are prescribed medications for their mental health, but some will make the decision while they are in the program.

#25. Drug testing is performed at least twice per week when a participant has a history of drug use. The Court checked no incorrectly. The program requires participants to complete a

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

substance use evaluation and follow the recommended treatment from the provider. Participants are randomly drug tested at Bear River Health Department and additional random drug tests are completed by probation that provide immediate results.

#27. Collection of test specimens is witnessed and specimens are examined routinely for evidence of dilution, tampering and adulteration. The Team wrote: “Change in Bear River Health Department policy and Juvenile PO policy allows unobserved.” According to the Juvenile Treatment Court Best Practice Standards, “For JTC participants with known histories of trauma, using observed UDS could be triggering and potentially retraumatizing. Consider using oral swabs, unobserved testing, or DNA-verified urine screens on a case-by-case basis. Drug testing programs should have detailed testing policies and procedures that are based on adolescent-appropriate, person-centered principles, use a trauma-informed lens, and are nonjudgmental and nonpunitive. The application of adult drug testing requirements to adolescents is not supported by research.” The Court Program Manager reported that participants are instructed to empty their pockets, leave belongings outside and are not allowed to wash their hands with soap prior to producing a sample. Measurements such as dye tablets in the toilet and temperature gauges on sample cups are used to deter tamperers. It was also confirmed that the Judge can order observed drug testing if deemed appropriate.

#31. The program by statute has a presumed length of formal probation of 4-6 months. The program uses a delayed entry agreement (DEA) and reviews are scheduled every 3 months. The participants are not on formal probation and the average length of time in the program is 12-18 months. The earliest completion date is 5 months but the program focuses on individual progress.

NON-CERTIFICATION CRITERIA

#8. 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. The Court checked no incorrectly. The parents or legal guardians take care of all medical needs.

#15. The Mental Health Court regularly monitors whether members of historically disadvantaged groups complete the program at equivalent rates to other participants. The Court checked no incorrectly. Interpreters are available for parents and family members during Court hearings, appointments with probation and/or treatment and assist with filling out weekly check-in forms. Forms are available in Spanish or any language needed. Participants are encouraged to talk to the team about their culture and background. The team expressed their appreciation of a culturally diverse group of participants.

UTAH JUDICIAL COUNCIL
JUVENILE MENTAL HEALTH COURT CERTIFICATION CHECKLIST
 REVISED AND ADOPTED 2023

COURT LOCATION: Brigham City

COURT NUMBER: 1st District Juvenile Court

NAME: JUDGE KIRK MORGAN

REVIEW DATE: 3/20/25

*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
X	<input type="checkbox"/>	1	Eligibility and exclusion criteria are defined and applied objectively.	I.A.
X	<input type="checkbox"/>	2	Eligibility and exclusion criteria are specified in writing.	I.A.
X	<input type="checkbox"/>	3	The program admits only participants who are high-risk, high-need, however, if a program is unable to target high risk and high need offenders as measured by the RANT or some other approved and validated assessment tool, the program develops alternative tracks with services that are modified to meet risk and need levels of its participants.	I.B.*
X	<input type="checkbox"/>	4	Candidates for the Mental health 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.
X	<input type="checkbox"/>	5	Candidates for the Mental health Court are assessed for eligibility using validated clinical-assessment tool that evaluates the formal diagnostic symptoms.	I.C.
X	<input type="checkbox"/>	6	Evaluators are trained and proficient in the administration of the assessment tools and interpretation of the results.	I.C.
X	<input type="checkbox"/>	7	Current or prior offenses may not disqualify candidates from participation in the Mental health Court unless empirical evidence demonstrates offenders with such records cannot be managed safely or effectively in a Mental health Court.	I.D.
X	<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 Mental health Court.	I.D.
X	<input type="checkbox"/>	9	If adequate treatment is available, candidates are not disqualified from participation in the Mental health Court because of co-occurring mental health or medical conditions or because they have been legally prescribed psychotropic or addiction medication.	I.E.
<input type="checkbox"/>	X	10	The program has a written policy addressing medically assisted treatment.	
X	<input type="checkbox"/>	11	Participants ordinarily appear before the same judge throughout their enrollment in the Mental health Court.	III.C.

YES	NO	#	REQUIRED CERTIFICATION CRITERIA <i>Adherence to these standards is required for certification.</i>	BPS
X	<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 Mental health Court team.	III.D.
X	<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.
X	<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.*
X	<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.
X	<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.
X	<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.
X	<input type="checkbox"/>	18	The Judge makes these decisions after taking into consideration the input of other Mental Health Court team members and discussing the matter in court with the participant or the participant's legal representative.	III.H. VIII.D.
X	<input type="checkbox"/>	19	The Judge relies on the expert input of duly trained treatment professionals when imposing treatment-related conditions.	III.H.
X	<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 Mental Health Court participants and team members.	IV.A.
X	<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.
X	<input type="checkbox"/>	22	The Juvenile Mental Health Court has a range of sanctions of varying magnitudes that may be administered in response to infractions in the program.	IV.E.
X	<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.
X	<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 type="checkbox"/>	X	25	Drug testing is performed at least twice per week when a participant has a history of drug use.	VII.A.*
X	<input type="checkbox"/>	26	When necessary, drug testing is random, and is available on weekends and holidays.	VII.B.*

YES	NO	#	REQUIRED CERTIFICATION CRITERIA <i>Adherence to these standards is required for certification.</i>	BPS
<input type="checkbox"/>	X	27	Collection of test specimens is witnessed and specimens are examined routinely for evidence of dilution, tampering and adulteration. Change in BRHD and Juv. PO policy allows unobserved	VII.E* VII.F.*
X	<input type="checkbox"/>	28	Drug testing utilized by the Mental Health Court uses scientifically valid and reliable testing procedures and establishes a chain of custody for each specimen.	VII.G.
X	<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.*
X	<input type="checkbox"/>	30	When appropriate, upon entering the Mental Health Court, participants receive a clear and comprehensive explanation of their rights and responsibilities relating to drug and alcohol testing.	VII.I.
<input type="checkbox"/>	X	31	The program by statute has a presumed length of formal probation of 4-6 months. Using DEA	
X	<input type="checkbox"/>	32	The minimum length of the program complies with juvenile statutes.	
X	<input type="checkbox"/>	33	Unless a participant poses an immediate risk to public safety, detention sanctions are administered after less severe consequences have been ineffective at deterring infractions.	IV.J.
X	<input type="checkbox"/>	34	Participants are not terminated from the Mental Health 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.
X	<input type="checkbox"/>	35	If a participant is terminated from the Mental Health 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.
X	<input type="checkbox"/>	36	Participants are not incarcerated to achieve clinical or social service objectives such as obtaining access to detoxification services or sober living quarters.	V.B.
X	<input type="checkbox"/>	37	Treatment providers are licensed or certified to deliver mental health treatment, as required by the Department of Human Services or another relevant licensure or certification entity.	V.H.*
X	<input type="checkbox"/>	38	Participants complete a final phase of the Mental Health Court focusing on relapse prevention and continuing care.	V.J.
X	<input type="checkbox"/>	39	Participants are not excluded from participation in Mental Health Court because they lack a stable place of residence.	VI.D.
X	<input type="checkbox"/>	40	Participants diagnosed with mental illness receive appropriate mental health services beginning in the first phase of Mental Health Court and continuing as needed throughout their enrollment in the program.	VI.E.*
X	<input type="checkbox"/>	41	Participants are not required to participate in job seeking or vocational skills development in the early phases of Mental Health Court.	VI.I.*
X	<input type="checkbox"/>	42	At a minimum, the prosecutor / assistant attorney general, defense counsel, treatment representative, JUVENILE PROBATION law enforcement, guardian ad litem (in dependency courts), and the judge attend each staffing meeting.	VIII.B.*
X	<input type="checkbox"/>	43	At a minimum, the prosecutor/assistant attorney general, defense counsel, treatment representative, juvenile probation, guardian ad litem (in dependency courts), and the Judge attend each Mental health Court session.	VIII.A.*
X	<input type="checkbox"/>	44	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
X	<input type="checkbox"/>	45	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.
X	<input type="checkbox"/>	46	Court fees are disclosed to each participant, are reasonable, and are based on each participant's ability to pay. Any fees assessed by the Mental health Court must be reasonably related to the costs of testing or other services. N/A we don't charge fees	
X	<input type="checkbox"/>	47	Treatment fees are based on a sliding fee schedule and are disclosed to each participant.	
X	<input type="checkbox"/>	48	The Mental Health 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.*
X	<input type="checkbox"/>	49	The Mental Health 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.*

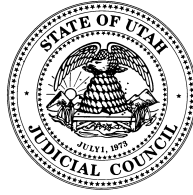
YES	NO	#	PRESUMED CERTIFICATION CRITERIA <i>There is a presumption that these standards must be met. If your program can show sufficient compensating measures, compliance with the standard may be waived.</i>	BPS
X	<input type="checkbox"/>	1	Eligibility and exclusion criteria are communicated to potential referral sources.	I.A.
X	<input type="checkbox"/>	2	The Mental Health Court regularly monitors the delivery of incentives and sanctions to ensure they are administered equivalently to all participants.	II.D.
X	<input type="checkbox"/>	3	Each member of the Mental Health 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.
X	<input type="checkbox"/>	4	The Mental Health Court Judge attends current training events on legal and constitutional issues in Mental Health Courts, judicial ethics, evidence-based substance abuse and mental health treatment, behavior modification, and community supervision.	III.A.
X	<input type="checkbox"/>	5	The Judge presides over the Mental Health Court for no less than two consecutive years.	III.B.
X	<input type="checkbox"/>	6	The Judge spends an average of at least three minutes with each participant.	III.F.*
X	<input type="checkbox"/>	7	The Mental Health 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.
X	<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.
X	<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.
X	<input type="checkbox"/>	10	If testing is required, 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. Testing in programming is random	VII.B.*
X	<input type="checkbox"/>	11	Drug test results are available within 48 hours. Presumptive tests, yes; lab tests, no	VII.H.

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
X	<input type="checkbox"/>	12	Participants are required to deliver a test specimen within 8 hours of being notified that a drug or alcohol test has been scheduled.	VII.B.
X	<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 Mental Health Court population.	VII.D.
X	<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.
X	<input type="checkbox"/>	15	Standardized patient placement criteria govern the level of care that is provided.	V.A.
X	<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 Mental health Court's programmatic phase structure.	V.A.
X	<input type="checkbox"/>	17	Participants who have a history of drug abuse receive a sufficient dosage and duration of substance abuse treatment to achieve long-term sobriety and recovery from addiction.	V.D.
X	<input type="checkbox"/>	18	Participants meet with a court manager/juvenile probation officer until formally enrolled in treatment.	V.E.
X	<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.
X	<input type="checkbox"/>	20	When necessary, treatment providers administer behavioral or cognitive-behavioral treatments that are documented in manuals and have been demonstrated to improve outcomes for a juvenile with a mental health diagnosis diagnosed involved in the criminal justice system.	V.F. VI.G
X	<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.
X	<input type="checkbox"/>	22	Treatment providers are supervised regularly to ensure continuous fidelity to evidence-based practices.	V.H.
X	<input type="checkbox"/>	23	Participants prepare a continuing-care plan together with their counselor to ensure they continue to engage in pro-social activities after discharge from Mental Health Court.	V.J.
X	<input type="checkbox"/>	24	When appropriate participants are assessed using a validated instrument for trauma history, trauma-related symptoms, and posttraumatic stress disorder (PTSD).	VI.F.
X	<input type="checkbox"/>	25	All Mental Health Court team members, including court personnel and other criminal justice professionals, receive formal training on delivering trauma-informed services.	VI.F.
X	<input type="checkbox"/>	26	Clients are placed in the program within 50 days of eligibility screening.	
X	<input type="checkbox"/>	27	Team members are assigned to Mental Health Court for no less than two years.	
X	<input type="checkbox"/>	28	All team members use electronic communication to contemporaneously communicate about Mental Health Court issues.	
X	<input type="checkbox"/>	29	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 Mental Health Courts. Internally or with Specialty Court Conf.	VIII.F.

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
X	<input type="checkbox"/>	30	New staff hires receive a formal orientation training on the Mental Health Court model and best practices in Mental Health Courts as soon as practicable after assuming their position and attend annual continuing education workshops thereafter.	VIII.F.
X	<input type="checkbox"/>	31	The Mental health Court has no more than 15 active participants.	IX.A.*
X	<input type="checkbox"/>	32	The Mental health 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. As needed remedial actions are taken from updates in training.	X.A.
X	<input type="checkbox"/>	33	A skilled and independent evaluator examines the Mental health Court's adherence to best practices and participant outcomes no less frequently than every five years.	X.D.
X	<input type="checkbox"/>	34	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.
X	<input type="checkbox"/>	35	The program conducts an exit interview for self- improvement.	

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
X	<input type="checkbox"/>	1	Treatment groups ordinarily have no more than twelve participants and at least two leaders or facilitators.	V.E.
X	<input type="checkbox"/>	2	Treatment providers have substantial experience working with criminal justice populations.	V.H.
X	<input type="checkbox"/>	3	For at least the first ninety days after discharge from the Mental Health 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.
X	<input type="checkbox"/>	4	Participants are assessed using a validated instrument for major mental health disorders that co-occur frequently in Mental Health Courts, including major depression, bipolar disorder (manic depression), posttraumatic stress disorder (PTSD), and other major anxiety disorders.	VI.E.
X	<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 necessary to manage panic, dissociation, or severe anxiety.	VI.F.
X	<input type="checkbox"/>	6	Female participants receive trauma-related services in gender-specific groups.	VI.F.
X	<input type="checkbox"/>	7	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 Mental Health Court.	VI.I.
<input type="checkbox"/>	X	8	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.
X	<input type="checkbox"/>	9	Before starting a Mental Health Court, team members attend a formal pre-implementation training to learn from expert faculty about best practices in Mental Health Courts and develop fair and effective policies and procedures for the program. Done informally through OJT	VIII.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
X	<input type="checkbox"/>	1	Treatment groups ordinarily have no more than twelve participants and at least two leaders or facilitators.	V.E.
X	<input type="checkbox"/>	2	Treatment providers have substantial experience working with criminal justice populations.	V.H.
X	<input type="checkbox"/>	3	For at least the first ninety days after discharge from the Mental Health 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.
X	<input type="checkbox"/>	4	Participants are assessed using a validated instrument for major mental health disorders that co-occur frequently in Mental Health Courts, including major depression, bipolar disorder (manic depression), posttraumatic stress disorder (PTSD), and other major anxiety disorders.	VI.E.
X	<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 necessary to manage panic, dissociation, or severe anxiety.	VI.F.
X	<input type="checkbox"/>	6	Female participants receive trauma-related services in gender-specific groups.	VI.F.
X	<input type="checkbox"/>	7	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 Mental Health Court.	VI.I.
<input type="checkbox"/>	X	8	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.
X	<input type="checkbox"/>	10	Supervision caseloads do not exceed fifty active participants per supervision officer.	IX.B.
X	<input type="checkbox"/>	11	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.
X	<input type="checkbox"/>	12	The Mental Health 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.*
X	<input type="checkbox"/>	13	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 Mental Health Court's adherence to best practices and in-program outcomes. CARE and META	X.F.
X	<input type="checkbox"/>	14	Outcomes are examined for all eligible participants who entered the Mental Health Court regardless of whether they graduated, withdrew, or were terminated from the program.	X.H.
<input type="checkbox"/>	X	15	The Mental Health Court regularly monitors whether members of historically disadvantaged groups complete the program at equivalent rates to other participants.	II.B. X.E.



Administrative Office of the Courts

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

March 28, 2025

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

MEMORANDUM

TO: Management Committee, Utah Judicial Council

FROM: Cris Seabury Statewide Treatment Court Certification 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, hearing and interviews team members. The Certification Coordinator also reviewed the certification checklist, staffing documents and the policy and procedure manuals for each Treatment Court. The Certification Coordinator completed a jurisdiction report for each Court which includes the strengths and recommendations.

First District - Cache County - Judge Angela Foncesbeck Adult Mental Health Court meets all required certification criteria. Based on the Courts' answers on the certification checklist, team member interviews, and Court observation I recommend the Judicial Council certify the First District Cache County Adult Mental Health Court.

REQUIRED CERTIFICATION CRITERIA:

#31. The program requires a period of at least 90 consecutive days drug-free to graduate. Judge Foncesbeck wrote "We do but I do not believe it is currently in writing but we will add it to our handbook, etc." The Team is in the process of updating their policy and procedures manual and participant handbook. Examples were given and support will be provided as requested.

PRESUMED CERTIFICATION CRITERIA:

#35. The Mental Health Court has more than 15 but less than 125 active participants. Judge Foncesbeck wrote "We currently have 10 active participants and 4 observers."

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.

This was confirmed during the site visit.

#37. New arrests, new convictions, and new incarcerations are monitored for at least three years following each participant's entry into the Mental Health Court.

Judge Fennesbeck wrote "We do not have an implemented method for monitoring after graduation but would like to." The Statewide Treatment Court Steering Committee is currently working with the CORE - Problem-Solving Court Subcommittee to develop consistent data entry policy and procedures.

UTAH JUDICIAL COUNCIL
MENTAL HEALTH COURT CERTIFICATION CHECKLIST
 REVISED AND ADOPTED 2020

COURT LOCATION: First District, Cache County, Logan
 NAME: First District MHC; Judge Fennesbeck
 REVIEW DATE: 3/5/2025

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>we will soon be doing a training w/ local lawyers to inform & educate</i>	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 Mental health 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 Mental health 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 Mental health Court unless empirical evidence demonstrates offenders with such records cannot be managed safely or effectively in a Mental health 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 Mental health Court.	I.D.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	9	If adequate treatment is available, candidates are not disqualified from participation in the Mental health 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. <i>we follow the current state law, but struggle with this aka</i>	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	11	Participants ordinarily appear before the same judge throughout their enrollment in the Mental health 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 Mental health 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	III.E.

YES NO

#	REQUIRED CERTIFICATION CRITERIA <i>Adherence to these standards is required for certification.</i>	BPS
	other appearances or administrative reviews when the judge is unavailable.	
<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 Mental health 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 Mental health Court participants and team members. <i>We are currently working both our handbook + P.P. manual</i>	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. <i>We have a local work group in the process of updating sanctions/incentives</i>	IV.A.
<input checked="" type="checkbox"/> <input type="checkbox"/>	22 The Mental health 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 <i>or as otherwise recommended by their substance abuse counselor</i>	VII.A.*
<input checked="" type="checkbox"/> <input type="checkbox"/>	26 Drug testing is random, and is available on weekends and holidays. <i>this is accomplished through BSA + Probation</i>	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 Mental health 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	VII.G.*

YES NO

#	REQUIRED CERTIFICATION CRITERIA <i>Adherence to these standards is required for certification.</i>	BPS
	such conclusions are reached by an expert trained in toxicology, pharmacology or a related field.	
<input checked="" type="checkbox"/> <input type="checkbox"/>	30 Upon entering the Mental health 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 checked="" 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 <i>we do, but I do not believe it is currently in writing but we will add it to our handbook etc....</i> 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 Mental health 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 Mental health 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 Mental health 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 Mental health 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 Mental health 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 mental health 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 Mental health Court session.	VIII.A.*

YES NO



#	REQUIRED CERTIFICATION CRITERIA <i>Adherence to these standards is required for certification.</i>	BPS
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.
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.
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 Mental health Court must be reasonably related to the costs of testing or other services.	
52	Treatment fees are based on a sliding fee schedule and are disclosed to each participant.	
53	The Mental health 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.*
54	The Mental health 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). <i>I believe</i>	VIII.C.*

We need to update our ROI

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
1	Eligibility and exclusion criteria are communicated to potential referral sources. <i>see my earlier note about training for local bar</i>	I.A.
2	The Mental health Court regularly monitors the delivery of incentives and sanctions to ensure they are administered equivalently to all participants.	II.D.
3	Each member of the Mental health 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.
4	The Mental health Court judge attends current training events on legal and constitutional issues in Mental health Courts, judicial ethics, evidence-based substance abuse and mental health treatment, behavior modification, and community supervision.	III.A.
5	The judge presides over the Mental health Court for no less than two consecutive years.	III.B.
6	The Judge spends an average of at least three minutes with each participant.	III.F.*
7	The Mental health 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.
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.
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.
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.*

YES NO

PRESUMED CERTIFICATION CRITERIA

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.

BPS

<input checked="" type="checkbox"/>	<input type="checkbox"/>	11	Drug test results are available within 48 hours. <i>unless it is a confirmation test</i>	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 or alcohol test has been scheduled.	VII.B.
<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 Mental health 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 Mental health 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 Mental health 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 Mental health 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 Mental health 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 Mental health 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.

YES NO

PRESUMED CERTIFICATION CRITERIA

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.

BPS

☒ ☐

30 Clients are placed in the program within 50 days of eligibility screening.

☒ ☐

31 Team members are assigned to Mental health Court for no less than two years.

☒ ☐

32 All team members use electronic communication to contemporaneously communicate about Mental health Court issues.

☒ ☐

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 Mental health Courts.

VIII.F.

☒ ☐

34 New staff hires receive a formal orientation training on the Mental health Court model and best practices in Mental health Courts as soon as practicable after assuming their position and attend annual continuing education workshops thereafter.

VIII.F.

☐ ☒

35 The Mental health Court has more than 15 but less than 125 active participants.

IX.A.*

we currently have 10 active participants & 4 observers☒ ☐

36 The Mental health 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.

☐ ☒

37 New arrests, new convictions, and new incarcerations are monitored for at least three years following each participant's entry into the Mental health Court.

we do not have an implemented method for monitoring this after graduation but would like to☒ ☐

38 A skilled and independent evaluator examines the Mental health Court's adherence to best practices and participant outcomes no less frequently than every five years.

X.D.

☒ ☐

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.

☒ ☐

40 The program conducts an exit interview for self-improvement.

although I acknowledge this is probably not done in every case

YES NO

NON-CERTIFICATION-RELATED BEST PRACTICE STANDARDS

These are best practice standards that research has shown will produce better outcomes. Failure to meet these standards will not result in decertification.

BPS

☒ ☐

1 The Mental health Court offers a continuum of care for substance abuse treatment including detoxification, residential, sober living, day treatment, intensive outpatient and outpatient services.

V.A.

☒ ☐

2 Treatment groups ordinarily have no more than twelve participants and at least two leaders or facilitators.

V.E.

☒ ☐

3 Treatment providers have substantial experience working with criminal justice populations.

V.H.

☒ ☐

4 For at least the first ninety days after discharge from the Mental health 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.

☒ ☐

5 Participants are assessed using a validated instrument for major mental health disorders that co-occur frequently in Mental health Courts, including major depression, bipolar disorder (manic depression), posttraumatic stress disorder (PTSD), and other major anxiety disorders.

VI.E.

YES NO

NON-CERTIFICATION-RELATED BEST PRACTICE STANDARDS

These are best practice standards that research has shown will produce better outcomes. Failure to meet these standards will not result in decertification.

BPS

☒ ☐

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 necessary to manage panic, dissociation, or severe anxiety.

VI.F.

☒ ☐

Female participants receive trauma-related services in gender-specific groups.

VI.F.

☒ ☐

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 Mental health Court.

VI.I.

☒ ☐

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.

☒ ☐

Before starting a Mental health Court, team members attend a formal pre-implementation training to learn from expert faculty about best practices in Mental health Courts and develop fair and effective policies and procedures for the program.

VIII.F.

☒ ☐

Supervision caseloads do not exceed fifty active participants per supervision officer.

IX.B.

☒ ☐

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.

☒ ☐

The Mental health 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.*

☒ ☐

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 Mental health Court's adherence to best practices and in-program outcomes.

X.F.

☒ ☐

Outcomes are examined for all eligible participants who entered the Mental health Court regardless of whether they graduated, withdrew, or were terminated from the program.

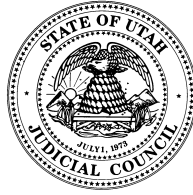
X.H.

☒ ☐

The Mental health Court regularly monitors whether members of historically disadvantaged groups complete the program at equivalent rates to other participants.

II.B.

X.E.



Administrative Office of the Courts

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

March 28, 2025

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

MEMORANDUM

TO: Management Committee, Utah Judicial Council

FROM: Cris Seabury Statewide Treatment Court Certification 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, hearing and interviews team members. The Certification Coordinator also reviewed the certification checklist, staffing documents and the policy and procedure manuals for each Treatment Court. The Certification Coordinator completed a jurisdiction report for each Court which includes the strengths and recommendations.

First District - Cache County - Judge Bryan Galloway Juvenile Mental Health Court meets all required certification criteria. Based on the Courts' answers on the certification checklist, team member interviews, and Court observation I recommend the Judicial Council certify the First District Cache County Juvenile Mental Health Court.

REQUIRED CERTIFICATION CRITERIA

#10. The program has a written policy addressing medically assisted treatment. There is only one medically assisted treatment that is FDA approved for children under the age of 18. A participant meets with their primary care doctor and, if deemed necessary, is prescribed medications to assist in managing their mental health. The Judge orders participants to comply with the recommendation from their medical provider. It was noted that not all participants are prescribed medications for their mental health, but some will make the decision while they are in the program.

#25. Drug testing is performed at least twice per week when a participant has a history of drug use. The Court checked no incorrectly. The program requires participants to complete a

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

substance use evaluation and follow the recommended treatment from the provider. Participants are randomly drug tested at Bear River Health Department and additional random drug tests are completed by probation that provide immediate results.

#27. Collection of test specimens is witnessed and specimens are examined routinely for evidence of dilution, tampering and adulteration. The Team wrote: “Change in Bear River Health Department policy and Juvenile PO policy allows unobserved.” According to the Juvenile Treatment Court Best Practice Standards, “For JTC participants with known histories of trauma, using observed UDS could be triggering and potentially retraumatizing. Consider using oral swabs, unobserved testing, or DNA-verified urine screens on a case-by-case basis. Drug testing programs should have detailed testing policies and procedures that are based on adolescent-appropriate, person-centered principles, use a trauma-informed lens, and are nonjudgmental and nonpunitive. The application of adult drug testing requirements to adolescents is not supported by research.”

The Court Program Manager reported that participants are instructed to empty their pockets, leave belongings outside and are not allowed to wash their hands with soap prior to producing a sample. Measurements such as dye tablets in the toilet and temperature gauges on sample cups are used to deter tamperers. It was also confirmed that the Judge can order observed drug testing if deemed appropriate.

#31. The program by statute has a presumed length of formal probation of 4-6 months.

The program uses a delayed entry agreement (DEA) and reviews are scheduled every 3 months. The participants are not on formal probation and the average length of time in the program is 12-18 months. The earliest completion date is 5 months but the program focuses on individual progress.

NON-CERTIFICATION CRITERIA

#8. 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. The Court checked no incorrectly. The parents or legal guardians take care of all medical necessities.

#15. The Mental Health Court regularly monitors whether members of historically disadvantaged groups complete the program at equivalent rates to other participants. The Court checked no incorrectly. Interpreters are available for parents and family members during Court hearings, appointments with probation and/or treatment and assist with filling out weekly check-in forms. Forms are available in Spanish or any language needed. Participants are encouraged to talk to the team about their culture and background. The team expressed their appreciation of a culturally diverse group of participants.

UTAH JUDICIAL COUNCIL
JUVENILE MENTAL HEALTH COURT CERTIFICATION CHECKLIST
 REVISED AND ADOPTED 2023

COURT LOCATION: Logan

COURT NUMBER: 1st District Juvenile Court

NAME: JUDGE BRYAN GALLOWAY

REVIEW DATE: 3/18/25

*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
X	<input type="checkbox"/>	1	Eligibility and exclusion criteria are defined and applied objectively.	I.A.
X	<input type="checkbox"/>	2	Eligibility and exclusion criteria are specified in writing.	I.A.
X	<input type="checkbox"/>	3	The program admits only participants who are high-risk, high-need, however, if a program is unable to target high risk and high need offenders as measured by the RANT or some other approved and validated assessment tool, the program develops alternative tracks with services that are modified to meet risk and need levels of its participants.	I.B.*
X	<input type="checkbox"/>	4	Candidates for the Mental health 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.
X	<input type="checkbox"/>	5	Candidates for the Mental health Court are assessed for eligibility using validated clinical-assessment tool that evaluates the formal diagnostic symptoms.	I.C.
X	<input type="checkbox"/>	6	Evaluators are trained and proficient in the administration of the assessment tools and interpretation of the results.	I.C.
X	<input type="checkbox"/>	7	Current or prior offenses may not disqualify candidates from participation in the Mental health Court unless empirical evidence demonstrates offenders with such records cannot be managed safely or effectively in a Mental health Court.	I.D.
X	<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 Mental health Court.	I.D.
X	<input type="checkbox"/>	9	If adequate treatment is available, candidates are not disqualified from participation in the Mental health Court because of co-occurring mental health or medical conditions or because they have been legally prescribed psychotropic or addiction medication.	I.E.
<input type="checkbox"/>	X	10	The program has a written policy addressing medically assisted treatment.	
X	<input type="checkbox"/>	11	Participants ordinarily appear before the same judge throughout their enrollment in the Mental health Court.	III.C.

YES	NO	#	REQUIRED CERTIFICATION CRITERIA <i>Adherence to these standards is required for certification.</i>	BPS
X	<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 Mental health Court team.	III.D.
X	<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.
X	<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.*
X	<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.
X	<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.
X	<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.
X	<input type="checkbox"/>	18	The Judge makes these decisions after taking into consideration the input of other Mental Health Court team members and discussing the matter in court with the participant or the participant's legal representative.	III.H. VIII.D.
X	<input type="checkbox"/>	19	The Judge relies on the expert input of duly trained treatment professionals when imposing treatment-related conditions.	III.H.
X	<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 Mental Health Court participants and team members.	IV.A.
X	<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.
X	<input type="checkbox"/>	22	The Juvenile Mental Health Court has a range of sanctions of varying magnitudes that may be administered in response to infractions in the program.	IV.E.
X	<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.
X	<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 type="checkbox"/>	X	25	Drug testing is performed at least twice per week when a participant has a history of drug use.	VII.A.*
X	<input type="checkbox"/>	26	When necessary, drug testing is random, and is available on weekends and holidays.	VII.B.*

YES	NO	#	REQUIRED CERTIFICATION CRITERIA <i>Adherence to these standards is required for certification.</i>	BPS
<input type="checkbox"/>	X	27	Collection of test specimens is witnessed and specimens are examined routinely for evidence of dilution, tampering and adulteration. Change in BRHD and Juv. PO policy allows unobserved	VII.E* VII.F.*
X	<input type="checkbox"/>	28	Drug testing utilized by the Mental Health Court uses scientifically valid and reliable testing procedures and establishes a chain of custody for each specimen.	VII.G.
X	<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.*
X	<input type="checkbox"/>	30	When appropriate, upon entering the Mental Health Court, participants receive a clear and comprehensive explanation of their rights and responsibilities relating to drug and alcohol testing.	VII.I.
<input type="checkbox"/>	X	31	The program by statute has a presumed length of formal probation of 4-6 months. Using DEA	
X	<input type="checkbox"/>	32	The minimum length of the program complies with juvenile statutes.	
X	<input type="checkbox"/>	33	Unless a participant poses an immediate risk to public safety, detention sanctions are administered after less severe consequences have been ineffective at deterring infractions.	IV.J.
X	<input type="checkbox"/>	34	Participants are not terminated from the Mental Health 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.
X	<input type="checkbox"/>	35	If a participant is terminated from the Mental Health 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.
X	<input type="checkbox"/>	36	Participants are not incarcerated to achieve clinical or social service objectives such as obtaining access to detoxification services or sober living quarters.	V.B.
X	<input type="checkbox"/>	37	Treatment providers are licensed or certified to deliver mental health treatment, as required by the Department of Human Services or another relevant licensure or certification entity.	V.H.*
X	<input type="checkbox"/>	38	Participants complete a final phase of the Mental Health Court focusing on relapse prevention and continuing care.	V.J.
X	<input type="checkbox"/>	39	Participants are not excluded from participation in Mental Health Court because they lack a stable place of residence.	VI.D.
X	<input type="checkbox"/>	40	Participants diagnosed with mental illness receive appropriate mental health services beginning in the first phase of Mental Health Court and continuing as needed throughout their enrollment in the program.	VI.E.*
X	<input type="checkbox"/>	41	Participants are not required to participate in job seeking or vocational skills development in the early phases of Mental Health Court.	VI.I.*
X	<input type="checkbox"/>	42	At a minimum, the prosecutor / assistant attorney general, defense counsel, treatment representative, JUVENILE PROBATION law enforcement, guardian ad litem (in dependency courts), and the judge attend each staffing meeting.	VIII.B.*
X	<input type="checkbox"/>	43	At a minimum, the prosecutor/assistant attorney general, defense counsel, treatment representative, juvenile probation, guardian ad litem (in dependency courts), and the Judge attend each Mental health Court session.	VIII.A.*
X	<input type="checkbox"/>	44	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
X	<input type="checkbox"/>	45	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.
X	<input type="checkbox"/>	46	Court fees are disclosed to each participant, are reasonable, and are based on each participant's ability to pay. Any fees assessed by the Mental health Court must be reasonably related to the costs of testing or other services. N/A we don't charge fees	
X	<input type="checkbox"/>	47	Treatment fees are based on a sliding fee schedule and are disclosed to each participant.	
X	<input type="checkbox"/>	48	The Mental Health 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.*
X	<input type="checkbox"/>	49	The Mental Health 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
X	<input type="checkbox"/>	1	Eligibility and exclusion criteria are communicated to potential referral sources.	I.A.
X	<input type="checkbox"/>	2	The Mental Health Court regularly monitors the delivery of incentives and sanctions to ensure they are administered equivalently to all participants.	II.D.
X	<input type="checkbox"/>	3	Each member of the Mental Health 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.
X	<input type="checkbox"/>	4	The Mental Health Court Judge attends current training events on legal and constitutional issues in Mental Health Courts, judicial ethics, evidence-based substance abuse and mental health treatment, behavior modification, and community supervision.	III.A.
X	<input type="checkbox"/>	5	The Judge presides over the Mental Health Court for no less than two consecutive years.	III.B.
X	<input type="checkbox"/>	6	The Judge spends an average of at least three minutes with each participant.	III.F.*
X	<input type="checkbox"/>	7	The Mental Health 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.
X	<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.
X	<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.
X	<input type="checkbox"/>	10	If testing is required, 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. Testing in programming is random	VII.B.*
X	<input type="checkbox"/>	11	Drug test results are available within 48 hours. Presumptive tests, yes; lab tests, no	VII.H.

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
X	<input type="checkbox"/>	12	Participants are required to deliver a test specimen within 8 hours of being notified that a drug or alcohol test has been scheduled.	VII.B.
X	<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 Mental Health Court population.	VII.D.
X	<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.
X	<input type="checkbox"/>	15	Standardized patient placement criteria govern the level of care that is provided.	V.A.
X	<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 Mental health Court's programmatic phase structure.	V.A.
X	<input type="checkbox"/>	17	Participants who have a history of drug abuse receive a sufficient dosage and duration of substance abuse treatment to achieve long-term sobriety and recovery from addiction.	V.D.
X	<input type="checkbox"/>	18	Participants meet with a court manager/juvenile probation officer until formally enrolled in treatment.	V.E.
X	<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.
X	<input type="checkbox"/>	20	When necessary, treatment providers administer behavioral or cognitive-behavioral treatments that are documented in manuals and have been demonstrated to improve outcomes for a juvenile with a mental health diagnosis diagnosed involved in the criminal justice system.	V.F. VI.G
X	<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.
X	<input type="checkbox"/>	22	Treatment providers are supervised regularly to ensure continuous fidelity to evidence-based practices.	V.H.
X	<input type="checkbox"/>	23	Participants prepare a continuing-care plan together with their counselor to ensure they continue to engage in pro-social activities after discharge from Mental Health Court.	V.J.
X	<input type="checkbox"/>	24	When appropriate participants are assessed using a validated instrument for trauma history, trauma-related symptoms, and posttraumatic stress disorder (PTSD).	VI.F.
X	<input type="checkbox"/>	25	All Mental Health Court team members, including court personnel and other criminal justice professionals, receive formal training on delivering trauma-informed services.	VI.F.
X	<input type="checkbox"/>	26	Clients are placed in the program within 50 days of eligibility screening.	
X	<input type="checkbox"/>	27	Team members are assigned to Mental Health Court for no less than two years.	
X	<input type="checkbox"/>	28	All team members use electronic communication to contemporaneously communicate about Mental Health Court issues.	
X	<input type="checkbox"/>	29	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 Mental Health Courts. Internally or with Specialty Court Conf.	VIII.F.

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
X	<input type="checkbox"/>	30	New staff hires receive a formal orientation training on the Mental Health Court model and best practices in Mental Health Courts as soon as practicable after assuming their position and attend annual continuing education workshops thereafter.	VIII.F.
X	<input type="checkbox"/>	31	The Mental health Court has no more than 15 active participants.	IX.A.*
X	<input type="checkbox"/>	32	The Mental health 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. As needed remedial actions are taken from updates in training.	X.A.
X	<input type="checkbox"/>	33	A skilled and independent evaluator examines the Mental health Court's adherence to best practices and participant outcomes no less frequently than every five years.	X.D.
X	<input type="checkbox"/>	34	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.
X	<input type="checkbox"/>	35	The program conducts an exit interview for self-improvement.	

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
X	<input type="checkbox"/>	1	Treatment groups ordinarily have no more than twelve participants and at least two leaders or facilitators.	V.E.
X	<input type="checkbox"/>	2	Treatment providers have substantial experience working with criminal justice populations.	V.H.
X	<input type="checkbox"/>	3	For at least the first ninety days after discharge from the Mental Health 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.
X	<input type="checkbox"/>	4	Participants are assessed using a validated instrument for major mental health disorders that co-occur frequently in Mental Health Courts, including major depression, bipolar disorder (manic depression), posttraumatic stress disorder (PTSD), and other major anxiety disorders.	VI.E.
X	<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 necessary to manage panic, dissociation, or severe anxiety.	VI.F.
X	<input type="checkbox"/>	6	Female participants receive trauma-related services in gender-specific groups.	VI.F.
X	<input type="checkbox"/>	7	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 Mental Health Court.	VI.I.
<input type="checkbox"/>	X	8	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.
X	<input type="checkbox"/>	9	Before starting a Mental Health Court, team members attend a formal pre-implementation training to learn from expert faculty about best practices in Mental Health Courts and develop fair and effective policies and procedures for the program. Done informally through OJT	VIII.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
X	<input type="checkbox"/>	1	Treatment groups ordinarily have no more than twelve participants and at least two leaders or facilitators.	V.E.
X	<input type="checkbox"/>	2	Treatment providers have substantial experience working with criminal justice populations.	V.H.
X	<input type="checkbox"/>	3	For at least the first ninety days after discharge from the Mental Health 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.
X	<input type="checkbox"/>	4	Participants are assessed using a validated instrument for major mental health disorders that co-occur frequently in Mental Health Courts, including major depression, bipolar disorder (manic depression), posttraumatic stress disorder (PTSD), and other major anxiety disorders.	VI.E.
X	<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 necessary to manage panic, dissociation, or severe anxiety.	VI.F.
X	<input type="checkbox"/>	6	Female participants receive trauma-related services in gender-specific groups.	VI.F.
X	<input type="checkbox"/>	7	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 Mental Health Court.	VI.I.
<input type="checkbox"/>	X	8	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.
X	<input type="checkbox"/>	10	Supervision caseloads do not exceed fifty active participants per supervision officer.	IX.B.
X	<input type="checkbox"/>	11	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.
X	<input type="checkbox"/>	12	The Mental Health 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.*
X	<input type="checkbox"/>	13	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 Mental Health Court's adherence to best practices and in-program outcomes. CARE and META	X.F.
X	<input type="checkbox"/>	14	Outcomes are examined for all eligible participants who entered the Mental Health Court regardless of whether they graduated, withdrew, or were terminated from the program.	X.H.
<input type="checkbox"/>	X	15	The Mental Health Court regularly monitors whether members of historically disadvantaged groups complete the program at equivalent rates to other participants.	II.B. X.E.



Administrative Office of the Courts

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

March 27, 2025

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

MEMORANDUM

TO: Management Committee, Utah Judicial Council

FROM: Cris Seabury Statewide Treatment Court Certification 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, hearing and interviews team members. The Certification Coordinator also reviewed the certification checklist, staffing documents and the policy and procedure manuals for each Treatment Court. The Certification Coordinator completed a jurisdiction report for each Court which includes the strengths and recommendations.

Fourth District - Utah County - Judge Brent Bartholomew Family Treatment Court meets all required certification criteria. Based on the Courts' answers on the certification checklist, team member interviews, and Court observation I recommend the Judicial Council certify the Fourth District Family Treatment Court.

PRESUMED CERTIFICATION CRITERIA

#12. Participants are required to deliver a test specimen within 8 hours of being notified that a drug or alcohol test has been scheduled. The team wrote "The lab is open for 10 hours during the week." The team explained that the lab is open for 10 hours on Monday-Friday and 4 hours on weekends. Drug testing is performed by a CLIA certified laboratory that is open 365 days and participants submit a drug test based on their assigned color.

#31. Team members are assigned to Drug Court for no less than two years. The team wrote "DCFS and attorney turnover." New DCFS team members are instructed to complete a three part training on the Family Treatment Court model prior to being assigned a case in the program and

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 attorneys attend CLE courses on substance use and child welfare. The policy and procedures manual is used as a training tool for new team members and is very thorough.

#37. New arrests, new convictions and new incarcerations are monitored for at least three years following each participant's entry into the Drug Court. The team wrote "We monitor new child welfare petitions."

#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. The team wrote "The coordinator is the evaluator."

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

COURT LOCATION: Provo
 JUDGE NAME: Brent H. Bartholomew
 REVIEW DATE: _____

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
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.
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.	
52	Treatment fees are based on a sliding fee schedule and are disclosed to each participant.	
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.*
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
1	Eligibility and exclusion criteria are communicated to potential referral sources.	I.A.
2	The Drug Court regularly monitors the delivery of incentives and sanctions to ensure they are administered equivalently to all participants.	II.D.
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.
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.
5	The judge presides over the Drug Court for no less than two consecutive years.	III.B.
6	The Judge spends an average of at least three minutes with each participant.	III.F.*
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.
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.
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.
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.*
11	Drug test results are available within 48 hours.	VII.H.
12	Participants are required to deliver a test specimen within 8 hours of being notified that a drug	VII.B.

* The lab is open for 10 hours during the week

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.	

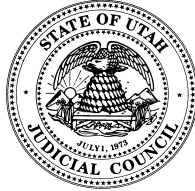
YES	NO	PRESUMED CERTIFICATION CRITERIA		BPS
		#	<i>There is a presumption that these standards must be met. If your program can show sufficient compensating measures, compliance with the standard may be waived.</i>	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	31	Team members are assigned to Drug Court for no less than two years. - <i>DCFS & attorney turnover</i>	
<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 checked="" type="checkbox"/>	<input 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 type="checkbox"/>	<input checked="" 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. - <i>We monitor new child welfare</i>	X.C.
<input type="checkbox"/>	<input checked="" 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. - <i>Coordinator is the evaluator</i>	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"/>	6	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		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>		
		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. <i>-DCFS Case Worker</i>	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 checked="" type="checkbox"/>	<input 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 13



Administrative Office of the Courts

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

April 18, 2025

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 CJA rules 3-117 and 3-403 be approved for a 45-day public comment period.

CJA 3-117. Committee on Court Forms (AMEND)

The proposed amendments: 1) formalize the authority of the Forms Committee; 2) clarify that the Judicial Council must approve forms used by Licensed Paralegal Practitioners; 3) grant the Forms Committee the authority to approve all other forms; 4) allow the Forms Committee to delegate its responsibility for certain groups of forms; and 5) direct the Forms Committee to draft forms that center the needs of self-represented litigants and enhance access to justice.

CJA 3-403. Judicial branch education (AMEND)

The proposed amendments make the rule applicable to all state employees who are not time-limited and modify program requirements to align with the judiciary's performance year, allowing supervisors to include education requirements in performance expectations and evaluations.

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

Rule 3-117. Committee on Court Forms**Intent:**

To establish a committee to determine the need for forms and to create forms for use by litigants in all court levels.

Applicability:

This rule ~~shall apply~~applies to the judiciary.

Statement of the Rule:

(1) **Scope of Committee Work.** The committee ~~shall~~will have exclusive responsibility within the judiciary over all forms that require written input or are commonplace and require action from litigants. Pretrial orders, checklists, and documents generated by decision-makers that do not require written input from litigants are beyond the scope of the committee. The committee may also draft legal forms that do not contemplate litigation yet expand access to justice. The committee may delegate its responsibility for certain groups of forms as it deems appropriate. ~~review current court forms and assess the need for new court forms to assist parties and practitioners in all court levels.~~

(2) **Current and new forms.** The committee ~~shall create forms as it deems necessary for use by parties and practitioners, including forms for the Online Court Assistance Program.~~will review current forms, assess the need for new court forms, and create and revise forms as it deems necessary for use by parties and practitioners at all court levels, including forms for the court document assembly program. The committee will also adopt procedures for the recommendation of translation of forms into other languages.

(3) **Approval and use of forms.** Unless directed otherwise, the Council delegates final approval authority to the committee for all forms, except those used by LPPs. Objections to approved forms may be raised with the Council by the committee or Boards. Courts must accept committee-approved forms, unless a judge or commissioner makes a determination that the form is not legally sufficient.

~~(5) Process for form creation.~~**Format and content.** Forms should be:

~~(3)(a) The committee shall adopt procedures for creating new forms or making substantive amendments to existing forms, procedures for eliminating obsolete and outdated forms, procedures for recommending which forms should be translated into other languages, and procedures for expediting technical or non-substantive amendments to forms.~~

~~(3)(b) Forms should be:~~

~~(35)(A)(i)~~(A)(i) written in plain language and reference the statutes and rules to which the forms apply; ~~drafted to center the needs of self-represented litigants and promote and expand access to justice;~~

~~(35)(B)(ii)~~(B)(ii) reviewed for legal correctness; written in plain language;

~~(35)(Cb)(iii) standardized across the state where practicable; grounded in legal authority,~~
~~reviewed for legal correctness, and reference applicable statutes and rules;~~

~~(35)(Db)(iv) developed to promote and expand access to justice; standardized across~~
~~the state where practicable;~~

~~(35)(Eb)(v) structured to eliminate redundancy and unnecessary steps; and~~

~~(35)(Eb)(vi) user-tested when practicable.~~

~~(3)(c) The committee shall solicit input from other interested groups as it deems appropriate.~~
~~The committee may establish subcommittees using non-committee members to facilitate its~~
~~work.~~

~~(3)(d) The committee may recommend to the Judicial Council mandatory use of particular forms.~~
~~However, the Judicial Council's designation of a form as mandatory is not binding on a decision-~~
~~maker asked to review the legal correctness of the form.~~

~~(46) **Organizing forms.** The State Law Librarian will be responsible for maintaining and~~
~~archiving organizing the forms.~~

~~Effective: November 1, 2023November 1, 2025~~

Rule 3-403. Judicial branch education.**Intent:**

To establish the Judicial Branch Education Committee's ("Committee") responsibility to develop and evaluate a comprehensive education program for all judicial officers and court staff.

To establish education standards for judicial officers and court staff, including provisions for funding and accreditation for educational programs.

To ensure that education programs, including opportunities for job orientation, skill and knowledge acquisition, and professional and personal development, are available to all members of the judicial branch and that such programs utilize the principles of adult education and focus on participative learning.

To emphasize the importance of participation by all judicial branch employees in education and training as an essential component in maintaining the quality of justice in the Utah courts.

Applicability:

This rule ~~shall apply~~applies to all judicial officers and court staff, except ~~seasonal employees and law clerk~~employees classified as time-limited pursuant to human resource policies.

Statement of the Rule:**(1) Organization.**

(1)(A) **Judicial branch education committee.** The Committee ~~shall~~will submit to the Council for approval proposed policies, standards, guidelines, and procedures applicable to all judicial branch education activities. It ~~shall~~will evaluate and monitor the quality of educational programs and make changes where appropriate within the approved guidelines for funding, attendance, and accreditation.

(1)(B) **Responsibilities of members.** Committee members ~~shall~~will propose policies and procedures for developing, implementing, and evaluating orientation, continuing skill development, and career enhancement education opportunities for all judicial branch employees; formulate an annual education plan and calendar consistent with the judicial branch education budget; and serve as advocates for judicial branch education, including educating the judiciary about the purpose and functions of the Committee.

(1)(C) Committee meetings.

(1)(C)(i) The Committee ~~shall~~will meet twice a year. Additional meetings may be called as necessary. A majority of voting members in attendance is required for official Committee action.

(1)(C)(ii) The chairperson may recommend to the Council that a Committee member be replaced if that member is absent without excuse from two consecutive Committee meetings or fails to meet the responsibilities of membership as outlined in paragraph (1)(B).

(2) Administration.

Judicial Education Officer. The Judicial Education Officer, under the direction of the Court Administrator, ~~shall~~will serve as staff to the Committee and be responsible for the administration of the judicial education program consistent with this rule.

(3) Education standards for judicial officers.

(3)(A) Requirements for judicial officers (judges, court commissioners, active senior judges and active senior justice court judges).

(3)(A)(i) All new judicial officers ~~shall~~will participate in the first designated orientation program offered after the date the judge is administered the oath of office, unless attendance is excused for good cause by the Management Committee.

All judicial officers ~~shall~~will complete 30 hours of pre-approved education each fiscal year, to be implemented on a schedule coordinated by the Committee. To satisfy annual program requirements judicial officers will complete training on harassment and abusive conduct prevention; ethics; inclusion and elimination of bias.

Judicial officers may attend a combination of approved local, state, or national programs. Active and inactive senior judges and retired judges may attend approved local or state programs and the annual judicial conference, but an inactive senior judge or retired judge must pay all expenses.

(3)(A)(ii) **Inactive senior judges and retired judges.** If an inactive senior judge or a retired judge applies to be an active senior judge, the judge ~~shall~~will demonstrate that:

(3)(A)(ii)(a) he or she has attended 30 hours of approved judicial education within one year before the application; or

(3)(A)(ii)(b) he or she has attended the new judge orientation for judges of the courts of record within one year before the application.

(3)(B) Program components. Education programs for judicial officers ~~shall~~will include: a mandatory new judge orientation program; a variety of programs addressing substantive and procedural law topics, aimed at skill and knowledge acquisition; and programs geared to professional and personal development, to meet the continuing needs of judicial officers.

(3)(C) Annual conferences. Justice court judges and active senior justice court judges ~~shall~~will attend the annual justice court conference unless excused by the Board of Justice Court Judges for good cause. Because the annual judicial conference represents the only opportunity for judges to meet and interact as a group and to elect their representatives, judicial officers are strongly encouraged to attend that conference.

(4) Standards for court staff.

(4)(A) State employees.

(4)(A)(i) **Program requirements.** All court staff employed by the state ~~shall will~~ complete 20 hours of approved coursework ~~annually~~during the performance year, as defined by human resource policies. To satisfy ~~annual~~ program performance year requirements state employees must complete training on harassment and abusive conduct prevention; ethics; inclusion and elimination of bias.

(4)(A)(ii) **Program components.** Education programs for court staff employed by the state ~~shall will~~ include: onboarding for new employees as well as new employee orientation; skill development programs that teach technical and job-related competencies; and enhancement programs that promote personal and professional growth within the organization.

(4)(B) Local government employees.

(4)(B)(i) **Program requirements.** All court staff employed by the justice courts ~~shall will~~ complete 10 hours of approved coursework annually.

(4)(B)(ii) **Program components.** Education programs for court staff employed by local government ~~shall will~~ include: annual training seminar; skill development programs that teach technical and job-related competencies; and enhancement programs that promote personal and professional growth. Professional and personal development programs may include training on harassment and abusive conduct prevention; ethics; inclusion and elimination of bias.

(5) Reporting.

(5)(A) Judicial officers and court staff governed by these standards ~~shall will~~ report participation in education programs on a form developed by the Committee.

(5)(B) For court staff, compliance with judicial branch education standards ~~shall will~~ be a performance criterion in the evaluation of all staff.

(5)(B)(i) Supervisory personnel are responsible to ensure that all staff have an opportunity to participate in the required education. Failure of a supervisor to meet the minimum education standards or to provide staff with the opportunity to meet minimum education standards will result in an unsatisfactory performance evaluation in the education criterion.

(5)(B)(ii) Failure of staff to meet the minimum education requirements will result in an unsatisfactory evaluation on the education criterion unless the employee provides documented reasons that the employee's failure to meet the education standards is due to reasons beyond the employee's control.

(6) Credit. Judicial education procedures ~~shall will~~ include guidelines for determining which programs qualify as approved education within the meaning of these standards.

(7) Funding.

(7)(A) **Budget.** In preparing its annual request for legislative appropriations, the Council ~~shall will~~ receive and consider recommendations from the Committee. The Committee's

annual education plan ~~shall~~will be based upon the Council's actual budget allocation for judicial education.

(7)(B) **In-state education programs.** Judicial branch funds allocated to in-state judicial education ~~shall~~will first be used to support mandatory in-state orientation programs for all judicial branch employees and then for other education priorities as established by the Committee with input from the Boards of Judges and Administrative Office.

(7)(C) **Out-of-state education programs.** To provide for diverse educational development, to take advantage of unique national opportunities, and to utilize education programs which cannot be offered in-state, the annual education plan ~~shall~~will include out-of-state education opportunities. The Committee ~~shall~~will approve national education providers and ~~shall~~will include in the education procedures, criteria to be applied by the Administrative Office to out-of-state education requests. Criteria ~~shall~~will include relevance to the attendee's current assignment and attendance at in-state programs. Disagreement with a decision to deny an out-of-state education request may be reviewed by a quorum of the Committee at the applicant's request.

(7)(D) **Tuition, fees, and travel.** The Committee ~~shall~~will develop policies and procedures for paying tuition, fees, per diem, and travel for approved programs. State funds cannot be used to pay for discretionary social activities, recreation, or spouse participation. The Committee may set financial limits on reimbursement for attendance at elective programs, with the individual participant personally making up the difference in cost when the cost exceeds program guidelines.

(8) Mentoring.

(8)(A) Within seven business days after a new district or juvenile judge has been sworn in, the Presiding Judge ~~shall~~will appoint a mentor to the new judge.

(8)(B) Within fourteen business days after a new district or juvenile judge has been sworn in, the mentor and the new judge ~~shall~~will meet and review the Judicial Mentoring Guidelines and Best Practices Recommendations, complete the Mentors' Checklist contained therein and the mentor, within that same fourteen business day period, ~~shall~~will provide the completed Mentor's Checklist to the Judicial Education Officer.

Effective: ~~5/30/2024~~November 1, 2025

Tab 14

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

March 24th, 2025
Judge Teresa Welch – Chair

Dear Council:

The Standing Committee on Model Utah Criminal Jury Instructions has two vacancies for defense attorney positions, resulting from the resignation of two members, Dustin Parmley and Sharla Dunroe. After notice of these vacancies was sent to the Utah Bar, two (2) candidates applied. I propose the Council appoint these applicants, Lacey Singleton and Shannon Woulfe, to fill these vacant positions.

Lacey Singleton is a trial attorney and supervisor with the Salt Lake Legal Defender Association, having served in that position since 2015. Ms. Singleton also worked for two years as a post-conviction attorney in Austin, Texas. During her career, Ms. Singleton has tried over 80 cases to jury verdict, including homicides and a range of felonies and misdemeanors. Ms. Singleton was a former member of the Utah Sentencing Commission's Misdemeanor Subcommittee and a former member of the Utah Supreme Court's Advisory Committee on the Rules of Evidence (2016-2020). Her wealth of trial experience, leadership, and prior committee work make her an excellent candidate.

Shannon Woulfe is also a trial attorney with the Salt Lake Legal Defender Association and was previously a law clerk for Judge David Barlow in the U.S. District Court for the District of Utah. Ms. Woulfe graduated first in her class from the University of Utah College of Law. To date, Ms. Woulfe has conducted over fifteen jury trials and believes her "new attorney" experience will provide valuable insight to the committee in developing jury instructions for new attorneys. Ms. Woulfe's impressive academic accomplishments, current trial experience, and former clerical experience make her a promising candidate.

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

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

LACEY COLE SINGLETON
658 E. Wilson Ave, Salt Lake City, UT 84105
lsingleton@sllda.com
(972) 345-3609

February 5, 2025

Bryson King
Matheson Courthouse
450 South State Street
Salt Lake City, UT 84111

Dear Mr. King,

It is with great enthusiasm that I submit my application for one of the open positions for a criminal defense attorney member of the Standing Committee on Model Utah Criminal Jury Instructions.

I have dedicated my entire career to the representation of indigent individuals, both as a trial attorney at Salt Lake Legal Defender Association, and as a post-conviction habeas appellate attorney for death-sentenced individuals with the Office of Capital and Forensic Writs in Austin, Texas. During my nearly fifteen years as a trial attorney here in Salt Lake City, I have tried well over 80 cases to jury verdict, including multiple homicides and other complex, aggravated felonies. As such, I have a wealth of experience in applying Utah's criminal code and crafting legally sound jury instructions to be submitted at trial. A critical element of a criminal defendant's right to a fair trial is to ensure that a jury is appropriately instructed as to the applicable law to consider in reaching a just verdict, and I would very much like to be part of the committee that provides guidance to practitioners regarding the most legally sound jury instructions to rely upon in a criminal case.

I also have experience in serving on other committees such as this one, and I would welcome the opportunity to be involved in a different committee that still directly pertains to my area of practice. When I was the Chief of the Misdemeanor Division at Salt Lake Legal Defender Association and supervising newer attorneys, I served on the Misdemeanor Subcommittee for the Utah Sentencing Commission with CCJJ, and I was also a member of the Utah Supreme Court's Advisory Committee on the Rules of Evidence from 2016-2020. Additionally, I am currently a member of the Utah Substance Use and Mental Health Advisory Committee to the Legislature (USAAV). I thoroughly enjoy being a part of committees like these and participating in the discussion regarding issues affecting the criminal justice system here in Utah, and therefore I am extremely interested in being involved with the Standing Committee on Model Utah Criminal Jury Instructions as well.

Thank you very much for taking the time to consider my application. Please let me know if I can provide any additional information for your consideration. I look forward to hearing from you.

Sincerely,

/s/ Lacey C. Singleton

Lacey C. Singleton
Trial Attorney
Salt Lake Legal Defender Association
275 East 200 South
Salt Lake City, UT 84111
801-532-5444 ext.183
lsingleton@sllda.com

LACEY COLE SINGLETON
658 E. Wilson Ave, Salt Lake City, UT 84105
lsingleton@sllda.com
(972) 345-3609

PROFESSIONAL EXPERIENCE:

SALT LAKE LEGAL DEFENDER ASSOCIATION, Salt Lake City, Utah

Trial Attorney

October 2008-August 2020; November 2022-present

- Represent indigent clients with a high volume and wide variety of complex felony-level criminal charges
- Attend multi-weekly court appearances and routinely handle multiple felony cases in a single day
- Capable of strategizing viable defenses in cases with challenging facts and able to effectively manage difficult clients
- Skilled at client-centered, trauma-informed representation and dealing with mentally ill individuals
- Often work collaboratively with co-counsel, investigators, and social workers in order to best represent clients
- Capable of negotiating effectively with opposing counsel in order to facilitate optimal resolutions for clients
- Have tried approx. 80+ cases to jury verdict, including multiple homicides and other serious, complex felony cases
- Conducted the oral argument of a case in the Utah Court of Appeals (State v. Becker, 2018 UT App 81) and won relief
- Qualified to handle death penalty cases at trial pursuant to Rule 8(b) of the Utah Rules of Criminal Procedure

Supervisor, Misdemeanor Division

September 2015-August 2018

- Supervised, trained, and mentored the seventeen trial attorneys in the misdemeanor division
- Maintained a caseload of over 80 open, active felony cases in addition to handling supervisory duties
- Assigned attorneys to court rotations, monitored caseloads, and handled personnel issues
- Assisted attorneys with strategizing and problem-solving issues that arose in their cases
- Screened for potential conflicts in misdemeanor cases and handled complaint calls from clients about attorneys
- Attended joint agency meetings with the justice courts, law enforcement, and prosecution agencies
- Participated in the interview process for prospective attorneys and the yearly evaluations of misdemeanor attorneys

OFFICE OF CAPITAL AND FORENSIC WRITS, Austin, Texas

Post-Conviction Attorney

October 2020-October 2022

- Represented indigent clients on death row in the state habeas appellate process and related evidentiary hearings
- Worked collaboratively on teams with other attorneys and investigators to present the best case for clients on appeal
- Conducted witness interviews and other investigation in order to fully develop post-conviction claims on appeal
- Frequently worked with experts in a variety of fields to investigate and substantiate claims on appeal
- Drafted complex, lengthy legal petitions for post-conviction relief in both the trial and appellate courts
- Conducted evidentiary hearings to present evidence in support of post-conviction claims on appeal

PROFESSIONAL ACTIVITIES

MEMBER:

- Utah Substance Use and Mental Health Advisory Committee to the Legislature, February 2025-present
- Utah Supreme Court Advisory Committee on the Rules of Evidence, 2016-2020
- Utah Sentencing Commission, Misdemeanor Subcommittee, 2015-2018
- Utah State Bar, October 2008-present
- Texas State Bar, March 2021-present
- Utah Association of Criminal Defense Lawyers, 2008-present
- Texas Criminal Defense Lawyers Association, 2021-present

EDUCATION:

UNIVERSITY OF UTAH, S.J. QUINNEY COLLEGE OF LAW, Salt Lake City, Utah

***Juris Doctor with Honors*, May 2008**

- Teaching Assistant, Legal Methods Writing Class, 2007-2008
- Executive Editor, Journal of Law and Family Studies
 - Published Works:
 - After Andrea: Increased Recognition of Postpartum Depression and the Implications for Child Custody Disputes*, 9 J.L. & Fam. Stud. 189 (2007)
 - Say "Pleas": Juveniles' Competence to Enter Plea Agreements*, 9 J.L. & Fam. Stud. 439 (2007)
- College of Law Outstanding Achievement Award (Criminal Process and Criminal Penalties classes, 2008)
- CALI Award, Legal Methods Writing Class, 2005

COLGATE UNIVERSITY, Hamilton, New York

***Bachelor of Arts, Magna Cum Laude with Honors in Spanish*, May 2005**

- Major in Spanish, Minor in Psychology
- David B. Jutten Award for the Highest Rated Honors Thesis in the Romance Languages Department
- Dean's Award for Academic Excellence

Shannon Kennelly Woulfe

Statement of Interest: Standing Committee on Model Utah Criminal Jury Instructions

To the Honorable Judges and Standing Committee Members,

I am writing this letter to express my interest in becoming a member of the Standing Committee on Model Utah Criminal Jury Instructions.

I currently work as a public defender at the Salt Lake Legal Defender Association. Since September 2023, I have tried fifteen jury trials as first or second chair (and as an extern in 2021–22, I participated on two other jury trials), meaning I have interacted with the MUJI frequently over a very short time period. I think this “new attorney” perspective might be a valuable addition to the Committee.

Before I started working as a trial attorney for SLLDA, I clerked for the Honorable Judge Barlow at the Federal District Court for the District of Utah. That experience strengthened my research and writing skills, tools that may be assets to the Committee.

I am interested in joining the Committee because I am passionate about due process. I want to do what I can to ensure my clients get a fair trial, and I know the weight that MUJI are given in the courtroom. I would love to contribute my skills and experience to this Committee.

I am available during the typical meeting time (the first Wednesday of each month from 12:00–1:30, as I understand it) and can join in person or on Webex.

Thank you,

Shannon Woulfe

Shannon Woulfe
802-779-5550
shan.woulfe@gmail.com

Shannon Kennelly Woulfe

Personal Information

443 N Marion Street,
Salt Lake City, UT
84116
(802) 779-5550
shan.woulfe@gmail.com

Volunteer

Pro Bono Initiative
Expungement Clinic,
Street Law Clinic

Utah State Mock Trial
Volunteer Judge

**Salt Lake Community
Bail Fund**
Volunteer

**National Lawyers
Guild**
Legal Observer

Publications

*Deciphering Lessons
from the Ashes:
Supporting Brazil to
Save the Amazon,*
NATURAL RESOURCES J.
(June 2022)

Experience

2023 to 2025	Salt Lake Legal Defender Association Trial Attorney
2022 to 2023	U.S. District Court, District of Utah Judicial Clerk to Judge David Barlow
2020 to 2021	Wallace Stegner Center Research Fellow to Professor Robert B. Keiter
2020 to 2021	Rocky Mountain Innocence Center Innocence Clinic Intern
2020, 2021	Jones Waldo Summer Law Clerk
2018 to 2019	NeighborWorks Salt Lake Director of Community Initiatives
2015 to 2018	NeighborWorks of Western Vermont Community Relations Director
2015	Colegio Adonay Pukalan, La Ligua, Chile English Teacher

Education

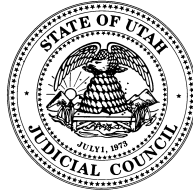
University of Utah S.J. Quinney College of Law
J.D., May 2022
Class Rank: 1
GPA: 4.0

- CALI Award (highest grade in class): Civil Procedure, Contracts, Criminal Law, Legal Methods, Legal Research, Int'l Resource Conflicts Seminar, Legal Profession, Evidence
- OAA Award (special recognition): Torts, Constitutional Law, Property
- Utah Law Review, Executive Managing Editor
- Trial Advocacy, National Competition Team Member
- 2021 Robert Schmid Natural Resources Writing Award Recipient
- Consumer Advocacy & Protection Society, Founder

University of Utah

Bachelor of Science, Political Science, *magna cum laude*
Bachelor of Science, Environmental & Sustainability Studies, *magna cum laude*

Tab 15



Administrative Office of the Courts

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

March 26, 2025

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

MEMORANDUM

TO: The Management Committee of the Judicial Council

FROM: Standing Committee on Model Utah Civil Jury Instructions
Jace Willard, Associate General Counsel

RE: New Appointment

New Appointment for Plaintiff's Counsel:

The Committee received four applications to fill the plaintiff's counsel seat that was recently vacated by Mr. Douglas Mortensen when his term expired at the end of February. The applicants for this seat included Clancey Henderson, David Lambert, Nathan Langston, and Kara North. After discussion the Chair and Vice-Chair agreed they would recommend Ms. North to fill this position, and as an alternate Mr. Langston.

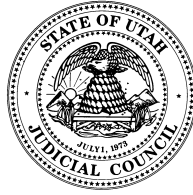
Ms. North has been a litigator for nearly fifteen years and currently practices at Moxie Law Group, Utah's first full-service, female-led, personal injury firm. She oversees all aspects of a wide variety of plaintiff's personal injury cases, including dog bites, trip and falls, auto-pedestrian, auto collision, wrongful death, assault, and medical malpractice. She also has significant experience serving on various committees with the Utah Association for Justice, including as the Women's Caucus Chair, the Annual Conference Chair, and as a member of the Legislative Committee. Additionally, she has served as the Committee's recording secretary for more than a year.

Mr. Langston is likewise an experienced trial attorney. He is a partner at McMullin Injury Law located in St. George and has management responsibilities for all litigation at the firm. His personal injury litigation experience includes car accidents, premise liability, insurance bad faith, and medical malpractice, among others. He also actively participates on the Utah Association for Justice, serving on the Voir Dire Committee and the Education Committee.

The Committee looks forward to approval and any feedback from the Management Committee and Judicial Council as to the proposed new appointment.

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 16



Administrative Office of the Courts

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

March 31, 2025

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

MEMORANDUM

TO: Management Committee of the Judicial Council

FROM: Judge Rich Mrazik and Janine Liebert, on behalf of the Committee on Resources for Self-Represented Parties

RE: Committee member appointment

The Management Committee is asked to approve a new member to serve on the Committee on Resources for Self-Represented Parties, consistent with the composition requirement detailed in CJA 1-205(1)(B)(viii).

Approval is sought, pursuant to CJA 1-205(3)(A)(i), for the following new individual:

- Jennifer Gadbois to serve as the clerk of court from an appellate court. She would replace Nicole Gray who completed her second 3-year term.

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

Tab 17

Name

Address

City, State, Zip

Phone

Email

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

In the District Court of Utah

_____ Judicial District _____ County

Court Address _____

Plaintiff

v.

Defendant

**Order of Eviction and Notice That
You Must Move Out (Order of
Restitution)**

Case Number

Judge

To the defendants:

You are ordered to move out of _____ (address).

You must move out at the time stated below, unless the plaintiff and defendant agree otherwise:

☐ within **3 calendar days** of when this Order was served on you

☐ The parties agree the defendants must move out by _____:_____ (time) on _____ (date)

☐ This eviction is because of criminal nuisance. There was a hearing where the court decided it is more likely than not that the criminal act happened. The court orders:

☐ immediate possession of the rental to the landlord or

☐ _____ hours (up to 72 hours) for the tenant to move out.

[] There was a hearing with the court. The defendant did not attend the hearing and the court entered a default against them. The court orders immediate possession of the rental to the landlord.

Move out means leave the premises, take all your belongings and leave any keys or access cards. You and any person claiming a right to live there from you must move out and allow the plaintiff to have access to and control of the premises.

If you do not follow this order, you may be forcibly removed from the property by the sheriff or a constable. They will use the least destructive means possible to remove you, your personal property, and any persons who claim to have received a right to live there from you.

To the sheriff or constable:

If the defendants are served with this order and fail to vacate the property as ordered, you are ordered to enter the premises by force using the least destructive means possible to remove the defendants, any personal property of the defendants and any persons claiming a right to occupancy from the defendants. If you find a personal animal as defined by Utah Code 78B-6-812, you must notify the local animal control authority to take custody of the personal animal.

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

	Signature ►	
	Judge	

Notice to Defendants

Your options

Move out. Take your important documents, medicine, medical supplies, and cherished objects.

If you want to ask the court to stop the eviction you can file both of these:

- a Motion to Set Aside Judgment. This asks the court to undo the eviction order. The court must wait 14 days before it can rule on the motion unless you ask the court to delay enforcement of the order.
- a Motion to Delay Enforcement of Judgment. This asks the court to delay the eviction order. The eviction could still move forward unless you ask the court to set aside the eviction order. But the court cannot grant the motion to delay unless you post a bond for a large enough amount to pay the landlord's probable costs, attorney fees, and damages (including unpaid rent) if the court decides in favor of the landlord. Any prepaid rent is a portion of the tenant's bond.

You can find forms and guidance at www.utcourts.gov/out [We will also add a QR code]

If you do not know where you will be able to stay, call 211 on your phone for help in your county.

Your rights after eviction

Even though you are being evicted you still have rights. Your landlord must give you the following property back within **5 business days**, without requiring you to pay anything:

- clothing
- identification
- financial documents, including all those related to your immigration or employment status
- documents about the receipt of public services, and
- medical information, prescription medications, and any medical equipment required for maintenance of medical needs

You can get your other belongings back, but you must make a written request to your landlord within **15 calendar days** after your eviction. Your landlord can charge you a reasonable storage and moving fee.

If you are not able to get your belongings as explained above or the landlord does not follow the Order of Restitution, you can ask for a hearing in front of a judge. The hearing would be to talk about problems with getting your belongings. To ask for a hearing, file a form called “Request for Hearing After Eviction Because My Rights are Being Violated.” The landlord must have the sheriff or constable serve this form with you along with this order. Your request for a hearing will not stop the eviction.

You have the right to a hearing to dispute the way this order may be enforced and to assert your rights. A Request for Hearing Regarding Enforcement of an Order of Restitution must be served on you along with this order.

Your request for a hearing will not stop enforcement of this order unless the court has ordered a stay of this order and an appropriate bond has been posted in an amount approved by the court. (Utah Code 78B-6-812(2)(b) and 78B-6-808(4)(b))

If you have a pet and you are not present at the time the eviction order is enforced, the sheriff or constable will contact animal control to take your pets. Animal control will take your pets within 1 business day of being contacted. They will post a notice at the premises with their name and contact information.

Update the court and the landlord with your contact information

The landlord could file paperwork in your case asking for a money judgment and could file paperwork asking to increase the judgment amount. Update your contact information so you will receive what is being filed and have the opportunity to respond. If animal control takes your pet, the landlord is responsible for giving them your last known contact information.

Temporary Protective Order

Ex Parte Order

(Utah Code 78B-7-603)

Case Number: _____ District: _____

County: _____ State: Utah

Judge: _____

Commissioner: _____

Petitioner (protected person):

First Name Middle Last

Address and phone # (to keep private, leave blank):

Street

City --- State --- Zip

Phone #

Petitioner's date of birth: _____

Petitioner's attorney (if any): _____ Phone # _____

Other people protected by this order

Name	Date of Birth	Relationship to Petitioner
------	---------------	----------------------------

_____	_____	_____
-------	-------	-------

_____	_____	_____
-------	-------	-------

_____	_____	_____
-------	-------	-------

_____	_____	_____
-------	-------	-------

Respondent

(person Petitioner is protected from):

First Name Middle Last

Other Names Used _____

Relationship to Petitioner: _____

Address (street): _____

City --- State --- Zip

Describe Respondent

Sex	Race	Date of Birth	Ht.	Wt.
-----	------	---------------	-----	-----

_____	_____	_____	_____	_____
-------	-------	-------	-------	-------

Eyes	Hair	Social Security #
------	------	-------------------

(only the last 4 numbers)

Distinguishing features (like scars, tattoos, limp, etc.)

Driver's license issued by (State): _____ Expires: _____

Warning! ☐ Weapon involved (Box to be initialed by Court, if applicable)

Findings: The Court finds there is reason to believe: it has jurisdiction over the parties and this case, the Respondent and Petitioner are cohabitants, the Respondent will be served notice of his/her opportunity to be heard at the scheduled hearing, and the Respondent has abused or committed domestic violence against Petitioner, or that there is a substantial likelihood that Respondent immediately threatens Petitioner's physical safety.

☐ The petitioner is an intimate partner of the respondent.

The term "intimate partner" means, with respect to a person, the spouse of the person, a former spouse of the person, an individual who is a parent of a child of the person, and an individual who cohabitates or has cohabited with the person. 18 USC Sec. 921 (a) (32).

☐ The party to be protected is the child of an intimate partner of the respondent.

The Court orders the Respondent to obey all orders initialed on this form and to not abuse, or threaten to abuse, anyone protected by this order.

☐ **You must not have any contact with the Petitioner.**

(The court fills out this section)

This order lasts until the hearing on:

Month – Day – Year

Or later, if the Court extends time for service.

Warnings to the Respondent:

- This is a court order. No one except the court can change it. You can tell your side when you go to court. If you do not obey this order, you can be arrested, fined, and face other charges.
- This order is valid in all U.S. states and territories, the District of Columbia, and tribal lands. If you go to another U.S. state, territory or tribal land to violate this order, a federal judge can send you to prison.
- **No guns or firearms!** (See item 5.)

To: (Respondent's name): _____

Go to the court hearing on the date listed below. If you do not go to the hearing, the judge can make orders without hearing your side.

Date: _____ **Time:** _____ ☐ a.m. ☐ p.m. **Judicial Officer:** _____

Address: _____ **Room:** _____

Respondent must obey all orders marked below.

Criminal orders (you can be arrested for violating these)

If you (respondent) violate orders 1-6 it is a criminal Class A Misdemeanor, punishable by up to 364 days in jail and a fine. A second or subsequent violation can result in more severe penalties.

- 1** ☐ **Personal Conduct Order** Do not commit, try to commit or threaten to commit any form of violence against the Petitioner or any person listed on the first page of this form. This includes stalking, harassing, threatening, physically hurting, or causing any other form of abuse that could cause bodily injury.

2 ☐ **No Contact Order** Do not contact, phone, mail, e-mail, or communicate in any way with the Petitioner and the people listed on the first page of this order either directly or indirectly except as allowed by the parent-time provisions of this order.

3 ☐ **Contact during Mediation --** You are allowed to have contact with the Petitioner **only** during mediation sessions for your divorce or custody case that are scheduled with a Court Qualified Mediator.

4 ☐ **Stay Away Order**

☐ a. Stay at least _____ (distance) from the Petitioner.

☐ b. Stay away from Petitioner's home:

☐ The Petitioner is not a Safe at Home Program participant.

☐ Petitioner has safeguarded their address. Law enforcement is still required to keep the respondent away from the petitioner's home.

☐ Petitioner's home address is:

_____ (address)

☐ The Petitioner is a Safe at Home Program participant under Utah Code 77-38-6.

☐ Their actual address is not included in the protective order or shared with law enforcement or other criminal justice agencies.. Law enforcement is still required to keep the Respondent away from the Petitioner's home.

☐ They have requested to share their actual address only with law enforcement and other criminal justice agencies for enforcement purposes. Law enforcement can use the address shown in the Utah Criminal Justice Information System. The Petitioner has completed a Request to Give Address to Criminal Justice Agencies form. Their actual address will not be public or shared with the Respondent.

☐ c. Stay away from Petitioner's:

Work : _____ (address)

School: _____ (address)

Place of worship: _____ (address)

☐ d. Must comply with the following restrictions while at Respondent's and Petitioner's

Work : _____ (address)

School: _____ (address)

Place of worship: _____ (address)

- ☐ e. Stay away from the people listed on the first page of this form at their:

Home: _____ (address)

Work : _____ (address)

The respondent ☐ does ☐ does not work at the same place as the people listed on the first page of this form.

School: _____ (address)

The respondent ☐ does ☐ does not go to the same school as the people listed on the first page of this form.

Place of worship: _____ (address)

The respondent ☐ does ☐ does not attend the same place of worship as the people listed on the first page of this form.

- ☐ f. Must comply with the following restrictions while at Respondent's and the people listed on the first page of this form's:

Work : _____ (address)

School: _____ (address)

Place of worship: _____ (address)

- ☐ g. Other (*specify*): _____

5 ☐

No Guns or Other Weapons The Court finds that your use or possession of a weapon poses a serious threat of harm to the Petitioner. You cannot possess, have, or buy a gun or firearm or any of these weapons: _____

Warning! If a final protective order is issued against you after the hearing, you will then become subject to the federal law making it a crime to possess, transport, ship or receive any firearm or ammunition, including a hunting weapon.

6 ☐ **Property Orders** Until the hearing, only the Petitioner can use, control and possess the following property and things, but cannot dispose of this property without court approval:

☐ a. Home at (address):

☐ b. Car, truck or other property (describe):

Civil orders (you can be held in contempt of court for violating these)

If you (respondent) violate orders 7-15, you will be in contempt of court and may be punished with jail time and fines.

7 ☐ **Property Orders**

☐ You cannot interfere with or change Petitioner's phone, utility or other services.

☐ You must maintain Petitioner's existing wireless phone contracts or accounts.

8 ☐ **No Harming Pets** Do not physically injure or threaten to injure a pet that is:

☐ a. Owned or kept by the Petitioner. Do not take possession of the Petitioner's pet.

☐ b. Owned or kept by you.

9 ☐ **Transfer Wireless Phone Number(s)**

You must transfer the Petitioner's current wireless phone number(s) to a new account of their choice.

The court will issue a separate order to the wireless service provider to transfer Petitioner's wireless phone number(s) to a new account.

10 ☐ **Proof of Income** You and Petitioner must bring the following proof of income to the hearing: pay stubs or employer statements for this year, and complete tax returns for the most recent year.

11 ☐ **Child Custody & Parent-time Orders**

☐ The Petitioner (the person asking for protection)

☐ _____ (name)

will have temporary custody of the minor children of the parties listed below. The person with custody may give a copy of this order to the principal or director of the child's school or daycare. If you do not obey the custody and parent-time orders listed here, the person with custody may ask for the court's help (such as an order to show cause for contempt): _____

☐ You will have parent-time as follows: _____

If there is a "No Contact" order, you can communicate with the Petitioner or the person with custody only about parent-time matters through:

12 ☐ No Parent Time No parent time is allowed until the scheduled hearing.

13 ☐ No Alcohol or Illegal Drugs Do not use alcohol or illegal drugs before or during visitation.

14 ☐ No Travel with Children Do not take the children listed above out of the state of Utah.

15 ☐ Other Orders (List below): _____

Orders to Agencies

16 ☐ Law Enforcement to Assist A law enforcement officer from: _____
will enforce the orders checked below:

- ☐ a. Help the Petitioner gain and keep control over home, car or other personal belongings.
- ☐ b. Help the Petitioner obtain custody of the children.
- ☐ c. Help the ☐ Respondent or ☐ Petitioner remove essential personal belongings from the home.

"Essential personal belongings" means daily use items, such as clothing, medications, jewelry, toiletries, financial or personal records solely in one person's name, or items needed to work at a job or go to school.

Warning to the Respondent: Do not go to the home or other protected places without the officer. Law enforcement can evict you or keep you away from protected places, if needed.

17 ☐ Investigate Possible Child Abuse
This matter will be referred to the Division of Child and Family Services for review and possible investigation of child abuse.

18 ☐ Guardian for your children
The court appoints an attorney to speak for the best interests of the children in this case.

Notice to the Petitioner: The court may amend or dismiss a protective order after one year if it finds that the basis for the issuance of the protective order no longer exists and the petitioner has repeatedly acted in contravention of the protective order provisions to intentionally or knowingly induce the respondent to violate the protective order, demonstrating to the court that the petitioner no longer has a reasonable fear of the respondent. (Utah Code 78B-7-105(6)(c)).

Date: _____ Time: _____ ☐ a.m. ☐ p.m. _____

Judge (printed name) _____

<p>Attendance You must attend. If you do not attend, you might be held in contempt of court and the relief requested might be granted. You have the right to be represented by a lawyer.</p> <p>Evidence Bring with you any evidence that you want the court to consider.</p> <p>Interpretation If you do not speak or understand English, the court will provide an interpreter. Contact court staff immediately to ask for an interpreter.</p> <p>ADA Accommodation If you need an accommodation, including an ASL interpreter, contact court staff immediately to ask for an accommodation.</p> <p>Finding help The court's Finding Legal Help web page (www.utcourts.gov/howto/legalassist/) provides information about the ways you can get legal help, including the Self-Help Center, reduced-fee attorneys, limited legal help and free legal clinics.</p>	<p>Asistencia Presentarse es obligatorio. Si usted no llegara a presentarse, se lo podría encontrar en desacato de las órdenes del juez y la reparación solicitada podría ser otorgada. Usted tiene el derecho de que lo represente un abogado.</p> <p>Pruebas Traiga con usted cualquier prueba que quiera que el tribunal tome en cuenta.</p> <p>Interpretación Si usted no habla ni entiende el Inglés el tribunal le proveeré un intérprete. Contacte a un empleado del tribunal inmediatamente para pedir un intérprete.</p> <p>Adaptación o Arreglo en Caso de Discapacidad Si usted requiere una adaptación o arreglo, que incluye un intérprete de la lengua de signos americana, contacte a un empleado del tribunal inmediatamente para pedir una adaptación.</p> <p>Cómo encontrar ayuda legal La página de la internet del tribunal Cómo encontrar ayuda legal (www.utcourts.gov/howto/legalassist/index-sp.html/) tiene información sobre algunas maneras de encontrar ayuda legal, incluyendo el Centro de Ayuda de los Tribunales de Utah, abogados que ofrecen descuentos u ofrecen ayuda legal limitada, y talleres legales gratuitos.</p>
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TENANT'S NOTICE TO RETURN DEPOSIT
(Notice to Provide Deposit Disposition)
Utah Code 57-17-3

TO:

Owner or owner's agent's name (landlord)

RE:

Address of rental property

NOTICE IS HEREBY GIVEN THAT WITHIN FIVE (5) BUSINESS DAYS pursuant to Utah Code Sections 57-17-3 to 5 the owner or the owner's agent must provide the tenant, at the address below, a refund of the balance of any security deposit, the balance of any prepaid rent, and a notice of any deductions from the security deposit or prepaid rent as allowed by law.

NOTICE IS FURTHER GIVEN that the tenant vacated the property on _____ (date).

NOTICE IS FURTHER GIVEN that failure to comply with this notice will require the owner to refund the entire security deposit, the full amount of any prepaid rent, and a penalty of \$100. If the entire security deposit, the full amount of any prepaid rent, and the penalty of \$100 is not tendered to the tenant, and the tenant is required to initiate litigation to enforce the provisions of the statute, the owner may be liable for the tenant's court costs and attorney fees, if the court determines the owner acted in bad faith.

Tenant's Name(s):

Mailing Address

City, State, Zip

[] Landlord may electronically provide refund and notice of any deductions to tenant at:

This is a legal document. Please read and comply with the document's terms.

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

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

_____	Signature ►	_____
Date	Printed Name	_____

Attorney or Licensed Paralegal Practitioner of record (if applicable)

_____	Signature ►	_____
Date	Printed Name	_____

Return of Service

On _____ (date) I swear and attest that I served this notice in compliance with Utah Code 57-17-3 by: (check all that apply)

- ☐ Delivering a copy to the owner or the owner's agent personally at the address provided in the lease agreement;
- ☐ Leaving a copy with a person of suitable age and discretion at the address provided in the lease agreement because the owner or the owner's agent was absent from the address provided in the lease agreement;
- ☐ Affixing a copy in a conspicuous (clearly visible) place at the address provided in the lease agreement because a person of suitable age or discretion could not be found at the address provided in the lease agreement; or
- ☐ Sending a copy through registered or certified mail to the owner or the owner's agent at the address provided in the lease agreement.

The owner's address to which the service was effected is:

Address

City, State, Zip

Person Completing Service

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

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

_____	Signature ►	_____
Date	Printed Name	_____

Petitioner's Name

The petitioner's address will not be disclosed to the respondent. Utah Code §78B-7-105(6)(d)(ii).

Telephone (may be omitted)

IN THE _____ DISTRICT JUVENILE COURT

_____ COUNTY, STATE OF UTAH

<p>_____ Petitioner,</p> <p>vs.</p> <p>_____ Respondent</p>	<p>EX PARTE CHILD PROTECTIVE ORDER</p> <p>Case No. _____</p> <p>Judge _____</p>
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NOTICE TO RESPONDENT:

YOU CAN BE ARRESTED FOR VIOLATING THIS ORDER EVEN IF ANY PERSON PROTECTED BY THE ORDER INVITES OR ALLOWS YOU TO VIOLATE THE ORDER'S PROHIBITIONS. ONLY THE COURT CAN CHANGE THE ORDER. YOU MAY BE HELD IN CONTEMPT FOR IGNORING OR ALTERING THE TERMS OF THE ORDER.

The court having found that Petitioner is a person interested in the minor children on whose behalf the Petition was brought, that Petitioner first made a referral to the Division of Child and Family Services, and that the Court has jurisdiction over this matter, has reviewed Petitioner's Verified Petition for Child Protective Order, from which it appears that the children named below

☐ are being abused or are in imminent danger of being abused.

☐ have been abused by someone who is not the child's parent, stepparent, guardian, or custodian.

Pending further hearing in this matter,

PURSUANT TO UTAH CODE SECTION 78B-7-202, THE PETITIONER IS GRANTED AN
EX PARTE CHILD PROTECTIVE ORDER:

(The Judge shall initial each section that is included in this Order.)

☐ 1. The Respondent is restrained from attempting, committing, or threatening to commit abuse against the following child/ren and shall not stalk, harass, or threaten to use or attempt to use physical force that would reasonably be expected to cause physical injury to the child/ren:

Child's Name	Relationship to Respondent

☐ 2. Except as provided in the parent time section below, the Respondent is prohibited from harassing, telephoning, contacting, or otherwise communicating with the minor child/ren, in paragraph 1 directly or indirectly.

☐ 3. The Respondent is ordered to stay away from:

☐ the children's residence and any subsequent residence of the minor children. The respondent must vacate and stay away from this residence. The respondent is prohibited from terminating or interfering with the utility services to the residence.

☐ The children's address is not protected by the Safe at Home Program:

☐ At the petitioner's request, the address of the children's residence is not listed.

☐ At the petitioner's request, the address of the children's residence is listed:
(Street, City, State, ZIP)

☐ The children's address is protected by the Safe at Home Program.

☐ Their address is not included in the protective order or shared with law enforcement or other criminal justice agencies. Law enforcement agencies are still required to keep the respondent away from their home.

☐ The petitioner is a participant in the Safe at Home Program. The children live with the petitioner. The petitioner has requested to share the children's actual address only with law enforcement and other criminal justice agencies for enforcement purposes. Law enforcement can use the address shown in the Utah Criminal Justice Information System. The petitioner has completed a

Request to Give Address to Criminal Justice Agencies form. The children's actual address will not be public or shared with the respondent.

[] Child's school:

Child's name	School name and address (Street, City, State, ZIP)

[] Respondent attends the same school as the children. Respondent is not ordered to stay away from this location, but the following restrictions apply when the respondent and the children are both there:

[] Child's place of worship:

Child's name	Place of worship name and address (Street, City, State, ZIP)

[] Respondent attends the same place of worship as the children. Respondent is not ordered to stay away from this location, but the following restrictions apply when the respondent and the children are both there:

[] Child's work:

Child's name	Work name and address (Street, City, State, ZIP)

- ☐ Respondent works at the same place as the children. Respondent is not ordered to stay away from this location, but the following restrictions apply when the respondent and the children are both there:

- ☐ These places, which the child goes to often:

Child's name	Name of place and address (Street, City, State, ZIP)

- ☐ 4. The Court having found that Respondent's use or possession of a weapon may pose a serious threat of harm to minor child/ren, the Respondent is prohibited from purchasing, using, or possessing a firearm or any of the following weapons:

- ☐ 5. The minor child/ren are awarded possession of the following essential personal effects:

This award is subject to subsequent orders concerning the listed property in future proceedings.

RESPONDENT'S VIOLATION OF "1" THROUGH "5" PROVISIONS OF THIS ORDER, IS A CLASS A MISDEMEANOR UNDER UTAH CODE SECTION 76-5-108. IF RESPONDENT'S VIOLATION OF PROVISIONS "1" THROUGH "5" OF THIS ORDER IS A SECOND OR SUBSEQUENT DOMESTIC VIOLENCE OFFENSE, ENHANCED PENALTIES MAY BE IMPOSED UNDER UTAH CODE SECTIONS 77-36-1.1 AND 77-36-2.4.

THE COURT ORDERS THE FOLLOWING RELIEF IN THE CIVIL PORTION OF THIS EX PARTE PROTECTIVE ORDER:

(The civil portion is effective from the date and time served on the Respondent, until, after further hearing, the Respondent is served with a protective order, the protective order is denied, or this matter is dismissed).

VIOLATIONS OR FAILURE TO COMPLY WITH THE CIVIL PORTION, LISTED BELOW, MAY SUBJECT A PERSON TO CONTEMPT PROCEEDINGS.

☐ 6. Temporary custody of the minor children shall be as follows:

☐ 7. The Respondent shall have parent-time as follows:

☐ 8. The Respondent is restrained from using drugs and/or alcohol prior to or during parent-time.

☐ 9. The Respondent is restrained from removing the minor child/ren from the state of Utah.

☐ 10. Support is ordered in accordance with Title 78B, Chapter 12, Utah Child Support Act.

☐ 11. The Division of Child and Family Services shall provide information to the Court as to the status of Petitioner's referral.

☐ 12. A guardian ad litem is appointed to represent the best interests of the minor child/ren.

☐ 13. Law enforcement agencies with jurisdiction over the protected locations are hereby directed and authorized to render any necessary assistance to the above-named petitioner in retrieving the child/ren named in this Ex-Parte Protective Order and give physical custody of said child/ren _____

_____ to the petitioner. Such action includes, but is not limited to, obtaining access to the child/ren through locked doors and gates and restraining any persons who may attempt to prevent the removal of said child/ren.

☐ 14. Law enforcement agencies with jurisdiction over the protected locations shall accompany the minor child/ren to ensure that they safely regain possession of the awarded property.

☐ 15. Law enforcement agencies with jurisdiction over the protected locations shall facilitate Respondent's removal of Respondent's essential personal belongings from the parties' residence. The law enforcement officer shall contact Petitioner to make these arrangements. Respondent may not contact the Petitioner or enter the residence to obtain any item.

☐ 16. Law enforcement agencies with jurisdiction over the protected locations shall have authority to compel Respondent's compliance with this Order, including the authority to forcibly evict and restrain Respondent from the protected areas. Information to assist with identification of the Respondent is attached to this Order.

☐ 17. The Respondent is ordered to bring proof of current income to the hearing. The proof should include year-to-date pay stubs or employer statements, and complete tax returns for the most recent year.

☐ 18. Other: _____

☐ 19. (IN FOSTER CARE CASES ONLY) Remaining in the home would be contrary to the welfare of the child and it is in the best interest of the child to be removed from the home and placed in foster care. The Court makes this determination based on the evidence presented in the petition for an ex parte protective order, specifically:

20. Unless otherwise modified by the court, this Order is effective from the date and time served on Respondent, until, after further hearing in this matter, the Respondent is served with a Child Protective Order or a Child Protective Order is denied.

21. The Respondent is ordered to appear at a hearing which will be held on:

Date:

Time:

Room:

Address:

Expiration date: _____

DATED: _____ TIME: _____

BY THE COURT:

JUVENILE COURT JUDGE

Ex Parte Child Protective Order–Notice to Petitioner

Petitioner may provide a copy of this order to the children’s school principal. (Utah Code 78B-7-105(2)(b)(ii))

Petitioner may enforce a court order if respondent violates or fails to comply with provision(s) of this order.

If the respondent fails to return custody of a minor child to the petitioner as ordered, the petitioner can get a writ of assistance from the court (Utah Code 78B-7-105(2)(b)(iii))

Each party is entitled to have an attorney present at the hearing(s).

YOU CANNOT WAIVE, ALTER, IGNORE, OR DISMISS THIS ORDER WITHOUT FURTHER COURT ACTION. YOU MAY BE HELD IN CONTEMPT FOR IGNORING OR ALTERING THE TERMS OF THIS ORDER.

Petitioner's Name

The petitioner's address will not be disclosed to the respondent. Utah Code §78B-7-105(6)(d)(ii).

Telephone (may be omitted)

IN THE _____ DISTRICT JUVENILE COURT

_____ COUNTY, STATE OF UTAH

<p>_____ Petitioner,</p> <p>vs.</p> <p>_____ Respondent</p>	<p>CHILD PROTECTIVE ORDER</p> <p>Case No. _____</p> <p>Judge _____</p>
---	---

NOTICE TO RESPONDENT:

YOU CAN BE ARRESTED FOR VIOLATING THIS ORDER EVEN IF ANY PERSON PROTECTED BY THE ORDER INVITES OR ALLOWS YOU TO VIOLATE THE ORDER'S PROHIBITIONS. ONLY THE COURT CAN CHANGE THE ORDER. YOU MAY BE HELD IN CONTEMPT FOR IGNORING OR ALTERING THE TERMS OF THE ORDER.

This matter came for hearing on _____. The following parties were in attendance:

<input type="checkbox"/> Petitioner	<input type="checkbox"/> Petitioner's attorney _____
<input type="checkbox"/> Respondent	<input type="checkbox"/> Respondent's attorney _____
<input type="checkbox"/> Guardian ad Litem	

The Court has reviewed Petitioner's Verified Petition for Child Protective Order and:

☐ has received argument and evidence

- ☐ has accepted the stipulation of the parties
- ☐ has entered the default of the Respondent for failure to appear
- ☐ the Court finds the minor children listed below are being abused or are in imminent danger of being abused.
- ☐ the Court finds the minor children listed below have been abused by someone who is not the child's parent, stepparent, guardian, or custodian.

therefore **THE PETITIONER IS GRANTED A CHILD PROTECTIVE ORDER PURSUANT TO UTAH CODE SECTION 78B-7-202:**

(The Judge or Commissioner shall initial each section that is included in this Order.)

☐ 1. The Respondent is restrained from attempting, committing, or threatening to commit abuse against the following children, and shall not stalk, harass, or threaten to use or attempt to use physical force that would reasonably be expected to cause physical injury to the child/ren:

Child's Name	Relationship to Respondent

☐ 2. Except as provided in paragraph 9(b), the Respondent is prohibited from harassing, telephoning, contacting, or otherwise communicating with the minor child/ren in paragraph 1, directly or indirectly.

☐ 3. The Respondent is ordered to stay away from:

☐ the children's residence and any subsequent residence of the minor children. The respondent must vacate and stay away from this residence. The respondent is prohibited from terminating or interfering with the utility services to the residence.

☐ The children's address is not protected by the Safe at Home Program:

☐ At the petitioner's request, the address of the children's residence is not listed.

☐ At the petitioner's request, the address of the children's residence is listed:

(Street, City, State, ZIP)

☐ The children's address is protected by the Safe at Home Program.

☐ Their address is not included in the protective order or shared with law enforcement or other criminal justice agencies. Law enforcement agencies are still required to keep the respondent away from their home.

[] The petitioner is a participant in the Safe at Home Program. The children live with the petitioner. The petitioner has requested to share the children's actual address only with law enforcement and other criminal justice agencies for enforcement purposes. Law enforcement can use the address shown in the Utah Criminal Justice Information System. The petitioner has completed a Request to Give Address to Criminal Justice Agencies form. The children's actual address will not be public or shared with the respondent.

[] Child's school:

Child's name	School name and address (Street, City, State, ZIP)

[] Respondent attends the same school as the children. Respondent is not ordered to stay away from this location, but the following restrictions apply when the respondent and the children are both there:

[] Child's place of worship:

Child's name	Place of worship name and address (Street, City, State, ZIP)

[] Respondent attends the same place of worship as the children. Respondent is not ordered to stay away from this location, but the following restrictions apply when the respondent and the children are both there:

[] Child's work:

Child's name	Work name and address (Street, City, State, ZIP)
--------------	--

[] Respondent works at the same place as the children. Respondent is not ordered to stay away from this location, but the following restrictions apply when the respondent and the children are both there::

[] These places, which the child goes to often:

Child's name	Name of place and address (Street, City, State, ZIP)

[] 4. The Court finds that Respondent's use or possession of a weapon may pose a serious threat of harm to minor child/ren, the Respondent is prohibited from purchasing, using, or possessing a firearm or any of the following weapons:

[] 5. The minor child/ren are awarded possession of the following essential personal effects:

This award is subject to subsequent orders concerning the listed property in future proceedings.

6. Law enforcement agencies with jurisdiction over the protected locations are hereby directed and authorized to render any necessary assistance to the above-named petitioner in retrieving the child/ren named in this Protective Order and give physical custody of said child/ren

_____ to the petitioner.

Such action includes, but is not limited to, obtaining access to the child/ren through locked doors and gates and restraining any persons who may attempt to prevent the removal of said child/ren.

7. Law enforcement agencies with jurisdiction over the protected locations shall accompany the minor child/ren to ensure that they safely regain possession of the awarded property.

8. Law enforcement agencies with jurisdiction over the protected locations shall facilitate Respondent's removal of Respondent's essential personal belongings from the parties' residence. The law enforcement officer shall contact Petitioner to make these arrangements. Respondent may not contact the Petitioner or enter the residence to obtain any items.

RESPONDENT'S VIOLATION OF PROVISIONS "1" THROUGH "8" OF THIS ORDER, IS A CLASS A MISDEMEANOR UNDER UTAH CODE SECTION 76-5-108.

IF RESPONDENT'S VIOLATION OF PROVISIONS "1" THROUGH "8" OF THIS ORDER IS A SECOND OR SUBSEQUENT DOMESTIC VIOLENCE OFFENSE, ENHANCED PENALTIES MAY BE IMPOSED UNDER UTAH CODE SECTIONS 77-36-1.1 AND 77-36-2.4.

VIOLATION OF PROVISIONS "9(a)" THROUGH "9(i)" BELOW MAY SUBJECT RESPONDENT TO CONTEMPT PROCEEDINGS.

☐ 9(a). The Petitioner is granted custody of the following minor child/ren:

☐ 9(b). The Respondent shall have parent-time as follows:

The Respondent is restrained from using drugs and/or alcohol prior to or during parent-time.

☐ 9(c). The Respondent is restrained from removing the minor child/ren from the state of Utah.

☐ 9(d). The Respondent is ordered to pay child support in the amount of \$ _____ pursuant to the Utah Uniform Child Support Guidelines.

☐ 9(e). The Respondent is ordered to participate in mandatory income withholding pursuant to Utah Code Annotated § 62A-11, Parts 4 and 5.

☐ 9(f). The Respondent is ordered to pay one-half of the minor child/ren's day care expenses.

☐ 9(g). The Respondent is ordered to pay one-half of the minor child/ren's medical expenses including premiums, deductibles and co-payments.

☐ 9(h). The Respondent is ordered to pay the minor child/ren's medical expenses, suffered as a result of the abuse in the amount of \$ _____.

☐ 9(i). Other:

☐ 10. The Division of Child and Family Services shall provide information to the Court as to the status of Petitioner's referral.

☐ 11. A guardian ad litem is appointed to represent the best interests of the minor child/ren.

☐ 12. Law enforcement agencies with jurisdiction over the protected locations shall have authority to compel Respondent's compliance with this Order, including the authority to forcibly evict and restrain Respondent from the protected areas. Information to assist with identification of the Respondent is attached to this Order.

☐ 13. Under federal law, the Respondent may be prohibited from purchasing, owning, transporting, using or possessing a firearm and ammunition. There is an exemption for police and

military personnel while on actual duty and those persons need to contact their immediate supervisors for further instructions regarding compliance with federal law.

14. Respondent was afforded both notice and opportunity to be heard in the hearing that gave rise to this order. Pursuant to the Violence Against Women Act of 1994, P.L. 103-322, 108 Stat. 1976, 18 U.S.C.A. 2265, this order is valid in all the United States, the District of Columbia, tribal lands, and United States Territories. This order complies with the Uniform Interstate Enforcement of Domestic Violence Protection Orders Act.

15. Expiration of Order

Child's name	
Date order expires	
Relationship to respondent	
Reason	<p><input type="checkbox"/> This order expires 150 days because the respondent is the parent, stepparent, guardian or custodian of the child.</p> <p><input type="checkbox"/> This order expires in less than 150 days because:</p> <p>_____</p> <p>_____</p> <p>_____</p> <p><input type="checkbox"/> This order expires in more than 150 days for the following good cause:</p> <p>_____</p> <p>_____</p> <p>_____</p> <p><input type="checkbox"/> This order expires when the child turns 18 because the respondent is not a parent, stepparent, guardian or custodian of the child.</p>

Child's name	
Date order expires	
Relationship to respondent	
Reason	<p><input type="checkbox"/> This order expires 150 days because the respondent is the parent, stepparent, guardian or custodian of the child.</p> <p><input type="checkbox"/> This order expires in less than 150 days because:</p>

	<hr/> <hr/> <hr/> <p><input type="checkbox"/> This order expires in more than 150 days for the following good cause:</p> <hr/> <hr/> <hr/> <p><input type="checkbox"/> This order expires when the child turns 18 because the respondent is not a parent, stepparent, guardian or custodian of the child.</p>
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Child's name	
Date order expires	
Relationship to respondent	
Reason	<p><input type="checkbox"/> This order expires 150 days because the respondent is the parent, stepparent, guardian or custodian of the child.</p> <p><input type="checkbox"/> This order expires in less than 150 days because:</p> <hr/> <hr/> <hr/> <p><input type="checkbox"/> This order expires in more than 150 days for the following good cause:</p> <hr/> <hr/> <hr/> <p><input type="checkbox"/> This order expires when the child turns 18 because the respondent is not a parent, stepparent, guardian or custodian of the child.</p>

Child's name	
Date order expires	
Relationship to respondent	
Reason	<input type="checkbox"/> This order expires 150 days because the respondent is the

	<p>parent, stepparent, guardian or custodian of the child.</p> <p><input type="checkbox"/> This order expires in less than 150 days because:</p> <p>_____</p> <p>_____</p> <p>_____</p> <p><input type="checkbox"/> This order expires in more than 150 days for the following good cause:</p> <p>_____</p> <p>_____</p> <p>_____</p> <p><input type="checkbox"/> This order expires when the child turns 18 because the respondent is not a parent, stepparent, guardian or custodian of the child.</p>
--	--

DATED: _____.

BY THE COURT:

JUVENILE COURT JUDGE

Notice to Petitioner

Petitioner may provide a copy of this order to the children's school principal. (Utah Code 78B-7-105(2)(b)(ii))

Petitioner may enforce a court order if respondent violates or fails to comply with provision(s) of this order.

If at any time, you receive services through the Office of Recovery Services, and you want to keep your location information confidential, you must provide a copy of your current protective order to ORS.

YOU CANNOT WAIVE, ALTER, IGNORE, OR DISMISS THIS ORDER WITHOUT FURTHER COURT ACTION. YOU MAY BE HELD IN CONTEMPT FOR IGNORING OR ALTERING THE TERMS OF THIS ORDER.

Instructions to law enforcement: Do not serve this form with the other papers. You may keep this form for your records or destroy it.

Instructions to the court: Provide to law enforcement. If placed in court file, classify document as safeguarded.

Service Assistance Form

This is a Private Record (CJA 4-202.02)

Case Number		Document to be Served	
Court Name & Address			
Name of Person Requesting Service			

Information About the Person to be Served (Print clearly.)			
Name			
Alias/Nickname			
Full Social Security #		Date of Birth (required. If not known, guess) [] the date of birth listed is a guess	
Race *		Sex *	
Weight		Height	
Hair color		Eye color	
* Required. If you do not know, write unknown.			
Special characteristics (tattoos, scars, etc.)			
Home: street address, city, state, zip			
Cell phone			
Home phone			
Best times to reach			
Work: name, street address, city, state, zip			
Work phone			
Best times to reach			
Driver license number			
Driver license state			
Driver license expiration date			
Car license number			
Car Make		Model	
Year		Color	

Instructions to law enforcement: Do not serve this form with the other papers. You may keep this form for your records or destroy it.

Instructions to the court: Provide to law enforcement. If placed in court file, classify document as safeguarded.

Other places to find Respondent (work, relatives, friend, hangouts, etc. – include city/state/zip on each address, if possible)	Location Type (work, relatives, friend, hangouts, etc)	Best times to find at this address	Phone number

Is this person on probation or parole?
☐ Yes ☐ No ☐ Don't know
If known, print the name of the supervising agency and officer and the officer's telephone number.

Has this person used weapons or been violent in the past?
☐ Yes ☐ No ☐ Don't know

Name

Address (omit if safeguarded)

City, State, Zip (omit if safeguarded)

Phone (omit if safeguarded)

Email (omit if safeguarded)

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

In the Juvenile Court of Utah

_____ Judicial District _____ County

Court Address _____

State of Utah, in the interest of

Last name, first name

A minor

☐ under ☐ over 18 years of age, and
☐ represented ☐ not represented.

**Request for Pretrial Juvenile
Delinquency Protective Order or to
Change Order**

(Utah Code 78B-7-803)

Case Number

Judge

1. I am:

☐ asking for a Pretrial Juvenile Delinquency Protective Order.

☐ asking to change an existing Pretrial Juvenile Delinquency Protective Order. (if you are a victim, you will need to attach a Request for Juvenile Criminal (Dispositional) Protective Order Hearing form)

2. Victim needing protection (protected person): (Attach the Required Criminal (Dispositional) Protective Order Information – Juvenile form for this person.)

First name:	
Middle name or initial (if any):	
Last name:	

[] I ask to protect additional victims. Attached are the added Required Criminal (Dispositional) Protective Order Information - Juvenile forms that includes each additional victim's first and last name and relationship to the accused minor.

3. Accused minor:

First name:	
Middle name or initial (if any):	
Last name:	

Request for Protective Orders

I ask the court for the following orders. (Choose all that apply.)

4. [X] No domestic violence or abuse

Order the accused minor not to do any of the following to the protected person or any of the designated family or household members:

- threaten to commit or commit acts of domestic violence or abuse,
- harass,
- threaten,
- stalk,
- use, attempt to use, or threaten to use physical force that would reasonably be expected to cause bodily harm, or
- engage in any other conduct that would place the protected person or designated family or household members in reasonable fear of bodily injury.

Designated family or household members:

Name (include first and last name)	Relationship to the protected person

5. ☐ **No contact or limited contact**

Notice: The accused minor will not violate the protective order by:

- attending a hearing with the protected person. But they must be a party to the case or a required witness.
- serving documents they file in court on the protected person. Service may not be in-person under any circumstances, but must otherwise be according to the Rules of Civil Procedure. It must also be civil and not threatening.

☐ Order the accused minor not to harass, telephone, contact, or otherwise communicate with the protected person, directly or indirectly (includes email, text, social media, social media messaging or posts, mail, or other methods of contact).

☐ The accused minor and the protected person share custody of one or more minor children. Order the accused minor to only contact the protected person to arrange visits with the children by the options below. Any approved communication must be civil and nonthreatening. (Choose the preferred method(s) of contact.)

☐ Phone: _____

☐ Text: _____

☐ Email: _____

☐ Third party person (name): _____

Contact information for third party person: _____

☐ Other (specify): _____

☐ For family related matters other than parent time, order the accused minor to only communicate with the protected person through the person listed below:

First name:	
Middle name or initial (if any):	
Last name:	
Phone or other:	

- ☐ The accused minor and the protected person are working with the Division of Child and Family Services (DCFS) or the Divorce Mediation Program. Order the accused minor to only contact the protected person during case-planning, meetings, or program services with prior written approval from program staff. Any approved communication must be civil and non-threatening.

6. ☐ Accused minor cannot live at protected person's residence

Order the accused minor to be removed from the protected person's residence and the premises. Order that the accused minor cannot live at the protected person's residence and the premises.

7. ☐ Stay away

Notice: The accused minor will not violate the protective order by:

- attending a hearing with the protected person. But they must be a party to the case or a required witness.
- serving documents they file in court on the protected person. Service may not be in-person under any circumstances, but must otherwise be according to the Rules of Civil Procedure. It must also be civil and not threatening.

Order the accused minor to stay away from:

- ☐ The protected person's residence;
- ☐ The protected person's school;
- ☐ The protected person's workplace;
- ☐ These other places frequented by the protected person and any designated family members (you must write an address if you ask the judge to order the accused minor to stay away from a specific place):

(Street, City, State, ZIP)

(Street, City, State, ZIP)

- ☐ Order the accused minor to stay away from the protected person if they encounter them at any other location not listed in this order. The accused minor must not communicate or have contact with the protected person and must leave. If leaving is not an option (such as at the accused minor's place of employment or at a required court hearing), the accused minor must move as far away as possible to avoid any confrontation.

8. ☐ Property Orders

Order personal property to be transferred as follows:

To the accused minor:	To the protected person:

9. ☐ Monitoring programs

- ☐ Order the accused minor to participate in and comply with an electronic monitoring program. (The accused minor's location is monitored with a wearable tracking device.)
- ☐ Order the accused minor to participate in and comply with a monitoring program (can include substance abuse testing, alcohol testing, supervised parent-time, etc.)

Requested program (describe):

10. ☐ Other orders

Other orders requested. (List any other orders needed to protect the protected person and the protected person's immediate family or household members.)

11. ☐ Requested orders to agencies

Order a law enforcement officer from:

_____ (police agency) to enforce the
orders checked below:

- ☐ Remove and require the accused minor to stay away from the protected
person's residence.
- ☐ Accompany the accused minor one time to get their personal property.
- ☐ Accompany the protected person to get their personal property.

Petitioner

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

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

_____	Signature ►	_____
Date	Printed Name	_____

or

Prosecutor or attorney (if applicable)

_____	Signature ►	_____
Date	Printed Name	_____

In the Juvenile Court of Utah

_____ Judicial District _____ County

Court Address _____

State of Utah, in the interest of

Last name, first name

A minor

☐ under ☐ over 18 years of age, and
☐ represented ☐ not represented.

**Pretrial Juvenile Delinquency
Protective Order**

(Utah Code 78B-7-803)

Case Number

Judge

1. Party information

Victim needing protection (protected person):

First name:	
Middle name or initial (if any):	
Last name:	

Victim needing protection (protected person):

First name:	
Middle name or initial (if any):	
Last name:	

Accused minor:

First name:	
Middle name or initial (if any):	
Last name:	

2. The court finds

The accused minor represents a credible threat to the physical safety of the protected person.

The protected person is:

- ☐ an intimate partner of the accused minor. (The accused minor and the protected person are or were married, are the parents of a shared child, cohabitate or have cohabited together). (18 U.S.C. Sec. 921 (a)(32)).
- ☐ the child of an intimate partner of the accused minor.
- ☐ not an intimate partner of the accused minor, but is a cohabitant under Utah law.
- ☐ not an intimate partner or cohabitant, but is an alleged victim.

The court orders

You, the accused minor, must obey all orders marked below.

3. ☒ No domestic violence or abuse

You must not to do any of the following to the protected person or any of the designated family or household members:

- threaten to commit or commit acts of domestic violence or abuse,
- harass,
- threaten,
- stalk,
- use, attempt to use, or threaten to use physical force that would reasonably be expected to cause bodily harm, or
- engage in any other conduct that would place the protected person or designated family or household members in reasonable fear of bodily injury.

Designated family or household members:

Name (include first and last name):

4. ☐ No contact or limited contact

Notice: You will not violate the protective order by:

- attending a hearing with the protected person. But you must be a party to the case or a required witness. And you must tell the bailiff that you are a respondent to a protective order when you arrive.

- serving documents you file in court on the protected person. Service may not be in-person under any circumstances, but must otherwise be according to the Rules of Civil Procedure. It must also be civil and not threatening.

☐ You must not harass, telephone, contact, or otherwise communicate with the protected person, directly or indirectly (includes email, text, social media, social media messaging or posts, mail, or other methods of contact).

☐ You and the protected person share custody of one or more minor children. You must only contact the protected person to arrange visits with the children by the methods checked below. Any approved communication must be civil and respectful.

☐ Phone

☐ Text

☐ Email

☐ Third party person (name): _____

☐ Other: _____

☐ For family related matters other than parent time, you must only communicate with the protected person through the person listed below:

First name:	
Middle name or initial (if any):	
Last name:	
Phone or other:	

☐ You and the protected person are working with the Division of Child and Family Services (DCFS) or the Divorce Mediation Program. You must only contact the protected person during case-planning, meetings, or program services with prior written approval from program staff. Any approved communication must be civil and non-threatening.

5. [] Accused minor cannot live at protected person's residence

You **must not** go to the protected person's residence or premises without an officer. You must remove yourself from and stay away from the protected person's residence and premises.

Warning to accused minor: Law enforcement can remove you or keep you away from the protected person's residence or premises if needed.

6. [] Stay away

Notice: You will not violate the protective order by:

- attending a hearing with the protected person. But you must be a party to the case or a required witness. And you must tell the bailiff that you are a respondent to a protective order when you arrive.
- serving documents you file in court on the protected person. Service may not be in-person under any circumstances, but must otherwise be according to the Rules of Civil Procedure. It must also be civil and not threatening.

Warning to accused minor: You **must not** go to the residence or premises of the protected person or other protected places without an officer. Law enforcement can remove you or keep you away from the places frequented by the protected person if needed.

You must stay away from:

[] The protected person's residence;

[] The protected person's school;

[] The protected person's workplace;

[] These other places frequented by the protected person and any designated family members:

(Street, City, State, ZIP)

(Street, City, State, ZIP)

[] You must stay away from the protected person if you encounter them at any other location not listed in this order. You must not communicate or have contact with the protected person and must leave. If leaving is not an option (such as at your place of employment or at a required court hearing), you must move as far away as possible to avoid any confrontation.

7. [] Personal property is transferred as follows:

To you	To the protected person

Warning to accused minor: You **must not** go to the residence of the protected person or other protected places without an officer. Law enforcement can evict you or keep you away from the places frequented by the protected person if needed.

8. ☐ Monitoring programs

☐ You must participate in and comply with an electronic monitoring program.
(Your location is monitored with a wearable tracking device.)

☐ You must participate in and comply with these monitoring programs:

9. ☐ Other orders

10. ☐ Orders to agencies

A law enforcement officer from:

_____ (police agency) will enforce the orders
checked below:

☐ Remove and require you to stay away from the protected person's residence.

☐ Accompany you one time to get your personal property.

☐ Accompany the protected person to get their personal property.

Notices to accused minor:

This order is in effect until further order of the court, trial, or other resolution of the case.

Penalties for violating this order (Utah Code 78B-7-806(3))

If you do not obey this order, you can be arrested and charged with a new offense. The new offense would be Violation of a Protective Order, which is a:

- Third degree felony, if you were charged of committing a felony in this case.
- Class A misdemeanor, if you were charged of committing a misdemeanor in this case.

You may become subject to federal law because this protective order was issued against you. This would mean that it would be a crime for you to possess, transport, ship or receive any firearm or ammunition, including a hunting weapon.

The accused minor was afforded both notice and opportunity to be heard in the hearing that gave rise to this order. Pursuant to the Violence Against Women Act of 1994, P.L. 103-322, 108 Stat. 1796, 18 U.S.C. Sec. 2265, this order is valid in all the United States, the District of Columbia, tribal lands, and United States territories. This order complies with the Uniform Interstate Enforcement of Domestic Violence Protection Orders Act. (Utah Code 78B-7-105.5(4))

Notice to accused minor, petitioner, and protected person:

The parties cannot change or dismiss this order. Only the court has the authority to change or dismiss this order. If you want to ask the court to change or dismiss this order, you must file a motion with the court.

— The court completes this section —

Expiration date for National Crime Information Center purposes only: 01/01/3000

Date

Signature ► _____
Judge _____

— Accused minor fills out below —

Accused minor accepts service of this protective order.

Date

Signature ► _____
Accused minor _____

The parent, guardian or custodian of the accused minor accepts service of this protective order on behalf of the accused minor, or the accused minor has consulted with legal counsel prior to accepting service.

		Signature ►	_____
_____	Date		
	Parent, guardian or custodian		_____

		Signature ►	_____
_____	Date		
	Legal counsel		_____

**Protective Order Acknowledgment
of Firearm Restriction**

Case Number _____

Now that I have been served with this juvenile delinquency protective order, I understand that:

- I am a restricted person;
- as a restricted person, I cannot purchase, transfer, possess, or own a firearm (as defined by federal and state law) or ammunition;
- I must give up all the firearms and ammunition I possess and I will not be able to possess any firearms or ammunition unless the court restores my right in an order in the future; and
- there can be additional consequences and penalties if I violate this restriction. Under state law consequences could include detention.
- there can be additional penalties under federal law if I violate this restriction.
- I may be eligible for an affirmative defense to a state-law prosecution for possession of a firearm under Utah Code 76-10-503 if within 10 days of becoming a restricted person I lawfully transfer my firearms to a person who can legally possess firearms and does not live with me.

I was told all of the above by the court, the prosecuting attorney, my attorney, or a peace officer who served me the criminal protective order.

I am signing this acknowledgment in front of the court or a peace officer.

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

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

Signature ►

Date

Printed Name

**Protective Order Acknowledgment
of Firearm Restriction**

Case Number _____

(To be signed by the accused minor and scanned into CARE)

Now that I have been served with this juvenile delinquency protective order, I understand that:

- I am a restricted person;
- as a restricted person, I cannot purchase, transfer, possess, or own a firearm (as defined by federal and state law) or ammunition;
- I must give up all the firearms and ammunition I possess and I will not be able to possess any firearms or ammunition unless the court restores my right in an order in the future; and
- there can be additional consequences and penalties if I violate this restriction. Under state law consequences could include detention.
- there can be additional penalties under federal law if I violate this restriction.
- I may be eligible for an affirmative defense to a state-law prosecution for possession of a firearm under Utah Code 76-10-503 if within 10 days of becoming a restricted person I lawfully transfer my firearms to a person who can legally possess firearms and does not live with me.

I was told all of the above by the court, the prosecuting attorney, my attorney, or a peace officer who served me the criminal protective order.

I am signing this acknowledgment in front of the court or a peace officer.

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

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

Signature ►

Date

Printed Name

Name

Address (omit if safeguarded)

City, State, Zip (omit if safeguarded)

Phone (omit if safeguarded)

Email (omit if safeguarded)

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

In the Juvenile Court of Utah

_____ Judicial District _____ County

Court Address _____

State of Utah, in the interest of

Last name, first name

A minor

☐ under ☐ over 18 years of age, and
☐ represented ☐ not represented.

**Request for Sentencing
(Dispositional) Protective Order or
to Change a Sentencing
(Dispositional) Protective Order**
Utah Code 78B-7-804 and 78B-7-805

Case Number

Judge

1. I am:

☐ asking for a Sentencing (Dispositional) Protective Order.

☐ asking to change a Sentencing (Dispositional) Protective Order. (if you are a victim, you will need to attach a Request for Juvenile Criminal (Dispositional) Hearing form.)

Case Information

The adjudicated minor has been placed on probation or entered into a plea in abeyance agreement after the court issued a formal decision.

2. Victim needing protection (protected person): (Attach the Required Criminal (Dispositional) Protective Order Information – Juvenile form for this person.)

First name:	
Middle name or initial (if any):	
Last name:	

[] I ask to protect additional victims. Attached are the added Required Criminal (Dispositional) Protective Order Information - Juvenile forms that includes each additional victim's first and last name and relationship to the adjudicated minor.

3. Adjudicated minor:

First name:	
Middle name or initial (if any):	
Last name:	

Request for Protective Orders

I ask the court for the following orders. (Choose all that apply.)

5. [X] No domestic violence or abuse

Order the adjudicated minor not to do any of the following to the protected person or any of the designated family or household members:

- threaten to commit or commit acts of domestic violence or abuse,
- harass,
- threaten,
- stalk,
- use, attempt to use, or threaten to use physical force that would reasonably be expected to cause bodily harm, or
- engage in any other conduct that would place the protected person or designated family or household members in reasonable fear of bodily injury.

Designated family or household members:

Name (include first and last name)	Relationship to the protected person

--	--

6. ☐ No contact or limited contact

Notice: The adjudicated minor will not violate the protective order by:

- attending a hearing with the protected person. But they must be a party to the case or a required witness.
- serving documents they file in court on the protected person. Service may not be in-person under any circumstances, but must otherwise be according to the Rules of Civil Procedure. It must also be civil and not threatening.

☐ Order the adjudicated minor not to harass, telephone, contact, or otherwise communicate with the protected person, directly or indirectly (includes email, text, social media, social media messaging or posts, mail, or other methods of contact).

☐ The adjudicated minor and the protected person share custody of one or more minor children. Order the adjudicated minor to only contact the protected person to arrange visits with the children by the options below. Any approved communication must be civil and nonthreatening. (Choose the preferred method(s) of contact.)

☐ Phone: _____

☐ Text: _____

☐ Email: _____

☐ Third party person (name): _____

 Contact information for third party person: _____

☐ Other (specify): _____

☐ The adjudicated minor and the protected person are working with the Division of Child and Family Services (DCFS) or the Divorce Mediation Program. Order the adjudicated minor to only contact the protected person during case-planning, meetings, or program services with prior written approval from program staff. Any approved communication must be civil and non-threatening.

7. ☐ Adjudicated minor cannot live at protected person's residence

Order the adjudicated minor to be removed from the protected person's residence and the premises. Order that the adjudicated minor cannot live at the protected person's residence and the premises.

8. [] Stay away

Notice: The adjudicated minor will not violate the protective order by:

- attending a hearing with the protected person. But they must be a party to the case or a required witness.
- serving documents they file in court on the protected person. Service may not be in-person under any circumstances, but must otherwise be according to the Rules of Civil Procedure. It must also be civil and not threatening.

Order the adjudicated minor to stay away from:

- [] The protected person's residence;
- [] The protected person's school;
- [] The protected person's workplace;
- [] These other places frequented by the protected person and any designated family members (you must write an address if you ask the judge to order the adjudicated minor to stay away from a specific place):

(Street, City, State, ZIP)

(Street, City, State, ZIP)

- [] Order the adjudicated minor to stay away from the protected person if they encounter them at any other location not listed in this order. The adjudicated minor must not communicate or have contact with the protected person and must leave. If leaving is not an option (such as at the adjudicated minor's place of employment), the adjudicated minor must move as far away as possible to avoid any confrontation.

9. [] Property Orders

Order personal property to be transferred as follows:

To the accused minor:	To the protected person:

--	--

10. ☐ Monitoring programs

- ☐ Order the adjudicated minor to participate in and comply with an electronic monitoring program. (The adjudicated minor's location is monitored with a wearable tracking device.)
- ☐ Order the adjudicated minor to participate in and comply with a monitoring program (can include substance abuse testing, alcohol testing, supervised parent-time, etc.)

Requested program (describe):

11. ☐ No guns or weapons:

- ☐ Order the adjudicated minor not to use, possess, have, or buy a gun or firearm.
- ☐ Order the adjudicated minor not to use, possess, have, or buy any of these weapons (list weapons):

_____.

- ☐ Order the adjudicated minor to hand in any guns or firearms that the adjudicated minor owns or possesses.

- ☐ Order the adjudicated minor to hand in any of these weapons the adjudicated minor

owns or possesses (list weapons):

_____.

12. ☐ Restitution

Order the adjudicated minor to pay restitution to the protected person in accordance with the Crime Victims Restitution Act (Title 77, Chapter 38b).

13. ☐ Transfer Wireless Phone Numbers

Order the adjudicated minor and the wireless service provider to transfer the protected person's current wireless phone numbers to a new account of the protected person's choice.

- The adjudicated minor is the account holder for the following wireless phone numbers:

- The numbers are assigned to phones that are primarily used by the protected person, or by people who will live with the protected person while the protective order is in effect.
- The protected person will have full financial responsibility for each wireless phone number, beginning on the day of transfer. This includes monthly service costs and costs for any mobile device associated with the wireless phone numbers.
- A wireless service provider may apply standard requirements for account establishment to the protected person when transferring financial responsibility.

14. ☐ Other orders

Other orders requested (List any other orders needed to protect the protected person and the protected person's immediate family or household members.)

15. ☐ Requested orders to agencies

Order a law enforcement officer from:

_____ (police agency) to enforce the orders checked below:

- ☐ Remove and require the adjudicated minor to stay away from the protected person's residence.
- ☐ Accompany the adjudicated minor one time to get their personal property.

[] Accompany the protected person to get their personal property.

Petitioner

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

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

_____	Signature ►	_____
Date	Printed Name	_____

or

Prosecutor or attorney (if applicable)

_____	Signature ►	_____
Date	Printed Name	_____

In the Juvenile Court of Utah

_____ Judicial District, _____ County

Court Address _____

State of Utah, in the interest of _____ Last name, first name A minor [] under [] over 18 years of age, and [] represented [] not represented.	Sentencing (Dispositional) Protective Order (Utah Code 78B-7-804 and 78B-7-805) _____ Case Number _____ Judge
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1. Party information

Victim needing protection (protected person):

First name:	
Middle name or initial (if any):	
Last name:	

Victim needing protection (protected person):

First name:	
Middle name or initial (if any):	
Last name:	

Adjudicated minor:

First name:	
Middle name or initial (if any):	
Last name:	

The court finds

The adjudicated minor has been placed on probation or entered into a plea in abeyance agreement after the court issued a formal decision. The adjudicated minor represents a credible threat to the physical safety of the protected person.

The protected person is:

☐ an intimate partner of the adjudicated minor. (The adjudicated minor and the protected person are or were married, are the parents of a shared child, cohabitate or have cohabited together). (18 U.S.C. Sec. 921 (a)(32)).

☐ the child of an intimate partner of the adjudicated minor.

☐ not an intimate partner of the adjudicated minor, but is a cohabitant under Utah law.

☐ not an intimate partner or cohabitant, but is a victim.

The court orders

You, the adjudicated minor must obey all orders marked below.

2. ☒ No domestic violence or abuse

You must not to do any of the following to the protected person or any of the designated family or household members:

- threaten to commit or commit acts of domestic violence or abuse,
- harass,
- threaten,
- stalk,
- use, attempt to use, or threaten to use physical force that would reasonably be expected to cause bodily harm, or
- engage in any other conduct that would place the protected person or designated family or household members in reasonable fear of bodily injury.

Designated family or household members:

Name (include first and last name):

3. ☐ **No contact or limited contact**

Notice: You will not violate the protective order by:

- attending a hearing with the protected person. But you must be a party to the case or a required witness. And you must tell the bailiff that you are a respondent to a protective order when you arrive.
- serving documents you file in court on the protected person. Service may not be in-person under any circumstances, but must otherwise be according to the Rules of Civil Procedure. It must also be civil and not threatening.

☐ You must not harass, telephone, contact, or otherwise communicate with the protected person, directly or indirectly (includes email, text, social media, social media messaging or posts, mail, or other methods of contact).

☐ You and the protected person share custody of one or more minor children. You must only contact the protected person to arrange visits with the children by the methods checked below. Any approved communication must be civil and respectful.

☐ Phone

☐ Text

☐ Email

☐ Third party person (name): _____

☐ Other: _____

☐ You and the protected person are working with the Division of Child and Family Services (DCFS) or the Divorce Mediation Program. You must only contact the protected person during case-planning, meetings, or program services with prior written approval from program staff. Any approved communication must be civil and non-threatening.

4. ☐ **Adjudicated minor cannot live at protected person's residence**

You **must not** go to the protected person's residence or premises without an officer. You must remove yourself from and stay away from the protected person's residence and premises.

Warning to adjudicated minor: Law enforcement can remove you or keep you away from the protected person's residence or premises if needed.

5. ☐ **Stay away**

Notice: You will not violate the protective order by:

- attending a hearing with the protected person. But you must be a party to the case or a required witness. And you must tell the bailiff that you are a respondent to a protective order when you arrive.
- serving documents you file in court on the protected person. Service may not be in-person under any circumstances, but must otherwise be according to the Rules of Civil Procedure. It must also be civil and not threatening.

Warning to adjudicated minor: You **must not** go to the residence or premises of the protected person or other protected places without an officer. Law enforcement can remove you or keep you away from the places frequented by the protected person if needed.

You must stay away from:

☐ The protected person's residence;

☐ The protected person's school;

☐ The protected person's workplace;

☐ These other places frequented by the protected person and any designated family members:

(Street, City, State, ZIP)

(Street, City, State, ZIP)

☐ You must stay away from the protected person if you encounter them at any other location not listed in this order. You must not communicate or have contact with the protected person and must leave. If leaving is not an option (such as at your place of employment or at a required court hearing), you must move as far away as possible to avoid any confrontation.

6. ☐ Personal property is transferred as follows:

To you	To the protected person

--	--

Warning to adjudicated minor: You **must not** go to the residence of the protected person or other protected places without an officer. Law enforcement can evict you or keep you away from the places frequented by the protected person if needed.

7. ☐ Monitoring programs

☐ You must participate in and comply with an electronic monitoring program.
(Your location is monitored with a wearable tracking device.)

☐ You must participate in and comply with these monitoring programs:

8. ☐ No guns or weapons:

☐ You must not use, possess, have, or buy a gun or firearm.

☐ You must not use, possess, have, or buy any of these weapons:

☐ You must turn over any guns or firearms that you own or possess by:

_____ to:

(date: mm/dd/yyyy)

☐ A law enforcement agency _____
(law enforcement agency)

☐ A family member who does not live with you. The family member must agree to keep the gun or firearms from you in a sworn affidavit submitted to the courts for this option.

(name): _____

☐ Other (specify): _____

☐ You must turn over any of these weapons you own or possess:

by:_____.

(date: mm/dd/yyyy)

You must turn over these weapons listed above to:

☐ A law enforcement agency _____
(law enforcement agency)

☐ A family member who does not live with you. The family member must agree to keep these weapons from you in a sworn affidavit submitted to the courts for this option. A family member (name):_____

☐ Other (specify):_____

9. ☐ Restitution

You must pay restitution to the protected person in accordance with the Crime Victims Restitution Act (Title 77, Chapter 38b).

10. ☐ Transfer Wireless Phone Number(s)

You and the wireless service provider must transfer the protected person's current wireless phone numbers to a new account of the protected person's choice.

11. ☐ Other orders

12. ☐ Orders to agencies

A law enforcement officer from:

_____ (police agency) will enforce the orders checked below:

☐ Remove and require you to stay away from the protected person's residence.

☐ Accompany you one time to get your personal property.

☐ Accompany the protected person to get their personal property.

[] Receive and hold your guns or firearms for safekeeping until further order of the court.

Notices to adjudicated minor:

This order is in effect until further order of the court.

Penalties for violating this order (Utah Code 78B-7-806(3))

If you do not obey this order, you can be arrested and charged with a new offense. The new offense would be Violation of a Protective Order, which is a:

- Third degree felony, if you were adjudicated of committing a felony in this case.
- Class A misdemeanor, if you were adjudicated of committing a misdemeanor in this case.

You may become subject to federal law because this protective order was issued against you. This would mean that it would be a crime for you to possess, transport, ship or receive any firearm or ammunition, including a hunting weapon.

The adjudicated minor was afforded both notice and opportunity to be heard in the hearing that gave rise to this order. Pursuant to the Violence Against Women Act of 1994, P.L. 103-322, 108 Stat. 1796, 18 U.S.C. Sec. 2265, this order is valid in all the United States, the District of Columbia, tribal lands, and United States territories. This order complies with the Uniform Interstate Enforcement of Domestic Violence Protection Orders Act. (Utah Code 78B-7-105.5(4))

Notice to adjudicated minor, petitioner, and protected person:

The parties cannot change or dismiss this order. Only the court has the authority to change or dismiss this order. If you want to ask the court to change or dismiss this order, you must file a motion with the court.

— The court completes this section —

Expiration date for National Crime Information Center purposes only: 01/01/3000

Date

Signature ► _____
Judge _____

— Adjudicated minor fills out below —

Adjudicated minor accepts service of this protective order.

Date
Signature ► _____
Adjudicated minor _____

The parent, guardian or custodian of the adjudicated minor accepts service of this protective order, or the adjudicated minor has consulted with legal counsel prior to accepting service.

Date
Signature ► _____
Parent, guardian or custodian _____

Date
Signature ► _____
Legal counsel _____

**Protective Order Acknowledgment
of Firearm Restriction**

Case Number _____

Now that I have been served with this juvenile delinquency protective order, I understand that:

- I am a restricted person;
- as a restricted person, I cannot purchase, transfer, possess, or own a firearm (as defined by federal and state law) or ammunition;
- I must give up all the firearms and ammunition I possess and I will not be able to possess any firearms or ammunition unless the court restores my right in an order in the future; and
- there can be additional consequences and penalties if I violate this restriction. Under state law consequences could include detention.
- there can be additional penalties under federal law if I violate this restriction.
- I may be eligible for an affirmative defense to a state-law prosecution for possession of a firearm under Utah Code 76-10-503 if within 10 days of becoming a restricted person I lawfully transfer my firearms to a person who can legally possess firearms and does not live with me.

I was told all of the above by the court, the prosecuting attorney, my attorney, or a peace officer who served me the criminal protective order.

I am signing this acknowledgment in front of the court or a peace officer.

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

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

Signature ►

Date

Printed Name

**Protective Order Acknowledgment
of Firearm Restriction**

Case Number _____

(To be signed by the accused minor and scanned into CARE)

Now that I have been served with this juvenile delinquency protective order, I understand that:

- I am a restricted person;
- as a restricted person, I cannot purchase, transfer, possess, or own a firearm (as defined by federal and state law) or ammunition;
- I must give up all the firearms and ammunition I possess and I will not be able to possess any firearms or ammunition unless the court restores my right in an order in the future; and
- there can be additional consequences and penalties if I violate this restriction. Under state law consequences could include detention.
- there can be additional penalties under federal law if I violate this restriction.
- I may be eligible for an affirmative defense to a state-law prosecution for possession of a firearm under Utah Code 76-10-503 if within 10 days of becoming a restricted person I lawfully transfer my firearms to a person who can legally possess firearms and does not live with me.

I was told all of the above by the court, the prosecuting attorney, my attorney, or a peace officer who served me the criminal protective order.

I am signing this acknowledgment in front of the court or a peace officer.

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

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

Signature ►

Date

Printed Name

Name

Address (omit if safeguarded)

City, State, Zip (omit if safeguarded)

Phone (omit if safeguarded)

Email (omit if safeguarded)

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

In the Juvenile Court of Utah

_____ Judicial District _____ County

Court Address _____

State of Utah, in the interest of

Last name, first name

A minor

☐ under ☐ over 18 years of age, and
☐ represented ☐ not represented.

**Request for a Hearing About a
Pretrial Juvenile Delinquency
Protective Order or Sentencing
(Dispositional) Protective Order**

Case Number

Judge

I am:

- ☐ the protected person, the representative of the protected person, or the prosecutor.
☐ the minor, the representative of the minor, or the minor's attorney.

I want to: (choose #1 or #2)

1. ☐ Get a Pretrial Juvenile Delinquency Protective Order or Sentencing (Dispositional) Protective Order. I am the protected person or a representative of the protected person. I am asking the court for a hearing to ask the judge for a: (Choose one)
 ☐ Pretrial Juvenile Delinquency Protective Order (Utah Code 77-38-4(1)(b & d))
 ☐ Sentencing (Dispositional) Protective Order (Utah Code 77-38-4(1)(b))

2. ☐ Change or dismiss a Pretrial Juvenile Delinquency Protective Order or Sentencing (Dispositional) Protective Order. I am asking the court for a hearing to ask the judge to:

☐ change or ☐ dismiss my: (Choose one)

☐ Pretrial Juvenile Delinquency Protective Order (Utah Code 77-38-4(1)(b & d))

☐ Sentencing (Dispositional) Protective Order (Utah Code 77-38-4(1)(b))

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

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

Signature ►

Date

Printed Name

Or

Prosecutor or attorney (if applicable)

Signature ►

Date

Printed Name

**Required Criminal (Dispositional)
Protective Order Information -
Juvenile**

Utah Code of Judicial Administration Rule 4-
202.02

Case Number

Número de caso

**Aviso de información protegida
- Juvenil**

Código de Utah de Administración Judicial Regla
4-202.02

Filing instructions: The information on this form must be entered into the protective order record (DPS). This form contains safeguarded information.

Instrucciones de presentación: No haga una presentación electrónica, ni presente en el tribunal, ni suba al sistema este formulario. La información en este formulario debe ser capturada en el registro de la orden de protección (DPS por sus siglas en inglés.) Este formulario contiene información protegida. Cuando haya llenado el formulario envíelo por correo electrónico al tribunal.

Warning: You must complete this form and submit it to the court to apply for a criminal protective order. Information you give on this form will **only** be used to enforce the protective order for your safety and may stop the accused minor from purchasing firearms. Fill out as much of this form as you can. If any of this information changes, fill out a new form and submit it to the court.

Aviso: Para solicitar una orden de protección penal usted deberá llenar este formulario y entregarlo en el tribunal. La información que usted proporcione en este formulario **solo** será usada para hacer cumplir la orden de protección para su seguridad y podría impedir que el menor acusado compre armas de fuego. Llene éste formulario lo mejor que pueda. Si la información cambia, llene uno nuevo y entréguelo en el tribunal.

1. Person needing protection (protected person):

La persona que necesita protección (la persona protegida):

First name: Nombre:	
Middle name or initial (if any): Otros nombres o iniciales(si las hay):	

Last name: Apellido:	
Date of birth (mm/dd/yyyy)(required): Fecha de nacimiento(mes,día,año)(obligatorio):	
Social security number (xxx-xx-xxxx)(if known): Número de seguro social (xxx-xx-xxxx) (si lo sabe):	

If there is more than one protected person, please add another Required Criminal (Dispositional) Protective Order Information – Juvenile for each person needing protection. The courts need information about each protected person including the date of birth, their relationship with the accused minor, and any designated family or household members that will also be protected by this protective order.

2. Accused minor:

Menor acusado:

First name: Nombre:	
Middle name or initial (if any): Otros nombres o iniciales (si las hay):	
Last name: Apellido:	
Date of birth (mm/dd/yyyy)(required): Fecha de nacimiento(mes,día,año)(obligatorio):	
Social security number (xxx-xx-xxxx)(if known): Número de seguro social (xxx-xx-xxxx) (si lo sabe):	

Phone number (xxx-xxx-xxxx): Número de teléfono (xxx-xxx-xxxx):	
Email address: Dirección de correo electrónico:	
Residential address (include city, state and zip code)	

The accused minor's ethnicity, race, and gender information will not affect the outcome of the case. This information will **only** be used to enforce the protective order for your safety and may stop the accused minor from purchasing firearms.

La información sobre la etnicidad, raza y género del menor acusado no afectará el resultado del caso. Esta información **solo** será usada para hacer cumplir la orden de protección para su seguridad y podría impedir que el menor acusado compre armas de fuego.

The accused minor's ethnicity is (Choose one.)(required):

La etnicidad del menor acusado es (Elija una.)(obligatorio)

☐ Of Hispanic, Latino/a/x, or Spanish origin

De origen hispano, latino, o español

☐ Not of Hispanic, Latino/a/x, or Spanish origin

No de origen hispano, latino o español

☐ Prefer not to answer

Prefiero no responder

The accused minor's race is (Choose one.)(required):

La raza del menor acusado es (Elija una.)(obligatorio)

☐ American Indian or Alaska Native

Indio Americana o nativo de Alaska

☐ Asian (Central/East/South/Southeast)

Asiática (Central, del este, del sur, del sureste)

☐ Black or African American

Negra o Afro Americana

☐ Native Hawaiian or Other Pacific Islander

Nativo de Hawái o de otras islas del Pacífico

☐ White

Blanca

☐ Another race, ethnicity, or origin

De otra raza, etnicidad, u origen

☐ Write in: _____

Escriba de cuál: _____

☐ Prefer not to answer

Prefiero no responder

The accused minor's gender is (Choose one.)(required):

El género del menor acusado es (Elija una.)(obligatorio)

☐ Female

Mujer

☐ Male

Hombre

☐ Gender non-binary

No perteneciente al género binario

☐ Transgender female

Mujer transexual

☐ Transgender male

Hombre transexual

☐ Write in: _____

Escriba el género: _____

☐ Prefer not to answer

Prefiero no responder

3. Relationship with the accused minor

The protected person (choose all that apply):

- ☐ is married to the accused minor.
- ☐ is divorced from the accused minor.
- ☐ lives with the accused minor as a couple.
- ☐ used to live with the accused minor as a couple.
- ☐ has or had a child or children with the accused minor.
- ☐ is in a consensual sexual relationship with the accused minor.
- ☐ used to be in a consensual sexual relationship with the accused minor.
- ☐ lives in the same home as the accused minor.
- ☐ used to live in the same home as the accused minor.
- ☐ is related by blood, marriage or adoption as a child, parent, aunt, uncle, niece, nephew, grandparent, grandchild, or sibling of the accused minor. (Specify the relationship):

☐ is expecting a child with the accused minor. (Due date in mm/dd/yyyy):

☐ other (specify the relationship with the accused minor):

☐ does not or did not have a relationship with the accused minor.

4. Other people you want protected (any designated family or household members listed in the request)

Otras personas que usted quiera que estén protegidas (cualquier miembro designado de la familia o del hogar y que se encuentre en la solicitud)

Name (include first and last name) (required) Nombre (incluya nombre y apellido) (obligatorio)	Date of birth (mm/dd/yyyy) (required) Fecha de nacimiento	Relationship to the protected person (required)	Relationship to the accused minor (required)
---	--	---	--

	(mes, día y año) (obligatorio)	Relación con la persona protegida (obligatorio)	

If you have more people to list from the request, write them on a separate piece of paper and attach it to this form.

Si tiene más personas en la solicitud que necesite enumerar, escríbalas en una hoja de papel y anéxela a este formulario.

5. Other Court Cases

There are:

- ☐ No other court cases involving the protected person, accused minor, or their children.
- ☐ The following court cases involving the protected person, accused minor, or their children.

(If marked, list all court cases below to the best of your knowledge.)

Court case name		Court case number	
Judge's name		County and state	
Type of case	<input type="checkbox"/> Civil litigation <input type="checkbox"/> Juvenile court proceeding <input type="checkbox"/> Criminal case <input type="checkbox"/> Order of protection		
Person involved	<input type="checkbox"/> Protected person <input type="checkbox"/> Accused minor	Did the judge make an order?	<input type="checkbox"/> Yes <input type="checkbox"/> No

Court case name		Court case number	
Judge's name		County and state	
Type of case	<input type="checkbox"/> Civil litigation <input type="checkbox"/> Juvenile court proceeding <input type="checkbox"/> Criminal case <input type="checkbox"/> Order of protection		

Person involved	<input type="checkbox"/> Protected person <input type="checkbox"/> Accused minor	Did the judge make an order?	<input type="checkbox"/> Yes <input type="checkbox"/> No
-----------------	---	------------------------------	---

Court case name		Court case number	
Judge's name		County and state	
Type of case	<input type="checkbox"/> Civil litigation <input type="checkbox"/> Juvenile court proceeding <input type="checkbox"/> Criminal case <input type="checkbox"/> Order of protection		
Person involved	<input type="checkbox"/> Protected person <input type="checkbox"/> Accused minor	Did the judge make an order?	<input type="checkbox"/> Yes <input type="checkbox"/> No

Court case name		Court case number	
Judge's name		County and state	
Type of case	<input type="checkbox"/> Civil litigation <input type="checkbox"/> Juvenile court proceeding <input type="checkbox"/> Criminal case <input type="checkbox"/> Order of protection		
Person involved	<input type="checkbox"/> Protected person <input type="checkbox"/> Accused minor	Did the judge make an order?	<input type="checkbox"/> Yes <input type="checkbox"/> No

Petitioner

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 _____

Peticionario(a)

Declaro bajo pena de perjurio de conformidad con la ley de Utah que todo lo escrito en este documento es verdadero.

Firmado en _____ (ciudad, y estado o país.)

Fecha

Firma ►

Nombre con letra de molde

Or / O

Prosecutor or attorney (if applicable)

Date

Signature ►

Printed Name

Fiscal o abogado (si se aplica)

Fecha

Firma ►

Nombre con letra de molde

**Affidavit for Filing an
Out-of-State, Tribal,
or Canadian**

Case Number: _____

District: _____

County: _____

State: Utah

Protective Order

(Utah Code 78B-7-301 to 310
and 78B-7-1201 to 1210)

Judge: _____

Commissioner: _____

1 Who is the petitioner (person protected by the protective order)?

First name:	
Middle name or initial (if any):	
Last name:	

What is your date of birth? (mm/dd/yyyy)(required)

What is your address, phone number, and email address? (to keep private, leave blank and attach a Request to Safeguard Contact Information from Other Parties)

Street

City, State, ZIP Code

Phone (xxx-xxx-xxxx)

Email address

If you have an attorney, what is their name, phone number, and email address?

Name: _____

Phone (xxx-xxx-xxxx)

Email address

2 Who is the respondent (person you need to be protected from)?

First name:	
Middle name or initial (if any):	
Last name:	

What is their date of birth? (Choose one)(required)

[] Their date of birth is (mm/dd/yyyy): _____

[] I don't know. My best guess is (mm/dd/yyyy): _____

What is their social security number? (xxx-xx-xxxx)(if you don't know, leave blank):

What is their ethnicity? (Choose one.)(required)

- ☐ Of Hispanic, Latino/a/x, or Spanish origin ☐ Not of Hispanic, Latino/a/x, or Spanish origin ☐ Prefer not to answer

What is their race? (Choose one.)(required)

- ☐ American Indian or Alaska Native ☐ Asian (Central/East/South/Southeast) ☐ Black or African American
- ☐ Native Hawaiian or Other Pacific Islander ☐ White ☐ Another race, ethnicity, or origin
- ☐ Prefer not to answer ☐ Write in: _____

What is their gender? (Choose one.)(required):

- ☐ Female ☐ Male ☐ Gender non-binary
- ☐ Transgender female ☐ Transgender male ☐ Prefer not to answer
- ☐ Write in: _____

What is their address, phone number, and email address?

Street

City, State, ZIP Code

Phone (xxx-xxx-xxxx)

Email address

3 What is your relationship to the Respondent? (Check all that apply)

- ☐ a. We are married now.
- ☐ b. We used to be married.
Date of Divorce: _____
- ☐ c. We live together as a couple.
- ☐ d. We used to live together as a couple.
- ☐ e. We are or used to be in a consensual sexual relationship.
- ☐ g. We are related by blood, marriage, or adoption as a child, parent, aunt, uncle, niece, nephew, grandparent, grandchild, or sibling. (Specify the relationship): _____
- ☐ h. We are expecting a child now.
List Due Date: _____
- ☐ i. Other. (Please describe) _____

☐ f. We live or used to live in the same home _____

☐ j. We have or had a child or children together.
List below:

Child's Name	Birth date (mm/dd/yyyy)	Address

4 Who else is protected by this protective order?

Name (include first and last name) (required)	Date of birth (mm/dd/yyyy) (required)	Relationship to you (required)	Relationship to the respondent (required)

I swear that:

- I have attached a certified copy of a protective order issued in (State, Tribal Nation, or Canada):

- To the best of my knowledge, the Respondent was personally served a copy of this order.
- To the best of my knowledge, the protective order is now valid as written.
- The protective order expires on _____. (Write NONEXP if there is no expiration date).

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 _____

Name

Address

City, State, Zip

Phone

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

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

In the District Court of Utah

_____ Judicial District _____ County

Court Address _____

Petitioner

v.

Respondent

**Certificate of Service of Occupancy
Hearing Disclosures**

Utah Rule of Civil Procedure 26(f) and 26.3

Case Number

Judge

Commissioner (domestic cases)

I certify that I served a copy of my Occupancy Hearing Disclosures on 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.)		

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
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.)		

_____ 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 Certificate of Service of Occupancy Hearing Disclosures 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.)		

Your
Signature ►

Date
(when you filled this out)

Your Printed
Name

Name

Address

City, State, Zip

Phone

Email

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

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

In the District Court of Utah

_____ Judicial District _____ County

Court Address _____

<p>_____ Plaintiff</p> <p>v.</p> <p>_____ Defendant</p>	<p>Plaintiff's Affidavit of Damages</p> <p>_____ Case Number</p> <p>_____ Judge</p>
---	--

Plaintiff says

1. Rent due after the notice expired (Check one. Fill in blanks if appropriate.)

- ☐ There was no agreement for defendants to pay rent. No rent was ever paid.
- ☐ There is a written or oral agreement for the defendants to pay rent.
- a. The monthly rent for the property is: \$_____.
 - b. The monthly rent divided by 30 is: \$_____. This is the daily rent.
 - c. The notice was served on: _____.
 - d. The notice is a _____ (number of days) notice.

- e. Skipping the day I served the notice (day zero), it expired on _____.
(Read the notice and compare paragraphs 3 and 4. Calculate the date based on when you served the notice and the number of days it gave to comply.)
- f. It has been _____ days since the notice expired.
- g. If I multiply the daily rent from paragraph 2 by the number of days in paragraph 6, it gives me a total of \$_____.

2. Amounts due under the contract besides rent (Check one. Fill in blanks if appropriate.)

☐ Defendants do not owe any other amounts under the contract.

☐ Defendants owe \$_____ under the contract. It is for (explain)

3. Waste (Check one. Fill in blanks if appropriate.)

☐ The complaint did not include a notice for waste.

☐ The complaint included a notice for waste. Defendants owe \$_____ for waste because (explain):

4. Clearing a nuisance (Check one. Fill in blanks if appropriate.)

☐ The complaint did not include a notice for criminal nuisance.

☐ The complaint included a notice for criminal nuisance. Defendants owe \$_____ for clearing a nuisance because (explain):

5. Treble damages

When I add the totals in paragraphs 1, 2, 3, and 4 above the total is \$_____. That amount multiplied by 3 is \$_____.

6. Past due rent as listed in the 3-day notice (Check one. Fill in blanks if appropriate.)

- ☐ There is no past due rent owed from before the notice was filed.
- ☐ The defendants owe \$_____ in past due rent. This is the amount that was listed on the 3-day notice.

7. Attorney Fees (Check one. Fill in blanks if appropriate.)

- ☐ I do not have an attorney or no attorney fees are owed.
- ☐ The defendants owe \$_____ in attorney fees.

8. Filing Fees (Check one. Fill in blanks if appropriate.)

- ☐ I am not asking for reimbursement of filing fees.
- ☐ The defendants owe \$_____ for the filing fee I paid.

9. Service Fees (Check one. Fill in blanks if appropriate.)

- ☐ I did not have to pay any service fees or I am not asking for reimbursement of serving fees.
- ☐ The defendants owe \$_____ for the fees I paid to have defendants served.

10. Damage to plaintiff's property (Check one. Fill in blank if appropriate.)

- ☐ Defendants did not cause damage beyond normal wear and tear while in possession of plaintiff's property
- ☐ Defendants caused the following damage beyond normal wear and tear while in possession of plaintiff's property (Briefly describe the damage.):

Plaintiff has paid or will pay \$_____ to repair the damage caused by defendant(s). Plaintiff is attaching an itemized list of costs plaintiff has already paid to repair the property. If plaintiff has not yet repaired the property, one or more bids or estimates of the costs of repair are attached.

11. ☐ Other damages

In addition to the amounts above, plaintiff is entitled to \$_____ from defendants for the following reasons. (Include only other damages allowed by statute or case law. Proof is required.)

12. Total Amount of Damages

The total amount of damages I am asking for is \$_____ (add the amounts in paragraphs 5 to 11 above).

Plaintiff

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

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

_____	Signature ►	_____
Date	Printed Name	_____

Attorney or Licensed Paralegal Practitioner of record (if applicable)

_____	Signature ►	_____
Date	Printed Name	_____

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 Plaintiff's Affidavit of Damages 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.)		

Your Signature



Date
(when you filled this out)

Your Printed
Name

Law Enforcement: Do not provide this document to respondent, it contains confidential information.

Instructions to the court: eFile as Protective Order Documents (Safeguarded) > Service Assistance Form

Service Assistance Form

Case Number		Document to be Served	Verified Petition for ExParte Child Protective Order
Court Address			

Information About You				Information About the Party to be Served			
<input type="checkbox"/> Petitioner				<input type="checkbox"/> Respondent		<input type="checkbox"/> Parent/Guardian (if different than Respondent)	
Name				Name			
Alias/Nickname				Alias/Nickname			
Home address				Home Address			
Home phone				Home phone			
Best times to reach				Best times to reach			
Work name & address				Work name & address			
Work phone				Work phone			
Email Address:				Email Address:			
Best times to reach				Best times to reach			
Cell phone				Cell phone			
DOB				SSN		DOB	
				Race		Sex	
				Weight		Height	
				Hair Color		Eye Color	
INSTRUCTIONS: 1. Complete as many of the questions as possible. If you do not know the answer, you may leave the question blank. 2. If the Parent or Guardian of the child(ren) is different than the Respondent, complete one copy of this form with information about the Respondent and a second copy with information about the Parent or Guardian.				Special characteristics (tattoos, scars, etc.)			
				Driver's license Number			
				Vehicle license Number			
				Make		Model	
				Year		Color	
				If this person is on probation or parole, list the name of the agency, officer, and telephone number.			
				Has this person used weapons in a threatening manner or been violent in the past? <input type="checkbox"/> Yes <input type="checkbox"/> No			

Petitioner's Name

The petitioner's address will not be disclosed to the respondent. Utah Code §78B-7-105(6)(d)(ii).

Telephone (may be omitted)

IN THE _____ DISTRICT JUVENILE COURT

COUNTY, STATE OF UTAH

<p>_____ Petitioner,</p> <p>vs.</p> <p>_____ Respondent</p>	<p>VERIFIED PETITION FOR EX PARTE CHILD PROTECTIVE ORDER</p> <p>Case No. _____</p> <p>Judge _____</p>
---	--

PETITIONER IS ADVISED THAT KNOWING FALSIFICATION OF ANY STATEMENT OR INFORMATION PROVIDED FOR THE PURPOSE OF OBTAINING A PROTECTIVE ORDER MAY SUBJECT THE PETITIONER TO FELONY PROSECUTION. (Utah Code 78B-7-202)

Any addresses you provide in the sections below will be disclosed to the respondent and law enforcement. You do not have to list an address.

Petitioner made a referral of abuse to the Division of Child and Family Service (DCFS) based upon the incidents alleged in the petition. (required)

What is the case number DCFS gave you when you made the referral of abuse? This is not the same as the court case number. This is a case number from DCFS.

The Petitioner alleges:

1. Petitioner is seeking a protective order on behalf of the following children:

<u>NAME</u>	<u>BIRTH DATE</u> (mm/dd/yyyy)(required)

2a. The children currently live with:

2b. During the last six months the children has lived with the following individuals at the following addresses (if different than above):

<u>CHILD'S NAME</u>	<u>Lived With</u> (include name and dates)

3a. Petitioner is a person interested in the minor children for the following reasons:

3b. Petitioner's relationship with the children (check one):

☐ The Petitioner is the parent, stepparent, guardian, or custodian of the children.

☐ Other (please describe):

4. Who is the respondent (person the child need to be protected from)?

First name:	
Middle name or initial (if any):	
Last name:	

What is their date of birth? (Choose one)(required)

☐ Their date of birth is (mm/dd/yyyy):

☐ I don't know. My best guess is (mm/dd/yyyy):

What is their social security number? (xxx-xx-xxxx) (if you don't know, leave blank)::

What is their ethnicity? (Choose one.)(required)

☐ Of Hispanic,
Latino/a/x, or Spanish
origin

☐ Not of Hispanic,
Latino/a/x, or Spanish
origin

☐ Prefer not to answer

What is their race? (Choose one.)(required)

☐ American Indian or
Alaska Native

☐ Asian (Central/East/South/
Southeast)

☐ Black or African
American

☐ Native Hawaiian or
Other Pacific
Islander

☐ White

☐ Another race,
ethnicity, or origin

☐ Prefer not to answer

☐ Write in:

What is their gender? (Choose one.)(required):

☐ Female

☐ Male

☐ Gender non-binary

☐ Transgender female

☐ Transgender male

☐ Prefer not to answer

☐ Write in: _____

What is their address, phone number, and email address?

Street

City, State, ZIP Code

Phone (xxx-xxx-xxxx)

Email address

Petitioner's relationship with the Respondent.

Petitioner (choose all that apply):

☐ is married to the respondent.

☐ is divorced from the respondent.

☐ lives with the respondent as a couple.

☐ used to live with the respondent as a couple.

☐ has or had a child or children with the respondent.

☐ is in a consensual sexual relationship with the respondent.

☐ used to be in a consensual sexual relationship with the respondent.

☐ lives in the same home as the respondent.

☐ used to live in the same home as the respondent.

☐ is related by blood, marriage or adoption as a child, parent, aunt, uncle, niece, nephew, grandparent, grandchild, or sibling of the respondent. (Specify the relationship):

☐ is expecting a child with the respondent. (Due date mm/dd/yyyy):

☐ other (specify the relationship with the respondent):

☐ does not or did not have a relationship with the respondent.

Respondent's relationship with the children (check one):

☐ The Respondent is the parent, stepparent, guardian, or custodian of the child/ren

☐ Other (please describe):

5. Either Petitioner or Respondent resided in this county, temporarily resides in this county, or the accts occurred in this county.

6. Do you or the respondent need an interpreter or a disability accommodation? (Choose all that apply)

What language do you or the respondent speak?

What accommodation do you or the respondent need?

[Describe in detail what happened, when the events occurred, where, who was involved (including the child/ren and family and household members), if weapons were involved, and if injuries resulted. State the name and address of any other person who may have witnessed the physical or sexual abuse. Attach more sheets if necessary but only write on one side.]

8. Check **one**:

☐ No cases of any type (divorce, custody, other protective orders, etc.) involving Petitioner, Respondent and/or the others named in this petition have been filed in any court.

☐ The following cases which involve Petitioner, Respondent and/or the others named in this petition have been filed, including the children on behalf of whom Petitioner is seeking a protective order. (List all cases that have been filed in any court, at any time):

Party Who Filed the Case	Filing Date or Judgment Date	Court or County where Case Filed	Case Number and Case Type

9. Check **one**:

☐ Petitioner has not filed for a protective order in any other court of the State.

☐ Petitioner has filed for the following protective orders in another court of the State: (List all protective order filings in any court, at any time):

Respondent; relationship to Petitioner	Date of filing or judgment	Court or County where case filed	Has a judge signed an order?

WHEREFORE: I respectfully request that this Court:

Order the Respondent to appear at a hearing.

Order the Division of Child and Family Services to provide to the Court information regarding the status of Petitioner's referral.

Immediately issue Ex Parte relief on the Child Protective Order and, after a hearing within 21 days, issue a Child Protective Order containing the following relief (Check boxes of relief that you are requesting):

☐ Restrain the Respondent from attempting, threatening or committing abuse against the minor children and from stalking, harassing, or threatening or using or attempting to use physical force that would reasonably be expected to cause physical injury to the minor.

☐ Prohibit the Respondent from directly or indirectly contacting, harassing, telephoning, e-mailing, or otherwise communicating with the minor children.

☐ Order the respondent to stay away from:

(If the children and respondent go to the same school, place of worship or place of employment, the court cannot order respondent to stay away from those places. However, you can ask for restrictions at those locations, such as distance to stay away, areas, or periods of time not to be present.)

☐ the children's residence and any subsequent residence of the minor children. The respondent must vacate and stay away from this residence. Also prohibit the respondent from terminating or interfering with the utility services to the residence.
(choose one)

☐ The children's address is not protected by the Safe at Home Program. (Not sure what this is? Visit this website: www.utcourts.gov/abuse) (choose one)

☐ I do not want the address of the children's residence on the order. I understand it will not be disclosed to the respondent.

OR

☐ I want the following address of the children's residence to be listed on the order and disclosed to the respondent and law enforcement:

(street address)
(City, State, ZIP)

☐ The children's address is protected by the Safe at Home Program.

☐ Their actual address should not be included in the protective order or shared with law enforcement or other criminal justice agencies. Law enforcement agencies can be required to keep the respondent away from their home. I am giving the court a copy of the program authorization card with this request (required).

☐ I am a participant in the Safe at Home Program. The children live with me. I want their actual address included in the protective order and to only be shared with law enforcement and other criminal justice agencies for enforcement purposes. Law enforcement can use the address shown in the Utah Criminal Justice Information System. The children's actual

address will not be public or shared with the respondent. I am giving these required documents to the court with this request:

- a copy of the program authorization card,
- a signed Request to Give Address to Criminal Justice Agencies form (available at www.utcourts.gov/abuse)
- and
- a signed Safe at Home Program Notice of Actual Address form (available at www.utcourts.gov/abuse).

[] Children's school:

Child's name	School name and address (Street, City, State, ZIP)

[] Respondent does not attend the same school as the children.

[] Respondent attends the same school as the children and I ask for the following restrictions at that location:

[] Children's place of worship:

Child's name	Place of worship name and address (Street, City, State, ZIP)

[] Respondent does not attend the same place of worship as the children.

[] Respondent attends the same place of worship as the children and I ask for the following restrictions at that location:

[] Children's work:

Child's name	Work name and address (Street, City, State, ZIP)

- ☐ Respondent does not work at the same place as the children.
- ☐ Respondent works at the same place as the children and I ask for the following restrictions at that location:

- ☐ These places, which the child goes to often:

Child's name	Name of place and address (Street, City, State, ZIP)

☐ Prohibit the Respondent from purchasing, using, or possessing a firearm or other weapon as designated by the court, including:

☐ ***Award possession of the following personal property:***

☐ Order a law enforcement officer to accompany Petitioner and the children to the residence to ensure that the children are safely restored to possession of the listed items.

☐ Order a law enforcement officer to supervise Respondent's removal of essential personal belongings from the residence.

☐ Appoint a Guardian ad Litem to represent the best interests of the children.

☐ Grant appropriate custody of the minor children.

☐ Order the following parent-time arrangement (if requesting parent-time arranged through or supervised by another person, identify that person):

☐ Restrain Respondent from using drugs and/or alcohol prior to or during parent-time.

☐ Restrain Respondent from removing the minor children from the state.

☐ Order Respondent to pay child support in the amount of \$_____ pursuant to the Utah Uniform Child Support Guidelines.

☐ Order Respondent to participate in mandatory income withholding pursuant to Utah Code Annotated § 62A-11, Parts 4 and 5.

☐ Order Respondent to pay one-half of the minor children's day care expenses.

☐ Order Respondent to pay one-half of the minor children's medical expenses including premiums, deductibles and co-payments.

☐ Order Respondent to pay the minor children's medical expenses suffered as a result of abuse in the amount of \$_____.

☐ Order any other relief that the court considers necessary for the safety and welfare of the children, including the following:

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

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

Signature ►

Date

Printed Name

Civil Stalking Injunction

Case Number: _____ District: _____
County: _____ State: Utah
Judge: _____

Petitioner (person who asked for the stalking injunction):

First Name Middle Last

Other people protected by this order:

Address and phone # (to keep private, leave blank):

Name **Date of Birth** **Relationship to Petitioner**

Address and phone # (to keep private, leave blank):	Name	Date of Birth	Relationship to Petitioner
Street	_____	_____	_____
City --- State --- Zip	_____	_____	_____
Phone #	_____	_____	_____

Petitioner's attorney (if any): _____ Phone # _____
Name

Respondent

(person who must obey this stalking injunction):

Describe Respondent

Sex Race Date of Birth Height Weight

First Name Middle Last

Other Names Used _____

Eye Color Hair Color Social Security Number
(last four digits only)

Address

Distinguishing features (like scars, tattoos, limp, etc.)

Street

Driver's license issued by

City --- State --- Zip

(State): _____ Expires _____

Warning! ☐ Weapon involved (Box to be initialed by Court, if applicable)

There was a hearing on (date): _____. The Respondent was given notice and an opportunity to be heard in the hearing that gave rise to this order. The following people were present at the hearing:

☐ Petitioner ☐ Petitioner's attorney (name): _____

☐ Respondent ☐ Respondent's attorney (name): _____

☐ Other (name) _____

The Court reviewed the *Request for Civil Stalking Injunction* and: ☐ received argument and evidence, ☐ accepted the stipulation of the parties, ☐ entered the default of the Respondent for failure to appear, ☐ other: _____, and finds that there is reason to believe that stalking has occurred and that the Respondent is the stalker. (Utah Code 76-5-106.5)

The Respondent must obey all orders initialed by the judicial officer. These orders replace any previous temporary stalking injunction in this case. Violation of these orders is a criminal Class A Misdemeanor, punishable by up to one year in jail and a fine. A second or subsequent violation can result in more severe penalties.

1 ☐ Personal Conduct Order

Do not stalk the Petitioner. This means you must not follow, threaten, annoy, harass, or cause distress to the Petitioner. For a legal definition of stalking, see Utah Code 76-5-106.5.

2 ☐ No Contact Order

Do not contact, phone, text, mail, e-mail, or communicate either directly or indirectly in any way with the Petitioner and any person listed on page 1 of this order and any person listed below.

Other people you must not contact: _____

3 ☐ Stay Away Order

Stay away from:

☐ a. The Petitioner's current or future home, premises or property:

☐ The Petitioner is not a Safe at Home Program participant.

☐ Petitioner has safeguarded their address. Law enforcement is still required to keep the respondent away from the petitioner's home.

☐ Petitioner's home address is:

_____ (address)

☐ The Petitioner is a Safe at Home Program participant under Utah Code 77-38-6.

☐ Their actual address is not included in the civil stalking injunction or shared with law enforcement or other criminal justice agencies. Law enforcement is still required to keep the Respondent away from the Petitioner's home.

☐ They have requested to share their actual address only with law enforcement and other criminal justice agencies for enforcement purposes. Law enforcement can use the address shown in the Utah Criminal Justice Information System. The Petitioner has completed a Request to Give Address to Criminal Justice Agencies form. Their actual address will not be public or shared with the respondent.

- ☐ b. The Petitioner's current or future: ☐ Vehicle ☐ Job ☐ School (*list current addresses below*)

Work address: _____

School address: _____

Describe vehicle: _____

- ☐ c. Other (*specify*): _____

4 ☐ **Child Custody & Parent-time Orders**

The Petitioner will have temporary custody of the minor children listed below. If you do not obey the custody and parent-time orders listed here, the Petitioner may ask for the court's help by filing a motion to enforce the order:

You will have parent-time as follows: _____

You can only communicate with the Petitioner about parent-time through the following person:

The custody and parent-time orders are effective until modified by this court or superseded by another court order.

5 ☐ **Other Orders:** _____

Warnings to the Respondent:

- Attention: This is an official court order. If you disobey this order, the court may find you in contempt. You may also be arrested and prosecuted for the crime of stalking and any other crime you may have committed in disobeying this order.
- No one except the court can change this order.
- This order is valid in all U.S. states and territories, the District of Columbia, and tribal lands. If you go to another U.S. state, territory or tribal land to violate this order, a federal judge can send you to prison.

- It may be a federal crime for you to have, possess, transport, ship, or receive any firearm or ammunition, including hunting weapons, while this civil stalking injunction is in effect.

This order expires in three years on: _____
Month Day Year

Date: _____

Judge (printed name) _____

Respondent's Waiver of Notice

I received a copy of this Civil Stalking Injunction, and waive my right to be personally served with the order.

Respondent's Address

Street City State Zip

Respondent's Signature: _____

Name

Address

City, State, Zip

Phone

Email

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

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

In the District Court of Utah

_____ Judicial District _____ County

Court Address _____

<p>_____ Plaintiff</p> <p>v.</p> <p>_____ Defendant</p>	<p>Designation of Deposition Witnesses and Objections - Eviction Utah Rule of Civil Procedure 26(a)(5) and 26.3</p> <p>_____ Case Number</p> <p>_____ Judge</p> <p>_____ Commissioner (domestic cases)</p>
---	---

Instructions

Do not file this form with the court unless the court orders you to do so. File only the Certificate of Service of Designation of Deposition Witnesses and Objections (Eviction trial) form, which shows when and how you served this document on the other parties.

I _____ (name) provide the following disclosures:

1. **Counter Designation of Deposition Witnesses** (Choose one):

☐ I do not have additional deposition testimony to use at trial.

☐] Now that I know what the other party will use at trial I plan to use the following deposition testimony at trial for witnesses that will not be available for trial.

Name	
Address (if known)	
Phone (if known)	
Summary of expected testimony	

Name	
Address (if known)	
Phone (if known)	
Summary of expected testimony	

2. **Objections to Other Party's Deposition testimony** (Choose one):

☐] I do not object to the deposition testimony disclosed by the other party.

☐] I object to the deposition testimony of the following witnesses disclosed by the other party. (Attach additional pages if needed.)

Name	
Objections and grounds	

Name	
Objections and grounds	

--	--

3. **Objections to Other Party's Witnesses** (Choose one):

☐ I do not object to the witnesses disclosed by the other party.

☐ I object to the following witnesses disclosed by the other party. (Attach additional pages if needed.)

Name	
Objection and grounds	

Name	
Objection and grounds	

4. **Objections to Other Party's exhibits** (Choose one):

☐ I do not object to the exhibits disclosed by the other party. They can be introduced into evidence at trial.

☐ I object to the following exhibits disclosed by the other party. They should not be introduced into evidence at trial. (Attach additional pages if needed.)

Name	
Objection and grounds	

Name	
Objection and grounds	

--	--

Plaintiff/Petitioner or Defendant/Respondent

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

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

Date

Signature ► _____
Printed Name _____

Attorney or Licensed Paralegal Practitioner of record (if applicable)

Date

Signature ► _____
Printed Name _____

Name

Address

City, State, Zip

Phone

Email

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

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

In the District Court of Utah

_____ Judicial District _____ County

Court Address _____

<p>_____ Plaintiff</p> <p>v.</p> <p>_____ Defendant</p>	<p>Pretrial Disclosures - Eviction Utah Rule of Civil Procedure 26(a)(5) and 26.3</p> <p>_____ Case Number</p> <p>_____ Judge</p>
---	--

Instructions

Do not file this form with the court unless the court orders you to do so. File only the Certificate of Service of Eviction Pretrial Disclosures form, which shows when and how you served this document on the other parties.

I _____ (name) provide the following disclosures:

1. **Documents for trial** (Choose all that apply):

☐ I do not have any documents I will use at the trial.

☐ I will use the following documents at the trial. (List names of documents and attach them. Add additional pages if needed.)

☐ I may use the following documents at the trial. I am not sure at this time if I will use them or not. (List name of document and attach them. Add additional pages if needed.)

2. **Witnesses** (Choose all that apply):

☐ I do not plan to call any witnesses.

☐ These are the witnesses I will call. (Attach additional pages if needed. List yourself if you plan to testify. If you list the other party you do not need to give a summary of their expected testimony.)

Name	
Address (if known)	
Phone (if known)	
Summary of expected testimony	

Name	
Address (if known)	
Phone (if known)	
Summary of expected testimony	

Name	
Address (if known)	
Phone (if known)	
Summary of expected testimony	

☐ These are the witnesses I may call. I have not decided if they will testify or not yet. (Attach additional pages if needed. If you list the other party you do not need to give a summary of their expected testimony.)

Name	
Address (if known)	
Phone (if known)	
Summary of	

expected testimony	
--------------------	--

Name	
Address (if known)	
Phone (if known)	
Summary of expected testimony	

Name	
Address (if known)	
Phone (if known)	
Summary of expected testimony	

3. **Deposition testimony** (Choose all that apply):

☐ I will not submit any deposition testimony of witnesses at trial.

☐ I will submit the deposition testimony of the following witnesses at trial. They will not be present at the trial to testify. (Attach additional pages if needed. List yourself if you plan to testify. If you list the other party you do not need to give a summary of their expected testimony.)

Name	
Address (if known)	
Phone (if known)	
Summary of expected testimony	

Name	
Address (if known)	
Phone (if known)	
Summary of expected testimony	

Plaintiff/Petitioner or Defendant/Respondent

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

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

Date

Signature ► _____
Printed Name _____

Attorney or Licensed Paralegal Practitioner of record (if applicable)

Date

Signature ► _____
Printed Name _____

Name

Address

City, State, Zip

Phone

Email

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

In the District Court of Utah

_____ Judicial District _____ County

Court Address _____

Plaintiff

v.

Defendant

**Judgment for Plaintiff for Unlawful
Detainer (Eviction)**

Case Number

Judge

This judgment follows (Check only one.):

- ☐ A ruling by the judge.
☐ A stipulation of the parties.
☐ Entry of a default certificate.

1. ☐ The defendant is ordered to immediately surrender possession of the leased premises. Plaintiff may request an Order of Restitution to enforce this order.

2. ☐ The plaintiff is awarded judgment against the defendants as follows:

a. Rent due after the notice expired	\$
b. Amounts due under the contract besides rent	\$
c. Waste – if the complaint includes a notice for waste	\$
d. Clearing a nuisance – if the complaint includes a notice for criminal nuisance	\$
e. Total (add the amounts listed above)	\$
f. Total X 3 (multiply the total in paragraph e by 3 – these are called treble damages)	\$
g. Past due rent as listed in the 3-day notice – if the complaint includes a notice to pay or vacate	\$
h. Attorney fees	\$
i. Filing fees	\$
j. Service fees (to have any papers served on the defendants)	\$
k. Damage to plaintiff's property	\$
l. Other damages	\$
m. Total judgment (add the paragraphs f through l)	\$

3. ☐ Interest from the date of judgment until paid

☐ at _____ % interest per year under Utah Code 15-1-4 (the current state post-judgment rate)

OR

☐ at _____ % interest per year (pursuant to the contract between the parties)

4. This judgment may be supplemented by additional costs and fees incurred in proper efforts to enforce the judgment.

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

_____	Signature ►	_____
Date	Judge	_____

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 Plaintiff's Affidavit of Damages 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.)		

Certificate of Service

I confirm that I provided a copy of this Plaintiff's Affidavit of Damages to the following people.

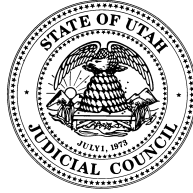
I provided a copy to Name of Person	I provided the copy by [x]check one	I provided the copy to this address (based on ← option checked)	I provided the copy on Date
2.	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed/MyCase <input type="checkbox"/> 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.)		

Your Signature



Date
(when you filled this out)

Your Printed
Name



Administrative Office of the Courts

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

March 27, 2025

Ronald B. Gordon, Jr.
State Court Administrator
Catherine J. Dupont
Deputy Court Administrator

MEMORANDUM

TO: Forms Committee

FROM: Pleasy Wayas, with approval of Family Law Forms Subcommittee

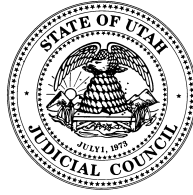
RE: Divorce Decree additional language

[HB 463](#) requires a divorce decree to include the following if the parties have a child:

213 (iii) a statement providing notice that the Office of Recovery Services provides
214 services to individuals who are seeking assistance in the collection or enforcement
215 of child support orders.

Accordingly, the following language should be added to all divorce decrees (where there are minor children at issue) prepared by the court MyPaperwork program beginning May 7, 2025:

The Office of Recovery Services (<https://ors.utah.gov/>) provides services to individuals who are seeking assistance in the collection or enforcement of child support orders.



Administrative Office of the Courts

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

April 9, 2025

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

MEMORANDUM

TO: Forms Committee

FROM: Kaden Taylor

RE: Recodification of statutes due to SB 119, HB 21, and HB 128

SB 119, HB 21, and HB 128 recodify several statutes. These include sections in Titles 53, 76, and 78B.

A preliminary review of forms has found only a small list of forms affected by these changes: the Acknowledgement of Firearm Restrictions and certain protective order forms. These forms are presented to the Forms Committee as their own agenda items with these changes already in place.

We seek the Form Committee's permission to update any other forms that we may identify that are affected by this recodification.

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.

Name

Address

City, State, Zip

Phone

Email

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

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

In the District Court of Utah

_____ Judicial District _____ County

Court Address _____

	Occupancy Hearing Disclosures Utah Rule of Civil Procedure 26.3
Plaintiff/Petitioner	Case Number _____
v.	Judge _____
Defendant/Respondent	Commissioner (domestic cases) _____

Instructions

Do not file this form with the court unless the court orders you to do so. File only the Certificate of Service of Occupancy Hearing Disclosures form, which shows when and how you served this document on the other parties.

I _____ (name) provide the following disclosures:

1. **Documents I will use at the hearing** (Choose one):

☐ I do not have any documents I will use at the hearing. Or I have already given the other party any documents I will use at the hearing.

☐ I have attached documents I may use at the hearing. These are in addition to any documents I have already provided to the other party.

2. **Witnesses** (Choose one):

☐ I do not plan to call any witnesses other than myself.

☐ These are the witnesses I may call in addition to myself. (Attach additional pages if needed. If you list the other party you do not need to give a summary of their expected testimony.)

Name	
Address (if known)	
Phone (if known)	
Summary of expected testimony	

Name	
Address (if known)	
Phone (if known)	
Summary of expected testimony	

Name	
Address (if known)	
Phone (if known)	
Summary of expected testimony	

I will update these disclosures if any additional information becomes available. (Utah Rule of Civil Procedure 26(d)(5)).

Plaintiff/Petitioner or Defendant/Respondent

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

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

_____	Signature ►	_____
Date	Printed Name	_____

Attorney or Licensed Paralegal Practitioner of record (if applicable)

_____	Signature ►	_____
Date	Printed Name	_____

Request for Civil Stalking Injunction

Case Number: _____ District: _____
County: _____ State: Utah
Judge: _____

1. Who is the petitioner (person asking for the protective order)?

First name:	
Middle name or initial (if any):	
Last name:	

What is your date of birth? (mm/dd/yyyy)(required)

If you are under 16 years old, have you ever been married or emancipated by a court?

☐ Yes ☐ No

What is your address, phone number, and email address? (to keep private, leave blank and attach a Request to Safeguard Contact Information from Other Parties)

Street

City, State, ZIP Code

Phone (xxx-xxx-xxxx)

Email address

If you have an attorney, what is their name, phone number, and email address?

Name:

Phone (xxx-xxx-xxxx)

Email address

2. Who is the respondent (person you need to be protected from)?

First name:	
Middle name or initial (if any):	

Last name:

What is their date of birth? (Choose one)(required)

☐ Their date of birth is (mm/dd/yyyy): _____

☐ I don't know. My best guess is (mm/dd/yyyy): _____

What is their social security number? (xxx-xx-xxxx) (if you don't know, leave blank)

What is their ethnicity? (Choose one.)(required)

☐ Of Hispanic, Latino/a/x, or Spanish origin ☐ Not of Hispanic, Latino/a/x, or Spanish origin ☐ Prefer not to answer

What is their race? (Choose one.)(required)

☐ American Indian or Alaska Native ☐ Asian (Central/East/South/Southeast) ☐ Black or African American

☐ Native Hawaiian or Other Pacific Islander ☐ White ☐ Another race, ethnicity, or origin

☐ Prefer not to answer ☐ Write in: _____

What is their gender? (Choose one.)(required):

☐ Female ☐ Male ☐ Gender non-binary

☐ Transgender female ☐ Transgender male ☐ Prefer not to answer

☐ Write in: _____

What is their address, phone number, and email address?

Street

City, State, ZIP Code

Phone (xxx-xxx-xxxx)

Email address

Is the Respondent a law enforcement officer, government investigator, or licensed private investigator?

☐ Yes ☐ No ☐ Don't know

3. Do you or the respondent need an interpreter or a disability accommodation? (Choose all that apply)

☐ Yes. I or the respondent need an interpreter. An interpreter will be provided for free by the court.

What language do you or the respondent speak?

☐ Yes. I have a disability, or the respondent has a disability.

What accommodation do you or the respondent need?

☐ No.

4. Who else should be protected by this protective order?

Name (include first and last name) (required) Nombre (incluya nombre y apellido) (obligatorio)	Date of birth (mm/dd/yyyy) (required) Fecha de nacimiento (mes/día/ año) (obligatorio)	Relationship to you (required)	Relationship to the respondent (required)

A judge can grant a stalking injunction **only** if the Respondent did any of the following towards you two or more times, in a manner that would cause a reasonable person to suffer emotional distress or to be afraid for the person's own safety or the safety of someone else:

- a. The Respondent directly, indirectly, or through someone else followed, monitored, observed, photographed, surveilled, threatened, communicated to you, or about you, or interfered with your property using any action, method, device, or means; or
- b. the Respondent engaged in or caused someone else to engage in any of the following acts:
 - i. approached or confronted you;
 - ii. appeared at your workplace or contacted your employer or co-workers;
 - iii. appeared at your home or contacted your neighbors or entered property owned, leased, or occupied by you;
 - iv. sent material to you by any means for the purpose of obtaining or disseminating information about you to a family member, household member, employer, co-worker, friend, or associate;
 - v. placed an object on or delivered an object to property owned, leased, or occupied by you or to your place of employment with intent that the object be delivered to you; or
 - vi. used a computer, the Internet, text messaging, or any other electronic means.

For a complete definition of stalking, see Utah Code 76-5-106.5.

Note! In addition to your own statements in this *Request*, you must provide some other evidence of stalking, like police reports, sworn statements from witnesses, audio or video tapes, other records, photos, letters, etc.

3

5 Describe the stalking below:

- a. When and where did the stalking events happen? (*Attach additional pages if necessary.*)

1st stalking event:

When: _____

Where: _____

2nd stalking event:

When: _____

Where: _____

Other stalking events: _____

When: _____

Where: _____

b. Who did you report the stalking to (if anyone)? _____

c. List names of all people who witnessed the stalking: _____

d. List any evidence you have of the stalking, like transcripts, audiotapes, police reports, photos, sworn statements from witnesses (affidavits), etc. You must attach at least one of these to this form.

e. Describe what the stalker did and why it would have made a reasonable person feel emotionally distressed, afraid of being physically harmed, or afraid that someone else would be physically harmed:

f. Other facts: _____

☐ **Check here if you need more space and attach additional sheets as needed.**

6 Other Court Cases

a. Are there other Court orders to the Respondent about stalking? ☐ Yes ☐ No

(If Yes, fill out below and attach a copy of the court order.)

- b. Have you or the Respondent ever been involved in any other court case involving either of you?

☐ Yes ☐ No (If yes, list ALL court cases below):

Type of Case	County and State	Court Case # (NOT the police report #)	Person involved	Did the judge make an order?
			<input type="checkbox"/> You <input type="checkbox"/> Respondent	<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/> You <input type="checkbox"/> Respondent	<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/> You <input type="checkbox"/> Respondent	<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/> You <input type="checkbox"/> Respondent	<input type="checkbox"/> Yes <input type="checkbox"/> No

I am asking the Court to make the orders I have checked below.

7 ☐ Personal Conduct

Order the Respondent not to stalk me.

8 ☐ No Contact

Order the Respondent not to contact or communicate with me or any person listed below, either directly or indirectly, by phone, text, mail, email, or any other way:

Name	Relationship to Petitioner	Address

9 ☐ Stay Away

Order the Respondent to stay away from:

☐ a. My current or future home:

☐ I am not a Safe at Home Program participant. (Not sure what this is? Visit this website: www.utcourts.gov/abuse) (choose one)

☐ I want to safeguard my address. I understand that law enforcement may find it hard to enforce this order, but they can still be required to keep the respondent away from my home.

☐ I want to include my address in this civil stalking injunction to help law enforcement enforce the orders more easily. The respondent and other parties will be able to see this address. My home address is:

_____ (address)

☐ I am a Safe at Home Program participant under Utah Code 77-38-6. (choose one)

☐ I do not want my actual address included in the civil stalking injunction or shared with law enforcement or other criminal justice agencies. Law enforcement can still be required to keep the Respondent away from my home. I am giving the court a copy of my program authorization card with this request (required).

☐ I want my actual address included in the civil stalking injunction and to only be shared with law enforcement and other criminal justice agencies for

enforcement purposes. Law enforcement can use the address shown in the Utah Criminal Justice Information System. My actual address will not be public or shared with the Respondent. I am giving these required documents to the court with this request:

- a copy of my program authorization card,
- a signed Request to Give Address to Criminal Justice Agencies form (available at www.utcourts.gov/abuse), and
- a signed Safe at Home Program Notice of Actual Address form (available at www.utcourts.gov/abuse).

☐ b. My current or future: ☐ Vehicle ☐ Job ☐ School *(My current addresses are listed below):*

Work address: _____

School address: _____

Describe vehicle: _____

☐ c. Other *(specify)*: _____

10 ☐ Child Custody & Parent-Time Orders

Give me custody of the minor children listed here _____

Give the Respondent parent-time as follows _____

Name someone who can communicate parent-time information to the Respondent: _____

11 ☐ Other Assistance Needed *(List below any other orders needed to protect you and the other protected people listed on page 1 of this form):* _____

The Petitioner must read and sign below:

I swear that:

- I am the Petitioner and I have read this *Request for Civil Stalking Injunction*,
- I am a victim of stalking and I believe the Respondent is the stalker, and
- I live in this county or the Respondent lives in this county, or I am temporarily living in this county, or the stalking took place in this county.

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 _____

If the Petitioner is a minor, then a parent or guardian must sign below.

I swear that:

- I am Petitioner's parent or guardian and I have read this *Request for Civil Stalking Injunction*,
- Petitioner is a victim of stalking and I believe the Respondent is the stalker, and
- The Petitioner lives in this county or the Respondent lives in this county, or is temporarily living in this county, or the stalking took place in this county.

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

Parent or
Guardian's
Signature ► _____

Parent or Guardian's Printed Name _____

Name

Address

City, State, Zip

Phone

Email

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

I am the ☐ Petitioner
 ☐ Attorney for the Petitioner and my Utah Bar number is _____

In the Juvenile Court of Utah

_____ Judicial District _____ County

Court Address _____

State of Utah, in the interest of

Last name, first name

Date of birth

A minor
☐ under ☐ over 18 years of age, and
☐ represented ☐ not represented.

**Petition to Terminate Parental
Rights Upon Voluntary
Relinquishment**
(Utah Code 80-4-307)

Case Number

Judge

(1) I am the natural ☐ father ☐ mother of the child named below.

(2) My residence is:

Address

City, State, Zip

(3) My child is:

Name		Current Residence
Date of Birth	Sex	

Place of Birth	
----------------	--

(4) The person who has custody of the child is:

Name

Address

City, State, Zip

Phone

Email

Relation to child

(5) The reason I am asking the court to terminate my parental rights is:

(6) My child is not a member of or eligible for membership in a federally recognized Indian tribe.

(7) I am not seeking to terminate my parental rights for the sole purpose of avoiding my obligation to financially support my child.

(8) Child support: (choose one)

☐ I do not owe any past due child support for my child.

☐ I owe past due child support for my child. (choose one)

☐ The amount owed is \$_____. (Attach supporting documents.)

OR

☐ I do not know the amount. I am unable to obtain verification of amounts owed.

(9) I understand the court may order that past due child support be preserved and subject to collection including through the Office of Recovery Services.

[] I should not be ordered to pay past due child support because it is in the best interest of my child: (explain)

I ask the court to:

(810) Schedule a hearing on this petition.

(11) Accept my Voluntary Relinquishment of Parental Rights signed or confirmed under oath before a judge or a other person appointed by the court for the purpose of taking the relinquishment.

(12) Determine that it is in my child's best interests for my parental rights to be terminated.

(13) Terminate my parental rights based on my voluntary relinquishment.

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

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

_____	Signature ►	_____
Date	Printed Name	_____

Certificate of Service

I certify that I filed with the court and am serving a copy of this Petition to Terminate Parental Rights Upon Voluntary Relinquishment 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 <input type="checkbox"/> Email <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		

Date _____ Sign here ► _____

Typed or printed name _____

Name

Address

City, State, Zip

Phone

Email

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

In the Juvenile Court of Utah

_____ Judicial District _____ County

Court Address _____

State of Utah, in the interest of

Last name, first name

Date of birth

A minor
[] under [] over 18 years of age, and
[] represented [] not represented.

**Voluntary Relinquishment of
Parental Rights**

Case Number

Judge

Being first duly sworn, and while under oath, I say as follows:

(1) I am the natural [] father [] mother of the child named below.

(2) My residence is:

Address

City, State, Zip

(3) My child is:

Name		Current Residence
Date of Birth	Sex	
Place of Birth		

(4) The person who has custody of the child is:

Name

Address

City, State, Zip

Phone

Email

Relation to child

(5) The reason I am asking the court to terminate my parental rights is:

(6) ☐ My child is not a member of or eligible for membership in a federally recognized Indian tribe.

(7) ☐ I am not seeking to terminate my parental rights for the sole purpose of avoiding my obligation to financially support my child.

(8) Child support:

☐ I do not owe any past due child support for my child.

☐ I owe past due child support for my child.

- (9) [] By my signature below, I voluntarily relinquish my parental rights to my child and consent to the court terminating my parental rights.
- (10) [] It is in my child's best interest that my parental rights be terminated.
- (11) [] I understand that by signing this document my parental rights and obligations over my child will be terminated. I understand that I will no longer have any rights or obligations of a parent to my child from the date the order is entered and forward.
- (12) [] I understand that the parental rights I am voluntarily relinquishing include, but are not limited to, the rights of custody, visitation, and any other contact with my child, whether in person, by mail, or any electronic means, and any input regarding decisions made about my child.
- (13) [] I understand that the parental obligations that I am voluntarily relinquishing include, but are not limited to, obligations to provide for the care, support, education, and moral training of my child.
- (14) [] I understand that I must pay any obligation for past due support of my child ordered by the judge. The order for past due child support will be subject to collection including through the Office of Recovery Services.
- (15) [] I understand that termination of my parental rights does not extinguish my child's right to inherit from my estate upon my death.
- (16) [] I understand that termination of my parental rights does not remove from my child eligibility for benefits from any third person, including, but not limited to, any agency or state, the United States or Indian tribe.
- (17) [] I am not under the influence of alcohol, prescription or non-prescription drugs, or any substance that might affect my thinking or behavior.
- (18) [] I understand that once I sign this document I cannot change my mind, that the consent cannot be changed, and that my parental rights and obligations will be terminated forever.

(19) [] I have read this document. I understand that by signing it I will permanently relinquish all my rights and obligations as a parent to my child. Knowing this, I am signing this document freely and voluntarily, of my own choice, without any pressure, coercion, undue influence, or promises having been made by any person for any purpose.

Date _____ Signature ► _____
Printed name _____

The following to be completed by the judge or other person appointed by the judge who administers the oath and witnesses the voluntary relinquishment.

- (20) Petitioner signed this Voluntary Relinquishment of Parental Rights under oath before me on _____ (date). Petitioner's identity was proven to me in the following way:

- (21) The petitioner was placed under oath before questions were asked of the petitioner. After being sworn and while under oath, petitioner stated that:

- They have read this document, fully understood its contents, and that the contents were true and based on petitioner's own personal knowledge.
- They understood that by signing this document they relinquished all parental rights and obligations (except past due child support as court ordered) over this child.
- They understood that once they signed this document they could not change their mind, that the consent could be not changed, and that their parental rights and obligations would be terminated forever.
- They were signing this document freely and voluntarily, of their own choice, without any pressure, coercion, or promises having been made by any person for any purpose.

- (22) Petitioner then signed the document in my presence. To the best of my information and belief, petitioner has read and understands this document and has signed it freely and voluntarily.

Date _____

Signature ► _____

Printed name _____

☐ Judge

☐ Person appointed by the judge for the purpose of taking the relinquishment

In the Juvenile Court of Utah

_____ Judicial District _____ County

Court Address _____

State of Utah, in the interest of

Last name, first name

Date of birth

A minor

☐ under ☐ over 18 years of age, and
☐ represented ☐ not represented.

**Findings of Fact, Conclusions of
Law and Order on Petition to
Terminate Parental Rights Upon
Voluntary Relinquishment**

Case Number

Judge

This matter came before the court on petitioner's Petition to Terminate Parental Rights upon Voluntary Relinquishment.

A hearing was held on _____ (date), before

☐ _____ (name), a judge.

☐ _____ (name), a person appointed by the judge for the purpose of taking the relinquishment.

Petitioner was placed under oath before questions were asked of the petitioner. Petitioner then signed the Voluntary Relinquishment of Parental Rights freely and voluntarily.

Having received petitioner's voluntary consent,

The Court Finds:

1. Petitioner _____ (name)
is the natural ☐ father ☐ mother of the child named below.

2. Petitioner's residence is:

Address

City, State, Zip

3. The petitioner's child is:

Name		Current Residence
Date of Birth	Sex	
Place of Birth		

4. The person who has custody of the child is:

Name
Address
City, State, Zip
Phone
Email
Relation to child

5. Petitioner is asking the court to terminate parental rights because:

6. This child is not a member of or eligible for membership in a federally recognized Indian tribe.

7. Petitioner is not seeking to terminate their parental rights for the sole purpose of avoiding their obligation to financially support their child.

8. Child support

☐ Petitioner does not owe past due child support for this child.

☐ Petitioner owes past due child support for this child at the time of this order in the amount of \$_____ (amount). The past due child support should be

preserved and subject to collection including through the Office of Recovery Services.

[] Petitioner owed past due child support for this child but it is in the best interest of the child that the past due child support not be preserved or subject to collection because:

9. Petitioner understands that by signing the Voluntary Relinquishment of Parental Rights their parental rights over this child will be terminated and that they will no longer have any rights or obligations of a parent to this child from the date the order terminating petitioner's parental rights is entered and forward.
10. Petitioner understands that the parental rights they are voluntarily relinquishing include, but are not limited to, the rights of custody, visitation, and any other contact with this child, whether in person, by mail, or any electronic means, and any input regarding decisions made about this child.
11. Petitioner understands that the parental obligations they are voluntarily relinquishing include, but are not limited to, obligations to provide for the care, support, education, and moral training of this child.
12. Petitioner understands that they must pay any obligation for past due support of this child ordered by this court..
13. Petitioner understands that termination of their parental rights does not extinguish this child's right to inherit from petitioner's estate upon petitioner's death.
14. Petitioner understands that termination of parental rights does not remove from this child eligibility for benefits from any third person, including, but not limited to, any agency or state, the United States or Indian tribe.
15. Petitioner is not under the influence of alcohol, prescription or non-prescription drugs, or any substance that might affect their thinking or behavior.
16. Petitioner understands that once they sign the Voluntary Relinquishment of Parental Rights they cannot change their mind, that the relinquishment cannot be changed, and that their parental rights and obligations will be terminated forever.

The Court Concludes:

17. Petitioner freely and voluntarily signed the Voluntary Relinquishment of Parental Rights.
18. The sole purpose for petitioner relinquishing petitioner's parental rights is not to avoid support obligations for this child.
19. It is in the best interest of the child that petitioner's parental rights be permanently terminated.

The Court Orders:

20. Pursuant to Utah Code Section 80-4-105, petitioner's parental rights and obligations over the child are permanently terminated from this date forward.
21. The parental rights which are terminated include, but are not limited to, the rights of custody, visitation, and any other physical contact with this child, whether in person, by mail, or any electronic means, and any input regarding decisions made about this child.
22. The parental obligations which are terminated include, but are not limited to, the obligations to provide for the care, support, education, and moral training of this child except as provided below.
23. Child support:

[] Petitioner does not owe past due child support for this child.

[] Petitioner owes \$_____ (amount) in past due child support for this child. This child support amount is preserved and subject to collection including through the Office of Recovery Services.

[] Petitioner owed past due child support for this child but it is in the best interest of the child that the past due child support not be preserved or subject to collection. This order terminates any support obligations incurred before the date of the order.²⁴ This order does not extinguish this child's right to inherit from petitioner's estate, nor does it remove eligibility from this child for entitlements from state or federal governments or Indian tribes that this child may be entitled to as a result of petitioner being this child's parent.
- 25 [] Other orders relating to this child's care and welfare that are in the child's best interests:

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

	Signature ►	
Date	Judge	

Petitioner's Request to Dismiss Protective Order



Case Number: _____ District: _____
County: _____ State: Utah
Judge: _____
Commissioner: _____

Petitioner (*protected person*):

This is a private record.

First Middle Last

Respondent (*person Petitioner is protected from*):

First Middle Last

Please dismiss the:

[] *Temporary Protective Order (Ex Parte Order)* issued on (*date*): _____

[] *Protective Order or No-Fault Protective Order* issued on (*date*): _____

because (*explain*): _____

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 _____

Certificate of Mailing

A copy of this *Request to Dismiss Protective Order* was sent to the Respondent by first class, postage prepaid mail at the following address:

Respondent's Address:

Street City State Zip

Date: _____ Clerk's Signature: ► _____

Clerk's Name: _____

Request for Protective Order

(Utah Code 78B-7-601 et seq.)

Case Number: _____ District: _____

County: _____ State: Utah

Judge: _____

Commissioner: _____

This is a private record.

1 Who is the petitioner (person asking for the protective order)?

First name:	
Middle name or initial (if any):	
Last name:	

What is your date of birth? (mm/dd/yyyy)(required)

What is your address, phone number, and email address? (to keep private, leave blank and attach a Request to Safeguard Contact Information from Other Parties)

Street

City, State, ZIP Code

Phone (xxx-xxx-xxxx)

Email address

If you have an attorney, what is their name, phone number, and email address?

Name: _____

Phone (xxx-xxx-xxxx)

Email address

2 Who is the respondent (person you need to be protected from)?

First name:	
Middle name or initial (if any):	
Last name:	

What is their date of birth? (Choose one)(required)

[] Their date of birth is (mm/dd/yyyy): _____

[] I don't know. My best guess is (mm/dd/yyyy): _____

What is their social security number? (xxx-xx-xxxx)(if you don't know, leave blank):

What is their ethnicity? (Choose one.)(required)

- ☐ Of Hispanic, Latino/a/x, or Spanish origin ☐ Not of Hispanic, Latino/a/x, or Spanish origin ☐ Prefer not to answer

What is their race? (Choose one.)(required)

- ☐ American Indian or Alaska Native ☐ Asian (Central/East/South/Southeast) ☐ Black or African American
- ☐ Native Hawaiian or Other Pacific Islander ☐ White ☐ Another race, ethnicity, or origin
- ☐ Prefer not to answer ☐ Write in: _____

What is their gender? (Choose one.)(required):

- ☐ Female ☐ Male ☐ Gender non-binary
- ☐ Transgender female ☐ Transgender male ☐ Prefer not to answer
- ☐ Write in: _____

What is their address, phone number, and email address?

Street City, State, ZIP Code

Phone (xxx-xxx-xxxx) Email address

3 Do you or the respondent need an interpreter or a disability accommodation? (Choose all that apply)

- ☐ Yes. I or the respondent need an interpreter. An interpreter will be provided for free by the court.

What language do you or the respondent speak?

[] Yes. I have a disability, or the respondent has a disability.

What accommodation do you or the respondent need?

[] No.

4 What is your relationship to the Respondent? (Check all that apply)

- ☐ a. We are married now.
- ☐ b. We used to be married.
Date of Divorce: _____
- ☐ c. We live together as a couple.
- ☐ d. We used to live together as a couple.
- ☐ e. We are or used to be in a consensual sexual relationship.
- ☐ f. We live or used to live in the same home
- ☐ g. We are related by blood, marriage, or adoption as a child, parent, aunt, uncle, niece, nephew, grandparent, grandchild, or sibling. (Specify the relationship): _____
- ☐ h. We are expecting a child now.
List Due Date: _____
- ☐ i. We have or had a child or children together.
List below: _____

Child's Name	Birth date (mm/dd/yyyy)	Address

5 Who else should be protected by this protective order?

Name (include first and last name) (required)	Date of birth (mm/dd/yyyy) (required)	Relationship to you (required)	Relationship to the respondent (required)

6 Describe the most recent abuse (if any):

- a. When did it happen? (Date): _____
- b. Where did it happen? _____
Street City State
- c. Did the police come? [] Yes [] No
- d. If the police came answer these questions:

What police department came? _____

Was anyone arrested? ☐ Yes ☐ No

If yes, who was arrested? _____

What is the case number? _____

Did anyone get a ticket? ☐ Yes ☐ No

If yes, who got the ticket? _____

e. Describe the abuse or domestic violence: _____

☐ Check here if you need more space and attach a separate sheet of paper to this form

f. What did the other person do or say to make you afraid? _____

g. Did the other person use or threaten to use a gun or other weapon? ☐ Yes ☐ No (If yes, describe any weapons the Respondent owns and how they were used against you): _____

h. Were any children present when this happened? ☐ Yes ☐ No (If "yes," who?) _____

i. Who else was there? _____

j. Was anyone hurt? _____

k. Other facts: _____

7 Describe past abuse (if any):

a. When did it happen? (Date): _____

b. Where did it happen? _____

Street

City

State

c. Did the police come? ☐ Yes ☐ No

d. If the police came answer these questions:

What police department came? _____

Was anyone arrested? ☐ Yes ☐ No

If yes, who was arrested? _____

What is the case number? _____

Did anyone get a ticket? ☐ Yes ☐ No

If yes, who got the ticket? _____

e. Describe the past abuse or domestic violence: _____

☐ Check here if you need more space and attach a separate sheet of paper to this form

8 Fear of imminent physical harm

☐ Other than what I describe above, I fear there is a substantial likelihood of imminent physical harm by respondent against me.

(Describe in detail why you are afraid the respondent will cause you physical harm in the immediate future.)

☐ Check here if you need more space and attach additional pages to this form.

9 Other Court Cases

- a. Are you or the Respondent on probation now for domestic violence? ☐ Yes ☐ No (If Yes, who? _____)
- b. Have you or the Respondent ever been involved in any other court case involving either of you or your children? ☐ Yes ☐ No (If yes, list ALL court cases below):

Court case name		Court case number	
Judge's name		County and state	
Type of case	<input type="checkbox"/> Order of protection <input type="checkbox"/> Civil litigation	<input type="checkbox"/> Juvenile court proceeding <input type="checkbox"/> Criminal case	
Person involved	<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent	Did the judge make an order?	<input type="checkbox"/> Yes <input type="checkbox"/> No

Court case name		Court case number	
Judge's name		County and state	
Type of case	<input type="checkbox"/> Order of protection <input type="checkbox"/> Civil litigation	<input type="checkbox"/> Juvenile court proceeding <input type="checkbox"/> Criminal case	
Person involved	<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent	Did the judge make an order?	<input type="checkbox"/> Yes <input type="checkbox"/> No

Court case name		Court case number	
Judge's name		County and state	
Type of case	<input type="checkbox"/> Order of protection <input type="checkbox"/> Civil litigation	<input type="checkbox"/> Juvenile court proceeding <input type="checkbox"/> Criminal case	
Person involved	<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent	Did the judge make an order?	<input type="checkbox"/> Yes <input type="checkbox"/> No

Court case name		Court case number	
Judge's name		County and state	
Type of case	<input type="checkbox"/> Order of protection <input type="checkbox"/> Civil litigation	<input type="checkbox"/> Juvenile court proceeding <input type="checkbox"/> Criminal case	
Person involved	<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent	Did the judge make an order?	<input type="checkbox"/> Yes <input type="checkbox"/> No

- c. Fill out below if any child listed on the first page of this form is involved in any other court case, like adoption, juvenile, or custody, or has been investigated by the Division of Child and Family Services.

Type of Case	County and State	Court or DCFS case number (if you know it)

Request for Protective Orders

I ask the court for the following orders.

(Choose all that apply.)

- 10 ☐ **Personal Conduct** Order the Respondent not to commit, try to commit or threaten to commit any form of violence against me or any person listed on the first page of this form. This includes stalking, harassing, threatening, physically hurting, or causing any other form of abuse.
- 11 ☐ **No Contact** Order the Respondent not to contact, phone, mail, e-mail, or communicate with me and the people listed on the first page of this form in any way, either directly or indirectly except as allowed by the parent-time provisions of the temporary protective order.
- 12 ☐ **Contact for Mediation** Order that the Respondent may contact me **only** during mediation sessions for our divorce or custody case that are scheduled with a Court Qualified Mediator.
- 13 ☐ **Stay Away** Order the Respondent to stay away from:
- ☐ a. Stay at least _____ (distance) from me.
- ☐ b. Stay away from my home:
- ☐ I am not a Safe at Home Program participant. (Not sure what this is? Visit this website: www.utcourts.gov/abuse) (choose one)
- ☐ I want to safeguard my address. I understand that law enforcement may find it hard to enforce this order, but they can still be required to keep the respondent away from my home.
- ☐ I want to include my address in this protective order to help law enforcement enforce the orders more easily. The respondent and other parties will be able to see this address. My home address is: _____ (address)
- ☐ I am a Safe at Home Program participant under Utah Code 77-38-6. (choose one)
- ☐ I do not want my actual address included in the protective order or shared with law enforcement or other criminal justice agencies. Law enforcement can still be required to keep the Respondent away from my home. I am giving the court a copy of my program authorization card or letter with this request (required).
- ☐ I want my actual address included in the protective order and to only be shared with law enforcement and other criminal justice agencies for enforcement purposes. Law enforcement can use the address shown in the Utah Criminal Justice Information System. My actual address will not be public or shared with the Respondent. I am giving these required documents to the court with this request:
- a copy of my program authorization card or letter,

- a signed Request to Give Address to Criminal Justice Agencies form (available at www.utcourts.gov/abuse), and
- a signed Safe at Home Program Notice of Actual Address form (available at www.utcourts.gov/abuse).

☐ c. Stay away from my:

Work : _____ (address)

The respondent ☐ does ☐ does not work at the same place as me.

School: _____ (address)

The respondent ☐ does ☐ does not go to the same school as me.

Place of worship: _____ (address)

The respondent ☐ does ☐ does not attend the same place of worship as me.

If you work, go to the same school, or attend the same place of worship as the respondent, the court cannot order the Respondent to stay away from those places. Give information the court should consider about potential or necessary interactions with the Respondent in those settings.

☐ d. Stay away from the people listed on the first page of this form at their:

Home: _____ (address)

Work : _____ (address)

The respondent ☐ does ☐ does not work at the same place as the people listed on the first page of this form.

School: _____ (address)

The respondent ☐ does ☐ does not go to the same school as the people listed on the first page of this form.

Place of worship: _____ (address)

The respondent ☐ does ☐ does not attend the same place of worship as the people listed on the first page of this form.

☐ e. Other (*specify*): _____

14 ☐ **No Guns or Weapons** – Order the Respondent not to use, possess, have, or buy a gun or firearm or any of these weapons: _____

15 ☐ **Property Control** – Order that only I can use, control and possess the following:

☐ a. Home at (*address*): _____

☐ b. Car, truck or other essential personal belongings (*describe*): _____

16 ☐

Property Control Order the Respondent

- ☐ Not to interfere with or change my phone, utility or other services.
- ☐ To maintain existing wireless phone contracts or accounts.

17 ☐

No Harming Pets – Order the Respondent to not physically injure or threaten to injure a pet that is:

- ☐ a. Owned or kept by me. Also order the Respondent to not take possession of my pet.
- ☐ b. Owned or kept by the Respondent.

18 ☐

Transfer Wireless Phone Number(s) Order the Respondent and the wireless service provider to transfer my current wireless phone number(s) to a new account of my choice.

- The Respondent is the account holder for the following wireless phone number(s):

- The number(s) are assigned to phones that are primarily used by me, or by people who will live with me while the protective order is in effect.
- I will have full financial responsibility for each wireless phone number, beginning on the day of transfer. This includes monthly service costs and costs for any mobile device associated with the wireless phone number(s).
- A wireless service provider may apply standard requirements for account establishment to me when transferring financial responsibility.

19 ☐

Child Custody & Parent-time Orders

Give temporary custody of these minor children I have with the respondent to

☐ me

☐ _____ (name of person other than the Respondent):

Give the Respondent parent-time as follows: _____

If you asked for a No Contact Order above, who can communicate only parent-time information to the Respondent? (Name): _____

20 ☐

No Alcohol or Drugs Order the Respondent not to use alcohol or illegal drugs before or during visitation.

21 ☐

Supervised Visitation Provide the Respondent with supervised parent-time as follows: (list name and phone number of supervising agency or person): _____

22 ☐

Travel Restrictions Order the Respondent not to take the children listed above out of the state of Utah.

- 23 ☐ **Child Support, Spousal Support and other Expenses** -- Order the Respondent to:
- ☐ a. Pay \$ _____ / month in child support according to Utah Child Support Guidelines.
 - ☐ b. Pay \$ _____ / month in spousal support.
 - ☐ c. Pay child support by withholding from the Respondent's earnings. (Utah Code 62A-11-4 and 62A-11-5)
 - ☐ d. Pay 50% of the minor children's childcare expenses.
 - ☐ e. Pay 50% of the minor children's medical expenses, including premiums, deductibles and co-payments.
 - ☐ f. Pay \$ _____ for the minor children's medical expenses related to the abuse and \$ _____ for my medical expenses related to the abuse.

- 24 ☐ **Other Assistance Needed** (*List below any other orders needed to protect you and other protected people listed on page 1 of this form*): _____
- _____
- _____

I also ask for these Orders to Agencies:

- 25 ☐ **Law Enforcement to Assist** Order a law enforcement officer from: _____ to enforce the orders checked below:
- ☐ a. Help me gain and keep control of home, car or other personal belongings.
 - ☐ b. Help me obtain custody of the children.
 - ☐ c. Help the ☐ Respondent or ☐ me remove essential personal belongings from the home.
- 26 ☐ **Investigate Possible Child Abuse** Refer this matter to the Division of Child and Family Services for review and possible investigation of child abuse.
- 27 ☐ **Guardian for your children** Appoint an attorney to speak for the best interests of the children in this case.

No-Fault Protective Order is available

A No-Fault Protective Order is a protective order where both you and the respondent agree on the orders in the protective order. This order has some differences from the standard protective order. Here are the differences between the Protective Order and the No-Fault Protective Order:

Protective Order	No-Fault Protective Order
At the hearing, the court makes the decision to issue or deny a Protective Order after reviewing all the evidence.	If both you and the respondent agree to this order at the hearing, the court can issue the No-Fault Protective Order without reviewing all the evidence.
The police and the courts can enforce the Protective Order if the respondent doesn't obey the orders.	The police and the courts can enforce the No-Fault Protective Order if the respondent doesn't obey the orders.
If the courts issue the Protective Order, the Protective Order can sometimes be used as evidence of domestic violence or abuse in	The No-Fault Protective Order CANNOT be used as evidence of domestic violence or abuse in other civil or criminal cases such as

other cases such as divorce or cases involving child custody, parent-time plans, and child support.	divorce or parentage cases involving child custody, parent-time plans, and child support. This order can't stop you or the respondent in these other cases from giving other evidence of domestic violence or abuse to the courts. You just cannot use the No-Fault Protective Order as evidence.
---	--

28 [] I understand that the respondent and I can agree to the court issuing a No-Fault Protective Order at the hearing.

The Petitioner must read and sign below:

I swear that:

- I am the Petitioner and I have read this Request for Protective Order.
- **I understand it is a serious crime to lie to get a Protective Order.** If I lie, I can be charged with a felony, punishable by up to 5 years in prison.
- I believe I have the right to the protective orders I have asked for in this Request.
- I am not using this Request to harass the Respondent or to abuse the judicial process.

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 _____

Request to Modify No-Fault Protective Order

Case Number: _____ District: _____
County: _____ State: Utah
Judge: _____
Commissioner: _____

1 Petitioner (protected person):

This is a private record.

Other people protected by this order
(relatives or people who live with you):

First Middle Last
Address and phone # (to keep private, leave blank):

Street

City – State – Zip

Phone #: _____

Name and phone number of Petitioner's attorney (if any): _____

Name	Date of Birth	Relationship to Petitioner
------	---------------	----------------------------

_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

2 Respondent (person who must obey the protective order):

First Middle Last

Other Names Used _____

Relationship to Petitioner: _____

Address (street): _____

City --- State --- Zip

Describe Respondent

*** Required.** If you do not know, write unknown.

Sex*	Race*	Date of Birth*	Ht.	Wt.
------	-------	----------------	-----	-----

_____	_____	_____	_____	_____
Eyes	Hair	Full Social Security # (if known)		

Distinguishing features (like tattoos, scars, limp, etc.)

Driver's license issued by (State): _____ Expires: _____

3 I have:

- a No-Fault Protective Order. (If you have a different protective order, use the Request to Modify Protective Order form.)
- I have attached a copy of my protective order to this form.

4 I am the:

- [] petitioner.
[] respondent.

5 Why do you want this order changed?

[] *Check here if you need more space and attach a separate sheet of paper to this form.*

I am asking the court to issue a new (modified) order to replace the current order. Please make the modified order the same as the current order except for the change(s) below.

6 Please change **Number** _____ in the current order to:

7 Please change **Number** _____ in the current order to:

8 Please change **Number** _____ in the current order to:

9 Do both the petitioner and the respondent agree to the changes described above?

[] Yes. We have both signed this request. We are filing a Modified Protective Order form. We understand that the court may still require a hearing.

[] No. I am requesting a hearing. I will serve the other person with this form, a Notice of Hearing on Request for Protective Order, and a Modified Protective Order form. If you are the respondent, you will not violate the protective order by serving documents you file in court on the protected person. Service may not be in-person under any circumstances, but must otherwise be according to the Rules of Civil Procedure. It must also be civil and not threatening.

You and other person must read and sign below:

I swear that:

- I have read this *Request to Modify No-Fault Protective Order*.
- **I understand it is a serious crime to lie to get or change a Protective Order.** If I lie, I can be charged with a felony, punishable by up to 5 years in prison.
- The statements in this *Request* are true and correct to the best of my knowledge.
- I am not using this *Request* to harass the other person or to abuse the judicial process.

Petitioner:

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 _____

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 _____

**Respondent's Request to
Dismiss Cohabitant
Protective Order**
(issued more than 1 year ago)



Case Number: _____ District: _____
County: _____ State: Utah
Judge: _____
Commissioner: _____

Petitioner *(protected person):*

First Middle Last

Respondent *(person Petitioner is protected from):*

First Middle Last

Pursuant to Utah Code 78B-7-605, the court may amend or dismiss a protective order or a no-fault protective order that has been in effect for at least one year if the court finds that:

- a) the basis for the issuance of the protective order no longer exists;
- b) the petitioner has repeatedly acted in contravention of the protective order provisions to intentionally or knowingly induce the respondent to violate the protective order; and
- c) the petitioner's actions demonstrate that the petitioner no longer has a reasonable fear of the respondent.

**Please dismiss the *Protective Order* or *No-Fault Protective Order* issued more than 1 year ago, on
(date):** _____

**My request to dismiss the protective order or no-fault protective order meets the requirements above
for the following reasons *(explain)*:** _____

The Respondent must read and sign below:

I swear that:

- I am the Respondent and I have read this *Request to Dismiss*.
- The statements in this *Request to Dismiss* are true and correct to the best of my knowledge.
- I am not using this *Request to Dismiss* to harass the Petitioner or to abuse the judicial process.

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 _____

Note to Respondent: You must have a sheriff or constable serve a copy of the *Request to Dismiss* and a *Notice of Hearing* on the petitioner.

If you do not know the petitioner's current address, ask court staff to arrange for service at the current address on file with the court.

If the court is not able to successfully serve the petitioner, you can file a *Motion for Alternative Service* to ask the court for permission to serve the respondent some other way.

Modified Protective Order

(Utah Code 78B-7-603)

Case Number: _____ District: _____

County: _____ State: Utah

Judge: _____

Commissioner: _____

Petitioner (protected person):

First Name Middle Last

Address and phone # (to keep private, leave blank):

Street

City --- State --- Zip

Phone #

Petitioner's date of birth: _____

Petitioner's attorney (if any): _____ Phone # _____

Other people protected by this order

Name	Date of Birth	Relationship to Petitioner
------	---------------	----------------------------

_____	_____	_____
-------	-------	-------

_____	_____	_____
-------	-------	-------

_____	_____	_____
-------	-------	-------

_____	_____	_____
-------	-------	-------

Respondent

(person Petitioner is protected from):

First Name Middle Last

Other Names Used

Relationship to Petitioner: _____

Address (street): _____

City --- State --- Zip

Describe Respondent

Sex	Race	Date of Birth	Ht.	Wt.
-----	------	---------------	-----	-----

_____	_____	_____	_____	_____
-------	-------	-------	-------	-------

Eyes	Hair	Social Security #
------	------	-------------------

(only the last 4 numbers)

Distinguishing features (like scars, tattoos, limp, etc.)

Driver's license issued by (State): _____ Expires: _____

Phone Number: _____

Warning! ☐ Weapon involved (Box to be initialed by Court, if applicable)

There was a hearing on (date): _____. The Respondent was given notice and an opportunity to be heard in the hearing that gave rise to this order. The following people were present at the hearing:

☐ Petitioner ☐ Petitioner's attorney (name): _____

☐ Respondent ☐ Respondent's attorney (name): _____

☐ Other (name) _____

The Court reviewed the *Request for Modified Protective Order*, has received argument and evidence, and finds the original protective order listed immediately below should be modified. The court finds that

the respondent represents a credible threat to the physical safety of the petitioner, the petitioner's children, or the respondent's children.

Warnings:

- This is a court order. No one except the court can change it. If you do not obey this order, you can be arrested, fined, and face other charges.
- This order is valid in all U.S. states and territories, the District of Columbia, and tribal lands. If you go to another U.S. state, territory or tribal land to violate this order, a federal judge can send you to prison.
- **No guns or firearms!** (See paragraph 5.)

Violence Against Women Act of 1994, 18 U.S.C. Sec. 2265, 2262, 18 U.S.C. 922(g)(8)

Respondent must obey all provisions initialed below.

Criminal orders (you can be arrested for violating these)

If you (respondent) violate orders 1-6 it is a criminal Class A Misdemeanor, punishable by up to 364 days in jail and a fine. A second or subsequent violation can result in more severe penalties.

- 1 ☐ **Personal Conduct Order** -- Do not commit, try to commit or threaten to commit any form of violence against the Petitioner or any person listed on the first page of this form. This includes stalking, harassing, threatening, physically hurting, or causing any other form of abuse that could cause bodily injury.
- 2 ☐ **No Contact Order** -- Do not contact, phone, mail, e-mail, or communicate in any way with the Petitioner and the people listed on the first page of this order either directly or indirectly except as allowed by the parent-time provisions of this order.
- 3 ☐ **Contact during Mediation** -- You are allowed to have contact with the Petitioner **only** during mediation sessions for your divorce or custody case that are scheduled with a Court Qualified Mediator.
- 4 ☐ **Stay Away Order**
- [] a. Stay at least _____ (distance) from the Petitioner.
- [] b. Stay away from Petitioner's home:
- [] The Petitioner is not a Safe at Home Program participant.
- [] Petitioner has safeguarded their address. Law enforcement is still required to keep the respondent away from the petitioner's home.
- [] Petitioner's home address is:
- _____ (address)
- [] The Petitioner is a Safe at Home Program participant under Utah Code 77-38-6.
- [] Their actual address is not included in the protective order or shared with law enforcement or other criminal justice agencies. Law enforcement is still required to keep the Respondent away from the Petitioner's home.

☐ They have requested to share their actual address only with law enforcement and other criminal justice agencies for enforcement purposes. Law enforcement can use the address shown in the Utah Criminal Justice Information System. The Petitioner has completed a Request to Give Address to Criminal Justice Agencies form. Their actual address will not be public or shared with the Respondent.

☐ c. Stay away from Petitioner's:

Work : _____ (address)

School: _____ (address)

Place of worship: _____ (address)

☐ d. Must comply with the following restrictions while at Respondent's and Petitioner's

Work : _____ (address)

School: _____ (address)

Place of worship: _____ (address)

☐ e. Stay away from the people listed on the first page of this form at their:

Home: _____ (address)

Work : _____ (address)

The respondent ☐ does ☐ does not work at the same place as the people listed on the first page of this form.

School: _____ (address)

The respondent ☐ does ☐ does not go to the same school as the people listed on the first page of this form.

Place of worship: _____ (address)

The respondent ☐ does ☐ does not attend the same place of worship as the people listed on the first page of this form.

☐ f. Must comply with the following restrictions while at Respondent's and the people listed on the first page of this form's:

Work : _____ (address)

School: _____ (address)

Place of worship: _____ (address)

☐ f. Other (specify): _____

5 ☐ **No Guns or Other Weapons** -- The Court finds that your use or possession of a weapon poses a serious threat of harm to the Petitioner. You cannot possess, have, or buy a gun or firearm or any of these weapons: _____

Warning! *If a final protective order is issued against you after the hearing, you will then become subject to the federal law making it a crime to possess, transport, ship or receive any firearm or ammunition, including a hunting weapon.*

6 ☐ **Property Orders** -- Until further court order, Only the Petitioner can use, control and possess the following property and things, but cannot dispose of this property without court approval:

☐ a. Home at (address): _____

☐ b. Car, truck or other property (describe): _____

Civil orders (you can be in held contempt of court for violating these)

If you (respondent) violate orders 7-14, you will be in contempt of court and may be punished with jail time and fines.

7 ☐ **Property Orders**

☐ You cannot interfere with or change Petitioner's phone, utility or other services.

☐ You must maintain Petitioner's existing wireless phone contracts or accounts.

8 ☐ **No Harming Pets** Do not physically injure or threaten to injure a pet that is:

☐ a. Owned or kept by the Petitioner. Do not take possession of the Petitioner's pet.

☐ b. Owned or kept by you.

9 ☐ **Transfer Wireless Phone Number(s)**

You must transfer the Petitioner's current wireless phone number(s) to a new account of their choice.

The court will issue a separate order to the wireless service provider to transfer Petitioner's wireless phone number(s) to a new account.

10 ☐ **Child Custody & Parent-time Orders –**

☐ The Petitioner (the person asking for protection)

[] _____ (name)

will have temporary custody of the minor children of the parties listed below. The person with custody may give a copy of this order to the principal or director of the child's school or daycare. If you do not obey the custody and parent-time orders listed here, the person with custody may ask for the court's help by filing a motion to enforce the order:

You will have parent-time as follows:

If there is a "No Contact" order, you can communicate with the Petitioner or person with custody only about parent-time matters through:

11 [] **No Alcohol or Illegal Drugs** -- Do not use alcohol or illegal drugs before or during visitation.

12 [] **No Travel with Children** -- Do not take the children listed above out of Utah.

13 [] **Child Support, Spousal Support and other Expenses** -- The Respondent will:

- ☐ a. Pay \$ _____ / month in child support.
- ☐ b. Have child support withheld from the Respondent's earnings. (*Utah Code 62A-11, Parts 4 and 5*)
- ☐ c. Pay \$ _____ / month in spousal support.
- ☐ d. Pay 50% of the minor children's childcare expenses.
- ☐ e. Pay 50% of the minor children's medical expenses, including premiums, deductibles and co-payments.
- ☐ f. Pay \$ _____ for the minor children's medical expenses related to the abuse and
\$ _____ for the Petitioner's medical expenses related to the abuse.

14 [] **Other Assistance Needed** (*List below any other orders needed to protect you and other protected people listed on page 1 of this form*): _____

Orders to Agencies

15 [] **Law Enforcement to Assist** A law enforcement officer from: _____

will enforce the orders checked below:

- ☐ a. Help the Petitioner gain and keep control over home, car or other personal belongings.
- ☐ b. Help the Petitioner obtain custody of the children.

- ☐ c. Help the ☐ Respondent or ☐ Petitioner remove essential personal belongings from the home.

"Essential personal belongings" means daily use items, such as clothing, medications, jewelry, toiletries, financial or personal records solely in one person's name, or items needed to work at a job or go to school.

Warning to the Respondent: Do not go into the home or other protected places without the officer.. Law enforcement can evict you or keep you away from protected places, if needed.

- 16 ☐** **Investigate Possible Child Abuse** -- This matter will be referred to the Division of Child and Family Services for review and possible investigation of child abuse.

No-Fault Protective Order

- 17 ☐** Both the respondent and the petitioner have agreed to the modified No-Fault Protective Order during the hearing or on a notarized and signed request. This protective order cannot be used as evidence of domestic violence or abuse in other criminal or civil cases.

Respondent was afforded both notice and opportunity to be heard in the hearing that gave rise to this order. Pursuant to the Violence Against Women Act of 1994, P.L. 103-322, 108 Stat. 1796, 18 U.S.C. Sec. 2265, this order is valid in all the United States, the District of Columbia, tribal lands, and United States territories. This order complies with the Uniform Interstate Enforcement of Domestic Violence Protection Orders Act. (Utah Code 78B-7-105.5(4))

Paragraphs 1-6 of this protective order expires in three years, on

_____ (date)

(Utah Code 78B-7-606)

Paragraphs 7-14 of this protective order expire in 150 days, on

_____ (date)

(Utah Code 78B-7-606)

The court could extend the expiration date for paragraphs 7-13.

Notice to petitioner

The court may amend or dismiss a protective order after one year if it finds that the basis for the issuance of the protective order no longer exists and the petitioner has repeatedly acted in contravention of the protective order provisions to intentionally or knowingly induce the respondent to violate the protective order, demonstrating to the court that the petitioner no longer has a reasonable fear of the respondent. (Utah Code 78B-7-105(6)(c)).

The respondent can ask to dismiss the **criminal provisions** of this protective order **within two years**, but only if the petitioner consents to the dismissal. (Utah Code 78B-7-603(10)).

If you receive services from the Office of Recovery Services (ORS) and want to keep your address confidential, you must give ORS a copy of your current Protective Order.

— The Court fills out below —

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

_____	Signature ►	_____
Date	Commissioner	_____

_____	Signature ►	_____
Date	Judge	_____

— The Respondent fills out below —

By signing here, the Respondent approves the form, and accepts service of this Protective Order and waives the right to be personally served.

Respondent's Address

_____	_____	_____	_____
Street	City	State	Zip

Respondent's Signature _____

**Order on Request to
Dismiss or Vacate
Protective Order**

Case Number: _____
County: _____

District: _____
State: Utah
Judge: _____
Commissioner: _____

Petitioner (*protected person*):

First Name *Middle* *Last*

Other people who were protected by this order

**Name and phone number of Petitioner's
attorney** (*if any*):

Name

Age

**Relationship to
Petitioner**

Respondent (*Person petitioner was protected from*):

First Name *Middle* *Last*

Street *City* *State and Zip*

Findings:

☐ The indicated request to dismiss or vacate a protective order was filed. The court has reviewed it and makes the order that follows.

☐ *Petitioner's Request to Dismiss Protective Order* (Notice to Respondent? ☐ Yes ☐ No)

Respondent's Request to Vacate Temporary Protective Order (Notice to Petitioner? ☐ Yes ☐ No)

☐ *Respondent's Request to Dismiss Protective Order (issued more than 2 years ago)*

(Notice to Petitioner? ☐ Yes ☐ No)

☐ Other (*name*) _____

☐ The Court reviewed the request and other documents in the file, OR

☐ There was a hearing on (*date*): _____. The following people were present at the hearing:

☐ Petitioner ☐ Petitioner's attorney (*name*): _____

☐ Respondent ☐ Respondent's attorney (*name*): _____

Order: The court now

- ☐ **DENIES the request.** This case is not dismissed. Any protective orders issues are still valid and enforceable.
- ☐ **GRANTS the request.** This case is dismissed. Any protective orders issued are no longer valid.
- ☐ *Temporary Protective Order (Ex Parte Order)* issued on (date): _____
- ☐ *Protective Order or No-Fault Protective Order* issued on (date): _____

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

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

By signing below, Petitioner acknowledges receiving a copy of this *Order on Request to Dismiss Protective Order*.

Petitioner's Signature: _____

By signing below, Respondent acknowledges receiving a copy of this *Order on Request to Dismiss Protective Order*.

Respondent's Signature: _____

Protective Order

(Utah Code 78B-7-603)

Case Number: _____ District: _____

County: _____ State: Utah

Judge: _____

Commissioner: _____

Petitioner (protected person):

First Name Middle Last

Address and phone # (to keep private, leave blank):

Street

City --- State --- Zip

Phone #

Petitioner's date of birth: _____

Petitioner's attorney (if any): _____ Phone # _____

Other people protected by this order

Name	Date of birth	Relationship to Petitioner
------	---------------	----------------------------

Respondent

(person Petitioner is protected from):

First Name Middle Last

Other Names Used

Relationship to Petitioner: _____

Address (street): _____

City --- State --- Zip

Describe Respondent

Sex	Race	Date of Birth	Ht.	Wt.
-----	------	---------------	-----	-----

Eyes	Hair	Social Security #
------	------	-------------------

(only the last 4 numbers)

Distinguishing features (like scars, tattoos, limp, etc.)

Driver's license issued by (State): _____ Expires: _____

Phone Number: _____

Warning! ☐ Weapon involved (Box to be initialed by Court, if applicable)

There was a hearing on (date): _____. The Respondent was given notice and an opportunity to be heard in the hearing that gave rise to this order. The following people were present at the hearing:

☐ Petitioner ☐ Petitioner's attorney (name): _____

☐ Respondent ☐ Respondent's attorney (name): _____

☐ Other (name) _____

The Court reviewed the *Request for Protective Order*. The court:

☐ received argument and evidence,

☐ accepted the stipulation of the parties,

- ☐ entered the default of the Respondent for failure to appear,
☐ finds that a minor child witnessed the abuse or domestic violence.

The court finds that the respondent represents a credible threat to the physical safety of the petitioner, the petitioner's children, or the respondent's children.

- ☐ The court finds that domestic violence or abuse has occurred or there is substantial likelihood of abuse or domestic violence by the Respondent. (Do not check if the protective order is a No-Fault Protective Order.) The court makes the orders initialed below. ☐ The petitioner is an intimate partner of the respondent.

The term "intimate partner" means, with respect to a person, the spouse of the person, a former spouse of the person, an individual who is a parent of a child of the person, and an individual who cohabitates or has cohabited with the person. 18 USC Sec. 921 (a)(32).

- ☐ The party to be protected is the child of an intimate partner to the respondent.

- ☐ Mutual Protective Order (Utah Code 78B-7-108)

The court is entering a mutual protective order because:

- each party filed an independent petition against the other for a protective order and both petitions are served
- each party has made a showing at a due process protective order hearing because of abuse or domestic violence committed by the other party; and
- each party demonstrates the abuse or domestic violence did not occur in self-defense.

Warnings:

- This is a court order. No one except the court can change it. If you do not obey this order, you can be arrested, fined, and face other charges.
- This order is valid in all U.S. states and territories, the District of Columbia, and tribal lands. If you go to another U.S. state, territory or tribal land to violate this order, a federal judge can send you to prison.
- **No guns or firearms!** (See paragraph 5.)

Violence Against Women Act of 1994, 18 U.S.C. Sec. 2265, 2262, 18 U.S.C. 922(g)(8)

Respondent must obey all provisions initialed below.

Criminal orders (you can be arrested for violating these)

If you (respondent) violate orders 1-6 it is a criminal Class A Misdemeanor, punishable by up to 364 days in jail and a fine. A second or subsequent violation can result in more severe penalties.

- 1 ☐ **Personal Conduct Order** -- Do not commit, try to commit or threaten to commit any form of violence against the Petitioner or any person listed on the first page of this form. This includes stalking, harassing, threatening, physically hurting, or causing any other form of abuse that could cause bodily injury.

- 2 ☐ **No Contact Order** -- Do not contact, phone, mail, e-mail, or communicate in any way with the Petitioner and the people listed on the first page of this order either directly or indirectly except as allowed by the parent-time provisions of this order.
- 3 ☐ **Contact during Mediation** -- You are allowed to have contact with the Petitioner **only** during mediation sessions for your divorce or custody case that are scheduled with a Court Qualified Mediator.
- 4 ☐ **Stay Away Order**
- ☐ a. Stay at least _____ (distance) from the Petitioner.
- ☐ b. Stay away from Petitioner's home:
- ☐ The Petitioner is not a Safe at Home Program participant.
- ☐ Petitioner has safeguarded their address. Law enforcement is still required to keep the respondent away from the petitioner's home.
- ☐ Petitioner's home address is: _____ (address)
- ☐ The Petitioner is a Safe at Home Program participant under Utah Code 77-38-6.
- ☐ Their actual address is not included in the protective order or shared with law enforcement or other criminal justice agencies. Law enforcement is still required to keep the Respondent away from the Petitioner's home.
- ☐ They have requested to share their actual address only with law enforcement and other criminal justice agencies for enforcement purposes. Law enforcement can use the address shown in the Utah Criminal Justice Information System. The Petitioner has completed a Request to Give Address to Criminal Justice Agencies form. Their actual address will not be public or shared with the Respondent.
- ☐ c. Stay away from Petitioner's:
- Work : _____ (address)
- School: _____ (address)
- Place of worship: _____ (address)
- ☐ d. Must comply with the following restrictions while at Respondent's and Petitioner's
- Work : _____ (address)
- _____
- _____
- School: _____ (address)
- _____
- _____
- Place of worship: _____ (address)
- _____

☐ e. Stay away from the people listed on the first page of this form at their:

Home: _____ (address)

Work : _____ (address)

The respondent ☐ does ☐ does not work at the same place as the people listed on the first page of this form.

School: _____ (address)

The respondent ☐ does ☐ does not go to the same school as the people listed on the first page of this form.

Place of worship: _____ (address)

The respondent ☐ does ☐ does not attend the same place of worship as the people listed on the first page of this form.

☐ f. Must comply with the following restrictions while at Respondent's and the people listed on the first page of this form's:

Work : _____ (address)

School: _____ (address)

Place of worship: _____ (address)

☐ g. Other (specify): _____

5 ☐ No Guns or Other Weapons -- The Court finds that your use or possession of a weapon poses a serious threat of harm to the Petitioner. You cannot possess, have, or buy a gun or firearm or any of these weapons: _____

Warning! If a final protective order is issued against you after the hearing, you will then become subject to the federal law making it a crime to possess, transport, ship or receive any firearm or ammunition, including a hunting weapon.

6 ☐ Property Orders -- Until further court order, Only the Petitioner can use, control and possess the following property and things, but cannot dispose of this property without court approval:

☐ a. Home at (address):

☐ b. Car, truck or other property (describe):

Civil orders (you can be in held contempt of court for violating these)

If you (respondent) violate orders 7-14, you will be in contempt of court and may be punished with jail time and fines.

7 ☐ Property Orders

☐ You cannot interfere with or change Petitioner's phone, utility or other services.

☐ You must maintain Petitioner's existing wireless phone contracts or accounts.

8 ☐ No Harming Pets Do not physically injure or threaten to injure a pet that is:

☐ a. Owned or kept by the Petitioner. Do not take possession of the Petitioner's pet.

☐ b. Owned or kept by you.

9 ☐ Transfer Wireless Phone Number(s)

You must transfer the Petitioner's current wireless phone number(s) to a new account of their choice.

The court will issue a separate order to the wireless service provider to transfer Petitioner's wireless phone number(s) to a new account.

10 ☐ Child Custody & Parent-time Orders –

☐ The Petitioner (the person asking for protection)

☐ _____ (name)

will have temporary custody of the minor children of the parties listed below. The person with custody may give a copy of this order to the principal or director of the child's school or daycare. If you do not obey the custody and parent-time orders listed here, the person with custody may ask for the court's help by filing a motion to enforce the order:

You will have parent-time as follows:

If there is a "No Contact" order, you can communicate with the Petitioner or person with custody only about parent-time matters through:

11 ☐ No Alcohol or Illegal Drugs -- Do not use alcohol or illegal drugs before or during visitation.

12 ☐ No Travel with Children -- Do not take the children listed above out of Utah.

13 ☐ Child Support, Spousal Support and other Expenses -- The Respondent will:

☐ a. Pay \$ _____ / month in child support.

☐ b. Have child support withheld from the Respondent's earnings. (*Utah Code 62A-11, Parts 4 and 5*)

☐ c. Pay \$ _____ / month in spousal support.

☐ d. Pay 50% of the minor children's childcare expenses.

- ☐ e. Pay 50% of the minor children's medical expenses, including premiums, deductibles and co-payments.
- ☐ f. Pay \$ _____ for the minor children's medical expenses related to the abuse and
\$ _____ for the Petitioner's medical expenses related to the abuse.

14 ☐ **Other Assistance Needed** (List below any other orders needed to protect you and other protected people listed on page 1 of this form): _____

Orders to Agencies

15 ☐ **Law Enforcement to Assist** A law enforcement officer from: _____ will enforce the orders checked below:

- ☐ a. Help the Petitioner gain and keep control over home, car or other personal belongings.
- ☐ b. Help the Petitioner obtain custody of the children.
- ☐ c. Help the ☐ Respondent or ☐ Petitioner remove essential personal belongings from the home.

"Essential personal belongings" means daily use items, such as clothing, medications, jewelry, toiletries, financial or personal records solely in one person's name, or items needed to work at a job or go to school.

Warning to the Respondent: Do not go into the home or other protected places without the officer.. Law enforcement can evict you or keep you away from protected places, if needed.

16 ☐ **Investigate Possible Child Abuse --** This matter will be referred to the Division of Child and Family Services for review and possible investigation of child abuse.

No-Fault Protective Order

17 ☐ Both the respondent and the petitioner have agreed to the No-Fault Protective Order during the hearing. This protective order cannot be used as evidence of domestic violence or abuse in other criminal or civil cases.

Respondent was afforded both notice and opportunity to be heard in the hearing that gave rise to this order. Pursuant to the Violence Against Women Act of 1994, P.L. 103-322, 108 Stat. 1796, 18 U.S.C. Sec. 2265, this order is valid in all the United States, the District of Columbia, tribal lands, and United States territories. This order complies with the Uniform Interstate Enforcement of Domestic Violence Protection Orders Act. (Utah Code 78B-7-105.5(4)).

Paragraphs 1-6 of this protective order expires in

three years, on _____ (date) (Utah Code 78B-7-606)
Paragraphs 7-14 of this protective order expire in 150 days, on _____ (date) (Utah Code 78B-7-606)
The court could extend the expiration date for paragraphs 7-13.

Notice to petitioner

The court may amend or dismiss a protective order after one year if it finds that the basis for the issuance of the protective order no longer exists and the petitioner has repeatedly acted in contravention of the protective order provisions to intentionally or knowingly induce the respondent to violate the protective order, demonstrating to the court that the petitioner no longer has a reasonable fear of the respondent. (Utah Code 78B-7-105(6)(c)).

The respondent can ask to dismiss the **criminal provisions** of this protective order **within two years** of the date the order is issued, but only if the petitioner agrees to the dismissal. (Utah Code 78B-7-603(10)).

If you receive services from the Office of Recovery Services (ORS) and want to keep your address confidential, you must give ORS a copy of your current Protective Order.

— The Court fills out below —

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

Date	Signature ►	
	Commissioner	
Date	Signature ►	
	Judge	

— The Respondent fills out below —

By signing here, the Respondent approves the form, and accepts service of this Protective Order and waives the right to be personally served.

Respondent's Address

Street

City

State

Zip

Respondent's Signature _____

Name

Address

City, State, Zip

Phone

Email

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

In the District Court of Utah

_____ Judicial District _____ County

Court Address _____

Plaintiff/Petitioner

v.

Defendant/Respondent

**Order on Motion to Renew
Judgment**

Case Number

Judge

The matter before the court is the judgment creditor's Motion to Renew Judgment. This matter is being resolved by: (Choose all that apply.)

- ☐ The default of ☐ Plaintiff/Petitioner ☐ Defendant/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.

Plaintiff/Petitioner

- ☐ was present ☐ was not present.
☐ was represented by _____ (name).
☐ was not represented.

Defendant/Respondent

- ☐ was present ☐ was not present.

☐ was represented by _____ (name).

☐ was not represented.

Other party (Describe) _____

☐ 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. This court ☐ did ☐ did not enter a judgment in this case.
2. The Motion to Renew Judgment ☐ was ☐ was not filed before the statute of limitations on the judgment expired.
3. The Motion to Renew Judgment ☐ was ☐ was not properly served.
4. ☐ The judgment in this case has been purchased by or assigned to _____ (name).
5. The motion includes an affidavit that contains an accounting of the original judgment and all post-judgment payments, credits, and other adjustments which are provided for by law or are contained within the original judgment.
6. The judgment has not been fully paid.
7. The time for responding to the motion has expired.
8. The required fee has been paid or waived.

The court concludes:

9. The judgment creditor ☐ has ☐ has not satisfied the requirements for renewing a judgment by motion.

The court orders:

10. The Motion to Renew Judgment is ☐ granted ☐ denied.
11. ☐ The judgment is renewed as of the date of this order.

12. This renewed judgment maintains the date of the original judgment and that priority of collection which is _____ (date).

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

_____	Signature ►	_____
Date	Judge	_____

Approved as to form.

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

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

_____	Signature ►	_____
Date	Other Party, Attorney, or Licensed Paralegal Practitioner	_____

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 Order on Motion to Renew Judgment and Supporting Affidavit 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

Name (currently used)

Address

City, State, Zip

Phone

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

Email

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

In the District Court of Utah

_____ Judicial District _____ County

Court Address _____

In the Matter of the (choose all that apply):

☐ name change of:
☐ sex designation change of:

Petitioner (current legal name)

Petition for (choose all that apply):

☐ **Name Change**
(Utah Code 42-1-1)

☐ **Sex Designation Change**
(Utah Code 26B-8-111)

Case Number

Judge

Petitioner Information

1. I live in _____ County, Utah.

2. I was born on: _____ (date).

3. Except for this petition:

☐ I am not involved in any court actions or proceedings.

☐ I am involved in the following court actions or proceedings:

Court case name		Court case number	
Judge's name		County and state	
Type of case	<input type="checkbox"/> Order of protection <input type="checkbox"/> Civil litigation	<input type="checkbox"/> Juvenile court proceeding <input type="checkbox"/> Criminal case	
Did the judge make an order?	<input type="checkbox"/> Yes <input type="checkbox"/> No		

Court case name		Court case number	
Judge's name		County and state	
Type of case	<input type="checkbox"/> Order of protection <input type="checkbox"/> Civil litigation	<input type="checkbox"/> Juvenile court proceeding <input type="checkbox"/> Criminal case	
Did the judge make an order?	<input type="checkbox"/> Yes <input type="checkbox"/> No		

4. I am not currently committed to the custody of the Utah Department of Corrections or being supervised on probation or parole by Adult Probation and Parole.

5. I am:

☐ not on probation or parole.

☐ On probation or parole.

Court case name		Court case number	
Judge's name		County and state	
Type of case	<input type="checkbox"/> Order of protection <input type="checkbox"/> Civil litigation	<input type="checkbox"/> Juvenile court proceeding <input type="checkbox"/> Criminal case	
Did the judge make an order?	<input type="checkbox"/> Yes <input type="checkbox"/> No		

Court case name		Court case number	
Judge's name		County and state	
Type of case	<input type="checkbox"/> Order of protection <input type="checkbox"/> Civil litigation	<input type="checkbox"/> Juvenile court proceeding <input type="checkbox"/> Criminal case	

Did the judge make an order?	<input type="checkbox"/> Yes <input type="checkbox"/> No
------------------------------	---

6. I am not filing this petition for a wrongful or fraudulent purpose, which includes efforts to commit a crime, to interfere with the rights of others, to avoid creditors, to influence the sentence, fine, or conditions of imprisonment in a criminal case, to commit fraud on the public, or for any other fraudulent purpose.
7. Granting this petition will not affect any right, title, or interest of anyone else, and I do not know of anyone else who should be notified of this petition.
8. I am (Choose one.):
- ☐ not on the Sex and Kidnap Offender Registry.
- ☐ on the Sex and Kidnap Offender Registry. Granting this petition is not against the public interest because (Explain.):
-
-
9. I do not know any reason why this petition should not be granted.
10. I request a hearing.

☐ **Name Change** (Only complete paragraphs 11-12 if you are asking for a name change.)

11. I request a name change.

The name on my birth certificate is:

First name	
Middle name(s) (if any)	
Last Name	

☐ My name changed due to marriage, divorce, or court order. My current legal name is:

First name	
Middle name(s) (if any)	
Last Name	

I ask the court to order that my legal name be (proposed new name):

First name	
Middle name(s) (if any)	
Last Name	

I want to change my name because:

12. I live in _____ County, Utah and have lived here since _____ (date), which is at least one year before filing this petition.

☐ **Sex Designation Change** (Only complete paragraphs 13-18 if you are asking for a sex designation change.)

13. My birth certificate says that my legal sex designation is
☐ male ☐ female ☐ other: _____
14. I ask the court to order that my legal sex designation is
☐ male ☐ female ☐ other: _____
15. I have transitioned to the sex designation sought in this petition and have outwardly expressed as the sex designation sought in this petition in a consistent and uniform manner for at least 6 months.
16. I experience clinically significant distress or impairment due to the current legal sex designation on my birth certificate.
17. I have attached evidence of appropriate clinical care or treatment for gender transitioning or change by a licensed medical professional. (example: letter from medical provider).
18. I have attached evidence that I have outwardly expressed the sex designation sought in this petition in a consistent and uniform manner for at least 6 months and that the sex designation change sought in this petition is sincerely held and part of my core identity.

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

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

_____	Signature ►	_____
Date	Printed Name	_____

Name

Address

City, State, Zip

Phone

Email

In the District Court of Utah

_____ Judicial District _____ County

Court Address _____

In the Matter of the (choose all that apply):

☐ name change of:

☐ sex designation change of:

Petitioner (current legal name)

Order on Petition for:

☐ **Name Change**

(Utah Code 42-1-1)

☐ **Sex Designation Change**

(Utah Code 26B-8-111)

Case Number

Judge

1. Petitioner appeared in court on _____ (date).

2. Petitioner was born on: _____ (date).

The court finds:

3. ☐ All the notices required by law have been given.

4. Objections (Choose one.):

☐ No objections to the petition were made.

☐ Objections to the petition were made by:

5. ☐ The statements in the petition are accepted as true.

6. ☐ The requests in the petition are not for a wrongful or fraudulent purpose.

7. Petitioner:

☐ is not on the Sex and Kidnap Offender Registry.

☐ is on the Sex and Kidnap Offender Registry, but granting the petition is not against the public interest (Utah Code 77-41-105(8)(a)).

8. ☐ Petitioner is not an Offender under Utah Code 64-13-1

9. ☐ For name change: The name on petitioner's birth certificate is:

First name	
Middle name(s) (if any)	
Last name	

☐ The petitioner's name changed due to marriage, divorce, or court order. The petitioner's current legal name is:

First name	
Middle name(s) (if any)	
Last Name	

10. ☐ For sex designation change: petitioner's legal sex designation is
☐ male ☐ female ☐ other: _____

11. ☐ For sex designation change: the petition is supported by clear and convincing objective evidence of appropriate clinical care or treatment for gender transitioning or change, provided by a licensed medical professional.

12. ☐ For sex designation change: there is clear and convincing evidence that petitioner has transitioned to the sex designation sought in the petition in a consistent and uniform manner for at least 6 months.

13. ☐ For sex designation change: there is clear and convincing evidence that petitioner experiences significant distress or impairment due to the current legal sex designation on their birth certificate.

14. ☐ Other findings (if any):

The court concludes:

15. The statements in the petition:

☐ are sufficient and the petition should be granted.

☐ are not sufficient and the petition should not be granted.

16. ☐ Name Change

The requirements for a name change in Utah Code 42-1-1 through 42-1-3:

☐ have been met.

☐ have not been met.

17. ☐ Sex Designation Change

The requirements for a legal sex designation change in Utah Code 26B-8-111:

☐ have been met.

☐ have not been met.

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

The court orders:

18. The Petition is

☐ granted ☐ denied

19. Sex Designation Change: ☐ Petitioner's legal sex designation is changed to:

☐ male ☐ female ☐ other: _____

This new legal sex designation may be entered on the petitioner's birth certificate and used as the petitioner's new legal sex designation from this date forward.

20. Name Change: ☐ Petitioner's legal name is changed to:

First name	
Middle name(s) (if any)	
Last name	

This new legal name may be entered on the petitioner's birth certificate and used as the petitioner's new legal name from this date forward.

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

_____	Signature ►	_____
Date	Judge	_____

Certificate of Service

I certify that I filed with the court and am serving a copy of this Order on Petition for Name Change or Sex Designation Change on the following people.

(Only required if there were other interested parties in this case).

Person's Name	Service Method	Service Address	Service Date
(Interested party or attorney)	<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.)		
(Interested party or attorney)	<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.)		

Signature ►

Date

Printed Name

Name

Address

City, State, Zip

Phone

Email

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

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

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

In the District Court of Utah

_____ Judicial District _____ County

Court Address _____

<p>_____ Plaintiff</p> <p>V.</p> <p>_____ Defendant</p>	<p>Complaint for Unlawful Detainer (Eviction) Utah Code 78B-6-801 to 814</p> <p>_____ Case Number</p> <p>_____ Judge</p>
---	--

- Plaintiff is (Choose one.):
☐ an individual over the age of 18 (including a DBA – Doing Business As) and the owner of the property.
☐ a business or trust with legal right to proceed in this action on behalf of the owner and represented by a lawyer.
☐ other: _____

2. Defendants, _____ (names) are residents at: _____
(property address).
3. The agreement to rent the property is: (Choose one.)
☐ in writing. The contract is attached as Exhibit 1.
☐ not in writing. It was an oral agreement.
4. Defendants agreed: (Complete a, b, and c or d.)
☐ a. To rent the premises:
 ☐ for 1 year, starting on _____
 ☐ month-to-month
 ☐ other: _____
b. To pay rent of \$ _____ ☐ monthly ☐ other:

c. To pay rent on ☐ first of the month ☐ other:

☐ d. Other: _____
5. Defendants was served with the following notices: (Check any that apply.)
☐ Three Day Notice to Pay or Vacate (Utah Code 78B-6-802(1)(c))
☐ Three Day Notice to Comply or Vacate (Utah Code 78B-6-802(1)(h))
☐ Three Day Notice to Vacate for
 ☐ assigning or subletting (Utah Code 78B-6-802(1)(d))
 ☐ committing criminal act (Utah Code 78B-6-802(1)(g))
 ☐ for criminal nuisance (Utah Code 78B-6-1107)
 ☐ committing waste on premise (Utah Code 78B-6-802(1)(d))
 ☐ lease violation(s) (Utah Code 78B-6-802(1)(c))
 ☐ nuisance (Utah Code 78B-6-802(1)(f))
 ☐ unlawful business on the premises (Utah Code 78B-6-802(1)(e))
☐ Five Day Notice to Tenant at Will (Utah Code 78B-6-802(1)(b)(ii))
☐ Fifteen Day Notice to Vacate (Utah Code 78B-6-802(1)(b)(i))
☐ Other: _____
6. On _____ (date), the period stated in the notices described in paragraph 5 above ended. A copy of the notices served are attached as Exhibit 2.
7. Plaintiff is asking to evict defendants for the following reasons: (Check the box that matches the eviction notices you already served.)

☐ a. **Three Day Notice to Pay or Vacate** (Utah Code 78B-6-802(1)(c))

Defendants owe plaintiff \$_____. This amount is for:

☐ unpaid rent, for the time period of _____ through _____
(date the notice expired).

☐ money other than rent due under the contract:

(explain what the money is for, such as utilities)

☐ b. **Three Day Notice to Comply or Vacate** (Utah Code 78B-6-802(1)(h))

Defendants have violated the parties' rental agreement as follows:

☐ c. **Three Day Notice to Vacate for Assigning or Subletting**

(Utah Code 78B-6- 801(1)(d))

Defendants have sublet the premises in violation of the rental agreement as follows: _____

☐ d. **Three Day Notice to Vacate for Committing Criminal Act**

(Utah Code 78B-6-802(1)(g))

Defendants have committed a criminal act as follows: _____

☐ e. **Three Day Notice to Vacate for Criminal Nuisance** (Utah Code 78B-6-1107)

Defendants have committed criminal nuisance as follows: _____

☐ f. **Three Day Notice to Vacate for Committing Waste on Premises**

(Utah Code 78B-6-802(1)(d))

Defendants have committed waste as follows: (Examples of waste are destruction of property, failure to maintain, trash)

☐ g. **Three Day Notice to Vacate for Violations that Cannot Be Brought into Compliance** (Utah Code 78B-6-802(1)(c))

Defendants have violated the parties' rental agreement by committing a violation that cannot be brought into compliance as follows: _____

☐ h. **Three Day Notice to Vacate for Nuisance** (Utah Code 78B-6-802(1)(f))

Defendants have permitted nuisance as follows: _____

☐ i. **Three Day Notice to Vacate for Engaging in Unlawful Business on or in the Premises** (Utah Code 78B-6-802(1)(e))

Defendants have engaged in unlawful business on or in the premises as follows: _____

☐ j. **Five Day Notice to Tenant at Will** (Utah Code 78B-6-802(1)(b)(ii))

Plaintiff served a Five Day Notice to Tenant at Will upon defendants and incorporates that notice and the statements contained in the notice as part of this complaint.

☐ k. **Fifteen Day Notice to Vacate** (Utah Code 78B-6-802(1)(b)(i))

Plaintiff served a Fifteen Day Notice to Vacate upon defendants. It is attached.

8. Defendants did not comply with the notices and are still in possession of the property.
9. Plaintiff asks for an Order of Restitution to remove defendants from plaintiff's property. (Utah Code 78B-6-811(1)(b) and 78B-6-812)
10. Plaintiff asks for a judgment upon proof at trial or upon plaintiff's affidavit in the event of defendant's default of any rent due and unpaid by defendants through the date the notice expires as well as any unpaid amounts under the rental agreement. (Utah Code 78B-6-811)
11. Plaintiff asks for treble (three times) the following damages for (Utah Code 78B-6-811):

☐ rent for the time the tenant unlawfully detained the premises;

- [] other money due under the contract
- [] physical damages beyond normal wear and tear (waste) caused by defendants to the plaintiff's property (this complaint and the notice served include a claim for waste) (Utah Code 78B-6-802(1)(d));
- [] the abatement (termination) of criminal nuisance caused by defendants (the complaint and the notice served include a claim for criminal nuisance) (Utah Code 78B-6-1107 through 1114).
- [] 12. Plaintiff is entitled to a judgment for reasonable attorney's fees. (Utah Code 78B-6-811)

Requests for Relief

Plaintiff asks that this court:

1. Enter an Order of Restitution to evict the defendants.
2. Grant plaintiff a judgment for unpaid rent, damages and other amounts due.
3. Grant other available relief.

Plaintiff

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

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

Date
Signature ► _____
Printed Name _____

Attorney or Licensed Paralegal Practitioner of record (if applicable)

Date
Signature ► _____
Printed Name _____

EXHIBIT 1

Rental Contract

(Utah Rule of Civil Procedure 26.3)

(Attach copy of written contract to next page.)

EXHIBIT 2

Eviction Notices Served on Defendant

(Utah Rule of Civil Procedure 26.3)

(Attach copy of copy of eviction notices served on defendant to next page.)

EXHIBIT 3

Itemized calculation of amounts defendants owed at time of filing

(Utah Code 78B-6-811 and Utah Rule of Civil Procedure 26.3)

Instructions to plaintiff: Look at your complaint and notices. Skip any parts that do not apply.

a. Rent due after the notice expired (if you need help with this part, use the worksheet below)	\$
b. Amounts due under the contract besides rent (utility bills, late fees, etc.)	\$
c. Waste – if the complaint includes a notice for waste	\$
d. Clearing a nuisance – if the complaint includes a notice for criminal nuisance	\$
e. Total (add the amounts listed above)	\$

f. Total X 3 (multiply the total in paragraph e by 3 – these are called treble damages)	\$
g. Past due rent as listed in the 3-day notice – if the complaint includes a notice to pay or vacate	\$
h. Attorney fees (may include Licensed Paralegal Practitioner)	\$
i. Filing fees	\$
j. Service fees (to have any papers served on the defendants)	\$
k. Total amount requested (add the paragraphs f through k)	\$

Worksheet for paragraph a

(You only need to complete this if you need help with paragraph a.)

My case is about past due rent.

1. The monthly rent for the property is: \$_____.
2. The monthly rent divided by 30 is: \$_____. This is the **daily rent**.
3. The notice was served on: _____.
4. The notice is a _____ (number of days) notice.

5. Skipping the day I served the notice (day zero), it expired on _____.

(Read the notice and compare paragraphs 3 and 4. Calculate the date based on when you served the notice and the number of days it gave to comply.)

6. It has been _____ days **since the notice expired.**

7. If I multiply the daily rent from paragraph 2 by the number of days in paragraph 6, it gives me \$ _____. (Write this amount in paragraph a.)

Name

Address

City, State, Zip

Phone

Email

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

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

I am ☐ Plaintiff/Petitioner ☐ Defendant/Respondent
☐ Purchaser/Assignee of the Judgment
☐ Plaintiff/Petitioner's Attorney ☐ Defendant/Respondent's Attorney
☐ Purchaser/Assignee's Attorney (Utah Bar #: _____)
☐ Plaintiff/Petitioner's Licensed Paralegal Practitioner
☐ Defendant/Respondent's Licensed Paralegal Practitioner
☐ Purchaser/Assignee of the Judgment (Utah Bar #: _____)

In the District Court of Utah

_____ Judicial District _____ County

Court Address _____

_____	Motion to Renew Judgment and Supporting Affidavit (Utah Code 78B-6-1801 et seq.)
Plaintiff/Petitioner	<input type="checkbox"/> Hearing Requested
v.	_____
	Case Number
Defendant/Respondent	_____
	Judge

1. I request the court renew the judgment in this case for the amount due. I ask the renewal be effective on the date the new judgment is signed.
2. On _____ (date) this court entered judgment against
☐ Plaintiff/Petitioner.
☐ Defendant/Respondent.

☐ The judgment has been renewed previously. The date of entry of the original judgment is _____.

3. The judgment expires on _____ (date).

4. (Choose one.)

☐ I am the original judgment creditor.

☐ I currently own the judgment, but I am not the original judgment creditor. I have attached proof that I own the judgment. (Attach proof of ownership, such as an assignment or proof of purchase or affidavit of the original judgment creditor.)

5. The judgment debtor owes:

Amount of judgment (Original or as last renewed by motion, whichever is later.)	\$
Post-judgment interest to the date of this affidavit at _____% per year	\$
Fee to file applications for writs of garnishment or writs of execution (Attach receipts.)	\$
Garnishees' fees (Attach receipts.)	\$
Cost to serve writs (Attach receipts.)	\$
Attorney fees (Attach statute or contract showing right to claim attorney fees.)	\$
Fee to file Motion to Renew Judgment (One-half the fee for a civil claim of the same amount.)	\$
Subtotal	\$
Less payments made	\$
Total amount due	\$

6. The statute of limitations on the judgment has not expired.

7. ☐ The judgment debtor has stipulated to this motion. (Attach stipulation.)

8. The address provided in the certificate of service below is the most current known address of the judgment debtor.

9. ☐ I request a hearing.

[] I do not request a hearing.

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

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

_____	Signature ►	_____
Date	Printed Name	_____

Attorney or Licensed Paralegal Practitioner of record (if applicable)

_____	Signature ►	_____
Date	Printed Name	_____

Notice to responding party

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

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

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

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

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



Scan QR code to visit page

Finding help

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



Scan QR code to visit page

Aviso para la parte que responde

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

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

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

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

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

utcourts.gov/motions-span



Para acceder esta página escanee el código QR

Cómo encontrar ayuda legal

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

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



Para acceder esta página escanee el código QR

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 Motion to Renew Judgment and Supporting Affidavit 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.)		

Your
Signature ►

Date
(when you filled this out)

Your Printed
Name

In the District Court of Utah

_____ Judicial District _____ County

Court Address _____

Notice of Judgment from Another State

Utah Code 78B-5-301 to 307

Plaintiff/Petitioner

v.

Defendant/Respondent

Case Number

Judge

Commissioner (domestic cases)

To Judgment Debtors:

A judgment against you from another state has been filed in Utah under the Utah Foreign Judgment Act.

Information About Judgment From Other State

Name of judgment, decree, or order:

Name of Court that issued judgment:

Case number from the other state's case: _____

What Happens Next?

You can ask for a copy of the judgment from the court listed at the top of this form. For more information see (short url and QR code).

The court will treat this judgment like a judgment made by a Utah court. The judgment will have the same power and follow the same rules as a Utah judgment. This means:

- It can be enforced in the same way.
- You can use the same defenses against it.
- You can ask to change, cancel, or delay it just like a Utah judgment.
- Utah interest rates under Utah Code 15-1-4 may apply.

The judgment can be enforced once 30 days have passed from when the judgment was filed.

Creditor Information

Name and Address of Creditor (person who won the judgment):

Name and Address of Creditor's Lawyer (if any)

Date

Signature ► _____

Printed name of court clerk _____

Clerk's Certificate of Service

I certify that on _____ (date) a copy of this Notice of Judgment from Another State was sent to the following people at the following addresses:

Date

Signature ► _____

Printed name of court clerk _____

Name

Address

City, State, Zip

Phone

Email

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 Juvenile Court of Utah

_____ Judicial District _____ County

Court Address _____

State of Utah, in the interest of	Verified Petition Regarding Substantiation in DCFS Licensing Database (Utah Code 80-3-504, 80-2-1004, Utah Code 80-2-708, and 63G-4-402(2))
_____ Petitioner's Name	
_____ Street Address	
_____ City, State, ZIP	
_____ Date of birth	
vs.	_____ Case Number
Division of Child and Family Services, Respondent 195 North 1950 West Salt Lake City, UT 84116 801-538-4100	_____ Judge

1. I received notice on _____ (date) that the Division of Child and Family Services (DCFS) had made a supported finding of severe abuse or neglect against me and that I would be included in the DCFS licensing database. Attached is a copy of the notice from DCFS.

I: (choose one)

☐ am filing this petition within 30 days of receiving the notice.

☐ was listed on the DCFS licensing database before May 6, 2002.

2. I have NOT been subject to any of the following court determinations with respect to the alleged incident of abuse or neglect:

- Conviction;
- Juvenile court adjudication under Utah Code 80-3-402 or 80-6-701;
- Plea of guilty;
- Plea of guilty with a mental condition;
- Plea of no contest.

3.

4. I challenge the finding made by DCFS. I don't think I should be included in their Licensing Database. The DCFS finding of abuse, neglect, or dependency was wrong because it did not happen or I was not responsible for the abuse, neglect or dependency. My reasons for saying this are: (Describe in detail what happened. Include details about where the events happened and who was involved (including minor children and family and household members). Were the police called? Did someone need medical help?)

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

5. I ask the Court to enter an order saying that the finding of the DCFS was unsubstantiated, or without merit. I also ask the Court to order DCFS to remove me from the Licensing Database.

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

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

_____	Signature ►	_____
Date	Printed Name	_____

Name

Address

City, State, Zip

Phone

Email

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

In the District Court of Utah

_____ Judicial District _____ County

Court Address _____

Plaintiff

v.

Defendant

Request for Occupancy Hearing

Utah Code 78B-6-810

Case Number

Judge

1. I am the ☐ plaintiff ☐ defendant.
2. I ask for a hearing to determine who has the right to immediately occupy the property in this case.
3. I ask the hearing be held within 10 business days after the defendant's answer was filed.

Plaintiff/Petitioner or Defendant/Respondent

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

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

Signature ►

Date

Printed Name _____

Attorney or Licensed Paralegal Practitioner of record (if applicable)

Date

Signature ► _____

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 Request for Occupancy Hearing 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.)		

Your
Signature ►

Date
(when you filled this out)

Your Printed
Name

Name

Address

City, State, Zip

Phone

Email

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

☐ Plaintiff's Licensed Paralegal Practitioner (Utah Bar #: _____)

In the District Court of Utah

_____ Judicial District _____ County

Court Address _____

<p>_____ Plaintiff</p> <p>V.</p> <p>_____ Defendant</p>	<p>Ex Parte Motion for Order of Restitution Utah Code 78B-6-811 and 812</p> <p>_____ Case Number</p> <p>_____ Judge</p>
---	--

1. I filed an eviction case about the property located at (address):

2. The defendant was served with the Summons and Complaint, and proof of service has been filed with the court.
3. The defendant has not filed an answer within the time allowed, and they have not moved out of the property.
4. The Clerk of Court has issued a default certificate.
5. I ask for an Order of Restitution to remove the defendant from the property.

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 _____

Name
Address
City, State, Zip
Phone
Email

In the Juvenile Court of Utah

_____ Judicial District _____ County

Court Address _____

State of Utah, in the interest of	Petition and Application for Authorization to Marry Utah Code 81-2-303 and 304

Last name, first name	_____
_____	Case Number
Date of birth	_____
_____	Judge
A minor [] under [] over 18 years of age, and [] represented [] not represented.	

Certification of County Clerk

I certify:

1. Petitioner is _____ years of age.
2. Petitioner's birth date is: _____.
3. Petitioner's proposed spouse's birth date is: _____.
4. Petitioner has demonstrated parental consent by providing (choose one):
[] signed consent from a parent who is not divorced from the other parent and where another guardian or custodian has not been given custody of the minor.
[] consent given under oath or affirmation which states that although the parents of the minor applicant are divorced, the consenting parent has sole

legal custody of the minor applicant.

[] consent given under oath or affirmation which states that although the parents of the minor applicant are divorced, the parents have been awarded joint legal custody of the minor applicant and the consenting parent has been awarded physical custody for the majority of the time.

[] consent given under oath or affirmation which states that although the minor is not in the custody of a parent, the consenting party is not a parent but has been appointed as legal guardian, which was demonstrated by providing proof of the guardianship.

[] Other (explain): _____.

5. Petitioner, the proposed spouse, and the minor's parent or legal guardian has provided documentation to support the information contained in this form.

County Clerk signature and seal

Notice to Petitioner

- Your marriage license cannot be issued until the court approves the petition. This process can take time, at least 3 business days but it could take longer.
- You and your proposed spouse will be required to complete premarital counseling unless otherwise decided by the court.
- The court will schedule a hearing. You must attend with your parent.
- There is a filing fee for this petition.

Declaration of Parent or Legal Guardian

1. I am related to the petitioner (choose one):
 - ☐ I am the petitioner's parent. I am not divorced from the other parent. No other guardian or custodian has been given custody of the petitioner.
 - ☐ I am the petitioner's parent. I am divorced from the petitioner's other parent. I have sole legal custody of the petitioner.
 - ☐ I am the petitioner's parent. I am divorced from the petitioner's other parent. I have joint legal custody of the petitioner, but I have physical custody of the petitioner for the majority of the time.
 - ☐ I am the petitioner's legal guardian.
 - ☐ Other (explain): _____.
2. I agree to this marriage.
3. I understand that if I knowingly agree to or allow a minor child to enter into a marriage prohibited by law I am guilty of a third degree felony.

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

Petition and Application

1. I am the petitioner. Below is the required information for my proposed spouse and me.

	Petitioner	Proposed spouse
Full name (including maiden or bachelor name)		
Social security number:		
Current address:		
Date and place of birth (including town, or city, county, state, or country):		
Name of parents (including mother's maiden name)		
Birthplaces of parents (including town or city, county, state or country):		

2. The difference between my proposed spouse's age and my age is

☐ less than four years.

☐ four years or more.

3. My proposed spouse or I reside in this county.

4. I ask for authorization to marry _____.

5. I make this request to marry voluntarily of my own free will and not as a result of any threat, promise or payment.

6. I have known my proposed spouse since: _____ (date).

7. The details of how I met my proposed spouse are:

8. I want to marry my proposed spouse because:

Minor

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

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

_____	Signature ►	_____
Date	Printed Name	_____

Proposed spouse

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

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

_____	Signature ►	_____
Date	Printed Name	_____

In the Juvenile Court of Utah

_____ Judicial District _____ County

Court Address _____

State of Utah, in the interest of

Last name, first name

Date of birth

A minor

☐ under ☐ over 18 years of age, and

☐ represented ☐ not represented.

**Findings and Order on Petition for
Authorization to Marry**

Utah Code 81-2-303 and 304

Case Number

Judge

The court finds

1. ☐ Petitioner is under 18 years of age and not less than 16 years of age.
2. Petitioner demonstrated parental consent to the county clerk by providing (choose one):
 - ☐ Signed consent from a parent who is not divorced from the other parent where another guardian or custodian has not been given custody of the minor by a court order.
 - ☐ Signed consent given under oath or affirmation which states that although the parents of the minor applicant are divorced, the consenting parent has sole legal custody of the minor applicant.
 - ☐ Signed consent given under oath or affirmation which states that although the parents of the minor applicant are divorced the parents have been awarded joint legal custody of the minor applicant and the consenting parent has been awarded physical custody for the majority of the time.
 - ☐ Signed consent given under oath or affirmation which states that although the minor is not in the custody of a parent, the consenting party is not a parent but has been appointed as legal guardian, which was demonstrated by providing proof of the guardianship.
 - ☐ Other (explain): _____

3. Petitioner

☐ is voluntarily entering into this marriage.

☐ is not voluntarily entering into this marriage.

4. The marriage

☐ is in the best interest of the minor under the circumstances.

☐ is not in the best interest of the minor under the circumstances.

5. ☐ The age difference between the parties

☐ is four years or fewer.

☐ is not four years or fewer.

6. ☐ The petitioner and proposed spouse completed premarital counseling.

☐ Premarital counseling is not required because it is not reasonably available.

7. The Petition and Application for Authorization to Marry was filed at least 72 hours ago.

8. ☐ Other:

The court orders

Having reviewed the Petition and having made inquiry of the petitioner on the record on the date indicated below, it is hereby ordered that:

☐ The petitioner must continue to attend school.

☐ Authorization to marry is granted.

☐ Authorization to marry is denied.

☐ Other conditions:

Date

Signature ►

Judge

You must return this signed order of the Court to the County Clerk to obtain your marriage license.

**This is a safeguarded document.
This means the other parties in your
case cannot see this document.**

**Safe at Home Program
Notice of Actual Address**

Utah Code 77-38-611

Case Number _____

I am a program participant enrolled in the Safe at Home Program, and I asked the court to order the respondent to stay away from my home address in my protective order request.

- I would like to share my actual address with the law enforcement and the courts as allowed by Utah Code 77-38-611(11)(b)(i). This will help law enforcement see that my actual address is a protected place, and that the respondent must stay away from it.

AND

- I have filed the Request to Give Address to Criminal Justice Agencies, my protective order request, a copy of my Safe at Home Program authorization card, and any other required documents.

Name	
Actual Address	
City, State, ZIP	

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

Date

Signature ► _____
Printed Name _____

Temporary Civil Stalking Injunction

Ex Parte Order

Case Number: _____ District: _____

County: _____ State: Utah

Judge: _____

Petitioner (person who asked for the stalking injunction):

First Name

Middle

Last

Other people protected by this order:

Address and phone # (to keep private, leave blank):

Name

**Date
of
Birth**

**Relationship to
Petitioner**

Street

City --- State --- Zip

Phone #

Petitioner's attorney (if any): _____ Phone # _____

Respondent

(person who must obey this stalking injunction):

Describe Respondent

Sex

Race

Date of
Birth

Height

Weight

First Name

Middle

Last

Other Names Used

Eye
Color

Hair
Color

Social Security Number
(last four digits only)

Address

Street

City --- State --- Zip

Distinguishing features (like scars, tattoos, limp, etc.)

Driver's license issued by

(State): _____ Expires _____

Warning! ☐ Weapon involved (Box to be initialed by Court, if applicable)

Findings: The Court has reviewed the Petitioner's *Request for Stalking Injunction*, and finds that:

- The Court has jurisdiction over the parties and this case,
- There is reason to believe stalking has occurred, and
- The Respondent is the stalker.
- The Respondent has the right to a hearing, if they ask for it.

(Utah Code 76-5-106.5)

To: (Respondent's name): _____

Obey all orders initialed by the judge.

Violation of these orders is a criminal Class A Misdemeanor, punishable by up to one year in jail and a fine. A second or subsequent violation can result in more severe penalties.

1 ☐ Personal Conduct Order

Do not stalk the Petitioner. This means that you must not do things such as follow, threaten, annoy, or harass the Petitioner in a way that would cause a reasonable person to suffer emotional distress or to be afraid for the person's safety or the safety of another person. For a legal definition of stalking, see Utah Code 76-5-106.5.

2 ☐ No Contact Order

Do not contact, phone, text, mail, e-mail, or communicate in any way with the Petitioner and any person listed on page 1 of this order as well as any person listed below, either directly or indirectly.

Other people you must not contact: _____

3 ☐ Stay Away Order

Stay away from:

☐ a. The Petitioner's current or future home:

☐ The Petitioner is not a Safe at Home Program participant.

☐ Petitioner has safeguarded their address. Law enforcement is still required to keep the respondent away from the petitioner's home.

☐ Petitioner's home address is:

_____ (address)

☐ The Petitioner is a Safe at Home Program participant under Utah Code 77-38-6.

☐ Their actual address is not included in the civil stalking injunction or shared with law enforcement or other criminal justice agencies. Law enforcement is still required to keep the Respondent away from the Petitioner's home.

☐ They have requested to share their actual address only with law enforcement and other criminal justice agencies for enforcement purposes. Law enforcement can use the address shown in the Utah Criminal Justice Information System. The Petitioner has completed a Request to Give Address to Criminal Justice Agencies form. Their actual address will not be public or shared with the respondent

☐ b. The Petitioner's current or future: ☐ Vehicle ☐ Job ☐ School (*list current addresses below*)

Work address: _____

School address: _____

Describe vehicle: _____

☐ c. Other (specify): _____

4 ☐ Child Custody & Parent-time Orders

The Petitioner will have temporary custody of the minor children listed below. If you do not obey the custody and parent-time orders listed here, the Petitioner may ask for the court's help by filing a motion to enforce the order:

You will have parent-time as follows: _____

You can only communicate with the Petitioner about parent-time through the following person:

The custody and parent-time orders are effective until modified by this court or superseded by another court order.

5 ☐ Other Orders (List below): _____

Warnings to the Respondent:

- Attention: This is an official court order. If you disobey this order, the court may find you in contempt. You may also be arrested and prosecuted for the crime of stalking and any other crime you may have committed in disobeying this order.
- No one except the court can change this order.
- If you do not agree with this order, you can ask for a hearing to tell your side. Your request must be in writing, and must be filed at the court listed below within 10 days of the date you were served with this order. If you do not ask for a hearing within 10 days, this order will last for 3 years after it is served. You can still ask for a hearing after 10 days, but then you must persuade the court that the injunction is not needed.
- Court address to ask for a hearing: _____
- This order is valid in all U.S. states and territories, the District of Columbia, and tribal lands. If you go to another U.S. state territory or tribal land to violate this order, a federal judge can send you to prison.

It may be a federal crime for you to have, possess, transport, ship, or receive any firearm or ammunition, including hunting weapons, while this civil stalking injunction is in effect.

Date: _____ Time: _____ ☐ a.m. ☐ p.m. _____
Judge (printed name) _____

Disability and Interpreter Services

Assistive listening systems, sign language and oral language interpreter services are available at no charge in stalking proceedings. Contact the clerk’s office at least 5 days before your hearing.