

**JUDICIAL COUNCIL MEETING
AGENDA**

August 15, 2025

**Matheson Courthouse
Large Conference Room A, 1st Floor
450 S. State Street Salt Lake City, UT 84111
(Meeting held through Webex and in person)**

Chief Justice Matthew B. Durrant, Presiding

1. 8:00 a.m. Welcome and Approval of Minutes Chief Justice Matthew B. Durrant
(TAB 1 - Action)
2. 8:05 a.m. FY 2027 Annual Budget Planning Overview.....Ron Gordon
- 8:10 a.m. Legislature’s Approach to FY 2027 Budget.....Steven Allred
*Deputy Fiscal Analyst, Office of
Legislative Fiscal Analyst*
- 8:35 a.m. Utah Economic Outlook..... Dr. Robbi Foxxe
*GOPB Chief Economist and Managing
Director of Policy and Economic Analysis*
- 9:15 a.m. FY 2025 Filings and Disposition Count.....Tucker Samuelson
(TAB 2 - Information)

10:00 a.m. Break

- 10:15 a.m. Introduction to Budget Requests Prioritization Process.....Karl Sweeney
BFMC and Boards of Judges Rankings
(TAB 3)

FY 2027 Legislative Budget Requests *(reflecting BFMC rankings)*

- CORE Courthouse Workforce – Recruit and Retain.....Ron Gordon
(TAB 4) Bart Olsen
- Judicial Officers and Support Staff.....Ron Gordon
(TAB 5) Bart Olsen
Shane Bahr
Sonia Sweeney
Nick Stiles

Sixth District Training Coordinator.....	Chris Morgan
(TAB 6)	Linda Ekker
Integrated Domestic Violence Court Project Funding – Tooele County.....	Amy Hernandez
(TAB 7)	
Domestic Violence Program Funding – Grand and Wasatch Counties.....	Amy Hernandez
(TAB 8)	
Guardianship Signature Program Funding.....	Keri Sargent
(TAB 9)	Shonna Thomas

11:45 a.m. Break/Lunch

- | | |
|---------------|--|
| 12:00 p.m. | Prioritization of FY 2027 Legislative Budget RequestsKarl Sweeney
Scoring Worksheet.....Alisha Johnson
(TAB 10 - Action) |
| 3. 12:35 p.m. | Chair’s Report.....Chief Justice Matthew B. Durrant
(Information) |
| 4. 12:40 p.m. | State Court Administrator’s Report.....Ron Gordon
(Information) |
| 5. 12:50 p.m. | Reports: Management Committee.....Chief Justice Matthew B. Durrant
Budget and Fiscal Management Committee.....Judge Rita Cornish
Liaison Committee.....Judge Thomas Low
Policy, Planning, and Technology Committee.....Judge James Gardner
Bar Commission.....Katie Woods, esq.
(TAB 11 - Information) |
| 6. 1:00 p.m. | Budget and Grants.....Karl Sweeney
(TAB 12 - Action) <ul style="list-style-type: none"> • Monthly YTD FinancialsAlisha Johnson
 (Item 1 – Information) • Grant Items
 (Item 2 – Action) <ul style="list-style-type: none"> 1. Request to Accept Funds SAFGJordan Murray
 Katy Burke 2. GAP Request for MyCase Development Work.....Jordan Murray
 Janine Liebert • JWI Funded Interpreter Curriculum with USURon Gordon
 (Item 3 – Information) Jessica Leavitt |

- | | | | |
|-----|-----------|--|--|
| 7. | 1:15 p.m. | Second District Veteran Treatment Court..... | Judge Craig Hall
Katy Burke
Cris Seabury |
| 8. | 1:25 p.m. | Certification of Treatment Courts | Cris Seabury
Katy Burke |
| 9. | 1:40 p.m. | Transition from OCAP to MyPaperwork | Janine Liebert
Jonathan Mark |
| 10. | 1:50 p.m. | Rules for Final Approval | Keisa Williams |
| 11. | 1:55 p.m. | Consent Calendar..... | Chief Justice Matthew B. Durrant
(Action) |
| 12. | 2:00 p.m. | Old Business / New Business | All
(Discussion) |
| 13. | 2:10 p.m. | Certification of Court Commissioners..... | Shane Bahr
(Action) |
| 14. | 2:15 p.m. | Executive Session..... | Chief Justice Matthew B. Durrant |
| 15. | 2:45 p.m. | Adjourn | Chief Justice Matthew B. Durrant |

Consent Calendar

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

1. Rules for Final Approval (non-substantive changes)
(TAB 17)
2. Appointment of Chair for WINGS Committee
(TAB 18)
3. Tribal Liaison Committee Appointments
(TAB 19)
4. Probation Policies
(TAB 20)
5. Forms
(TAB 21)

Tab 1

**JUDICIAL COUNCIL MEETING
Minutes**

**July 21, 2025
9:00 a.m. – 11:00 a.m.**

**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

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. Susan Eisenman
Hon. James Gardner
Hon. Michael Leavitt
Hon. Brendan McCullagh
Hon. Amber Mettler
Justice Paige Petersen
Kristin K. Woods

Excused:

Ron Gordon
Hon. Angela Fonnesbeck
Hon. Thomas Low

AOC Staff:

Neira Siaperas
Bart Olsen
Michael Drechsel
Sonia Sweeney
Shane Bahr
Jim Peters
Nick Stiles
Keisa Williams
Brody Arishita
Todd Eaton
Karl Sweeney
Alisha Johnson
Michael Samantha Starks
Bryson King
Brianna Eriksson

Guests:

Mary-Margaret Pingree
Madison Klein
Matthew Barraza

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 Jon Carpenter made a motion to approve June 23, 2025, meeting minutes. Judge Samuel Chiara seconded the motion, which passed unanimously.

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

Chief Justice Durrant reported on a recent meeting with Senator Brady Brammer, and Representatives Karianne Lisonbee and Jordan Teuscher. Attendees included Chief Justice Durrant, Neira Siaperas, Michael Drechsel, Bart Olsen, Judge Michael Leavitt (Juvenile Court), Judge Brendan McCullagh (Justice Court), and Judge Samuel Chiara (District Court). The discussion centered around improving communication between the Legislature and the Judiciary; concerns about the cost of constructing new courthouses; the possibility of consolidating judicial districts; and establishing a clear process for reassignment of cases when a judge retires or recuses. Participants described the meeting as productive and largely positive. They expressed appreciation that legislators initiated the conversation early, prior to the legislative session, as a constructive step toward addressing concerns proactively.

3. STATE COURT ADMINISTRATOR'S REPORT: (Neira Siaperas)

Neira Siaperas, Deputy State Court Administrator, reported that meeting dates with legislators in each judicial district have been finalized and will take place from September through December. As in prior years, Chief Justice Durrant, Ms. Siaperas, Mr. Gordon, Mr. Drechsel, and members of the local benches and leadership will participate in these meetings.

She also reported that the boards of judges have reviewed and prioritized funding requests for consideration by the Budget and Fiscal Management Committee (BFMC). The BFMC will review these rankings and submit its recommendations to the Judicial Council. At the Council's annual budget meeting on August 15, 2025, the Legislative Fiscal Analysts will present the Legislature's budget approach for the coming year, followed by an economic outlook from the Chief Economist with the Governor's Office of Planning and Budget (GOPB). After these presentations, the Judicial Council will determine which funding requests to advance to the Legislature and finalize their priorities.

4. COMMITTEE REPORTS:

Management Committee Report:

Nothing to report.

Budget & Fiscal Management Committee Report:

Nothing to report.

Liaison Committee Report:

Nothing to report.

Policy, Planning, and Technology Committee Report:

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

Bar Commission Report:

Kristin Woods reported that the Utah State Bar is forming an AI Committee to provide ethical guidance for attorneys on the use of artificial intelligence. The Bar is also preparing to administer the July bar exam to a record 385 applicants on July 29–30, 2025. A growing number of ADA testing accommodation requests has increased staffing demands and extended the testing period, prompting the Bar to explore alternative venues for the February exam. To reduce costs, the July

exam has been relocated to the Western Sports Park in Farmington. Additionally, the Bar is exploring a new licensure pathway that would replace the traditional bar exam with a combination of supervised legal practice, specific law school coursework, and structured mentorship.

5. BUDGET AND GRANTS: (Karl Sweeney, Alisha Johnson, and Jordan Murray)

Alisha Johnson presented the financial reports.

FY 2025 Ongoing Turnover Savings

#		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	-
	Ongoing Turnover Savings FY 2025 (actual year-to-date, Salary Differential only)	866,314	903,348	903,348	37,034
1	Ongoing Turnover Savings FY 2025 (forecast \$65,000 / month x 0 month, Salary Differential only)	65,000	-	-	(65,000)
	TOTAL SALARY RELATED ONGOING SAVINGS	1,071,908	1,043,942	1,043,942	(27,966)
	Benefit Differential Savings FY 2025 (will be recognized in this row starting in Q4)	85,004	115,119	115,119	30,115
	TOTAL SAVINGS	1,156,912	1,159,061	1,159,061	2,149
2	2025 Annual Authorized Hot Spot Raises	(200,000)	(200,000)	(200,000)	-
	TOTAL USES	(200,000)	(200,000)	(200,000)	-
	Total Actual/Forecasted Unencumbered Turnover Savings for FY 2025	956,912	959,061	959,061	2,149

FY 2025 One Time Turnover Savings

#		Funding Type	Actual Amount
1	One Time Turnover Savings (from actual payroll data versus budget as of PPE 06/20/2025)	Internal Savings	3,000,760
2	Est. One Time Savings for remaining pay hours (48 @ \$1,500 / pay hour)	Internal Savings (Est.)	72,000
	Total Potential One Time Savings		3,072,760

Prior Report Totals (as of PPE 05/23/2025)

3,139,624

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 06/20/2025	Turnover Savings	3,000,760
	Turnover savings Estimate for the rest of the year (\$1,500 x 48 pay hours)	Turnover Savings	72,000
	Total Potential One Time Turnover Savings		3,072,760
	Less: Judicial Council Delegated to State Court Administrator for Discretionary Use		(250,000)
(a)	Total Potential One Time Turnover Savings Less Discretionary Use		2,822,760
	Operational Savings From TCE / AOC Budgets - mid-year forecast	Internal Operating Savings	634,108
	Operational Savings from IT Budget - unused Carryforward Request	Internal Operating Savings	130,000
	Reserve Balance (balance from FY 2024 Carryforward)	Judicial Council Reserve	847
	Unclaimed property claims (received)	Additional Revenue Received	741,488
	Prior year adjustments - impact on current year operations (Hyrum and OPA)	Adjustments to CY Operations	(90,000)
(b)	Total Operational Savings, Reserve, Unclaimed Property and Prior Year Adjustments		1,456,443
(c)	Total of Turnover Savings & Operational Savings = (a) + (b)		4,279,203
Uses of YE 2025 Funds			
(d)	Carryforward into FY 2026 (Anticipate request to Legislature for \$3,700,000)	FY 2026 Carryforward	(3,700,000)
	Total Potential One Time Savings = (c) less Carryforward (d)		579,203
	Less: Judicial Council Requests Previously Approved		(532,800)
	Less: Judicial Council Current Month Spending Requests		-
	Remaining Forecasted Funds Available for FY 2025 YE Spending Requests, CCCF, etc.		46,403

Updated 07/02/2025

Funding Requests

Jon Puente requested \$11,000 in funding on behalf of the All Rise Utah Project to host the program's annual fall welcome dinner. The project's goal is to encourage individuals from diverse and underrepresented communities to consider a judicial career. The requested funds would cover the welcome dinner for law students from these communities. It was noted that if the Utah State Bar contributes—as it did last year, covering approximately \$7,000—the total funding request may be less than \$11,000.

Motion: Judge Chiara made a motion to approve the funding request for the All Rise welcome dinner. Judge Rita Cornish seconded the motion, which passed unanimously.

Grants

Jordan Murray and Shane Bahr requested approval to apply for a \$50,000 grant from the Commission on Criminal and Juvenile Justice (CCJJ) to fund participation in two treatment courts conferences, an increase from the traditional \$25,000 due to budget shortfalls reported by conference hosts and the inability of national partners to provide funding for speakers. The increased request is also due to both conferences falling in the same fiscal year.

Motion: Judge Susan Eisenman made a motion to approve the grant application, as presented. Judge Cornish seconded the motion, which passed unanimously.

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

Bryson King, Associate General Counsel, provided training on the Open Public Meetings Act (OPMA), which is intended to promote transparency in the actions and deliberations of state agencies and political subdivisions—a principle reflected in UCJA Rule 2-103 governing Judicial Council meetings.

While Judicial Council meetings are public, they may be closed under specific conditions and in accordance with established procedures. Mr. King reviewed the permissible reasons for closing a meeting and the required process for doing so. He explained that during a closed meeting, the Council may hold discussions but may not approve or vote on contracts, appointments, rules, or resolutions. At the conclusion of the closed session, the meeting may be reopened by a majority vote. The Council may then rely on the discussions from the closed session to finalize votes in the open meeting with reference to closed meeting discussions.

7. CERTIFICATION OF A JUSTICE COURT JUDGE: (Jim Peters)

Jim Peters reported that following the retirement of Judge Gary Johnson on June 30, 2025, Kane County has selected Jeffrey Shea Owens as its new judge. Mr. Owens has completed the online orientation modules and passed the exam administered by the Education Department.

Motion: Judge David Mortensen made a motion to certify Jeffrey Shea Owens as a Justice Court judge. Judge Carpenter seconded the motion, which passed unanimously.

8. JUDICIAL PERFORMANCE EVALUATION COMMISSION: (Mary-Margaret Pingree and Madison Klein)

Mary-Margaret Pingree and Madison Klein, with the Judicial Performance Evaluation Commission (JPEC), introduced a new judge portal currently under development. Designed as a personalized website for each judge, the portal will centralize current and historical evaluations, including performance summaries across four categories, peer comparisons, narratives, survey comments with surveyor type identification, courtroom observations, public comments, judicial discipline records, and the three Judicial Council-certified standards. It will also feature the voter information pamphlet, an overall cover sheet, quick toggling between retention and midterm data, and an FAQ page. The portal will not be publicly available, and the development team is still determining access options for presiding judges and the AOC. Initial pilot feedback has been positive, with judges noting its ease of use and improved access to evaluation information.

9. INDIGENT DEFENSE COMMISSION REPORT: (Matthew Barraza)

Matt Barraza, Executive Director of the Utah Indigent Defense Commission (IDC), provided an update on the IDC's work. Established in 2016, the IDC provides oversight and financial support for indigent defense, including grants to counties—totaling \$7.4 million last year to jurisdictions handling 97% of district work cases—and travel reimbursements for rural areas. Despite flat funding, caseloads have increased significantly. The IDC has achieved a 30% success rate in appellate rulings and has expanded its post-conviction program, partnering with the University of Utah Law School to launch a clinic and securing a private grant to help manage the growing workload. Training efforts have also increased, with more online CLEs and enhanced child welfare content.

Mr. Barraza highlighted the success of the Interdisciplinary Parent Representation pilot, which integrates social workers into child welfare legal teams. The program saw a 57% reunification success rate and a 22% placement rate. The IDC also hired an attorney to advise youth and families on nonjudicial adjustments, potentially diverting 400 cases from juvenile court annually. To improve youth defense, especially in rural areas, the IDC is creating a juvenile defense fund to help counties pool resources for full-time specialized contracts. Additionally, the IDC has taken over management of the aggravated murder fund, resulting in more focused casework and better resource allocation.

For the upcoming budget cycle, the IDC will prioritize funding for additional attorneys in the Indigent Appellate Defense program and the post-conviction unit, where a growing backlog has delayed attorney consultations. Judges continue to refer cases, though staffing limitations have led the IDC to decline some appointments.

10. RULES FOR FINAL APPROVAL: (Keisa Williams)

Keisa Williams presented CJA Rules 3-117 and 3-403 for final approval, noting that both had completed the public comment period without receiving any comments. She also presented Rule 3-116, explaining that while the standing committee on pretrial release and supervision was dissolved and removed from CJA Rule 1-205 in November 2024, the associated committee rule had not yet been repealed.

Motion: Judge Cornish made a motion to approve CJA Rules 3-117 and 3-403 as final, with an effective date of November 1, 2025, and to approve Rule 3-116 for repeal. Judge James Gardner seconded the motion, which passed unanimously.

11. OLD BUSINESS/NEW BUSINESS: (All)

Michael Drechsel, Assistant State Court Administrator, reported that the Elected Official and Judicial Compensation Commission (EJCC) will meet on August 12, 2025, to consider whether to recommend judicial compensation increases. This meeting will occur prior to the Judicial Council's annual budget meeting on August 15, 2025. Mr. Drechsel sought guidance from the Council on discussion points to raise at the August 12 meeting. One suggestion was to advocate strategies to expand the applicant pool for judges, particularly by addressing compensation. He noted that the EJCC has historically aligned judicial pay adjustments with cost-of-living increases approved for other state employees.

12. CONSENT CALENDAR ITEMS: (Chief Justice Matthew B. Durrant)

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

13. SENIOR JUDGE APPOINTMENTS: (Neira Siaperas)

Motion: Judge Gardner made a motion that Judges Paul Larsen, Gordon Low, and Thomas Willmore meet the qualifications for inactive senior judge status, and that Judge Robert Lunnen meets the qualifications for active senior judge status. Judge Brian Brower seconded the motion, which passed unanimously.

14. EXECUTIVE SESSION

Motion: Judge Mortensen made a motion to authorize Judge McCullagh to communicate the sentiments of the Council and Management Committee relative to the proposal as discussed in the executive session. Judge Cornish seconded the motion, which passed unanimously.

15. ADJOURN

The meeting was adjourned.

Tab 2



Utah State Courts

Caseload Overview

Fiscal 2025

**Tucker Samuelson
Zerina Ocanovic
Darien Hickey**

August 2025

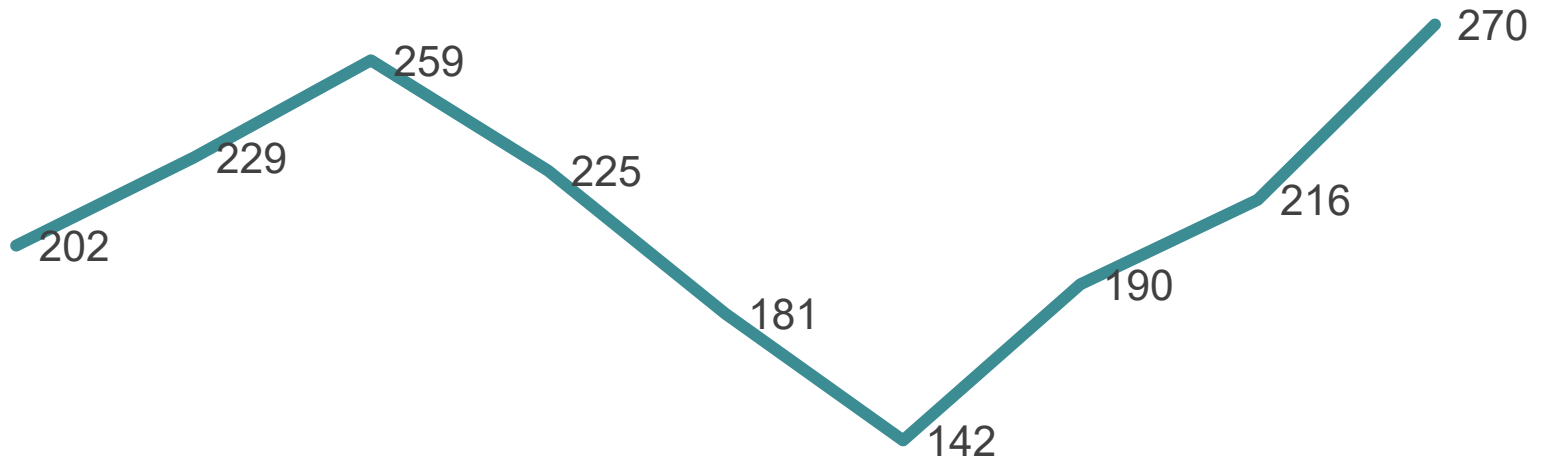
Supreme Court

Filing Summary

Supreme Court Filings by Year

Case Type Category	FY24	FY25	Change	% Change
Administrative Agency	2	3	1	50%
Admission to the Bar	3	3	0	0%
Bail Hearings Expedited		1	1	
Bar Discipline	3	3	0	0%
Capital Felony		1	1	
Civil Administrative Agency	1	2	1	100%
Civil Appeal	18	37	19	106%
Criminal Appeal	6	11	5	83%
Elections	4	2	-2	-50%
Extraordinary Writs	20	29	9	45%
Judicial Discipline	0	1	1	
Post Conviction Relief	3	0	-3	-100%
Interlocutory Appeals	24	29	5	21%
Writ of Certiorari	132	148	16	12%
Total	216	270	54	25%

Supreme Court Filings Over Time



FY17 FY18 FY19 FY20 FY21 FY22 FY23 FY24 FY25

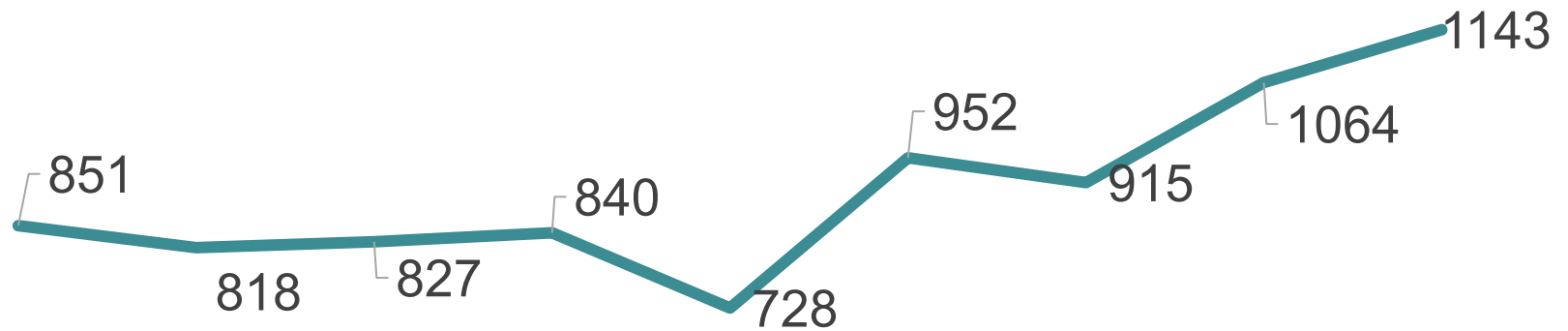
Court of Appeals

Filing Summary

Court of Appeals Filings by Year

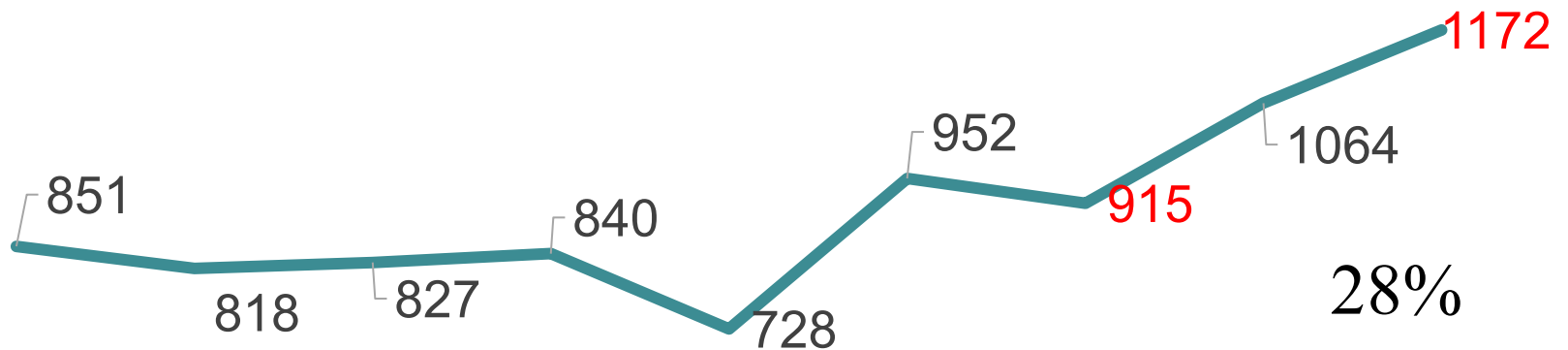
Case Type Category	FY24	FY25	Change	% Change
Administrative Agency	68	61	-7	-10%
Bail Hearings Expedited	6	10	4	67%
Civil Administrative Agency	9	1	-8	-89%
Civil Appeal	258	242	-16	-6%
Criminal Appeal	384	414	30	8%
Domestic Civil Appeals	89	117	28	31%
Extraordinary Writs	19	53	34	179%
Juvenile Child Welfare	83	58	-25	-30%
Juvenile Delinquency	3	4	1	33%
Juvenile Misc	11	7	-4	-36%
Misc. Petition	1	0	-1	-100%
Post Conviction Relief	9	19	10	111%
Post Conviction Relief-Capital	1	0	-1	-100%
Interlocutory Appeals	123	157	34	28%
Total	1064	1143	79	7%

Court of Appeals Filings Over Time



FY17 FY18 FY19 FY20 FY21 FY22 FY23 FY24 FY25

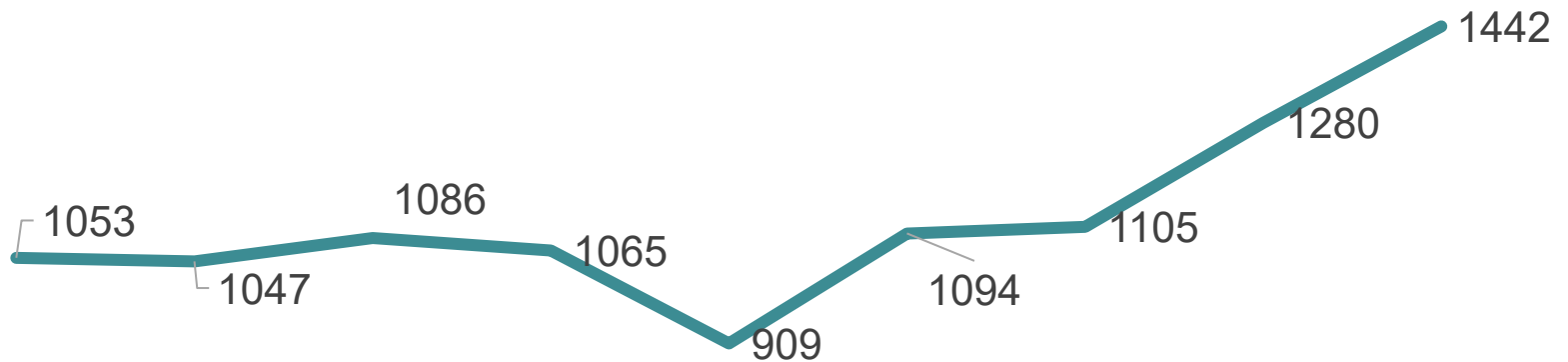
Court of Appeals Filings Over Time



28%
Increase
since
FY23

FY17 FY18 FY19 FY20 FY21 FY22 FY23 FY24 FY25

Combined Filings Over Time



FY17

FY18

FY19

FY20

FY21

FY22

FY23

FY24

FY25

Justice Court

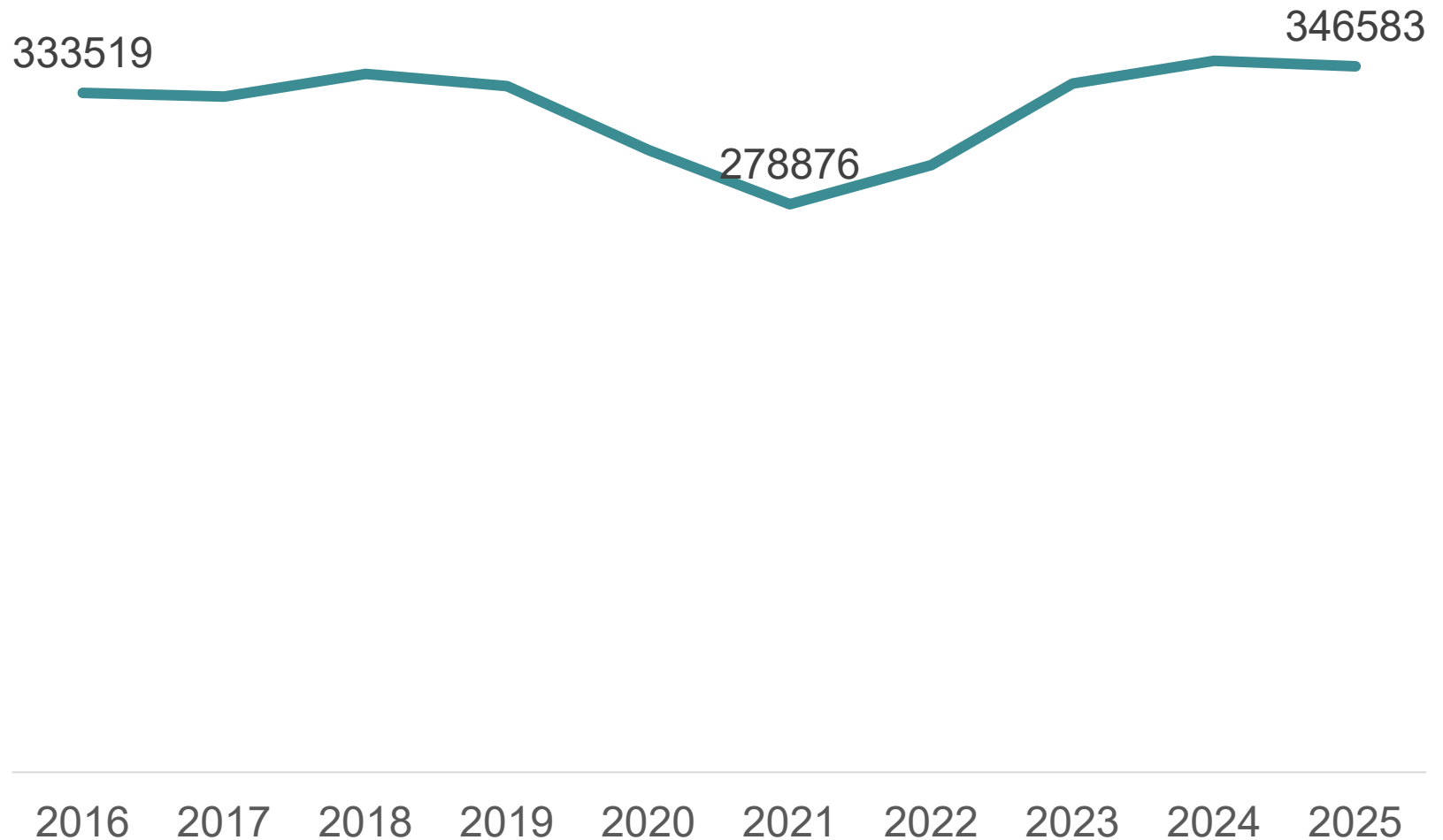
Case Filing Summary

Justice Court Filings by Year - Traffic

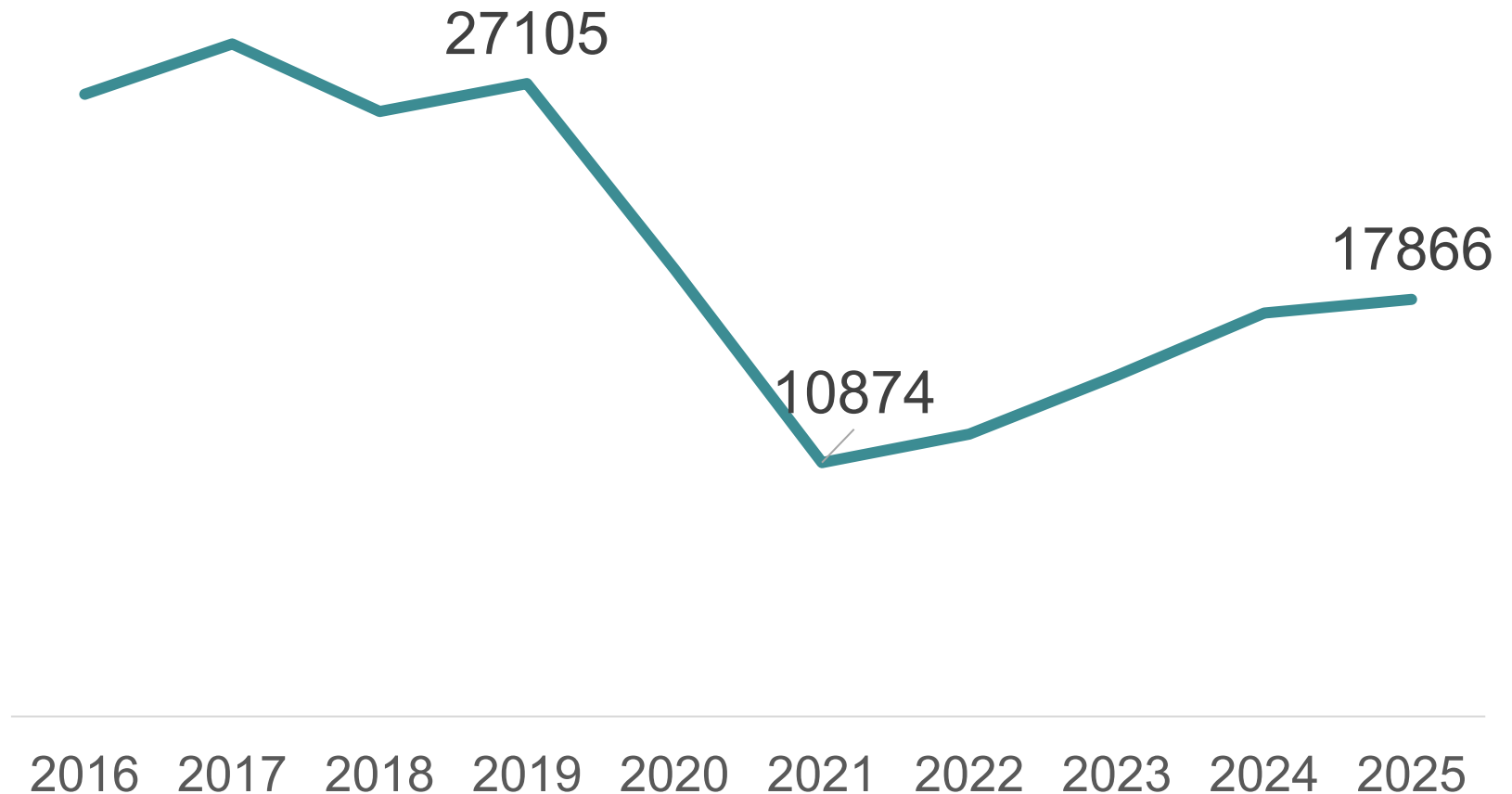
Case Type Category	FY24	FY25	Change	% Change
Criminal	57,829	62,286	4,457	8%
Small Claims	17,275	17,866	591	3%
Traffic	349,298	346,583	-2,715	-1%
Total	424,402	426,735	2,333	1%



Justice Court Filings by Year - Traffic



Justice Court Filings by Year – Small Claims



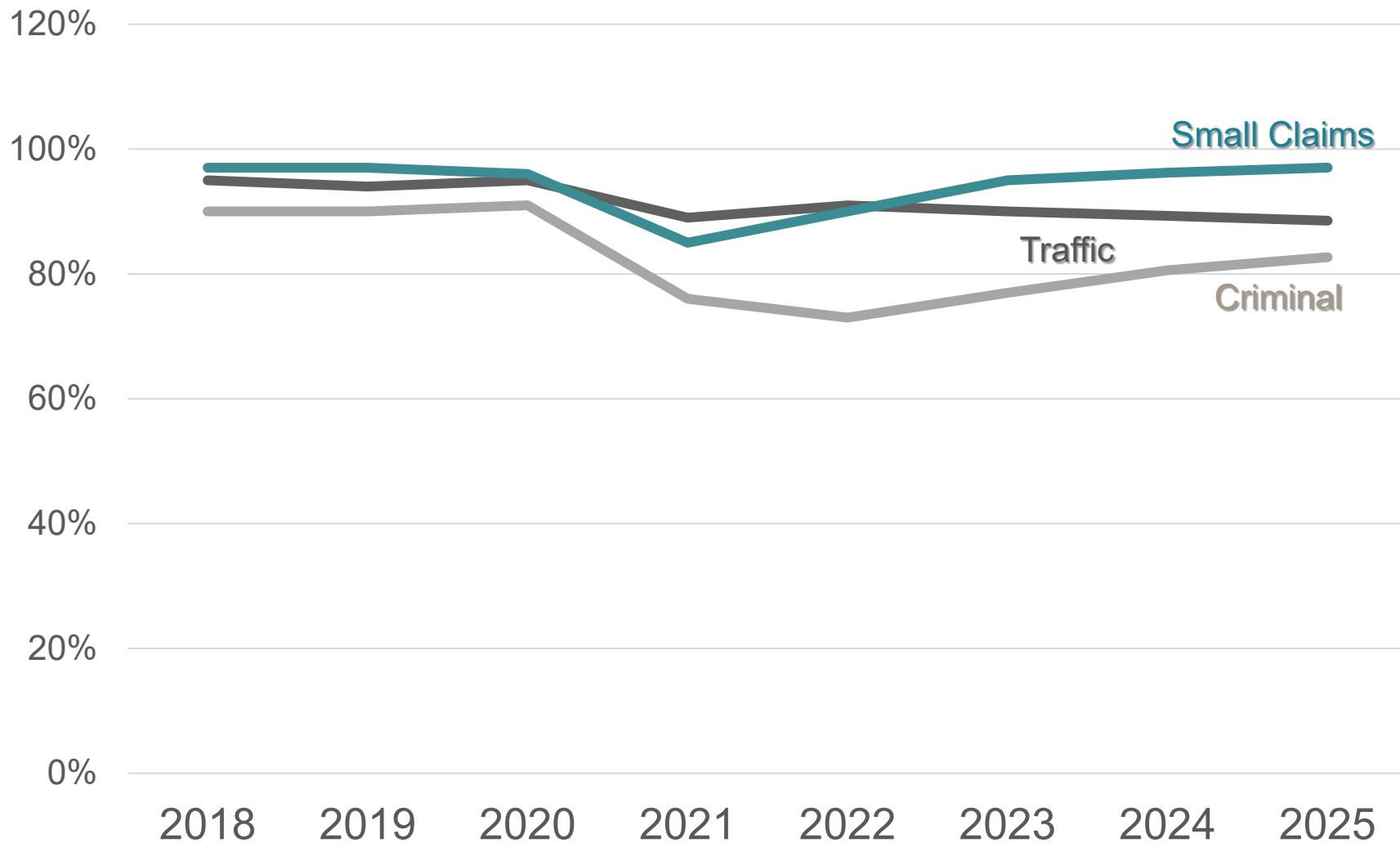


Justice Court Time to Disposition

Activity	Recommended Guideline		FY 2025
	% Disposed	Time Frame	% Disposed within Time Frame
Criminal	95%	6 months	83%
Small Claims	95%	9 months	89%
Traffic	95%	90 days	97%



Justice Court Time to Disposition

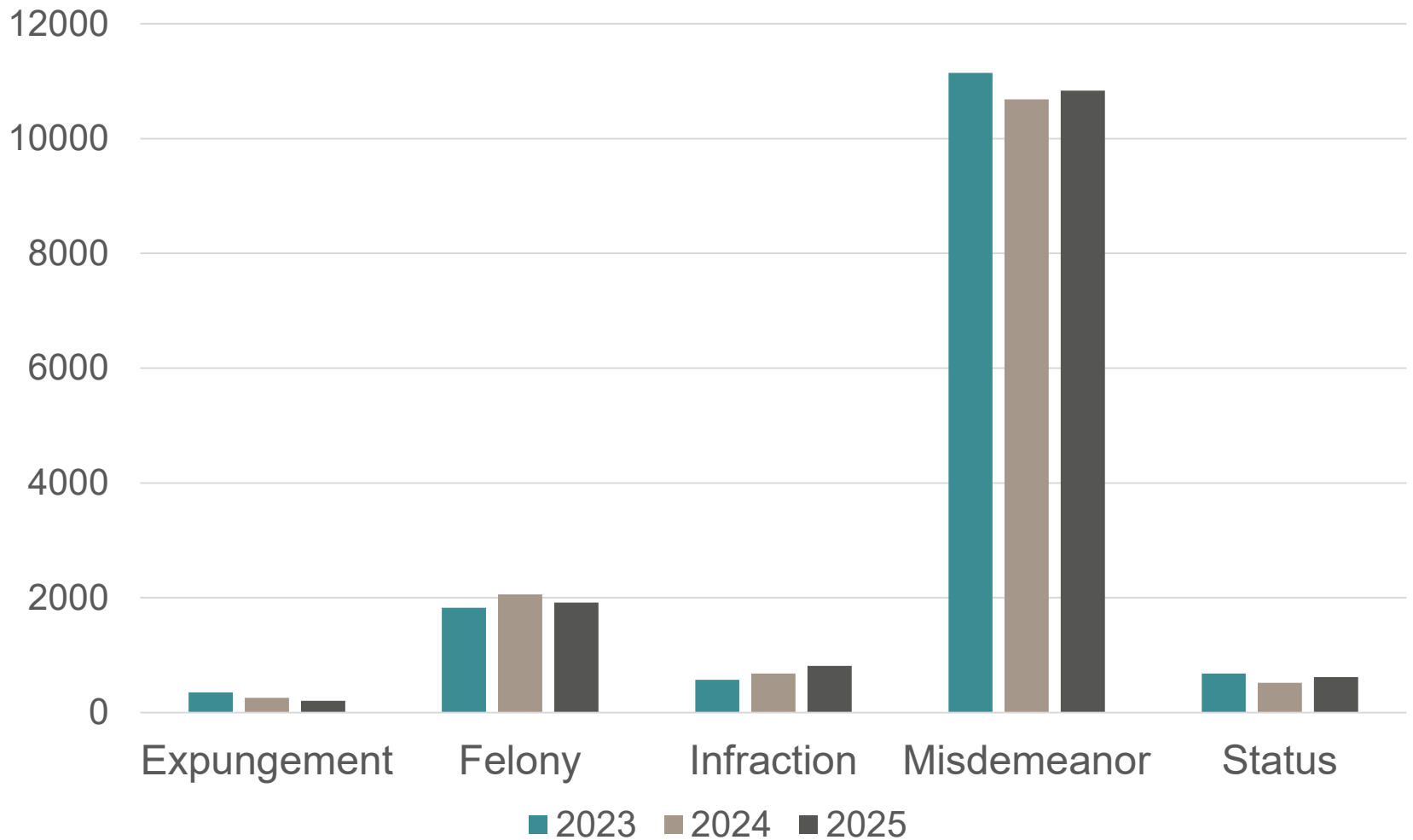


Juvenile Court

Case Filing Summary

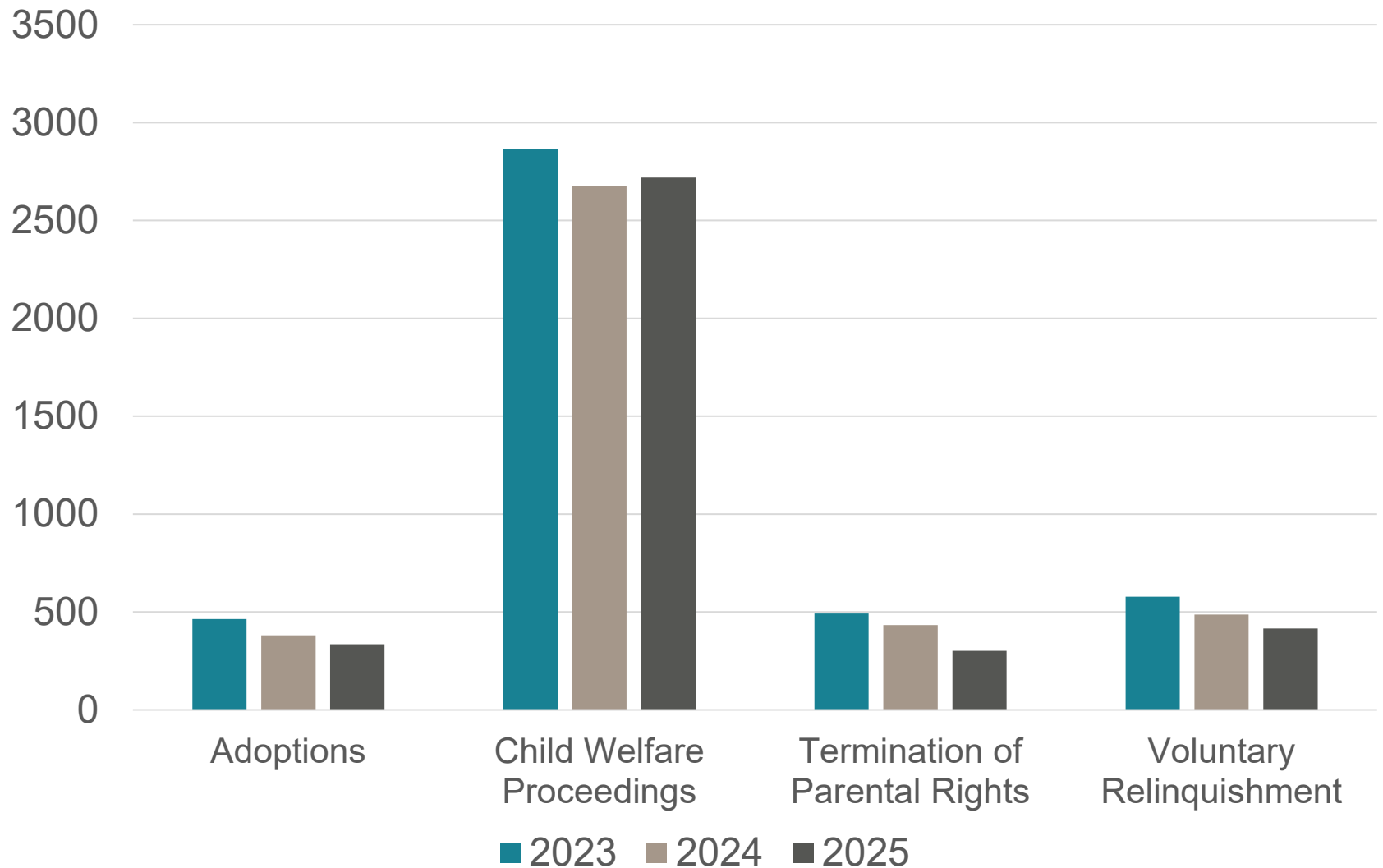


Juvenile Court - Delinquency





Juvenile Court – Child Welfare





Juvenile Court Filings by Year

Case Type Category	FY23	FY24	FY25	Change	% Change
<i>Adult Administrative Review</i>	52	47	39	-8	-17%
<i>Adult Violation</i>	48	17	36	19	112%
<i>Child Protective Order</i>	1585	1403	1595	192	14%
<i>Emancipation</i>	63	64	53	-11	-17%
<i>Judicial Bypass</i>	8	19	14	-5	-26%
<i>Petition At Risk Noncitizen</i>	12	156	336	180	115%
<i>Petition to Marry</i>	29	26	27	1	4%



Juvenile Court Filings by Year

Case Type Category	FY23	FY24	FY25	Change	% Change
<i>Adult Administrative Review</i>	52	47	39	-8	-17%
<i>Adult Violation</i>	48	17	36	19	112%
<i>Child Protective Order</i>	1585	1403	1595	192	14%
<i>Emancipation</i>	63	64	53	-11	-17%
<i>Judicial Bypass</i>	8	19	14	-5	-26%
<i>Petition At Risk Noncitizen</i>	12	156	336	180	115%
<i>Petition to Marry</i>	29	26	27	1	4%

Business and Chancery Court

Case Filing Summary

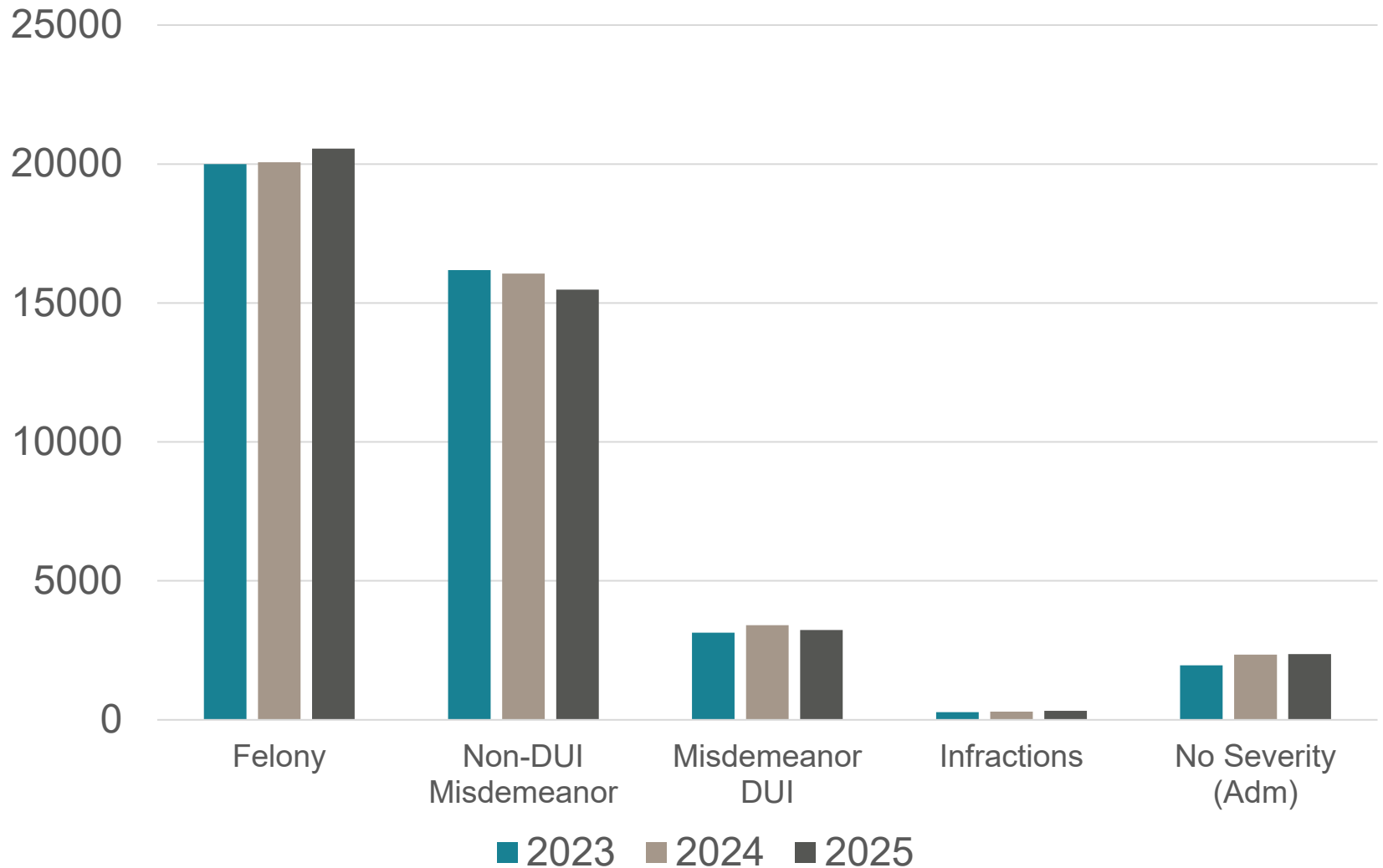
B&C Court Filings by Year

Case Type Category	FY25
Contract: Fraud	7
Contracts	35
Debt Collection	1
Miscellaneous	9

District Court

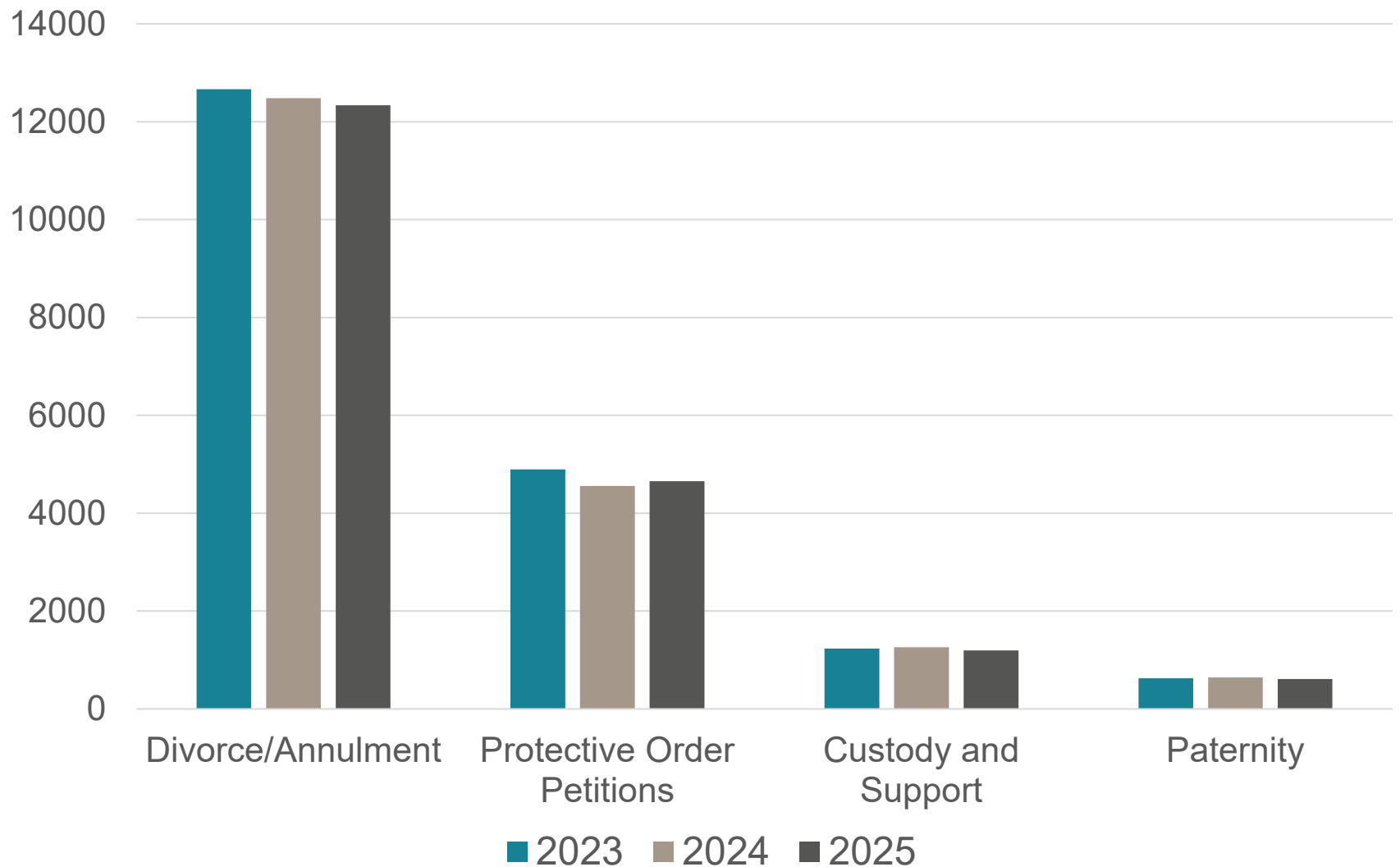
Case Filing Summary

District Court Filings by Year - Criminal



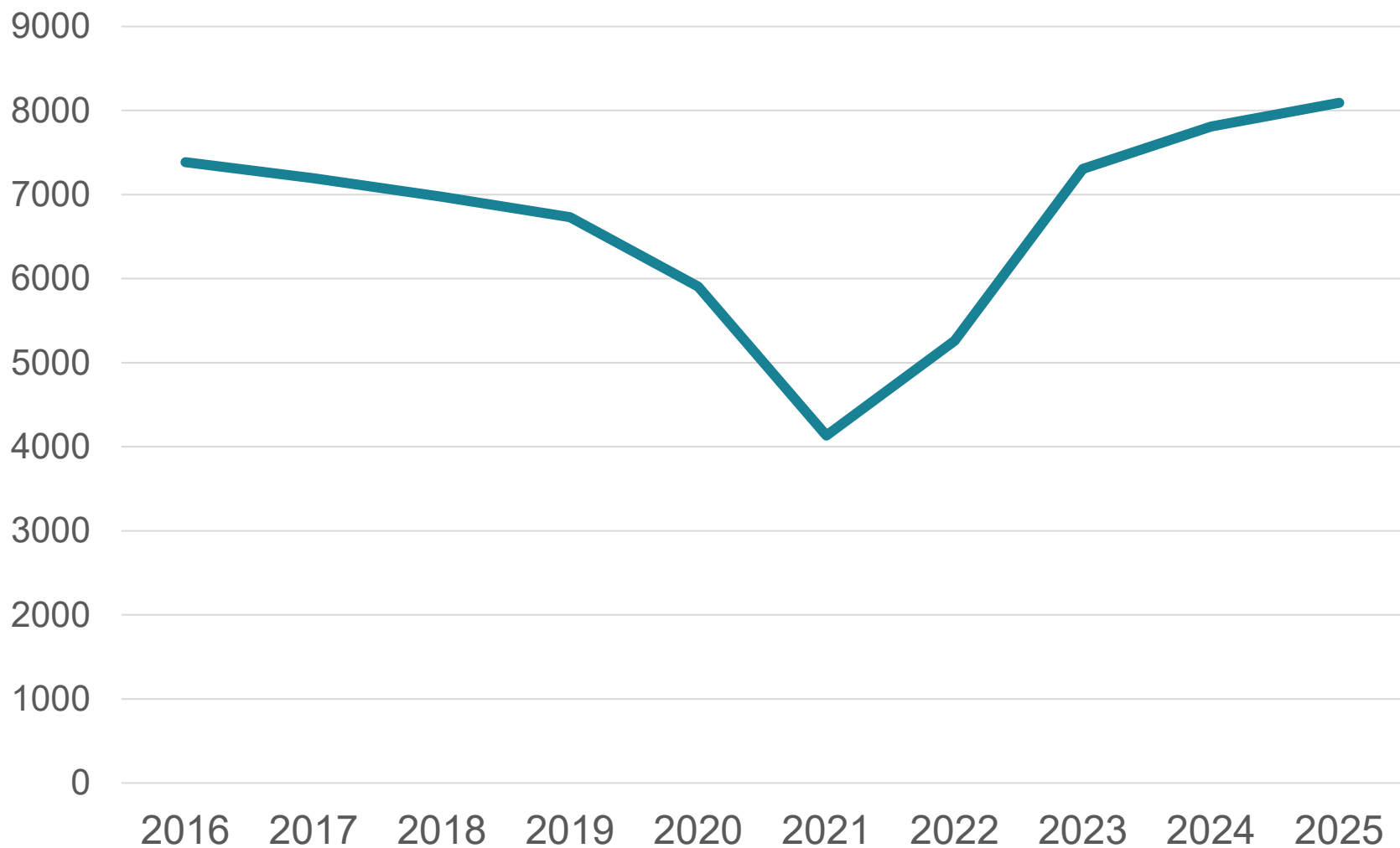


District Court Filings by Year - Domestic



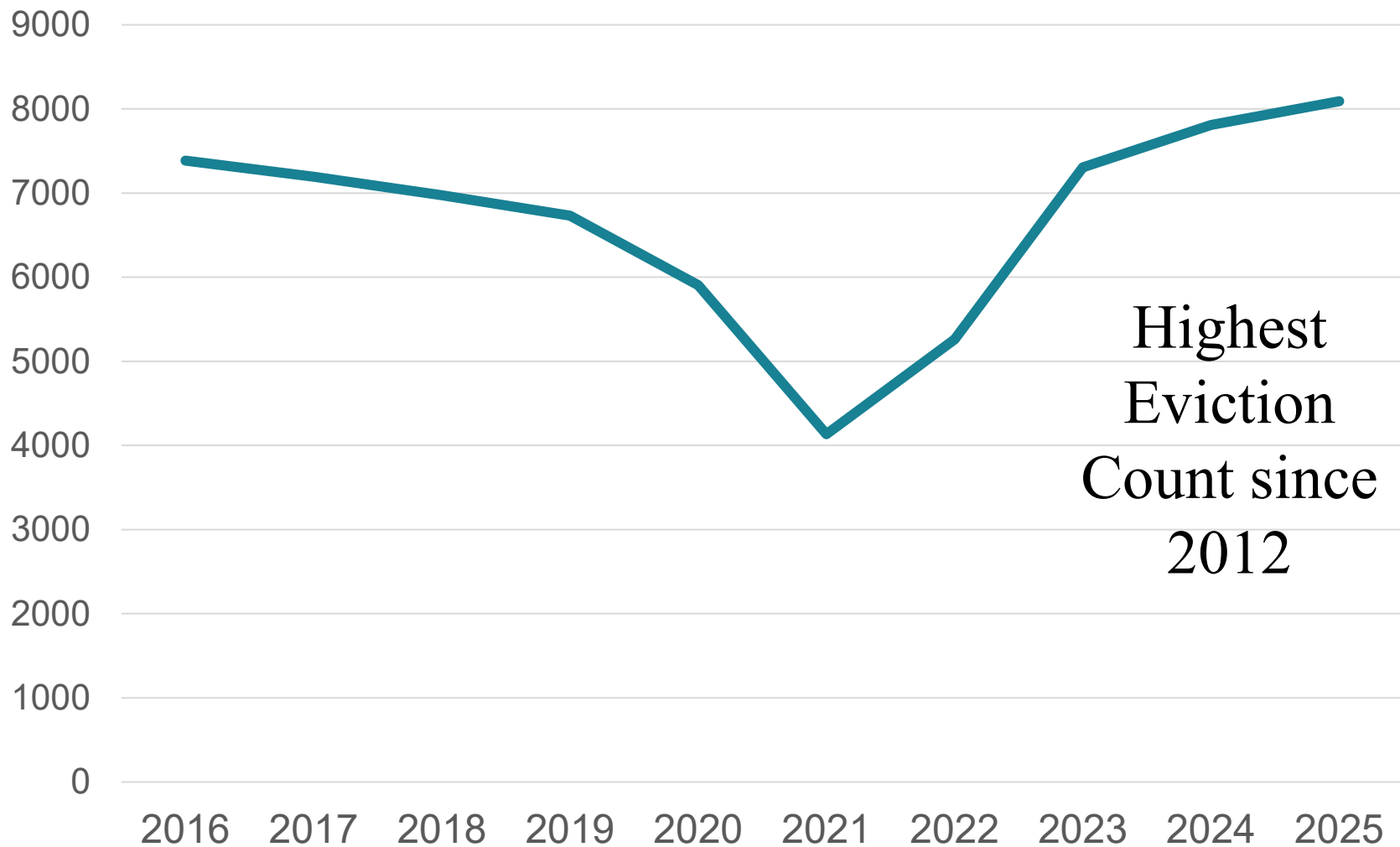


District Court Filings by Year – Eviction



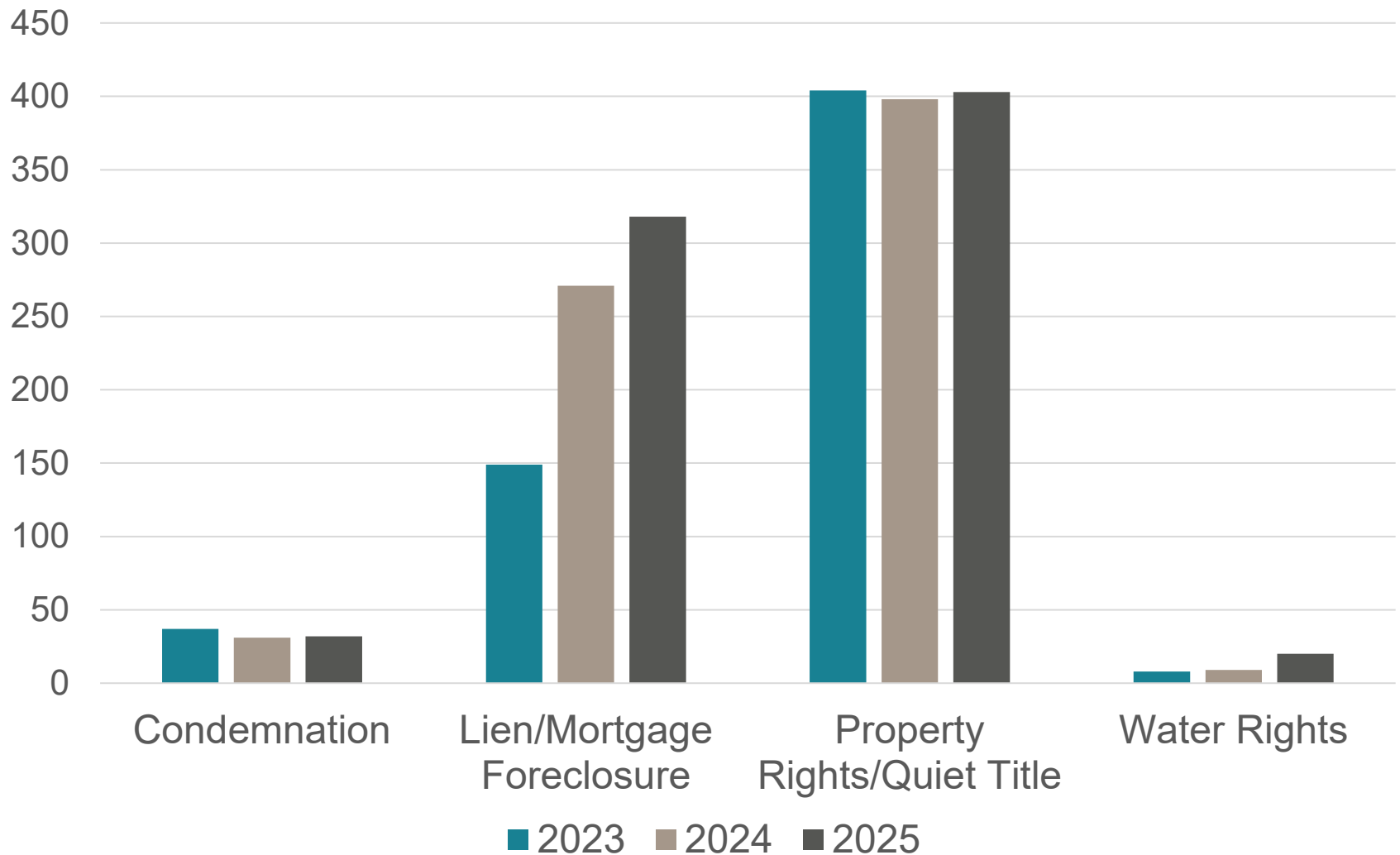


District Court Filings by Year – Eviction

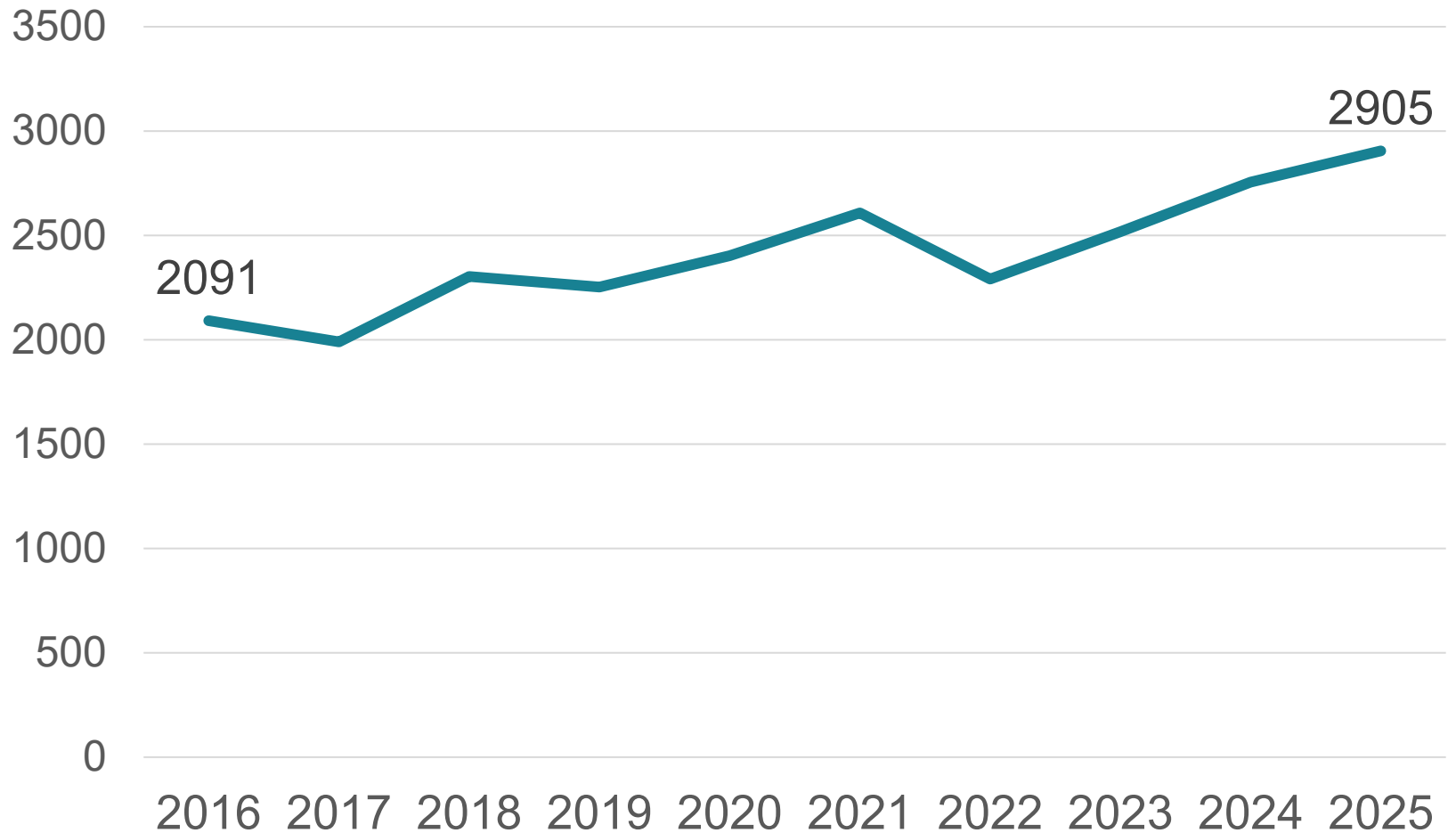




District Court Filings by Year – Property Rights

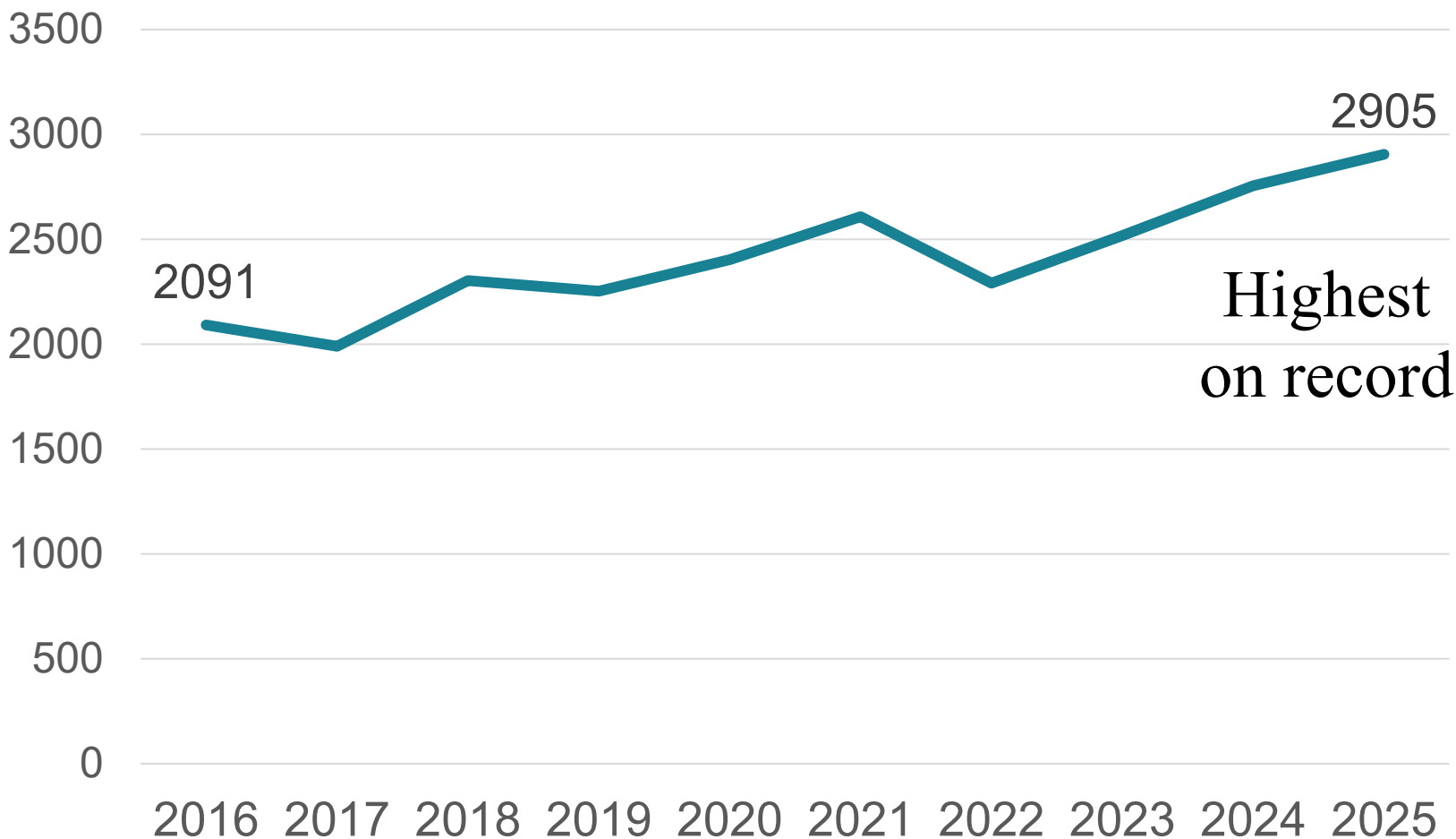


District Court Filings by Year – Torts



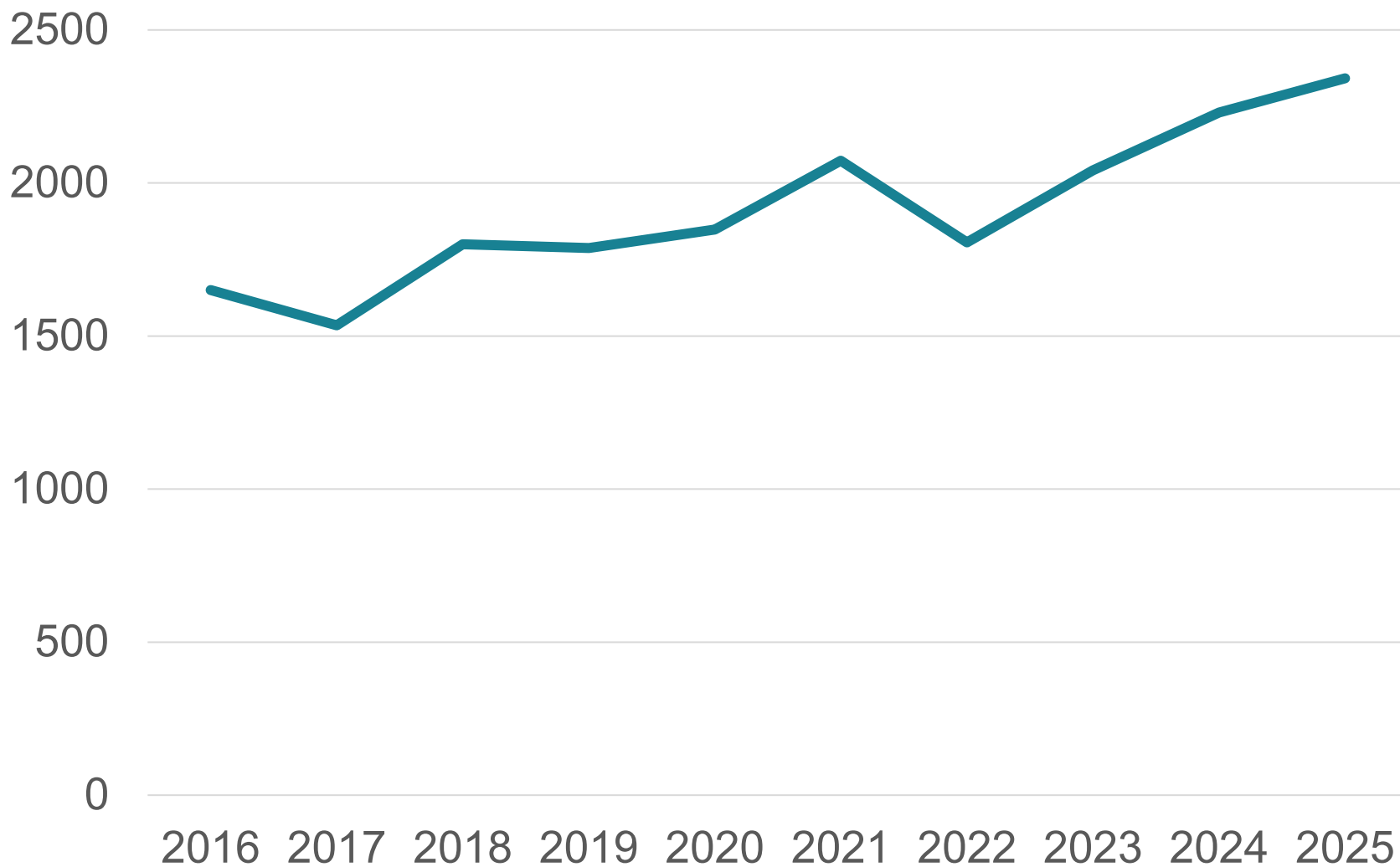


District Court Filings by Year – Torts



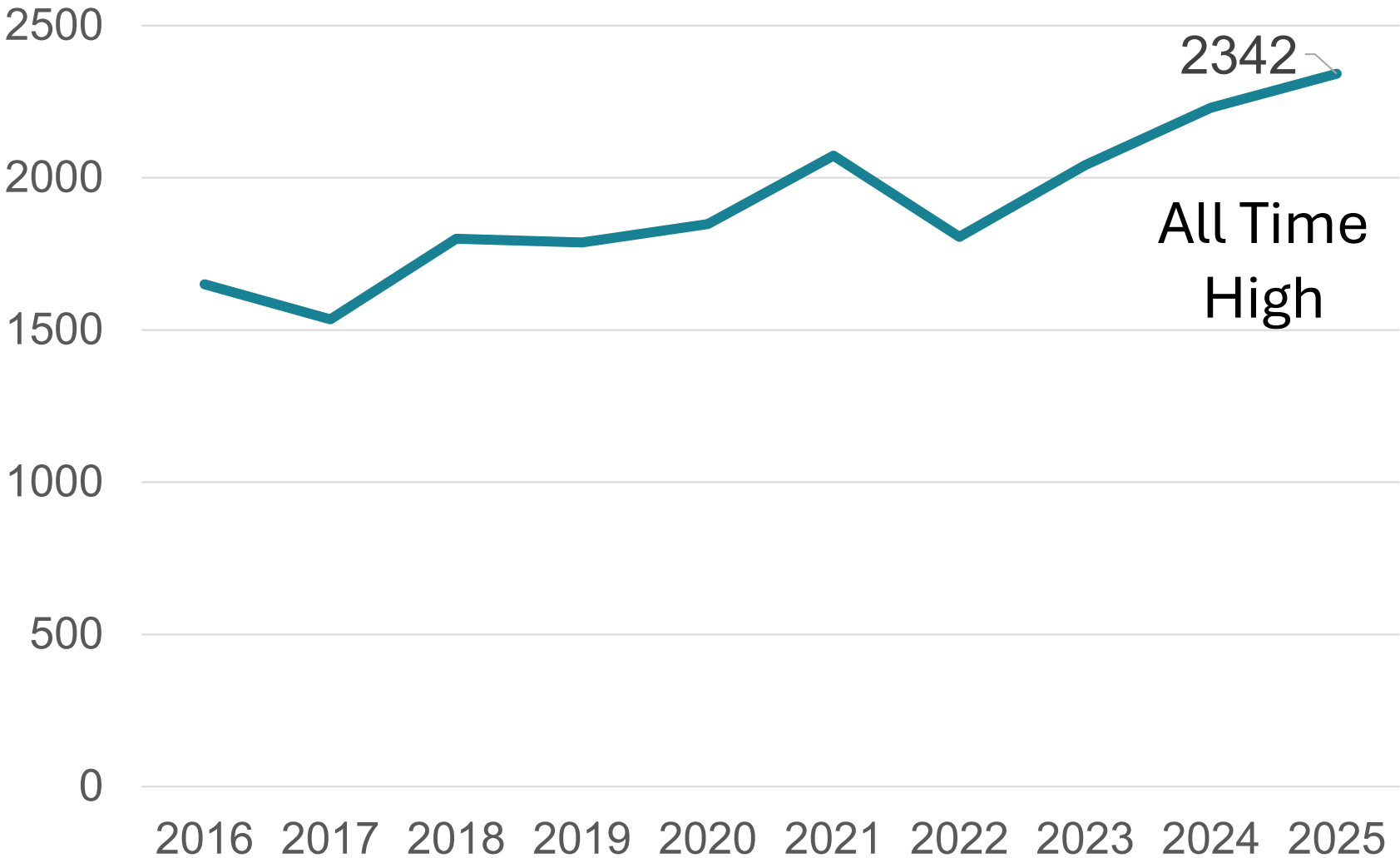


District Court Filings by Year – Auto Tort

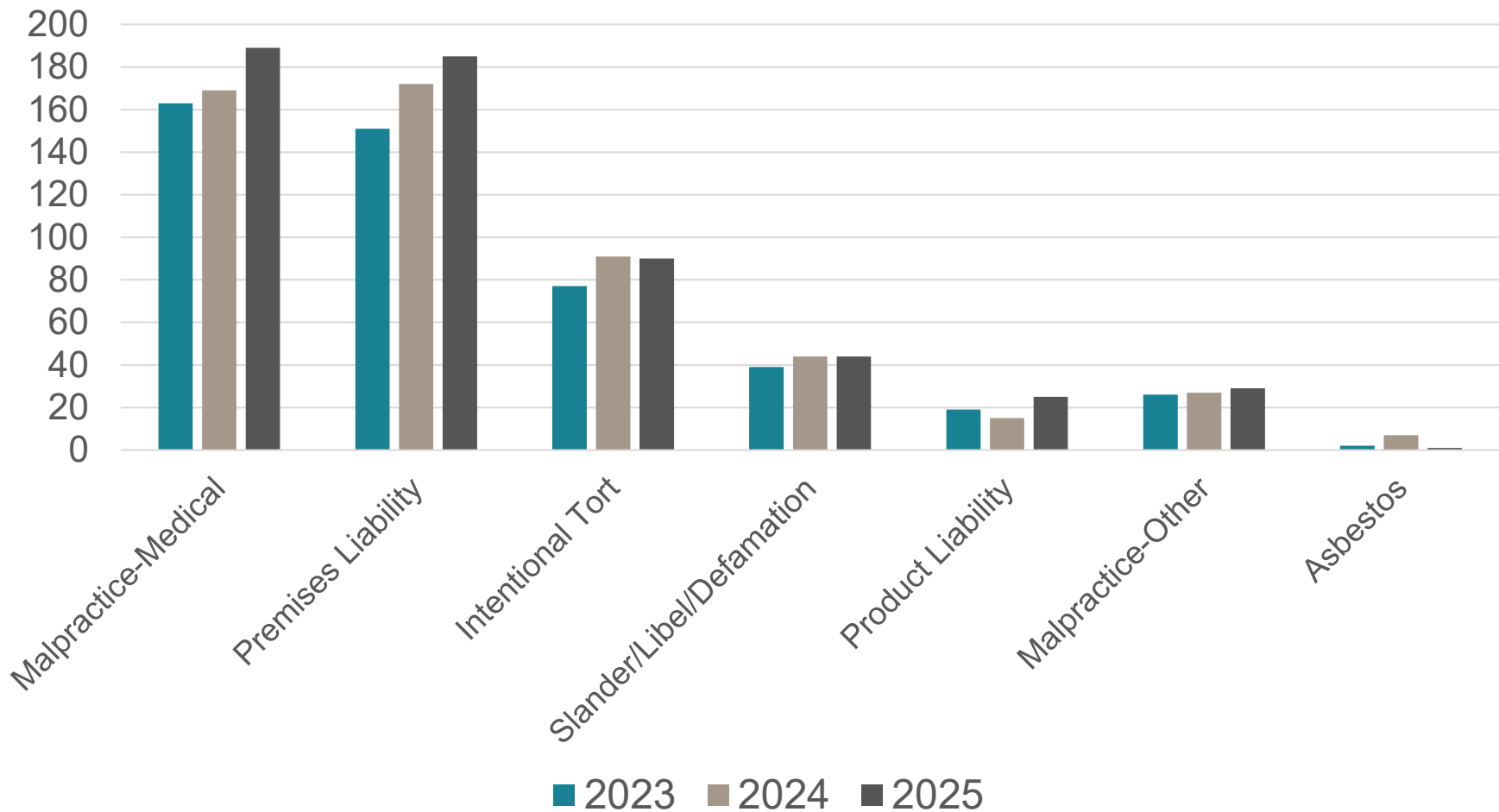




District Court Filings by Year – Auto Tort

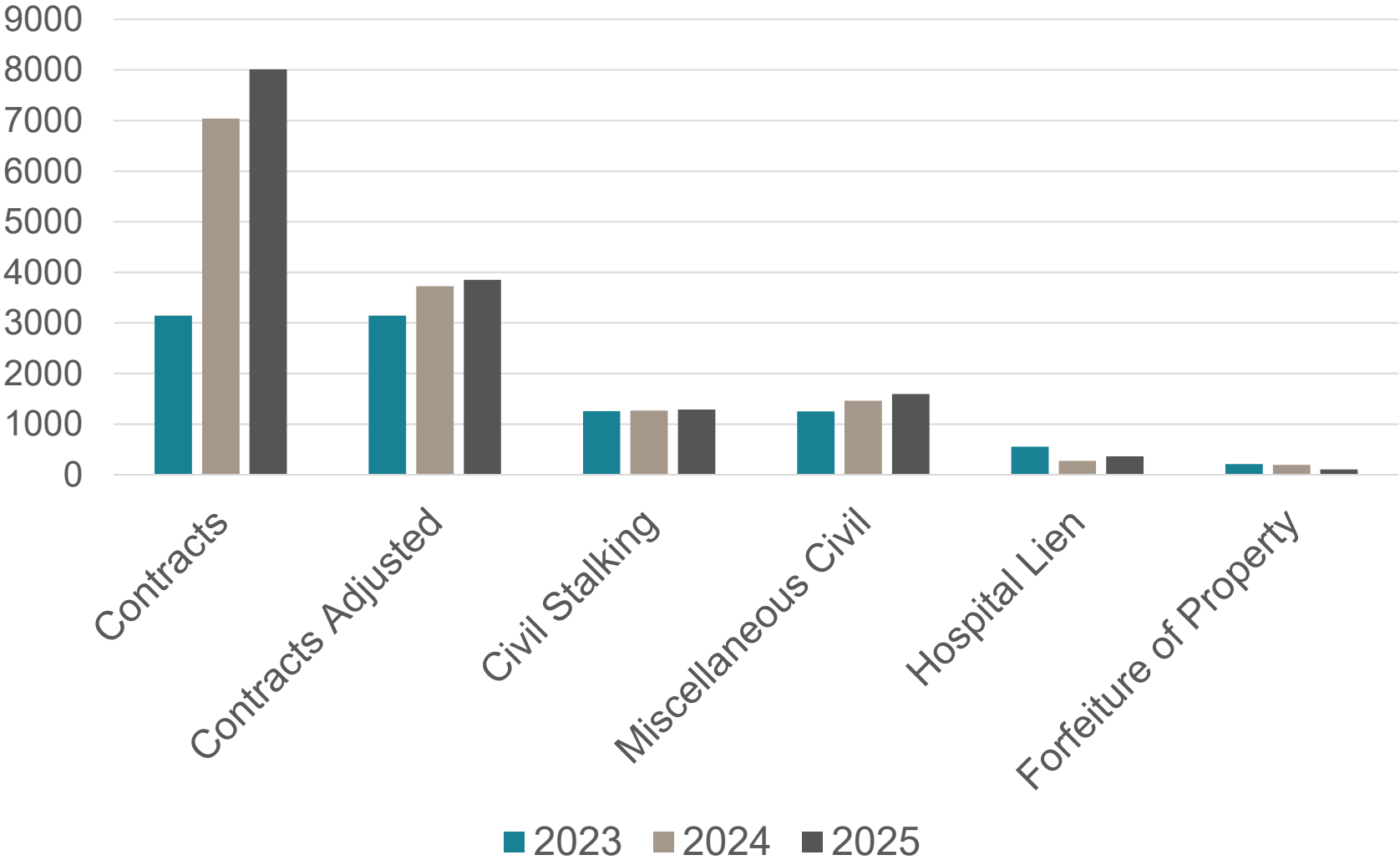


District Court Filings by Year – Torts



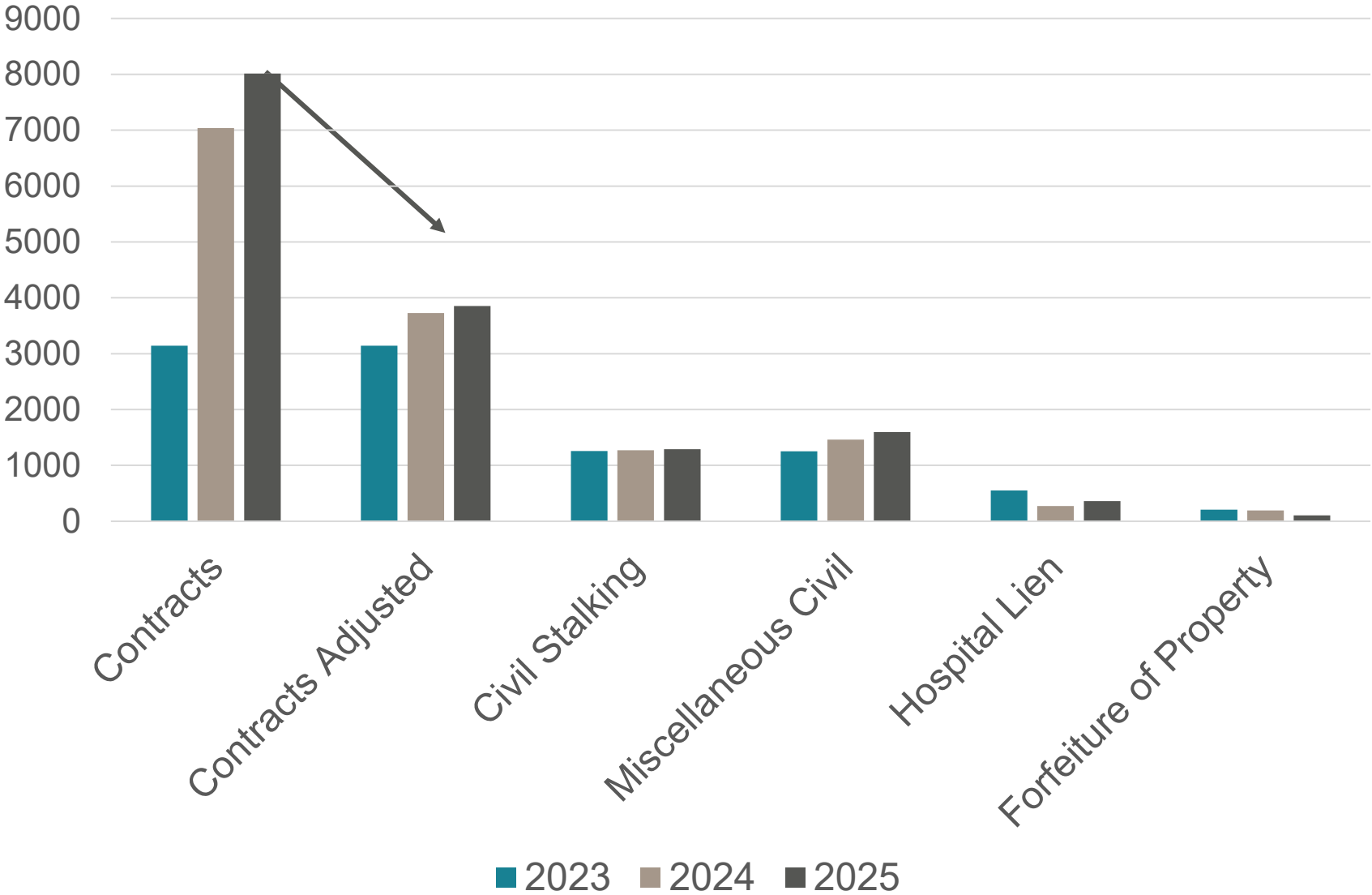


District Court Filings by Year – General Civil



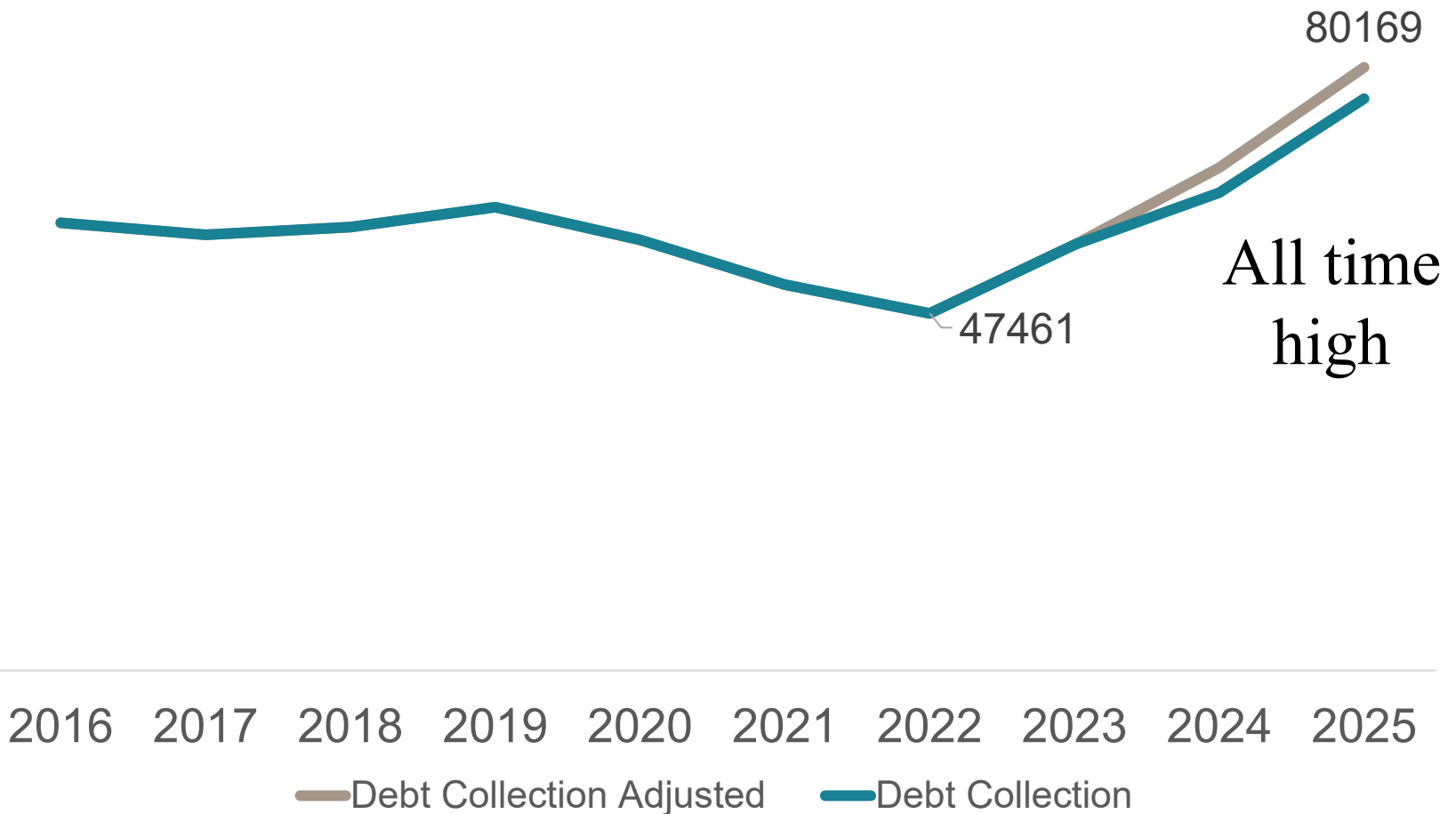


District Court Filings by Year – General Civil

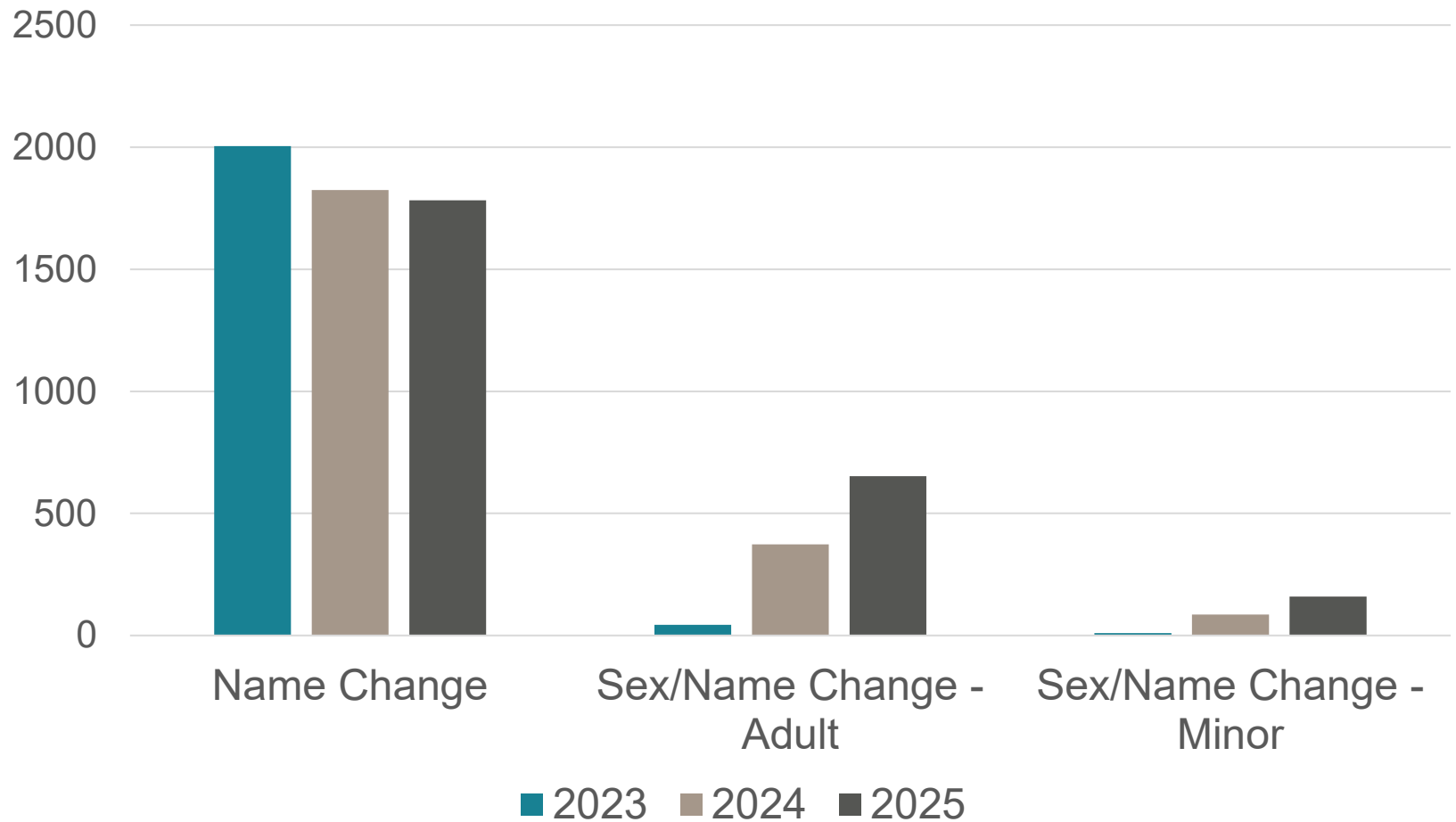




District Court Filings by Year – General Civil Debt Collection

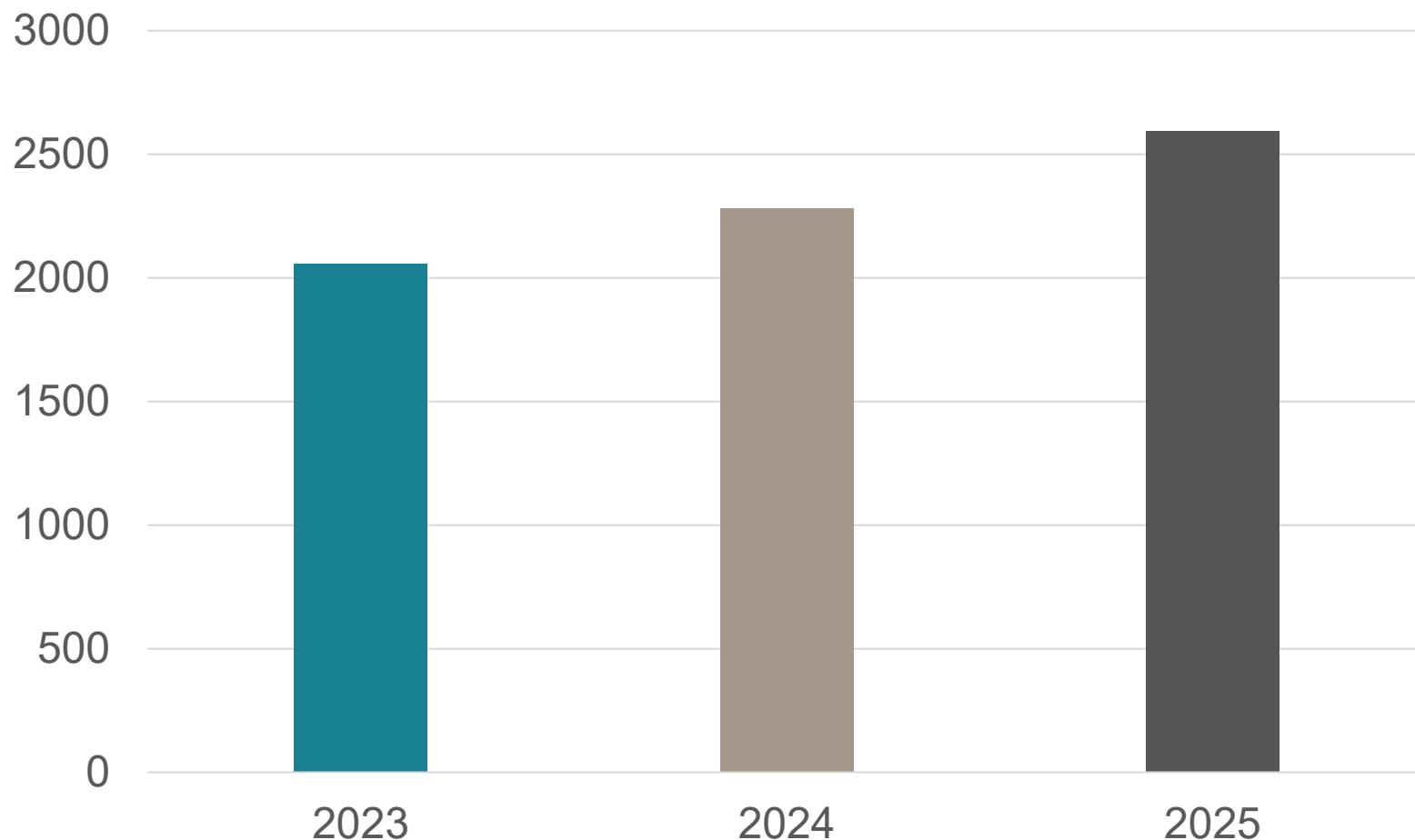


District Court Filings by Year – Probate



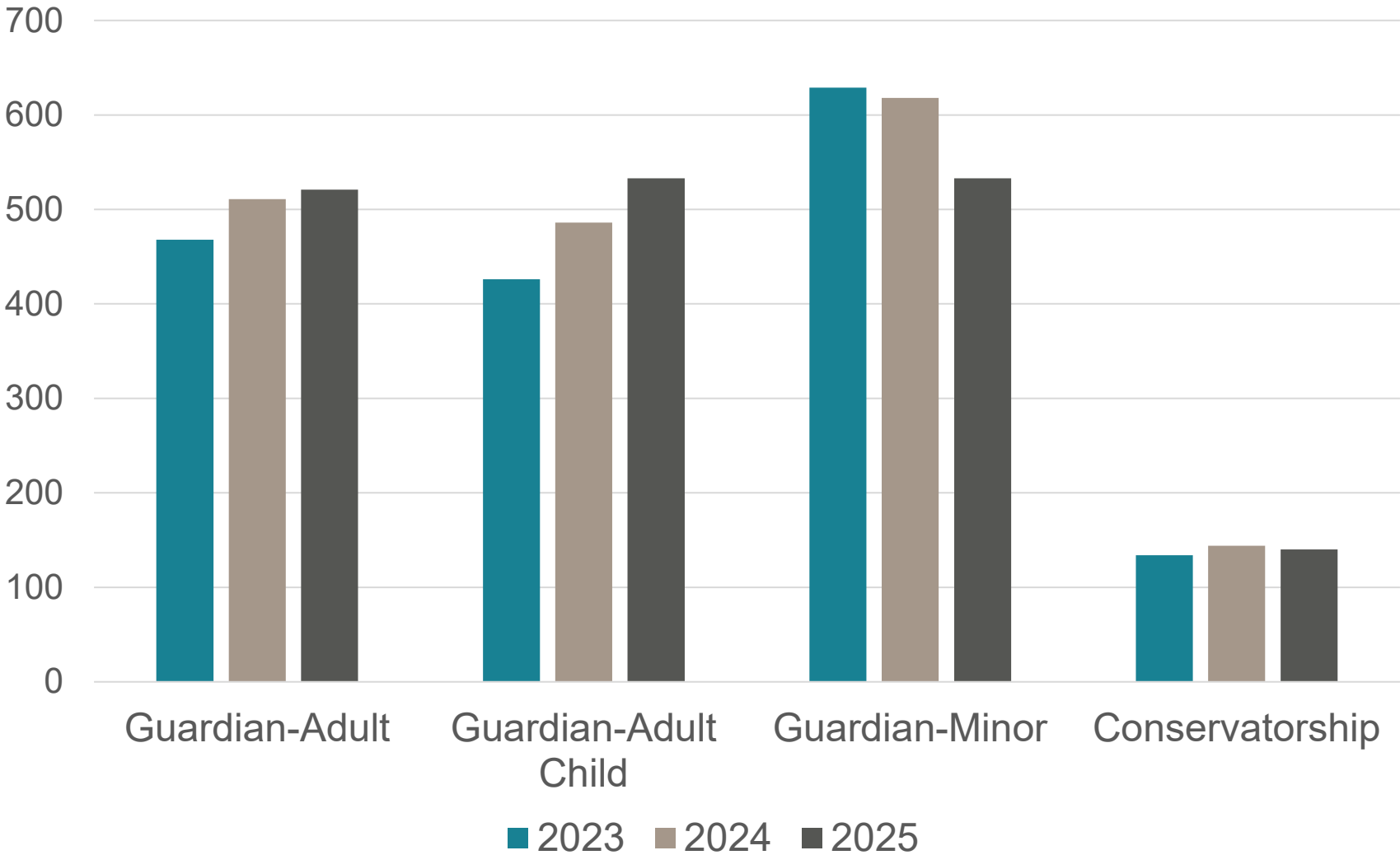


District Court Filings by Year – Sex/Name Change

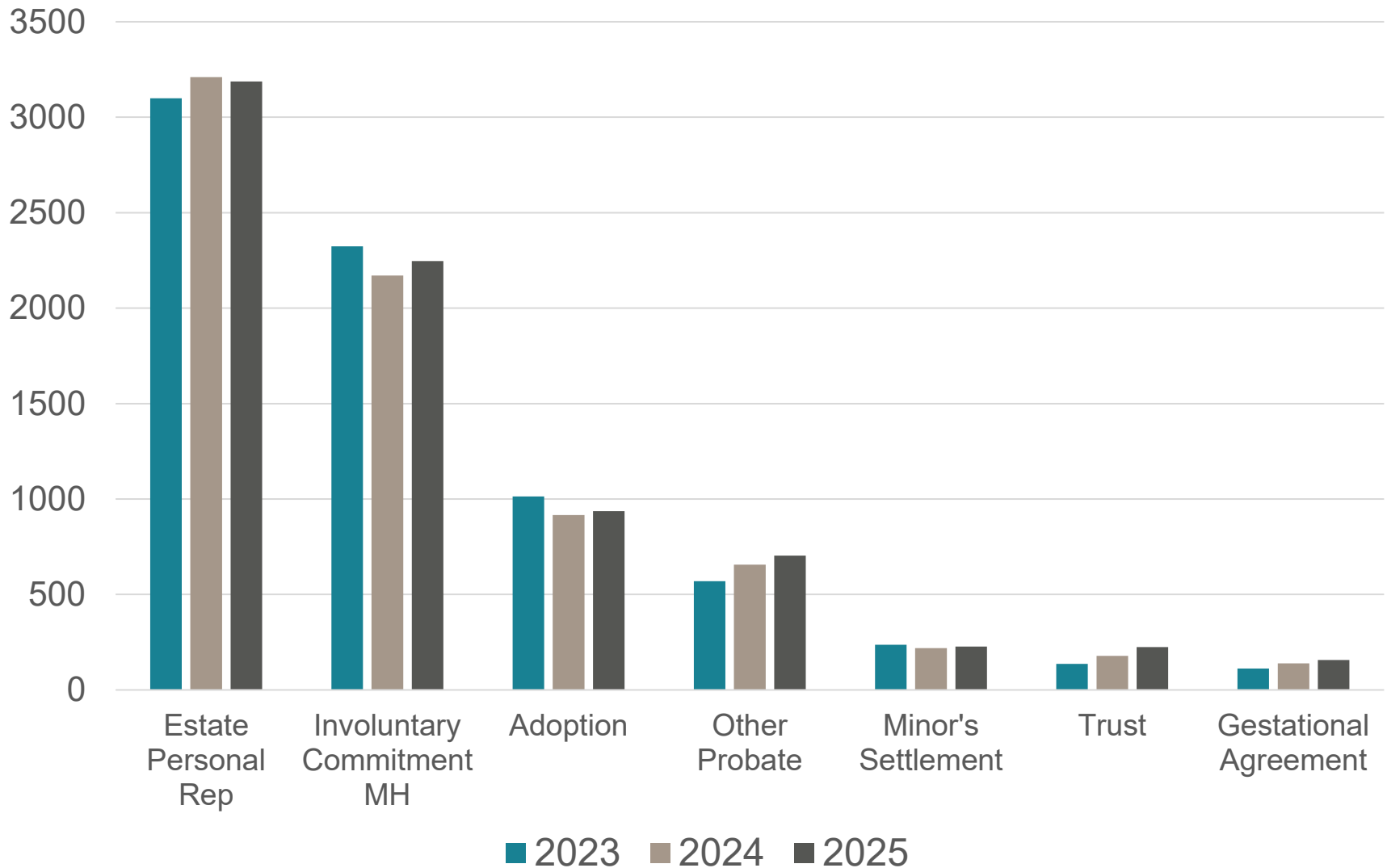




District Court Filings by Year – Probate Guardianship & Conservatorship

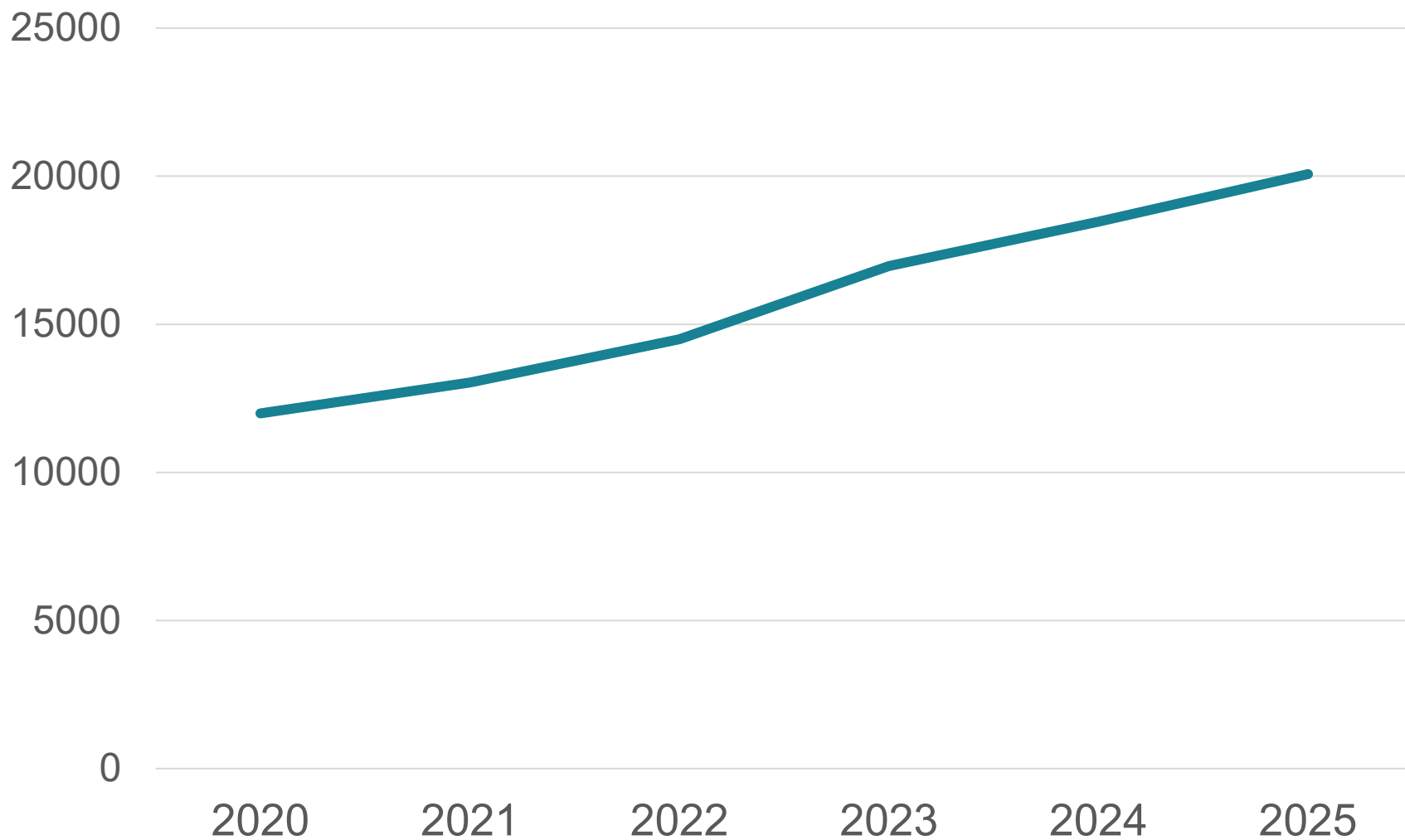


District Court Filings by Year – Probate



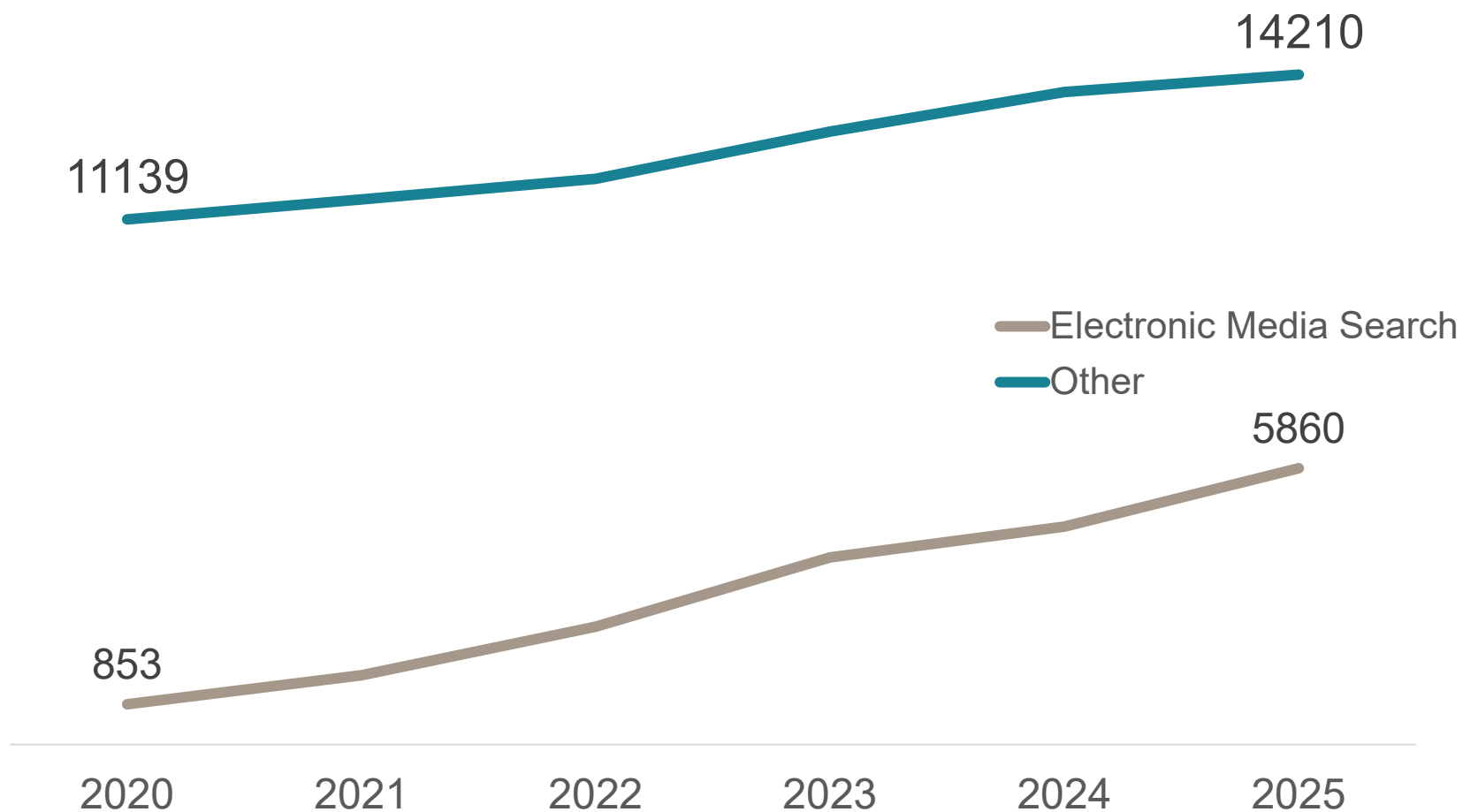


District Court Search Warrants



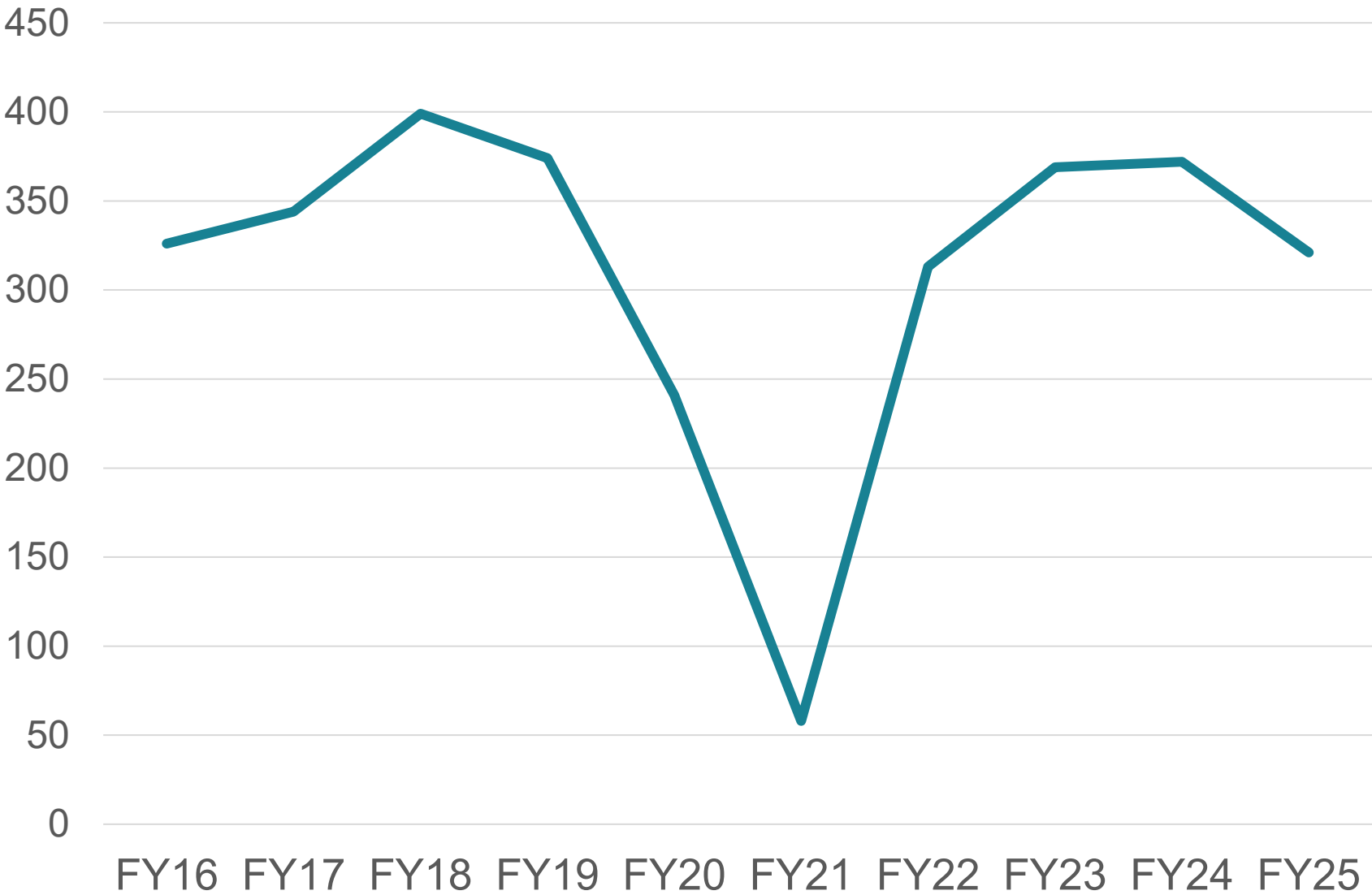


District Court Search Warrants





District Court Jury Trials – Trial Count



District Court Time to Disposition

Activity	Recommended Guideline ¹		FY2025
	% Disposed	Time Frame	% Disposed within Time Frame
Felonies and Class A Misdemeanors	95%	12 months	90%
All Civil Except Evictions and Small Claims	95%	24 months	97%
Evictions	95%	9 months	95%
Divorce, Paternity, Custody and Support	95%	18 months	92%
Domestic Modifications	95%	12 months	71%
Temporary Protective Orders	95%	10 days	100%
Administration of Estates	95%	12 months	98%
Guardian/Conservator: Protected Persons	95%	90 days	57%
Involuntary Civil Commitment	95%	15 days	95%

District Court Weighted Caseload

Judicial Officers Needed <i>(Total Hrs.Needed / Avail.Hrs. per Judicial Officer)</i>							
District	FY19 (1-yr)	FY21 (3-yr)	FY23* (3-yr)	FY24 (3-yr)	FY25 (3-yr)	Authorized Positions (Jdg & Commis)^	Difference Authorized & Needed
1	4.2	4.3	4.8	5.0	5.2	4.6	-0.6
2	16.2	15.7	17.4	17.8	18.3	16.4	-1.9
3	39.7	37.9	40.3	40.7	42.5	38.0	-4.5
4	15.7	15.2	16.3	16.6	17.3	15.0	-2.3
5	7.0	7.0	8.3	8.6	8.6	7.0	-1.6
6	2.2	2.2	2.5	2.6	2.4	2.0	-0.4
7	2.3	2.3	2.6	2.5	2.3	3.0	0.7
8	3.0	3.0	3.4	3.3	3.2	3.0	-0.2
State	90.2	87.6	95.6	97.1	99.8	89.0	-10.8

District Court Weighted Caseload

Caseload % of Standard

District	FY19 (1-yr)	FY21 (3-yr)	FY23* (3-yr)	FY24 (3-yr)	FY25 (3-yr)
1	97%	93%	103%	109%	112%
2	97%	96%	106%	109%	112%
3	110%	105%	112%	107%	112%
4	106%	101%	108%	110%	116%
5	117%	101%	118%	123%	122%
6	108%	109%	127%	130%	122%
7	78%	77%	88%	82%	78%
8	99%	101%	114%	111%	105%
State	105%	101%	110%	109%	112%

Juvenile Court Weighted Caseload

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

District	FY21	FY22	FY23	FY24	FY25	Authorized Positions (Jdg & Commis)^	Difference Authorized & Needed
1	2.3	2.3	2.5	2.5	2.3	2.0	-0.3
2	6.0	6.0	6.2	5.5	5.2	6.0	0.8
3	9.7	10.1	10.3	9.5	9.3	9.0	-0.3
4	6.7	6.8	7.9	8.0	8.0	7.0	-1.0
5	2.6	2.5	2.6	2.6	2.6	3.0	0.4
6	1.6	1.5	2.0	2.0	2.0	2.0	0.0
7	1.1	1.1	1.2	1.2	1.1	2.0	0.9
8	1.5	1.6	1.7	1.7	1.6	2.0	0.4
State	31.5	31.9	34.4	33.0	32.1	33.0	0.9

Juvenile Court Weighted Caseload

Caseload as % of Standard <i>(Total Hrs.Needed / Total Avail. Hrs.)</i>					
District	FY21	FY22	FY23	FY24	FY25
1	115%	111%	125%	124%	113%
2	101%	98%	104%	91%	87%
3	108%	100%	115%	106%	104%
4	134%	123%	131%	114%	114%
5	86%	81%	87%	87%	87%
6	158%	138%	99%	98%	98%
7	55%	53%	59%	60%	55%
8	77%	82%	87%	86%	82%
State	105%	98%	108%	99%	96%

Conclusion

Questions?

courtdatarequest@utcourts.gov

Tab 3



BFMC and Boards of Judges Rankings

				BFMC Rankings	Average Board Ranking	BACJ Rankings	BJCJ Rankings	BDCJ Rankings
Description	Ongoing Amount	One-time Amount						
Investing in our People								
Core Workforce - Recruit and Retain	\$6,008,300	\$0		1	1.67	2	2	1
Judicial Officers, Support Staff and Workspace								
Judicial Officers and Support Staff	\$9,211,600	\$1,380,000		2	1.67	1	1	3
6th District Training Coordinator	\$102,300	\$0		3	3.00	4	3	2
Domestic Violence Initiatives								
*Integrated Domestic Violence Court Funding - Tooele Co.	\$1,972,600	\$1,285,000		4	4.00	3	4	5
Specialized Domestic Violence Court Funding - Wasatch and Grand Co.	\$618,550	\$0		5	4.33	5	4	4
Statutorily Required Spending								
**Guardian Signature Program	\$667,550	\$0		N/A	N/A	-	-	-
Total Judicial Priority Requests	\$18,580,900	\$2,665,000						

* This request contains ongoing funding for a judge and 2 JAs (\$536K) and 1x funding for courthouse workspace (\$1.285M) that is also requested in BFMC priority #2.

** Not ranked by BFMC due to the statutorily required basis for requesting these funds.

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

Tab 4



GOVERNOR'S OFFICE OF Planning & Budget

FY26 and FY27 State Agency Budget Request Form

REQUEST TITLE	CORE Courthouse Workforce – Recruit and Retain		
State Agency	Judicial Branch	Request Priority	1
Division	Judicial Branch	Program	Human Resources
			ronbh@utcourts.gov 801-578-3816
Primary Contact	Ron Gordon and Bart Olsen	Email & Phone	barto@utcourts.gov 801-578-3802

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

SOURCE	FY26 ONE-TIME	FY27 ONGOING	FY27 ONE-TIME	TOTAL REQUEST
GF, ITF, USF	\$0	\$6,008,300	\$0	\$6,008,300
OTHER	\$0	\$0	\$0	\$0
TOTAL	\$0	\$6,008,300	\$0	\$6,008,300

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

SUMMARY

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

This request seeks legislative funding for salary increases (both salary range and actual wages) to boost retention levels of the judiciary's core courthouse workforce. The judiciary's bench faces an increasingly difficult challenge to retain a sufficient level of institutional knowledge in its workforce and has continued to face a stubbornly high turnover rate of around 20% in its core courthouse workforce over the last three years. The unsustainable level of instability in the judiciary's core courthouse workforce needs mitigation with this additional funding.

COST

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

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

Job Title	Total Cost
Judicial Assistant	\$3,295,100
Training Coordinator	\$163,400
Case Manager	\$568,800
Team Manager	\$136,800
Clerk of Court	\$110,900
Appellate Clerk of Court	\$16,600
Deputy Appellate Clerk of Court	\$7,600
Sr Appellate Asst	\$10,700
Appellate Court Coordinator	\$9,800
Probation Officer	\$974,900
Probation Officer Team Lead	\$7,000
Deputy Probation Officer	\$66,800
Probation Supervisor	\$232,600
Chief Probation Officer	\$106,800
Administrative Assistant	\$158,000
Support Services Coordinator	\$97,400
Legal Secretary	\$30,100
Reference Librarian	\$7,600
Law Librarian	\$7,400
TOTAL	\$6,008,300

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

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

1. 10% Reduction in Funding: With a 10% reduction (to a \$5.4M total request) in funding, the recruitment and retention of core courthouse employees can still be maintained with relatively minor adjustments. Salary increases (both salary range and actual wages) would be slightly reduced, resulting in a smaller salary rate increase being allocated and a lower starting salary for new employees in these positions. These reductions would have an impact on the overall ability to move current employees through the quartiles of their salary ranges, and attract new talent to these positions, producing more risk to the effectiveness in recruiting additional employees and retaining

current employees. However, the program's overall effectiveness in motivating employees to stay and attracting new talent may remain largely intact.

2. 50% Reduction in Funding: A 50% reduction (to a \$3.0M total request) in funding would have a more significant impact on the recruitment and retention of core courthouse employees. It may not provide the judiciary with sufficient incentive to motivate current core courthouse employees to remain with the judiciary or help attract new talent for these positions. Simply put, the FY23 JA pay increase of \$3.9M temporarily lowered the JA turnover rate, but an increase of only \$3.0M over a larger pool of beneficiaries may greatly reduce the effectiveness/impact of the funding.

By maintaining a greater portion of the requested funding (at least 75% or a \$4.5M total request), the recruitment and retention of core courthouse employees can continue to drive employee motivation, attract new talent, and align with the judiciary's mission and goals and allow the judiciary to remain competitive with other branches of state government. While adjustments may be necessary, retaining a significant portion of the funding increases the odds that the program's core principles and benefits are sustained to support a skilled and motivated workforce in the judiciary.

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

None.

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

Utah's judiciary has been actively addressing challenges related to high turnover rates and the inability to retain employees in core courthouse functions, primarily due to uncompetitive compensation. The judiciary's efforts have focused on a multi-pronged approach, incorporating internal strategies, legislative funding requests, and comprehensive benefit enhancements.

Historically, the judiciary has attempted to address pay disparities using internally generated ongoing turnover savings, which have amounted to approximately \$450,000 per year. While these savings have been effective in addressing small, localized pay inequities, they are insufficient to provide a statewide remedy for the significant gap between judicial employee compensation and market pay, especially for the core courthouse workforce, which constitutes over 50% of personnel. An exception was a legislative appropriation of \$3.9 million in FY23 for Judicial Assistant (JA) salary increases. This funding proved beneficial for recruitment, evidenced by a 0.71% decline in JA annual turnover, a reduction in vacant JA positions, and a 19% decrease in the average time to fill JA positions. However, it was not enough to meaningfully impact retention, as overall turnover rates have remained consistently around 20% over the past three years. The judiciary notes that it generally takes 18-24 months for a Judicial Assistant to achieve proficiency. As of June 2025, 33% of all JAs statewide had less than two years of experience, highlighting a significant challenge in maintaining institutional knowledge.

In recent years, the Judicial Branch has implemented various strategies to attract and retain employees. These include granting less costly rewards, such as administrative leave, gift cards, and recognition awards; offering educational assistance, including tuition reimbursement and internal education opportunities; and providing pay-for-performance bonuses. The agency has also actively sought legislative funding for salary increases, which have demonstrated the most positive results in preventing even higher turnover rates.

Recognizing the ongoing challenges, the judiciary committed to dedicate nearly all of its ongoing and one-time turnover savings to further invest in its people and do everything possible to address these problems. The resulting changes became effective July 1, 2025. They include compensation changes, expanded career advancement opportunities, additional staff positions, and enhanced benefits. For compensation, a "New Hire Compensation Track" provides a \$1,000 retention bonus after 6 months, a \$1 per hour increase after 12 months, and a \$1,500 retention bonus after 18 months for eligible new employees. All other employees, and those transitioning from the new hire track, are in the "Standard Compensation Track," eligible for pay-for-performance salary increases, performance-based bonuses, and service recognition bonuses.

For FY26, all employees in the Standard Compensation Track with satisfactory performance will receive a \$1,000 performance-based bonus. Funding for incentive awards was doubled to \$560,000 annually. One judicial assistant position in each judicial district is being repurposed/reclassified to help with much needed training resources, providing a limited number of career advancement opportunities and an accompanying 5% increase for staff who promote into new team lead responsibilities. The Judicial Council is also using internal funds to create seven new judicial assistant positions. Furthermore, annual leave accrual will be accelerated, new hires will receive 24 hours of administrative leave, and existing employees will receive retroactive administrative leave grants (with an option for a \$1,000 bonus for those with 20 or more years of service). The exercise release policy will also be expanded to include additional wellness activities. These comprehensive efforts demonstrate the judiciary's commitment to improving retention and addressing its workforce challenges, while acknowledging that sustained improvements will require continued investment.

STRATEGIC ALIGNMENT

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

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

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

This funding request aligns directly with the judiciary's strategic priorities, as it aims to promote fairness, efficiency, and the advancement of justice under the law. Through the investment in our core courthouse workforce through salary increases, the judiciary is taking proactive measures to fulfill our mission and meet

the expectations of the people we serve. This strategic approach will enable the judiciary to further our commitment to delivering justice in an open, fair, and efficient manner, while continually striving for improvement and excellence in operations.

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

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

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

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

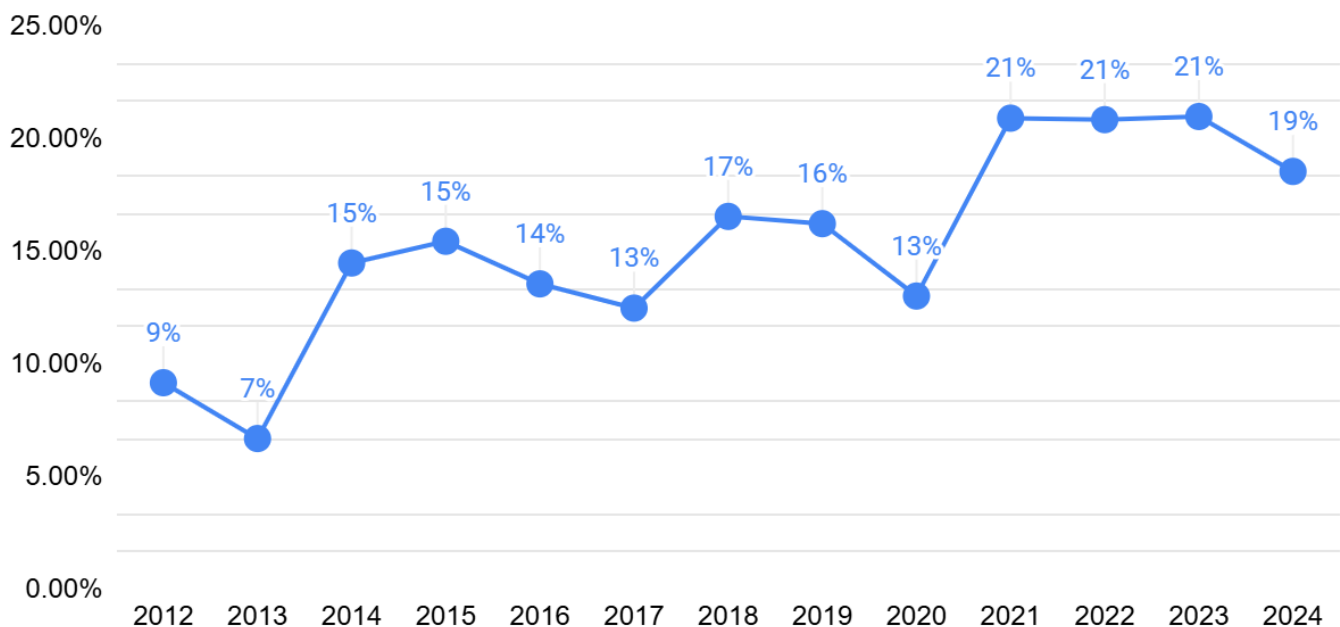
Educational Excellence: While the connection between addressing core courthouse workforce turnover and educational excellence may not be immediately apparent, a stable judiciary contributes to a supportive legal and societal framework that underpins a thriving educational system. An efficient court system, free from the burdens of high turnover and constantly training new staff, can more effectively handle cases related to child welfare, truancy, and other matters that directly or indirectly impact student success and the overall educational environment. When the court system operates smoothly, it provides a more stable and predictable environment for families and communities, which in turn supports educational attainment. The investment in retaining experienced personnel ensures institutional knowledge is preserved, which allows the judiciary to perform its duties more proficiently, including those that interact with or support the educational ecosystem.

EVIDENCE & ANALYSIS

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

Turnover rates vary by industry, but in general, an annual turnover rate of 10% or less is often considered a healthy target turnover rate, indicating a relatively high level of institutional knowledge and skill level to ensure the organization succeeds. As shown below, the turnover rate among the two largest groups of the core courthouse workforce has climbed consistently from 9.19% to 19% over the last twelve years. Even more alarming is the Judicial Assistant turnover rate of 21% and the gradual increase of the Probation Officer turnover rate over the last few years. Probation Officer turnover rate went from 9.62% in 2021 to 12.86% in 2024. Although the Probation Officer turnover rate isn't currently as high as the Judicial Assistant rate, the increasing pattern the data shows causes concern.

Core Workforce Turnover - 10 Years



Core Courthouse Workforce Turnover by Year

Ten years ago, the average tenure of employees in the judiciary's largest group of the core courthouse workforce (Judicial Assistants) was 13.5 years. That number has gone down each year and is currently around 7.17 years of service, a 47% decrease. This downward trend creates a number of issues for the core courthouse workforce and the Judiciary as a whole, such as, (1) employees with less than two years of experience take longer to fulfill work assignments because they are still in the training & on-the-job learning phase, and (2) the employees providing training and reviewing the work have less experience and are less knowledgeable. This clearly leads to an increased risk of critical errors in the implementation of judicial decisions.

The two main entry-level jobs alone constitute half of the entire 1,116 non-judicial workforce in the judiciary, with 412 Judicial Assistants (37% of the workforce) and 143 Juvenile Probation Officers (13% of the workforce). Adding entry- and mid-level management of those two groups brings the total representation of this core workforce to 695 employees (62% of the workforce).

Exit survey data for these groups indicates the leading contributor to top talent (and accompanying institutional knowledge) leaving the judiciary is a higher salary job offer elsewhere (24% of exit survey respondents), and in many instances, to other workplaces in the public sector.

In addition to working towards solutions for these issues, the judiciary would also like to be able to offer more livable wages to our core courthouse workforce. According to a [KSL article](#) published on July 4, 2024, "[i]n 2020, the hourly wage to afford [a two-bedroom apartment] was estimated to be \$19.83 --- with it rising just four years later to \$26.89, just over \$7 more." This request will not quite get all the judiciary's core courthouse workforce to the listed \$26.89 an hour, but it will lessen the gap. The current JA starting hourly rate is \$22.39 per hour and this request will raise the starting JA hourly rate to \$25.00.

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

Overall, the judiciary anticipates this core impact: Utah's judicial system will be staffed by experienced, knowledgeable, dedicated employees who meaningfully contribute to the fair and efficient resolution of every pending case. When insufficient funding jeopardizes the open nature, fairness, and efficiency of the system, the success of the entire system is placed at too great a risk. The judiciary anticipates that this funding will mitigate the risk of error and delay that result from high turnover of core courthouse employees.

Measurement of outcomes may include:

- Mitigated levels of turnover in the core courthouse employee job families. Although the requested funding amount is unlikely to significantly impact turnover, current HR systems support the measurement of turnover to demonstrate the impact of funding on turnover rates.
- Exit survey data indicating the judiciary's core workforce is leaving for higher-paying, lower-responsibility jobs in the public sector would likely remain stable.
- The length of time to fill vacancies should remain stable with added funding and will be demonstrable with existing reporting mechanisms.

Current data available to support these measures:

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

COLLABORATION

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

None.

LEGAL AUTHORITY

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

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

INTENT LANGUAGE

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

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

Tab 5



GOVERNOR'S OFFICE OF Planning & Budget

FY26 and FY27 State Agency Budget Request Form

REQUEST TITLE	Judicial Officers and Support Staff		
State Agency	Judicial Branch	Request Priority	2
Division	Judicial Branch	Program	
Primary Contact	Shane Bahr, District Court Administrator Sonia Sweeney, Juvenile Court Administrator Nick Stiles, Appellate Court Administrator	Email & Phone	shaneb@utcourts.gov 801-578-3971 sonias@utcourts.gov 801-578-3812 nicks@utcourts.gov 385-303-3305

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

For ease of understanding, the Judicial Branch is presenting the Appellate, Juvenile, and District Courts' judicial needs along with support personnel and workspace in a single document.

Combined Request - Total

SOURCE	FY26 ONE-TIME	FY27 ONGOING	FY27 ONE-TIME	TOTAL REQUEST
GF, ITF, USF	\$0	\$9,211,600	\$1,380,000	\$10,591,600
OTHER	\$0	\$0	\$0	\$0
TOTAL	\$0	\$9,211,600	\$1,380,000	\$10,591,600

District Court Request (including support staff) - Subtotal

SOURCE	FY26 ONE-TIME	FY27 ONGOING	FY27 ONE-TIME	TOTAL REQUEST
GF, ITF, USF	\$0	\$7,694,900	\$1,380,000	\$9,074,900
OTHER	\$0	\$0	\$0	\$0
TOTAL	\$0	\$7,694,900	\$1,380,000	\$9,074,900

Juvenile Court Request (including support staff) – Subtotal

SOURCE	FY26 ONE-TIME	FY27 ONGOING	FY27 ONE-TIME	TOTAL REQUEST
GF, ITF, USF	\$0	\$857,500	\$0	\$857,500
OTHER	\$0	\$0	\$0	\$0
TOTAL	\$0	\$857,500	\$0	\$857,500

Appellate Court Request (including support staff) – Subtotal

SOURCE	FY26 ONE-TIME	FY27 ONGOING	FY27 ONE-TIME	TOTAL REQUEST
GF, ITF, USF	\$0	\$659,200	\$0	\$659,200
OTHER	\$0	\$0	\$0	\$0
TOTAL	\$0	\$659,200	\$0	\$659,200

This format allows the legislative and executive branches to see the entire judicial officer-related requests in one place.

- Where the Court's 2025 weighted caseload study shows a need for a judicial officer we've asked for a new judicial officer.¹ However, this year, for District Courts, we have not prioritized where the Judicial Officers are needed, preferring to set forth the case for a domestic violence specialty court and to work with legislators on filling specific needs in their districts as shown in the weighted caseload study (see p. 6).
- For Juvenile Courts, we are seeking a new judge for the 4th Judicial District where juvenile caseloads are rapidly rising.
- For the Appellate Court, we are seeking a single new judge in the Court of Appeals and have added an additional year's worth of dispositions and filings data (both of which are rising).

We recognize this is a large number with most of the funds requested going to the District Court, but cases continue to increase in the district courts faster than the increase in judges assigned to handle them. We also strive to meet the needs and statutorily mandated timeframes for children and families in juvenile court.

We request funding commensurate with the need to provide all parties access to justice that is described in the Utah Constitution as (1) a "speedy trial" (Article 1, Section 12) and (2) without "unnecessary delay" (Article 1, Section 11).

For ease of review, we have divided the request into Section 1 for the District Court, Section 2 for the Juvenile Court, and Section 3 for the Appellate Court.

¹ The need indicated by the weighted caseload study for District and Juvenile Courts should be viewed as a minimum number of judicial officers needed to meet the needs of the public.

Section 1 – District Court

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

SUMMARY

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

As the need for judicial officers and court staff increases in the district court without meaningful increases in funding, the number of pending cases and the number of days it takes to resolve a case also increases. The FY25 district court judicial weighted caseload study (JWCS), and the shift of cases from two justice courts that closed to district court shows there is a need for 11.7 additional judicial officers.

This budget request seeks \$7,694,900 in ongoing funding for eight judges, four commissioners, with accompanying support staff, and \$1,380,000 in one-time funding to finish one shelled courtroom in Tooele as well as one-time initial purchases of IT hardware and software, as follows:

- 8 District Court Judges
- 4 District Court Commissioners
- 24 Judicial Assistants
- 5 Case Managers
- 1 Team Manager
- 4 Law Clerks
- 1 Business Application Technician (help desk)
- Ongoing IT, Operating and Travel/Training Costs
- One-time funding to finish one courtroom shell in the Tooele Courthouse, and
- One-time hardware and software costs

According to the 2025 JWCS, district court judges are managing average caseloads of 112% of a standard caseload, compared to an average caseload of 109% of the standard caseload in 2024. In several judicial districts, the average judicial officer caseload is as high as 122% of the standard. Large caseloads result in longer case resolution time for members of the public.

There are currently 89 district court judicial officers (78 judges and 11 commissioners) serving people across the state of Utah. The 2025 JWCS shows district court needs at least 100 judicial officers to bring judicial caseloads in line with standard caseloads. Funding the requested judicial officers will result in more manageable judicial caseloads and timely case resolutions which are set forth as a right of every Utah citizen in the Utah Constitution.

COST

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

Ongoing funding will be used for salary, benefits, and operating expenses for the following positions.

• 8 District Court Judges*	\$364,150	ea.	x	8	=	\$2,913,200
• 4 Domestic Court Commissioners	\$279,050	ea.	x	4	=	\$1,116,200
• 24 Judicial Assistants*	\$86,150	ea.	x	24	=	\$2,067,600
• 5 Case Managers	\$100,600	ea.	x	5	=	\$503,000
• 1 Team Manager	\$107,400	ea.	x	1	=	\$107,400
• 4 Law Clerk Attorneys	\$139,350	ea.	x	4	=	\$557,400
• 1 Business Application Technician (help desk)	\$130,100	ea.	x	1	=	\$130,100

Subtotal	\$7,394,900
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• 12 Judicial Officer IT, operating, and travel and training costs	\$7,500	ea.	x	12	=	\$90,000
• 35 non-Judicial Officer IT, operating and travel and training costs	\$6,000	ea.	x	35	=	\$210,000

Total Judicial Officers and Support Personnel	\$7,694,900
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One-time funding will be used to:

• finish one shelled courtroom located in the Third District, Tooele County Courthouse	\$1,285,000
• pay for initial software and hardware purchases for all personnel above	\$95,000

Total One-Time funding	\$1,380,000
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Total Request	\$9,074,900
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*Included in the request for Judges and JAs above are one judge and 2 judicial assistants (JA) that have a domestic violence focus. The funding for these 3 positions is included above AND in Request # 4 - Integrated Domestic Violence Project. Should the Legislature fund request # 4, one judge and 2 JAs can be taken out of the above request.

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

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

Because we believe the Utah constitution provides a promise to the people of Utah and receiving anything less than the full request will not meet the needs of Utah’s citizens and will not ensure our judges and staff have reasonable workloads, we do not view this request as scalable.

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

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

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

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

Likewise, the Judicial Branch does not have one-time funding available to finish the shelled courtroom in Tooele and make the initial software and hardware purchases.

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

STRATEGIC ALIGNMENT

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

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

Funding this request will allow the court to meet our Utah constitutional duty for (1) a "speedy trial" (Article 1, Section 12) and (2) access to justice without "unnecessary delay" (Article 1, Section 11).

EVIDENCE & ANALYSIS

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

The FY2025 JWCS for District Courts, which is based on a three-year average of court filings, shows a statewide need for 11.7 additional district court judicial officers. After thoroughly reviewing the FY25 JWCS for District Courts and consulting with Presiding Judges and Trial Court Administrators in each of the judicial districts, the Board of District Court Judges is requesting eight district court judges and four court commissioners to be appointed to serve in six of eight judicial districts.

This request also includes \$1,285,000 in one-time funding to finish the shelled courtroom located in the

Tooele District Courthouse. This is the only unfinished courtroom remaining in the third district, and it will need to be finished to accommodate additional judicial officers in the third judicial district.

District	Current Authorized Judicial Officers (Judges and Commissioners)	Total Weighted Caseload Judicial Officer Need	FY2026 Statewide Judicial Officer Need	Judicial Officer Workload Burden	FY2026 Judicial Officer Request
First*	4.6	5.2/5.4	-0.8	116%	1
Second	16.4	18.3	-1.9	112%	2**
^Third	38	42.5	-4.5	112%	5***
Fourth	15	17.3	-2.3	116%	2**
Fifth	7	8.6	-1.6	122%	1
Sixth	2	2.4	-0.4	122%	1
&Seventh	3	2.3	0.7	78%	0
Eighth	3	3.2	-0.2	105%	0
State Total	89	100	-11.7	112%	12

*The FY25 caseload study does not account for workload associated with the cases shifted to the district court beginning on July 1, 2025, as the result of North Logan and Hyde Park justice courts closing. In FY25 the workload for these two justice courts was 0.19. Adding 0.19 in the 1st district increases their overall need to 0.8 and the judicial officer burden increases to 116% of standard.

& The over-staffing of 7th District is not counted in the column total since the .7 in over-staffing provides only marginal relief to adjacent districts.

** The Second and Fourth Districts are each requesting one judge and one commissioner. A judge position is the priority for both districts.

*** 3rd District is requesting three judges and two commissioners in this priority: 1-Hybrid Domestic/Criminal Commissioner; ^2 -Judge ; 3- Judge; 4-Domestic Commissioner; 5 – Judge.

^If a judge is authorized for the 3rd District as requested in the Integrated Domestic Violence Project request, one judge requested for the 3rd District in this request will be removed.

Summary of Problem and Solution:

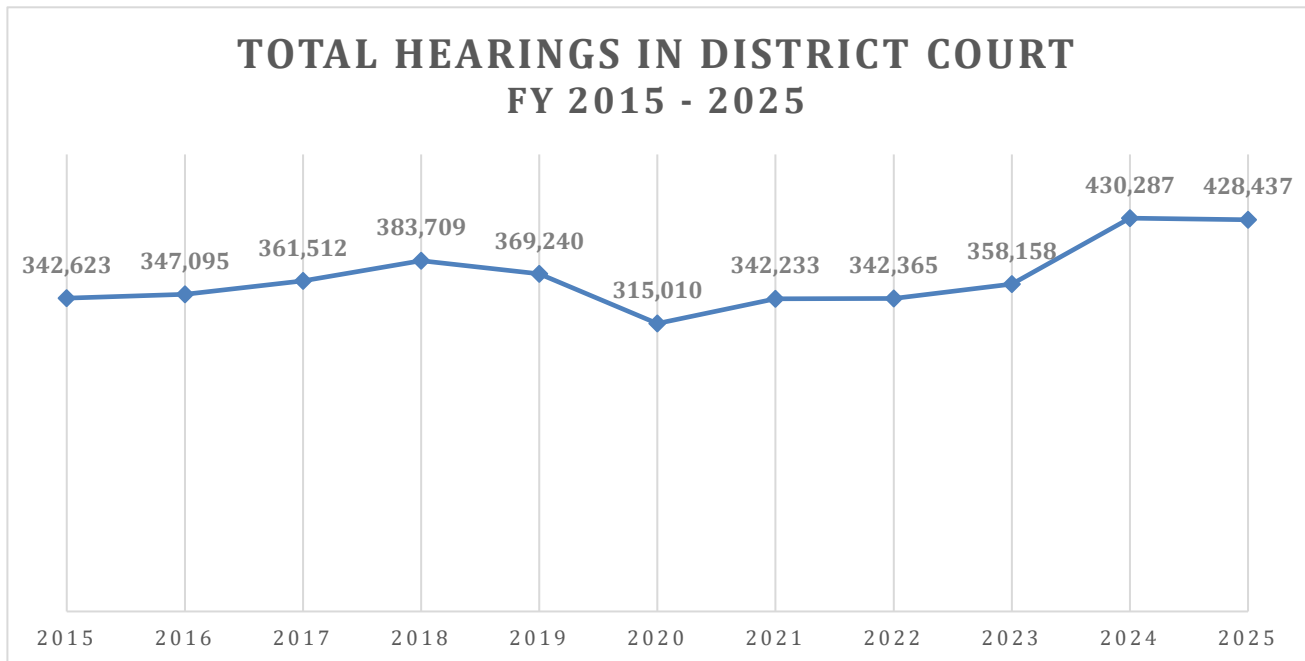
In line with the mission of the Utah judiciary, “to provide the *people* an open, fair, efficient, and independent system for the advancement of justice under the law”, this funding request is rooted in providing the *people* access to justice. Delay in case processing has adverse impacts on defendants, their families and on the victims. This is especially true with defendants and victims in criminal cases, and with parents and children’s needs in domestic cases. When the Judicial Branch operates without adequate judicial officers and court staff it takes longer for cases to be processed, access to justice is delayed and therefore denied.

The FY 2025 District Court JWCS shows an overall need of 100 judicial officers, compared to 97.1 in 2024, and 95.6 in 2023. The overall gap between authorized and needed positions is -11.7 in 2025 compared to the gap of -8.1 judicial positions in 2024. Despite receiving two new judicial officers in FY24, factors impacting judicial officer workload have more than offset any gains that were expected from the two new judicial resources received. Receiving one or two new judicial officers per year will not keep pace with the growing demand for judicial officers and court support staff

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

Increase in the Number of Court Hearings

The number of court hearings per year held in district court has gone from 342,623 in FY15 to 428,437 in FY25. That's 85,814 more court hearings in FY25 than were held in FY15. In FY15 there were 82 district judicial officers and on average each judicial officer held 4,178 hearings. In FY25 there were 89 district judicial officers, and on average each judicial officer held 4,813 court hearings. On average, judicial officers held 635 more cases (a 15% point increase per judge) in FY25 versus FY15; total hearings increased 25% during this time frame while the number of judges increased only 8%. This is not a sustainable trendline.

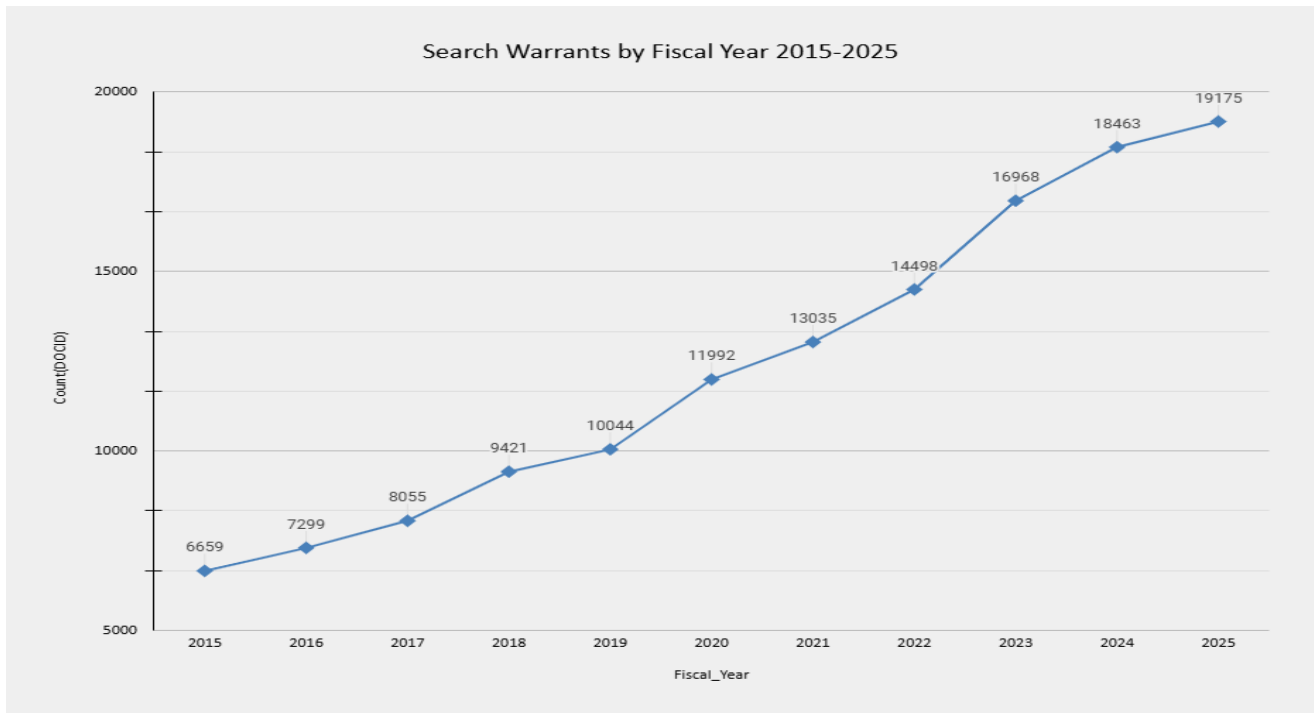


Increase in Warrants to Review

District Court Judges reviewed 6,659 warrants in 2015. That number increased to 19,175 warrants reviewed in 2025. That's an increase of 12,516 (190%) in search warrants reviewed in 2025 than in 2015.

On average it takes 12 minutes to review a search warrant. With an increase of 12,516 search warrants with an average review time of 12 minutes, this represents an increased workload of 2,503 hours, or the workload equivalent of approximately 1.5 judicial officers.

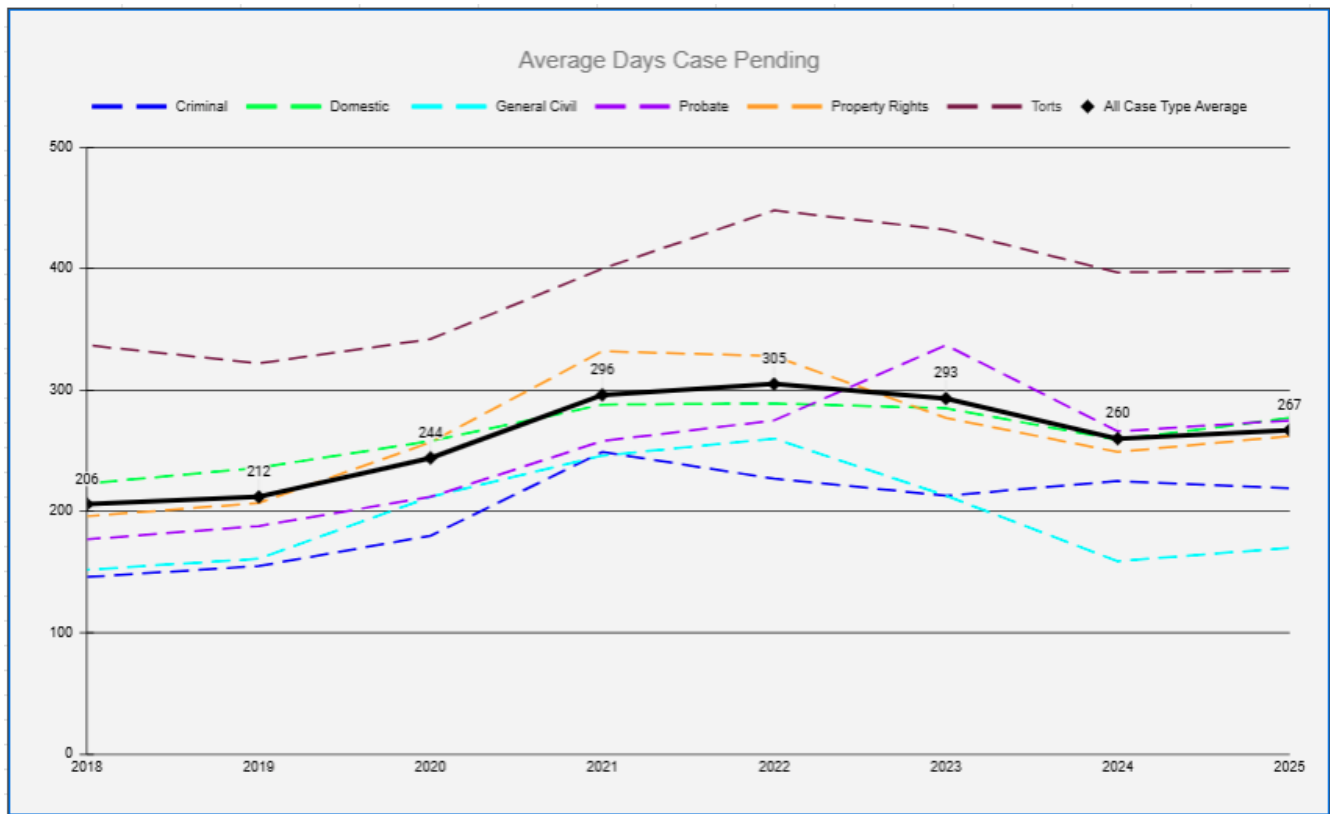
Warrants are reviewed and signed 24 hours a day, 7 days a week, 365 days a year, and much of this work is done outside of the standard court operating hours.



Number of Days Cases are Pending resolution

In 2019 the average number of days for criminal, domestic, civil, property rights, and tort cases to be resolved was 206 days (see black line in chart below). In 2022, nearing the end of the pandemic, the average number of days cases were pending increased by nearly 100 days. With funding from ARPA and the Utah Legislature the judiciary leveraged senior judges and time-limited judicial assistants from FY22 into FY25, to help reduce the case backlog. As the case backlog was reduced, the number of days cases were pending declined as well. In FY24 the number of days for pending cases dropped from an average high of 305 days in FY22 to an average of 260 days in FY24. With the reduction in funding for the use of senior judges and time-limited judicial assistants, it appears as though the average number of days cases pending plateaued in FY25 and is possibly on the rise.

Funding this request for additional judicial officers and support staff will result in fewer days to resolve cases. Without additional resources, the number of pending cases will continue to increase, resulting in longer times to case dispositions.



Legislative Changes that Require More Judicial Officer Time

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

When we have nearly every judge in the state running at 10-22% above full capacity, most cases suffer.

Since our goal is to ensure the judicial system affords prompt, thoughtful attention to each case from our judges, we not only need to have sufficient judicial officers to meet the current demands, but we also need sufficient resources to enable us to keep pace with population growth. When we place new types of hearings, new procedural requirements, and other legislative requirements that are well intended on top of a resource-constrained judiciary, something has to give. The result is that Utah Court patrons experience more and longer delays in their pursuit of justice. In the last 12 years, notwithstanding the double digit increase in hearings and triple digit increase in warrants, the number of district judges grew only 8%.

District Court Judge Allocation by District 2015 - 2025												
District	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	New Judges
1	4	4	4	4	4	4	4	4	4	4	4	0
2	14	14	14	14	14	14	14	14	14	14	14	0
3	28	28	28	29	31	31	31	31	31	32	32	4
4	13	13	13	13	13	13	13	13	13	13	13	0
5	5	5	6	6	6	7	7	7	7	7	7	2
6	2	2	2	2	2	2	2	2	2	2	2	0
7	3	3	3	3	3	3	3	3	3	3	3	0
8	3	3	3	3	3	3	3	3	3	3	3	0
Total	72	72	73	74	76	77	77	77	77	78	78	6

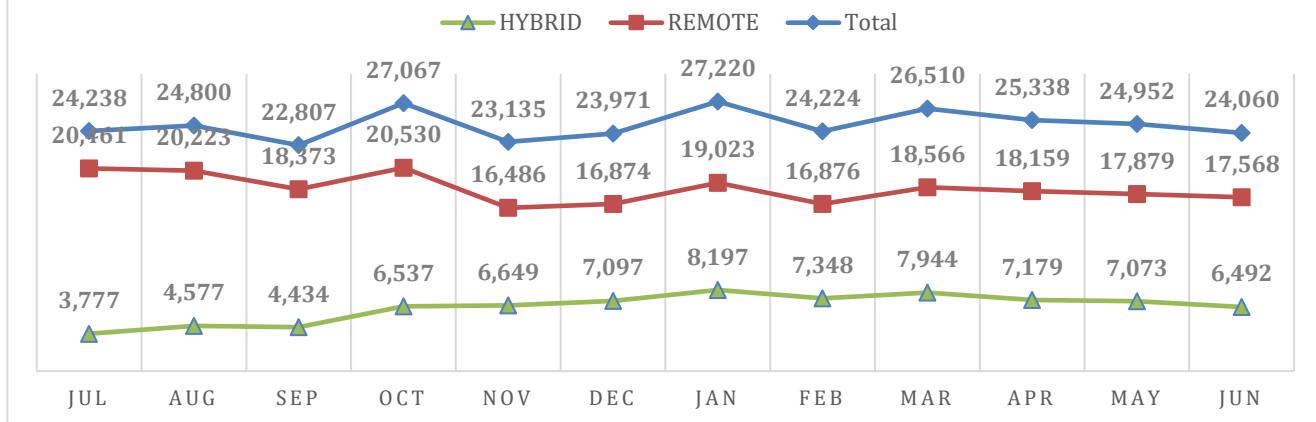
Virtual Hearings

There are notable benefits to virtual hearings, including lower failure to appear rates, reduction of the number of default judgements, greater juror involvement, and added convenience for many litigants not having to take time off work and less travel time. However, these and other benefits do not come without a cost. Most judges and court staff would agree that hearings held virtually take longer than hearings held in person. FY25 is the first year the court has collected data on the number of remote and hybrid hearings held in a year. Of the 428,437 total cases held in district court In FY25, 298,322 hearings were held remotely (70%). In a study² conducted by the National Center for State Courts on remote hearings, they found that on average, remote hearings take about 34% longer than similar cases that were held in person.

Increased hearing time is largely attributable to technical issues from hearing participants, such as navigating the technology platform, connectivity problems related to bandwidth, sharing content, and uploading documents. Regardless of the issues, it falls to judges and court staff to resolve the problems, even when they are not technology trained. Despite the downfalls of virtual hearings, judges and court staff have undertaken these additional tasks to provide the best experience they can for court patrons. In doing so, pending cases are set out further and take longer to resolve.

² NCSC, The use of Remote Hearings in Texas State Courts: The Impact on Judicial Workload, Dec. 2021

VIRTUAL HEARINGS IN DISTRICT COURT FY 2025



Courtrooms, Chambers, and Managers

As additional judicial officers and support staff are approved and hired, most districts have adequate courtrooms, chambers, and managers for support staff. Following is the status of courtrooms and chambers in districts needing additional resources. Case managers and team managers will be placed in those districts where new judges are placed or to meet pre-existing needs (1 case manager per 5 new JAs).

1st District – The First District needs one new Judicial Officer and there is courtroom and judicial workspace in both Logan and in Brigham City. A new Judge would likely be stationed in Logan and conduct work in Brigham City as needed.

2nd District – The Second District needs two new judicial officers: one district court judge and one domestic court commissioner. There is adequate courtroom and chamber space to accommodate two additional judicial officers.

3rd District – The Third District needs five new district judicial officers, and they are seeking three judges and two commissioners. Any new judgeship assigned to the third district will require the need to build out the only shell courtroom in the district, which is in Tooele County. The chambers for this courtroom are already completed. The only additional courtroom and chambers in the third district is in Summit County. If a new judicial officer is housed in Summit County, they would share responsibilities between Summit County and Salt Lake County. The lack of courtroom space in Salt Lake County is very problematic. All courtrooms in the Matheson and West Jordan Courthouses are currently utilized by sitting judges and a long-term plan for additional courtrooms and chambers is being contemplated.

4th District – The Fourth District needs two new district judicial officers, and they are seeking one district judge and one domestic commissioner. The fourth district has courtroom and chambers space in the Provo courthouse.

5th District – The Fifth District needs one additional judicial officer and is requesting a district court judge. The United States Federal Court has leased space in the St. George Courthouse for over 15 years and is currently constructing their own facility. It is anticipated that the leased space will be

vacated and available for district court use no later than September 2026.

6th District - The Sixth District needs one additional district court judge. The sixth district currently has two district court and two juvenile court judges who share chambers and courtroom space located in Sanpete, Sevier, Piute, Wayne, Garfield, and Kane Counties and additional courtroom and chamber space is not needed. The new judge would be assigned a primary work location and share courtrooms and chambers in the other counties as needed. Currently, the sixth district does not have a team manager, and the clerk of court is taking on those duties.

System Impact

Judges and court employees are committed to efficient case processing. However, when court resources are lacking, the court is not able to keep up with the demand, even when working 10% to 22% above the standard workload.

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

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

Receiving the judicial officers and support staff asked for in this request will allow the court to meet the needs of court patrons. The FY25 JWCS for District courts shows that the Utah Judiciary needs 11.7 additional district court judicial officers.

The court uses several metrics by which outcomes are measured:

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

COLLABORATION

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

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

As the third branch of government, it is the judiciary's sole responsibility to request judicial officers, court

support staff, and other necessary operating expenses from the legislature that exceeds the judiciary's current budget.

LEGAL AUTHORITY

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

Utah Code 78A-5-1 Provides the general provisions and jurisdiction of the Utah District Court.
Utah Code 78A-1-103 Number of district judges will need to be changed to reflect the number of district court judges allocated in each judicial district.

INTENT LANGUAGE

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

Not Applicable.

Section 2 – Juvenile Court

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

SUMMARY

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

The Fourth District Juvenile Court is currently operating at 114% of its judicial caseload standard, placing significant strain on judicial officers and limiting the court's ability to respond efficiently to the needs of youth and families.

We propose the addition of one juvenile court judge and appropriate support personnel to alleviate this pressure and restore balanced caseload distribution. This investment will help ensure timely hearings, reduce the risk of delays in critical decisions affecting minors and families, and improve overall system responsiveness for the many citizens residing in Utah, Wasatch, Juab, and Millard Counties. It will also enhance the court's ability to continue to comply with the well-founded, statutorily-established timeframes for certain types of hearings in both juvenile justice and child welfare proceedings.

COST

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

The Board of Juvenile Court Judges respectfully requests ongoing funding in the amount of \$857,500 to support the addition of critical personnel needed to serve the growing demands of the Fourth District Juvenile Court. This request includes funding for one juvenile court judge, along with two judicial support staff, a juvenile probation officer, and a Guardian ad Litem. These positions also require \$28,600 in ongoing operating costs. This funding is essential to ensure timely case processing, meet statutory obligations, and provide meaningful engagement and oversight for justice-involved youth and families. The itemized costs associated with this request are outlined below.

Ongoing Expenses for New Judge	Cost
Judge base salary + benefits	\$364,150
Team Manager base salary + benefits	\$107,400
Judicial Assistant base salary + benefits	\$86,150
Juvenile Probation Officer base salary + benefits	\$87,950
Guardian Ad-Litem Attorney	\$183,250
Travel and operating expenses GAL expenses \$3,600 Balance of expenses \$25,000	\$28,600
Courtroom Space (will be finished July 2026)	\$0
Total	\$857,500

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

The Fourth District Juvenile Court's request is not scalable; it reflects a core operational need rather than a program that can be partially implemented or phased in over time. Each requested position, judge, judicial support personnel, probation officer, and Guardian ad Litem attorney, is essential to sustaining the court's ability to manage its caseload. While current judicial officers are working beyond capacity to prevent case backlogs, this level of overextension is not sustainable and places significant strain on the system. Without full funding, the court's ability to meet statutory timeframes and provide timely, effective intervention for youth and families will be compromised. Given the district's existing caseload deficit and ongoing population growth, full funding in this budget cycle is necessary to maintain basic judicial functionality and access to justice.

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

This request is for ongoing funding and does not create any additional operations and maintenance (O&M) costs or involve a multi-year scale-up. The new judge, judicial support personnel, and probation officer positions are intended to be sustained as long as case filings and judicial workload data support their necessity. The Administrative Office of the Courts will continue to conduct regular judicial weighted workload studies to assess statewide judicial resource needs and ensure that staffing levels remain aligned with actual demand.

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

The Fourth District Juvenile Court has taken multiple steps to manage rising caseloads and maintain timely access to justice, despite sustained population growth and increasing demands—particularly in child welfare cases. Over the past four years, judicial officers have expanded their bench time, worked extended hours, and deferred critical off-bench duties to keep pace. While this has helped the court meet statutory timelines, it is not sustainable. The FY25 Judicial Weighted Caseload Study shows the Fourth District continues to operate at 114% of its judicial capacity, even after the addition of two new judges over the past two years.

Caseload as % of Standard (Total Hrs.Needed / Total Avail. Hrs.)			
District	FY 24	FY25	% Change
1	124%	113%	-9%
2	91%	87%	-5%
3	106%	104%	-2%
4	114%	114%	0%
5	87%	87%	0%
6	98%	98%	0%
7	60%	55%	-9%
8	86%	82%	-5%
State	99%	96%	-3%

The district currently has seven juvenile court judges, including one new position created during the 2024 legislative session. These judges serve Utah, Wasatch, Juab, and Millard counties. Two judges regularly travel to rural courthouses, and travel times, such as the three-hour round trip from Provo to Fillmore, significantly reduce calendar availability. Despite efforts to stretch capacity, the caseload-to-judge ratio has

remained above sustainable levels for nearly five years, according to caseload studies.

In response to growing needs, the court is proposing a more tailored support package in lieu of the standard request for two judicial assistants. This includes one judicial assistant, one clerical team manager, one juvenile probation officer, and one Guardian ad Litem attorney. This adjustment reflects the impact that new judgeships have on probation services and clerical operations. Notably, while prior judicial officer requests traditionally included clerical staff, no corresponding increases have been made to probation staffing, despite the growing volume of referrals. The FY21–23 average for delinquency referrals in the Fourth District is 2,636 annually, with about 40% petitioned to court and the rest resolved non-judicially. Substituting a team manager for one of the two standard judicial assistants results in a cost increase of only \$21,200 annually. Additional costs include \$87,950 for the probation officer and \$183,250 for the Guardian ad Litem attorney.

Finally, the court's resource needs are strongly tied to regional growth. Utah County alone has grown by over 230,000 residents since 2010 and continues to account for over 40% of the state's annual population increase. Cities such as Lehi, Saratoga Springs, and Eagle Mountain rank among the fastest growing in the country. The court also serves two of the state's five largest school districts, Alpine and Nebo, with a combined enrollment of more than 129,000 students. Absent additional support, this continued growth will place further strain on an already overextended court system.

STRATEGIC ALIGNMENT

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

This request supports the Judicial Branch's mission to provide an open, fair, efficient, and independent system for the advancement of justice under the law. Funding for an additional juvenile court judge, along with supporting personnel will enable the Fourth District Juvenile Court to respond more effectively to growing case volume and meet statutory timelines.

The request also aligns with Executive Branch priorities of strengthening Utah's families and enhancing government efficiency. By reducing delays, allowing for more meaningful judicial engagement, and improving outcomes for youth and families, this investment supports timely, effective interventions in some of the state's most complex and sensitive case types.

EVIDENCE & ANALYSIS

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

The need for an additional juvenile court judge in the Fourth Judicial District is substantiated by the 2025 Juvenile Court Weighted Caseload Study. This study, conducted by the Administrative Office of the Courts, evaluates judicial workload using a standardized model that measures the average time required to resolve different case types. According to the findings, the Fourth District Juvenile Court is operating above 100% of its judicial capacity, specifically judges are performing 114% of the caseload standard, and case volume is continuing to grow at a rate that exceeds the statewide average, driven largely by population increases in Utah County.

Without additional judicial support, the district faces increasing delays in hearing availability, reduced time for each case, and growing difficulty in meeting statutory deadlines. Appointing one additional judge would bring the district closer to workload parity, improve access to timely hearings, and support more meaningful judicial engagement with families and youth. This request reflects an evidence-based response to growing demands and is essential to maintaining the court's ability to meet its rehabilitative mission and statutory obligations.

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

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

- Reduce judicial caseloads toward the desired level no more than 100% of standard which is measured during the annual weighted caseload review.
- Growth is outpacing our ability to meet the case filing demands with the current judicial workload. If additional judicial support is approved, it will allow the districts to meet the demands of the system in compliance with statutory requirements and the Court's mission, which could be measured by tracking statutory timeframe compliance.
- Court emergency cases and trials could be calendared to be held in a much timelier fashion.
- The wait time for a patron to see the judge would be reduced.
- Time spent with the youth and families establishing a rapport would increase in every case type.
- Additional time to prepare orders, review warrants, and prepare for committee assignments.

COLLABORATION

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

This request is being submitted based on a recommendation from the Board of Juvenile Court Judges, in coordination with the Fourth District Juvenile Court and the Administrative Office of the Courts.

While no other agencies were directly involved in developing the request, a number of state and local partners, including prosecutors, public defenders, the Division of Child and Family Services, the Division of Juvenile Justice and Youth Services, law enforcement, and local education agencies, stand to benefit from the appointment of an additional juvenile court judge. A new judgeship would improve calendar availability, reduce delays, and minimize scheduling conflicts across the multiple counties served by the Fourth District, allowing all parties to engage more efficiently in court proceedings.

LEGAL AUTHORITY

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

The juvenile courts are courts of record established by statute, pursuant to the authority granted in Utah Constitution Article VIII, Section 1. The Legislature has assigned the juvenile courts responsibility for adjudicating matters primarily related to juvenile delinquency, child welfare, parental rights, and other issues concerning minors. These responsibilities are detailed in Utah Code Title 78A, Chapter 6 and in Utah Code Title 80. The state's eight judicial districts are defined by Utah Code § 78A-1-102. The number of juvenile court judges authorized to serve in each district is set by the Legislature and codified in Utah Code § 78A-1-104. Judges are required to carry out the constitutional and statutory duties of the juvenile courts, including timely adjudication of cases and fulfillment of other court responsibilities.

To effectuate this funding request, Utah Code § 78A-1-104(3) and (4) must be amended to increase the number of authorized juvenile court judges in the Fourth Judicial District. Specifically, the current language: "seven juvenile judges in the Fourth District Juvenile Court" must be revised to read "eight juvenile judges in the Fourth District Juvenile Court."

INTENT LANGUAGE

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

Not applicable.

Section 3 – Court of Appeals Judge

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

SUMMARY

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

Please see the attached memo from the Board of Appellate Court Judges.

COST

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

Court of Appeals Judge	Cost	Each Attorney Law Clerk	Cost
Salary	\$230,200	Salary	\$88,176
Salary Related Benefits	\$127,473	Salary Related Benefits	\$24,994
Reduction for Amount over Social Security cap	-\$3,354	Not Applicable	\$0.00
Health Insurance	\$24,932	Health Insurance	\$24,932
Dental Insurance	\$1,145	Dental Insurance	\$1,145
Life Insurance	\$65	Life Insurance	\$65
Total per Judge	\$380,500	Total per Attorney Law Clerk	\$139,350 x 2 = \$278,700

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

This budget request cannot be scaled.

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

N/A

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

Please see paragraph one in the attached memo.

STRATEGIC ALIGNMENT

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

This request is from the Utah Judiciary.

EVIDENCE & ANALYSIS

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

Please see the attached memo from the Board of Appellate Court Judges.

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

The Utah Appellate Courts track clearance rates for both the Utah Court of Appeals and the Utah Supreme Court. The Administrative Office of the Courts will be able to demonstrate with filing and disposition data whether adding a new Court of Appeals judge has benefited the people of Utah.

COLLABORATION

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

Not Applicable.

LEGAL AUTHORITY

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

Utah Code 78A-4-101.

INTENT LANGUAGE

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

Not Applicable.

UTAH SUPREME COURT

Matthew B. Durrant
Chief Justice

John A. Pearce
Associate Chief Justice

Paige Petersen
Justice

Diana Hagen
Justice

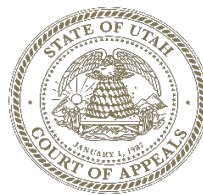
Jill M. Pohlman
Justice

Nicole Gray
Clerk of Court

Utah Appellate Courts

Nicholas G. Stiles
Appellate Courts Administrator

450 South State Street
Salt Lake City, UT 84111
(801)-578-3900



UTAH COURT OF APPEALS

Michele M. Christiansen Forster
Presiding Judge

Ryan M. Harris
Associate Presiding Judge

Gregory K. Orme
Judge

David M. Mortensen
Judge

Ryan D. Tenney
Judge

John D. Luthy
Judge

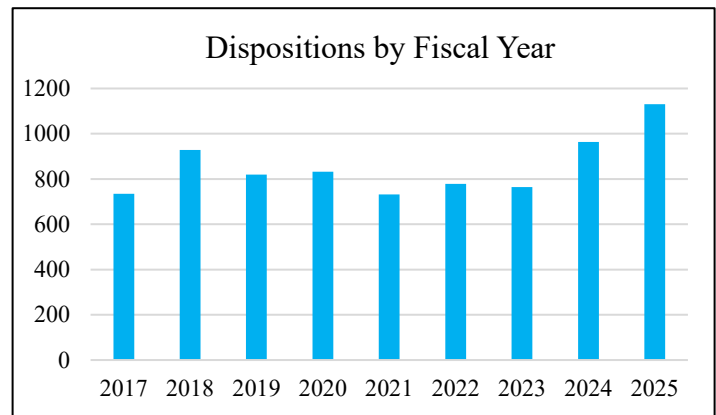
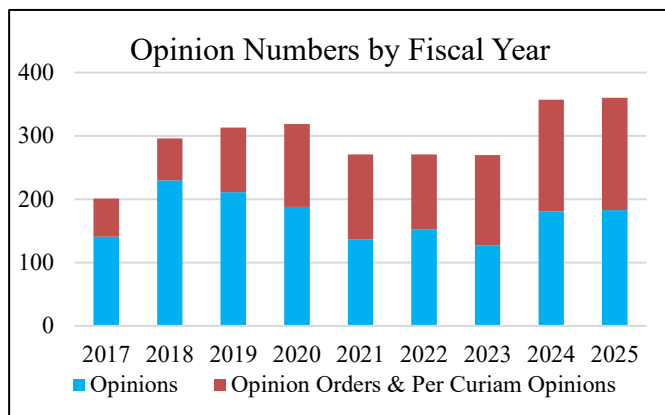
Amy J. Oliver
Judge

Jennifer Gadbois
Clerk of Court

To: Utah Judicial Council
From: Board of Appellate Court Judges
Re: FY2027 Legislative Funding Request

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

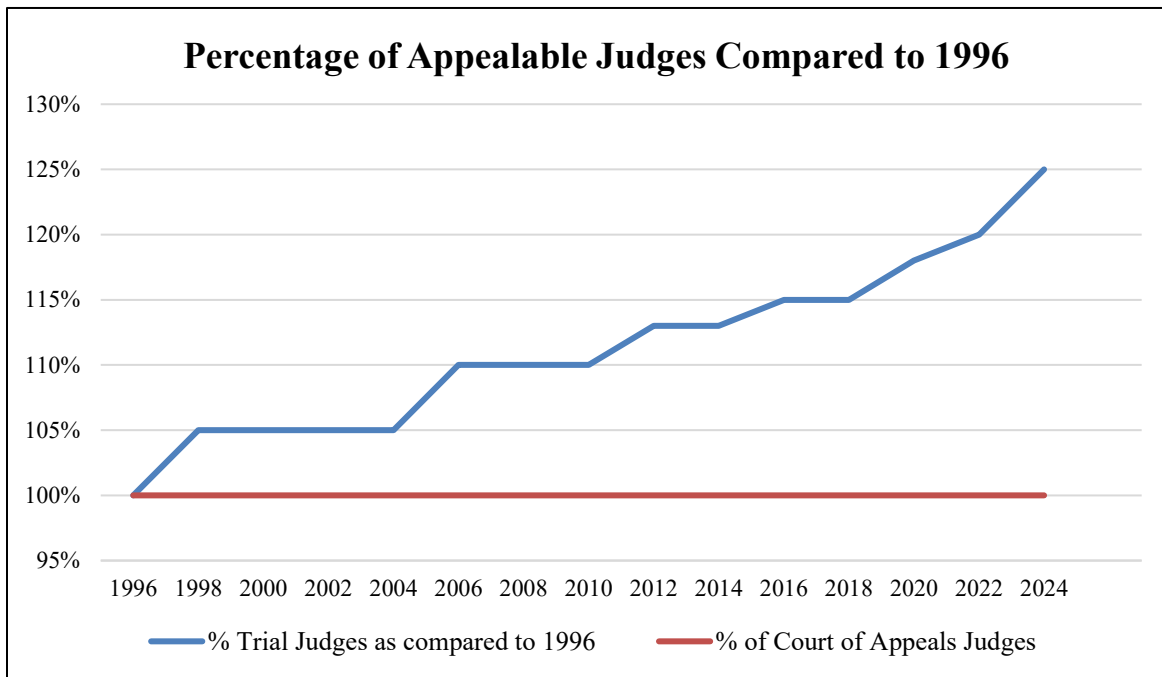
We advance three metrics in support of our request. The three metrics include: increases in the number of appealable trial court judges, increases in Utah's population, and increases in court filings. We also provide, as a beginning reference point, the below charts demonstrating the continued disposition of more cases by the Court of Appeals year after year.¹



¹ Note the increases in 2017, 2018, 2019, reduction in cases during the COVID years, then the continued increases in 2024 and 2025.

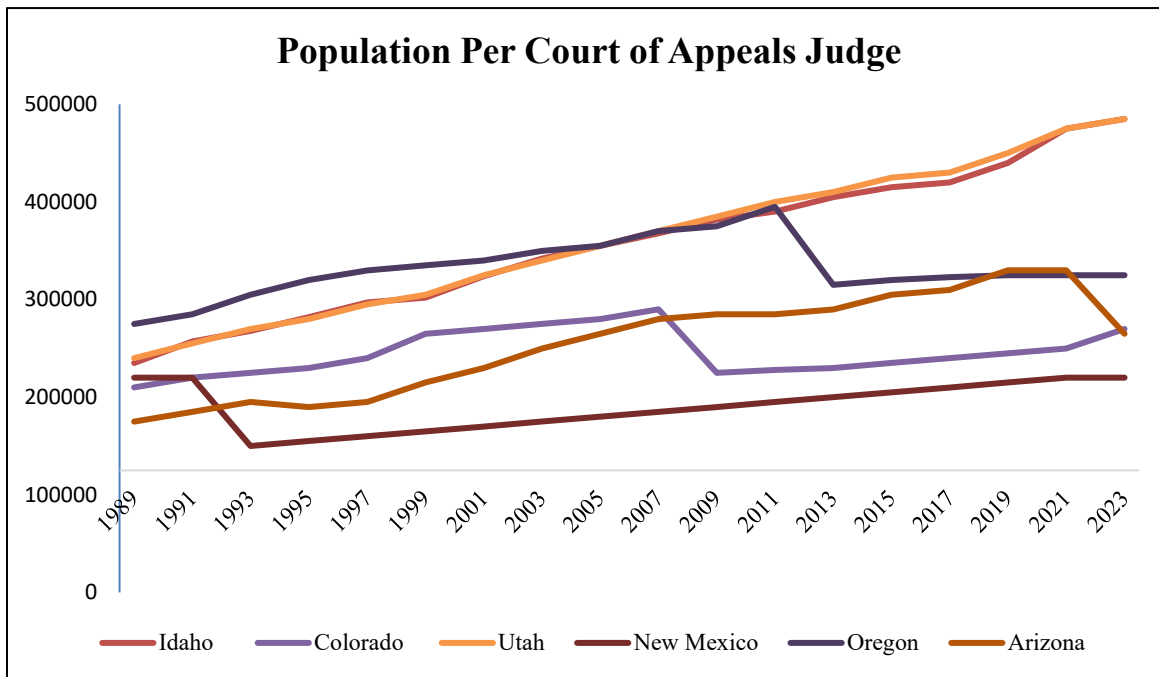
Increase in Appealable Judges

We begin our analysis in 1996 as that was the final year of the Utah Circuit Courts, and the first year of our judiciary as currently structured. In 1996, there were ninety appealable judges (judges whose rulings might be appealed to the Court of Appeals) in Utah. Based on the seven-member Court of Appeals, this equals 12.9 appealable judges per one Court of Appeals judge. There are now 123 appealable judges, or 17.5 judges per one Court of Appeals judge. This represents a roughly 22% increase in the number of appealable judges. The result is that to maintain the 1996 ratio of 1:12, we would need to add two new judges.



Increase in Population

We next reviewed Utah's population growth in comparison to Arizona, Colorado, New Mexico, Oregon, and Idaho. We determined that these states generally act to increase the number of intermediate court of appeals judges as soon as their population grows to, on average, around 300,000 per judge. Currently, the number of residents per court of appeals judge in each of the surrounding six states averages 343,451. In 2024, the number of Utahns to one Utah Court of Appeals judge was 500,516. To align our ratio with other regional western states' intermediate courts of appeal, we need to add three new Court of Appeals judges.



Note: Idaho also has a higher-than-average ratio of population to intermediate court of appeals judges. The Idaho Court of Appeals disposes of cases differently than our Court of Appeals. Idaho’s Court of Appeals resolves the majority of its cases by unpublished opinions. In 2024, the Idaho Court of Appeals published forty-four precedential opinions. In the same year, the Utah Court of Appeals published 195 precedential opinions.

Increase in Case Filings

In the Court of Appeals’ first five years of operations, there were 725 average case filings per year, equaling roughly 103 cases per judge. From 2020 to 2025, there were 989 average case filings per year, or 141 per judge. This average includes the substantial decrease in filings during the COVID pandemic. To return to the 100 case per judge ratio, the Court of Appeals would need to add three new judges.

First Five Years		Last Five Years	
1987	640	2021	758
1988	796	2022	987
1989	742	2023	936
1990	745	2024	1088
1991	702	2025	1,178

Note: Data presented in fiscal years.

Financials

The total requested funding is \$659,200. The included financial breakdown was provided by the Administrative Office of the Court's Finance Department. It is important to note that appellate judges in Utah are assigned two attorney law clerks. We will pursue internal one-time funding for equipment, training, and administrative costs associated with increasing personnel. We are not requesting any funding for additional support staff.

Court of Appeals Judge	Cost	Each Attorney Law Clerk	Cost
Salary	\$230,200.00	Salary	\$88,176.24
Salary Related Benefits	\$127,473.25	Salary Related Benefits	\$24,993.56
Reduction for Amount over Social Security cap	-\$3,354.20	Not Applicable	\$0.00
Health Insurance	\$24,932.18	Health Insurance	\$24,932.18
Dental Insurance	\$1,145.04	Dental Insurance	\$1,145.04
Life Insurance	\$65.52	Life Insurance	\$65.52
Total per Judge	\$380,500	Total per Attorney Law Clerk	\$139,350 x 2 = \$278,700

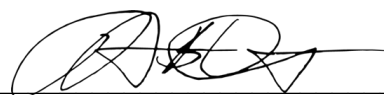
Finally, we emphasize that this request is based on current data, independent of any changes that might be made in the future regarding the justice court system. We acknowledge the growing trend of justice courts closing and transferring their cases to either the local county justice court, or the local district court. We also note the planned closure of the Salt Lake County Justice Court and subsequent transfer of cases to the district court. Because justice court cases are not directly appealed to the Court of Appeals, where caseloads shift from justice courts to district courts, we will see an increase in the number of cases that will be appealed to the Court of Appeals.

Thank you for considering our request for at least one additional Court of Appeals judge, and the necessary two additional law clerks.

Very Respectfully,



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



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

Tab 6



GOVERNOR'S OFFICE OF Planning & Budget

FY26 and FY27 State Agency Budget Request Form

REQUEST TITLE	Training Coordinator Position		
State Agency	Utah State Courts	Request Priority	3
Division	Sixth District and Juvenile Courts	Program	District and Juvenile Courts
			lindae@utcourts.gov 435-896-2706 christopherm@utcourts.gov 435-896-2711
Primary Contact	Linda Ekker and Christopher Morgan	Email & Phone	

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

SOURCE	FY26 ONE-TIME	FY27 ONGOING	FY27 ONE-TIME	TOTAL REQUEST
GF, ITF, USF	\$0	\$102,300	\$0	\$102,300
OTHER	\$0	\$0	\$0	\$0
TOTAL	\$0	\$102,300	\$0	\$102,300

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

SUMMARY

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

The 6th District covers a large geographical area, creating unique challenges in consistently training clerical teams who are required to handle filings and court procedures for both district and juvenile courts. The 6th District is currently the only district without this position to support its clerical teams. Ongoing legislative changes require a dedicated training coordinator to ensure timely implementation and uniform understanding of updated procedures. The most recent clerical weighted caseload study indicates that our team is operating at 127% of standard, emphasizing the strain on resources required to meet even the most fundamental responsibilities. Establishing a training coordinator position would significantly enhance our ability to support staff development, promote efficiency, and enhance our ability to advance justice across the district.

COST

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

Hourly Rate	\$26.54
Salary (2088 hours)	\$55,450
Salary Benefits (tier 2)	\$15,700
Health	\$24,950
Dental	\$1,150
Life	\$50
SUB TOTAL	\$97,300
Travel and Operating Costs *	\$5,000
GRAND TOTAL	\$102,300

*This will pay for laptop, printer, software, travel, training, etc. for this position.

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

This request is not scalable. To ensure the successful implementation and long-term effectiveness of our training initiatives, we require a full-time Training Coordinator. Given the scope of our operations, which span six district court and six juvenile court locations in 6 counties, a dedicated coordinator is essential to maintain consistency, efficiency, and quality across all sites.

Without this role being filled on a full-time basis, our ability to provide standardized training and support will be significantly hindered. This would not only compromise our service delivery but also have a detrimental impact on the overall functioning and cohesion of our district. We strongly believe that investing in a full-time Training Coordinator is critical to the success of our current and future efforts.

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

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

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

Due to the lack of a dedicated training coordinator position, the responsibilities have been placed solely on the Clerk of Court and case managers, who are already managing full workloads. We are utilizing our clerical

team as efficiently as possible, with team members regularly covering duties across multiple locations throughout the district.

In the 6th District, every team member must be trained to handle a broad range of tasks, including all courtroom functions, electronic filing, and front counter service for both District and Juvenile Court. The need to train in both Courts' processes makes the hiring of a training coordinator critical for success.

The training coordinator currently listed in HR for the 6th district works as a probation officer and doesn't have the knowledge or bandwidth to assist our clerical team with training.

	Number of Staff	Training Coordinators
1 st District (District and Juvenile)	49	2
2 nd District	81	1
2 nd Juvenile	64	3
3 rd District	180	2
3 rd Juvenile	117	3
4 th District	83	1
4 th Juvenile	70	2
5 th District (District and Juvenile)	66	2
6 th District (District and Juvenile)	27	1
7 th District (District and Juvenile)	33	1.5 (.5 shared w/ 8th District)
8 th District (District and Juvenile)	32	1.5 (.5 shared w/ 7th District)

STRATEGIC ALIGNMENT

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

Establishing a dedicated training coordinator is aligned with the Judiciary's Strategic Plan, specifically Promoting Public Trust and Confidence, Increasing Access to Justice and Ensuring Constitutional Openness. The Utah State Courts are committed to excellence and work to continually improve the systems we have. This request supports the agency's strategic objectives by improving and expanding training for court staff so they can be knowledgeable, efficient and consistent.

Currently, aside from the Clerk of Court, there is no centralized point of contact for training within the district. The 6th District clerical team lacks a team manager, or any additional support dedicated to training coordination. As a result, the responsibility for disseminating information and training case managers—and often the entire clerical team—falls solely on the Clerk of Court. Funding the request for a training coordinator would help relieve this burden and ensure a more structured, consistent approach to staff development and knowledge sharing across the district.

EVIDENCE & ANALYSIS

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

The 6th District is the only district in the state without a dedicated training coordinator. Our team is already operating at 127% of standard (the #2 most understaffed by % among all 11 Judicial Districts (see chart below)) according to the most recent clerical weighted caseload study. While we have explored alternative solutions to meet this need, we continue to struggle with managing our current workload—without even factoring in training responsibilities.

All other districts benefit from having a dedicated training coordinator, which enables them to more effectively maintain consistency with local procedures and ensure alignment with statewide practices and policies. In contrast, we lack a readily available point of contact to address training-related questions, which significantly reduces efficiency when staff must wait for guidance.

Training coordinators have proven to be highly valuable in other districts. Having one in place would ensure that our team completes all training required by rule and policy, supporting both operational efficiency and compliance.

2025 Weighted Caseload Results
(Filings 04/1/22 thru 03/31/25 3YA)

Clerical Weighted Caseload Summary Results							
Judicial District	Updated 5/12/25 Existing FTE	FTE Need	Min. Staff Adj. rounded nearest .5	Total FTE Need	FTE Difference	Difference Between Need & Existing*	Caseload as a % of Standard
District 1	19.00	22.01	0.00	22.01	-3.01	-3.01	115.9%
District 2	56.50	60.36	1.50	61.86	-5.36	-5.36	109.5%
District 2 Juvenile	15.00	13.08	0.00	13.08	1.92	0.61	87.2%
District 3	128.15	133.92	0.00	133.92	-5.77	-5.77	104.5%
District 3 Juvenile	29.00	24.62	1.50	26.12	2.88	0.27	90.1%
District 4	46.00	58.22	0.50	58.72	-12.72	-12.72	127.7%
District 4 Juvenile	21.25	17.88	4.00	21.88	-0.63	-0.63	103.0%
District 5	28.75	33.18	1.00	34.18	-5.43	-5.43	118.9%
District 6	8.00	9.67	0.50	10.17	-2.17	-2.17	127.1%
District 7	12.25	9.94	1.00	10.94	1.31	0.22	89.3%
District 8	12.25	12.98	0.50	13.48	-1.23	-1.23	110.0%
	376.15	395.87	10.50	406.37	-30.22	-35.23	108.0%

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

Securing funding for this position would lead to significant improvements in both quality control and operational efficiency. With the support of this role, our teams would benefit from targeted training and increased oversight, ensuring the consistent quality of work produced. Regular monitoring of reports would help maintain timely dispositions and control the age of pending cases. Additionally, this position would enhance our ability to manage court records more effectively.

COLLABORATION

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

None at this time.

LEGAL AUTHORITY

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

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

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

We are not requesting any changes to statute or rule.

INTENT LANGUAGE

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

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

Tab 7



GOVERNOR'S OFFICE OF Planning & Budget

FY26 and FY27 State Agency Budget Request Form

REQUEST TITLE	Integrated Domestic Violence Court Project Funding Request		
State Agency	Judicial Branch	Request Priority	4
Division	Judicial Branch	Program	Domestic Violence Program
Primary Contact	Amy Hernandez	Email & Phone	amymh@utcourts.gov 801-578-3809

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

SOURCE	FY26 ONE-TIME	FY27 ONGOING	FY27 ONE-TIME	TOTAL REQUEST
GF, ITF, USF	\$0	\$1,972,600	\$1,285,000	\$3,257,600
OTHER	\$0	\$0	\$0	\$0
TOTAL	\$0	\$1,972,600	\$1,285,000	\$3,257,600

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

SUMMARY

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

The Domestic Violence Program (DVP) requests \$1,972,600 in ongoing funding and \$1,285,000 in one-time funding for the Integrated Domestic Violence (IDV) Court. Domestic violence represents a significant threat to the health, safety, and wellbeing of Utah's families. To effectively address domestic violence, the Domestic Violence Program proposes implementing the IDV Court model ("one judge, one family" model). This model will improve safety for victims and their children, hold defendants accountable, reduce domestic violence recidivism rates, and improve court experiences for families involved in domestic violence cases.

If the Judicial Branch's District and Juvenile Officers and Support Staff request is funded, this request would be reduced by the following amounts (the value of the Judicial Officer and the two Judicial Assistants, ongoing, and the 1x cost for the finished, shelled courtroom in Tooele) and would need to be funded at the TOTAL level below:

	FY27 ONGOING	FY27 ONE- TIME	TOTAL REQUEST
Original	\$1,972,600	\$1,285,000	\$3,257,600
Reduction (Remove Judicial Officer, two Judicial Assistants, and the Shelled Tooele courtroom which are also included in Judicial Officer request)	(\$536,450)	(\$1,285,000)	(\$1,821,450)
TOTAL (Incremental request if Judicial Officer and two JA's are approved)	\$1,436,150	\$ 0	\$1,436,150

COST

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

Third District (Tooele District Court)		
Item and description:	Cost:	Type
One District Court Judge (base salary and benefits) ¹	\$364,150	Ongoing
Two Judicial Assistant positions (base salary and benefits) (\$86,150 x 2)	\$172,300	Ongoing
One IDV Court Case Manager (base salary and benefits) (\$27.78 an hour)	\$100,600	Ongoing
One IDV Court Coordinator (base salary and benefits) (\$30.75 an hour)	\$108,550	Ongoing
One Guardian ad Litem Attorney (base salary and benefits)	\$183,250	Ongoing
One 0.5 FTE Law Clerk (base salary and benefits)	\$82,750	Ongoing
Contracted treatment and child custody evaluations funding for indigent court patrons (100 cases x \$300.00 per evaluation)	\$30,000	Ongoing
Contracted treatment services funding (i.e., domestic violence, substance use, and mental health treatment) for indigent defendants. This treatment would be provided by licensed treatment providers certified by the Utah Department of Health and Human Services (DHHS). (50 defendants x 32 sessions for each defendant x \$150.00 per session) ²	\$240,000	Ongoing

¹ The DVP anticipates this project will only account for 60% of the judge's caseload if the judge's domestic violence caseload includes all the domestic violence district court criminal cases and civil protective order cases for Tooele.

² The Utah Association for Domestic Violence Treatment recommends 32 weeks of treatment for high-risk defendants. As the DV Courts in other counties have received treatment evaluations paid by grant funding over the past two years, most of the defendants in both the district court and justice court scored as high-risk in both the Ontario Domestic Assault Risk

Contracted supervised visitation and safe exchange funding for medium to high-risk cases with indigent court patrons. \$75.00 per hour x 3 hours (required minimum time for most agencies for each visit) x 50 cases x 4 visits each month x 6 months	\$270,000	Ongoing	
Contracted legal services funding for litigants in family law cases lacking legal representation in family law cases (\$100.00 per hour x 40 hours x 50 cases x 2 litigants)	\$400,000	Ongoing	
IT, travel and operating expenses	\$21,000	Ongoing	
Subtotal of Ongoing	\$1,972,600		
Finished, shelled courtroom in Tooele	\$1,285,000	One-time	
Grand Total	\$3,257,600		

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

The IDV Court Project funding cannot be scaled over more than one year to effectively address safety, accountability, and recidivism in criminal and family law cases involving domestic violence. The DVP has attempted to implement the IDV Court with the existing resources (i.e., judicial officers, court staff, and community resources such as non-profits and victim advocates) and grant funding to supplement the gaps. However, the courts and their stakeholders struggled to implement the IDV Court in addition to their existing high workload. Additionally, the grant funding provided very limited services while requiring significant oversight to complete the grant requirements. Despite these efforts, the Domestic Violence Program could not fill all the service gaps due to grant funding constraints (can't use grant funding for domestic violence treatment).³

As the IDV Court progressed, grant funding that previously filled service gaps or supported stakeholders' efforts became unstable or shut down entirely due to a federal overhaul of grant funding.⁴ As a result, it has become clear that the IDV Court project requires stable funding from the state to be successful.

The intimate and nuanced nature of domestic violence in these cases requires a dedicated judge and court team (including courtroom space, operating expenses, judicial assistants, and a law clerk) with advanced domestic violence training. Additionally, a single judge must oversee the criminal and family law cases for a family experiencing domestic violence ("one judge, one family" model). This model ensures judicial

Assessment (actuarial, evidence-based assessment) and the Intimate Partner Violence Risk and Needs Evaluation (treatment evaluation).

³ Thus far, the grant funding tied to the Violence Against Women Act administered by the Office on Violence Against Women (OVW) has remained stable. This grant funding is the primary source of funding for the DV Courts. However, OVW grant funding does not allow grantees to use money for "batterers." The funding must be used to support victims. OVW has allowed the evaluations as a grant expense because the evaluations inform the courts about the risk level of the defendant and what orders may be necessary to protect the victim.

⁴ Many stakeholders relied upon grants from the Department of Justice, the Center for Disease Control and Prevention, and other federal offices to facilitate their work providing domestic violence resources. Because the grants have either closed entirely or are pending final determination from lawsuits, those resources are either gone or paused until further information.

consistency and accuracy when identifying and addressing domestic violence for each family. Although Tooele County currently maintains one district court judge, their high workload prevents the development of an IDV Court with just the current judicial officer. They do not have the capacity without the addition of another dedicated judge to implement this much-needed court model.

To support the judge and ensure efficient case management, an IDV Court Case Manager and an IDV Court Coordinator must also be funded. The IDV Court Case Manager will screen family law cases into the IDV Court caseload for litigants who also have a criminal domestic violence case. Through this screening, the judge hears those family law cases quickly. This manager will also assist with program data collection and work with the judge to address any issues that may arise (e.g., slow case time to disposition rates, court patron survey responses that require fixing an internal issue, etc.).⁵

Similarly, the IDV Court Coordinator assists the judge by working with legal stakeholders to monitor defendants' compliance with criminal and family law orders. If the defendant is not compliant, the coordinator schedules a compliance hearing as quickly as possible for the judge to address the non-compliance. This coordinator also serves as the liaison between the courts and their stakeholders (e.g., schedules stakeholder meetings, addresses stakeholder concerns, and builds coordinated responses to domestic violence issues in the county). Without both a dedicated case manager and court coordinator, the court will not be able hear family law cases and compliance reviews quickly, track data, and ensure a coordinated domestic violence response, compromising victim safety and defendant accountability.

Although the dedicated judge and support staff are critical for implementing an IDV Court, the IDV Court must have resources to properly identify and address domestic violence. As a rural county, Tooele County lacks essential resources to properly combat domestic violence. This dearth of resources combined with Tooele's poverty rate (6.8%) considerably exacerbates Tooele's rising domestic violence rates.⁶ For context, the rate of intimate partner violence for low-income populations is three times higher than for populations in other socioeconomic brackets.⁷ For the IDV Court to demonstrate efficacy in Tooele County, the court needs:

1. a Guardian ad Litem Attorney to assess the risk of abuse for the children and report the best interests of the children to the court. When children experience or witness domestic violence, the risk of death, future abuse, and life-long trauma increases drastically.⁸ Often one or both of the parties lack the resources to hire a private Guardian ad Litem to assess the risk to the children. Because of the great risk posed to these children, the IDV Court must have a dedicated Guardian ad Litem Attorney to represent the needs of the children and strengthen

⁵ Although the IDV Court is requesting two Judicial Assistant (JA) positions, those positions will not have the capacity to screen cases, track DV data, and perform their JA duties. Additionally, this project should only take 60% of the JA workload. The JAs assigned to this judge will have other cases and duties to manage in addition to the IDV Court.

⁶ United States Census Bureau. (2024) Tooele County, Utah. *Quickfacts*. Retrieved from <https://www.census.gov/quickfacts/fact/table/tooelecountyutah/PST045224>

The state poverty rate is 8.3%. Although Wasatch County's rate of poverty is lower than the state rate, it must be noted that most domestic violence survivors enter poverty and homelessness after separating from the defendant due a lack of resources.

⁷ Bonomi, A. E., Trabert, B., Anderson, M. L., Kernic, M. A., & Holt, V. L. 2014. Intimate partner violence and neighborhood income: a longitudinal analysis. *Violence Against Women*, 20(1), 42–58.

⁸ Mitchell, D. (October 23, 2023). Identifying Risk to Children in Domestic Violence Cases. *Center for Justice Innovation*. Accessed on June 18, 2025. Retrieved from <https://dvrisc.org/resource/identifying-risk-to-children-in-domestic-violence-cases/>

their safety outcomes.⁹

2. Contracted treatment and child custody evaluation funding for indigent court patrons. These treatment and custody evaluations assess the defendant's risk of further abuse upon both the victim and any shared children. Although the information from these evaluations proves critical for judicial decision-making, many litigants cannot afford the evaluation costs. Due to the lack of qualified treatment providers and custody evaluators, there is also a backlog which delays litigants from receiving their evaluation results in a timely manner. Funding would allow the courts to set up a contract with certified providers and evaluators to receive expedited and evidence-based evaluations.¹⁰
3. Contracted treatment services funding for indigent defendants. Treatment would address the root causes of domestic violence and other compounding issues, such as substance use and unmet mental health needs, to reduce domestic violence recidivism. Unfortunately, many residents of Tooele do not have health insurance or have limited health insurance which fails to cover treatment.¹¹ While the Utah Department of Health and Human Services (DHHS) provides sliding scale fees for low-income defendants, many defendants cannot access DHHS certified treatment providers in Tooele or do not qualify for the sliding scale fee program (e.g., have used the program in the past). As a result, the IDV Court must have the resources to treat low-income defendants and reduce the risk of domestic violence recidivism.
4. Contracted supervised visitation and safe exchange funding for medium to high-risk cases with indigent court patrons. Because the risk of lethality significantly increases with recent separation in domestic violence cases, litigants and their children need supervised visitation and safe exchange services to remain safe.¹² However, most litigants cannot afford these services and must rely on third party options such as family and friends. These family members and friends often don't understand the dynamics of domestic violence or how those

⁹ Prior to 2009, Guardians ad Litem were appointed in divorce and child custody cases. According to the 2008 legislative audit on the Office of the Guardian ad Litem, the reasons behind these appointments were often too broad and the allegations of child abuse or harm were often not corroborated with evidence or findings. These appointments increased the Guardians' ad Litem workload significantly which resulted in the policy shift moving away from appointing Guardians in divorce and child custody cases. However, the statute and climate in Utah have shifted around the need for Guardians ad Litem in divorce and child custody cases. With the changes from Om's law, the court shall consider evidence of domestic violence, physical abuse, or sexual abuse of either the parents or the children as they consider the best interests of the child in custody and parent-time decisions (UCA § 81-9-204(3)). A criminal domestic violence case could represent strong evidence of domestic violence. With a criminal case as the starting point in the IDV Court, the IDV Court model would limit which divorce and child custody cases the Guardians ad Litem were appointed to serve. As a result, the IDV Court would more effectively provide much needed resources in cases with a documented level of risk to the adults and children ("more bang for the buck").

¹⁰ Tooele county has certified treatment providers; however, these treatment providers are overwhelmed with their current caseload. If the courts receive this funding, most evaluations would be conducted remotely by providers around the state where possible. This set up will meet the needs of nearly all the defendants based upon estimates conducted thus far. Preference will be given to providers already in the county or in the next county to help build and stabilize local, rural treatment providers.

For those defendants who cannot participate in remote evaluation, the courts will work with the county-based treatment provider to meet in-person to conduct the evaluation.

¹¹ See United States Census Bureau. In Tooele, 7.7% of the population do not have access to health insurance to cover any treatment costs.

¹² Rezey, M. L. (2020). Separated Women's Risk for Intimate Partner Violence: A Multiyear Analysis Using the National Crime Victimization Survey. *Journal of Interpersonal Violence*, 35(5-6), 1055-1080.

<https://doi.org/10.1177/0886360517692334>

dynamics may show up during a supervised visitation visit, increasing the risk of further abuse. To prioritize child safety and prevent further abuse, the IDV Court needs supervised visitation and safe exchange resources in family law cases with domestic violence.

5. Contracted legal services funding for litigants in family law cases lacking legal representation. Most family law cases involve one or both pro se parties navigating an unfamiliar legal landscape.¹³ In family law cases with domestic violence, this disadvantage increases the risk of future harm for victims and their children. Because most domestic violence victims suffer from traumatic brain injuries (TBIs) related to the abuse, these litigants may exhibit memory issues, poor problem-solving skills, ineffective planning, and an inability to understand legal documents and processes in their family law cases.¹⁴ They may struggle to communicate how domestic violence impacted them and their children while successfully advocating for themselves. As a result, the court may be unaware of the domestic violence and may make custody and parent-time orders that jeopardize the safety and long-term stability of the victim and any children. The IDV Court must have legal representation for both parties to ensure that court orders accurately reflect domestic violence, and the level of intervention needed to keep litigants and their children safe.

Without these resources, the IDV Court will struggle to increase safety for victims and their children, hold defendants accountable, and reduce domestic violence recidivism. For that reason, this project is not scalable and must be funded in the same fiscal year.

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

As Tooele's population and court caseload grow, the Domestic Violence Program may request additional funding in the future to support the IDV Court resources (e.g., treatment, legal services, etc.).

The Domestic Violence Program may also seek to grow this program in other counties to address domestic violence in criminal and family law cases.

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

To comply with the mandates in Om's law (HB 272), the DVP sought grant funding to support judicial training

¹³ Paula Hannaford-Agor et al., (2015). The Landscape of Civil Litigation in State Courts, NAT'L CTR. FOR ST. CTS. & ST. JUST. INST. vii

Roughly 87% of low-income households with a recent domestic violence incident reported at least five or more civil legal problems related to the domestic violence within a year of the incident. In the same study, 98% of low-income households reporting at least one civil legal problem related to the domestic violence. See Legal Services Corporation. (2021). 2021 Justice Gap Measurement Survey. Retrieved from <https://justicegap.lsc.gov/resource/domestic-violence/> Accessed on July 2, 2025.

¹⁴ Cimino, A.N., et. al., (2020). The Effect of Intimate Partner Violence and Probable Traumatic Brain Injury on Mental Health Outcomes for Black Women. *J Aggress Maltreat Trauma*, 28(6):714–731. doi: [10.1080/10926771.2019.1587657](https://doi.org/10.1080/10926771.2019.1587657) Roughly 40% to 90% of domestic violence victims have traumatic brain injuries. These injuries are often undiagnosed. See also Costello, K. & Greenwald, B. D. (2022). Update on Domestic Violence and Traumatic Brain Injury: A Narrative Review. *Brain Sci.* 12(1):122. doi: 10.3390/brainsci12010122

and the infrastructure necessary for the processes described in Om's law. The DV program secured some grant funding and continued training judicial officers and court staff about domestic violence and child abuse. Despite training judicial officers and court staff as required by Utah Code,¹⁵ anecdotal reports from both judicial officers and litigants reveal a need for resources to properly identify and address evidence of domestic violence or abuse.

Although judicial officers consider the evidence of domestic violence or abuse in divorce and child custody cases,¹⁶ there are few to no resources to actually address the domestic violence to ensure the safety of both the parents and their children. This issue is best illustrated with supervised visitation. Om's law requires the courts to give preference to agencies with domestic violence, child abuse, substance abuse, sexual abuse, and child development training when the courts find evidence of domestic violence or abuse.¹⁷ However, few litigants can afford this level of supervised visitation. The court must then rely upon free, **untrained** family members or friends of the parties to provide supervised visitation (which often exacerbates domestic violence and child abuse risks when these individuals also demonstrate abusive behaviors).

To close these resource gaps and increase children's safety, the DVP attempted to implement the IDV Court with the existing resources (i.e., judicial officers, court staff, and community resources such as non-profits and victim advocates) and grant funding to supplement the gaps. However, the courts and their stakeholders struggled to implement the IDV Court in addition to their existing high workload. Additionally, the grant funding provided very limited services while requiring significant oversight to complete the grant requirements. Despite these efforts, the DVP could not fill all the service gaps due to grant funding constraints (can't use grant funding for domestic violence treatment).¹⁸

As the IDV Court progressed, grant funding that previously filled service gaps or supported stakeholders' efforts became unstable or shut down entirely due to a federal overhaul of grant funding.¹⁹ As a result, it has become clear that the IDV Court project requires stable funding from the state to be successful.

If the state provides funding, the DVP could ensure a highly trained IDV Court judge has the resources to identify and address domestic violence and meaningfully increase safety for both children and parents in divorce and child custody cases.

¹⁵ UCA § 78A-7-232 requires judicial officers and court staff to receive training about domestic violence, child sexual abuse, physical abuse, emotional abuse, coercive control, implicit bias, explicit bias, trauma, the short and long-term effects of impacts of domestic violence and child abuse on children, victim and perpetrator behavior patterns, and relationship dynamics within the cycle of abuse. These trainings have been implemented by the DVP and the Education Team through various webinars, conferences, and online trainings. Additional trainings are planned for FY 2026. However, best practices and outcomes from other states demonstrate that the best use of training efforts (funding, time, and resources) would be to provide in-depth, intensive domestic violence training to dedicated domestic violence judges instead of providing domestic violence training to all judges.

¹⁶ Required by UCA § 81-9-204(3)

¹⁷ UCA § 81-9-207(2)

¹⁸ Thus far, the grant funding tied to the Violence Against Women Act administered by the Office on Violence Against Women (OVW) has remained stable. This grant funding is the primary source of funding for the DV Courts. However, OVW grant funding does not allow grantees to use money for "batterers." The funding must be used to support victims. OVW has allowed the evaluations as a grant expense because the evaluations inform the courts about the risk level of the defendant and what orders may be necessary to protect the victim.

¹⁹ Many stakeholders relied upon grants from the Department of Justice, the Center for Disease Control and Prevention, and other federal offices to facilitate their work providing domestic violence resources. Because the grants have either closed entirely or are pending final determination from lawsuits, those resources are either gone or paused until further information.

STRATEGIC ALIGNMENT

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

The IDV Court project aligns with three of the governor's priorities: strengthening families, improving health, and protecting rural Utah. For the first priority, the IDV Court model strengthens families by recognizing and adapting to the unique needs faced by families experiencing domestic violence. While prioritizing the safety of the victims and their children, the IDV Court model incorporates a wide variety of resources and interventions to help defendants of varying risk levels learn how parent safely and stop using domestic violence behaviors. Through these efforts the generational cycle of domestic violence can be stopped, and parents will be equipped with healthy parenting and relationship skills.

This court model also seeks to improve health outcomes (the second priority). By providing holistic domestic violence treatment, the IDV Court will also address the frequently co-occurring issues of substance use and unmet mental health needs. It will increase access to mental health resources and directly address some of the social factors that negatively impact health outcomes (i.e., domestic violence, substance use, and unmet mental health needs). This project will improve Tooele County's physical and mental health outcomes while protecting residents from domestic violence.

As the IDV Court strengthens families and improves health outcomes, it will also invest in Tooele County's rural communities and residents. This project will bring much-needed resources and court infrastructure to underserved populations while bolstering local legal and treatment businesses with contracted services. As a result, rural residents will not only benefit from improved safety outcomes, but they will also receive improved court infrastructure and more economic opportunities created by the IDV Court project.

Overall, the IDV Court model will strengthen families, improve health outcomes, and invest in rural communities by creating a safer and healthier county.

EVIDENCE & ANALYSIS

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

Domestic violence poses a serious threat of harm for Utah's children, families, and communities. Nearly one in three Utahns have experienced domestic violence with devastating results.²⁰ Domestic violence often

²⁰ Utah Women & Leadership Project. (2023). Domestic Violence Among Utah Women: A 2023 Update. *Utah State University*. Accessed on June 18, 2025. Retrieved from <https://www.usu.edu/uwlp/blog/2023/domestic-violence-among-utah-women-2023>

proves lethal with 22.7% of Utah's homicides stemming from domestic violence.²¹ Sadly, many of the homicide victims in these cases had a known history of domestic violence reported to the authorities.²² These reports fell through gaps in the criminal and civil legal system, leaving victims and their children unprotected in high-risk cases.

Unfortunately, this issue is metastasizing. Recent research shows that domestic violence rates drastically spiked after the pandemic and subsequent economic issues.²³ In Tooele County, the domestic violence rate increased 180.6% within a two-year period.²⁴ As victims sought relief from the court system through civil protective orders, divorce, and other family law cases, their risk of further experiencing domestic violence continued to grow.²⁵

This growing risk has culminated in the legal system struggling to cope with the increasingly lethal nature of domestic violence cases and the decreasing resources for the families in those cases. Currently the criminal and civil legal systems remain siloed, leading to conflicting or delayed protective orders/family law orders, unenforced weapons restrictions, limited information about domestic violence behaviors (including coercive control), and unreported protective order violations.²⁶ Court patrons report that services across the legal system remain inconsistent, limited, and siloed to the detriment of victims and their children.²⁷ Additionally, court patrons have expressed dissatisfaction with how the legal system addresses domestic violence overall, with many victims reporting that they don't feel heard or respected during the legal process.²⁸

To correct these issues, the Domestic Violence Program seeks to implement an IDV Court. An IDV Court utilizes the "one judge, one family" model in which a specialized judge hears all criminal domestic violence cases for their jurisdiction and any family law cases for court patrons in those criminal domestic violence cases. The IDV Court utilizes the following best practices; it:

- prioritizes criminal cases to resolve them quickly and preserve due process rights;
- uses evidence-based, domestic violence-specific assessments;
- seeks to provide in-depth training to the judge, their team, and their stakeholders about the nuances of domestic violence;
- provides safety planning to ensure the courtroom, virtual hearings, and other spaces are safe;
- conducts compliance reviews to ensure swift consequences for defendants found out of compliance with judicial orders;
- engages in judicial monitoring to capture order violations that may be missed otherwise;
- ensures court orders are issued in a timely fashion and do not conflict with other orders issued by their court;
- enforces weapons restrictions by ensuring defendants surrender their firearms in accordance with state and federal statutes;

²¹ Utah Department of Health. (2020). Intimate Partner and Domestic Violence Fatalities Report. Accessed on June 18, 2025. Retrieved from <https://vipp.utah.gov/resources/resources-intimate-partner-domestic-violence/>

²² *Ibid.* 53.9% of Utah's domestic violence homicides

²³ See Utah Women & Leadership Project

²⁴ *Ibid.*

²⁵ See Rezey.

²⁶ Fukushima, A.I. (2022). Utah Statewide Needs Assessment: Domestic Violence, Sexual Violence and Human Trafficking - 2022 Report. Salt Lake City, UT: Gender-Based Violence Consortium, University of Utah. <https://gbvc.utah.edu/utah-state-wide-needs-assessment-2022/>.

²⁷ Utah Criminal Justice Center. (2024). OVC Needs Assessment. University of Utah. Retrieved from the Utah Victim Services Commission.

²⁸ *Ibid.*

- works with stakeholders to ensure both victims and defendants benefit from consistent and helpful resources such as free legal services, access to treatment, assistance from a victim advocate, and more;
- prevents “judge-shopping” by concentrating the domestic violence cases before one judge;
- delivers trauma-informed and pro se friendly court services; and
- offers coordinated court services and resources to break down siloes between stakeholders.

As a result, the IDV Court model significantly improves victim safety outcomes, strengthens defendant accountability, reduces domestic violence recidivism rates, and advances procedural justice.

For victim safety outcomes, the IDV Court model demonstrated:

- improved connection with resources and victim advocates for victims. The rate of connection with victim advocates went from 55% to 100%;²⁹
- fewer family law cases that were dismissed outright, resulting in victims receiving supporting orders where appropriate;³⁰
- that 70% of victims reported overall positive case experiences in the IDV courts;³¹
- that 77% of victims felt that the court would find out about violations and take those violations seriously;³² and
- 95% of victims felt very safe or safe coming to court for family law cases (victims did not have to come to court for criminal cases).³³

The IDV Courts in other states (including Idaho, Texas, Florida, and Oklahoma) have anecdotally reported that their court model has also reduced incidents of domestic violence and reduced domestic violence homicides in their jurisdiction.³⁴

For defendant accountability and recidivism outcomes, the IDV Court model demonstrated:

- increased criminal contempt charges for order violations in comparison to traditional courts;³⁵

²⁹ Labriola, M., Bradley, S., O’Sullivan, C.S., Rempel, M., & Moore, S. (2010). A National Portrait of Domestic Violence Courts. *U.S. Department of Justice*. Accessed on June 18, 2025. Retrieved from chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://www.ojp.gov/pdffiles1/nij/grants/229659.pdf

³⁰ Blonder, E. (2023). The ‘One Family, One Judge’ Court Model: Instituting Integrated Domestic Violence Courts in the United States. *New York State Bar Association*. Accessed on June 18, 2025. Retrieved from <https://nysba.org/the-one-family-one-judge-court-model-instituting-integrated-domestic-violence-courts-in-the-united-states/?srsltid=AfmBOorOPEB-B10FXeudZ4NgW6Sw3KXhJnID24IEGHdfb-MSwQOFyhH1>

³¹ Cissner, A. B., Picard-Fritsche, S., & Rempel, M. (2014). New York State’s Integrated Domestic Violence Court Model: Results from Four Recent Studies. *Civic Research Institute*, 19 (51-54). Accessed on June 18, 2025. Retrieved from https://www.civicresearchinstitute.com/online/article_abstract.php?pid=18&iid=912&aid=5970

³² Picard-Fritsche, S. (2011). Litigant Perspectives in an Integrated Domestic Violence Court the Case of Yonkers, New York. *Center for Court Innovation*. Accessed on June 18, 2025. Retrieved from chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://www.innovatingjustice.org/wp-content/uploads/2015/07/Yonkers_IDV.pdf

³³ *Ibid.*

³⁴ Utah is one of the few states that have not adopted this model yet. According to the Center for Justice Innovation, over 32 states maintain an IDV Court, a DV Court, or both court models. See Center for Justice Innovation. (2009). A national compendium of domestic violence courts. Retrieved from chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://isc.idaho.gov/dv_courts/articles/national_compendium.pdf. Accessed on July 29, 2025.

³⁵ See Blonder.

- small, but positive impact on domestic violence recidivism rates;³⁶
- a reduction in conflicting orders;
- that 89% of defendants reported understanding the protective orders and potential consequences of a protective order violation;³⁷ and
- that 95% reported an intent to follow the protective order provisions to avoid consequences.³⁸

For procedural justice outcomes, the IDV Court model demonstrated:

- an increase in “mutually favorable” resolutions for litigants in family law cases;³⁹
- faster case processing time (lower case time to disposition outcomes);⁴⁰
- that victims reported feeling heard and respected in the IDV Court model;⁴¹
- that 70% of victims reported improved outcomes when a single judge heard all of their cases (criminal and family law);⁴²
- fewer hearings for both parties to attend; and
- an easier process to navigate than traditional court processes.⁴³

The IDV Court are expected to significantly improve Tooele County’s response to domestic violence by addressing the nuanced nature of domestic violence in both criminal and family law cases. If funded, the IDV Court are expected to ultimately reduce domestic violence fatalities, curb the rising rates of domestic violence, and strengthen Utah’s families for a healthier and safer Tooele County.

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

The IDV Court project will measure the value created for Utah after one year through the following goals:

Goal One: The IDV Court will improve victim safety by implementing best practices for court safety in domestic violence cases and ensuring victims connect with victim advocates and resources (including the consistency/duration of those resources).

Measures:

1. Staff will measure this goal through surveys administered to victims in the IDV court and the comparison courts (i.e., courts using the current approach to domestic violence). The survey will measure:
 - if victims connected with an initial victim advocate and resources for their criminal case,
 - if victims received resources and other assistance for the family law cases (including protective orders),
 - the length of those services starting with the criminal case and concluding with final

³⁶ Cissner, A. B., Labriola, M., & Rempel, M. (2015). Domestic Violence Courts: A Multisite Test of Whether and How They Change Offender Outcomes. *Sage Journals*. <https://journals.sagepub.com/doi/10.1177/1077801215589231>

³⁷ See Picard-Fritsche, S. (2011).

³⁸ *Ibid.*

³⁹ See Blonder

⁴⁰ *Ibid*

⁴¹ See Picard-Fritsche, S. (2011).

⁴² See Cissner, A. B., Picard-Fritsche, S., & Rempel, M. (2014)

⁴³ See Blonder

- family law orders (e.g., divorce decrees and final custody orders), and
 - victims' reported levels of safety interacting with the IDV court vs the comparison courts.
2. Staff will measure case time to disposition and the number of continuances for both criminal and family law cases in the IDV court vs the comparison courts. Fewer delays in case-processing will improve victim safety outcomes by ensuring they can access court-ordered relief more quickly.
 3. Staff will measure the number of appearances for victims in both criminal and family law cases in the IDV court vs the comparison courts. Fewer required appearances will reduce the risk of future abuse at the courthouse or during proceedings. Fewer appearances also lead to fewer work interruptions, childcare issues, and other destabilizing impacts for victims and their families.

Anticipated outcomes:

As compared to comparison courts, victims involved in the IDV court process will:

- report higher levels of safety for victims and their immediate families and
- report higher levels of stability for victims and their immediate families.

Goal Two: The IDV court will improve defendant accountability through judicial monitoring and by reducing conflicting orders.

Measures:

1. Staff will measure this goal through surveys administered to victims in the IDV court and the comparison courts. The survey will measure if:
 - the defendant violated any criminal and family law orders,
 - the court became aware of the violation without the victim filing a Motion to Enforce Order form,
 - the court addressed the violation and how quickly the court addressed the violation, and
 - the court(s) issued conflicting orders.
2. Staff will measure this goal through reports and surveys from Adult Probation and Parole officers involved in both the IDV court and the comparison courts. The reports and surveys will measure how quickly the court addresses the violation (includes verbal warnings to the defendant).
3. Staff will measure if defendants have successfully surrendered their weapons when ordered by the courts or through statutory requirements through surveys to district court judicial officers conducted at their spring conference. The surveys will measure if judges and commissioners confirm that the defendant/respondent has successfully surrendered their weapons through receipts, affidavits, or any other documents.

Anticipated outcomes:

As compared to comparison courts, the IDV court will demonstrate:

- higher levels of safety for victims and their immediate families,
- improved detection and management of violations (i.e., defendant accountability),
- increased consistency in court orders for court patrons and stakeholders, and
- report higher levels of stability for victims and their immediate families.

Goal Three: The IDV court will reduce defendant recidivism of domestic violence offenses through judicial

monitoring, reducing conflicting orders, utilizing evidence-based domestic violence treatment, and increasing resources for low-income defendants.

Measures:

1. Staff will measure this goal by tracking the rearrests of defendants for domestic violence, issuance of new protective orders where the defendant is the respondent, and new domestic violence criminal cases. Staff will use the Utah Criminal Justice Information System and other databases to gather this data for defendants in both the IDV court and the comparison courts.
2. Staff will measure this goal through victim reports of if the domestic violence has stopped one year after the last interaction with the court system (e.g., criminal case or family law case reaches a disposition). These reports will be gathered through survey responses.

Anticipated outcomes:

As compared to comparison courts, the IDV court will demonstrate:

- higher levels of safety for victims and their immediate families,
- reduced recidivism rates of domestic violence for defendants, and
- Improved access to resources for low-income defendants.

Goal Four: The IDV court will improve procedural justice outcomes by providing resources to both victims and defendants, ensuring the IDV court utilizes best practices (including specialized training) in domestic violence cases, delivering trauma-informed services, and linking legal system stakeholders' responses to domestic violence.

Measures:

1. Staff will measure this goal through surveys administered to victims and defendants in the IDV court and the comparison courts. The survey will measure if court patrons:
 - felt heard, respected, and other procedural justice outcomes and
 - were satisfied with the case outcomes.

Anticipated outcomes:

As compared to comparison courts, the IDV court will demonstrate:

- increased trust and confidence in the courts and their handling of domestic violence cases and
- improved court and legal system services.

COLLABORATION

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

The following stakeholders were involved in developing this request and support the IDV Court project:

- The Statewide Association of Prosecutors and Public Attorneys of Utah (SWAPP),
- The Utah Office of Guardian ad Litem and CASA,
- Danielle Hawkes (Family Law Attorney),
- Timpanogos Legal Center, and
- The Community Justice Advocates of Utah.

The Domestic Violence Program is in the process of discussing this project with the Tooele County Attorney's Office, their contracted defense attorney, the local victim advocate, the Utah Domestic Violence Coalition, the Utah Office for Victims of Crime, the Family Law Executive Committee, and other stakeholders. This list will be finalized by the August budget meeting.

LEGAL AUTHORITY

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

Not applicable.

INTENT LANGUAGE

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

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

Tab 8



GOVERNOR'S OFFICE OF Planning & Budget

FY26 and FY27 State Agency Budget Request Form

REQUEST TITLE	Domestic Violence Courts Project Funding Request		
State Agency	Judicial Branch	Request Priority	5
Division	Judicial Branch	Program	Domestic Violence Program
Primary Contact	Amy Hernandez	Email & Phone	amymh@utcourts.gov 801-578-3809

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

SOURCE	FY26 ONE-TIME	FY27 ONGOING	FY27 ONE-TIME	TOTAL REQUEST
GF, ITF, USF	\$0	\$618,550	\$0	\$618,550
OTHER	\$0	\$0	\$0	\$0
TOTAL	\$0	\$618,550	\$0	\$618,550

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

SUMMARY

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

The Domestic Violence Program requests \$618,550 in ongoing funding for the Domestic Violence (DV) Courts. Domestic violence represents a significant threat to the health, safety, and wellbeing of Utah's families. To effectively address domestic violence, the Domestic Violence Program seeks to support the efforts of the DV Courts in Grand County and Wasatch County. The DV Courts hold defendants accountable through compliance reviews while simultaneously ensuring victim safety. The DV Courts will significantly improve safety for victims and their children, hold defendants accountable, reduce domestic violence recidivism rates, and improve court experiences for families involved in domestic violence cases.

COST

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

Item and description:	Cost:
One DV Court Coordinator (base salary and benefits) (\$30.75 an hour) This position will support both the Grand County Justice Court DV Court ¹ and Heber City District Court DV Court.	\$108,550
Contracted treatment evaluations funding for indigent court patrons (100 cases x \$300 per evaluation) (based upon Grand County Justice Court's and Heber City District Court's caseloads)	\$30,000
Contracted treatment services funding (i.e., domestic violence, substance use, and mental health treatment) for indigent defendants. This treatment would be provided by licensed treatment providers certified by the Utah Department of Health and Human Services (DHHS). (100 defendants x 32 sessions for each defendant ² x \$150.00 per session) (based upon Grand County Justice Court's and Heber City District Court's caseloads)	\$480,000
Total:	\$618,550

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

The DV Courts project initially scaled this project by using existing judicial and community stakeholder resources to implement a DV Court in both Grand County and Wasatch County. These resources include two judges, their support teams, the Domestic Violence Program Manager, their courtroom spaces, and the community resources (e.g., the prosecutor, defense attorney, probation, victim advocates, law enforcement, pretrial services, etc.). Prior to the implementation of these DV Courts, the courts and their stakeholders in both of these counties demonstrated a strong desire to address the rising rates and lethality of domestic violence cases in their communities. Research shows that domestic violence rates drastically spiked after the pandemic and subsequent economic issues.³ In the years following the pandemic, the number of domestic violence incidents reported by local law enforcement rose by 111.1% in Grand County.⁴ Finally, these counties were also selected for the DV Courts project in response to several high-profile domestic violence homicides and the momentum behind preventing further domestic violence homicides.⁵

Despite these best efforts, the DV Courts require additional resources to effectively address safety, accountability, and recidivism in criminal cases involving domestic violence. The severe lack of resources

¹ State funding has been used for the justice courts in the past to fund the Justice Court Administration Team and other services. Although the JCTST fund alleviates some AOC costs, it is not meant to be sole source of funding for the justice courts.

² The Utah Association for Domestic Violence Treatment recommends 32 weeks of treatment for high-risk defendants. As the DV Courts have received treatment evaluations paid by grant funding over the past two years, most of the defendants in both the district court and justice court scored as high-risk in both the Ontario Domestic Assault Risk Assessment (actuarial, evidence-based assessment) and the Intimate Partner Violence Risk and Needs Evaluation (treatment evaluation).

³ Utah Women & Leadership Project. (2023). Domestic Violence Among Utah Women: A 2023 Update. *Utah State University*. Accessed on June 18, 2025. Retrieved from <https://www.usu.edu/uwlp/blog/2023/domestic-violence-among-utah-women-2023>

⁴ Ibid.

⁵ The Gabby Petito case and the Michael Asman Case (alleged to have killed his ex-wife in 2022).

has hindered the efficacy of the DV Courts in Grand County and Wasatch County. Both counties maintain high-need populations with approximately 10.6% of Grand County's populations and 5% of Wasatch County's populations living in poverty.⁶ The rate of intimate partner violence for these low-income populations is three times higher than for populations in other socioeconomic brackets.⁷ Additionally, the rural nature of both Grand County and Wasatch County has slowed the development of domestic violence specific resources to help these populations when they experience domestic violence.

As a result, those courts require the following resources to keep victims and their children safe while holding defendants accountable:

1. one DV Court Coordinator who will assist the judges by working with legal stakeholders to monitor defendants' compliance with criminal orders. If the defendant is not compliant, the coordinator schedules a compliance hearing as quickly as possible for the judge to address the non-compliance. Without a dedicated court coordinator, the courts will not be able to hear compliance reviews quickly which reduces the efficacy of the DV Courts, compromising victim safety and defendant accountability.
2. Contracted treatment evaluation funding for indigent court patrons. These treatment evaluations assess the defendant's risk of further abuse upon both the victim and any shared children. Although the information from these evaluations is critical for judicial decision-making, many litigants cannot afford the evaluation costs, so they are not performed. Due to the lack of qualified treatment providers in these rural areas, there is also a backlog which delays litigants from receiving their evaluation results in a timely manner. Funding would allow the courts to set up a contract with certified providers to receive expedited and evidence-based evaluations.⁸
3. Contracted treatment services funding for indigent defendants. Treatment would address the root causes of domestic violence and other compounding issues, such as substance use and unmet mental health needs, to reduce domestic violence recidivism. Unfortunately, many residents of both Grand County and Wasatch County do not have health insurance or have limited health insurance which fails to cover treatment.⁹ While the DHHS provides sliding scale fees for low-income defendants, many defendants cannot access DHHS certified treatment providers in Grand County and Wasatch County or do not qualify for the sliding scale fee program (e.g., have used the program in the past). As a result, the DV Courts must have the

⁶ United States Census Bureau. (2024) Grand County, Utah and Wasatch County, Utah. *Quickfacts*. Retrieved from <https://www.census.gov/quickfacts/fact/table/wasatchcountyutah,grandcountyutah,tooelecountyutah/PST045224>

The state poverty rate is 8.3%. Although Wasatch County's rate of poverty is lower than the state rate, it must be noted that most domestic violence survivors enter poverty and homelessness after separating from the defendant due a lack of resources.

⁷ Bonomi, A. E., Trabert, B., Anderson, M. L., Kernic, M. A., & Holt, V. L. 2014. Intimate partner violence and neighborhood income: a longitudinal analysis. *Violence Against Women*, 20(1), 42–58.

⁸ Each county has a certified treatment provider; however, these treatment providers are overwhelmed with their current caseload. If the courts receive this funding, most evaluations would be conducted remotely by providers around the state where possible. This set up will meet the needs of nearly all the defendants based upon the DV Courts rollout thus far. Preference will be given to providers already in the county or in the next county to help build and stabilize local, rural treatment providers.

For those defendants who cannot participate in remote evaluation, the courts will work with the county-based treatment provider to meet in-person to conduct the evaluation.

⁹ *Ibid*. Approximately 13.2% of Grand County's population and 8.3% of Wasatch County's populations lack access to health insurance.

resources to treat low-income defendants and reduce the risk of domestic violence recidivism.

Without these resources, the DV Courts will struggle to increase safety for victims and their children, hold defendants accountable, and reduce domestic violence recidivism. For that reason, this project is not scalable and must be funded in the same fiscal year.

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

As Grand County's population and Wasatch County's population (with corresponding caseloads) continue to grow, the Domestic Violence Program may request additional funding in the future to support the DV Courts' resources (i.e., treatment and evaluations).

The Domestic Violence Program may also seek to grow this program in other counties to address domestic violence in criminal cases.

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

The Domestic Violence Program has attempted to implement this project with existing resources (i.e., judicial officers, court staff, and community resources such as non-profits and victim advocates) and grant funding to supplement the gaps. However, the courts and their stakeholders struggled to implement the DV Courts in Grand County and Wasatch County with so few domestic violence resources. Additionally, the grant funding provided very limited services while requiring significant oversight to complete the grant requirements. Despite these efforts, the Domestic Violence Program could not fill all the service gaps due to grant funding constraints (can't use grant funding for domestic violence treatment).¹⁰

As the project progressed, grant funding that previously filled service gaps or supported stakeholders' efforts became unstable or shut down entirely due to a federal overhaul of grant funding.¹¹ As a result, it became clear that the DV Courts project requires stable funding from the state to be successful.

STRATEGIC ALIGNMENT

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

¹⁰ Thus far, the grant funding tied to the Violence Against Women Act administered by the Office on Violence Against Women (OVW) has remained stable. This grant funding is the primary source of funding for the DV Courts. However, OVW grant funding does not allow grantees to use money for "batterers." The funding must be used to support victims. OVW has allowed the evaluations as a grant expense because the evaluations inform the courts about the risk level of the defendant and what orders may be necessary to protect the victim.

¹¹ Many stakeholders relied upon grants from the Department of Justice, the Center for Disease Control and Prevention, and other federal offices to facilitate their work providing domestic violence resources. Because the grants have either closed entirely or are pending final determination from lawsuits, those resources are either gone or paused until further information.

The DV Courts project aligns with three of the governor's priorities: strengthening families, improving health, and protecting rural Utah. For the first priority, the DV Courts model strengthens families by recognizing and adapting to the unique needs faced by families experiencing domestic violence. While prioritizing the safety of victims and their children, the DV Courts model incorporates a wide variety of resources and interventions to help defendants of varying risk levels learn how to stop using domestic violence behaviors. Through these efforts the generational cycle of domestic violence can be stopped, and parents will be equipped with healthy parenting and relationship skills through treatment.

This court model also seeks to improve health outcomes (the second priority). By providing holistic domestic violence treatment, the DV Courts will also address the frequently co-occurring issues of substance use and unmet mental health needs. It will increase access to mental health resources and directly address some of the social factors that negatively impact health outcomes (i.e., domestic violence, substance use, and unmet mental health needs). This project will improve both Grand County's and Wasatch County's physical and mental health outcomes while protecting residents from domestic violence.

As the DV Courts strengthen families and improve health outcomes, the courts will also invest in Grand County's and Wasatch County's rural communities and residents. This project will bring much-needed resources and court infrastructure to underserved populations while bolstering local treatment businesses with contracted services. As a result, rural residents will not only benefit from improved safety outcomes, but they will also receive improved court infrastructure and more economic opportunities created by the DV Courts project.

Overall, the DV Courts project will strengthen families, improve health outcomes, and invest in rural communities in both Grand County and Wasatch County.

EVIDENCE & ANALYSIS

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

Domestic violence poses a serious threat of harm for Utah's children, families, and communities. Nearly one in three Utahns have experienced damaging results of domestic violence.¹² Domestic violence often proves lethal with 22.7% of Utah's homicides stemming from domestic violence.¹³ Sadly, many of the homicide victims in these cases had a known history of domestic violence reported to the authorities.¹⁴ These reports fell through gaps in the legal system, leaving victims and their children unprotected in high-risk cases.

Unfortunately, this issue is metastasizing. Recent research shows that domestic violence rates drastically spiked after the pandemic and subsequent economic issues.¹⁵ In the years following the pandemic, the

¹² See Utah Women & Leadership Project.

¹³ Utah Department of Health. (2020). Intimate Partner and Domestic Violence Fatalities Report. Accessed on June 18, 2025. Retrieved from <https://vipp.utah.gov/resources/resources-intimate-partner-domestic-violence/>

¹⁴ *Ibid.* 53.9% of Utah's domestic violence homicides

¹⁵ See Utah Women & Leadership Project

number of domestic violence incidents reported by local law enforcement rose by 111.1% in Grand County.¹⁶ In addition to the increasing number of domestic violence incidents, the severity of these incidents intensified significantly. The Utah Domestic Violence Coalition reported that “homicides in rural communities are three times as likely to involve an intimate partner than in large cities.”¹⁷

This growing risk has culminated in the legal system struggling to cope with the increasingly lethal nature of domestic violence cases and the decreasing resources for the families in those cases. Currently the criminal legal systems’ response to domestic violence has led to siloed services, unenforced weapons restrictions, limited information about prior domestic violence behaviors (including coercive control), and unreported violations of court orders.¹⁸ Court patrons report that services across the legal system remain inconsistent, limited, and siloed to the detriment of victims and their children.¹⁹ Additionally, court patrons have expressed dissatisfaction with how the legal system addresses domestic violence overall, with many victims reporting that they don’t feel heard or respected during the legal process.²⁰

To correct these issues, the Domestic Violence Program implemented DV Courts in Grand County and Wasatch County. The DV Courts model places all of the domestic violence cases on a special calendar before a highly trained judge. This special docket ensures that stakeholders coordinate their efforts to ensure victim safety, hold defendants accountable, and provide resources to both defendants and victims. The DV Courts project utilizes the following best practices:

- prioritizes criminal domestic violence cases to resolve them quickly and preserve due process rights,
- uses evidence-based, domestic violence-specific assessments,
- seeks to provide in-depth training to the judge, their team, and their stakeholders about the nuances of domestic violence,
- provides safety planning to ensure the courtroom, virtual hearings, and other spaces are safe,
- conducts compliance reviews to ensure swift consequences for defendants found out of compliance with judicial orders,
- engages in judicial monitoring to capture order violations that may be missed otherwise,
- enforces weapons restrictions by ensuring defendants surrender their firearms in accordance with state and federal statutes,
- works with stakeholders to ensure both victims and defendants benefit from consistent and helpful resources such as access to treatment, assistance from a victim advocate, and more,
- delivers trauma-informed and pro se friendly court services, and
- offers coordinated court services and resources to break down siloes.

As a result, the DV Courts model significantly improves victim safety outcomes, strengthens defendant accountability, reduces domestic violence recidivism rates, and advances procedural justice.

¹⁶ Ibid.

¹⁷ Utah Domestic Violence Coalition. (2023, January 5). A statement regarding the homicides in Enoch, Utah. <https://drive.google.com/file/d/1KW052FxfE9MoWCRLf8gvefnen9c66oCO/view>

¹⁸ Fukushima, A.I. (2022). Utah Statewide Needs Assessment: Domestic Violence, Sexual Violence and Human Trafficking - 2022 Report. Salt Lake City, UT: Gender-Based Violence Consortium, University of Utah. <https://gbvc.utah.edu/utah-state-wide-needs-assessment-2022/>.

¹⁹ Utah Criminal Justice Center. (2024). OVC Needs Assessment. University of Utah. Retrieved from the Utah Victim Services Commission.

²⁰ Ibid.

For victim safety outcomes, the DV Courts demonstrated:

- improved connection with resources and victim advocates for victims. The rate of connection with victim advocates went from 55% to 100%;²¹
- that 70% of victims reported overall positive case experiences in the DV courts;²²
- that 77% of victims felt that the court would find out about violations and take those violations seriously; and ²³
- that victims reported feeling safer as a result of the DV Court's interventions.²⁴

The DV Courts in other states (including Idaho, Texas, Florida, and Oklahoma) have anecdotally reported that their court model has also reduced incidents of domestic violence and reduced domestic violence homicides in their jurisdiction.

For defendant accountability and recidivism outcomes, the DV Courts demonstrated:

- increased criminal contempt charges for order violations in comparison to traditional courts;²⁵
- higher rates of treatment completion among defendants in the DV Court vs traditional courts;²⁶
- that 81% of defendants reported that compliance reviews were helpful and positive; and²⁷
- a small, but positive impact on recidivism.²⁸

For procedural justice outcomes, the DV Courts demonstrated:

- faster case processing (lower case time to disposition outcomes);²⁹
- that victims reported feeling heard and respected in the DV Courts model; and³⁰
- an easier process to navigate than traditional court processes.³¹

With additional support, the DV Courts are expected to significantly improve Grand County's and Wasatch

²¹ Labriola, M., Bradley, S., O'Sullivan, C.S., Rempel, M., & Moore, S. (2010). A National Portrait of Domestic Violence Courts. *U.S. Department of Justice*. Accessed on June 18, 2025. Retrieved from chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://www.ojp.gov/pdffiles1/nij/grants/229659.pdf

²² Cissner, A. B., Picard-Fritsche, S., & Rempel, M. (2014). New York State's Integrated Domestic Violence Court Model: Results from Four Recent Studies. *Civic Research Institute*, 19 (51-54). Accessed on June 18, 2025. Retrieved from https://www.civicresearchinstitute.com/online/article_abstract.php?pid=18&iid=912&aid=5970

²³ Picard-Fritsche, S. (2011). Litigant Perspectives in an Integrated Domestic Violence Court the Case of Yonkers, New York. *Center for Court Innovation*. Accessed on June 18, 2025. Retrieved from chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://www.innovatingjustice.org/wp-content/uploads/2015/07/Yonkers_IDV.pdf

²⁴ Harper, C. J., Parry, C. F., & Grossman, N. (2010). Ada County Domestic Violence Court: Program Evaluation Report July 2010. *Idaho Supreme Court*. Retrieved from chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://isc.idaho.gov/dv_courts/AdaCo_DV_Court_Program_Eval_Report.pdf

²⁵ Blonder, E. (2023). The 'One Family, One Judge' Court Model: Instituting Integrated Domestic Violence Courts in the United States. *New York State Bar Association*. Accessed on June 18, 2025. Retrieved from <https://nysba.org/the-one-family-one-judge-court-model-instituting-integrated-domestic-violence-courts-in-the-united-states/?srsId=AfmBOorOPEB-B10FXeudZ4NgW6Sw3KXhJnID24IEGHdfb-MSwQOFyhH1>

²⁶ See Harper, Parry, and Grossman.

²⁷ Ibid.

²⁸ Cissner, A. B., Labriola, M., & Rempel, M. (2015). Domestic Violence Courts: A Multisite Test of Whether and How They Change Offender Outcomes. *Sage Journals*. <https://journals.sagepub.com/doi/10.1177/1077801215589231>

²⁹ Ibid

³⁰ See Picard-Fritsche, S. (2011).

³¹ See Blonder

County's responses to domestic violence by addressing the nuanced nature of domestic violence criminal cases in rural Utah. If funded, the DV Courts are expected to reduce domestic violence fatalities and enhance victim safety, leading to healthier and safer families in both Grand County and Wasatch County.

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

The DV Courts project will measure the value created for Utah after one year through the following goals:

Goal One: The DV Courts will improve victim safety by implementing best practices for court safety in domestic violence cases and ensuring victims connect with victim advocates and resources.

Measures:

1. Staff will measure this goal through surveys administered to victims in the DV Courts and the comparison courts (i.e., courts using traditional approaches and calendars to address domestic violence). The survey will measure:
 - if victims connected with an initial victim advocate and resources for their criminal case,
 - if victims received resources and other assistance (including protective orders), and
 - victims' reported levels of safety interacting with the DV Courts vs the comparison courts.
2. Staff will measure case time to disposition and the number of continuances for criminal cases in the DV Courts vs comparison courts. Fewer delays in case-processing will improve victim safety outcomes by ensuring they can access court-ordered relief more quickly.

Anticipated outcomes:

As compared to comparison courts, victims involved in the DV Courts process will:

- report higher levels of safety for victims and their immediate families and
- report higher levels of stability for victims and their immediate families.

Goal Two: The DV Courts will improve defendant accountability through judicial monitoring.

Measures:

1. Staff will measure this goal through surveys administered to victims in the DV Courts and the comparison courts. The survey will measure if:
 - the defendant violated any criminal orders,
 - the court became aware of the violation, and
 - the court addressed the violation and how quickly the court addressed the violation.
2. Staff will measure if defendants have successfully surrendered their weapons when ordered by the courts or through statutory requirements through surveys to judicial officers conducted at their spring conferences. The surveys will measure if judges confirm that the defendant has successfully surrendered their weapons through receipts, affidavits, or any other documents.

Anticipated outcomes:

As compared to comparison courts, the DV Courts will demonstrate:

- higher levels of safety for victims and their immediate families,
- improved detection and management of violations (i.e., defendant accountability), and
- report higher levels of stability for victims and their immediate families.

Goal Three: The DV Courts will reduce defendant recidivism of domestic violence offenses through judicial monitoring, utilizing evidence-based domestic violence treatment, and increasing resources for low-income defendants.

Measures:

1. Staff will measure this goal by tracking the rearrests of defendants for domestic violence, issuance of new protective orders where the defendant is the respondent, and new domestic violence criminal cases. Staff will use the Utah Criminal Justice Information System and other databases to gather this data for defendants in both the DV courts and the comparison courts.
2. Staff will measure this goal through victim reports of if the domestic violence has stopped one year after the last interaction with the court system (e.g., criminal case reaches a disposition). These reports will be gathered through survey responses.

Anticipated outcomes:

As compared to comparison courts, the DV Courts will demonstrate:

- higher levels of safety for victims and their immediate families,
- reduced recidivism rates of domestic violence for defendants, and
- Improved access to resources for low-income defendants.

Goal Four: The DV courts will improve procedural justice outcomes by providing resources to both victims and defendants, ensuring the DV Courts utilize best practices (including specialized training) in domestic violence cases, delivering trauma-informed services, and linking legal system stakeholders' responses to domestic violence.

Measures:

1. Staff will measure this goal through surveys administered to victims and defendants in the DV Courts and the comparison courts. The survey will measure if court patrons:
 - felt heard, respected, and other procedural justice outcomes and
 - were satisfied with the case outcomes.

Anticipated outcomes:

As compared to comparison courts, the DV Courts will demonstrate:

- increased trust and confidence in the courts and their handling of domestic violence cases and
- improved court and legal system services.

COLLABORATION

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

The following stakeholders were involved in developing this request and support the DV courts project:

Tab 9



GOVERNOR'S OFFICE OF Planning & Budget

FY26 and FY27 State Agency Budget Request Form

REQUEST TITLE	Guardianship Signature Program Funding		
State Agency	Judicial Branch	Request Priority	N/A Statutorily Required
Division	Judicial Branch	Program	GRAMP
Primary Contact	Keri Sargent, Shonna Thomas	Email & Phone	keris@utcourts.gov 801 238 7547 shonnat@utcourts.gov 801 578 3925

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

SOURCE	FY26 ONE-TIME	FY27 ONGOING	FY27 ONE-TIME	TOTAL REQUEST
GF, ITF, USF	\$0	\$667,550	\$0	\$667,550
OTHER	\$0	\$0	\$0	\$0
TOTAL	\$0	\$667,550	\$0	\$667,550

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

SUMMARY

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

Utah Code 75-5-303(2) mandates that respondents in guardianship cases must have legal representation, appointed by the court, unless specific conditions are met. Utah Code 75-5-303(6)(e) mandates appointment of a court visitor in lieu of an attorney if specific conditions are met. Based on these mandates, the Administrative Office of the Court requests \$667,550 to fund the equivalent of two contract attorney positions and one court visitor program coordinator position to carry out compliance with the law.

The Guardianship Signature Program (GSP) was established by the Utah State Bar to provide a way for attorneys to volunteer to fill this mandate, but demand significantly exceeds supply. The Court Visitor Program (CVP) was established as a means of providing trained volunteers to serve as special appointees of the court in guardianship cases. Per statute, the CVP serves as the backup in cases where an attorney cannot be found via the GSP. With the GSP struggling to keep up with demand, the CVP has experienced continuous increases in attorney waiver case requests, resulting in a significant backlog and delay in resolving cases for vulnerable individuals.

Approximately 62% of GSP requests are resolved without counsel and are sent to the CVP for attorney waiver investigations. In FY 2027, the GSP is projected to receive 1065 unfilled attorney requests (see Section 2 for more details). This level is unsustainable with the current resources. To enable statutory compliance, reduce case delays, and allow for efficient resource allocation, funding is necessary to support

three paid positions. Instead of seeking funding for three paid attorneys, if funded, resources can be allocated between the equivalent of two paid contract attorneys and one court FTE program coordinator. This adjustment saves approximately \$100,000, while still meeting statutory obligations.

Hiring two contract attorneys (who will work for a related agency) for guardianship cases ensures prompt respondent representation, fulfilling statutory mandates. Volunteer opportunities will still be offered. A court visitor program coordinator will support the CVP, managing statutory obligations when visitors are allowed instead of attorneys, easing GSP burden and clearing backlogs. Funding these roles will significantly reduce unrepresented respondents – hopefully to zero – as we comply with statute.

COST

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

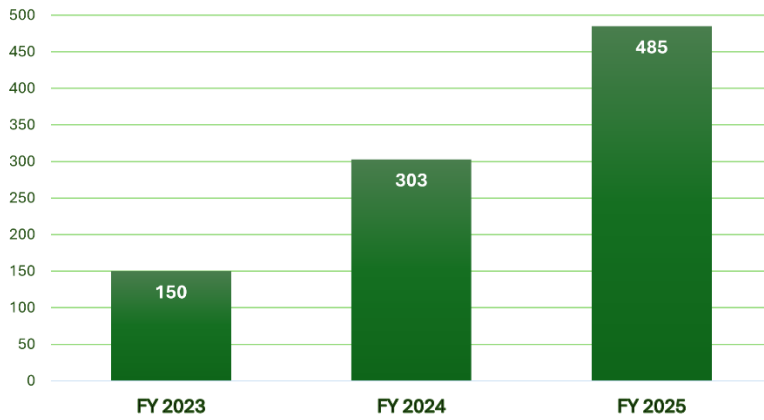
Third-party Contract Attorneys @ \$100 per hour x 5540 hours	\$554,000
Court Program Coordinator @ \$30.75 per hour + benefits	\$108,550
IT and operating costs, training and travel	<u>\$5,000</u>
Total	\$667,550

From FY 23 through FY 25:

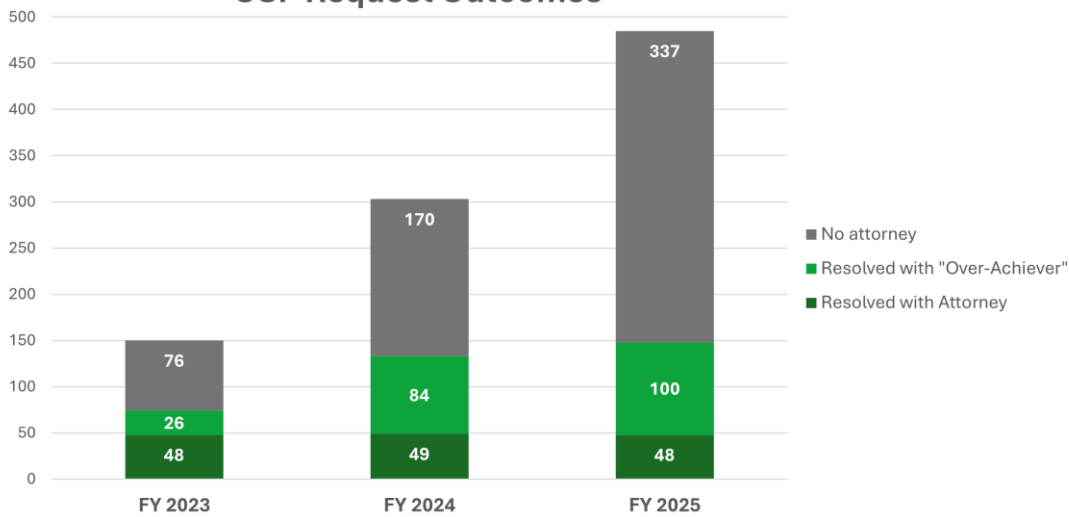
- 938 total requests were sent to the GSP. (150 requests in FY 23; 303 requests in FY 24; 485 requests in FY 25.)
- The number of requests received by the GSP has increased by 223%.
- **62%** (583) of the 938 requests received were never filled.
- There is one attorney with the GSP that consistently volunteers. This “over-achiever” accounted for approximately 59% (210) of the filled cases for FY 23 – 25. The remaining 41% of cases (145) were filled by other attorneys.
- The number of attorney waiver GSP requests sent to the CVP has increased dramatically, from 12 requests referred in FY23 to 272 referrals by the end of FY25, an increase of 2167%
- This substantial upsurge has created a backlog of cases awaiting appointment of a court visitor and strained the existing resources of the CVP, leading to delays in case assignment and completion.
- In FY23 the average wait time to assign an attorney waiver case to a court visitor volunteer was 45 days. In FY25, that number increased to an average of 139 days, and continues to rise.
- At the end of FY 25, the CVP had 97 pending cases, with the oldest request from December 2024.

In summary, only 38% of requests received by the GSP are filled by attorneys, leaving 62% to be covered by the CVP or resolved without any representation, in opposition to statute. These time-sensitive referrals handled by the CVP are significantly delayed, due to lack of resources.

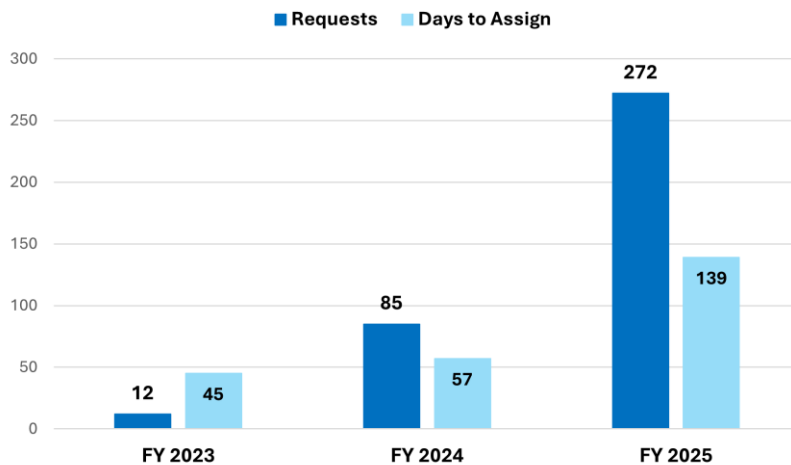
GSP Attorney Requests



GSP Request Outcomes



CVP - Attorney Waiver Cases



Budget considerations:

This request seeks funding to cover the **62%** of requests that are anticipated to go unresolved by the GSP in any given year.

- Accounting for an average rate increase of 50% each year, we can expect roughly **1,407** total cases projected by FY27. This includes the natural growth of filed cases, and as best practices and consistency of when a request for an attorney should go to the GSP are shared with judges and judicial support staff, requests will increase.
- Because of the delays and lack of resources, sometimes requests for GSP attorneys were not made. For example, in FY25, approximately **100** eligible requests were not sent to the GSP. This is part of the projected number of requests in FY27.
- The “over-achiever” attorney that accepts the majority of GSP cases has plans to retire soon, leaving additional cases unresolved. Between FY23-FY25, her work accounted for **210** cases. This amount is included in the projected number of requests in FY27.

With these considerations, this brings the total to 1,717 unfilled requests projected for FY 27. Using the 62% average of cases that go unfilled, this funding request is based on a projected 1065 requests that will need an attorney or court visitor.

Recapping Expected Requests:

Baseline for FY 2027 with growth:	1,407
Extra requests never sent to GSP:	100
<u>Retirement of GSP over achiever attorney:</u>	<u>210</u>
Total FY 2027 expected requests	1,717
Baseline never filled by GSP	x 62%
FY 2027 forecasted unfilled GSP requests	1,065 (a)
Percentage of unfilled GSP requests statute Allows a CVP to serve in place of attorney	<u>x 48%</u>
Total	511 (b)
Remaining cases that need an attorney appointed	554 (a) - (b)

Approximately 48% of CVP referrals received in FY25 were supported by statute (130/272) - meaning statute allows a CVP to serve in place of an attorney. This averages out to 511 statute-supported cases estimated to be referred to the CVP in FY27.

The remaining 554 cases will be handled by funding the equivalent of two contract attorneys. Depending on the case specifics, an attorney appointed to represent a respondent in a guardianship case could take 5 to 15 hours of work until the case is resolved. This averages out to 10 hours per case. Based on conversations with attorneys who work for private as well as non-profit entities, we believe that \$100 per hour represents a reasonable per hour rate under a state contract for these services.

- 554 requests x 10 hours per case = 5,540 hours
- 5,540 hours x \$100 hourly = \$554,000
- 1 FTE program coordinator (AOC position) = \$108,550
- Administrative costs for AOC position: \$5,000
- Total = \$667,550

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

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

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

If the statute remains in place, it is expected that future funding increases will be required to assist with the growing caseload.

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

The Utah State Bar's Paladin Program, with their consent, is used to widely promote GSP opportunities, which offer attorneys pro bono work. Additionally, emails about local opportunities are sent to attorneys on district-specific lists, a practice that will continue. Clerical teams also engage attorneys informally to join these local lists.

GSP attorneys may seek reimbursement from the respondent, based on the Modest Means scale and facilitated by the Utah State Bar, in their specific cases. Apart from this possible reimbursement, the GSP lacks funds to incentivize legal representation in mandatory guardianship cases.

Court visitors have the legal authority to investigate and report on a respondent's lack of legal representation. However, due to its reliance on volunteers and limited travel expense reimbursement, this program is underutilized, leaving many respondents without advocates (contrary to statute) and delaying case resolutions.

Funding will be allocated to support the equivalent of two attorneys who will reliably represent respondents and a program coordinator for the CVP to manage the current case backlog and provide ongoing case management responsibilities, allowing both programs to more adequately respond to and complete the requests received, thus fulfilling the statutory requirements.

STRATEGIC ALIGNMENT

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

Promoting access to justice is the core mission of the Utah State Courts, prioritizing transparency, fairness, and efficiency in all actions. Offering vulnerable individuals legal representation during guardianship proceedings exemplifies this commitment.

Guardianship appointments, even those that are limited and temporary, significantly restrict a respondent's freedom, impacting their financial management and daily decision-making abilities. Legal counsel and court visitors ensure that guardianship is genuinely needed and that respondents maintain maximum control and choice throughout the process.

The AOC's Guardianship Reporting and Monitoring Program (GRAMP) will effectively measure the impact of funding on guardianship cases. GRAMP will utilize various methods to track the average time respondents wait for attorney appointment, the total number of respondents receiving legal counsel, the nature and extent of guardianship (full, limited, etc.), and the duration of guardianship resolutions. Data collected will be compared with prior years to assess the benefits of the funding.

GRAMP's data collection tools will include the case management system (CORIS), used by judges and court staff, and office management resources like Excel. These tools will also be used to track the time these funded attorneys will spend representing respondents.

EVIDENCE & ANALYSIS

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

The data above was tracked and compiled by the GRAMP team, who focuses on monitoring guardianship cases statewide. That team will continue to add to the data already presented in this request.

Judges and administrative personnel rely on case pending data to assess adherence to disposition guidelines, ensuring timely resolution of case issues. GRAMP has observed that guardianship cases often exceed recommended guidelines due to insufficient resources for meeting statutory representation requirements, resulting in prolonged case durations. Existing GRAMP data illustrates how resource limitations have affected judicial officers handling guardianship cases. Consequently, a new stay type has been implemented to decrease the pending duration of guardianship cases.

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

Complying with the law and statute is well within the courts' established mission. This law commits the courts and the state to give mandated access to attorneys and court visitors for respondents in guardianship cases and should be funded on that mandate alone.

Along with compliance with state law, this initiative will also give judges and court staff a streamlined, efficient way to uphold the law. It will also positively impact case pendency guidelines by promptly appointing legal counsel or court visitors to respondents in guardianship cases. This reduction will give the state judiciary a pathway to meet established guardianship cases disposition benchmarks.

Individuals named as respondents in guardianship proceedings face similar losses of autonomy and rights as criminal defendants. This vulnerability is compounded by their often-present mental, physical, or emotional disabilities, which exacerbate the stress of legal proceedings. By ensuring access to chosen legal representation who advocate specifically for their interests, this initiative will offer Utahns needing protection during their most vulnerable times a vital resource.

COLLABORATION

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

The Working Interdisciplinary Network of Guardianship Stakeholders (WINGS) is a standing committee of the Judicial Council and is composed of a diverse number of stakeholders and agencies interested in guardianship issues. An example of agency representation on this committee includes Adult Protective Services, Disability Law Center, and the Office of Public Guardian. WINGS has been heavily involved in developing this request.

LEGAL AUTHORITY

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

The guardianship statutes govern the provision that every respondent named in a guardianship petition be represented by "an attorney of their choice" as stated in Utah Code 75-5-303(2)(b). Also, in 75-5-303 it states the requirements that must be met when the appointment of an attorney is not required, applicable only when the parent is the petitioner and their adult child is the respondent. And, even if the court determines that an attorney is not required, the appointment of a court visitor must still occur. In all other cases, the presence of an attorney cannot be waived.

Other statutory requirements for the appointment of counsel:

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

INTENT LANGUAGE

11. *If applicable, enter any necessary intent language. Please note that if this request is for a **grant** (i.e.,*

pass-through funding) it requires intent language in accordance with the provisions of [Utah Code 63G-6b State Grants](#).

No intent language is necessary. This is not a request to fund with grant funds. However, if the funding is provided, the court would have to pass through the “two contract-attorneys” portion of the funding to an agency that will enter into a state contract for representing eligible patrons appearing before the court.

Tab 10



Legislative GS 2026 - Judicial Priorities Scoring Worksheet

Judicial Council Rankings - 08/15/2025

Judicial Council Ranking	Description	Ongoing Amount	One-time Amount	BFMC Rankings	Average Board Ranking	BACJ Rankings	BJCJ Rankings	BDCJ Rankings
Investing in our People								
	Core Workforce - Recruit and Retain	\$6,008,300	\$0	1	1.67	2	2	1
Judicial Officers, Support Staff and Workspace								
	Judicial Officers and Support Staff	\$9,211,600	\$1,380,000	2	1.67	1	1	3
	6th District Training Coordinator	\$102,300	\$0	3	3.00	4	3	2
Domestic Violence Initiatives								
	*Integrated Domestic Violence Court Funding - Tooele Co.	\$1,972,600	\$1,285,000	4	4.00	3	4	5
	Specialized Domestic Violence Court Funding - Wasatch and Grand Co.	\$618,550	\$0	5	4.33	5	4	4
Statutorily Required Spending								
	**Guardian Signature Program	\$667,550	\$0	N/A	N/A	-	-	-
Total Judicial Priority Requests		\$18,580,900	\$2,665,000					

* This request contains ongoing funding for a judge and 2 JAs (\$536K) and 1x funding for courthouse workspace (\$1.285M) that is also requested in BFMC priority #2.

** Not ranked by BFMC due to the statutorily required basis for requesting these funds.

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

Tab 11

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

Webex video conferencing
July 11, 2025 – 12 p.m.

MEMBERS:

PRESENT

EXCUSED

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

GUESTS:

James Peters
Pleasy Wayas
Janine Liebert
Lauren Anderson
Daniel Meza-Ríncon
Keri Sargent
Karl Sweeney

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 June 6, 2025 meeting. With no changes, Judge Carpenter moved to approve the minutes as presented. Judge Gardner seconded the motion. The motion passed unanimously.

(2) Rules back from public comment:

- **CJA 3-117. Committee on Court Forms**
- **CJA 3-403. Judicial branch education**
- **Appendix A. Justice Court Nominating Commissions Procedure Manual**

No public comments were received on rules 3-117 or 3-403. Appendix A was approved on an expedited basis with a May 1, 2025 effective date and no public comments were received. Because Appendix A was approved on an expedited basis, no further action is necessary.

Judge Fonnesbeck moved to recommend to the Judicial Council that rules 3-117 and 3-402 be approved as final with a November 1, 2025 effective date. Judge Carpenter seconded the motion. The motion passed unanimously.

(3) CJA 3-116. Pretrial Release and Supervision Committee:

The pretrial release and supervision committee was dissolved and removed from CJA 1-205 in November 2024, but the associated committee rule was not repealed. The proposed amendments repeal the committee rule.

Judge Gardner moved to recommend to the Judicial Council that rule 3-116 be repealed with a July 21, 2025 effective date. Judge Carpenter seconded the motion. The motion passed unanimously.

(4) Judicial Council Rules on the Use of Generative AI

Brody Arishita reviewed the revised generative Artificial Intelligence (AI) rule. Key revisions include a clear distinction between court-provided AI tools and court-approved AI tools. The list of approved tools has been moved to the intranet to allow for easier updates without rule amendments. The committee discussed concerns about passive AI use, such as AI-generated summaries appearing automatically on web pages, PDFs, or within email applications, which are not explicitly requested by the user. Those applications could lead to unintentional policy violations or unintended disclosure requirements. Mr. Arishita acknowledged this point and committed to discussing it with the AI committee legal subgroup.

Following a discussion, the Committee made the following changes:

- added “generative artificial intelligence” in the first paragraph;
- changed the heading of section two from "You may only use approved tools" to "You may only use approved or provided tools;”
- added “(IT)” after “Information Technology Department;”
- added “Public tools that are authorized” in section 4;
- added “Nonpublic tools that are purchased” in section 5; and
- made other non-substantive formatting changes.

Judge Gardner asked for clarification on the second sentence in paragraph one. Which rules, specifically, would employees and judges be violating?

No action is needed at this time. Mr. Arishita will incorporate the committee’s suggestions for further review by legal and staff groups and will bring the revised rule back to PP&T at a later date.

(5) CJA 3-407. Accounting

Karl Sweeney presented proposed amendments to rule 3-407. The Board of Justice Court Judges recently approved the Court's Accounting Manual as the new standard for all justice courts. The proposed amendments reflect this change and also ensure justice courts are represented on the Accounting Manual Committee. Additionally, proposed changes aim to broaden the manual's scope, renaming it the Utah Judiciary Accounting Manual.

Following a discussion, the Committee made the following changes:

- removed paragraph (4) because compliance is addressed in paragraph (1)(A);
- (line 62) added “not designated by office” and removed “Members listed in paragraphs (1)(B)(ii), (iii), and (vi) may serve additional terms” to clarify which members only serve three-year terms;
- (line 63) added “[A]dditional terms must be approved by the state court administrator, or designee.”;
- capitalized “Courts of Record” and “Courts not of Record” throughout; and

- Uncapitalized “justice court administrator” in line 112 for consistency with “state court administrator.”

With no further discussion, Judge Carpenter moved to send rule 3-407 to the Judicial Council with a recommendation that it be posted for a 45-day public comment period. Judge Fonnesebeck seconded the motion. The motion passed unanimously.

Technology report/proposals: None.

Old Business/New Business: The artwork policy is still working its way through the boards of judges.

Adjourn: With no further items for discussion, the meeting adjourned at 12:36 p.m. The next meeting will be held on August 1, 2025, at noon via Webex video conferencing.

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

**Minutes
July 7, 2025
Meeting held virtually through WebEx
12:00 p.m. – 1:00 p.m.**

Members Present:

Judge Rita Cornish (Chair)
Judge Susan Eisenman
Kristin Woods

Guests:

Brett Folkman, TCE, First District Court
Mark Urry, TCE, Fourth District Court
Shelly Waite
Chris Morgan
Judge Torgerson
Linda Ekker
Shonna Thomas
Katy Burke
Keri Sargent
Jon Puente
Amy Hernandez

Excused:

Judge Michael DiReda
Ron Gordon

AOC Staff Present:

Neira Siaperas
Nick Stiles
Shane Bahr
Jim Peters
Sonia Sweeney
Todd Eaton
Bart Olsen
Erin Rhead
Lauren Andersen
Karl Sweeney
Alisha Johnson
Kelly Moreira
Suzette Deans, Recording Secretary

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

Judge Cornish welcomed everyone to the meeting and asked for a motion to approve the minutes of the June 9, 2025, meeting.

Motion: Judge Cornish moved to approve the minutes as presented. Judge Eisenman 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 \$903,348 and \$115,119 of Benefits differential we have generated total OTS savings of \$1,159,061 for FY 2025 YTD. We included the forecast future OTS amounts for the remainder of the year in the \$903K YTD savings listed above. The total OTS generated is reduced by \$200,000 for hot spot raise funds leaving a net total of \$959,061 for future use, of which almost all has been pledged to meet Investing in our People commitments for FY 2026.



FY 2025 Ongoing Turnover Savings as of 07/01/2025 - Period 12

#	Prior Month Forecast		Actual	Forecasted	Change in Forecast
	Amount @ YE	Amount YTD	Amount @ YE	Amount @ YE	Amount @ YE
	Net Carried over Ongoing Savings (finalized from FY 2024)	140,594	140,594	140,594	-
	Ongoing Turnover Savings FY 2025 (actual year-to-date, Salary Differential only)	866,314	903,348	903,348	37,034
1	Ongoing Turnover Savings FY 2025 (forecast \$65,000 / month x 0 month, Salary Differential only)	65,000	-	-	(65,000)
	TOTAL SALARY RELATED ONGOING SAVINGS	1,071,908	1,043,942	1,043,942	(27,966)
	Benefit Differential Savings FY 2025 (will be recognized in this row starting in Q4)	85,004	115,119	115,119	30,115
	TOTAL SAVINGS	1,156,912	1,159,061	1,159,061	2,149
2	2025 Annual Authorized Hot Spot Raises	(200,000)	(200,000)	(200,000)	-
	TOTAL USES	(200,000)	(200,000)	(200,000)	-
	Total Actual/Forecasted Unencumbered Turnover Savings for FY 2025	956,912	959,061	959,061	2,149

- * 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.
FY 2024 full year benefit differential was +\$331,176
- * Currently, 22.5 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 \$903,348 / 12 months = \$75,279 /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 \$1,504 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 \$1,504 x YTD hours (2,040) with a future forecast for the balance of the year of \$1,500 per hour x 208 hours which yields a total of \$3,072,760. Bonus payouts have lowered several recent 1x TOS per pay period amounts.



FY 2025 One Time Turnover Savings - Period 12

Updated as of Pay Period Ending 06/20/2025 (2,040 out of 2,088 hours)

#		Funding Type	Actual Amount
1	One Time Turnover Savings (from actual payroll data versus budget as of PPE 06/20/2025)	Internal Savings	3,000,760
2	Est. One Time Savings for remaining pay hours (48 @ \$1,500 / pay hour)	Internal Savings (Est.)	72,000
Total Potential One Time Savings			3,072,760

Prior Report Totals (as of PPE 05/23/2025)

3,139,624

- 1 Actual per hour turnover savings for the last 4 pay periods (oldest to newest) are \$1,262.46, \$1,552.80, \$1,533.67, and \$798.31.
The average per hour turnover savings FY 2025 YTD is \$1,470.96
The remaining 1x Hot Spot available amount of ~\$4,400 is expected to be distributed in these last pay period.
- 2 \$1,500 / pay hour represents slightly above the actual YTD FY 2025 average (last year average was \$1,200);
The forecast was raised to \$1,500 per hour from \$1,200 per hour for the balance of the year as of 3/14/25 report.

Ms. Moreira next reviewed the FY 2025 Year End Spending Requests and Forecasted Available One-Time Funds – As of period 12, as recapped on the prior schedule, the 1x TOS savings are forecasted to be \$3.072M. After deducting \$250,000 of hot spot incentive pay, our net total 1x TOS is \$2.822M. Operational savings are estimated to be \$654,108. We also included \$741,488 of unclaimed property funds and (\$90,000) of prior period adjustments to reach a net total forecasted 1x funds of \$4.29M. We are showing \$3.7M of carryforward usage which is maxed out at the legislatively authorized amount of \$3.7M. Since we are now past the point of being able to expend monies for additional uses in FY 2025, the remaining 1x savings (after carryforward use) leaves the Courts with a forecasted surplus of \$46.4K that will be used for increasing carryforward amounts in other Court areas or contributed to the CCCF.



FY 2025 Year End Requests and Forecasted Available One-time Funds - Period 12

Forecasted Available One-time Funds			# One-time Spending Plan Requests		Adjusted Requests	Judicial Council Approved
Description	Funding Type	Amount			Amount	Amount
Sources of YE 2025 Funds			1**	Various Construction Projects (FY 2025) Contingency (10%) (NOT NEEDED)	\$ -	\$ -
* Turnover Savings as of PPE 06/20/2025	Turnover Savings	3,000,760	2	All Rise Utah Welcome Dinner	\$ -	\$ 10,000
Turnover savings Estimate for the rest of the year (\$1,500 x 48 pay hours)	Turnover Savings	72,000	3	Q1 / Q2 Performance Bonus	\$ -	\$ 156,000
Total Potential One Time Turnover Savings		3,072,760	4	Replacement of EMV Credit Card Devices	\$ -	\$ 36,500
Less: Judicial Council Delegated to State Court Administrator for Discretionary Use		(250,000)		Reimbursement from Trust Account Interest Earnings	\$ -	\$ (36,500)
(a) Total Potential One Time Turnover Savings Less Discretionary Use		2,822,760	5	Purchasing Utah Code and Court Rules per CIA 3-413	\$ -	\$ 30,000
Operational Savings From TCE / AOC Budgets - mid-year forecast	Internal Operating Savings	654,108	6	Mitigate Laptop Price Increases	\$ -	\$ 300,000
Operational Savings from IT Budget - unused Carryforward Request	Internal Operating Savings	150,000	7	Bridge Replacement LMS System Go-Live	\$ -	\$ 27,700
Reserve Balance (balance from FY 2024 Carryforward)	Judicial Council Reserve	847	8	Increase in Secondary Language Stipend	\$ -	\$ 9,100
Unclaimed property claims (received)	Additional Revenue Received	741,488				
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		1,456,443		Current Month One-time Spending Requests		
(c) Total of Turnover Savings & Operational Savings = (a) + (b)		4,279,203		Previously Approved 1x FY 2024 YE Spending Request		532,800
Uses of YE 2025 Funds						
(d) Carryforward into FY 2026 (Anticipate request to Legislature for \$3,700,000)	FY 2026 Carryforward	(3,700,000)				
Total Potential One Time Savings = (c) less Carryforward (d)		579,203				
Less: Judicial Council Requests Previously Approved		(532,800)				
Less: Judicial Council Current Month Spending Requests		-				
Remaining Forecasted Funds Available for FY 2025 YE Spending Requests, CCCF, etc.		46,403				

Updated 07/02/2025

- * Actual per hour turnover savings for the last 4 pay periods (oldest to newest) are \$1,262.46, \$1,552.80, \$1,533.67, and \$798.31.
The average per hour turnover savings FY 2025 YTD is \$1,470.96
- (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.
- ** Construction contingency request of \$451,000 is no longer needed as per Chris Talbot. Construction costs have come in under budget.

The FY 2026 carryforward and Ongoing Requests below show the amounts that have been approved for use in the Investing in our People initiatives. We will be going through the request shown in blue during the next part of this meeting.



FY 2026 Carryforward and Ongoing Requests - Period 12, FY 2025

7/2/2025

Funding Sources

	One Time	Ongoing
Ongoing Turnover Savings carried over from FY 2024		\$ 140,594
Forecasted YE Ongoing Turnover Savings from FY 2025		\$ 1,018,467
Subtotal		\$ 1,159,061
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	\$ -	\$ 1,000,000
Additional Legislative Appropriation		
Wellness Council Portion of Carryforward		
Expected Carryforward Amount from Fiscal Year 2025	\$ 3,700,000	\$ -
Total Available Funding	\$ 3,684,300	\$ 2,195,561
Less: Judicial Council Delegated to State Court Administrator for Discretionary Use		\$ (200,000)
Less: Director of Finance and State Court Admin. Reserves to meet Investing in our People Commitments	\$ (100,000)	\$ (100,000)
Net Ongoing TOS Available for Use	\$ 3,584,300	\$ 1,895,561

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		\$ 1,745,900
2	Additional Training Coordinator - 3rd District - Mark Paradise - Fund now		\$ 97,300		\$ 97,300
Subtotal to Approve and Fund Immediately		\$ -	\$ 1,843,200	\$ -	\$ 1,843,200
Balance Remaining After Judicial Council Approvals					\$ 52,361
Balance Remaining Inclusive of "Presented"			\$ 52,361		
Recommend Approve and Defer Funding					
(hold until Ongoing Funding net of Commitments / Reserves Exceeds Requested Amounts)					
3	8th District Probation Training Coordinator - Russ Pearson		\$ 52,500		
4	ICJ Expenses - Sonia Sweeney		\$ 7,000		
Subtotal to Defer Funding until FY 2026		\$ -	\$ 59,500		

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		\$ 1,334,600	
2*	Courts Eco Pass Program - Karl Sweeney	\$ 60,000		\$ 60,000	
3*	Education Assistance Program - Kelly Moreira	\$ 85,000		\$ 85,000	
4*	HR Applicant Tracking - Jeremy Marsh	\$ 20,900		\$ 20,900	
5*	IT Stipend for Technology Subject Matter Experts - Todd Eaton and Taz Hatch	\$ 65,000		\$ 65,000	
6*	IT Replacement Inventory - Todd Eaton	\$ 200,000		\$ 200,000	
7*	Network / System Maintenance - Staff Augmentation - Todd Eaton and Chris Talbot	\$ 150,000		\$ 150,000	
8*	IT Webex Virtual Hearing Improvement Project - Brody Arishita	\$ 150,000		\$ 150,000	
9*	Retention of Contract Developers - Brody Arishita	\$ 682,000		\$ 682,000	
10*	Base Employee Incentive Awards - Bart Olsen, Erin Rhead, and Alisha Johnson	\$ 280,000		\$ 280,000	
11*	Wellness Program - Tava - Neira Seripas	\$ 103,100		\$ 103,100	
12*	FY 26 Q1/Q2 (paid in 12/2025) Performance Bonus - Bart Olsen and Karl Sweeney	\$ 400,000		\$ 400,000	
13*	Utah Code Purchase - Kaden Taylor	\$ 35,000		\$ 35,000	
X	ICJ Expenses - Sonia Sweeney (See ongoing Approve and Defer above)	\$ 7,000		\$ 7,000	
14*	Annual All Rise Outreach - Jonathan Puente	\$ 11,000			
Subtotal		\$ 3,583,600	\$ -	\$ 3,572,600	\$ -
Balance Remaining After Judicial Council Approvals				\$ 11,700	\$ 52,361
+ Balance Remaining Inclusive of "Presented" (for Ongoing net of Presented Fund Immediately)		\$ 700	\$ 52,361		

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.

3. 2026 Carryforward FY26 1x Funding Requests

14. All Rise Utah Welcome Dinner (Jon Puente "Presenter")

The All Rise Utah Project, a Committee on Fairness and Accountability subcommittee, requests \$11,000 in carryforward funds to fund whatever funds are not raised through the Utah Bar (also a sponsor of this event) to cover the expected costs of the program's welcome dinner. This dinner introduces primarily first-year law students from all backgrounds to members of the

bench and practicing attorneys and judges in an effort to build their connections with the local legal community.

Motion: Judge Cornish made a motion that the request be forwarded to the Judicial Council with a favorable recommendation to consider approving. Kristin Woods seconded the motion, and it passed unanimously.

4. Draft Legislative Requests

1. CORE Courthouse Workforce (Neira Siaperas and Bart Olsen and Erin Rhead "Presenters")

Neira Siaperas, Bart Olsen, and Erin Rhead are requesting \$6,008,300 in ongoing FY27 funding. This request seeks legislative funding for salary increases (both salary range and actual wages) to boost retention levels of the judiciary's core courthouse workforce. The judiciary's bench faces an increasingly difficult challenge in retaining a sufficient level of institutional knowledge in its core workforce and despite prior legislative funding has continued to face a high turnover rate of around 20% in its core courthouse workforce over the last three years. This unsustainable level of instability in the judiciary's core courthouse workforce needs this funding to lower the turnover rate.

This request was previously presented to the committee, and the requested amount has changed from \$3.0M to \$6.0M. This is a much more aggressive approach to moving starting salaries to or past \$25 per hour. In last year's \$3.0M legislative request, JA starting pay was to have increased from \$21.84 per hour to \$23.20 (6.23% increase) per hour; The new legislative request would move JA starting pay from \$22.39 per hour (post COLA) to \$25.00 (11.66%). The Legislature did not choose to fund any of this request last year. We capped last year's request based on what we thought the legislature could "afford"; this year we're asking for what our data shows - \$25 is the minimum starting wage for a JA and almost all other core workforce personnel.

2. Additional JA and JA Leadership Staff (Neira Siaperas and Bart Olsen and Erin Rhead "Presenters")

Neira Siaperas, Bart Olsen, and Erin Rhead are requesting \$3,170,000 in ongoing FY27 funding and \$94,500 in FY27 one-time funding. This is a request for funding in the combined amount of \$3.264M to increase the clerical staff of the judiciary by 29 additional Judicial Assistants (JA), 3 additional Judicial Case Managers (JCM), 2 additional Team Managers (TM), and 1 additional Business Application Technician (BAT) who would handle the additional IT helpdesk demand for technical support. Together, these positions are being requested to meet the needs of an increasing workload. The one-time portion of this request provides funds to purchase the IT hardware and software for these new hires. This request is supported by the latest clerical weighted caseload study completed earlier this year

This request was previously presented to the committee, and the requested amount has changed from \$2.3M to \$3.2M. Last year's request was not granted by the Legislature. The requested amount has increased due to clerical weighted caseload results changing year over year. LY showed need for 25 hires; CY shows need for 34 hires. The 7 new JAs funded with Court ongoing funds were NOT included as a reduction to the need from the survey as they were not hired at the survey date.

3. Fourth District Juvenile Court Judicial Officer (Sonia Sweeney, Judge Nielsen and Shelly Waite "Presenters")

Sonia Sweeney, Judge Nielsen, and Shelly Waite are requesting \$857,500 in FY27 ongoing funding for a 4th district Juvenile court judicial officer. Due to rapid population growth in Utah and Wasatch Counties, the addition of one juvenile court judge and appropriate support personnel will allow the Juvenile Courts to alleviate the rapidly growing case load. This investment will help ensure timely hearings, reduce the risk of delays in critical decisions affecting minors and families, and improve overall system responsiveness for the many citizens residing in Utah, Wasatch, Juab, and Millard Counties. It will also enhance the court's ability to continue to comply with the well-founded, statutorily established timeframes for certain types of hearings in both juvenile justice and child welfare proceedings.

This request was previously presented to the committee, and the requested amount has changed from \$1.6M to \$.858M. Last year's request was for 2 Juvenile Court judges (1st D and 4th D); current year calls for 4th District judge only

4. 6th District Training Coordinator Position (Chris Morgan and Linda Ekker "Presenters")

Chris Morgan and Linda Ekker are requesting \$102,300 in FY27 ongoing funding for a 6th district training Coordinator. The 6th District covers a large geographical area, creating unique challenges in consistently training clerical teams who are required to handle filings and court procedures for both district and juvenile courts. The 6th District is currently the only district without this position to support its clerical teams. Ongoing legislative changes require a dedicated training coordinator to ensure timely implementation and uniform understanding of updated procedures. The most recent clerical weighted caseload study indicates that this team is operating at 127% of standard. Establishing a training coordinator position would significantly enhance 6th District's ability to support staff development, promote efficiency, and advance justice across the district.

5. 6th District Team Manager (Chris Morgan and Linda Ekker "Presenters")

Chris Morgan and Linda Ekker are requesting \$112,400 in FY27 ongoing funding for a team manager position. The 6th District covers a large geographical area, creating unique challenges

in consistently managing clerical teams who are required to handle filings and court procedures for both district and juvenile courts. The 6th District is currently the only district without a team manager position, or both a district and juvenile court clerk of court. The most recent clerical weighted caseload study indicates that our team is operating at 127% of standard. Establishing a team manager position would significantly enhance our ability to support staff development, promote efficiency, drive quality assurance and enhance our ability to manage case records across the district. Team managers provide the same function for the 8.5 Judicial Assistants, 5 contract site clerks, and 4 Case Managers in the 6th District, as managers do in other organizations. They teach, train, correct, encourage, and discipline as needed and reduce the span of control the Clerk of Court must manage.

6. District Court Judges (Judge Torgerson and Shane Bahr “Presenters”)

Judge Torgerson and Shane Bahr are requesting \$7,171,600 in FY ongoing funding and \$1,285,000 in one-time funding. As the need for judicial officers and court staff increases in the district court without meaningful increases in funding, the number of pending cases and the number of days it takes to resolve a case also increases. The FY25 district court judicial weighted caseload study (JWCS), and the shift of cases from two justice courts that closed to district court shows there is a need for 11.7 additional judicial officers. This budget request seeks \$7,171,600 in ongoing funding for eight judges, four commissioners, with accompanying support staff, and \$1,285,000 in one-time funding to finish one shelled courtroom.

- 8 District Court Judges
- 4 District Court Commissioners
- 24 Judicial Assistants
- 2 Case Managers
- 1 Team Manager
- 4 Law Clerks
- Ongoing IT, Operating and Travel/Training Costs
- One-time funding to finish one courtroom shell in the Tooele Courthouse.

This request was previously presented to the committee, and the requested amount has changed from \$4.0M to \$7.2M. Judicial Weighted Caseload of District Judicial Officers went from 7 judicial officers needed last year to 12 needed this year = 72% increase. $\$4M \times 1.72 = \$6.9M + COLA$.

7. Guardianship Signature Program Funding (Keri Sargent and Shonna Thomas “Presenters”)

Keri Sargent and Shonna Thomas are requesting \$667,550 in FY27 ongoing funding. Utah Code 75-5-303(2) mandates that respondents in guardianship cases must have legal representation, appointed by the court, unless specific conditions are met. Utah Code 75-5-303(6)(e) mandates appointment of a court visitor in lieu of an attorney if specific conditions are met. Based on these mandates, the Administrative Office of the Court requests \$667,550 to fund the equivalent of two contract attorney positions and one court visitor program coordinator position to carry out compliance with the law.

This request was previously presented to the committee, and the requested amount has changed from \$.367M to \$.668M. Contract attorney's assumed billing rate raised from \$70 per hour to \$100 per hour based on feedback from local lawyers (\$187K); hiring Court Program Coordinator in CY request at a cost of \$110K.

8. Domestic Violence Courts Project Funding Request (Amy Hernandez "Presenter")

The Domestic Violence Program requests \$618,550 in ongoing funding for the Domestic Violence (DV)

Courts. Domestic violence represents a significant threat to the health, safety, and wellbeing of Utah's families. To effectively address domestic violence, the Domestic Violence Program seeks to support the efforts of the DV Courts in Grand County and Wasatch County. The DV Courts hold defendants accountable through compliance reviews while simultaneously ensuring victim safety. The DV Courts will significantly improve safety for victims and their children, hold defendants accountable, reduce domestic violence recidivism rates, and improve court experiences for families involved in domestic violence cases.

9. Integrated Domestic Violence Court Project Funding Request (Amy Hernandez "Presenter")

The Domestic Violence Program (DVP) requests \$1,972,600 in ongoing funding and \$1,285,000 in one-time funding for the Integrated Domestic Violence (IDV) Court. Domestic violence represents a significant threat to the health, safety, and wellbeing of Utah's families. To effectively address domestic violence, the Domestic Violence Program proposes implementing the IDV Court model ("one judge, one family" model). This model will improve safety for victims and their children, hold defendants accountable, reduce domestic violence recidivism rates, and improve court experiences for families involved in domestic violence cases.

10. Court of Appeals Judge (Nick Stiles "Presenter")

Nick Stiles is requesting \$659,200 in FY27 ongoing funding for a Court of Appeals Judge. Utah created the seven-member Court of Appeals in 1987. The Court of Appeals has not added any new judges since its inception. Over the last thirty-eight years, we have utilized administrative adjustments to support the court's growing caseload. We have shifted the usage of the five appellate central staff attorneys, we have expanded our Appellate Mediation Office to two full-time mediators, and most recently, we have created a new Deputy Clerk of Court position. We are now, however, at a point where we require at least one new Court of Appeals judge.

This request was previously presented to the committee, and the requested amount has changed from \$.648M to \$.659M. Amount changed due to COLA 2.5% increase

The committee did not have any suggested changes. The legislative requests will be forwarded to the Boards for review.

5. Court Grants – SAFG Grant Application Proposal (Katy Burke and Karl Sweeney “Presenters”

We respectfully seek the Budget and Fiscal Management Committee’s recommendation to advance the following grant application proposal (GAP) to the Judicial Council for final consideration. The FY 2026 State Asset Forfeiture Grant (SAFG) application requests \$50,000 in funding from the Commission on Criminal and Juvenile Justice (CCJJ) to support travel and training costs

associated with this year’s treatment court conferences. SAFG funding has historically provided \$25,000 annually for these purposes. This year, we are seeking an additional \$25,000 in one-time funding, bringing the total request to \$50,000.

Motion: Judge Cornish made a motion to forward on to the Judicial Council with a recommendation to approve. Kristin Woods seconded the motion, and it passed unanimously.

6. Old Business/ New Business

None

Next meeting August 4, 2025

Meeting adjourned at 1:25 p.m.

Tab 12

**Budget and Grants Agenda
For August 15, 2025
Judicial Council Meeting**

1. Monthly YTD Financials Alisha Johnson
(Item 1 – Information)

2. Grant Items Jordan Murray
(Item 2 – Action)
 1. Request to Accept Funds SAFG Jordan Murray and Katy Burke
 2. GAP Request for MyCase Development Work Jordan Murray and Janine Liebert

3. Other – JWI Funded Interpreter Curriculum w USU Ron Gordon and Jessica Leavitt
(Item 3 – Information)

Item 1



FY 2025 Ongoing Turnover Savings as of 07/30/2025

#		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	-
	Ongoing Turnover Savings FY 2025 (actual year-to-date, Salary Differential only)	903,348		903,348	903,348	-
1	Ongoing Turnover Savings FY 2025 (forecast \$65,000 / month x 0 month, Salary Differential only)	-		-	-	-
	TOTAL SALARY RELATED ONGOING SAVINGS	1,043,942		1,043,942	1,043,942	-
	Benefit Differential Savings FY 2025 (will be recognized in this row starting in Q4)	115,119		171,366	171,366	56,248
	TOTAL SAVINGS	1,159,061		1,215,309	1,215,309	56,248
2	2025 Annual Authorized Hot Spot Raises	(200,000)		(200,000)	(200,000)	-
	TOTAL USES	(200,000)		(200,000)	(200,000)	-
	Total Actual/Forecasted Unencumbered Turnover Savings for FY 2025	959,061		1,015,309	1,015,309	56,248

- * 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.
FY 2024 full year benefit differential was +\$331,176
- * Currently, 27.5 FTE are vacant.
- 1 Actual run rate is \$903,348 / 12 months = \$75,279 /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 - Period 13

Updated as of Pay Period Ending 07/04/2025 (0 out of 2,088 hours)

			Actual
#		Funding Type	Amount
	One Time Turnover Savings (from actual payroll data versus budget as of PPE 07/04/2025)	Internal Savings	2,979,881
	Est. One Time Savings for remaining pay hours (0 @ \$1,500 / pay hour)	Internal Savings (Est.)	-
Total Potential One Time Savings			2,979,881

Prior Report Totals (as of PPE 06/20/2025) 3,072,760

* Per hour cumulative one time savings amount is $\$2,979,881 / 2088 = \$1,427.15$ per pay hour



FY 2025 Year End Requests and Forecasted Available One-time Funds - Period 13

Forecasted Available One-time Funds			
	Description	Funding Type	Amount
Sources of YE 2025 Funds			
*	Turnover Savings as of PPE 07/04/2025	Turnover Savings	2,979,881
	Turnover savings Estimate for the rest of the year (\$1,500 x 0 pay hours)	Turnover Savings	-
	Total Potential One Time Turnover Savings		2,979,881
	Less: Judicial Council Delegated to State Court Administrator for Discretionary Use		(250,000)
(a)	Total Potential One Time Turnover Savings Less Discretionary Use		2,729,881
	Operational Savings From TCE / AOC Budgets	Internal Operating Savings	1,254,719
	Operational Savings from IT Budget - unused Carryforward Request	Internal Operating Savings	150,000
	Reserve Balance (balance from FY 2024 Carryforward)	Judicial Council Reserve	847
	Unclaimed property claims (received)	Additional Revenue Received	741,488
	Prior year adjustments - impact on current year operations (Hyrum and OFA)	Adjustments to CY Operations	(90,000)
	Uses to balance - maximize carryforward for Facilities / minimize use of CCCF	Balancing Entries	(554,134)
(b)	Total Operational Savings, Reserve, Unclaimed Property and Prior Year Adjustments		1,502,919
(c)	Total of Turnover Savings & Operational Savings = (a) + (b)		4,232,800
Uses of YE 2025 Funds			
(d)	Carryforward into FY 2026	FY 2026 Carryforward	(3,700,000)
	Total Potential One Time Savings = (c) less Carryforward (d)		532,800
	Less: Judicial Council Requests Previously Approved		(532,800)
	Less: Judicial Council Current Month Spending Requests		-
	Remaining Forecasted Funds Available for FY 2025 YE Spending Requests, CCCF, etc.		-

Updated 08/05/2025

# One-time Spending Plan Requests		Adjusted Requests	Judicial Council Approved
		Amount	Amount
1	Various Construction Projects (FY 2025) Contingency (10%) (NOT NEEDED)	\$ -	-
2	All Rise Utah Welcome Dinner	\$ -	10,000
3	Q1 / Q2 Performance Bonus	\$ -	156,000
4	Replacement of EMV Credit Card Devices	\$ -	36,500
	Reimbursement from Trust Account Interest Earnings	\$ -	(36,500)
5	Purchasing Utah Code and Court Rules per CIA 3-413	\$ -	30,000
6	Mitigate Laptop Price Increases	\$ -	300,000
7	Bridge Replacement LMS System Go-Live	\$ -	27,700
8	Increase in Secondary Language Stipend	\$ -	9,100
	Current Month One-time Spending Requests	-	
	Previously Approved 1x FY 2024 YE Spending Request		532,800



FY 2026 Carryforward and Ongoing Requests - Period 13, FY 2025

7/30/2025

Funding Sources

	One Time	Ongoing
Ongoing Turnover Savings carried over from FY 2024		\$ 140,594
Forecasted YE Ongoing Turnover Savings from FY 2025		\$ 1,074,715
Subtotal		\$ 1,215,309
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	\$ 3,700,000	\$ -
Total Available Funding	\$ 3,684,300	\$ 2,251,809
Less: Judicial Council Delegated to State Court Administrator for Discretionary Use		\$ (200,000)
Less: Director of Finance and State Court Admin. Reserves to meet Investing in our People Commitments	\$ (100,000)	\$ (100,000)
Net Ongoing TOS Available for Use	\$ 3,584,300	\$ 1,951,809

Ongoing Requests

Recommend Approve and Fund Immediately

		Presented		Judicial Council Approved	
		One Time	Ongoing	One Time	Ongoing
1	Investing in Our People - Ron Gordon and Neira Siaperas		\$ 1,745,900		\$ 1,745,900
2	Additional Training Coordinator - 3rd District - Mark Paradise - Fund now		\$ 97,300		\$ 97,300
Subtotal to Approve and Fund Immediately		\$ -	\$ 1,843,200	\$ -	\$ 1,843,200
Balance Remaining After Judicial Council Approvals					\$ 108,609
Balance Remaining Inclusive of "Presented"			\$ 108,609		

Recommend Approve and Defer Funding

(hold until Ongoing Funding net of Commitments / Reserves Exceeds Requested Amounts)

3	8th District Probation Training Coordinator - Russ Pearson	\$ 52,500
4	ICJ Expenses - Sonia Sweeney	\$ 7,000
Subtotal to Defer Funding until FY 2026		\$ -

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		\$ 1,334,600	
2*	Courts Eco Pass Program - Karl Sweeney	\$ 60,000		\$ 60,000	
3*	Education Assistance Program - Kelly Moreira	\$ 85,000		\$ 85,000	
4*	HR Applicant Tracking - Jeremy Marsh	\$ 20,900		\$ 20,900	
5*	IT Stipend for Technology Subject Matter Experts - Todd Eaton and Taz Hatch	\$ 65,000		\$ 65,000	
6*	IT Replacement Inventory - Todd Eaton	\$ 200,000		\$ 200,000	
7*	Network / System Maintenance - Staff Augmentation - Todd Eaton and Chris Talbot	\$ 150,000		\$ 150,000	
8*	IT Webex Virtual Hearing Improvement Project - Brody Arishita	\$ 150,000		\$ 150,000	
9*	Retention of Contract Developers - Brody Arishita	\$ 682,000		\$ 682,000	
10*	Base Employee Incentive Awards - Bart Olsen, Erin Rhead, and Alisha Johnson	\$ 280,000		\$ 280,000	
11*	Wellness Program - Tava - Neira Seripas	\$ 103,100		\$ 103,100	
12*	FY 26 Q1/Q2 (paid in 12/2025) Performance Bonus - Bart Olsen and Karl Sweeney	\$ 400,000		\$ 400,000	
13*	Utah Code Purchase - Kaden Taylor	\$ 35,000		\$ 35,000	
X	ICJ Expenses - Sonia Sweeney (See ongoing Approve and Defer above)	\$ 7,000		\$ 7,000	
14*	Annual All Rise Outreach - Jonathan Puente	\$ 11,000		\$ 11,000	
Subtotal		\$ 3,583,600	\$ -	\$ 3,583,600	\$ -
Balance Remaining After Judicial Council Approvals				\$ 700	\$ 108,609
+	Balance Remaining Inclusive of "Presented" (for Ongoing net of Presented Fund Immediately)	\$ 700	\$ 108,609		

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.



#	One-time Spending Plan Requests	Adjusted Requests	Judicial Council Approved
		Amount	Amount
	Current Month One-time Spending Requests	-	
	Previously Approved 1x FY 2025 YE Spending Request		-

Updated 07/30/2025



FY 2026 Ongoing Turnover Savings as of 07/30/2025 - Period 1

#		Prior Month	Forecast	Actual	Forecasted	Change in Forecast
		Amount @ YE		Amount YTD	Amount @ YE	Amount @ YE
	Net Carried over Ongoing Savings (not finalized from FY 2025)	-		108,609	108,609	108,609
	Ongoing Turnover Savings FY 2026 (actual year-to-date, Salary Differential only)	-		77,824	77,824	77,824
1	Ongoing Turnover Savings FY 2026 (forecast \$65,000 / month x 11 month, Salary Differential only)	-		-	715,000	715,000
	TOTAL SALARY RELATED ONGOING SAVINGS	-		186,432	901,432	901,432
	Benefit Differential Savings FY 2026 (will be recognized in this row starting in Q4)	-		-	-	-
	TOTAL SAVINGS	-		186,432	901,432	901,432
2	2026 Annual Authorized Hot Spot Raises			(79,865)	(200,000)	(200,000)
	TOTAL USES	-		(79,865)	(200,000)	(200,000)
	Total Actual/Forecasted Unencumbered Turnover Savings for FY 2026	-		106,567	701,432	701,432

- * 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. Current benefit differential is -\$10,221.12.
FY 2025 full year benefit differential (not finalized) was +\$171,366.40
- * Currently, 27.5 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 \$77,824 / 1 months = \$77,824 /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 26 Ongoing Funding Net of Commitments/Reserves - Period 1, FY 2026

7/30/2025

Funding Sources

Available Funds

Ongoing Turnover Savings carried over from FY 2025

Actual Ongoing Turnover Savings from FY 2026 (as of period 1) - Note: Does not include CY benefits differential until Q4 or forecasted amounts

Total Available Ongoing Funding - Cash Basis

Net Available

\$ 108,609

\$ 77,824

\$ 186,432

Commitments/Reserves

1 Judicial Council Delegated to State Court Administrator for Discretionary Use in FY 26

2 Obligated/Committed Funds Needed by June 30, 2026 for use in 7.1.2027 fiscal year for Investing in our People

3 Director of Finance and State Court Admin. reserves for assumption contingencies that enable meeting the investing in our People

Ongoing Commitment

Total Commitments/Reserves

\$ (200,000)

\$ (370,000)

\$ (100,000)

\$ (670,000)

Net Available Ongoing Funding - Cash Basis (Deficit)

\$ (483,568)

Deferred Ongoing Requests

Requests are deferred until Net Available Ongoing Funding - Cash Basis exceeds these requested amounts

8th District Probation Training Coordinator - Russ Pearson

Juvenile Court ICJ Funding Increase

Judicial Council Approved

\$ 52,500

\$ 7,000

Subtotal

\$ 59,500



ARPA Expenses as of Year End, FY 2025

	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	1,071,136	11,802,715	570,685	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	1,071,136	14,429,315	570,685	
<i>Expenditures added since last report:</i>						387,768		

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.

Item 2



Administrative Office of the Courts

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

July 30, 2025

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

MEMORANDUM

TO: The Judicial Council
The Budget & Fiscal Management Committee

FROM: Katy Burke, Statewide Treatment Court Coordinator
Cris Seabury, Court Program Coordinator
Shane Bahr, District Court Administrator
Jordan Murray, Financial Manager

RE: Request to Accept Grant Award (\$45,000)

We respectfully request the Judicial Council's authorization to accept a \$45,000 grant award from the Utah Commission on Criminal and Juvenile Justice (CCJJ) under the State Asset Forfeiture Grant program (Grant #26N20).

The preceding grant application proposal presented a request for \$50,000 and was approved by the Judicial Council for submission on July 21, 2025. The award amount has been subsequently revised to \$45,000 following consultation with CCJJ and remains adequate for the intended use. This grant directly funds travel expenses for judicial officers/court staff and programming costs (including additional conference speakers) associated with the Utah Treatment Court Conference and Rise26 National Conference.

We are grateful for CCJJ's ongoing support of our treatment courts and look forward to utilizing the funds in accordance with the terms outlined in the attached award letter.

Thank you.

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



State of Utah

UTAH COMMISSION ON CRIMINAL & JUVENILE JUSTICE

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



State Asset Forfeiture Grant (SAFG)

CCJJ Grant #**26N20****1. Your Agency Name and Address:****Utah Administrative Office of the Courts**

450 South State Street
P.O. Box 140241
Salt Lake City, UT 84114

2. Agency Contact (Grant Project Director):**Katy Burke****3. Phone Number:****(801) 578-3893****4. E-mail Address:****Katyb@utcourts.gov****5. Grant Start Date and End Date:**Start Date: **07/01/2025** End Date: **09/30/2026****6. Federal Tax Identification Number (87-_____):****87-6000 545****7. Application Budget Summary:**

Contract Services: \$0

Equipment, Supplies and Operating : \$0

Travel & Training: \$45,000.00

Total Grant Funds: \$45,000.00**Signature in line 9 indicates acceptance of the application narrative, budget, certified assurances and grant conditions.****8. Print Name and Title of Official Authorized to Sign**

Ronald B. Gordon, Jr.
State Court Administrator

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

For CCJJ use ONLY

Tom Ross,
Executive Director of CCJJ

Application Narrative

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

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

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

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

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

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

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

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

This increase is requested due to a reported budget shortfall by the conference host, the Statewide Treatment Court Steering Committee (STCSC), citing rising per-diem rates and facility costs. The additional \$25,000 would allow the courts to maintain the planned conference programming (with additional conference speakers) and fund travel expenses for judicial officers and court staff.

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

Treatment courts are one of the most effective programs in existence to address substance use and mental health disorders. Treatment courts are effective because of a collaborative team-based approach that is centered in the National Association of Drug Court Professionals' (NADCP) Best Practice Standards.

Individuals who are involved with the criminal justice system who live with substance use and mental health disorders are most likely to succeed when they participate in a treatment court where team members adhere to best practice standards. Utah State Courts in collaboration with the Division of Substance Abuse and Mental Health (DSAMH) co-sponsor a treatment court training every other year for teams across the state. Team members include: judges, prosecutors, defense counsel, and treatment, probation, law enforcement and court staff. SAFG funds will be utilized to cover the training/travel expenses for judges and court staff. Local and national experts will be present to provide training to team members and team members will work on program improvement plans during and after the conference. Training is best delivered in a team setting where practitioners/team members can learn from each other and better understand the unique roles of each team member. SAFG funding will be used to help bring team members together to one location where they will benefit from the instruction of state and national experts. Funds provided by the SAFG are for one-time application and do not constitute an ongoing project for which incremental Court resources are required. The post-award phase will directly support the costs associated with travel and training expenses for the November 2025 Utah Treatment Court Conference.

All Rise provides training to over 7,000 treatment court professionals annually at its national conference – the largest training conference in the nation addressing substance abuse and crime. RISE26 is specifically tailored to enhance the skills, leadership, and training of the treatment court team with over 250 sessions, opportunities to connect and learn from colleagues around the world. RISE26 offers courses for the new practitioner and team members who have been in the field for years. The sessions will be a blend of providing what to watch for now and in the future and practical ways to address these concerns at a reasonable cost. Further, it will help us focus our attention on the highest risk areas, given how stretched our resources are. Plenary presentations and breakout sessions will include topics for all types of treatment courts. If funded, this grant will permit approximately eight judges (estimated cost of attendance per staff member is \$2,774) to attend and bring the information back to share with their team and colleagues. RISE26 offers a world-class education that is unparalleled in our field.

The FY 2026 SAFG application requests \$45,000 in funding from the Commission on Criminal and Juvenile Justice (CCJJ) to support travel and training costs associated with this year's treatment court conferences.

SAFG funding has historically provided \$25,000 annually for these purposes. This year, we are seeking an additional \$20,000 in one-time funding, bringing the total request to \$45,000.

This increase is requested due to a reported budget shortfall by the conference host, the Statewide Treatment Court Steering Committee (STCSC), citing rising per-diem rates and facility costs. The additional \$20,000 would allow the courts to maintain the planned conference programming (with additional conference speakers) and fund travel expenses for judicial officers and court staff.

Application Budget Tables & Narrative

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

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

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

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

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

Travel/Training - Briefly describe the Travel/Training costs you will pay for with grant funding. Include your travel destination, travel purpose, cost of lodging, per diem, ground transport, airfare, etc. *(FYI. Travel costs must follow state of Utah travel rates unless your agency's travel rates are more restrictive. See State of Utah Travel Rates (Now Using GSA Rates): https://www.gsa.gov/travel/plan-book/per-diem-rates/per-diem-rates-results?action=perdiems_report&city=&fiscal_year=2025&state=UT&zip=*

Total Travel/Training Costs	\$45,000
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The estimated training/travel budget for the All Rise national conference includes the following: flight \$550 + Lodging (\$145/night x 5 nights) \$725 + Ground transportation (2 trips) \$170 + Airport parking (\$10/day x 5 days) \$50 + Meals (\$85/day x 6 days) \$510 + Checked bag fee \$60 + Conference registration fee \$895 = \$2960/ court staff member.

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

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

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

Total CI Costs	\$
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Total Grant	\$45,000.00
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Appendix 1

CERTIFIED ASSURANCES (Utah State Funded Grants)

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

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

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

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

GRANT CONDITIONS (Utah State Funded Grants)

1. **Compensation and Method of Payment.** The Utah Commission on Criminal and Juvenile Justice (CCJJ) will advance or reimburse the grantee, depending on the amount of award, for approved program expenditures as outlined in the grantee's budget. Reimbursement checks will be issued on a monthly or quarterly basis as financial status reports are submitted and approved unless other payment arrangements have been agreed to by CCJJ.
2. **Reports.** The grantee shall submit such reports as CCJJ may reasonably require, including but not limited to quarterly financial and progress reports, and final financial and narrative reports. Quarterly financial and progress reports shall be received no later than 30 days (or as specified by CCJJ) after each quarter ends on March 31, June 30, September 30, and December 31. At such a point where grant funds have been accounted for in total, quarterly financial reports will no longer be required, however, narrative reports must continue to be submitted until the end of the grant period. ***Recipients (project director or proxy) of grant funding from CCJJ shall, at CCJJ's discretion, produce written and oral reports for the Utah Legislature or other entities on project progress and other information that pertains to the grant program.***
3. **Audit Reports.** Grantees who expend more than \$1,000,000 in State and/or Federal funds during a financial fiscal year must have

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

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

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

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

Unallowable Costs of the SAFG State Grant Program

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

Allowable Costs of the SAFG State Grant Program

Controlled substance interdiction and enforcement activities.

Drug court programs.

Activities calculated to enhance future investigations.

Law enforcement training that includes:

Implementation of the Fourth Amendment of the federal constitution and Utah Constitution Article I, Section 7, and addresses the protection of the individual's rights of due process.

Protection of the rights of innocent property holders.

The Tenth Amendment of the federal constitution regarding states' sovereignty and the states' reserved rights.

Law enforcement or detention facilities.

Law enforcement operations or equipment which are not routine costs or operational expenses.

- Drug, gang, or crime prevention education programs which are sponsored in whole or in part by the law enforcement agency or its legislative body.
- Matching funds for other state or federal law enforcement grants.
- Support of the crime victim reparations fund.

6. **Written Approval of Changes.** Grantees must obtain prior written approval from CCJJ for major program changes. These include (a) changes of substance in program activities, designs, or objectives; (b) changes in the project director or key professional

personnel identified in the approved application; (c) changes in the approved project budget as specified in condition 4; (d) budget adjustments in excess of ten percent (10%) of the affected budget category.

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

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

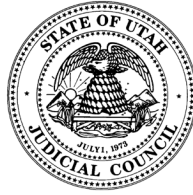
9. **Maintenance of Records.** All financial and statistical records, supporting documents, and all other records pertinent to grants or contracts shall be retained for at least three years after completion of the project for purposes of State examinations and audits.

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

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

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

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



Administrative Office of the Courts

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

August 4, 2025

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

MEMORANDUM

TO: The Judicial Council
The Budget & Fiscal Management Committee

FROM: Janine Liebert, Director, Self-Help Center and Law Library
Brody Arishita, Director, Information Technology
Karl Sweeney, Director, Finance Department
Jordan Murray, Financial Manager, Finance Department

RE: Grant Application Proposal – MyCase Enhancements & Rebranding

The following grant application proposal presents a funding opportunity with the Utah Bar Foundation supporting critical user-facing improvements to online services for self-represented litigants. The Self-Help Center, in collaboration with Information Technology and other stakeholders, proposes a series of enhancements and optimizations to MyCase (to be rebranded as *MyCourtCase*) and its related platform, MyPaperwork. These changes are aimed at increasing efficiency and improving services for litigants engaging in the court system without formal legal representation. The Utah Bar Foundation has encouraged the Courts to apply for grant support noting this work's alignment with their funding priorities.

The grant request to the Utah Bar Foundation is for \$980,430 and funds a broad set of projects described below (pgs. 1-8). The total amount requested includes a ten-percent contingency allocation (equivalent to \$89,130) to account for possible cost fluctuations should any expenses exceed initial estimates. Implementation will be managed by existing court personnel and there are no ongoing funding obligations tied to this request.

If awarded, this grant would directly support the judiciary's mission to provide a system that is open, fair, and efficient for all. We kindly request approval to move forward with a grant application to the Utah Bar Foundation in support of this work.

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.

I. Grant Applicant Information

Applicant Name / Title:	Janine Liebert, Director, Self-Help Center & Utah State Law Library		
Applicant Phone:	801-238-7921	Email:	janinel@utcourts.gov
District or Court Area:	3 rd District		

II. Grant Information

Awarding Agency:	Utah Bar Foundation ("UBF")
Grant or Project Title:	MyCase Enhancements & Rebranding
Amount Requested:	\$980,430
Project Dates:	UBF has not set a project period nor expiration date for these funds, however we anticipate the work to be completed before Q1-FY2027.
Application Deadline:	N/A (rolling)

III. Proposed Project & Use of Grant Funds

A. Please summarize the work you intend to fund with the grant. How will the grant project support the mission of the Utah State Courts "to provide the people an open, fair, efficient, and independent system for the advancement of justice under the law?" How will this grant provide measurable benefits to marginalized, minority, pro se, or similar underserved individuals or communities?

This grant request proposes a series of technology-driven enhancements and process optimizations aimed at efficiently and effectively serving pro se individuals as they access the Utah Courts through the MyCase online portal. MyCase is an important advancement for pro se individuals because it provides a clear record of and easy access to case information and case filings. Through the MyCase online portal, pro se individuals with a case can: view case information, make payments, view filed documents, link cases, receive reminders of important case events, and eFile to certain cases (evictions, debt collection, and small claims). Its overarching purpose is to assist pro se individuals in their interactions with the Utah Courts. MyCase is also considered an electronic filing service provider for service per Utah Rules of Civil Procedure Rule 5(3)(A) (URCP) – MyCase users have the ability to e-file certain documents (eviction, debt collection, and small claims) automating URCP 5 service in the same way that lawyers enjoy.

This grant will directly support the Utah Courts' mission to provide "an open, fair, efficient, and independent system for the advancement of justice under the law". These improvements are designed to simplify interactions with the

court system and provide clearer guidance, making the court process more accessible, user-friendly, and efficient for pro se individuals or similar underserved individuals or communities. By making the system more accessible and user-friendly for these specific groups, this grant helps to level the playing field for individuals who are not lawyers, empowering them to engage with and participate in court proceedings more effectively.

Goals for this funding request include:

1. Eliminating user confusion stemming from overlapping program names
2. Ensuring MyCase users receive clear, timely and accessible notifications and information about their cases
3. Simplifying MyCase account creation and login processes
4. Reducing administrative burdens on court staff through automation, streamlined user workflows and by preventing work from being lost or having to be redone due to errors
5. Preventing situations where pro se individuals might be disadvantaged due to technical glitches, complex workflows, or accessibility barriers
6. Improving upon and advancing beyond previous system limitations of the Online Court Assistance Program (OCAP)
7. Improving the quality and timeliness of court papers generated in MyPaperwork¹

This grant proposes a series of projects representing the collective needs of multiple stakeholders including the Self-Help Center, IT, the MyCase team, the Domestic Violence Program Manager, and Clerks of Court. Below is a breakdown of the proposed projects and their estimated costs, demonstrating how each contributes to the Utah Courts' mission to provide an open, fair, efficient, and independent system:

- **Rebranding of MyCase name to MyCourtCase (\$122,500)** to prevent user confusion with the Department of Workforce Services ("DWS") program with the same name that helps people access their state benefits (such as welfare). This will make the Utah Courts more open, fair and efficient because it will eliminate the confusion from court users who are looking for information about their case and not understanding why they need to create a MyCase account when they already have a DWS MyCase account.
- **Promotion campaign to communicate the rebranding of MyCase to MyCourtCase (\$15,000)** The campaign will target pro se individuals, the broader public, legal / non-legal community partners and internal stakeholders through a multi-channel approach, including:
 - Rebranded print collateral
 - Outreach to community partners and public libraries throughout the state
 - Informational materials in courthouses and with community partners
 - On-site training for court staff and community partners
 - Attendance at relevant conferences, including the Self-Represented Litigation Network (SRLN) and Legal Service Corporation's (LSC) Innovations in Technology Conference
- **MyPaperwork Flexible "handoff" link for MyCase access (\$25,100)** to pass data between MyPaperwork to MyCase. After a MyPaperwork user files a new case, they need a MyCase account to see documents in their

¹ MyPaperwork was launched in September 2024 and is the Court's replacement for OCAP. MyPaperwork is a line portal for pro se litigants to access forms and guided interviews, generate court documents, save drafts and electronically file cases.

case or respond to rejected filings from the Clerk. A significant challenge in registering for MyCase, or adding a case to an existing MyCase account, is for users to accurately know their case number and court location. To resolve these challenges, the project will direct MyPaperwork users to the MyCase registration (or 'Add a Case' modal for existing users), automatically populating the case number and court location. Users who prefer not to complete the modal immediately will also receive a link via email. This added functionality eliminates the administrative burden on staff by automating key steps in the user's journey from starting a case in MyPaperwork to accessing their case in MyCase. It reduces the need for court staff to manually explain the process, guide users through MyCase account creation, or link cases for them. By pre-filling the case number and court location in the handoff link, the system minimizes the chances of user input errors, which would otherwise require staff intervention for correction. Users are directly prompted to access their filed case in MyCase and pay their filing fee, shifting responsibility for these actions from court staff and reducing staff time spent on inquiries about case access or manual fee processing.

- **MyCase Notifications**

- **Display table of Notifications on “Notifications” screen (\$40,100)** This will enhance the MyCase Notifications screen to clearly display all notifications, including options to mark them as read or unread, and provide a bell icon in the header with a count of unread notifications, making it easier for MyCase users to manage important court communications and stay informed about case activity.
- **Hearing Notifications (\$15,000)** Currently, MyCase provides notifications only for Online Dispute Resolution (ODR) cases. This project expands upon that existing capability to alert (via reminder in MyCase or a text message) MyCase users outside of ODR to upcoming hearings.
- **Notification Preferences in MyCase (\$20,000)** so that MyCase users can specify the type of notifications about case activity they receive and the format (email/text) of the notifications. Using text messages as a form of communication meets consumer demand while offering the courts many benefits in certain automated texting-options (such as hearing reminders and case updates). This makes the courts more open, fair and efficient because the provision of text messaging notifications addresses the potential for unequal access to technology. If a pro se individual only has a cell phone and not a home computer, they are still given a meaningful opportunity to participate in the court process.

- **Case Look-up within MyCase (\$45,000)** For a user who doesn't know their case number, tracking the status of a request for MyCase account access can be a manual and time-consuming process for court staff, slowing down login times and creating user frustration. Case look-up from the MyCase registration screen will allow users to search for their case number and court location, reducing the administrative burden on court staff. This makes the Utah Courts more open, fair and efficient because the ability to respond promptly to account requests influences how court users perceive the courts' responsiveness to their needs.
- **MyCase "impersonation" (\$20,000)** Implement “read-only” admin rights for court staff to log-in to MyCase on behalf of the user and view their account. This will allow staff to quickly pull up case-specific details and information when pro se individuals reference their MyCase account during interactions with the self-help center, at the law library and at the filing windows.

- **Enhancements to MyPaperwork login (\$15,000)** flow so that users are prompted to log in if their email is already tied to their MyPaperwork account. This will make the courts more open, fair and efficient because it will eliminate confusion from court users who already have a MyPaperwork account but just need to be prompted to login with an existing email (versus creating a new MyPaperwork account). It will also improve court efficiencies because the process of redirecting existing MyPaperwork users to the MyPaperwork login screen is a manual and time-consuming process for court staff, slowing down login times and creating user frustration.
- **Editable MyPaperwork banner (\$10,000)** Currently, the banner which displays above the Drafts table in MyPaperwork is “hardcoded” and cannot be edited without a code change involving IT. This project will integrate the MyPaperwork banner as a Forms Engine template, ensuring consistent branding and easier management. Rather than relying on IT, administrators such as the MyPaperwork Program Manager will have the ability to make changes to the banner to better direct MyCase/MyPaperwork users. This makes the courts more open, fair and efficient because changes impacting MyPaperwork users can be communicated in real-time, freeing up developer time to focus on higher-level support work and new features.
- **Ability for Self-Help Center / Law Library to retrieve deleted or lost downloads and restore them to user's MyCase/MyPaperwork account (\$20,000)** This project will enable authorized personnel to retrieve and restore deleted or lost downloads to a user's MyCase/MyPaperwork account. It enhances the openness of the court process by ensuring users continued access to vital case documents, even if accidentally deleted or lost, thereby maintaining the transparency and completeness of their personal case records. This capability also promotes a fair system by providing a crucial safety net for pro se individuals, ensuring they are not disadvantaged by accidental data loss and can retain access to information essential for their proceedings.
- **Fillable forms and download cap (\$5,000)** This project is focused on eliminating download limits imposed on users of forms on the website. Currently, users cannot close the Signature modal for Fillable Forms on utcourts.gov without losing all of their form entries. This enhancement addresses that issue by allowing users to close the Signature modal and make changes to a fillable form in progress without data loss or incurring additional PDF generations. This improves the system's openness by ensuring continuous access, usability, and unrestricted availability of forms.
- **Guardianship reporting: MyPaperwork draft retention 400 days (\$10,000)** By extending the draft retention period for MyPaperwork guardianship reports to 400 days, this project provides MyPaperwork users with crucial additional time to complete their forms, which is especially important for fulfilling annual reporting requirements. This enhancement prevents users from losing significant work on complex, recurring reports due to time constraints. It also reduces the need for users to restart forms from scratch, thereby saving user time and minimizing administrative burdens associated with data recovery inquiries. Furthermore, by ensuring prolonged access to in-progress reports, it fosters a more open system for ongoing engagement with guardianship reporting obligations.
- **Reset certain questions on load (\$15,000)** A long-standing point of confusion for OCAP users was how to do the “next step” in an interview, when users were expected to re-open their existing draft, and update their answers on one or more pages. This challenge is being addressed in this project by creating a way to prompt users to reconsider answers on specific questions that are expected to change over the course of their case (e.g., “Did you file the petition?”), guiding them more clearly through the “next steps” in their guided interview.

- **Variable management screen enhancement search for variables in double brackets in MyPaperwork content components (custom class dynamic value) (\$30,000)** Currently, administrators lack the ability to easily search for form fields, particularly when these fields are embedded within sentences of text in MyPaperwork content components. By enabling the search function to recognize and locate such injected fields, this project will significantly streamline the process for administrators to identify where variables are defined and displayed on various forms. This improved search capability reduces the administrative burden of form development, maintenance, and troubleshooting, thereby contributing to overall efficiencies in forms creation.
- **New "content component" WYSIWYG spacing between content components – Pending (\$20,000)** This will introduce a new "content component" in the forms engine with improved spacing capabilities for a better visual layout of content in MyPaperwork.
- **Case initiation: generic validation (\$17,900)** This project implements backend validations that check if guided interview values are acceptable to the CORIS database upon a user's click of "File". A key part of this enhancement is to immediately inform users when "something went wrong" and provide administrators with access to specific error details. This transparent feedback mechanism improves fairness by guiding users on necessary corrections, ultimately streamlining the filing process. This validation capability builds upon MyPaperwork's significant advantage over OCAP in allowing new case filing directly from the program. It also enables form engine administrators to efficiently author new variables that are automatically provided to the Case Initiation REST API without prior specification, further contributing to a more efficient and responsive system.
- **Protective Orders Case Initiation: testing and validation (\$35,800)** is particularly critical due to the sensitive nature and high stakes involved in domestic violence cases, where victims of abuse are seeking immediate legal protection. Rigorous testing of case initiation for protective orders ensures the program's accuracy and functionality, which is paramount for protecting victims of abuse and maintaining the integrity of the legal process designed to safeguard them.
- **Accessibility fixes for forms engine default components (\$30,000)** This project is essential to address existing ADA accessibility issues within forms built in the Forms Engine. By implementing these fixes, the court ensures compliance with the Department of Justice (DOJ) mandate for accessibility. This directly contributes to a more open and fair court system by making essential forms usable by all individuals, including those with disabilities. Furthermore, addressing these issues proactively contributes to efficiencies by preventing potential compliance penalties and costly future retrofitting efforts.
- **Attend my hearing WebEx links in MyCase (\$41,800)** By enhancing the "Attend my hearing" link in MyCase to differentiate between courts that offer virtual hearings and those that do not, provide direct WebEx links, and display relevant judge/commissioner/courthouse contact information, this initiative makes court proceedings more open and accessible to individuals who may face geographical or logistical barriers to physical attendance. It also promotes equitable access to participating in hearings regardless of in-person capacity and contributes to court efficiencies by streamlining the process for users to join virtual hearings, thereby reducing confusion and saving time for both participants and court staff.

- **Single login page for all MyCase products (\$42,000)** For pro se litigants managing multiple cases across ODR, MyCase, and Deferred Traffic Prosecution (DTP), a single login provides a more user-friendly experience for individuals engaging with multiple court processes, making it easier to manage their cases effectively. It also eliminates the need for users to remember and manage multiple usernames and passwords for different court applications, simplifying access to all their legal matters. Consolidating logins streamlines the process, allowing litigants to quickly access information and take action on any of their cases without repeated login procedures. Avoiding separate logins minimizes the chances of forgotten login credentials or navigating to incorrect portals, thereby reducing user frustration, burden on court staff and potential delays in accessing critical case information.
- **Ability to manage content and events (\$42,000)** This project provides administrators such as the MyPaperwork Program Manager with the crucial ability to proactively send targeted notifications with dynamic fields, set up triggers based on case events and capture phone numbers for MyCase notifications. This would be particularly beneficial in family law proceedings, where pro se litigants oftentimes fail to understand that their final documents will not generate automatically after the 30-day waiting period. With this added functionality, administrators would have the ability to notify pro se litigants with MyCase accounts that their 30-day waiting period has passed and they need to log in to MyPaperwork to complete the forms to finish their divorce case. By automating these reminders, the project reduces manual intervention by court staff who would otherwise need to track and follow up on stagnant cases, thereby streamlining case progression and preventing cases from getting backed up in the system.
- **Case Initiation: advanced error tracking (\$18,000)** This project will significantly improve how technical issues during the case initiation process are identified and resolved. If a user's case initiation attempt fails, the system will implement advanced backend validations and detailed tracking in its database and logs. Users will then receive a failure email containing a unique error ID. This unique ID is crucial: if the MyPaperwork Program Manager is unable to resolve a technical issue, this error ID provides a direct mechanism for IT support to access specific, detailed information for troubleshooting and efficient resolution on the back-end. This ensures that complex technical problems can be quickly diagnosed and fixed, preventing cases from getting stuck in limbo and allowing for a smoother user experience overall.
- **Case initiation for Small Claims (\$30,000)** This project, enabling ODR and non-ODR small claims case initiation directly through MyCase, builds upon MyPaperwork's significant advantage over OCAP in allowing Small Claims filings directly from the program. Currently, litigants must download, complete, and then upload forms for e-filing. By replacing this multi-step process with case initiation, the project makes the process of filing in Small Claims more straightforward and accessible. It also reduces the potential for errors during manual form completion and e-filing, which could otherwise lead to rejections and delays that disproportionately affect pro se individuals. Furthermore, it has the potential to improve Justice Court efficiencies by streamlining the intake process, minimizing issues related to incorrectly submitted forms, and reducing the administrative burden on staff.
- **Automate Domestic Relations Injunction, Notice of Required Classes (\$45,000)** This project addresses the need to modify the existing manual procedure for generating and serving critical court-filed documents, such as Domestic Relations Injunctions and Notices of Required Classes, upon the initiation of relevant domestic cases. The modifications will automate completing certificates of service when possible or placing the documents in a queue for later service. When a filer's email address is available, documents will be served

electronically, providing immediate and transparent access to important legal information. For cases without an available email, documents will be efficiently presented to a Judicial Assistant for immediate printing and service or for placement in a service queue for later action, ensuring consistent and timely delivery. This automation streamlines a critical court function, significantly reducing the manual burden on staff and speeding up document delivery. Furthermore, MyCase account holders can easily file completed proof of service with the court, empowering parties to fulfill their obligations and contributing to a more open, fair, and efficient court process.

- **Forms engine admin access to support adding new users in the forms engine (\$30,000)** Currently new forms engine users must be manually added on the backend by IT. This will provide administrative access to the forms engine, streamlining efficiencies and freeing up IT time to focus on higher-level support work and new features.
- **Eliminate restriction on form names having to be unique in forms engine (\$10,000)** This project directly addresses a current limitation where the forms engine enforces unique form names across all Case Flows (CFs), even when form numbers are already distinct. By allowing multiple forms to share the same name while maintaining unique form numbers, this initiative will significantly enhance court efficiencies. It eliminates the administrative burden of tracking various naming conventions for forms that essentially have the same name, thereby providing greater flexibility in managing forms.
- **Don't get logged out of forms engine and lose data (\$10,000)** This project aims to prevent users from being logged out of the forms engine and losing data, thereby improving the overall user experience. This enhancement will directly increase efficiencies as rebuilding lost forms due to automatic logouts is a time-consuming process for court staff. This preventative measure is critical, particularly as eventually all forms will be managed within this system.
- **Adding Word output capability to forms engine (\$31,600)** When forms are built in the forms engine, they are accessible in PDF and fillable formats in MyCase and on the Courts website. The provision of court forms in Word format – in addition to PDF and fillable formats – makes the courts more open, fair and efficient because it caters to the needs of pro se individuals who may find Word documents easier to edit (compared to PDFs) or may prefer the use of Word for accessibility reasons. Also, many users are more familiar with the Word format. There are also certain forms that are required by statute to be provided in Word format. This eliminates the burden on staff who need to manually create the forms in Word format because the forms engine is not set up to generate output in Word.
- **Allow form authors/admins to click through from a given content fragment/guided interview to the template which is in use (\$20,000)** Currently, forms engine admins/authors who need to make changes to a given template must navigate to the template separately, after viewing it on the FormIO Canvas when in use. In order to allow users to make changes more quickly and accurately, a click through needs to be added from the Canvas (for a given CF/GI), directly to a given template.
- **Modal in MyCase reminding party of A/R amounts due (\$15,000)** Display modal in MyCase reminding users that they have an amount due. This not only removes the administrative burden on court staff but will also prevent cases from being dismissed for non-payment.

- **Updates to Adobe Experience Manager (AEM), the platform for the Utah Courts' website (\$44,500)** The grant will fund a range of specific updates and enhancements to the AEM platform. These include: improving site search functionality; addressing accessibility and usability bugs; adding more ways to build reusable website content blocks to increase staff efficiencies in publishing webpages; improvements in site navigation; improved integrated feedback mechanisms and enhancements to ensure that the website delivers a consistent user experience across all devices, including mobile.
- **Contingency for cost variability (10% of total project estimate, or \$89,130)** Given the scope of proposed system enhancements, we plan to include a 10% contingency in the funding request to responsibly plan for potential cost variability. This buffer reflects the realities of project budgeting, especially where vendor pricing, development timelines, or technical requirements may shift during implementation. These set-aside funds help to ensure that essential project components are not delayed or compromised should actual costs exceed the initial estimates. UBF has stated this contingency allocation is acceptable for their board's consideration.

B. Please provide details on the judicial and/or administrative resources required for this project during the grant period, including whether you intend to use the grant funding to hire new employees. If hiring a new employee with grant funding, explain their intended duties, anticipated effort (hours per week), proposed hourly rate, and whether the position will be temporary or permanent.

The proposal is for the Self-Help Center to work closely with IT and its developer team to implement this grant. There would be no ongoing obligation on the Courts after the grant funds are expended. No new permanent nor temporary employees would be hired with these grant funds. After much discussion with UBF, it appears this funding request is a very good fit for their funding priorities.

C. What future funding obligations does this project create once the grant funding has been fully expended, and what funding sources will be considered?

Funding is not required to sustain MyCase. However, we are planning to make the same request to the legislature to increase the fee for MyPaperwork. If the fee is increased to \$60 (from \$20), as requested, it will allow the department to hire someone to help the MyPaperwork Program Manager with the work required to build guided interviews.

IV. Anticipated Budget

Complete the budget table with estimated expenditures for up to three state fiscal years.

- ☐ This grant requires cash-matching (complete **orange** and **blue** cells below). Describe matching requirement:
- ☐ This grant requires in-kind matching (complete **orange** and **blue** cells below). Describe matching requirement:
- ☒ This grant requires neither cash nor in-kind contributions (complete **blue** cells only).

State Fiscal Year	Estimated Grant Expenditures	Cash Match or In-kind Contributions (source & amount)				
		General Fund	Dedicated Credits ²	Restricted Account ³	Maintenance of Effort	Total Cash or In-kind
2026	\$980,430					
2027						
2028						

² Utah Code Section 63J-1-102, "dedicated credits" refer to collections by an agency that fund agency operations. This includes assessments and sales of goods and services.

³ Utah Code Section 63N-3-102, "restricted account" is a specific account within the General Fund designated for particular purposes, such as the Industrial Assistance Account.

V. Resource Impact Assessment

*The resource impact assessment is completed by the **grant coordinator** using information provided by the grant applicant and other project stakeholders.*

Section 1. Authorization Process (Executive & Legislative Branches)

When federal or non-federal grants received by the Judicial Branch change after the Federal Funds Request Summary (FFRS) has been approved by the legislature during the regular session in March, the changes may require approval depending on certain criteria. Some changes may have a higher impact on the state's budget than others. This is referred to as the "Impact Level." The impact level determines what level of approval is required before the Judicial Branch may spend any additional funds beyond what was authorized in the annual FFRS.

☐ If awarded, this grant will be authorized through the FFRS in the regular legislative session; no additional reporting to the Executive Appropriations Committee (EAC) is required.

☒ If awarded, this grant will fall outside of the legislative session. Authorization to spend funds will be obtained through the interim process where the following impact levels determine the degree of authorization required before funds may be spent:

☐ **Tier 1 - Low**

Non-Federal. At least \$10k but no more than \$50k per year, and no new permanent full or part time employees; and no new state monies required as match (report GAP with Judicial Council approval to LFA and EAC only). **Federal.** Up to \$1M per year; and no new permanent full or part-time employees; and no new state monies required for match (report GAP approved by Judicial Council to LFA, Office of Legislative Research & General Counsel, and EAC).

☒ **Tier 2 - Medium**

Non-Federal. Greater than \$50k but less than \$1M per year; or adds more than zero but less than 11 permanent full or part time employees; or requires state to expend up to \$1M per year in new state monies as match (submit GAP with Judicial Council approval to EAC for review and recommendations). **Federal.** Greater than \$1M but less than \$10M per year; adds more than zero but less than 11 permanent full or part time employees; or requires state to expend up to \$1M per year in new state monies as match (submit GAP approved by the Judicial Council to the federal funds request summary to EAC for review & recommendations).

☐ **Tier 3 - High**

Non-Federal. Greater than \$1M per year; or adds more than 11 permanent full or part time employees; or requires the state to expend greater than \$1M per year in new state monies as match (submit GAP with Judicial Council approval to the Legislature for review to approve or reject the grant). **Federal.** Greater than \$10M per year; or adds more than 11 permanent full or part time employees; or requires state to expend greater than \$1M per year in new state monies for match (submit GAP approved by the Judicial Council to the federal funds request summary to Legislature for approval or rejection in an annual general session or special session).

Section 2. Resource Impact Assessment

Assess the capacity of impacted court areas to successfully support the grant at current staffing levels.⁴

The proposed series of projects are designed to improve resources and services for pro se litigants while reducing confusion, user errors, and administrative workload. The projects have been developed collaboratively among the represented stakeholders (Self-Help Center, IT, MyCase team, Domestic Violence Program Manager, and Clerks of Court). Projects will be led by existing internal staff, primarily with the Self-Help Center and IT teams, and will not require additional new hires. The proposed scope of work is rooted in existing workflows and tools already managed by AOC teams. The anticipated resource demands are manageable at current staffing levels.

Assess the anticipated incremental impacts to AOC resources once grant funds are expended.⁵

This grant is structured as a one-time investment in system upgrades and does not create ongoing financial obligations for the Courts beyond the life of the grant. Once implementation is complete, the systems and features presented in this proposal are expected to be self-sustaining. No additional staff nor new funding commitments are required. Plans to request a \$40 fee increase for MyPaperwork, if approved by the legislature, would fund a support position to assist the MyPaperwork Program Manager. However, this position is not necessary to complete nor maintain the proposed projects. Grant funds will not be used to hire a support position if the fee increase fails to pass the legislature. Overall, the enhancements funded by this grant are expected to deliver lasting efficiencies and user improvements without ongoing increased resource demands.

This grant application proposal has been reviewed by:

- ☐ Court Executive and/or applicable Board of Judges,
- ☒ Grant Coordinator and Finance Director,
- ☐ The Utah Supreme Court (UCJA Rule 3-105),

and approved by the Judicial Council on: [Date]

X _____
State Court Administrator

⁴ UCJA Rule 3-411 (4)(a)(i)

⁵ UCJA Rule 3-411 (4)(a)(ii)

Item 3

1. FY 2026 JWI Fund Initiative Spending – Judicial Interpreter Pilot - USU

The Judicial Branch receives Jury, Witness and Interpreter (“JWI”) funds annually through the Legislative appropriations process. Funds appropriated for FY 2026 have intent language that guides their usage. The Utah Legislature also encourages new initiatives within the scope of the intent language. This document represents the usage of JWI funds which have been appropriated to carry out one or more new JWI initiatives. **Approval by the State Court Administrator for this initiative has been received and this document details how the funds are planned to be used. AOC Finance has reviewed the forecast of JWI expenditures for FY 2026 and is confident this initiative will not cause the JWI fund to fall into a deficit in FY 2026.**

Date: 07/28/2025

Department or District: AOC - Language Access Program
Requested by: Jessica Vazquez-Leavitt and
Jon Puente

JWI Initiative Title: Interpreter Education Pilot - Partnership with Utah State University (USU)

Amount Budgeted: One-time \$100,000

This recap has been prepared to establish the budget for this project and to communicate progress towards the objectives given to the Judiciary by the Legislature. As it does not use General Funds, no BFMC or Judicial Council approval is necessary.

Purpose of JWI initiative funding: In partnership with Utah State University, the Language Access Program seeks this funding for the creation and implementation of a statewide interpreter training curriculum pilot. Senator Escamilla asked the Judiciary to explore a partnership with USU, as they have already developed a curriculum and structure for medical interpretation. USU can also reach potential interpreters statewide through their regional campuses.

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

Similar to the Court Interpreter Training Institute at the University of Arizona, this program will prepare individuals to take all NCSC language proficiency exams. Currently, the NCSC provides sparse preparation materials or practice exercises for candidates. Our most recent proctoring of the Oral Proficiency Exam had 22 individuals sit for the exam, most of them repeat test takers, and not a single individual passed all three sections of the exam. This use of JWI initiative funds would go towards the creation of a curriculum by the Department of World Languages and Cultures at USU, which will also teach the pilot course over two separate cohorts of 50 individuals each to be taught during the Spring and Summer of 2026, respectively, to help increase the pass rate of the Oral Proficiency Exam.

The Contract with USU has the following terms:

- The \$100,000 will cover both the curriculum development and the training of two cohorts of approximately 50 trainees each. The curriculum will be fully developed by the end of December 2025, and we plan to deliver two iterations of the training during 2026. Below is the anticipated timeline for your reference:

Curriculum Development: September – December 2025

Participant Recruitment and Promotion: November 2025 – January 2026

Program Launch 1 (First Cohort): January – April 2026

1. FY 2026 JWI Fund Initiative Spending – Judicial Interpreter Pilot - USU

1st Report based on first cohort experience: by July 2026

Program Launch 2 (Second Cohort): August – November 2026

Final Evaluation and Reporting: by December 2026

- Direct costs (costs directly attributable to the project – compensation, fringe benefits, teaching materials, mileage, etc.) - \$90,900
- Indirect costs (costs for overall university resources and support of the project – facilities and space use, admin support, computers and general office equipment, etc.) @ 10% of direct costs - \$9,090.
- Total contract \$99,990.

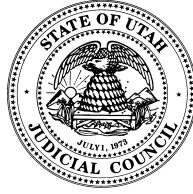
Alternative funding sources, if any:

There are no reliable alternative funding sources. The Court's FY 2026 forecasted 1x turnover and operational savings are primarily devoted to the Investing in our People initiative.

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

Without intense training like what is being suggested in this curriculum, we will continue to train with the limited resources we have available now, still not addressing the low pass rates for the NCSC exams.

Tab 13



Administrative Office of the Courts

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

July 28th, 2025

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

MEMORANDUM

TO: Management Committee – Utah Judicial Council

FROM: Katy Burke, Statewide Treatment Court Coordinator
Cris Seabury, Statewide Treatment Court Certification Coordinator
Judge Hall, Veteran Treatment Court, Second District
Glen Proctor, Trial Court Executive, Second District

RE: Veteran Treatment Court, Second District Court Application

The Second District Court has submitted an application to establish a Veteran Treatment Court (VTC) to better serve justice-involved veterans in Weber, Davis, and Morgan counties. In preparation for this initiative, the core stakeholders completed the Justice for Vets Foundation Training on June 8–9, 2025. This training provided key insights into national best practices for veteran treatment courts and guided the team through structural and implementation planning.

Judge Hall and the Second District VTC team have collaborated closely with the Third and Fourth District Veteran Treatment Courts. These collaborations have supported the development of policies and procedures aligned with the Utah VTC Certification Checklist, ensuring the new court meets all operational and compliance standards.

Target Population and Scope:

The VTC will serve veterans charged with Felony and/or Class A Misdemeanor offenses who are classified as *High Risk, High Needs* based on a validated screening tool. The court will focus on veterans with mental health and/or co-occurring substance use disorders, a population that has shown improved outcomes in specialty courts when:

- Treatment is coordinated with Veterans Administration (VA) mental health and substance abuse services;

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

- Veterans participate actively in the court process;
- In-court veteran mentors assist with housing, employment, and reintegration support.

The VTC will maintain a caseload of up to 15 participants at a time.

Staffing and Resource Commitment:

The court has committed internal resources to operate the VTC without requiring incremental funding:

- A court clerk, experienced in specialty courts, will provide approximately 90 minutes of support every two weeks.
- Judge Hall will preside over the VTC as a collateral duty, dedicating approximately 2 hours biweekly.
- A law clerk or bailiff will support the court for 45 minutes to 1 hour every two weeks.
- The Trial Court Executive will play a key role in initial setup, though ongoing operational involvement will be minimal.

All participating stakeholders have pledged their time and services to support this initiative, ensuring the VTC is launched and sustained with strong institutional backing and interagency collaboration.

On behalf of Judge Hall and the VTC Team, the Statewide Treatment Court Coordinators recommend the application for the new Second District Veteran Treatment Court be approved for a start date of November 1st, 2025.

**APPLICATION FOR INITIAL PROJECT PLANNING APPROVAL
FOR PROPOSED PROBLEM-SOLVING COURT PROJECT**

Name/Working Title of Proposed Project: *2nd Judicial District Veterans Court*

Location: *2nd Judicial District, Ogden, Utah*

Submitted by: *Judge Craig Hall*

- I. Target Population: Describe the types of cases or the description of the population that will be served by this project. Please be specific.**

Veterans charged with Felonies and/or Class A Misdemeanors within the 2nd District who are classified "High Risk, High Needs" by a validated screening tool.

- II. Purpose/Goal of Project: Please explain why you believe this project is necessary or desirable. How will a problem-solving approach benefit your target population?**

Veterans in the justice system with mental health or co-occurring disorders respond well to specialized treatment courts addressing their peculiar needs when: (1) focused treatment is available from the Veterans Administration mental health and substance abuse providers; (2) other veterans are involved in the court process; (3) Veterans service organizations provide in-court mentors to assist with housing and employment. Recidivism can be reduced through application of specialty court best practices.

- III. What is the size of the proposed project? Approximately how large is your target population? How many participants would likely be served?**

Anticipate up to 15 participants in court at a time. This court will cover Weber, Davis and Morgan Counties.

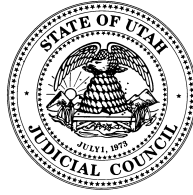
- IV. What is the anticipated impact on court staff, clerks and judges, and how will that need be met?**

The 2nd District has assigned a court clerk, who is already familiar with specialty courts. Anticipate 90 minutes of clerk time every two weeks. The judge will assume this as a collateral duty. Anticipate 2 hours of judicial time every two weeks. Anticipate 45 minutes - 1 hour of law clerk/bailiff time every two weeks. The Trial Court Executive is instrumental in setting up procedures, but once court is operational, do not anticipate a significant time requirement on his part.

- V. Funding Considerations/Stakeholders: Identify the stakeholders and what they will need to contribute to the project. If you have identified a funding source to support the project, please specify.**

There will be no incremental funding required. The prosecutors, the public defender, Adult Probation and Parole, the VA, law enforcement, mentor coordinator, etc. have all committed to the project. The services provided by these groups should not require any additional cost, as they would be providing their services regardless for these same participants even if they weren't in the Veterans Court.

Tab 14



Administrative Office of the Courts

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

July 28th, 2025

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

MEMORANDUM

TO: Management Committee, Utah Judicial Council

FROM: Katy Burke, Statewide Treatment Court Coordinator
Cris Karren, Statewide Treatment Court Certification Coordinator

RE: Treatment Court Certification - Recommendation

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 Coordinator and the Statewide Treatment Court Certification Coordinator conduct site visits with each court to observe the pre-court staffing and treatment court hearings as well as interview each team member. The coordinators also reviewed the Certification Checklist, staffing documents and the policy and procedure manuals for each treatment court. Each court will receive a jurisdiction report which includes the strengths, recommendations, and resources. The coordinators will also follow up with each court after they have reviewed the report and offer support as requested.

The following Court is submitted to the Council for approval:

Third District Veteran Treatment Court – Judge Teresa Welch

The Third District Veteran Treatment Court meets all certification criteria on the Veteran Treatment Court Certification Checklist and is recommended for re-certification. The VTC has worked diligently over the past three years to improve the court as well as create a more cohesive team. Multiple roles have experienced turn over, including two judges. The team committed over 30 hours to team training which included team building, role definition and effective communication skills with the Statewide Treatment Court Coordinator. The team also participated in a VTC Operational Tune Up and Mentor Boot Camp in October 2024. The Operational Tune up was facilitated by the national organization, Justice for Vets. The team worked directly with a national facilitator to review the policy and procedures of the court as well as identify areas where they can increase adherence to the veteran treatment court best practices. The State Coordinator recognize their commitment to serve the veterans in need of support in the 3rd District and to meet all requirements of certification.

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

UTAH JUDICIAL COUNCIL
VETERAN COURT CERTIFICATION CHECKLIST
 REVISED AND ADOPTED 2020

COURT LOCATION: Veterans Treatment Court - Third District - Salt Lake County.
 JUDGE NAME: Teresa Welch
 REVIEW DATE: 6/12/2025

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.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 Veteran 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 Veteran 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 Veteran court unless empirical evidence demonstrates offenders with such records cannot be managed safely or effectively in a Veteran 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 Veteran court.	I.D.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	9	If adequate treatment is available, candidates are not disqualified from participation in the Veteran 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 Veteran 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 Veteran 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
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.*
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.
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.
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.
18	The judge makes these decisions after taking into consideration the input of other Veteran court team members and discussing the matter in court with the participant or the participant's legal representative.	III.H. VIII.D.
19	The judge relies on the expert input of duly trained treatment professionals when imposing treatment-related conditions.	III.H.
20	Policies and procedures concerning the administration of incentives, sanctions, and therapeutic adjustments are specified in writing and communicated in advance to Veteran court participants and team members.	IV.A.
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.
22	The Veteran court has a range of sanctions of varying magnitudes that may be administered in response to infractions in the program.	IV.E.
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.
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.
25	Drug testing is performed at least twice per week.	VII.A.*
26	Drug testing is random, and is available on weekends and holidays.	VII.B.*
27	Collection of test specimens is witnessed and specimens are examined routinely for evidence of dilution, tampering and adulteration.	VII.E* VII.F.*
28	Drug testing utilized by the Veteran court uses scientifically valid and reliable testing procedures and establishes a chain of custody for each specimen.	VII.G.
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 Veteran 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 Veteran 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 Veteran 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 Veteran 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 Veteran 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 Veteran 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 veteran 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), VJO (in veteran court), 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), VJO(in veteran court), and the judge attend each Veteran court session.	VIII.A.*
<input checked="" type="checkbox"/>	<input type="checkbox"/>	49	Pre-court staff meetings are presumptively closed to participants and the public unless the court has good reason for a participant to attend discussions related to that participant's case.	VIII.B.

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

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

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
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.
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 Veteran court population.	VII.D.
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.
15	Standardized patient placement criteria govern the level of care that is provided.	V.A.
16	Adjustments to the level of care are predicated on each participant's response to treatment and are not tied to the Veteran court's programmatic phase structure.	V.A.
17	Participants receive a sufficient dosage and duration of substance abuse treatment to achieve long-term sobriety and recovery from addiction.	V.D.
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.
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.
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
21	Treatment providers are proficient at delivering the interventions and are supervised regularly to ensure continuous fidelity to the treatment models.	V.F.
22	Treatment providers are supervised regularly to ensure continuous fidelity to evidence-based practices.	V.H.
23	Before participants enter the peer support groups, treatment providers use an evidence-based preparatory intervention, such as 12-step facilitation therapy.	V.I.
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 Veteran court.	V.J.
25	Where indicated, participants receive assistance finding safe, stable, and drug-free housing beginning in the first phase of Veteran court and continuing as necessary throughout their enrollment in the program.	VI.D.
26	Participants are assessed using a validated instrument for trauma history, trauma-related symptoms, and posttraumatic stress disorder (PTSD).	VI.F.
27	All Veteran court team members, including court personnel and other criminal justice professionals, receive formal training on delivering trauma-informed services.	VI.F.
28	Participants with deficient employment or academic histories receive vocational or educational services beginning in a late phase of Veteran court.	VI.I.
29	Participants complete a brief evidence-based educational curriculum describing concrete measures they can take to prevent or reverse drug overdose.	VI.L.
30	Clients are placed in the program within 50 days of arrest.	

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
31	Team members are assigned to Veteran court for no less than two years.	
32	All team members use electronic communication to contemporaneously communicate about Veteran 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 Veteran courts.	VIII.F.
34	New staff hires receive a formal orientation training on the Veteran court model and best practices in Veteran courts as soon as practicable after assuming their position and attend annual continuing education workshops thereafter.	VIII.F.
35	The Veteran court has more than 15 but less than 125 active participants.	IX.A.*
36	The Veteran 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 Veteran court.	X.C.
38	A skilled and independent evaluator examines the Veteran 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.	

YES NO

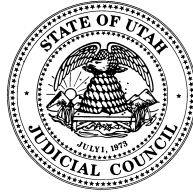
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NON-CERTIFICATION-RELATED BEST PRACTICE STANDARDS		
#	<i>These are best practice standards that research has shown will produce better outcomes. Failure to meet these standards will not result in decertification.</i>	BPS
1	The Veteran court offers 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 Veteran 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 Veteran courts, including major depression, bipolar disorder (manic depression), posttraumatic stress disorder (PTSD), and other major anxiety disorders.	VI.E.
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

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#	NON-CERTIFICATION-RELATED BEST PRACTICE STANDARDS <i>These are best practice standards that research has shown will produce better outcomes. Failure to meet these standards will not result in decertification.</i>	BPS
	necessary to manage panic, dissociation, or severe anxiety.	
7	Female participants receive trauma-related services in gender-specific groups.	VI.F.
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 Veteran court.	VI.I.
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.
10	Before starting a Veteran court, team members attend a formal pre-implementation training to learn from expert faculty about best practices in Veteran courts and develop fair and effective policies and procedures for the program.	VIII.F.
11	Supervision caseloads do not exceed fifty active participants per supervision officer.	IX.B.
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.
13	The Veteran 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.*
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 Veteran court's adherence to best practices and in-program outcomes.	X.F.
15	Outcomes are examined for all eligible participants who entered the Veteran court regardless of whether they graduated, withdrew, or were terminated from the program.	X.H.
16	The Veteran 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

July 28, 2025

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

MEMORANDUM

TO: Management Committee, Judicial Council

FROM: Cris Seabury Statewide Treatment Court Certification Coordinator
Katy Burke, Statewide Treatment Court Coordinator

RE: Treatment Court Certification - Recommendations

According to UCJA [Rule 4-409](#) Council Approval of Problem-Solving Courts, each problem-solving court must be considered for certification by the Judicial Council every two years. Prior to submitting certification recommendations to the Judicial Council, Cris Seabury, the Statewide Treatment Court Certification Coordinator, conducts site visits with each court to observe the pre-court staff meeting, treatment court hearings, and to interview each treatment court team member. The certification coordinator also reviews the certification checklist approved by the Judicial Council, staffing documents, and the policy and procedure manuals for each treatment court. The certification coordinator completes a jurisdiction report for each Court, which includes the strengths, recommendations, and resources identified through the certification process.

Third District - Salt Lake County - Judge Todd Shaughnessy Adult Recovery Court. Based on the courts' responses on the certification checklist, team member interviews, and court observation, the Statewide Treatment Court Certification Coordinator recommends that the Judicial Council certify the Third District Salt Lake County Adult Recovery Court.

REQUIRED CERTIFICATION CRITERIA: The court meets all required certification criteria.

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.

PRESUMED CERTIFICATION CRITERIA:

#30. Clients are placed in the program within 50 days of arrest.

The team wrote: “Participants are not screened at the time of arrest, so that date is not really used as the starting point for time to admission. Days from arrest to admission vary widely because participants are not screened until they apply, and that application can occur any time during case adjudication, and sometimes post-adjudication.”

#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.

The team wrote: “Some orientation is not conducted in a ‘formal’ setting, but is instead done informally. All are expected to become proficient in their respective areas of responsibility.”

NON-CERTIFICATION-RELATED BEST PRACTICE STANDARDS

#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.

The team wrote: “This is not done as comprehensively or programmatically as we would like.” Additionally, the Statewide Treatment Court Steering Committee is collaborating with the CORE Problem-Solving Court Subcommittee to develop standardized data entry policies and procedures aimed at promoting consistency across programs.

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

The team wrote: “This is not done as comprehensively or programmatically as we would like.” Additionally, the Statewide Treatment Court Steering Committee is collaborating with the CORE Problem-Solving Court Subcommittee to develop standardized data entry policies and procedures aimed at promoting consistency across programs.

UTAH JUDICIAL COUNCIL

ADULT DRUG COURT CERTIFICATION CHECKLIST

COURT LOCATION: Salt Lake County - Adult Recovery Court

JUDGE NAME: Todd Shaughnessy

REVIEW DATE: June 12, 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
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 as measured by the RANT or some other approved and validated assessment tool.	I.B.*
X	<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.
X	<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.
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 Drug Court unless empirical evidence demonstrates offenders with such records cannot be managed safely or effectively in a Drug 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 Drug Court.	I.D.
X	<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.
X	<input type="checkbox"/>	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 Drug Court.	III.C.
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 Drug 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.

YES	NO	#	REQUIRED CERTIFICATION CRITERIA <i>Adherence to these standards is required for certification.</i>	BPS
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 Drug 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 Drug 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 Drug 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.
X	<input type="checkbox"/>	25	Drug testing is performed at least twice per week.	VII.A.*
X	<input type="checkbox"/>	26	Drug testing is random, and is available on weekends and holidays.	VII.B.*
X	<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.*
X	<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.
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.*

YES	NO	#	REQUIRED CERTIFICATION CRITERIA <i>Adherence to these standards is required for certification.</i>	BPS
X	<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.
X	<input type="checkbox"/>	31	The program requires a period of at least 90 consecutive days drug-free to graduate.	
X	<input type="checkbox"/>	32	The minimum length of the program is twelve months.	
X	<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.
X	<input type="checkbox"/>	34	Jail sanctions are definite in duration and typically last no more than three to five days.	IV.J.
X	<input type="checkbox"/>	35	Participants are given access to counsel and a fair hearing if a jail sanction might be imposed.	IV.J.
X	<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.
X	<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.
X	<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.
X	<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.*
X	<input type="checkbox"/>	40	Participants regularly attend self-help or peer support groups in addition to professional counseling.	V.I.
X	<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.
X	<input type="checkbox"/>	42	There is a secular alternative to 12-step peer support groups.	
X	<input type="checkbox"/>	43	Participants complete a final phase of the Drug Court focusing on relapse prevention and continuing care.	V.J.
X	<input type="checkbox"/>	44	Participants are not excluded from participation in Drug Court because they lack a stable place of residence.	VI.D.
X	<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.*
X	<input type="checkbox"/>	46	Participants are not required to participate in job seeking or vocational skills development in the early phases of drug court. (Participants must stay reasonably occupied by either participating in job seeking or vocational skills development, or performing community service, or a combination of both.)	VI.I.*
X	<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.*

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

YES	NO	#	PRESUMED CERTIFICATION CRITERIA <i>There is a presumption that these standards must be met. If your program can show sufficient compensating measures, compliance with the standard may be waived.</i>	BPS
X	<input type="checkbox"/>	1	Eligibility and exclusion criteria are communicated to potential referral sources.	I.A.
X	<input type="checkbox"/>	2	The Drug Court regularly monitors the delivery of incentives and sanctions to ensure they are administered equivalently to all participants.	II.D.
X	<input type="checkbox"/>	3	Each member of the Drug Court team attends up-to-date training events on recognizing implicit cultural biases and correcting disparate impacts for members of historically disadvantaged groups.	II.F.
X	<input type="checkbox"/>	4	The Drug Court judge attends current training events on legal and constitutional issues in Drug Courts, judicial ethics, evidence-based substance abuse and mental health treatment, behavior modification, and community supervision.	III.A.
X	<input type="checkbox"/>	5	The judge presides over the Drug 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 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.
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.

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"/>	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	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.*
X	<input type="checkbox"/>	11	Drug test results are available within 48 hours.	VII.H.
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 Drug 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 Drug Court's programmatic phase structure.	V.A.
X	<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.
X	<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.
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	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
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	Before participants enter the peer support groups, treatment providers use an evidence-based preparatory intervention, such as 12-step facilitation therapy.	V.I.
X	<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.
X	<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.
X	<input type="checkbox"/>	26	Participants are assessed using a validated instrument for trauma history, trauma-related symptoms, and posttraumatic stress disorder (PTSD).	VI.F.
X	<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.

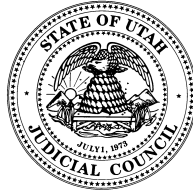
YES	NO	#	PRESUMED CERTIFICATION CRITERIA <i>There is a presumption that these standards must be met. If your program can show sufficient compensating measures, compliance with the standard may be waived.</i>	BPS
X	<input type="checkbox"/>	28	Participants with deficient employment or academic histories receive vocational or educational services beginning in a late phase of Drug Court.	VI.I.
X	<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.
X	<input type="checkbox"/>	30	Clients are placed in the program within 50 days of arrest. Participants are not screened at the time of arrest, so that date is not really used as the starting point for time to admission. Days from arrest to admission vary widely because participants are not screened until they apply, and that application can occur any time during case adjudication, and sometimes post-adjudication.	
X	<input type="checkbox"/>	31	Team members are assigned to Drug Court for no less than two years.	
X	<input type="checkbox"/>	32	All team members use electronic communication to contemporaneously communicate about Drug Court issues.	
X	<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.
	X	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. Some orientation is not conducted in a 'formal' setting, but is instead done informally. All are expected to become proficient in their respective areas of responsibility.	VIII.F.
X	<input type="checkbox"/>	35	The Drug Court has more than 15 but less than 125 active participants.	IX.A.*
X	<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.
X	<input type="checkbox"/>	37	New arrests, new convictions, and new incarcerations are monitored for at least three years following each participant's entry into the Drug Court.	X.C.
X	<input type="checkbox"/>	38	A skilled and independent evaluator examines the Drug Court's adherence to best practices and participant outcomes no less frequently than every five years.	X.D.
X	<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.
X	<input type="checkbox"/>	40	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	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.
X	<input type="checkbox"/>	2	Treatment groups ordinarily have no more than twelve participants and at least two leaders or facilitators.	V.E.
X	<input type="checkbox"/>	3	Treatment providers have substantial experience working with criminal justice populations.	V.H.
X	<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.
X	<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.
X	<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 necessary to manage panic, dissociation, or severe anxiety.	VI.F.
X	<input type="checkbox"/>	7	Female participants receive trauma-related services in gender-specific groups.	VI.F.
X	<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.
X	<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.
X	<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.
X	<input type="checkbox"/>	11	Supervision caseloads do not exceed fifty active participants per supervision officer.	IX.B.
X	<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 type="checkbox"/>	X	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. This is not done as comprehensively or programmatically as we would like.	X.B.*
<input type="checkbox"/>	X	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. This is not done as comprehensively or programmatically as we would like.	X.F.
X	<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.

YES NO

X ☐

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
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.



Administrative Office of the Courts

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

July 28, 2025

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

MEMORANDUM

TO: Management Committee, Judicial Council

**FROM: Cris Seabury Statewide Treatment Court Certification Coordinator
Katy Burke, Statewide Treatment Court Coordinator**

RE: Treatment Court Certification - Recommendations

According to UCJA [Rule 4-409](#) Council Approval of Problem-Solving Courts, each problem-solving court must be considered for certification by the Judicial Council every two years. Prior to submitting certification recommendations to the Judicial Council, Cris Seabury, the Statewide Treatment Court Certification Coordinator, conducts site visits with each court to observe the pre-court staff meeting, treatment court hearings, and to interview each treatment court team member. The certification coordinator also reviews the certification checklist approved by the Judicial Council, staffing documents, and the policy and procedure manuals for each treatment court. The certification coordinator completes a jurisdiction report for each Court, which includes the strengths, recommendations, and resources identified through the certification process.

Third District - Summit County - Judge Richard Mrazik Adult Recovery Court. Based on the courts' responses on the certification checklist, team member interviews, and court observation, the Statewide Treatment Court Certification Coordinator recommends that the Judicial Council certify the Third District Summit County Adult Recovery Court.

REQUIRED CERTIFICATION CRITERIA:

#38. Participants are not incarcerated to achieve clinical or social service objectives such as obtaining access to detoxification services or sober living quarters.

The team wrote: "In circumstances under which a participant's substance use poses an acute risk to the safety of the community or the life of the participant, incarceration may be used as 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.

means of maintaining safety while a transfer to detoxification services on in-patient treatment is accomplished.”

PRESUMED CERTIFICATION CRITERIA:

#11. Drug test results are available within 48 hours.

The team wrote: “Drug test results are usually available in 48 hours. Infrequently, drug test results require additional time to receive.”

#30. Clients are placed in the program within 50 days of arrest.

The team wrote: “Discussions regarding whether an arrested person is a good candidate for drug court typically begin within 50 days of arrest, and people sometimes begin observing drug court—as a prelude to enrollment—within 50 days of arrest. But enrollment often requires more than 50 days after arrest due to the vagaries of the criminal litigation process.”

#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.

The team wrote: “To the extent this refers to attendance at the annual specialty courts conference, the Summit County team does not attend the conference every year.”

#35. The Drug Court has more than 15 but less than 125 active participants.

The team wrote: “Due to the dearth of affordable housing in Summit County, and the number of recent and upcoming graduations from the program, the Summit County Drug Court hovers closer to 10-12 participants. The Drug Court team has ongoing discussions regarding how best to address and mitigate this issue.”

#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: “In practice, this information is monitored for a period closer to two to two-and-a-half years following each participant’s entry into the Summit County Drug Court program.”

NON-CERTIFICATION-RELATED BEST PRACTICE STANDARDS:

#14. Information relating to the services provided and participants’ in-program performance is entered into an electronic database. Statistical summaries from the

database provide staff with real-time information concerning the Drug Court's adherence to best practices and in-program outcomes.

The team is working on implementing a more efficient system to strengthen data tracking and reporting. Additionally, the Statewide Treatment Court Steering Committee is collaborating with the CORE Problem-Solving Court Subcommittee to develop standardized data entry policies and procedures aimed at promoting consistency across programs.

#16. The Drug Court regularly monitors whether members of historically disadvantaged groups complete the program at equivalent rates to other participants.

The team wrote: "The Summit County Drug Court Team is participating in ongoing discussions about how best to eliminate the effects of implicit bias in the Summit County Drug Court program." Additionally, the Statewide Treatment Court Steering Committee is collaborating with the CORE Problem-Solving Court Subcommittee to develop standardized data entry policies and procedures aimed at promoting consistency across programs.

UTAH JUDICIAL COUNCIL ADULT DRUG COURT CERTIFICATION CHECKLIST

COURT LOCATION: Summit County

JUDGE NAME: Richard Mrazik

REVIEW DATE: July 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
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 as measured by the RANT or some other approved and validated assessment tool.	I.B.*
X	<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.
X	<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.
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 Drug Court unless empirical evidence demonstrates offenders with such records cannot be managed safely or effectively in a Drug 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 Drug Court.	I.D.
X	<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.
X	<input type="checkbox"/>	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 Drug Court.	III.C.
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 Drug 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.

YES	NO	#	REQUIRED CERTIFICATION CRITERIA <i>Adherence to these standards is required for certification.</i>	BPS
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 Drug 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 Drug 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 Drug 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.
X	<input type="checkbox"/>	25	Drug testing is performed at least twice per week.	VII.A.*
X	<input type="checkbox"/>	26	Drug testing is random, and is available on weekends and holidays.	VII.B.*
X	<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.*
X	<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.
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.*

YES	NO	#	REQUIRED CERTIFICATION CRITERIA <i>Adherence to these standards is required for certification.</i>	BPS
X	<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.
X	<input type="checkbox"/>	31	The program requires a period of at least 90 consecutive days drug-free to graduate. (The Summit County program requires at least 180 days of sobriety before graduation.)	
X	<input type="checkbox"/>	32	The minimum length of the program is twelve months. (In practice, the minimum length of the Summit County program is 18 months.)	
X	<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.
X	<input type="checkbox"/>	34	Jail sanctions are definite in duration and typically last no more than three to five days. (In practice, jail sanctions typically range from one to three days.)	IV.J.
X	<input type="checkbox"/>	35	Participants are given access to counsel and a fair hearing if a jail sanction might be imposed.	IV.J.
X	<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.
X	<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 type="checkbox"/>	X	38	Participants are not incarcerated to achieve clinical or social service objectives such as obtaining access to detoxification services or sober living quarters. (In circumstances under which a participant's substance use poses an acute risk to the safety of the community or the life of the participant, incarceration may be used as a means of maintaining safety while a transfer to detoxification services on in-patient treatment is accomplished.)	V.B.
X	<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.*
X	<input type="checkbox"/>	40	Participants regularly attend self-help or peer support groups in addition to professional counseling.	V.I.
X	<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.
X	<input type="checkbox"/>	42	There is a secular alternative to 12-step peer support groups.	
X	<input type="checkbox"/>	43	Participants complete a final phase of the Drug Court focusing on relapse prevention and continuing care.	V.J.
X	<input type="checkbox"/>	44	Participants are not excluded from participation in Drug Court because they lack a stable place of residence.	VI.D.
X	<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.*
X	<input type="checkbox"/>	46	Participants are not required to participate in job seeking or vocational skills development in the early phases of drug court. (Participants must stay reasonably occupied by either participating in job seeking or vocational skills development, or performing community service, or a combination of both.)	VI.I.*
X	<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.*

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

YES	NO	#	PRESUMED CERTIFICATION CRITERIA <i>There is a presumption that these standards must be met. If your program can show sufficient compensating measures, compliance with the standard may be waived.</i>	BPS
X	<input type="checkbox"/>	1	Eligibility and exclusion criteria are communicated to potential referral sources.	I.A.
X	<input type="checkbox"/>	2	The Drug Court regularly monitors the delivery of incentives and sanctions to ensure they are administered equivalently to all participants.	II.D.
X	<input type="checkbox"/>	3	Each member of the Drug Court team attends up-to-date training events on recognizing implicit cultural biases and correcting disparate impacts for members of historically disadvantaged groups.	II.F.
X	<input type="checkbox"/>	4	The Drug Court judge attends current training events on legal and constitutional issues in Drug Courts, judicial ethics, evidence-based substance abuse and mental health treatment, behavior modification, and community supervision.	III.A.
X	<input type="checkbox"/>	5	The judge presides over the Drug 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 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.
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.

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"/>	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	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.*
X	<input type="checkbox"/>	11	Drug test results are available within 48 hours. (Drug test results are <i>usually</i> available in 48 hours. Infrequently, drug test results require additional time to receive.)	VII.H.
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 Drug 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 Drug Court's programmatic phase structure.	V.A.
X	<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.
X	<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.
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	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
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	Before participants enter the peer support groups, treatment providers use an evidence-based preparatory intervention, such as 12-step facilitation therapy.	V.I.
X	<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.
X	<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.
X	<input type="checkbox"/>	26	Participants are assessed using a validated instrument for trauma history, trauma-related symptoms, and posttraumatic stress disorder (PTSD).	VI.F.
X	<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.

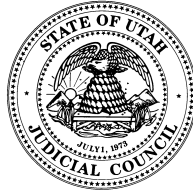
YES	NO	#	PRESUMED CERTIFICATION CRITERIA <i>There is a presumption that these standards must be met. If your program can show sufficient compensating measures, compliance with the standard may be waived.</i>	BPS
X	<input type="checkbox"/>	28	Participants with deficient employment or academic histories receive vocational or educational services beginning in a late phase of Drug Court.	VI.I.
X	<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"/>	X	30	Clients are placed in the program within 50 days of arrest. (Discussions regarding whether an arrested person is a good candidate for drug court typically begin within 50 days of arrest, and people sometimes begin observing drug court—as a prelude to enrollment—within 50 days of arrest. But enrollment often requires more than 50 days after arrest due to the vagaries of the criminal litigation process.)	
X	<input type="checkbox"/>	31	Team members are assigned to Drug Court for no less than two years.	
X	<input type="checkbox"/>	32	All team members use electronic communication to contemporaneously communicate about Drug Court issues.	
<input type="checkbox"/>	X	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. (To the extent this refers to attendance at the annual specialty courts conference, the Summit County team does not attend the conference every year.)	VIII.F.
X	<input type="checkbox"/>	34	New staff hires receive a formal orientation training on the Drug Court model and best practices in Drug Courts as soon as practicable after assuming their position and attend annual continuing education workshops thereafter.	VIII.F.
<input type="checkbox"/>	X	35	The Drug Court has more than 15 but less than 125 active participants. (Due to the dearth of affordable housing in Summit County, and the number of recent and upcoming graduations from the program, the Summit County Drug Court hovers closer to 10-12 participants. The Drug Court team has ongoing discussions regarding how best to address and mitigate this issue.)	IX.A.*
X	<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"/>	X	37	New arrests, new convictions, and new incarcerations are monitored for at least three years following each participant's entry into the Drug Court. (In practice, this information is monitored for a period closer to two to two-and-a-half years following each participant's entry into the Summit County Drug Court program.)	X.C.
X	<input type="checkbox"/>	38	A skilled and independent evaluator examines the Drug Court's adherence to best practices and participant outcomes no less frequently than every five years.	X.D.
X	<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.
X	<input type="checkbox"/>	40	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	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.
X	<input type="checkbox"/>	2	Treatment groups ordinarily have no more than twelve participants and at least two leaders or facilitators.	V.E.
X	<input type="checkbox"/>	3	Treatment providers have substantial experience working with criminal justice populations.	V.H.
X	<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.
X	<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.
X	<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 necessary to manage panic, dissociation, or severe anxiety.	VI.F.
X	<input type="checkbox"/>	7	Female participants receive trauma-related services in gender-specific groups.	VI.F.
X	<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.
X	<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.
X	<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.
X	<input type="checkbox"/>	11	Supervision caseloads do not exceed fifty active participants per supervision officer.	IX.B.
X	<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.
X	<input type="checkbox"/>	13	The Drug Court continually monitors participant outcomes during enrollment in the program, including attendance at scheduled appointments, drug and alcohol test results, graduation rates, lengths of stay, and in-program technical violations and new arrests or referrals.	X.B.*
<input type="checkbox"/>	X	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.
X	<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.

YES NO

☐ X

#	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
16	The Drug Court regularly monitors whether members of historically disadvantaged groups complete the program at equivalent rates to other participants. (The Summit County Drug Court Team is participating in ongoing discussions about how best to eliminate the effects of implicit bias in the Summit County Drug Court program.)	II.B. X.E.



Administrative Office of the Courts

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

July 28, 2025

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

MEMORANDUM

TO: Management Committee, Judicial Council

FROM: Cris Seabury Statewide Treatment Court Certification Coordinator
Katy Burke, Statewide Treatment Court Coordinator

RE: Treatment Court Certification - Recommendations

According to UCJA [Rule 4-409](#) Council Approval of Problem-Solving Courts, each problem-solving court must be considered for certification by the Judicial Council every two years. Prior to submitting certification recommendations to the Judicial Council, Cris Seabury, the Statewide Treatment Court Certification Coordinator, conducts site visits with each court to observe the pre-court staff meeting, treatment court hearings, and to interview each treatment court team member. The certification coordinator also reviews the certification checklist approved by the Judicial Council, staffing documents, and the policy and procedure manuals for each treatment court. The certification coordinator completes a jurisdiction report for each Court, which includes the strengths, recommendations, and resources identified through the certification process.

Third District - Tooele County - Judge Douglas Hogan Adult Drug Court. Based on the courts' responses on the certification checklist, team member interviews, and court observation,

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 Statewide Treatment Court Certification Coordinator recommends that the Judicial Council certify the Third District Tooele County Adult Drug Court.

REQUIRED CERTIFICATION CRITERIA: The court meets all required certification criteria.

PRESUMED CERTIFICATION CRITERIA:

#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.

The team initially indicated a partial response by marking between "Yes" and "No." After further clarification, it was determined that they should have selected "Yes."

#37. New arrests, new convictions, and new incarcerations are monitored for at least 3 years following each participant's entry into the Drug Court.

The team indicated a partial response by marking between "Yes" and "No", as they are actively working to implement a more efficient data tracking method. Additionally, the Statewide Treatment Court Steering Committee is collaborating with the CORE Problem-Solving Court Subcommittee to develop consistent data entry policies and procedures.

NON-CERTIFICATION-RELATED BEST PRACTICE STANDARDS

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

The team provided a partial response by marking between "Yes" and "No," reflecting ongoing efforts to implement a more efficient system for data tracking and reporting. Additionally, the Statewide Treatment Court Steering Committee is collaborating with the CORE Problem-Solving Court Subcommittee to develop standardized data entry policies and procedures aimed at promoting consistency across programs.

#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.

The team is working on implementing a more efficient system to strengthen data tracking and reporting. Additionally, the Statewide Treatment Court Steering Committee is collaborating with the CORE Problem-Solving Court Subcommittee to develop standardized data entry policies and procedures aimed at promoting consistency across programs.

#16. The Drug Court regularly monitors whether members of historically disadvantaged groups complete the program at equivalent rates to other participants.

The team is working on implementing a more efficient system to strengthen data tracking and

reporting. Additionally, the Statewide Treatment Court Steering Committee is collaborating with the CORE Problem-Solving Court Subcommittee to develop standardized data entry policies and procedures aimed at promoting consistency across programs.

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

COURT LOCATION: TOOELE
 JUDGE NAME: HOGAN
 REVIEW DATE: 7/7/2025

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.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

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#	REQUIRED CERTIFICATION CRITERIA <i>Adherence to these standards is required for certification.</i>	BPS
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.*
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.
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.
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.
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.
19	The judge relies on the expert input of duly trained treatment professionals when imposing treatment-related conditions.	III.H.
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.
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.
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.
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.
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.
25	Drug testing is performed at least twice per week.	VII.A.*
26	Drug testing is random, and is available on weekends and holidays.	VII.B.*
27	Collection of test specimens is witnessed and specimens are examined routinely for evidence of dilution, tampering and adulteration.	VII.E.* VII.F.*
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.
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

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#	REQUIRED CERTIFICATION CRITERIA <i>Adherence to these standards is required for certification.</i>	BPS
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.
31	The program requires a period of at least 90 consecutive days drug-free to graduate.	
32	The minimum length of the program is twelve months.	
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.
34	Jail sanctions are definite in duration and typically last no more than three to five days.	IV.J.
35	Participants are given access to counsel and a fair hearing if a jail sanction might be imposed.	IV.J.
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.
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.
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.
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.*
40	Participants regularly attend self-help or peer support groups in addition to professional counseling.	V.I.
41	The peer support groups follow a structured model or curriculum such as the 12-step or Smart Recovery models.	V.I.
42	There is a secular alternative to 12-step peer support groups.	
43	Participants complete a final phase of the Drug Court focusing on relapse prevention and continuing care.	V.J.
44	Participants are not excluded from participation in Drug Court because they lack a stable place of residence.	VI.D.
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.*
46	Participants are not required to participate in job seeking or vocational skills development in the early phases of drug court.	VI.I.*
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.*
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.*
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

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#	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

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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
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.

YES NO

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 checked="" 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 checked="" type="checkbox"/>	<input type="checkbox"/>	30 Clients are placed in the program within 50 days of arrest.	

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
31	Team members are assigned to Drug Court for no less than two years.	
32	All team members use electronic communication to contemporaneously communicate about Drug 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 Drug Courts.	VIII.F.
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.
35	The Drug Court has more than 15 but less than 125 active participants.	IX.A.*
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.
37	New arrests, new convictions, and new incarcerations are monitored for at least three years following each participant's entry into the Drug Court.	X.C.
38	A skilled and independent evaluator examines the Drug Court's adherence to best practices and participant outcomes no less frequently than every five years.	X.D.
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.	

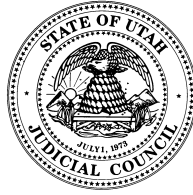
YES NO

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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 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.
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 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.
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.
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.	IX.B.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	12 Caseloads for clinicians must permit sufficient opportunities to assess participant needs and deliver adequate and effective dosages of substance abuse treatment and indicated complementary services.	IX.C.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	13 The Drug Court continually monitors participant outcomes during enrollment in the program, including attendance at scheduled appointments, drug and alcohol test results, graduation rates, lengths of stay, and in-program technical violations and new arrests or referrals.	X.B.*
<input type="checkbox"/>	<input checked="" type="checkbox"/>	14 Information relating to the services provided and participants' in-program performance is entered into an electronic database. Statistical summaries from the database provide staff with real-time information concerning the Drug Court's adherence to best practices and in-program outcomes.	X.F.
<input type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input checked="" 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.



Administrative Office of the Courts

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

July 28, 2025

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

MEMORANDUM

TO: Management Committee, Judicial Council

FROM: Cris Seabury Statewide Treatment Court Certification Coordinator
Katy Burke, Statewide Treatment Court Coordinator

RE: Treatment Court Certification - Recommendations

According to UCJA [Rule 4-409](#) Council Approval of Problem-Solving Courts, each problem-solving court must be considered for certification by the Judicial Council every two years. Prior to submitting certification recommendations to the Judicial Council, Cris Seabury, the Statewide Treatment Court Certification Coordinator, conducts site visits with each court to observe the pre-court staff meeting, treatment court hearings, and to interview each treatment court team member. The certification coordinator also reviews the certification checklist approved by the Judicial Council, staffing documents, and the policy and procedure manuals for each treatment court. The certification coordinator completes a jurisdiction report for each Court, which includes the strengths, recommendations, and resources identified through the certification process.

Fourth District - Wasatch County - Judge Jennifer Mabey Adult Drug Court. Based on the courts' responses on the certification checklist, team member interviews, and court observation, the Statewide Treatment Court Certification Coordinator recommends that the Judicial Council certify the Fourth District Wasatch County Adult Drug Court.

REQUIRED CERTIFICATION CRITERIA: The court meets all required certification criteria.

PRESUMED CERTIFICATION CRITERIA:

#11. Drug test results are available within 48 hours.

Due to the program's small participant population, UA tests are collected twice weekly and transported to a CLIA-certified laboratory in Utah County. The team reported that the Wasatch County Sheriff's Office will administer rapid UA tests when there are indications of potential

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.

relapse. UA testing is also conducted on Sundays and holidays at the treatment provider's office when Five Minute Clinic is closed. The team is discussing alternative options as there are limited resources in Wasatch County.

#30. Clients are placed in the program within 50 days of arrest.

The team indicated a partial response by marking between "Yes" and "No" as some participants entered the program under an order to show cause.

#31. Team members are assigned to Drug Court for no less than two years.

The team indicated a partial response by marking between "Yes" and "No". To ensure continuity of care during the transition between the therapist and case manager, the clinical case manager has remained actively engaged in staffings. Additionally, training materials were provided to support the onboarding of new team members in the jurisdiction report.

#35. The Drug Court has more than 15 but less than 125 active participants.

The program currently has four active participants. The team is proactively exploring strategies to increase enrollment, including reviewing referral processes, strengthening community outreach, and engaging with potential referral sources.

#37. New arrests, new convictions, and new incarcerations are monitored for at least 3 years following each participant's entry into the Drug Court.

The team indicated a partial response by marking between "Yes" and "No", noting that they do not track data outside their jurisdiction. Given the county's smaller size, team members typically recognize participants by name. They are actively working to implement a more efficient data tracking method. Additionally, the Statewide Treatment Court Steering Committee is collaborating with the CORE Problem-Solving Court Subcommittee to develop consistent data entry policies and procedures.

#40. The program conducts exit interviews for self-improvement.

The team requested support with implementing exit interviews, and sample tools were included in the jurisdiction report to aid in this process.

NON-CERTIFICATION-RELATED BEST PRACTICE STANDARDS:

#4. For at least 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 of additional treatment when indicated.

The treatment provider has not implemented this practice but is actively exploring ways to do so.

#7. Female participants receive trauma-related services in gender-specific groups.

The treatment provider does not currently offer gender-specific groups; however, clients may address related concerns during individual therapy sessions. It was confirmed that the provider will make accommodations based on participants' needs.

#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.

The team did not select a definitive response on the checklist. To assist with onboarding new members, relevant resources were included in the jurisdiction report.

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

The team indicated a partial response by marking between "Yes" and "No", reflecting ongoing efforts to implement a more efficient data tracking method. Additionally, the Statewide Treatment Court Steering Committee is collaborating with the CORE Problem-Solving Court Subcommittee to establish consistent data entry policies and procedures.

#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.

The team indicated a partial response by marking between "Yes" and "No", reflecting ongoing efforts to implement a more efficient data tracking method. Additionally, the Statewide Treatment Court Steering Committee is collaborating with the CORE Problem-Solving Court Subcommittee to establish consistent data entry policies and procedures.

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

COURT LOCATION: Wasatch County
 JUDGE NAME: Jennifer A. Mabey
 REVIEW DATE: 7/2/25

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
<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

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#	REQUIRED CERTIFICATION CRITERIA <i>Adherence to these standards is required for certification.</i>	BPS
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.
31	The program requires a period of at least 90 consecutive days drug-free to graduate.	
32	The minimum length of the program is twelve months.	
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.
34	Jail sanctions are definite in duration and typically last no more than three to five days.	IV.J.
35	Participants are given access to counsel and a fair hearing if a jail sanction might be imposed.	IV.J.
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.
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.
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.
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.*
40	Participants regularly attend self-help or peer support groups in addition to professional counseling.	V.I.
41	The peer support groups follow a structured model or curriculum such as the 12-step or Smart Recovery models.	V.I.
42	There is a secular alternative to 12-step peer support groups.	
43	Participants complete a final phase of the Drug Court focusing on relapse prevention and continuing care.	V.J.
44	Participants are not excluded from participation in Drug Court because they lack a stable place of residence.	VI.D.
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.*
46	Participants are not required to participate in job seeking or vocational skills development in the early phases of drug court.	VI.I.*
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.*
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.*
49	Pre-court staff meetings are presumptively closed to participants and the public unless the court has good reason for a participant to attend discussions related to that participant's case.	VIII.B.

YES NO

#	REQUIRED CERTIFICATION CRITERIA <i>Adherence to these standards is required for certification.</i>	BPS
<input checked="" type="checkbox"/> <input type="checkbox"/>	50 Participants provide voluntary and informed consent permitting team members to share specified data elements relating to participants' progress in treatment and compliance with program requirements.	VIII.C.
<input checked="" type="checkbox"/> <input type="checkbox"/>	51 Court fees are disclosed to each participant, are reasonable, and are based on each participant's ability to pay. Any fees assessed by the Drug Court must be reasonably related to the costs of testing or other services.	
<input checked="" type="checkbox"/> <input type="checkbox"/>	52 Treatment fees are based on a sliding fee schedule and are disclosed to each participant.	
<input checked="" type="checkbox"/> <input type="checkbox"/>	53 The Drug Court develops a remedial action plan and timetable to implement recommendations from the evaluator to improve the program's adherence to best practices.	X.D.*
<input checked="" type="checkbox"/> <input type="checkbox"/>	54 The Drug Court has written policies and procedures that ensure confidentiality and security of participant information, which conform to all applicable state and federal laws, including, but not limited to, Utah's Governmental Records Access and Management Act (GRAMA), the Health Insurance Portability and Accountability Act of 1996 (HIPAA), and 42 C.F.R. 2 (Confidentiality of Substance Abuse Disorder Patient Records).	VIII.C.*

YES NO

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

YES NO

		PRESUMED CERTIFICATION CRITERIA		BPS
		#	<i>There is a presumption that these standards must be met. If your program can show sufficient compensating measures, compliance with the standard may be waived.</i>	
			or alcohol test has been scheduled.	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	13	Randomly selected specimens are tested periodically for a broader range of substances to detect any new drugs of abuse that might be emerging in the Drug Court population.	VII.D.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	14	If a participant denies substance use in response to a positive screening test, a portion of the same specimen is subjected to confirmatory analysis using an instrumented test, such as gas chromatography/mass spectrometry (GC/MS).	VII.G.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	15	Standardized patient placement criteria govern the level of care that is provided.	V.A.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	16	Adjustments to the level of care are predicated on each participant's response to treatment and are not tied to the Drug Court's programmatic phase structure.	V.A.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	17	Participants receive a sufficient dosage and duration of substance abuse treatment to achieve long-term sobriety and recovery from addiction.	V.D.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	18	Participants meet with a treatment provider or clinical case manager for at least one individual session per week during the first phase of the program.	V.E.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	19	Participants are screened for their suitability for group interventions, and group membership is guided by evidence-based selection criteria including participants' gender, trauma histories and co-occurring psychiatric symptoms.	V.E.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	20	Treatment providers administer behavioral or cognitive-behavioral treatments that are documented in manuals and have been demonstrated to improve outcomes for addicted persons involved in the criminal justice system.	V.F. VI.G
<input checked="" type="checkbox"/>	<input type="checkbox"/>	21	Treatment providers are proficient at delivering the interventions and are supervised regularly to ensure continuous fidelity to the treatment models.	V.F.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	22	Treatment providers are supervised regularly to ensure continuous fidelity to evidence-based practices.	V.H.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	23	Before participants enter the peer support groups, treatment providers use an evidence-based preparatory intervention, such as 12-step facilitation therapy.	V.I.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	24	Participants prepare a continuing-care plan together with their counselor to ensure they continue to engage in pro-social activities and remain connected with a peer support group after their discharge from the Drug Court.	V.J.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	25	Where indicated, participants receive assistance finding safe, stable, and drug-free housing beginning in the first phase of Drug Court and continuing as necessary throughout their enrollment in the program.	VI.D.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	26	Participants are assessed using a validated instrument for trauma history, trauma-related symptoms, and posttraumatic stress disorder (PTSD).	VI.F.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	27	All Drug Court team members, including court personnel and other criminal justice professionals, receive formal training on delivering trauma-informed services.	VI.F.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	28	Participants with deficient employment or academic histories receive vocational or educational services beginning in a late phase of Drug Court.	VI.I.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	29	Participants complete a brief evidence-based educational curriculum describing concrete measures they can take to prevent or reverse drug overdose.	VI.L.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	30	Clients are placed in the program within 50 days of arrest.	

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
31	Team members are assigned to Drug Court for no less than two years.	
32	All team members use electronic communication to contemporaneously communicate about Drug 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 Drug Courts.	VIII.F.
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.
35	The Drug Court has more than 15 but less than 125 active participants.	IX.A.*
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.
37	New arrests, new convictions, and new incarcerations are monitored for at least three years following each participant's entry into the Drug Court.	X.C.
38	A skilled and independent evaluator examines the Drug Court's adherence to best practices and participant outcomes no less frequently than every five years.	X.D.
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.	

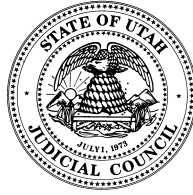
YES NO

☒ ☐☒ ☐☒ ☐☐ ☒☒ ☐☒ ☐

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
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.
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 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.
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.
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		
#	These are best practice standards that research has shown will produce better outcomes. Failure to meet these standards will not result in decertification.	BPS
	necessary to manage panic, dissociation, or severe anxiety.	
<input type="checkbox"/> <input checked="" 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 type="checkbox"/> <input type="checkbox"/>	10 Before starting a Drug Court, team members attend a formal pre-implementation training to learn from expert faculty about best practices in Drug Courts and develop fair and effective policies and procedures for the program.	VIII.F.
<input checked="" type="checkbox"/> <input type="checkbox"/>	11 Supervision caseloads do not exceed fifty active participants per supervision officer.	IX.B.
<input checked="" type="checkbox"/> <input type="checkbox"/>	12 Caseloads for clinicians must permit sufficient opportunities to assess participant needs and deliver adequate and effective dosages of substance abuse treatment and indicated complementary services.	IX.C.
<input checked="" type="checkbox"/> <input type="checkbox"/>	13 The Drug Court continually monitors participant outcomes during enrollment in the program, including attendance at scheduled appointments, drug and alcohol test results, graduation rates, lengths of stay, and in-program technical violations and new arrests or referrals.	X.B.*
<input type="checkbox"/> <input checked="" type="checkbox"/>	14 Information relating to the services provided and participants' in-program performance is entered into an electronic database. Statistical summaries from the database provide staff with real-time information concerning the Drug Court's adherence to best practices and in-program outcomes.	X.F.
<input type="checkbox"/> <input checked="" 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.



Administrative Office of the Courts

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

July 28, 2025

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

MEMORANDUM

TO: Management Committee, Judicial Council

FROM: Cris Seabury Statewide Treatment Court Certification Coordinator
Katy Burke, Statewide Treatment Court Coordinator

RE: Treatment Court Certification - Recommendations

According to UCJA [Rule 4-409](#) Council Approval of Problem-Solving Courts, each problem-solving court must be considered for certification by the Judicial Council every two years. Prior to submitting certification recommendations to the Judicial Council, Cris Seabury, the Statewide Treatment Court Certification Coordinator, conducts site visits with each court to observe the pre-court staff meeting, treatment court hearings, and to interview each treatment court team member. The certification coordinator also reviews the certification checklist approved by the Judicial Council, staffing documents, and the policy and procedure manuals for each treatment court. The certification coordinator completes a jurisdiction report for each Court, which includes the strengths, recommendations, and resources identified through the certification process.

Recommendation for Conditional Certification – Second District Weber County Adult Drug Court - Judge Cristina Ortega

Pursuant to **UCJA Rule 4-409(6)(C)**, and following a comprehensive review of the certification checklist responses, interviews with team members, and on-site court observations, the **Statewide Treatment Court Certification Coordinator** recommends that the **Judicial Council**

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.

grant a **90-day conditional certification** to the **Second District Weber County Adult Drug Court**.

This conditional certification period is intended to provide the court with an opportunity to address and resolve deficiencies related to **Required Criteria 1, 2, 8, and 53** as outlined in the **Adult Treatment Court Certification Checklist**.

REQUIRED CERTIFICATION CRITERIA:

#1. Eligibility and exclusion criteria are defined and applied objectively.

The Adult Drug Court Judges have requested additional support to improve the referral and legal screening process involving the Weber County Attorney's Office. In response, the Statewide Treatment Court Coordinators met jointly with the Weber County Attorney's Office and the Adult Drug Court Judges in June, with a follow-up meeting planned for August. These discussions aim to identify necessary changes to align with the certification checklist requirements and develop an actionable implementation plan. Although the eligibility criteria are defined in the operations manual, they are not being applied objectively in practice.

#8. Offenders charged with non-drug charges, drug dealing or those with violence histories are not excluded automatically from participation in the Drug Court.

The Weber County Attorney's Office currently restricts referrals to Adult Drug Court for individuals with drug distribution charges, a history of violence, or prior participation in the program. As a result, the Adult Drug Court Judges have requested additional support to improve the referral and legal screening process. In response, the Statewide Treatment Court Coordinators met with representatives from the Weber County Attorney's Office and the Adult Drug Court Judges in June and plan to reconvene in August. The purpose of these meetings is to identify necessary changes to align with the certification checklist requirements and to develop a plan for implementing those changes. Although eligibility criteria are defined in the operations manual, they are not being applied objectively in current practice.

#53. The Drug Court develops a remedial action plan and timetable to implement recommendations from the evaluator to improve the programs' adherence to best practices.

The team indicated a partial response by marking between "Yes" and "No", leaning mostly toward "No." In the jurisdiction report, the team was encouraged to hold regular meetings, monthly, quarterly, or biannually, as a way to support ongoing improvement. Since both Adult Drug Courts in Weber County use the same manual, conducting a joint review will help ensure consistency, clarify processes, and identify any necessary revisions.

PRESUMED CERTIFICATION CRITERIA:

#1. Eligibility and exclusion criteria are communicated to potential referral sources.

The team raised concerns about not consistently receiving information regarding the reasons

clients are denied entry into the program. The team was encouraged to review and revise the operations manual to clarify eligibility and exclusion criteria. Additionally, the Weber County Attorney's Office was advised to document denial reasons to support data collection and enhance transparency in the screening process.

#9. Treatment is reduced only if it is determined clinically that a reduction in treatment is unlikely to precipitate a relapse to substance use.

The team's response was marked inaccurately. Phase 2 focuses on stabilizing substance use and addressing mental health needs to support long-term recovery and reduce legal risk. Phase 3 builds on this by reinforcing sustained recovery. The final phase emphasizes community engagement and ongoing risk reduction. In cases of relapse, the team develops a targeted prevention plan and may increase monitoring and support as needed.

NON-CERTIFICATION CRITERIA:

#3. 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.

Phase 4 focuses on aftercare and preparing participants for sustained recovery post-graduation. Graduation requirements include an exit interview with the Public Defender's Office and submission of a relapse prevention plan. Many graduates continue outpatient treatment, and Weber Human Services remains available to provide ongoing support upon request.

#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.

The team's response was marked inaccurately. Weber Human Services delivers services to Medicaid-covered participants and facilitates referrals to specialists as needed. Medications are available for on-site pickup. Participants with private insurance are responsible for coordinating appointments directly with their healthcare provider.

#16. The Drug Court regularly monitors whether members of historically disadvantaged groups complete the program at equivalent rates to other participants.

The team is working on implementing a more efficient system to strengthen data tracking and reporting. Weber Human Services is also in the process of hiring more bilingual staff. Informational posters and pamphlets are available in multiple languages throughout the Weber Human Services office, and a Spanish-speaking therapist is currently on staff.

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

COURT LOCATION: Ogden, Utah → Weber County
 JUDGE NAME: Cristina Ortega
 REVIEW DATE: 5/8/25

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
<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 type="checkbox"/>	<input checked="" 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.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	14	Status hearings are scheduled no less frequently than every four weeks until participants	III.E.*

	graduate. In rural areas, some allowance may be made for other appearances or administrative reviews when the judge is unavailable.	
<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.*
<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.
<input checked="" type="checkbox"/> <input type="checkbox"/>	50	Participants provide voluntary and informed consent permitting team members to share specified data elements relating to participants' progress in treatment and compliance with program requirements.	VIII.C.
<input checked="" type="checkbox"/> <input type="checkbox"/>	51	Court fees are disclosed to each participant, are reasonable, and are based on each participant's ability to pay. Any fees assessed by the Drug Court must be reasonably related to the costs of testing or other services.	

<input checked="" type="checkbox"/> <input type="checkbox"/>	52	Treatment fees are based on a sliding fee schedule and are disclosed to each participant.	
<input type="checkbox"/> <input checked="" type="checkbox"/>	53	The Drug Court develops a remedial action plan and timetable to implement recommendations from the evaluator to improve the program's adherence to best practices.	X.D.*
<input checked="" type="checkbox"/> <input type="checkbox"/>	54	The Drug Court has written policies and procedures that ensure confidentiality and security of participant information, which conform to all applicable state and federal laws, including, but not limited to, Utah's Governmental Records Access and Management Act (GRAMA), the Health Insurance Portability and Accountability Act of 1996 (HIPAA), and 42 C.F.R. 2 (Confidentiality of Substance Abuse Disorder Patient Records).	VIII.C.*

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

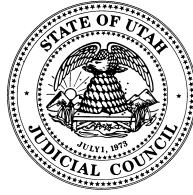
<input checked="" type="checkbox"/> <input type="checkbox"/>		and are not tied to the Drug Court's programmatic phase structure.	
<input checked="" type="checkbox"/> <input type="checkbox"/>	17	Participants receive a sufficient dosage and duration of substance abuse treatment to achieve long-term sobriety 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 checked="" type="checkbox"/> <input type="checkbox"/>	30	Clients are placed in the program within 50 days of arrest.	
<input checked="" type="checkbox"/> <input type="checkbox"/>	31	Team members are assigned to Drug Court for no less than two years.	
<input checked="" type="checkbox"/> <input type="checkbox"/>	32	All team members use electronic communication to contemporaneously communicate about Drug Court issues.	
<input checked="" type="checkbox"/> <input type="checkbox"/>	33	Subsequently, team members attend continuing education workshops on at least an annual basis to gain up-to-date knowledge about best practices on topics including substance abuse and mental health treatment, complementary treatment and social services, behavior modification, community supervision, drug and alcohol testing, team decision making, and constitutional and legal issues in Drug Courts.	VIII.F.
<input checked="" type="checkbox"/> <input type="checkbox"/>	34	New staff hires receive a formal orientation training on the Drug Court model and best practices in Drug Courts as soon as practicable after assuming their position and attend annual continuing education workshops thereafter.	VIII.F.
<input 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 checked="" type="checkbox"/> <input type="checkbox"/>	37	New arrests, new convictions, and new incarcerations are monitored for at least three years following each participant's entry into the Drug Court.	X.C.
<input checked="" type="checkbox"/> <input type="checkbox"/>	38	A skilled and independent evaluator examines the Drug Court's adherence to best practices and participant outcomes no less frequently than every five years.	X.D.
<input checked="" type="checkbox"/> <input type="checkbox"/>	39	Staff members are required to record information concerning the provision of services and in-program outcomes within forty-eight hours of the respective events.	X.G.
<input checked="" type="checkbox"/> <input type="checkbox"/>	40	The program conducts an exit interview for self-improvement.	

YES	NO	#	NON-CERTIFICATION-RELATED BEST PRACTICE STANDARDS <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
<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 type="checkbox"/>	<input checked="" 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 necessary to manage panic, dissociation, or severe anxiety.	VI.F.
<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 type="checkbox"/>	<input checked="" type="checkbox"/>	9	Participants receive immediate medical or dental treatment for conditions that are life-threatening, cause serious pain or discomfort, or may lead to long-term disability or impairment.	VI.J.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	10	Before starting a Drug Court, team members attend a formal pre-implementation training to learn from expert faculty about best practices in Drug Courts and develop fair and effective policies and procedures for the program.	VIII.F.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	11	Supervision caseloads do not exceed fifty active participants per supervision officer.	IX.B.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	12	Caseloads for clinicians must permit sufficient opportunities to assess participant needs and deliver adequate and effective dosages of substance abuse treatment and indicated complementary services.	IX.C.
		13	The Drug Court continually monitors participant outcomes during enrollment in the program,	X.B.*

☒ ☐

	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.	
<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 type="checkbox"/> <input checked="" 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.



Administrative Office of the Courts

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

July 28, 2025

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

MEMORANDUM

TO: Management Committee, Judicial Council

FROM: Cris Seabury Statewide Treatment Court Certification Coordinator
Katy Burke, Statewide Treatment Court Coordinator

RE: Treatment Court Certification - Recommendations

According to UCJA [Rule 4-409](#) Council Approval of Problem-Solving Courts, each problem-solving court must be considered for certification by the Judicial Council every two years. Prior to submitting certification recommendations to the Judicial Council, Cris Seabury, the Statewide Treatment Court Certification Coordinator, conducts site visits with each court to observe the pre-court staff meeting, treatment court hearings, and to interview each treatment court team member. The certification coordinator also reviews the certification checklist approved by the Judicial Council, staffing documents, and the policy and procedure manuals for each treatment court. The certification coordinator completes a jurisdiction report for each Court, which includes the strengths, recommendations, and resources identified through the certification process.

Recommendation for Conditional Certification – Second District Weber County Adult Drug Court - Judge Jason Nelson

Pursuant to **UCJA Rule 4-409(6)(C)**, and following a comprehensive review of the certification checklist responses, interviews with team members, and on-site court observations, the **Statewide Treatment Court Certification Coordinator** recommends that the **Judicial Council**

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.

grant a **90-day conditional certification** to the **Second District Weber County Adult Drug Court**.

This conditional certification period is intended to provide the court with an opportunity to address and resolve deficiencies related to **Required Criteria 1, 2, 8, and 53** as outlined in the **Adult Treatment Court Certification Checklist**.

REQUIRED CERTIFICATION CRITERIA:

#1. Eligibility and exclusion criteria are defined and applied objectively.

The Adult Drug Court Judges have requested additional support to improve the referral and legal screening process involving the Weber County Attorney's Office. In response, the Statewide Treatment Court Coordinators met jointly with the Weber County Attorney's Office and the Adult Drug Court Judges in June, with a follow-up meeting planned for August. These discussions aim to identify necessary changes to align with the certification checklist requirements and develop an actionable implementation plan. Although the eligibility criteria are defined in the operations manual, they are not being applied objectively in practice.

#2 - Eligibility and exclusion criteria are specified in writing.

The team selected "yes" but noted that the criteria "could use fine-tuning." The team was advised to review and update the eligibility and exclusion criteria in the current operations manual to ensure greater clarity, consistency, and transparency in the screening process.

#8. Offenders charged with non-drug charges, drug dealing or those with violence histories are not excluded automatically from participation in the Drug Court.

The Weber County Attorney's Office currently restricts referrals to Adult Drug Court for individuals with drug distribution charges, a history of violence, or prior participation in the program. As a result, the Adult Drug Court Judges have requested additional support to improve the referral and legal screening process. In response, the Statewide Treatment Court Coordinators met with representatives from the Weber County Attorney's Office and the Adult Drug Court Judges in June and plan to reconvene in August. The purpose of these meetings is to identify necessary changes to align with the certification checklist requirements and to develop a plan for implementing those changes. Although eligibility criteria are defined in the operations manual, they are not being applied objectively in current practice.

#53. The Drug Court develops a remedial action plan and timetable to implement recommendations from the evaluator to improve the programs' adherence to best practices.

The team indicated a partial response by marking between "Yes" and "No", leaning mostly toward "No." In the jurisdiction report, the team was encouraged to hold regular meetings, monthly, quarterly, or biannually, as a way to support ongoing improvement. Since both Adult Drug Courts in Weber County use the same manual, conducting a joint review will help ensure

consistency, clarify processes, and identify any necessary revisions.

PRESUMED CERTIFICATION CRITERIA:

#1. Eligibility and exclusion criteria are communicated to potential referral sources.

The team raised concerns about inconsistently receiving information regarding the reasons clients are denied entry into the program. The team was encouraged to review and revise the operations manual to clarify eligibility and exclusion criteria. Additionally, the District Attorney's Office was advised to document denial reasons to support data collection and enhance transparency in the screening process.

#9. Treatment is reduced only if it is determined clinically that a reduction in treatment is unlikely to precipitate a relapse to substance use.

The team's response was marked inaccurately. Phase 2 focuses on stabilizing substance use and addressing mental health needs to support long-term recovery and reduce legal risk. Phase 3 builds on this by reinforcing sustained recovery. The final phase emphasizes community engagement and ongoing risk reduction. In cases of relapse, the team develops a targeted prevention plan and may increase monitoring and support as needed.

NON-CERTIFICATION CRITERIA:

#3. 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.

Phase 4 focuses on aftercare and preparing participants for sustained recovery post-graduation. Graduation requirements include an exit interview with the Public Defender's Office and submission of a relapse prevention plan. Many graduates continue outpatient treatment, and Weber Human Services remains available to provide ongoing support upon request.

#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.

The team's response was marked inaccurately. Weber Human Services delivers services to Medicaid-covered participants and facilitates referrals to specialists as needed. Medications are available for on-site pickup. Participants with private insurance are responsible for coordinating appointments directly with their healthcare provider.

#16. The Drug Court regularly monitors whether members of historically disadvantaged groups complete the program at equivalent rates to other participants.

The team is working on implementing a more efficient system to strengthen data tracking and reporting. Weber Human Services is also in the process of hiring more bilingual staff. Informational posters and pamphlets are available in multiple languages throughout the Weber Human Services office, and a Spanish-speaking therapist is currently on staff.

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

COURT LOCATION: 2nd District - Weber County
 JUDGE NAME: Jason Nelson
 REVIEW DATE: May 7, 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.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 type="checkbox"/>	<input checked="" 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.

Could use
fire hearing

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.

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

YES	NO	#	NON-CERTIFICATION-RELATED BEST PRACTICE STANDARDS <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
<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 type="checkbox"/>	<input checked="" 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

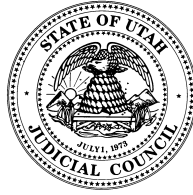
		PRESUMED CERTIFICATION CRITERIA	BPS
		<i>There is a presumption that these standards must be met. If your program can show sufficient compensating measures, compliance with the standard may be waived.</i>	
		or alcohol test has been scheduled.	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	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 type="checkbox"/>	<input checked="" 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 checked="" type="checkbox"/>	<input type="checkbox"/>	30 Clients are placed in the program within 50 days of arrest.	

Our intent

YES NO

		NON-CERTIFICATION-RELATED BEST PRACTICE STANDARDS		
		#	<i>These are best practice standards that research has shown will produce better outcomes. Failure to meet these standards will not result in decertification.</i>	BPS
			necessary to manage panic, dissociation, or severe anxiety.	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	7	Female participants receive trauma-related services in gender-specific groups.	VI.F.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	8	Participants are required to have a stable job, be enrolled in a vocational or educational program, or be engaged in comparable pro-social activity as a condition of graduating from Drug Court.	VI.I.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	9	Participants receive immediate medical or dental treatment for conditions that are life-threatening, cause serious pain or discomfort, or may lead to long-term disability or impairment.	VI.J.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	10	Before starting a Drug Court, team members attend a formal pre-implementation training to learn from expert faculty about best practices in Drug Courts and develop fair and effective policies and procedures for the program.	VIII.F.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	11	Supervision caseloads do not exceed fifty active participants per supervision officer.	IX.B.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	12	Caseloads for clinicians must permit sufficient opportunities to assess participant needs and deliver adequate and effective dosages of substance abuse treatment and indicated complementary services.	IX.C.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	13	The Drug Court continually monitors participant outcomes during enrollment in the program, including attendance at scheduled appointments, drug and alcohol test results, graduation rates, lengths of stay, and in-program technical violations and new arrests or referrals.	X.B.*
<input 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 type="checkbox"/>	<input checked="" 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.

Tab 15



Administrative Office of the Courts

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

August 7, 2025

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

MEMORANDUM

TO: Judicial Council

FROM: Janine Liebert and Jonathan Mark (on behalf of OCAP/MyPaperwork)

RE: Transition to MyPaperwork (part of MyCase): OCAP Sundown

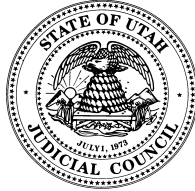
The Online Court Assistance Program (OCAP) is being retired. Its replacement, MyPaperwork, was successfully launched in September 2024. MyPaperwork, which is part of the broader MyCase platform, is an online portal for pro se individuals. It helps them understand the needs of their case and guides them in the preparation of their legal documents through a question-and-answer format.

MyPaperwork offers significant advancements over OCAP, including full compatibility with mobile devices. Additionally, it is designed to enable pro se individuals to file case-initiating documents directly online, a feature expected to substantially reduce clerical work in this area.

This information is provided for your awareness as we continue to build out more guided interviews and make the MyCase platform an even more robust portal that pro se individuals use to interface with the courts.

**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 16



Administrative Office of the Courts

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

August 6, 2025

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

MEMORANDUM

TO: Management Committee / Judicial Council
FROM: Keisa Williams
RE: Rule for Final Approval – CJA 4-202.08

Xchange fee increase – paragraph (7):

In May 2025, the Judicial Council approved an increase in Xchange fees on an expedited basis with a July 1, 2025 effective date. The proposed amendments were simultaneously sent out for public comment. The Policy, Planning, and Technology Committee (PP&T) received several comments objecting to the fee increase. PP&T does not recommend amending the fees in response to those comments.

FTR fees and \$10.00 fee waiver – paragraphs (3)(D) and (10)(A)(i):

The proposed amendments in (3)(D) and (10)(A)(i) were first presented to the Judicial Council in September 2024 (see attached memo). They were posted for public comment in November 2024 and two comments were received.

One comment was from the Salt Lake District Attorney's Office (SLDA) asking to waive fees for certified and exemplified copies. SLDA attended a PP&T meeting to discuss their concerns. PP&T determined that the court lacks the authority to waive fees for certified and exemplified copies under [78A-2-301\(1\)\(ff\)](#). During the 2025 legislative session, SLDA ran [S.B. 148](#), which would have waived all fees listed under [78A-2-301](#) and [78A-2-301.05](#) for the state, the state's agencies, or political subdivisions filing or defending any action. Unfortunately, that bill did not pass. While we cannot waive fees for the copies themselves, we can waive fees for costs associated with producing them (i.e., personnel time, electronic storage, etc.). There is no fee for the first 15 minutes of personnel time and if the proposed amendments to paragraph (10)(A)(i) are adopted, all other fees associated with producing those records would be waived if the fee is \$10.00 or less per transaction.

The second comment was a question about the definition of "transaction." In response to that comment, clarifying language was added to paragraph (10)(A)(i). "Transaction" means a request for one or more records in the same case.

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

Listing personnel rates in the rule – paragraph (6):

Individual personnel rates were removed from paragraph (6) in January 2024 and posted on the [court's webpage](#). The reason behind removing those fees was that the rates are tied to employee positions (i.e., clerk, JA, data analyst, service desk technician, programmer, etc.) and hourly rates change over time. Rather than having to amend the rule each time an hourly rate increased, the state court administrator was granted the authority to set personnel rates and post them on the court website.

PP&T considered whether personnel fees should be put back into the rule in light of language in the following statutes:

[78A-2-301](#): (1)(bb): “The Judicial Council shall, by rule, establish a schedule of fees for copies of documents and forms and for the search and retrieval of records under [GRAMA] ...” (1)(cc): “The Judicial Council may, by rule, establish a reasonable fee to allow members of the public to conduct a limited amount of searches on the Xchange database without having to pay a monthly subscription fee.”

[63G-2-203\(3\)\(d\)](#): “The judiciary shall establish fees by rules of the judicial council.”

[63G-2-702\(4\)](#): “Substantially consistent with the provisions of [GRAMA], the Judicial Council shall: (a) make rules governing requests for access, fees, classification, designation ...”

PP&T determined that granting the state court administrator the authority “by rule” to set personnel rates complies with the Utah Code. Language was added to paragraph (6)(B) to make it clear that personnel rates must be posted on the court website.

PP&T recommends that the increased Xchange fees remain in effect and all additional amendments to rule 4-202.08 be adopted as final with a ***November 1, 2025 effective date***.

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

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

Applicability:

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

Statement of the Rule:

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

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

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

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

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

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

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

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

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

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

(6) **Personnel time.**

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

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

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

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

(7) **Public online services.**

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

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

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

(7)(A)(iii) ~~\$35.15~~ for each search over 500 during a billing cycle. A search is counted each time the search button is clicked.

(7)(B) The fee to access public online services without subscribing ~~shall~~will be a transaction fee of ~~\$105.00~~, which will allow up to 10 searches during a session.

(7)(C) The fee to access a document ~~shall~~will be ~~\$1.00.50~~ per document.

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

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

(10) **Waiver of fees.**

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

(10)(A)(i) any government entity of Utah or its political subdivisions if the fee is ~~minimal~~ \$10.00 or less per transaction, meaning a request for one or more records in the same case;

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

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

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

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

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

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

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

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

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

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

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

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

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- (10)(D)(ii) the Utah State Bar;
- (10)(D)(iii) public defenders for searches performed in connection with their
duties as public defenders; and
- (10)(D)(iv) a student engaged in research for an academic purpose.

Effective: ~~November~~ July 1, 2025

UTAH COURT RULES – PUBLISHED FOR COMMENT

The Supreme Court and Judicial Council invite comments about amending these rules. To view the proposed amendment, click on the rule number.

To submit a comment or view the comments of others, click on “Continue Reading.” To submit a comment, scroll down to the “Leave a Reply” section, and type your comment in the “Comment” field. Type your name and email address in the designated fields and click “Post Comment.”

Comments cannot be acknowledged, but all will be considered. Comments are saved to a buffer for review before publication.

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Posted: May 20, 2025

Utah Courts

Code of Judicial Administration – Comment Period Closes July 4, 2025

CJA04-202.08. Fees for records, information, and services

The proposed amendments increase fees for Xchange subscriptions and access.

This entry was posted in [CJA04-0202.08](#).

« [Rules of Appellate Procedure – Comment Period Closes July 17, 2025](#)

[Rules of Evidence – Comment Period Closed June 22, 2025](#) »

UTAH COURTS

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5 thoughts on “Code of Judicial Administration – Comment Period Closes July 4, 2025”

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- [-Rules of Juvenile Procedure](#)

John Gadd
May 20, 2025 at 2:07 pm

I write to oppose this rule change. In particular, I oppose the 100% fee increase for non-subscribers of Xchange to view a pdf document, which this rule changes from \$0.50 per document to \$1.00 per document. I suspect that the actual cost to the courts to allow a non-subscriber to view each document is next to nothing, and thus the current fee of \$0.50 per document is already unreasonable. Doubling this cost doubles the unreasonableness of the current fee. The general public should be able to search and view public court records without having to pay unreasonable fees. This doubling of the cost to view each pdf record will have a chilling effect on the right of average citizens to view public court records because by simple math each citizen will only be able to afford to see half as many public court records as he or she can afford now. This will prevent citizens from seeing the criminal background of a potential romantic partner, parents from seeing the criminal background of potential babysitters, roommates from seeing the criminal background of a potential roommate, a business person from seeing the criminal and civil backgrounds of potential suppliers, etc. There are lots of legitimate reasons why an average citizen should be able to freely access public court records as a non-subscriber to Xchange. The price to access these public court records is already too high. Please do not double the cost to view each public court record from \$0.50 to \$1.00.

[Reply](#)

Amanda Reynolds
May 20, 2025 at 3:41 pm

There is no clear nexus between these charges and the administration of the website justifying the increase. In other words, we don't even know why we are paying these costs to begin with to evaluate whether they are even reasonable and now the costs are being increased. There's also no exemption for pro bono cases, which I happen to handle or for indigent parties. There's no indication that the Xchange site is privately run or governmentally controlled and if it is privately run then that further justifies transparency as to cost and identity of the operator and governmental bidding process.

[Reply](#)

Matt Robar
May 20, 2025 at 4:30 pm

I strongly oppose this increase in fees especially in light of the total lack of free access we used to have in the court houses. It is absurd to charge more for something that costs next to nothing to produce. It is more absurd when the paywall at issue is protecting public documents to which the general public has a constitutional right to obtain.

- [-Rules of Professional Conduct](#)
- [-Rules of Professional Practice](#)
- [-Rules of Small Claims Procedure](#)
- [ADR101](#)
- [ADR103](#)
- [Appendix A](#)
- [Appendix B](#)
- [Appendix F](#)
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- [CJA03-0114](#)
- [CJA03-0115](#)

Access to Xchange should be reduced in price, not increased. Terminals at all district courthouses should also allow FREE access like they used to offer.

With these increases, you will have more people calling the court clerks for help when they could just obtain the documents online. Access to court clerks in most courts is already embarrassingly poor. Now, they will get even more calls and requests for help.

Every year, Utah's government and the Utah Bar move in the direction of taking away public access to public information or put more barriers in place to assure the general public is hindered in their efforts to seek justice. This needs to end. Start serving the people you swore to serve.

[Reply](#)

Dean Collinwood
May 21, 2025 at 9:11 am

Some organizations with which I am involved have made the decision to fight inflation by refusing to increase fees for members and others. If everyone would do the same, there would be no inflation. When I was president of the Davis Bar, we made a decision to not increase membership fees. Everyone appreciated it, and we were able to continue all our activities. Thus, I encourage the court to not increase fees in this instance as well.

[Reply](#)

Lin Engle
June 15, 2025 at 4:18 pm

I oppose raising the fees in Xchange. To double the cost of "Downloading" a document 100% is either a blatant way to discourage the general public from trying to access documents or just a plain old "money grab." There is no paper being printed, there is no additional manpower needed in that the document is already in the system. The "cost" to download it today is not any different then the cost it will be to download it in July. I suggest a tiered approach. Provide law firms/businesses/media outlets tiered options: 500 searches for \$60.00, 750 searches for \$80.00, 1000 searches for \$100.00, etc... These businesses will likely choose the higher "packages" and thus Xchange would receive an increase. Leave all other aspects alone including the search cost after meeting their total and the cost of downloads. In this way the general public and those with low search totals are not discouraged and disgruntled by the perception that Xchange is trying to fleece them at a time when even the most basic necessities are increasing at a rapid pace.

[Reply](#)

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Comment *

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- [CJA03-0117](#)
- [CJA03-0201](#)
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- [CJA04-0401.02](#)

Code of Judicial Administration – Comment Period Closed

January 10, 2025

CJA 4-202.08.

Fees for records, information, and services. Amend.

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

Lisa Ashman

January 10, 2025 at 10:57 am

1. Certified Copies as Evidence: Certified copies are presented as evidence in the prosecution of a majority of cases, especially where enhanced charges are involved. In many cases, the certified copy of conviction is the primary piece of evidence necessary for a successful prosecution. The vast majority of DV cases and many SV cases will fall into this category. We know of no other entity that charges a fee for evidence.

2. District Attorney's Role in Prosecution: All criminal violations outside of the purview of municipal attorneys are prosecuted by the District Attorney which include all felony violations (UCA 10-3-928). The District Attorney is mandated to prosecute on behalf of the State of Utah, so in this context, we are the State. The State of Utah charging the State of Utah these fees seems counterproductive as it relates to our statutory role as prosecutors.

3. UCA 78A-2-301(1)(ff): This subsection states "The filing fees under this section may not be charged to the state, the state's agencies, or political subdivisions filing or defending any action. In judgments awarded in favor of the state, its agencies, or political subdivisions, except the Office of Recovery Services, the court shall order the filing fees and collection costs to be paid by the judgment debtor. The sums collected under this Subsection (1)(ff) shall be applied to the fees after credit to the judgment, order, fine, tax, lien, or other penalty and costs permitted by law." This subsection can be read one of two ways: a) It precludes the charging of all the fees set out in subsection (1), or b) It expressly precludes the charging of filing fees only and makes no other statement regarding other fees. Neither reading suggests the fee for certified copies or other requested documents cannot be waived.

4. Fiscal Impact: While it would be very difficult to know the exact fiscal impact to our office, very conservative estimates are \$75,000–\$100,000 annually. As the Salt Lake County budget process runs on a calendar year (January to December) and was just concluded, we would not have the budget to cover this expense.

5. Efficiency Issues: In December 2017, Rule 902 of the Federal Rules of Evidence) was amended to allow for the self-authentication of

- CJA03-0116
- CJA03-0117
- CJA03-0201
- CJA03-0201.02
- CJA03-0202
- CJA03-0301
- CJA03-0301.01
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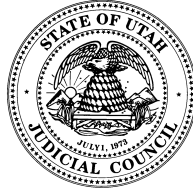
electronic evidence (UCR 902). This rule change recognized the proliferation of technological advances in digital evidence (~90% of criminal cases) in the criminal justice arena and the need to address its use in the adjudication of court matters. The Advisory Committee who recommended the rule change pointed to the fact that evidence of the type described in 902(14), which encompasses certified copies of conviction, were rarely the subject of a legitimate authenticity dispute and promised to save time and resources, and promote greater certainty. If the Utah District Court were to implement what this rule change has now allowed for a number of years, the monetary savings in both staff time and material costs would be significant and reduce the need to charge fees for the production of these types of records.

Deborah A. Wood
January 10, 2025 at 4:41 pm

Clarification on what is considered a “transaction” in section (3)(D) and (10)(A)(i) is necessary. For example, if a request asks for an audio record for 2 separate hearings in the same matter, is that 1 transaction or 2 transactions? This provision will have a significant impact on our office, a governmental entity that is required to prepare most, if not all, of the orders in a matter.

What payment options are available to a governmental entity that requests numerous records, either audio or certified records? And if an account can be set up, will a charge to that account be considered as payment “at the time the record is provided” and would that account be available for both juvenile and district court requests?
 A self authentication provision to eliminate the need for certified copies of convictions would be efficient and cost effective.

- [CJA04-0401.03](#)
- [CJA04-0402](#)
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Administrative Office of the Courts

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

August 6, 2024

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

MEMORANDUM

TO: Judicial Council

FROM: Daniel Meza Rincón, Deputy Juvenile Court Administrator
Keri Sargent, Deputy District Court Administrator

RE: Definition of “Minimal” in CJA Rule 4-202.08(10)(A)(i)

This memorandum is being submitted to the Judicial Council to seek approval of the recommendations from the Budget and Fiscal Management Committee to define “minimal” for purposes of UCJA 4-202.08(10)(A)(i) as anything \$10 or less, and to further amend UCJA Rule 4-202.08 so that the fee for copies of audio records shared via the FTR cloud can be reduced. The history behind this request is set forth below.

[UCJA Rule 4-202.08](#) applies to all courts of record and not of record and to the Administrative Office of the Courts (AOC). Its intent is to establish uniform fees for requests for records, information, and services. Subsection (10), “Waiver of fees” has historically been interpreted and applied differently throughout the state. On December 1, 2023, the Trial Court Executive (TCE) group tasked the Clerk of Court (CoC) group to create a proposal to define “minimal” to remedy the disparate interpretations and applications of this rule statewide. Both groups and the AOC agree that uniformity throughout the state in the application of these waivers of fees is important.

UCJA 4-202.08(10)(A) and (10)(A)(i) state:

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

(10)(A)(i) any government entity of Utah or its political subdivisions if the fee is minimal;

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.

In January of 2024, the CoC group agreed on the following proposed definition of “minimal” and application of the rule: any request for court records, by any government entity of Utah or its political subdivisions, totaling less than \$10 per transaction.¹

The CoC group discussed that this waiver would not apply to requests for either certified or exemplified copies of a document as these fees are not established by UCJA 4-202.08 but rather by [Utah Code 78A-2-301](#).

This proposed definition of the word “minimal” for UCJA 4-202.08(10)(A)(i) was considered and approved by the TCE group on February 2, 2024.

AOC Juvenile Court and District Court administration then collaborated with the Accounting Manual Committee to ensure this direction was memorialized in the manual. The Accounting Manual Committee proposed an update to accounting manual policy [02-10.09 Miscellaneous Payments](#). The proposed update is as follows:

Government agencies requesting copies shall have the fees waived if the fee is minimal. By policy, minimal is defined to mean fees less than \$10.00 per transaction. Certified or exemplified copy fees cannot be automatically waived as they are established by the legislature and not by court rule. This does not prohibit a state agency from filing a motion/order to waive fees.

This proposed accounting manual change, along with the proposed definition of “minimal,” was presented to the Budget and Fiscal Management Committee (Committee) for review and approval on June 10, 2024. The Committee requested more information regarding current practices in order to better assess the impact of this change. The Committee further highlighted the need to give stakeholders ample notice of any potential changes that may result from this policy change. The accounting manual change was not approved at that time.

At the request of the Committee, districts were surveyed and asked the following questions. Their responses and observations from the AOC are as follows:

1. How do you currently define "minimal" when complying with [CJA Rule 4-202.08\(10\)\(A\)\(i\)](#)

Most of the districts treat all requests from a governmental agency as minimal and thus waive the associated fees. One district reported not waiving fees for audio recordings for multi-day trials. Three districts have specific guidelines:

- Anything below \$25 per transaction or request.
- Anything below \$100 in a month per agency.
- Anything below \$50 in a month per agency.

If the definition of “minimal” is set as any request for court records totaling less than \$10 per transaction, this would impact many state agencies in some districts whose requests

¹ In deciding to recommend the \$10 amount, the CoC group observed that this dollar amount is in line with several accounting policies, such as [02-14.00 Credits](#) which allows teams to waive fine/interest on certain cases in the amount of less than \$10, without a court order, and [02-8.00 Overpayments](#), which notes that “all overpayments which are \$10 or less will be retained as revenue and distributed to the miscellaneous revenue account, unless a refund is requested by the payer.”

may be completely waived right now. This survey response also highlights the need for a more consistent approach to the application of CJA Rule 4-202.08(10)(A)(i).

2. What entities do you currently waive fees for under CJA Rule 4-202.08(10)(A)(i)?

Districts reported waiving fees for the following: Prosecutors (County/District Attorneys), Attorney General's Office, Guardian Ad Litem, DCFS, AP&P and other Probation Agencies, FBI, BCI, State Police/Law Enforcement Agencies, Defense Attorneys/Public Defenders (UJDA), ORS, and Out of State Government Agencies.

CJA Rule 4-202.08(10)(A)(i) notes that for "any government entity of Utah or its political subdivisions if the fee is minimal" fees should be waived. Waiving fees for out of state government agencies may be a practice that needs to be corrected.

3. On average how much are you waiving a month per agency? Is this for audio or copy fees? Can you provide a rough estimate? [Please list agency and estimated amount]

There is no uniform way of tracking these waivers across the state. The table below summarizes information provided by the districts. These are averages.

District	Juvenile Court	District Court
1st	Not currently tracking	Not currently tracking
2nd	10 audio requests and 10 copy requests mainly from the Guardian Ad Litem's Office and the Attorney General's Office	AP&P: 5 copies Prosecutors: 100 certified copies, 8-9 audio requests FBI: 85 copies Out of State: 30 copies BCI: 10 copies AG: 2 audio requests, 10 copies
3rd	AG: \$120 in audio, \$20 copies. UJDA: \$45 audio GAL: \$30 audio	Not currently tracking. All copy fees are waived.
4th	On average 40-45 requests per month that includes certified copy requests from DCFS and limited audio requests.	Information not available

5th	On average 10 requests are waived per month.	On average 15 requests are waived per month.
6th	On average around \$50 per month (audio for public defenders, certified copies for AAGs)	
7th	On average \$30 per month for county attorney's offices. (audio fees for prosecutors)	
8th	An estimated \$50 a month [certified/exemplified copies for prosecutors and audio copies for the AAGs and GALs]	

Many districts currently waive requests for audio, and certified/exemplified copies for state agencies. With the proposed definition of “minimal” all state agencies would be impacted as requests for an “electronic copy of audio record or video record of court proceeding” is “\$15.00 for each one-half day of testimony or part thereof.” State agencies have already begun to be impacted as districts realized that UCJA Rule 4.202.08 does not apply to certified and exemplified fees.

4. How do you currently track these requests and waivers?

Six districts do not currently track these waivers or requests. Five districts only track requests for audio outside of the case management systems. One district tracks requests in CARE by creating the fees and then decreasing them. The fact that this is not being tracked appears related to the fact that there are no consistent statewide practices.

HB531, which was passed during the 2023 legislative session, requires the judiciary to report on waived fees, among other things, which adds to the importance of tracking these waived fees.

5. Have you had local conversations with partners about the proposed change and what if any feedback have you received?

Five districts report providing some notification to partner agencies. No district reported receiving any feedback from them. Internal feedback received includes:

- Implementation of this change may result in an increased number of fee waiver requests that require judicial review and staff time that may surpass the financial savings if the minimal amount is too low.
- Outside agencies may think that a \$10 definition of minimal sounds arbitrary because the accounting manual is an internal policy and they may think we set it intentionally below the \$15 audio fee so that we could charge for those.

- The Attorney General's Office understood the change in charging for certified and exemplified copies but noted concerns having to pay for audio fees when they are being asked to prepare orders.
- 6. **It's been reported that providing copies of audio records via FTR cloud is much easier than making copies in CDs/USBs. Copies of audio recordings are \$15 per unit according to Rule 4-202.08(3)(C). How much do you think a copy of a hearing should cost if shared via FTR cloud?**

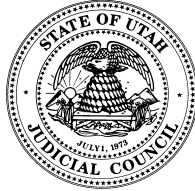
Districts provided the feedback that copies of audio records shared via the FTR cloud is in fact easier than providing them using CDs or USBs. They recommend these be free or \$5 since they are sent or shared via email. One district noted that fees to send a document by email is \$5.00 for 10 pages or less, and that it takes about the same amount of time to share audio records via the FTR cloud. Districts agreed that if fee payments ought to match work input then the amount charged for these should be lowered.

At the July 8, 2024 Budget and Fiscal Management Committee Meeting, the Committee considered these responses and recommended that this be forwarded to the Judicial Council for final approval. Their recommendations included:

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

Based on the foregoing, we respectfully request the Council adopt the recommendations of the Committee.

Tab 17



Administrative Office of the Courts

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

August 6, 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 – Non-substantive amendments

The proposed amendments to rules 4-202.02, 4-202.03, and 4-510 update statutory references to coincide with the September 1, 2025 recodification effective date in S.B. 119.

CJA 4-202.02. Records classification (AMEND)
CJA 4-202.03. Records access (AMEND)
CJA 4-510.06. Cases exempt from ADR rules (AMEND)

PP&T recommends that the rules above be adopted as final with a *September 1, 2025 effective date*.

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

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, 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-public;

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

(2)(W) publications of the Administrative Office;

(2)(X) 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)(Y) record of the receipt or expenditure of public funds;

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

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

(2)(BB) 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)(CC) record of a request for a record;

(2)(DD) 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)(EE) rules of the Supreme Court and Judicial Council;

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

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

(2)(HH) 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 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 ~~78B~~81, chapter ~~613~~, ~~Part 4~~, ~~Utah Adoption Act~~, six months after the conclusion of proceedings, which are private until sealed;

(3)(A)(ii) Utah Code, title ~~78B~~81, chapter ~~45~~, part 8, Gestational Agreement, six months after the conclusion of proceedings, which are private until sealed;

(3)(A)(iii) Utah Code section 76-7-304.5, Consent required for abortions performed on minors; and

(3)(A)(iv) Utah Code 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 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 section 7-2-6;

(3)(F) wills deposited for safe keeping under Utah Code, title 75, chapter 2, part 9, Custody and Deposit of Wills;

(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;

(3)(K) "nonpublic restitution record" as defined in Utah Code section 63M-7-502; and

(3)(L) 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 section 26B-5-332, Involuntary commitment under court order;

(4)(A)(ii) Utah Code section 76-11-310, Removal from the National Instant Check System database;

(4)(A)(iii) Utah Code, title ~~78B~~81, chapter ~~6~~13, ~~part 1, Utah Adoption Act~~, until the records are sealed;

(4)(A)(iv) Utah Code, title ~~78B~~81, chapter ~~4~~5, part 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 section 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 81, Utah Domestic Relations Code, including qualified domestic relations orders, except that an action for consortium due to personal injury under Utah Code section 81-3-111 is public;

(4)(B)(ii) Utah Code, title 75, chapter 5, Protection of Persons Under Disability and their Property;

(4)(B)(iii) Utah Code, title 78B, chapter 7, Protective Orders and Stalking Injunctions;

(4)(B)(iv) Utah Code, title ~~81-78B~~, chapter ~~642~~, ~~Utah-Child Support-Act~~;

(4)(B)(v) Utah Code, title ~~81-78B~~, chapter ~~113~~, Utah Uniform Child Custody Jurisdiction and Enforcement Act;

(4)(B)(vi) Utah Code, title ~~81-78B~~, chapter ~~844~~, Uniform Interstate Family Support Act;

(4)(B)(vii) Utah Code, title ~~81-78B~~, 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 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 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 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 section 63G-2-309;

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

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

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

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

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

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

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

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

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

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

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

(5)(Q) test questions and answers;

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

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

(5)(T) presentence investigation report;

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

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

(5)(W) 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 ~~8178B~~, chapter 113, Utah Uniform Child Custody Jurisdiction and Enforcement Act, Utah Code, title ~~8178B~~, chapter ~~814~~, Uniform Interstate Family Support Act; or Utah Code, title ~~8178B~~, 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, 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 ~~July 1, 2025~~ September 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~~^{78B}, chapter ~~136~~, ~~part 1~~, or pursuant to any court order that may have been entered.

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

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

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

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

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

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

(2)(B)(ii) Information contained in expunged records may be accessed by qualifying individuals and agencies under Utah Code section 77-40a-403 upon written request and approval by the state court administrator in accordance with Rule 4-202.05. Requests must include documentation proving that the requester

meets the conditions for access and a statement that the requester will comply with all confidentiality requirements in Rule 4-202.05 and Utah Code.

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

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

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

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

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

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

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

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

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

(3)(H) anyone by court order;

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

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

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

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

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

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

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

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

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

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

(4)(G) anyone by court order;

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

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

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

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

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

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

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

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

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

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

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

(5)(H) the Department of Health and 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 and Youth 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.

Effective: ~~July 1, 2025~~ September 1, 2025

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) Utah Code title 26B, chapter 3, part 10, Medical Benefits Recovery;

(1)(B) Utah Code title 26B, chapter 9, Recovery Services and Administration of Child Support;

(1)(C) Utah Code title 78B, chapter 7, part 6, Cohabitant Abuse Protective Orders;

(1)(D) Utah Code 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) Utah Code title 78A, chapter 8, Small Claims Court; and

(2)(B) Utah Code 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) Utah Code title 81, chapter 6, Child Support;

(3)(B) Utah Code title ~~8178B~~, chapter ~~844~~, Uniform Interstate Family Support Act;

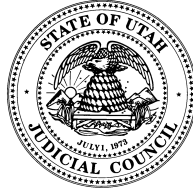
(3)(C) Utah Code title ~~8178B~~, chapter ~~45~~, Utah Uniform Parentage Act;

(3)(D) Utah Code title ~~8178B~~, chapter ~~113~~, Utah Uniform Child Custody Jurisdiction and Enforcement Act; and

(3)(E) temporary orders requested under Utah Code title 81, chapter 4, Dissolution of Marriage, except temporary separation orders under section 81-4-104.

Effective: ~~July 1, 2025~~ September 1, 2025

Tab 18



Administrative Office of the Courts

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

July 22, 2025

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

MEMORANDUM

TO: Management Committee

FROM: Keri Sargent, Deputy District Court Administrator

RE: Change in Chairperson for WINGS Committee

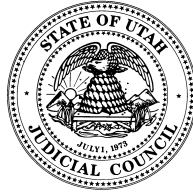
Judge Keith Kelly, Third District, has recently announced his retirement. Judge Kelly is currently the chairperson for the Working Interdisciplinary Network of Guardianship Stakeholders (WINGS), a standing committee created to assist the Judicial Council with related issues. With Judge Kelly's pending retirement, the WINGS Committee discussed and asked Judge Coral Sanchez, Third District, to replace Judge Kelly as the chairperson. Judge Sanchez has agreed.

Judge Sanchez has been a member of WINGS for a year, and her input has been valuable. The Committee agreed that she would be a good leader for WINGS. Judge Brian Cannell, First District, is in agreement with this decision.

CJA Rule 1-205 indicates that the chairperson for WINGS is appointed by the Judicial Council, and CJA Rule 3-421 indicates that the chairperson must be a district court judge. The WINGS Committee advises the Judicial Council that Judge Coral Sanchez will be the best person to fill this role.

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 19



Administrative Office of the Courts

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

July 16, 2025

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

MEMORANDUM

TO: Management Committee

FROM: Tilda Willie, Tribal Liaison

RE: Tribal Liaison Committee Membership Approval – 3 names

The Tribal Liaison Committee was established as a standing committee of the Judicial Council by UCJA [Rule 3-422](#) on November 1, 2024.

UCJA [Rule 1-205\(1\)\(B\)\(xiv\)](#) establishes the composition of the Tribal Liaison Committee. The following judges and representatives have indicated their willingness to serve as a member of this committee:

1. Representative from the Indigent Defense Commission: Melinda Dee (Salt Lake Legal Defender Association)
2. Representative of Utah's Indian Tribes or affiliated community groups: Rhonda Tuni (Utah Navajo Health System)
3. Tribal Court Judge: Randy Steckel (Ute Tribe)

Request:

The following is requested by the Management Committee:

It is respectfully requested that the Management Committee approve the last of the three foregoing representatives for the Tribal Liaison Committee and forward the request to the Judicial Council for their consideration.

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

Tab 20



Administrative Office of the Courts

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

June 29, 2025

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

MEMORANDUM

TO: Members of the Judicial Council Management Committee

FROM: Blake Murdoch, Deputy Juvenile Court Administrator

RE: Probation Officer Audio/Video Recording Policy

Probation Officer Audio/Video Recordings Policy

The Probation Officer Audio / Video Recordings Policy was last updated on January 12, 2018. During a review of this policy, the following key things were considered.

- Retention schedule requirements for different case types.
- Managing the storage of the recordings.
- The number of Webex accounts used to record meetings.
- Managing access to recordings for training and quality assurance purposes.
- Federal and state mandates relating to records release (specifically related to immigration).
- Notification to minors regarding the use of the recordings.

Following this review, a decision was made to no longer direct probation officers to create audio or video recordings of minors. Therefore, it is recommended that the existing policy be removed.

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

Probation Officer Audio/Video Recordings

Policy:

Probation officers complete audio/video recordings for quality assurance, training and advancement purposes. This policy outlines the process for audio/video recording interviews with youth and how these recordings should be secured.

Scope:

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

Authority:

- [Probation Officer Career Track Quality Assurance Guidelines and Documentation Requirements – Utah State Juvenile Court Education Career Track](#)
- [Code of Judicial Administration 4-202.02](#)

Procedure:

1. Probation officers shall obtain the necessary signatures on the Audio/Video Interview Release Form before recording an interview. (See Addendum 4.18.1)
 - 1.1 This form and any associated recordings shall be stored together in a secured location such as a locked file cabinet or a password protected computer file.
 - 1.2 Audio/Video recordings shall be retained no longer than 5 years from the recording date. The probation officer's immediate supervisor shall be responsible for the retention and destruction of the recordings.
2. The probation officer's immediate supervisor shall be responsible to maintain the security of all audio/video recordings.
3. The audio/video recording shall only be used for evaluative and training purposes outlined in the Probation Officer Career Track Guidelines and Instructions document. The recording is classified as a protected record.

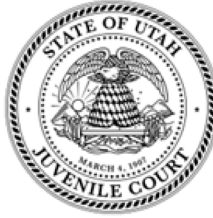
4. If the minor's court record is expunged the recordings shall be destroyed at the time of expungement.

Addendum 4.18.1 Audio/Video Interview Release Form

History:

Effective October 5, 2016

Approved by the Judicial Council January 22, 2018



Administrative Office of the Courts

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

July 25, 2025

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

MEMORANDUM

TO: Members of the Judicial Council Management Committee

FROM: Blake Murdoch, Deputy Juvenile Court Administrator

RE: Nonjudicial Adjustment Policy

Nonjudicial Adjustment Policy

The Nonjudicial Adjustment Policy provides comprehensive guidance to probation officers regarding the offer and oversight of nonjudicial adjustments for minors referred to the Utah Juvenile Court. The proposed policy updates have received approval from Probation Chiefs and Juvenile Court Trial Court Executives.

The proposed updates have been made to align with existing statutes and to enhance clarity. Key modifications to the policy include:

- **Chart 1 & Table 3 of the Nonjudicial Process Guide:** These guides were modified to ensure consistency and clarity related to the available responses for various referrals to the Juvenile Court.
- **Section 3:** Prohibits the inclusion of offenses from multiple incidents within a single nonjudicial adjustment. This may represent a change in practice for some districts and requires emphasis during training.
- **Section 4:** Replaces a specific list of ineligible offenses with a direct reference to the relevant statute.
- **Section 7:** Clarifies that probation officers cannot offer a nonjudicial adjustment if a minor is statutorily ineligible. It explicitly states that offenses not amended do not qualify for an offer of a nonjudicial adjustment.
- **Section 8:** Incorporates new language based on changes to U.C.A. 80-6-304(4), effective May 7, regarding minors who decline a nonjudicial adjustment.

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.

- **Section 10:** Amends the deadline for intake decisions from "within 30 days of the intake date" to "within 30 days of the date on which the probation officer was assigned."
- **Section 11:** Emphasizes the statutory language that restitution must be based on the "best information available." It provides detailed directions for situations with and without victim contact, particularly in Section 11.2.2, where probation officers must determine restitution using the "best information available" between 30 and 60 days after acceptance if a victim impact statement is unavailable but contact information exists.
- **Section 13:** Requires probation to enter the full restitution amount if a family declines to complete the Family/Size Income form.
- **Section 14:** Directs probation officers to amend existing nonjudicial adjustment offers rather than creating new ones. It also specifies that victim restitution pertains to "damage or loss related to the minor's wrongful act or conduct."
- **Section 15:** Mandates a 90-day completion date for all nonjudicial adjustments, including "counseled and warned" cases.
- **Section 17:** Outlines procedures for crediting accounting items through the Modification of Nonjudicial Accounting Form via CARE for incentives and the community service hour sheet for hours worked. One of these forms must be submitted for requests to reduce or remove accounting items on active cases.
- **Section 19:** Adds clarifying language regarding when a probation officer submits a "Request For Action". Adds direction that a probation officer should document at least three attempts to contact a minor before submitting a referral for prosecutorial review.
- **Section 20:** Clarifies the criteria for marking nonjudicial adjustments as "unsuccessful" or "successful" in CARE. It specifies that if a prosecutor returns a referral for a "new attempt," the original nonjudicial adjustment should be amended. A "new attempt" restarts the entire nonjudicial process, including timelines, and allows for judicial extensions. It also clarifies that probation officers should inform the prosecutor of any current mediation cases.
- **Sections 21 and 22:** Provide specific requirements for the content of an amended nonjudicial adjustment and adds language clarifying that a due date cannot change when a nonjudicial adjustment is amended, except in instances of a "new attempt at a nonjudicial adjustment".

The Probation Policy Committee seeks approval for this policy with an effective date of August 18, 2025. It is requested that this policy be added to the consent calendar for the Judicial Council's consideration at their meeting on July 15, 2025.

Nonjudicial Adjustment

Policy:

All eligible minors will be provided the opportunity to participate in the nonjudicial adjustment process regardless of national origin, race, ethnicity, socioeconomic, or custody status. This policy provides direction to probation staff regarding nonjudicial adjustments with minors referred to the Utah State Juvenile Court.

Scope:

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

Authority:

- [Utah Code § 76-5-401.3](#)
- [Utah Code § 76-9-112](#)
- [Utah Code § 76-12-306](#)
- [Utah Code § 76-12-307](#)
- [Utah Code § 76-12-309](#)
- [Utah Code § 78A-6-103](#)
- [Utah Code § 80-1-102](#)
- [Utah Code § 80-6-303.5](#)
- [Utah Code § 80-6-304](#)
- [Utah Code § 80-6-304.5](#)
- [Utah Code § 80-6-601](#)
- [Utah Code of Judicial Administration Rule 7-301](#)
- [Utah Rules of Juvenile Procedure Rule 15](#)
- [Utah Rules of Juvenile Procedure Rule 16](#)
- [Probation Policy Probation Responses to Compliant and Noncompliant Behavior](#)
- [Probation Policy Victim Outreach and Response](#)
- [Utah Juvenile Court: Nonjudicial Adjustment Process](#)
- [Law Clerk Memo: Overriding Restitution Sliding Scale](#)

Procedure:

1. The probation officer is required by statute to offer a nonjudicial adjustment to a minor when:
 - 1.1. The referral is for a misdemeanor (excluding misdemeanors outlined in Section 4 below), infraction or status offense; and
 - 1.2. The minor has two or fewer adjudicated episodes (excluding Order to Show Cause/contempts); and
 - 1.3. The minor has two or fewer prior unsuccessful nonjudicial attempts.
 - 1.4. The minor is referred for being habitually truant.
 - 1.5. The minor was under the age of 12 years when the incident occurred, unless the offense is one of the following:
 - 1.5.1. Aggravated Assault resulting in serious bodily injury to another
 - 1.5.2. Aggravated murder or Attempted Aggravated Murder
 - 1.5.3. Murder or Attempted Murder

- 1.5.4. Aggravated Kidnapping
 - 1.5.5. Aggravated Sexual Assault
 - 1.5.6. Aggravated Arson
 - 1.5.7. Aggravated Burglary
 - 1.5.8. Aggravated Robbery
 - 1.5.9. Felony Discharge of a Firearm
2. The probation officer has the discretion to offer a nonjudicial adjustment when the above conditions listed in Section 1 are not met, except as outlined in Section 4 below.
3. The probation officer may not include offenses arising from more than one episode in a single nonjudicial adjustment.
4. The offenses listed in Utah Code sections [76-5-401.3](#) and [80-6-303.5\(8\)](#) are ineligible for a nonjudicial adjustment.
5. The probation officer must conduct a preliminary interview as outlined in the [Preliminary Interview Probation Policy](#) and conduct the assessments as outlined in the [Assessment Tools Probation Policy](#).
6. The probation officer has the discretion to request that the prosecutor in the county where the episode occurred review the referral when:
 - 6.1. The PSRA indicates the minor is high-risk; or
 - 6.2. The PSRA indicates the minor is moderate-risk and the referral is for a Class A misdemeanor violation under Utah Code sections [76-9-112](#), [76-12-306](#), [76-12-307](#), [76-12-309](#), or [Title 76, Chapter 5 \(Offenses Against the Individual\)](#).
7. The probation officer must not offer a nonjudicial adjustment to any offense that is not eligible under Utah Code sections [80-6-303.5\(8\)](#) and [76-5-401.3](#).
 - 7.1. If asked to offer a nonjudicial adjustment for an offense that is not eligible, the probation officer should communicate the following to the prosecutor or Judge:
 - 7.1.1. Juvenile probation officers are not permitted to offer a nonjudicial adjustment for certain offenses, including felony offenses, under Utah Code section [80-6-303.5](#);
 - 7.1.2. If not amended, the offense does not qualify for an offer of a nonjudicial adjustment.
8. The probation officer must advise a minor of their right to consult with counsel if a minor seeks to decline a nonjudicial adjustment offer.
 - 8.1. If a minor seeks to decline a nonjudicial adjustment the probation officer must inform the minor of:
 - 8.1.1. Their right to consult with counsel; and
 - 8.1.2. The availability of resources for the minor to receive legal advice.

- 8.2. If the minor seeks to decline a nonjudicial adjustment and also declines to seek the advice of counsel after being informed of that right, the probation officer must:
 - 8.2.1. Sign an acknowledgment that they provided the minor with the information required in section 8.1;
 - 8.2.2. Have the minor sign an acknowledgment that the probation officer provided the minor with the information required in section 8.1; and
 - 8.2.3. Permit the minor to decline the nonjudicial adjustment.
9. The probation officer may not require an admission of guilt for, or as part of, a nonjudicial adjustment.
10. The probation officer must enter an intake decision within 30 days of the date on which the probation officer was assigned to the episode. When additional time beyond the 30 days is needed, the probation officer must staff the case with a supervisor and enter a case note in CARE that includes the reason for the delay.
11. The probation officer must ensure that victims have been notified in accordance with the [Victim Outreach and Response Policy](#).
 - 11.1. The probation officer must include the *NJ Restitution Under Advisement* closure code as part of the nonjudicial adjustment if restitution information is not available.
 - 11.2. Probation officers must determine restitution based on the best information available related to the actual damage or loss related to the minor's wrongful act or conduct.
 - 11.2.1. Restitution may not be included in a nonjudicial adjustment offer when victim contact information is unavailable. The statute's "best information available" standard requires, at minimum, valid victim contact information to proceed with restitution.
 - 11.2.2. If victim contact information is available, but a victim impact statement with the requested restitution amount is not obtained, the probation officer should use the "best information available" to determine an appropriate restitution amount between 30 and 60 days after the acceptance of a nonjudicial adjustment.
 - 11.2.3. All restitution must be based on the ability of the minor's family to pay as determined by the statewide sliding scale.
 - 11.2.3.1. A minor can agree to deviate from the sliding scale through a victim-offender mediation agreement.
 - 11.2.4. The probation officer must not include restitution in the nonjudicial adjustment for items reported to have been returned without damage or loss.
12. For a minor referred for habitual truancy, the probation officer must only offer a nonjudicial adjustment.

13. The probation officer may exercise discretion to assess fines and/or hours according to the [Utah Juvenile Court Nonjudicial Adjustment Process Document](#):
 - 13.1. The payment of a fine and/or restitution must be based upon the ability of the minor's family to pay as determined by the statewide sliding fee scale.
 - 13.2. Information for the sliding fee scale must be obtained from the Family Size/Income Statement. The Family Size/Income Statement must be eFiled (see [Addendum 2.4.1 Family Size/Income Statement](#), [Addendum 2.4.2 Family Size/Income Statement \(Spanish/English\)](#)).
 - 13.2.1. If the family refuses to fill out the Family Size/Income Statement for restitution, probation must enter the full restitution amount.
 - 13.2.2. If the family refuses to fill out the Family Size/Income Statement regarding the fine, probation is to select the box in CARE indicating that the family doesn't want to enter family income details.
 - 13.3. A minor may not be denied a nonjudicial adjustment due to the inability to pay.
 - 13.4. Any minor in the custody of the state may not be assessed a fine.
14. The nonjudicial closure may include:
 - 14.1. Payment of a fine not to exceed \$250;
 - 14.2. Payment of victim restitution for damage or loss related to the minor's wrongful act or conduct; restitution must be considered separately from a fine and is not limited to \$250;
 - 14.2.1. The probation officer must consider victim requests for restitution individually when entering restitution amounts into the sliding fee scale.
 - 14.2.2. The probation officer must amend the original nonjudicial adjustment for a restitution amount determined after a minor has participated in mediation or further restitution information has been received from the victim.
 - 14.3. Service hours;
 - 14.4. Referral to an appropriate provider for screening, assessment, counseling, treatment and/or intervention;
 - 14.5. Participation in substance use disorder programs, interventions, or counseling programs;
 - 14.6. Compliance with specified restrictions on activities and associations;
 - 14.7. Participation in probation meetings at the request of the probation officer;
 - 14.8. Participation in the juvenile court truancy mediation;
 - 14.9. Victim-offender mediation pre-meetings if the victim agrees to participate;
 - 14.10. Case planning as outlined in the [Case Planning Policy](#); and
 - 14.11. Other reasonable actions that are in the interest of the minor, the community, and the victim.
15. The nonjudicial adjustment must reflect a 90-day completion date for the agreed terms and conditions. The probation officer may request permission from the Court for an additional 90 days by submitting the Report & Recommendation Regarding Nonjudicial Extension in CARE.

- 15.1. When an extension is granted, the probation officer must ensure that reasonably identifiable victims are notified.
 - 15.2. The probation officer must ensure the minor's parents/guardians/custodians are notified when an extension is granted.
16. The Court may extend the nonjudicial period beyond the 180-day timeline if the nonjudicial is for a sexual offense committed before the minor was 12 years of age and finds the following:
 - 16.1. The nonjudicial adjustment requires specific treatment for the sexual offense;
 - 16.2. The treatment cannot be completed within 180 days after the day on which the minor entered into the nonjudicial adjustment; and
 - 16.3. The treatment is necessary based on a clinical assessment that is developmentally appropriate for the minor.
17. The probation officer must submit either a community service hour sheet or a Modification of Nonjudicial Accounting form when requesting a reduction or removal of nonjudicial accounting items for an active case.
 - 17.1. The Modification of Nonjudicial Accounting form should be submitted through CARE to decrease accounting items as part of an incentive; e.g., fines or service hours.
 - 17.2. The community service hour sheet and any supporting documents should be eFiled in CARE to reduce service hours that have been worked off by the minor. This form should not be used to decrease service hours that are being credited as an incentive.
18. The probation officer must include a case plan as outlined in the [Case Plan policy](#) and employ incentives and sanctions outlined in the [Probation Responses to Compliant and Non-Compliant Behavior policy](#).
19. The probation officer must send a *Request for Action (RFA)* in the *Episode* tab to the prosecutor in the county where the episode occurred for review and direction when:
 - 19.1. The minor does not qualify for a nonjudicial adjustment; or
 - 19.2. The probation officer exercises discretion to send a referral for a prosecutorial review as outlined in section 6 above; or
 - 19.3. The minor declines the offer of a nonjudicial adjustment; or
 - 19.4. If the minor fails to respond to the probation officer's inquiry after being provided with notice for the preliminary interview, the probation officer should document at least three attempts to contact the youth before submitting the case for prosecutorial review.
20. The probation officer must mark each nonjudicial episode as successful, unsuccessful, or withdrawn on the nonjudicial episode detail screen in CARE.
 - 20.1. The probation officer must ensure that all order fulfillment accounting items in CARE are closed before marking a case as successful or

- unsuccessful, or when a case is sent to be reviewed by a prosecutor.
- 20.2. The probation officer must ensure that any outstanding accounting items for each episode are removed before submitting a case to be reviewed by a prosecutor or when a nonjudicial adjustment has been marked as unsuccessful.
 - 20.3. If a minor satisfies all of the terms of a nonjudicial adjustment, the episode should be marked as “successful” in CARE.
 - 20.4. If a minor is substantially compliant but fails to satisfy all of the terms of a nonjudicial adjustment, the episode must be marked as “unsuccessful” in CARE.
 - 20.5. If a minor accepts the terms of a nonjudicial adjustment, but fails to substantially comply, the probation officer must select the “unsuccessful” option in CARE. The probation officer must also send a *Request for Decision* (RFD) in the *NonJudicial* tab for review and direction by a prosecutor.
 - 20.5.1. The probation officer should let the prosecutor know if there is a current mediation agreement.
 - 20.5.2. Failure to pay a fine or complete community service hours may not serve as the basis to refer the case to the prosecutor for further action.
 - 20.5.3. If a prosecutor dismisses an episode after a youth accepts a nonjudicial adjustment offer but fails to substantially comply, the episode must be marked as “unsuccessful” in CARE.
 - 20.5.4. If a prosecutor returns a referral to the probation officer for a “new attempt at a nonjudicial adjustment” under Utah Code section [80-6-304.5\(2\)\(a\)\(ii\)](#), the original nonjudicial adjustment should be amended to reflect the new attempt.
 - 20.5.4.1. A “new attempt at a nonjudicial adjustment” restarts the nonjudicial process, including a new timeline or request for an extension from a judge as permitted under Utah Code section [80-6-304\(5\)\(a\)](#).
 - 20.6. A probation officer must select the “Withdrawn” option in CARE before sending a case to be reviewed by a prosecutor when a minor withdraws from the nonjudicial prior to the due date.
 - 20.6.1. If a prosecutor dismisses an episode after a minor withdraws from a nonjudicial adjustment offer but before the agreed completion date, the episode should not be classified as unsuccessful or successful. Instead, CARE should indicate that the minor withdrew from the agreement.
 - 20.6.1.1. A probation officer may not use the withdrawn option after the completion date or after a designation of successful or unsuccessful has been recorded.
21. A probation officer must include the following in an amended nonjudicial adjustment:

- 21.1. Complete wording from the original nonjudicial adjustment;
 - 21.2. A sentence to indicate that an amendment has been made to the nonjudicial adjustment;
 - 21.3. The new nonjudicial terms, including any fine or restitution amounts adjusted for payments made, and community service hours adjusted for hours already earned.
22. Except when offering a “new attempt at a nonjudicial adjustment” as outlined in 20.5.4. and 20.5.4.1, the due date for an amended nonjudicial adjustment must remain the same as the original nonjudicial adjustment. An amended nonjudicial adjustment may only be extended as outlined in Utah Code section [80-6-304\(5\)](#) by submitting the Report & Recommendation Regarding Nonjudicial Extension.

Addendum [2.4.1 Family Size/Income Statement \(English\)](#)

Addendum [2.4.2 Family Size/Income Statement \(English/Spanish\)](#)

History:

Approved by the Judicial Council on December 21, 2020

Updated by the Policy Committee May 15, 2025

STATEWIDE NONJUDICIAL ADJUSTMENT PROCESS GUIDE

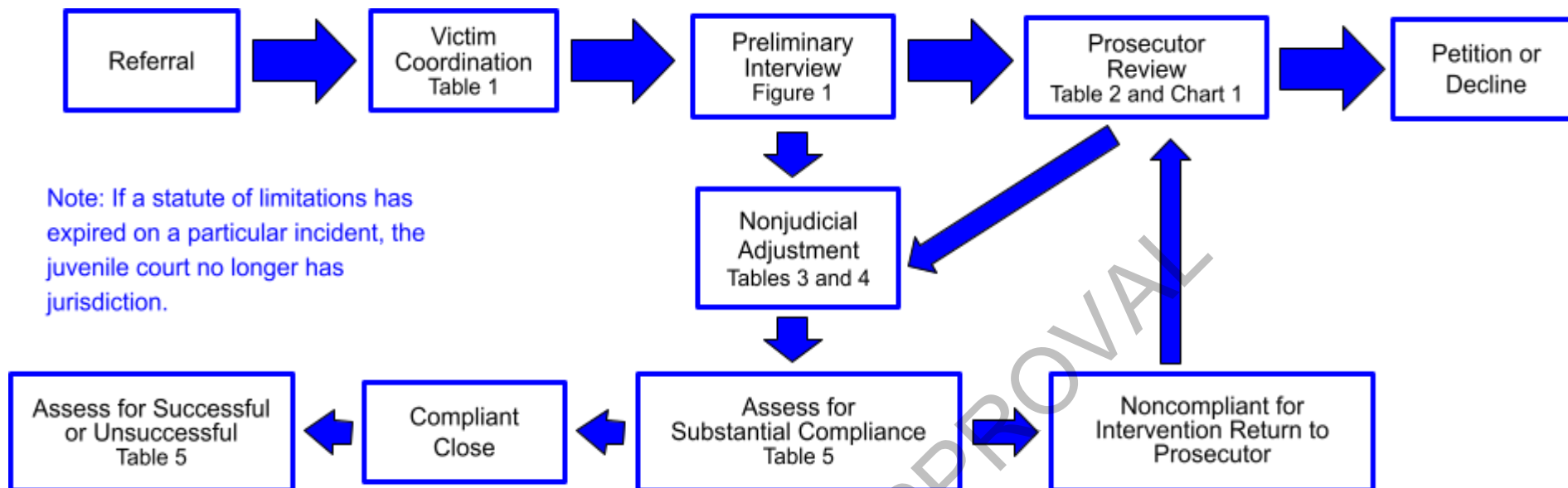


Table 1. Victim Coordination Procedures with Nonjudicial Adjustments

Probation Must:	<ul style="list-style-type: none"> Provide initial notice to reasonably identifiable and locatable victims of the offense contained in the referral within seven days of receiving the referral. [80-6-304(2)(a)] Determine restitution based on the best information available if the victim is unable to, fails to, or refuses to provide all or part of the requested information. [80-6-304(2)(c)] Base restitution upon the ability of the minor's family to pay as determined by a statewide sliding scale. [80-6-304(4)(b)]
Victim Must:	<ul style="list-style-type: none"> Provide upon request invoices, bills, receipts, and any other evidence of injury, loss of earnings, and out-of-pocket loss. [80-6-304(2)(b)(i)] Provide documentation and evidence of compensation or reimbursement from an insurance company or an agency of the state, any other state, or the federal government received as a direct result of the crime for injury, loss of earnings, or out-of-pocket loss. [80-6-304(2)(b)(ii)] Provide proof of identification, including home and work address and telephone numbers. [80-6-304(2)(b)(iii)]
Victim/Offender Mediation	<ul style="list-style-type: none"> Victim/Offender Mediation may be offered in a nonjudicial adjustment as a way to settle restitution disputes for victim impact purposes or if requested by the victim. [80-6-304(1)(g)] Mediation is voluntary for the victims at any stage of the mediation process. Probation will use the NJ Mediation closure for any minor who participates in Victim/Offender Mediation. The Probation Officer will fill out the Juvenile Court Victim-Offender Mediation referral when referring a minor to mediation.

FIGURE 1. ELEMENTS OF THE NONJUDICIAL INTERVIEW PROCESS

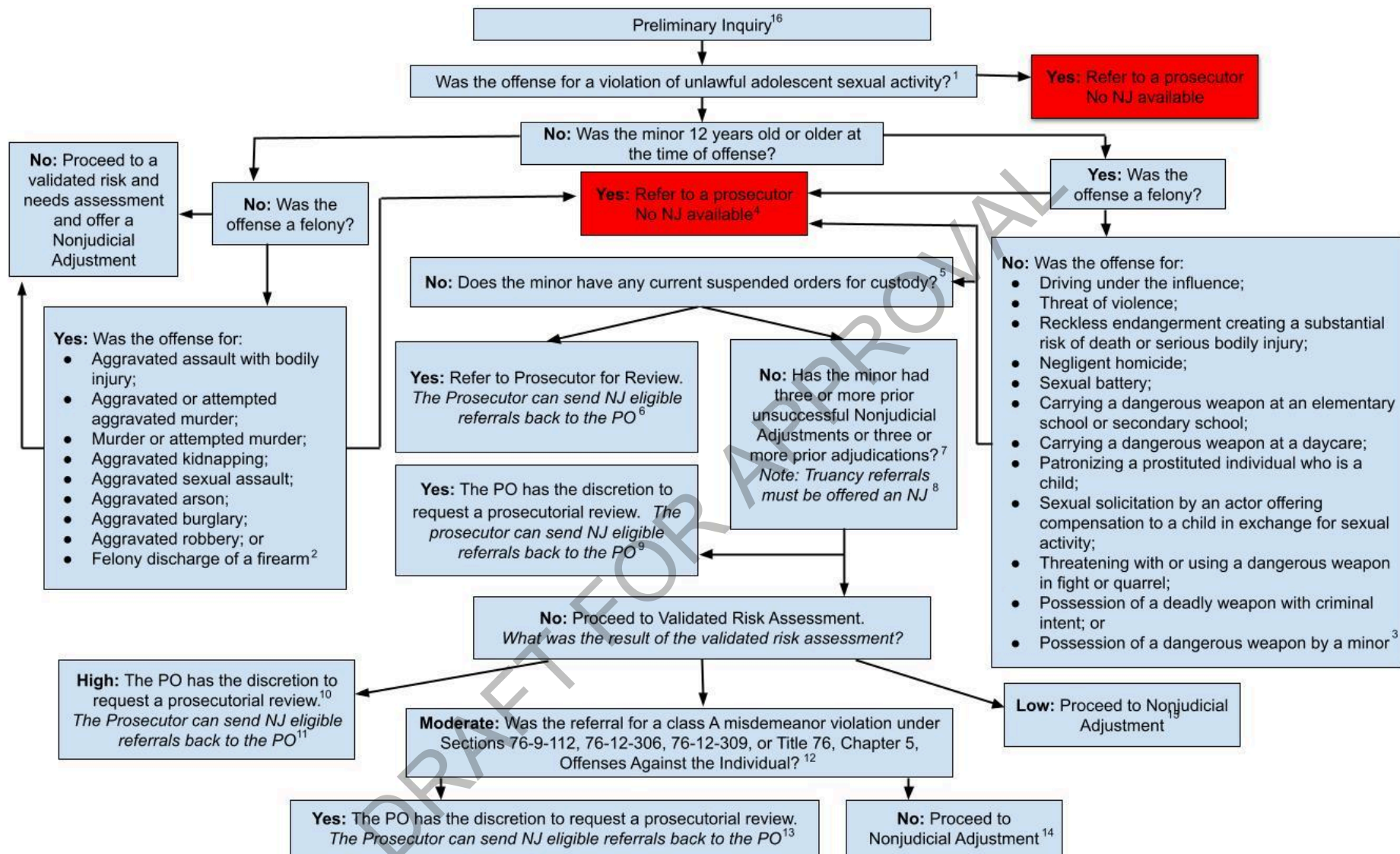


Table 2. Prosecutorial Review

*Please note: Probation officers may not request that the prosecutor review the referral to determine legal sufficiency.
A declined NJ includes instances when a minor withdraws from a nonjudicial agreement before the agreed-upon completion date.

Nonjudicial Unavailable Due to Statute	Procedure Requirement for Review	Optional Nonjudicial	Nonjudicial Required
<ul style="list-style-type: none"> Any offense listed under [80-6-303.5] (Subsections 8(a),(b) and 9(b)) Unlawful adolescent sexual activity [76-5-401.3] <p>Note: Per statute, any minor under the age of 12 years who is referred for any offense other than those identified in Subsection 80-6-303.5(8)(b) will be offered a nonjudicial adjustment.</p> <p>Note: The offenses listed above are ineligible for a nonjudicial adjustment. Probation must not offer a nonjudicial for these offenses.</p> <p>Utah Code References</p>	<ul style="list-style-type: none"> If the minor is not offered or *declines a nonjudicial adjustment [80-6-304.5(1)(c)] If the minor fails to respond to probation's inquiry after being provided with notice for the preliminary interview [80-6-304.5(5)(b)(iv)] If the minor fails to substantially comply with the conditions agreed upon in the nonjudicial adjustment [80-6-304.5(1)(b)] If the minor has a current suspended order for custody under 80-6-711 [80-6-303.5 9(b)] <p>Note: The prosecuting attorney has the option to dismiss the referral, send the referral back to the juvenile probation officer for a new attempt at a nonjudicial adjustment if the minor's case is eligible for a nonjudicial adjustment under Section 80-6-303.5, or file a petition with the juvenile court. [80-6-304.5(2)]</p>	<ul style="list-style-type: none"> Probation officers <i>may</i> request that the prosecutor review the referral based on the results of the risk assessment [80-6-303.5(3)(a)(ii)] <ul style="list-style-type: none"> If the minor is high-risk [80-6-303.5 (3)(a)(ii)(A)] If the minor is moderate-risk and the referral is for a Class A offense against person under Title 76, Chapter 5 <u>or</u> for miscellaneous provisions under Title 76, Chapter 9, Part 7 [80-6-303.5(3)(a)(ii)(B)]. 	<ul style="list-style-type: none"> Any referral for a violation not mentioned in the previous categories

Chart 1. Prosecutorial Review Process



Utah Code References and URJP References

1. § 76-5-401.3(6)
2. § 80-6-303.5(8)(b)
3. § 80-6-303.5(8)(a)
4. § 80-6-303.5(8)

5. § 80-6-303.5(9)(b)
6. § 80-6-304.5(2)(a)(ii)
7. § 80-6-303.5(4)(a)
8. § 80-6-303.5(4)(c)

9. § 80-6-304.5(2)(a)(ii)
10. § 80-6-303.5(3)(a)(ii)(A)
11. § 80-6-304.5(2)(a)(ii)
12. § 80-6-303.5(3)(a)(ii)(B)

13. § 80-6-304.5(2)(a)(ii)
14. § 80-6-303.5(4)
15. § 80-6-303.5(4)
16. URJP 15

Table 3: Responses and Interventions for Nonjudicial Adjustments

The responses and interventions offered in a nonjudicial adjustment are largely determined by risk level. A nonjudicial adjustment may include restitution, financial penalty, community or compensatory service, counseling or treatment, specified restrictions on activities or associations, mediation, or any reasonable action that is in the interest of the minor, the community, or the victim. (80-6-304(1)) For minors determined to be at moderate or high-risk of reoffending, probation officers will collaborate with the minor and the minor's parent(s) or guardian(s) to develop a case plan and complete interventions to address criminogenic risk factors.

Required Responses - Offense Specific	Recommended Considerations
<ul style="list-style-type: none">• Referrals with Restitution: A sliding scale is required if restitution is included in the nonjudicial agreement. A minor could stipulate to a higher restitution amount through Victim/Offender Mediation.• School-Based Offense: A referral for a school-based offense must meet the criteria outlined in Utah Code section 53G-8-211(4) for school-based offenses, including that the minor was referred to an evidence-based intervention for an offense on at least one prior occasion.• Truancy: If a minor is alleged to be a habitual truant, a school may refer a minor only if the minor was previously alleged of being a habitual truant at least twice during the same school year and the minor was referred to an evidence-based alternative for at least two of the previous habitual trancies. Truancy may only be handled nonjudicially. (Utah Code § 53G-8-211(5), 80-6-303.5(4)(c))	<ul style="list-style-type: none">• Probation is strongly encouraged to close any first-time status offense or infraction using the "NJ Counseled/Warned" option from the NJ Agreement. This option should also be considered for low-risk minors referred for first-time Class C or Class B Misdemeanors that are not against person offenses or offenses with restitution.• Probation should consider mediation. Truancy Mediation is a recommended evidence-based intervention that is available for minors under the jurisdiction of the Juvenile Court and for minors referred directly from a school. Victim/Offender Mediation is an option for referred minors if requested by the victim. (Utah Code § 80-6-304(1)(g))• Probation should consider a no-contact condition if requested by the victim or if determined to be necessary by probation.

Table 4. Fines and Community Service Hours

Age of Offense	Fines and Community Service Hours
<p>16 and above</p> <p><i>For minors 16 years old and above, the presumption is that a fine would be assessed unless community service hours would be more appropriate.</i></p>	<p><u>Fine:</u> Up to \$72.50 based on the sliding fee scale (while the statute allows fines up to \$250, probation practice is to keep fines within disposition guideline amounts).</p> <p><u>Community Service Hours:</u> Class A Misdemeanor and above: 4 - 9 hours Class B Misdemeanor: 3 - 9 hours Class C Misdemeanor/Status/Infractions: 3 - 8 hours</p>
<p>Under 16</p> <p><i>For minors under the age of 16, the presumption is that community service hours would be assessed in lieu of the fine unless a fine would be more appropriate.</i></p>	<p><u>Community Service Hours:</u> Class A Misdemeanor and above: 4 - 9 hours Class B Misdemeanor: 3 - 9 hours Class C Misdemeanor/Status/Infractions: 3 - 8 hours</p> <p><u>Fine:</u> Up to \$72.50 based on the sliding fee scale (while the statute allows fines up to \$250, probation practice is to keep fines within disposition guideline amounts).</p>
<p>Below Poverty/Minors in JJYS and DCFS custody</p>	<p><u>Community Service Hours:</u> Class A Misdemeanor and above: 4 - 9 hours Class B Misdemeanor: 3 - 9 hours Class C Misdemeanor/Status/Infractions: 3 - 8 hours</p>
<ul style="list-style-type: none"> Any deviation from the guidelines above must be staffed with the supervisor or chief. Except for the minor in row 3, Probation Officers have discretion on whether a fine or community service hours are assessed based on the circumstances, appropriateness (e.g. age), and the unique needs and preferences of the minor and family. Probation has discretion in reducing the assessed fine or hours as an incentive for <i>moderate/high-risk</i> minors to complete other NJ components. Probation Officers may discuss incentives and ways for minors to earn a reduction in fines or hours during the case planning process. The NJ will be closed out as Unsuccessful if the minor fails to complete their fine or hours. The referral will be forwarded to the prosecutor only when there is unsubstantial compliance with another NJ condition such as an intervention (see Table 5). 	

Table 5. Compliance, Substantial Compliance, and Successful / Unsuccessful Nonjudicial Adjustments

<ul style="list-style-type: none">• Probation officers must utilize the Behavioral Matrices to provide incentives for progress towards the minor's goals/obligations and to address noncompliant behavior/lack of progress prior to determining that a minor has been unsuccessful with their nonjudicial adjustment.• If the minor and family have not been able to complete their fine within the first 90 days, the probation officer may seek a judicial extension for an additional 90 days.	
Substantial Compliance	<ul style="list-style-type: none">• 100% completion of sliding scale restitution• 100% completion of no-contact conditions• Substantial compliance for interventions will be determined by intervention standards• Participation in pre-meeting for Victim/Offender Mediation (unless the victim declines to participate)• Developed a case plan (100%) and attended 75% of meetings with probation
Successful	<ul style="list-style-type: none">• Completion of 100% of the terms and conditions of the nonjudicial adjustment or amended adjustment
Unsuccessful	<ul style="list-style-type: none">• Completion of less than 100% of the terms and conditions of the nonjudicial adjustment or amended adjustment <p>If the minor fails to substantially comply with the conditions agreed upon in the nonjudicial adjustment, the referral must be sent to the prosecutor for screening. [80-6-304.5(1)(b)]</p>

Nonjudicial Adjustments:

- A nonjudicial offer is allowed for driving with any measurable controlled substance in the body under Utah Code section 41-6a-517, but not for a DUI under Utah Code section 41-6a-502 (Utah Code §80-6-303.5(8)(a)(ii)(A)).
- If the court receives a referral for an offense that occurred before a minor was 12 years old, probation must offer a nonjudicial adjustment unless the offense is identified in Utah Code section 80-6-303.5(8)(b). A petition can be filed for a minor younger than 12 years old if the minor was offered a nonjudicial adjustment and the minor declines or fails to substantially comply with it. These criteria must exist for a Request For Action to be submitted to the Prosecutor's Office. Whereas referrals for other minors can be screened by the Prosecutor if the minor is high risk on the Pre-Screen Risk Assessment (PSRA), referrals for minors who are under 12 cannot.
 - If the nonjudicial adjustment was for a sexual offense committed before the minor was 12 years old, the court may extend the nonjudicial period beyond the 180-day timeline if the judge finds that specific treatment is needed for the offense, the treatment cannot be completed within the 180-day timeline, *and* treatment is necessary based on a developmentally appropriate clinical assessment. 90-day extensions can be granted without limit as long as conditions are met.
 - Please refer to the statewide Quality Assurance Plan for additional information about working with minors who offend sexually.

DISTRICT JUVENILE COURT

COUNTY, STATE OF UTAH

STATE OF UTAH, in the interest of Name: DOB: A minor <input type="checkbox"/> under <input type="checkbox"/> over eighteen years of age	FAMILY SIZE/INCOME STATEMENT Case Number: Incident(s):
---	---

1. The family household size is: _____

Your family size should include all the people who depend on you for support or who provide support for the household. This could include a spouse, children, or other dependents that live in the same house. Your household could also include people who do not live in your house. For example, a child you pay child support for but who does not live with you full-time should be included.

2. The household gross yearly income is \$ _____

Gross yearly income is the amount of money earned in one year from all sources of income before any taxes or other deductions are withheld. The money earned by everyone counted as part of the household size should be included. Some examples of likely sources of income are employment wages, social security disability income, unemployment benefits, worker's compensation, child support, and alimony.

Parent/Guardian Signature

Date

DISTRICT JUVENILE COURT
El Tribunal de Menores en el _____ Distrito Judicial

COUNTY / CONDADO
STATE OF UTAH / ESTADO DE UTAH

STATE OF UTAH, in the interest of <i>El estado de Utah por el bienestar de</i> _____ DOB: _____ <i>Fecha de nacimiento</i> <input type="checkbox"/> A youth under the age 18/ <i>Menor de 18 años</i> <input type="checkbox"/> A person 18 years or older/ <i>Mayor de 18 años</i>	FAMILY SIZE/INCOME STATEMENT TAMAÑO FAMILIAR/DECLARACIÓN DE INGRESOS Case Number/ <i>Número de caso</i> : _____ Incident(s)/ <i>Incidente</i> : _____ _____
--	--

1. The family household size/*Cuántas personas conforman su hogar familiar*: _____

Instructions - Your family size should include all the people who depend on you for support or who provide support for the household. This could include a spouse, children, or other dependents that live in the same house. Your household could also include people who do not live in your house. For example, a child you pay child support for but who does not live with you full-time should be included.

Instrucciones - La cantidad de personas en su familia deberá incluir todas las personas que dependen de usted con apoyo financiero y aquellos que aportan al hogar. Entre estos pueden incluir los siguientes: un cónyuge, hijos u otros dependientes que residen en la misma casa. También se puede incluir a personas que no residan en su casa; por ejemplo, podrá incluir a un hijo(a) por el(la) cual paga manutención infantil pero que no reside con usted tiempo completo.

2. The household gross yearly income is/*El ingreso anual bruto del hogar es*: \$ _____

Instructions - Gross yearly income is the amount of money earned in one year from all sources of income before any taxes or other deductions are withheld. The money earned by everyone counted as part of the household size should be included. Some examples of likely sources of income are employment wages, social security disability income, unemployment benefits, worker's compensation, child support, and alimony.

Instrucciones - El ingreso anual bruto es la cantidad de dinero obtenido en un año, proveniente de todas las fuentes de ingreso antes de la retención tributaria u otras deducciones. Se deberá incluir el dinero obtenido por cada persona que conforma el tamaño del hogar familiar. Algunos ejemplos de posibles fuentes de ingreso son las siguientes: salario por empleo, ingreso por discapacidad del seguro social, prestaciones por desempleo, compensación laboral, manutención infantil y manutención conyugal.

Date/Fecha

Parent/Guardian Signature/*Firma del padre o tutor*

Nonjudicial Adjustment

Policy:

All eligible youth **minors** will be provided the opportunity to participate in the nonjudicial adjustment process regardless of national origin, race, ethnicity, socioeconomic, or custody status. This policy provides direction to probation staff regarding nonjudicial adjustments with minors referred to the Utah State Juvenile Court.

Scope:

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

Authority:

- [~~UCA~~ Utah Code § 76-5-401.3](#)
- [~~UCA 76-9-7~~](#)
- [~~Utah Code § 76-9-112~~](#)
- [~~Utah Code § 76-12-306~~](#)
- [~~Utah Code § 76-12-307~~](#)
- [~~Utah Code § 76-12-309~~](#)
- [~~Utah Code § 78A-6-103~~](#)
- [~~UCA~~ Utah Code § 80-1-102](#)
- [~~UCA~~ Utah Code § 80-6-303.5](#)
- [~~UCA~~ Utah Code §80-6-304](#)
- [~~Utah Code § 80-6-304.5~~](#)
- [~~UCA~~ Utah Code § 80-6-601](#)
- [~~Utah Code of Judicial Administration Rule 7-301~~](#)
- [~~Utah Rules of Juvenile Procedure Rule 15~~](#)
- [~~Utah Rules of Juvenile Procedure Rule 16~~](#)
- [~~Accounting Manual~~](#)
- [~~Probation Policy Probation Responses to Compliant and Noncompliant Behavior~~](#)
- [~~Probation Policy Victim Outreach and Response~~](#)
- [~~Statewide Sliding Fee Scale~~](#)
- [~~Utah Juvenile Court: Nonjudicial Adjustment Process~~](#)
- [**Law Clerk Memo: Overriding Restitution Sliding Scale**](#)

Procedure:

1. The probation officer is required by statute to offer a nonjudicial adjustment to a minor when:
 - 1.1. The referral is for a misdemeanor (excluding misdemeanors outlined in Section ~~3~~ **4** below), infraction or status offense; and
 - 1.2. The minor has ~~only one or two prior~~ **two or fewer** adjudicated episodes (excluding **Order to Show Cause**/contempts); and
 - 1.3. The minor has ~~only one, two or three~~ **two or fewer** prior unsuccessful nonjudicial attempts.
 - 1.4. **The minor is referred for being habitually truant.**
 - 1.5. ~~1.4~~ The minor was under the age of 12 years when the incident occurred,

unless the offense is one of the following:

- 1.5.1. ~~1.4.1~~ Aggravated Assault resulting in serious bodily injury to another
- 1.5.2. ~~1.4.2~~ Aggravated murder or Attempted Aggravated Murder
- 1.5.3. ~~1.4.3~~ Murder or Attempted Murder
- 1.5.4. ~~1.4.4~~ Aggravated Kidnapping
- 1.5.5. ~~1.4.5~~ Aggravated Sexual Assault
- 1.5.6. ~~1.4.6~~ Aggravated Arson
- 1.5.7. ~~1.4.7~~ Aggravated Burglary
- 1.5.8. ~~1.4.8~~ Aggravated Robbery
- 1.5.9. ~~1.4.9~~ Felony Discharge of a Firearm

- 2. The probation officer ~~may still~~ **has the discretion to** offer a nonjudicial adjustment when the above conditions listed in Section 1 are not met, except as outlined in Section ~~3~~ **4** below.

- 3. **The probation officer may not include offenses arising from more than one episode in a single nonjudicial adjustment.**

- 4. ~~3.~~ **The offenses listed in Utah Code sections [76-5-401.3](#) and [80-6-303.5\(8\)](#) are ineligible for a nonjudicial adjustment.** The probation officer shall not offer a nonjudicial adjustment to a minor charged with any of the following offenses listed under [UCA 76-5-401.3](#):

~~3.1. a Third Degree Felony if an adolescent who is 17 years of age engages in unlawful adolescent sexual activity with an adolescent who is 12 or 13 years of age;~~

~~3.2. a Third Degree Felony if an adolescent who is 16 years of age engages in unlawful adolescent sexual activity with an adolescent who is 12 years of age;~~

~~3.3. any Class A Misdemeanor if an adolescent who is 16 years of age engages in unlawful adolescent sexual activity with an adolescent who is 13 years of age;~~

~~3.4. a Class A Misdemeanor if an adolescent who is 14 or 15 years of age engages in unlawful adolescent sexual activity with an adolescent who is 12 years of age;~~

~~3.5. a Class B Misdemeanor if an adolescent who is 17 years of age engages in unlawful adolescent sexual activity with an adolescent who is 14 years of age;~~

~~3.6. a Class B Misdemeanor if an adolescent who is 15 years of age engages in unlawful adolescent sexual activity with an adolescent who is 13 years of age;~~

~~3.7. a Class C Misdemeanor if an adolescent who is 12 or 13 years of age engages in unlawful adolescent sexual activity with an adolescent who is 12 or 13 years of age; and~~

~~3.8. a Class C Misdemeanor if an adolescent who is 14 years of age engages in unlawful adolescent sexual activity with an adolescent who is 13 years of age.~~

- ~~4.~~ The probation officer shall screen the following offenses with the prosecutor in the county where the episode occurred prior to offering a nonjudicial adjustment:

~~4.1 Any felony;~~

- ~~4.2 Driving Under the Influence;~~
- ~~4.3 Reckless Endangerment Creating a Substantial Risk of Death or Serious Bodily Injury;~~
- ~~4.4 Negligent Homicide;~~
- ~~4.5 Sexual Battery;~~
- ~~4.6 Possession of a Dangerous Weapon, Firearm, or Short Barrelled Shotgun on or About School Premises;~~
- ~~4.7 Possession of a Dangerous Weapon by a Minor if the dangerous weapon is a firearm; or~~
- ~~4.8 Any other offense when the youth has a current suspended order for custody;~~
- ~~4.9 The referral involves an offense alleged to have occurred before an individual was 12 years old and the offense is a felony violation of:~~
 - ~~4.9.1 Aggravated Assault resulting in serious bodily injury to another~~
 - ~~4.9.2 Aggravated murder or Attempted Aggravated Murder~~
 - ~~4.9.3 Murder or Attempted Murder~~
 - ~~4.9.4 Aggravated Kidnapping~~
 - ~~4.9.5 Aggravated Sexual Assault~~
 - ~~4.9.6 Aggravated Arson~~
 - ~~4.9.7 Aggravated Burglary~~
 - ~~4.9.8 Aggravated Robbery~~
 - ~~4.9.9 Felony Discharge of a Firearm~~

5. The probation officer ~~shall~~ must conduct a preliminary interview as outlined in the [Preliminary Interview Probation Policy](#); **and** conduct the **assessments** Pre-Screen Risk Assessment (PSRA), offer and the MAYSI-2, as outlined in the [Assessment Tools Probation Policy](#).
6. The probation officer may **has the discretion to** request that the prosecutor in the county where the episode occurred review the referral when:
 - 6.1. ~~T~~the PSRA indicates the minor is high-risk; or
 - 6.2. ~~T~~the PSRA indicates the minor is moderate-risk and the referral is for a Class A, misdemeanor violation under **76-9-112, 76-12-306, 76-12-307, 76-12-309 or Title 76, Chapter 5 (Offenses Against the Individual), or Title 76, Chapter 9 (Offenses Against Public Order and Decency), Part 7, Miscellaneous Provisions.**
7. The probation officer may be directed by the prosecutor in the county where the episode occurred or the Court to offer a nonjudicial adjustment to any minor not prohibited by statute: **The probation officer must not offer a nonjudicial adjustment to any offense that is not eligible under Utah Code sections 80-6-303.5(8)(a), 9(b) and 76-5-401.3.**
 - 7.1. **If asked to offer a nonjudicial adjustment for an offense that is not eligible, the probation officer should communicate the following to the prosecutor or Judge:**
 - 7.1.1. **Juvenile probation officers are not permitted to offer a**

- nonjudicial adjustment for certain offenses, including felony offenses, under Utah Code section 80-6-303.5;
- 7.1.2. If not amended, the offense does not qualify for an offer of a nonjudicial adjustment.
8. The probation officer must advise a minor of their right to consult with counsel if a minor seeks to decline a nonjudicial adjustment offer.
- 8.1. If a minor seeks to decline a nonjudicial adjustment the probation officer must inform the minor of:
- 8.1.1. Their right to consult with counsel; and
- 8.1.2. The availability of resources for the minor to receive legal advice.
- 8.2. If the minor seeks to decline a nonjudicial adjustment and also declines to seek the advice of counsel after being informed of that right, the probation officer must:
- 8.2.1. Sign an acknowledgment that they provided the minor with the information required in section 8.1;
- 8.2.2. Have the minor sign an acknowledgment that the probation officer provided the minor with the information required in section 8.1; and
- 8.2.3. Permit the minor to decline the nonjudicial adjustment.
9. ~~8. A minor is not required to admit to an offense for a nonjudicial adjustment to be completed.~~ The probation officer may not require an admission of guilt for, or as part of, a nonjudicial adjustment.
10. ~~9. The probation officer shall **must** enter an intake decision within 30 days of the intake date~~ date on which the probation officer was assigned to the episode. ~~The probation officer shall enter a case note in CARE when additional time beyond the 30 days is needed, by the prosecutor to review the referral or if there are other extenuating circumstances.~~ When additional time beyond the 30 days is needed, the probation officer must staff the case with a supervisor and enter a case note in CARE that includes the reason for delay.
11. ~~(#13 on the current policy has been moved here) 13. The probation officer shall ensure that the victim has been contacted prior to the preliminary interview if the victim packet has not been returned or if the victim is requesting restitution with no supporting documentation.~~ The probation officer must ensure that victims have been notified in accordance with the [Victim Outreach and Response Policy](#).
- 11.1. ~~13.1 The probation officer shall **must** include the NJ Restitution Under Advisement closure code as part of the nonjudicial adjustment if attempts to contact the victim are unsuccessful~~ restitution information is not available.
- 11.2. Probation officers must determine restitution based on the best information available related to the actual damage or loss related to

the minor's wrongful act or conduct.

- 11.2.1. **Restitution may not be included in a nonjudicial adjustment offer when victim contact information is unavailable. The statute's "best information available" standard requires, at minimum, valid victim contact information to proceed with restitution.**
 - 11.2.2. **If victim contact information is available, but a victim impact statement with the requested restitution amount is not obtained, the probation officer should use the "best information available" to determine an appropriate restitution amount between 30 and 60 days after the acceptance of a nonjudicial adjustment.**
 - 11.2.3. **All restitution must be based on the ability of the minor's family to pay as determined by the statewide sliding scale.**
~~13.2 The probation officer shall enter the requested amount of restitution into the sliding scale calculator when probation is unable to verify the actual value of material loss or damage. (e.g. cash, coins, heirloom, etc.)~~
 - 11.2.3.1. **A minor can agree to deviate from the sliding scale through a victim-offender mediation agreement.**
 - 11.2.4. ~~13.2.1.~~ The probation officer shall **must** not include restitution in the nonjudicial agreement **adjustment** for items reported to have been returned without damage or loss.
12. **For a minor referred for habitual truancy, the probation officer must only offer a nonjudicial adjustment.**
13. ~~40.~~ The probation officer may exercise discretion to assess fines and/or hours according to the [Utah Juvenile Court Nonjudicial Adjustment Process Document](#):
- 13.1. ~~40.1~~ The payment of a fine and/or restitution shall **must** be based upon the ability of the minor's family to pay as determined by the statewide sliding fee scale.
 - 13.2. ~~40.2~~ Information for the sliding fee scale shall **must** be obtained from the Family Size/Income Statement. The Family Size/Income Statement shall **must** be eFiled (see [Addendum 2.4.1 Family Size/Income Statement](#), [Addendum 2.4.2 Family Size/Income Statement \(Spanish/English\)](#)).
 - 13.2.1. **If the family refuses to fill out the Family Size/Income Statement for restitution, probation must enter the full restitution amount.**
 - 13.2.2. **If the family refuses to fill out the Family Size/Income Statement regarding the fine, probation is to select the box in CARE indicating that the family doesn't want to enter family income details.**
 - 13.3. ~~40.3~~ A minor may not be denied a nonjudicial adjustment due to the

inability to pay.

- 13.4. ~~10.4~~ Any minor in the custody of the state ~~shall~~ **may** not be assessed a fine.

14. ~~11.~~ The nonjudicial closure may include:

- 14.1. ~~11.1.~~ **P**ayment of a fine not to exceed \$250;

- 14.2. ~~11.2.~~ **P**ayment of victim restitution for **damage or loss related to the minor's wrongful act or conduct** ~~material loss (uninsured property loss; out of pocket monetary loss; lost wages; or medical expenses);~~ restitution shall **must** be considered separately from a fine and is not limited to \$250;

- 14.2.1. ~~11.2.1.~~ The probation officer shall **must** consider victim requests for restitution individually when entering restitution amounts into the sliding fee scale.

- 14.2.2. ~~11.2.2.~~ The probation officer may **must amend the original** ~~create an additional 90-day nonjudicial agreement~~ **adjustment** for a restitution amount determined after a youth **minor** has participated in mediation or further restitution information has been received from the victim.

- 14.3. ~~11.3.~~ **S**ervice hours;

- 14.4. ~~11.4.~~ **R**eferral to an appropriate provider for screening, assessment, counseling, treatment and/or intervention;

- 14.5. ~~11.5.~~ **P**articipation in substance use disorder programs, interventions, or counseling programs;

- 14.6. ~~11.6.~~ **C**ompliance with specified restrictions on activities and associations;

~~11.7.~~ other reasonable actions that are in the interest of the minor, the community and the victim (moved below to 14.11.);

- 14.7. ~~11.8.~~ **P**articipation in probation meetings at the request of the probation officer; and

- 14.8. ~~11.9.~~ **P**articipation in the juvenile court truancy mediation; and/or

- 14.9. **V**ictim-offender mediation pre-meetings **if the victim agrees to participate;**

- 14.10. **Case planning as outlined in the [Case Planning Policy](#)**

- 14.11. **O**ther reasonable actions that are in the interest of the minor, the community, and the victim.

15. ~~12.~~ The nonjudicial adjustment shall **must** reflect a **90-day** completion date for the agreed terms and conditions, ~~and shall not exceed 90 days from the date the adjustment was signed.~~ The probation officer may request permission from the Court for an additional 90 days by submitting the [Report & Recommendation Regarding Nonjudicial Extension](#) **Report & Recommendation Regarding Nonjudicial Extension in CARE.**

- 15.1. ~~12.1.~~ The probation officer shall ensure the victim is notified when an extension is granted, **When an extension is granted, the probation officer must ensure that reasonably identifiable victims are notified.**

- 15.2. ~~42.2.~~ The probation officer shall **must** ensure the minor's parents/guardians/custodians are notified when an extension is granted.
16. ~~44.~~ The Court may extend the nonjudicial period beyond the 180-day timeline if the nonjudicial is for a sexual offense committed before the minor was 12 years of age and finds the following:
- 16.1. ~~44.1.~~ **The nonjudicial adjustment requires specific treatment for the sexual offense;**
- 16.2. ~~44.2.~~ **The treatment cannot be completed within 180 days after the day on which the minor entered into the nonjudicial adjustment; and**
- 16.3. ~~44.3.~~ **The treatment is necessary based on a clinical assessment that is developmentally appropriate for the minor.**
17. ~~45.~~ The probation officer shall **must** eFile **submit either a community service hour sheet or a Modification of Nonjudicial Accounting form** when changes to the existing nonjudicial adjustment become necessary: **requesting a reduction or removal of nonjudicial accounting items for an active case.**
- 17.1. **The Modification of Nonjudicial Accounting form should be submitted through CARE to decrease accounting items as part of an incentive; e.g., fines or service hours.**
- 17.2. **The community service hour sheet and any supporting documents should be eFiled in CARE to reduce service hours that have been worked off by the minor. This form should not be used to decrease service hours that are being credited as an incentive.**
18. ~~46.~~ The probation officer shall **must** **include a case plan as outlined in the Case Planning policy and employ incentives and sanctions outlined in the Probation Responses to Compliant and Non-Compliant Behavior policy**, and document incentives and rewards in support of prosocial and compliant behavior. The probation officer shall also employ and document interventions or sanctions to address non-compliant behavior when a minor fails to comply with the conditions of the nonjudicial adjustment (see [Probation Policy Probation Responses to Compliant and Noncompliant Behavior](#)).
19. ~~47.~~ The probation officer shall **must** submit the case **send a Request for Action (RFA) in the Episode tab** to the prosecutor in the county where the episode occurred for review and direction when:
- 19.1. **The minor does not qualify for a nonjudicial adjustment; or**
- 19.2. **The probation officer exercises discretion to send a referral for a prosecutorial review as outlined in section 6 above; or**
- 19.3. ~~47.1.~~ The minor declines the offer of a nonjudicial adjustment; or
- 19.4. **If the minor fails to respond to the probation officer's inquiry after being provided with notice for the preliminary interview, the probation officer should document at least three attempts to contact the youth before submitting the case for prosecutorial review.**
- ~~47.2.~~ a minor fails to substantially comply with the nonjudicial adjustment.

(Moved to 20.5.2) ~~17.2.1. Failure to pay a fine or complete community service hours may not serve as the basis to refer the case to the prosecutor for further action.~~

20. ~~18.~~ The probation officer shall **must** mark each nonjudicial adjustment **episode** **as** successful, or unsuccessful, **or withdrawn** on the nonjudicial **episode** **detail** screen in CARE.
- ~~18.1. The probation officer shall eFile a modification form when a nonjudicial adjustment has been marked as unsuccessful and there are outstanding order fulfillment items.~~
- 20.1. **The probation officer must ensure that all order fulfillment accounting items in CARE are closed before marking a case as successful or unsuccessful, or when a case is sent to be reviewed by a prosecutor.**
- 20.2. **The probation officer must ensure that any outstanding accounting items for each episode are removed before submitting a case to be reviewed by a prosecutor or when a nonjudicial adjustment has been marked as unsuccessful.**
- 20.3. **If a minor satisfies all of the terms of a nonjudicial adjustment, the episode should be marked as “successful” in CARE.**
- 20.4. **If a minor is substantially compliant but fails to satisfy all of the terms of a nonjudicial adjustment, the episode must be marked as “unsuccessful” in CARE.**
- 20.5. **If a minor accepts the terms of a nonjudicial adjustment, but fails to substantially comply, the probation officer must select the “unsuccessful” option in CARE. The probation officer must also send a *Request for Decision (RFD)* in the *NonJudicial* tab for review and direction by a prosecutor.**
- 20.5.1. **The probation officer should let the prosecutor know if there is a current mediation agreement.**
- 20.5.2. ~~17.2.1. Failure to pay a fine or complete community service hours may not serve as the basis to refer the case to the prosecutor for further action.~~
- 20.5.3. **If a prosecutor dismisses an episode after a youth accepts a nonjudicial adjustment offer but fails to substantially comply, the episode must be marked as “unsuccessful” in CARE.**
- 20.5.4. **If a prosecutor returns a referral to the probation officer for a “new attempt at a nonjudicial adjustment” under Utah Code section 80-6-304.5(2)(a)(ii), the original nonjudicial adjustment should be amended to reflect the new attempt.**
- 20.5.4.1. **A “new attempt at a nonjudicial adjustment” restarts the nonjudicial process, including a new timeline or request for an extension from a judge as permitted under Utah Code section 80-6-304(5)(a).**
- 20.6. **A probation officer must select the “Withdrawn” option in CARE before sending a case to be reviewed by a prosecutor when a minor withdraws from the nonjudicial prior to the due date.**

- 20.6.1. If a prosecutor dismisses an episode after a minor withdraws from a nonjudicial adjustment offer but before the agreed completion date, the episode should not be classified as unsuccessful or successful. Instead, CARE should indicate that the minor withdrew from the agreement.
- 20.6.1.1. A probation officer may not use the withdrawn option after the completion date or after a designation of successful or unsuccessful has been recorded.
- 21. A probation officer must include the following in an amended nonjudicial adjustment:
 - 21.1. Complete wording from the original nonjudicial adjustment;
 - 21.2. A sentence to indicate that an amendment has been made to the nonjudicial adjustment;
 - 21.3. The new nonjudicial terms, including any fine or restitution amounts adjusted for payments made, and community service hours adjusted for hours already earned.
- 22. Except when offering a “new attempt at a nonjudicial adjustment” as outlined in 20.5.4. and 20.5.4.1, the due date for an amended nonjudicial adjustment must remain the same as the original nonjudicial adjustment. An amended nonjudicial adjustment may only be extended as outlined in Utah Code section 80-6-304(5) by submitting the Report & Recommendation Regarding Nonjudicial Extension.

Addendum [2.4.1 Family Size/Income Statement \(English\)](#)

Addendum [2.4.2 Family Size/Income Statement \(English/Spanish\)](#)

History:

Approved by the Judicial Council on December 21, 2020

Updated by the Policy Committee March 4, 2025

UTAH JUVENILE COURT: STATEWIDE NONJUDICIAL ADJUSTMENT PROCESS GUIDE

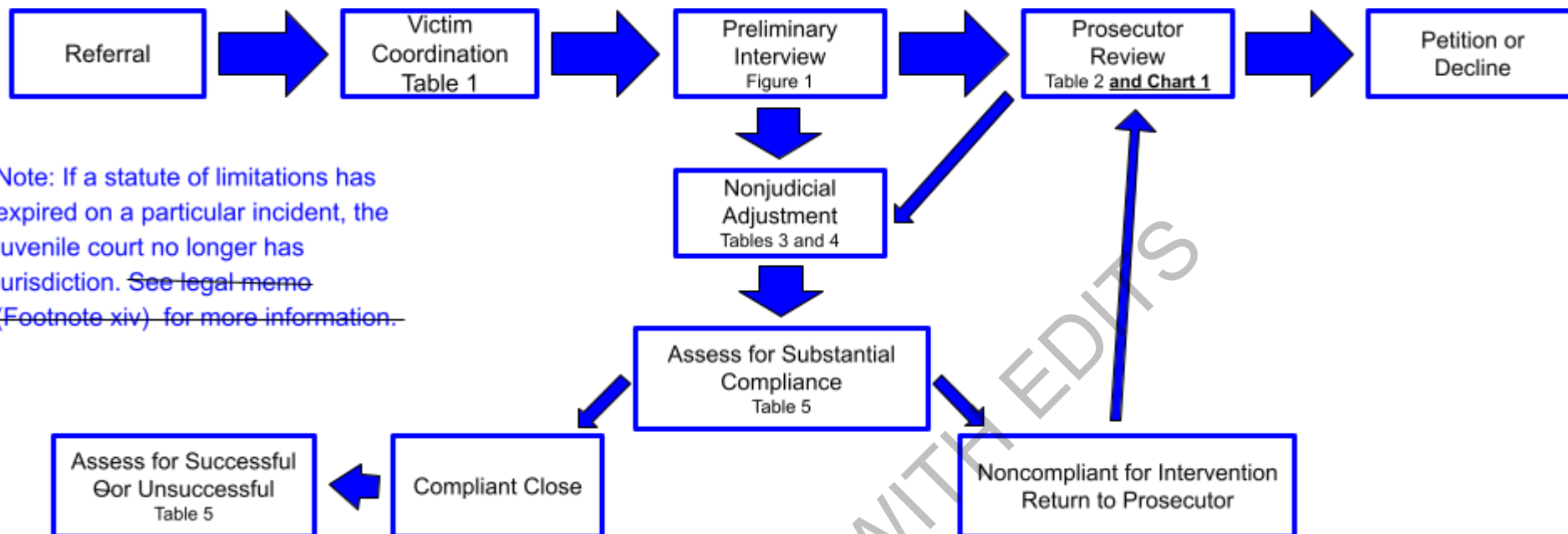
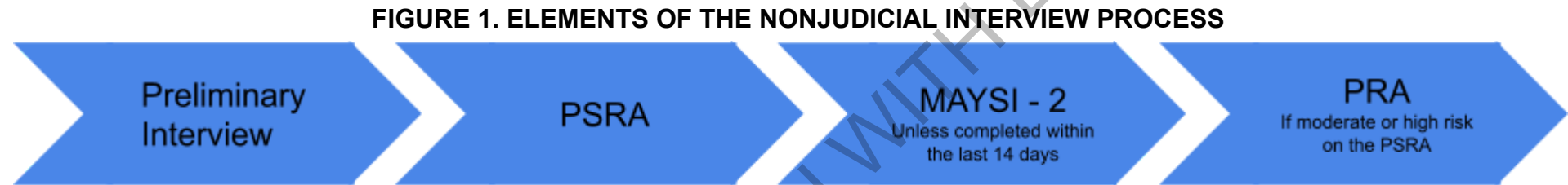


Table 1. Victim Coordination Procedures with Nonjudicial Adjustments

Probation Shall Must:	<ul style="list-style-type: none"> Provide initial notice to reasonably identifiable and locatable victims of the offense contained in the referral; within seven days of receiving the referral. [80-6-304(2)(a)] The inability, failure, or refusal of the victim to provide all or part of the requested information shall result in the probation department determining restitution based on the best information available. [80-6-304(2)(c)] Determine restitution based on the best information available if the victim is unable to, fails to, or refuses to provide all or part of the requested information. [80-6-304(2)(c)] Base restitution upon the ability of the minor's family to pay as determined by a statewide sliding scale. [80-6-304(4)(b)]
Victim Shall Must:	<ul style="list-style-type: none"> Provide upon request invoices, bills, receipts, and any other evidence of injury, loss of earnings, and out-of-pocket loss. [80-6-304(2)(b)(i)] Provide documentation and evidence of compensation or reimbursement from insurance companies or agencies of Utah, or any other state or federal government received as a direct result of the crime for injury, loss of earnings, or out-of-pocket loss. [80-6-304(2)(b)(ii)] Provide documentation and evidence of compensation or reimbursement from an insurance company or an agency of the state, any other state, or the federal

	<p><u>government received as a direct result of the crime for injury, loss of earnings, or out-of-pocket loss. [80-6-304(2)(b)(ii)]</u></p> <ul style="list-style-type: none"> • Provide proof of identification, including home and work address and telephone numbers. [80-6-304(2)(b)(iii)]
Victim/Offender Mediation	<ul style="list-style-type: none"> • Victim/Offender mediation may be offered in a nonjudicial adjustment as a way to settle restitution disputes for victim impact purposes or if requested by the victim. [80-6-304(61)(g)] • Mediation is voluntary for the victims at any stage of the mediation process. • <u>Probation will use the NJ Mediation closure for any youth minor who participates in Victim/Offender Mediation.</u> • <u>The Probation Officer will fill out the Juvenile Court Victim-Offender Mediation referral when referring a youth minor to mediation.</u>



Replace Table 2 (see below)

<p>TABLE 2. REFER TO PROSECUTOR FOR SCREENING AND REVIEW</p> <p>*Please note: A Prosecutor may decline to petition ANY offense and refer it back to probation for a nonjudicial adjustment.</p>		
Required – Offense	Optional – Offense & Risk	Required – Procedural

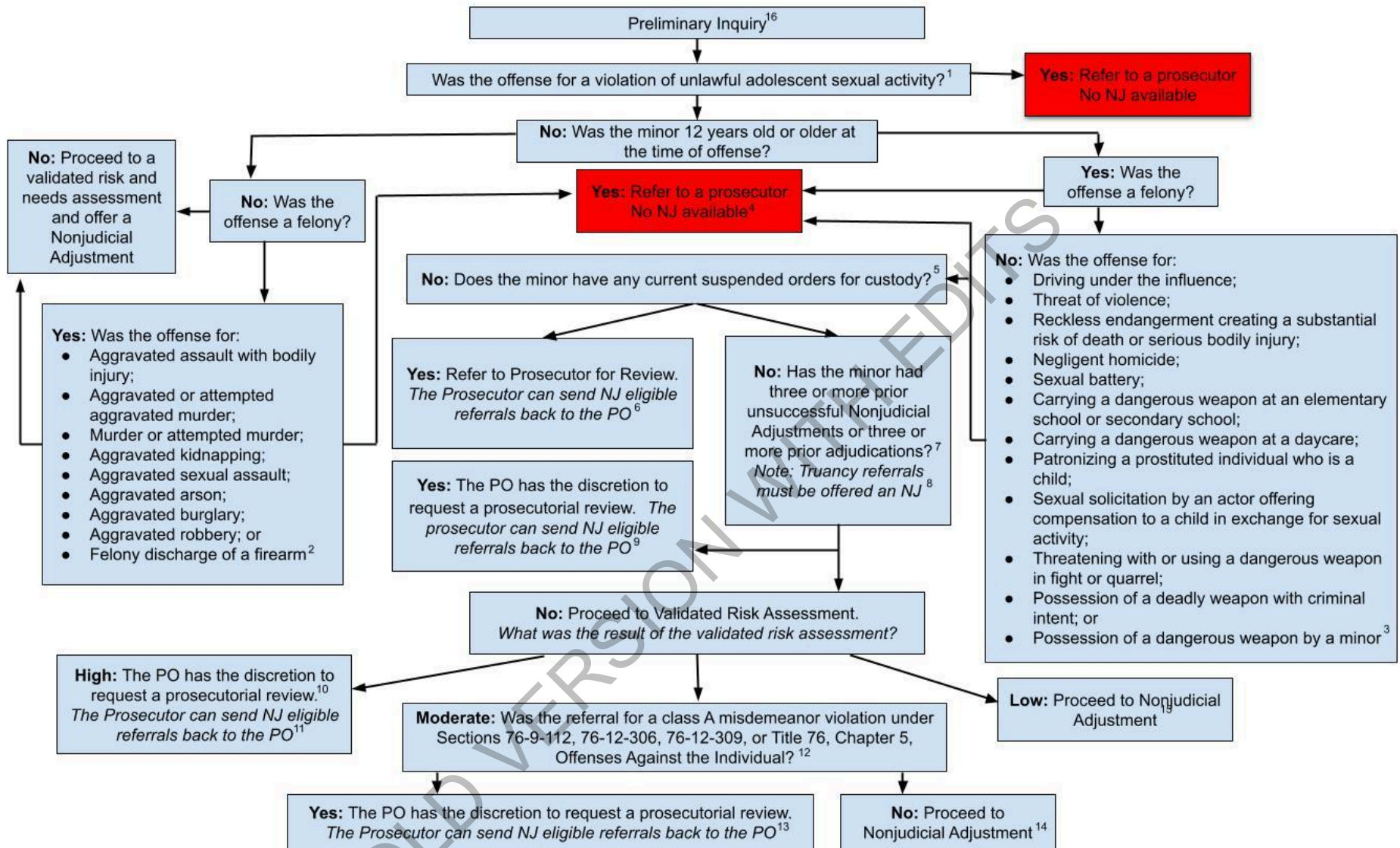
<ul style="list-style-type: none"> • Any offense listed under [80-6-303.5] (Subsections 8(a), (b) and 9(b)) • Class A, B, C Unlawful adolescent sexual activity [76-5-401.3] <p><i>Note: Per statute, any youth under the age of 12 years who is referred for any offense other than those identified in Subsection 80-6-303.5(8)(b) will be offered a nonjudicial adjustment.</i></p>	<ul style="list-style-type: none"> • Probation officers may request that the prosecutor review the referral based on the results of the risk assessment [80-6-303.5(3)(a)(ii)] <ul style="list-style-type: none"> • If the youth is high risk [80-6-303.5 (3)(a)(ii)(A)] • If the youth is moderate-risk and the referral is for a Class A offenses against person under Title 76, Chapter 5 or for miscellaneous provisions under Title 76, Chapter 9, Part 7 [80-6-303.5(3)(a)(ii)(B)] 	<ul style="list-style-type: none"> • If the minor is not offered or declines a nonjudicial adjustment [80-6-304.5(1)(c)] • If the minor fails to respond to probation's inquiry after being provided with notice for the preliminary interview [80-6-304.5(5)(b)(iv)] • If the minor fails to substantially comply with the conditions agreed upon in the nonjudicial adjustment [80-6-304.5(1)(b)]
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Table 2. Prosecutorial Review

***Please note: Probation officers may not request that the prosecutor review the referral to determine legal sufficiency.
A declined NJ includes instances when a minor withdraws from a nonjudicial agreement before the agreed-upon completion date.**

<u>Nonjudicial Unavailable Due to Statute</u>	<u>Procedure Requirement for Review</u>	<u>Optional Nonjudicial</u>	<u>Nonjudicial Required</u>
<ul style="list-style-type: none"> Any offense listed under [80-6-303.5] (Subsections 8(a),(b) and 9(b)) Unlawful adolescent sexual activity [76-5-401.3] <p><i>Note: Per statute, any minor under the age of 12 years who is referred for any offense other than those identified in Subsection 80-6-303.5(8)(b) will be offered a nonjudicial adjustment.</i></p> <p><i>Note: The offenses listed above are ineligible for a nonjudicial adjustment. Probation shall must not offer a nonjudicial for these offenses.</i></p> <p>Utah Code References</p>	<ul style="list-style-type: none"> If the <u>minor</u> is not offered or *declines a nonjudicial adjustment [80-6-304.5(1)(c)] If the minor fails to respond to probation's inquiry after being provided with notice for the preliminary interview [80-6-304.5(5)(b)(iv)] If the minor fails to substantially comply with the conditions agreed upon in the nonjudicial adjustment [80-6-304.5(1)(b)] If the minor has a current suspended order for custody under 80-6-711 [80-6-303.5 9(b)] <p><i>Note: The prosecuting attorney has the option to dismiss the referral, send the referral back to the juvenile probation officer for a new attempt at a nonjudicial adjustment if the minor's case is eligible for a nonjudicial adjustment under Section 80-6-303.5, or file a petition with the juvenile court. [80-6-304.5(2)]</i></p>	<ul style="list-style-type: none"> Probation officers <i>may</i> request that the prosecutor review the referral based on the results of the risk assessment [80-6-3-3.5(3)(a)(ii)] <ul style="list-style-type: none"> If the <u>youth minor</u> is high-risk [80-6-303.5 (3)(a)(ii)(A)] If the <u>youth minor</u> is moderate- risk and the referral is for a Class A offense against person under Title 76, Chapter 5 <u>or</u> for miscellaneous provisions under Title 76, Chapter 9, Part 7 [80-6-303.5(3)(a)(ii)(B)]. 	<ul style="list-style-type: none"> Any referral for a violation not mentioned in the previous categories

Chart 1. Prosecutorial Review Process



Utah Code References and URJP References

1. § 76-5-401.3(6)
2. § 80-6-303.5(8)(b)
3. § 80-6-303.5(8)(a)
4. § 80-6-303.5(8)

5. § 80-6-303.5(9)(b)
6. § 80-6-304.5(2)(a)(ii)
7. § 80-6-303.5(4)(a)
8. § 80-6-303.5(4)(c)

9. § 80-6-304.5(2)(a)(ii)
10. § 80-6-303.5(3)(a)(ii)(A)
11. § 80-6-304.5(2)(a)(ii)
12. § 80-6-303.5(3)(a)(ii)(B)

13. § 80-6-304.5(2)(a)(ii)
14. § 80-6-303.5(4)
15. § 80-6-303.5(4)
16. URJP 15

Table 3 outlines the continuum of responses and interventions for nonjudicial adjustments (**R items are required**, **S items should be considered**)

TABLE 3. RESPONSES AND INTERVENTIONS FOR NONJUDICIAL ADJUSTMENTS														
	Truancy	Low-Risk						Truancy	Moderate or High-Risk					
		School Based Offense ^{iv}	DUI	Status/Class C	Class B	Class A	Felony		School Based Offense ^{iv}	DUI	Status/Class C	Class B	Class A	Felony
Counseled/Warned				S*	S									
Sliding Scale Assessment [NJ Fee]* [JJYS/DCFS custody youth shall not be assessed a fee]		REFER TO TABLE 4												
Sliding Scale Restitution ^{vi}			R	R	R	R	R			R	R	R	R	R
Victim-Offender Mediation [VOM] ^{vii} [If requested by victim or determined necessary by probation]			S	S	S	S	S			S	S	S	S	S
No Contact Condition [If requested by victim or determined necessary by probation]			S	S	S	S	S			S	S	S	S	S
Shall Complete A Substance Abuse Screening And Follow All Recommendations ^{viii}			R							R	S	S	S	S
Community Service ^{ix}		REFER TO TABLE 4												
Minor Will Develop A Case Plan, Meet With Probation As Directed And Participate In Case Plan Goals*									R	R	R	R	R	R
Intervention Based On Criminogenic Risk Factors									R	R	R	R	R	R
Truancy Mediation	S	S						S	S					
Attendance, Educational Plan and/or Alternative School Program		S							S					
Verify that the minor has referred to an evidence-based alternative intervention for the same an offense on two prior occasions as outlined in 53G-8-211 prior to accepting the referral. ^x		R							R					
Other Reasonable Actions In The Interest Of The Minor, The Community, And The Victim ^{xii}		S	S	S	S	S	S		S	S	S	S	S	S

Probation is strongly encouraged to close any first-time Status Offense or Infraction using the "[NJ Counseled/Warned](#)" option from the NJ Agreement. This option should also be considered for low-risk youth referred for first-time Class C or Class B Misdemeanors that are not against person offenses or offenses with restitution.

Table 3: Responses and Interventions for Nonjudicial Adjustments

The responses and interventions offered in a nonjudicial adjustment are largely determined by risk level. For minors determined to be at moderate or high risk of reoffending, probation officers will collaborate with the minor and the minor's parent(s) or guardian(s) to develop a case plan and complete interventions to address criminogenic risk factors. A nonjudicial adjustment may include restitution, financial penalty, community or compensatory service, counseling or treatment, specified restrictions on activities or associations, mediation, or any reasonable action that is in the interest of the minor, the community, or the victim. (Utah Code § 80-6-304(1))

Required Responses - Offense Specific	Recommended Considerations
<ul style="list-style-type: none">• Referrals with Restitution: A sliding scale is required if restitution is included in the nonjudicial agreement. A minor could stipulate to a higher restitution amount through Victim/Offender Mediation.• School-Based Offense: A referral for a school-based offense must meet the criteria outlined in Utah Code section 53G-8-211(4) for school-based offenses, including that the minor was referred to an evidence-based intervention for an offense on at least one prior occasion.• Truancy: If a minor is alleged to be a habitual truant, a school may refer a minor only if the minor was previously alleged of being a habitual truant at least twice during the same school year and the minor was referred to an evidence-based alternative for at least two of the previous habitual trancies. Truancy may only be handled nonjudicially. (Utah Code § 53G-8-211(5), 80-6-303.5(4)(c))	<ul style="list-style-type: none">• Probation is strongly encouraged to close any first-time status offense or infraction using the "NJ Counseled/Warned" option from the NJ Agreement. This option should also be considered for low-risk minors referred for first-time Class C or Class B Misdemeanors that are not against person offenses or offenses with restitution.• Probation should consider mediation. Truancy Mediation is a recommended evidence-based intervention that is available for minors under the jurisdiction of the Juvenile Court and for minors referred directly from a school. Victim Offender Mediation is an option for referred minors if requested by the victim. (Utah Code § 80-6-304(1)(g))• Probation should consider a no-contact condition if requested by the victim or if determined to be necessary by probation.

TABLE 4. FINES AND COMMUNITY SERVICE HOURS

Age of Offense	Fines and Community Service Hours
<p>16 and above</p> <p><i>For <u>youth minor</u> 16 years old and above, the presumption is that a fine would be assessed unless the community service hours would be more appropriate.</i></p>	<p><u>Fine:</u> Up to \$72.50 based on the sliding fee scale (while the statute allows fines up to \$250, probation practice is to keep fines within disposition guideline amounts).</p> <p>OR</p> <p><u>Community Service Hours:</u> <u>Felony:</u> 5 – 10 hours Class A Misdemeanor and above: 4 - 9 hours Class B Misdemeanor: 3-9 hours Class C Misdemeanor/Status/Infractions: 3 - 8 hours</p>
<p>Under 16</p> <p><i>For <u>youth minor</u> under the age of 16, the presumption is that community service hours would be assessed in lieu of the fine unless a fine would be more appropriate.</i></p>	<p><u>Community Service Hours:</u> <u>Felony:</u> 5 – 10 hours Class A Misdemeanor and above: 4 - 9 hours Class B Misdemeanor: 3-9 hours Class C Misdemeanor/Status/Infractions: 3 - 8 hours</p> <p>OR</p> <p><u>Fine:</u> Up to \$72.50 based on the sliding fee scale (while the statute allows fines up to \$250, probation practice is to keep fines within disposition guideline amounts).</p>
<p>Below Poverty/<u>youth minor</u> in JJYS and DCFS custody</p>	<p><u>Community Service Hours:</u> <u>Felony:</u> 5 – 10 hours Class A Misdemeanor and above: 4 - 9 hours Class B Misdemeanor: 3 - 9 hours Class C Misdemeanor/Status/Infractions: 3 - 8 hours</p>
<ul style="list-style-type: none"> Any deviation from the guidelines above must be staffed with the supervisor or chief. Except for the <u>youth minor</u> in row 3, Probation Officers have discretion on whether a fine or <u>CS community service</u> hours are assessed based on the circumstances, appropriateness (e.g. age), and the unique needs and preferences of the <u>youth minor</u> and family. 	

- Probation has discretion in reducing the assessed fine or hours as an incentive for ~~moderate~~/high-risk youth minors to complete other NJ components. Probation Officers may discuss incentives and ways for youth minors to earn a reduction in fines or hours during the case planning process.
- The NJ will be closed out as Unsuccessful if the minor fails to complete their fine or hours. The referral will be forwarded to the prosecutor only when there is unsubstantial compliance with another NJ condition such as an intervention (see Table 5).

TABLE 5. COMPLIANCE, SUBSTANTIAL COMPLIANCE AND SUCCESSFUL / UNSUCCESSFUL NONJUDICIAL ADJUSTMENTS
Table 5. Compliance, Substantial Compliance, and Successful / Unsuccessful Nonjudicial Adjustments

<ul style="list-style-type: none"> • Probation officers shall must utilize the Behavioral Matrices to provide incentives for progress towards the youth's minor's goals/obligations and to address noncompliant behavior/lack of progress prior to determining that a youth minor has been unsuccessful with their nonjudicial adjustment. • If the youth minor and family have not been able to complete their fine within the first 90 days, the probation officer may file an extension seek a judicial extension for an additional 90 days. 	
Substantial Compliance	<ul style="list-style-type: none"> • 100% completion of sliding scale restitution • 100% completion of no-contact conditions • Substantial compliance for interventions will be determined by intervention standards • Participation in pre-meeting for vVictim/eOffender mMediation (Uunless the victim declines to participate) • Developed a case plan (100%) and attended 75% of meetings with probation <p>If the minor fails to substantially comply with the conditions agreed upon in the nonjudicial adjustment, the referral shall be sent to the prosecutor for screening. [80-6-304.5(1)(b)]</p>
Successful	<ul style="list-style-type: none"> • Completion of 100% of the terms and conditions of the nonjudicial adjustment or modified amended adjustment.
Unsuccessful	<ul style="list-style-type: none"> • Completion of less than 100% of the terms and conditions of the nonjudicial adjustment or modified amended adjustment. <p><u>If the minor fails to substantially comply with the conditions agreed upon in the nonjudicial adjustment, the referral must be sent to the prosecutor for screening. [80-6-304.5(1)(b)]</u></p>

Nonjudicial Adjustments:

- A nonjudicial adjustment shall be offered if all of these apply to the minor:
 - Referred for a misdemeanor, infraction or status offense. [80-6-303.5(4)(a)(i)], **and**
 - Has no more than two prior adjudications [80-6-303.5(4)(a)(ii)], **and**
 - Has no more than two prior unsuccessful nonjudicial attempts [80-6-303.5(4)(a)(iii)]; **or**
 - Referred for an offense that is alleged to have occurred before the youth was 12 years old [80-303.5(4)(b)][†];
- A minor may not be denied an offer of nonjudicial adjustment due to an inability to pay a financial penalty. [80-6-304(4)(a)]
- Acceptance of an offer of a nonjudicial adjustment may not be predicated on an admission of guilt. [80-6-304(3)]

- The court's probation department shall offer the minor one nonjudicial adjustment for all offenses arising from the single criminal episode. ~~[80-6-303.5(5)]~~. Episode is defined as a single episode of conduct that is closely related in time and is incident to an attempt or an accomplishment of a single criminal objective. ~~## [76-1-401]~~
- Probation officers shall offer the youth/family non-agreement resources based on screening tool results [e.g., PSRA & MAYSI-2] or stability concerns.
- A youth may not be referred for truancy.
- ~~A youth may not be referred for truancy. In this section, "minor" refers to youth under the age of 18 as well as individuals 18 years old when an offense is committed and under 21 years old at the time of all court proceedings, ^{###}. A school may not refer a minor to a law enforcement officer or agency, nor can a law enforcement officer or agency refer a minor to a prosecuting attorney or a court for an offense alleged to have occurred on school property, or during a school-sponsored activity, that is a class C misdemeanor or lower unless the minor refuses to participate in an evidence-based alternative intervention and fails to participate in prevention and early intervention youth services provided by the Division of Juvenile Justice and Youth Services. A youth services center operated by the Division of Juvenile Justice and Youth Service may be considered an evidence-based intervention. [53G-8-211](3)(b). School referrals must include attendance records for the minor, a report of evidence-based alternative interventions used by the school before the referral, including outcomes, the name and contact information of the school representative assigned to actively participate in the court process with the minor and the minor's family, a report from the Division of Juvenile Justice and Youth Services that demonstrates the minor's failure to complete or participate in prevention and early intervention youth services and any other information that the school district or school considers relevant. [53G-8-211](7). If the alleged offense is a class B misdemeanor or a class A misdemeanor, the school administrator, the school administrator's designee, or a school resource officer may refer the minor directly to a juvenile court or to evidence-based alternative interventions.~~

- **A nonjudicial offer is allowed for driving with any measurable controlled substance in the body under Utah Code section 41-6a-517, but not for a DUI under Utah Code section 41-6a-502 (Utah Code §80-6-303.5(8)(a)(ii)(A)).**
- If the court receives a referral for an offense that occurred before a minor was 12 years old, probation must offer a nonjudicial adjustment unless the offense is identified in the Transfer Statute **Utah Code section 80-6-303.5(8)(b)**. A petition can be filed for a minor younger than 12 years old if the minor was offered a nonjudicial adjustment and the minor declines or fails to substantially comply with it. These criteria must exist for a Request For Action to be submitted to the Prosecutor's Office. Whereas referrals for other youth **minors** can be screened by the Prosecutor if the youth **minor** is high risk on the Pre-Screen Risk Assessment (PSRA), referrals for youth **minors** who are under 12 cannot. ~~If there are questions about legal sufficiency on any case, probation may request that the prosecutor screen the charges for legal sufficiency only.~~
 - If the nonjudicial adjustment was for a sexual offense committed before the minor was 12 years old, the court may extend the nonjudicial period beyond the 180-day timeline if the judge finds that specific treatment is needed for the offense, the treatment cannot be completed within the 180-day timeline, and treatment is necessary based on a developmentally appropriate clinical assessment. 90-day extensions can be granted without limit as long as conditions are met.
 - Please refer to the statewide Quality Assurance Plan for additional information about working with youth **minors** who offend sexually.

~~[i] See Probation Practices for Determining Nonjudicial Restitution, Addendum to Probation Policy 2.4, Nonjudicial Adjustment and Probation Policy 3.1, Victim Outreach and Response.~~

~~[ii] A nonjudicial attempt should only be counted once per episode.~~

~~[iii] For information purposes, CARE identifies an episode based upon: (1) the referral number; (2) the law enforcement agency; and (3) the incident date. If there is not a referral number then it would be considered a separate episode. The probation officer should review the facts alleged to determine the appropriate number of episodes, and not rely solely on CARE.~~

~~[iv] A school representative appointed may not be a school resource officer.~~

~~[53G 8-211(7)(b)] All required information should be included in the school based referral to ensure that necessary criteria is met. If the facts do not allege a refusal to participate or if reasonable efforts to engage the school in the process have failed, the probation officer should staff the case with the supervisor/chief to determine whether an RET closure is appropriate.~~

~~[v] 80-6-304(4)(b)~~

~~[vi] 80-6-304(4)(b)~~

~~[vii] 80-6-304(1)(g)~~

~~[viii] If a minor violates Section 41-6a-502, the minor shall: undergo a drug and alcohol screening; if found appropriate by the screening, participate in an assessment; and if warranted by the screening and assessment, follow the recommendations of the assessment. [80-6-303.5(3)(b)].~~

~~[x] The probation officer should include the following statement when requesting a case plan as part of the nonjudicial agreement. "@youth's name@ will develop a case plan with probation, meet with probation as directed and participate in case plan goals"~~

~~[xi] [53G-8-211(3)(b)~~

~~[xii] 80-6-304(1)(h).~~

~~[xiii] 53G-6-203(2)(a)~~

~~[xiv] [Memorandum](#) Re: Nonjudicial Agreements, Jurisdiction, and the Statute of Limitations~~

Proposed Update for Nonjudicial Adjustment Policy

Policy Sections 1-5

1. Comment:

- ❖ **1.2 - The minor has two or fewer adjudicated episodes (excluding contempts) - Does this include OSC's? Probation does not file contempt charges anymore. Should we update the wording to include OSC's? Maybe contempt/OSC?**
 - **Policy Committee Response:** Agree.
 - **Policy Committee Decision:** Updated wording to include OSC.

2. Comment:

- ❖ **Can we get some clarification on what exactly this line means, so an example for instance?**
- 3. The probation officer may not include offenses arising from more than one episode in a single nonjudicial adjustment.**
 - **Policy Committee Response:** One episode for each nonjudicial adjustment.
 - **Policy Committee Decision:** Clarification will be included in training.

3. Comment:

- ❖ **In this policy it indicates in #5 that probation "offer" the MASYI. This is different that the assessment policy which indicated the probation officer "shall request".**
 - **Policy Committee Response:** Agree.
 - **Policy Committee Decision:** Updated the wording to remove the specific assessments and kept the link to the Assessment Tools Probation Policy.

Policy Sections 6-10

4. Comment:

- ❖ **Section 7: We may want to include direction to the PO if they are directed to offer an NJ on an ineligible offense.**

- **Policy Committee Response:** The following response was discussed in administrative updates in May of 2025. "Juvenile Probation officers are not permitted to offer a nonjudicial adjustment for certain offenses, including felony offenses, under UCA 80-6-303.5. If not amended, this offense does not qualify for an offer of a nonjudicial adjustment. UCA 80-6-304.5 states that upon review, the prosecutor shall either dismiss the referral, file a petition, or "send the referral back to the juvenile probation officer for a new attempt at a non-judicial adjustment if the minor's case is eligible for a nonjudicial adjustment. How would you like probation to proceed with this case?"
- **Policy Committee Decision:** Added section 7.1 to give direction to PO's.
-

5. Comment:

- ❖ **Although not explicitly required by statute, I would recommend considering the information provided in 8.1 be provided in writing so it is consistent and verifiable should it be raised as an issue later in a case.**
 - **Policy Committee Response:** Agree.
 - **Policy Committee Decision:** There is a new document that will be provided for these circumstances.

6. Comment:

- ❖ **In section 8.2.1., "Have the minor sign an acknowledgment that the probation officer provided the minor with the information required in section 8.1;" In this section, is the acknowledgement of legal rights sufficient or will there be yet another form to sign? If there is another form, I object as we are supposed to be working toward simplification.**
 - **Policy Committee Response:** There will be a form specifically for this scenario.
 - **Policy Committee Decision:** See comment #5.

7. Comment:

- ❖ **Consider instructions on declining an NJ in #8 being placed in the Preliminary Interview policy since that is where a PO would reference what to do during the interview.**
 - **Policy Committee Response:** This will only apply to a very few number of nonjudicial youth and is specific for a nonjudicial adjustment. This

document will only be available for these cases and won't be available to all youth.

- **Policy Committee Decision:** No change.

8. Comment:

- ❖ **In section 10, the wording is being changed from intake date to date officer is assigned. Is this because there are so many staff changes that multiple people being assigned to a case before a PI can take place? If not, I suggest leaving the wording "intake date" alone.**

- **Policy Committee Response:** This allows 30 days for the PO to start working with the youth.
- **Policy Committee Decision:** No change.

9. Comment:

- ❖ **As changes are made to how victims are handled the Victim Outreach and response policy should be updated as well.**

- **Policy Committee Response:** Yes. Thank you.
- **Policy Committee Decision:** The Victim Outreach and Response policy will be updated.

Policy Sections 11- 15 (victims):

10. Comment:

- ❖ **11.2 Probation officers must determine restitution based on the best information available related to the actual value of material loss or damage. What is best information available? Do we use the police report and without any contact from the victim make restitution determination? After efforts to communicate with the victim are unsuccessful we should not require restitution to them but determine that best information available is that they don't want to respond. The interpretation isn't clear. The victims have avenues after the court process such as civil proceedings if applicable.**

- **Policy Committee Response:** The wording "best information available" is from 80-6-304(2)(c). More specific direction related to situations when a victim is not responsive is provided in 11.2.

- **Policy Committee Decision:** Clarification has been added.
 - Restitution may not be included in a nonjudicial adjustment offer when victim contact information is unavailable. The statute's "best information available" standard requires, at minimum, valid victim contact information to proceed with restitution.
 - If victim contact information is available, but a victim impact statement with the requested restitution amount is not obtained, the probation officer must use the "best information available" to determine an appropriate restitution amount between 30 and 60 days after the acceptance of a nonjudicial adjustment.

11. Comment:

- ❖ **11.2.2 If efforts to confirm accurate victim information and gather restitution from the victim are unsuccessful, the probation officer should make a restitution determination between 30 and 60 days after the acceptance of the nonjudicial adjustment. Same concern as 11.2 if we are unsuccessful in reaching the victim are we asking for restitution from these youth? Checks being issued and returned as undeliverable would be an accounting nightmare.**
 - **Policy Committee Response:** The 30-60 days was determined to give time for the PO to reach out to the victim and also time for the youth to start working on restitution before their due date.
 - **Policy Committee Decision:** Updated policy to include having valid contact information. See Comment #10.

12. Comment:

- ❖ **Utah Code 80-6-102(13) material loss means an uninsured:.... Rather than putting actual value it could read actual value of the uninsured value of material loss and uninsured value of damage.**
 - **Policy Committee Response:** The definition of material loss is found in 80-6-102(13). 80-6-710 refers to material loss for court cases. The nonjudicial adjustment includes restitution and does not reference material loss.
 - **Policy Committee Decision:** Changed sentence to include "best information available related to the damage or loss related to the minor's wrongful act or conduct."

13. Comment:

- ❖ I don't think a shorter time should be included in this section. I am sending victim impact statements within 1 week of the crime. These victims do not have time to receive medical bills to make a claim within 60 days. If we refer them to the Utah Office for Victims of Crime they are taking about 60 days to process the claim. I have Probation Officers holding PIs within 1 week of receiving the case. This timeline isn't realistic. It could read differently to make sense. If this stays policy as written, do we keep restitution open afterwards for the full 90 days? Does the policy need to say victims only have 60 days to respond from the NJ acceptance date?
 - **Policy Committee Response:** Yes, you would keep restitution open for a full 90 days. The timelines are there to guide probation officers to enter a restitution amount and give the youth time to start working on the restitution.
 - **Policy Committee Decision:** See comment #10.

14. Comment:

- ❖ Section 11.2.2 feels too vague and is inconsistent with the current practice of Restitution Under Advisement for 90 days. Why is restitution under advisement for 90 days if a determination will be made within 30-60 days? Why not one or the other, what's the reason for a range that spans 1/3 of the entire NJ time frame? It would also be helpful to clarify exactly how long restitution should remain under advisement with the new policy.
 - **Policy Committee Response:** Training will be provided about this addition to the policy. This provides guidance related to the statutory mandate that a probation officer make a determination about restitution based on the "best available information". This paragraph provides a recommended timeframe in which to satisfy this requirement.
 - **Policy Committee Decision:** No change.

15. Comment:

- ❖ 11.2.2 reads: gather restitution from the victim, I think this should read as gather restitution information from the victim.
 - **Policy Committee Response:** Agree.
 - **Policy Committee Decision:** Reworded section. See comment #10.

16. Comment:

- ❖ **In Section 13, it reads that the probation officer must get the Family Income Declaration signed and e-filed. We have a surprising number of parents in our district who decline or refuse to fill it out. This proposed policy does not give the PO guidance in this situation.**
 - **Policy Committee Response:** There is a box in CARE that a PO would select stating that the family doesn't want to enter family income details.
 - **Policy Committee Decision:** Added a section that includes instructions for these circumstances.

17. Comment:

- ❖ **On 14.1. Payment of a fine not to exceed \$250...this does not necessarily replace the practice that we have had of assessing a NJ fine of \$72.50, correct?**
 - **Policy Committee Response:** Correct. The statute allows a fine up to \$250 for nonjudicial adjustment. This dispositional guidelines reference 78A-6-117 which outline presumptive community service amounts between 5 and 10 hours. The converted fine amount is \$72.50. Nonjudicial amounts were adjusted to align with the lowest presumptive fine amount.
 - **Policy Committee Decision:** No change.

18. Comment:

- ❖ **14.2 reads different than the definition of material loss: uninsured applies to all, not just property loss. This means different things and uninsured needs to be applied to medical expenses as the youth is responsible for the uninsured amount ie deductible not the full medical expense.**
 - **Policy Committee Response:** Agree. See comment #12.
 - **Policy Committee Decision:** Changed 14.2. to match legislation wording and removed the term material loss.

19. Comment:

- ❖ **In 14.2.2, we would be doing an amendment rather than a new NJ for restitution. This means more paperwork will need to be done to adjust the duplications that will occur in accounting. This is not simplification. It is**

much simpler and cleaner to do a second NJ agreement specifically for the restitution with it's own 90 day due date.

- **Policy Committee Response:** The statute does not allow for a new nonjudicial adjustment for the same referred episode. This change is to align with the statute.
- **Policy Committee Decision:** No change.

20. Comment:

- ❖ **Section 15.1, what if we don't have contact with the victim? We often try to track them down and can't find a good phone number or they don't return our calls. How about "must attempt to notify" instead? If we don't have good contact info, and often we don't, we cannot ENSURE they are notified.**
 - **Policy Committee Response:** We addressed this by adding reasonably identifiable wording to the policy. See comment #10.
 - **Policy Committee Decision:** Updated wording to include reasonably identifiable.

21. Comment:

- ❖ **Item 15 is contradictory to statute. Items are not to exceed 90 days, meaning that the probation officer has the discretion to require something sooner than 90 days (mental health assessment, case plan, etc). "The nonjudicial adjustment must reflect a 90-day completion date for the agreed terms and conditions. The nonjudicial adjustment must not exceed 90 days from the date the adjustment was signed." Putting a 90 day due date on the case plan would be contradictory to the case planning policy, which requires that it be completed and e-filed within 30 days.**
 - **Policy Committee Response:** The Nonjudicial Adjustment is due in 90 days. This does not impact the timeline of the Case Plan and mental health assessment. The Case Plan should be completed and eFiled within 30 days and then be worked for the remainder of the 90 days. If the youth waits on the mental health assessment, then an extension would need to be requested for them to have time to enter into treatment if that is part of the nonjudicial adjustment.
 - **Policy Committee Decision:** Removed the sentence stating that the NJ adjustment must not exceed 90 days from the date the adjustment was signed.

22. Comment:

- ❖ In section 15, I hadn't noticed this before but the first sentence makes it sound as if ALL parts of the NJ need to be listed with a 90 day due date. This is not true. For an NJC (counsel, warn, release), the due date has always been the date the NJ was signed which is the correct way to handle these types of NJ closures. You are also suggesting the PO couldn't put something in like "Minor is to schedule a counseling appointment within three days and notify PO of date of appointment" or something like that. PO's need discretion with due dates as long as it's not going OVER 90 days per statute. Please review the truth of this statement. The second sentence in this section is terrific so perhaps the first sentence isn't even needed if you agree with me.

- **Policy Committee Response:** Due dates should reflect 90 days. PO's can work with the youth to complete specific tasks in a shorter period of time. For an offer that includes counseled and warned, a PO must still enter a 90 day due date, but then may immediately close the case as there is nothing remaining for the youth to do. The statute uses 90 day increments. 80-6-304 references 90 days, or "an additional 90 days" (80-6-304(5)(a), or "the 180 days permitted under Subsection (5)(a)" (80-6-304(5)(b). Further, this decision was made by Chiefs on October 13, 2022, to remove the option to extend due dates within the initial 90 day timeframe. There was a discussion about extensions being problematic if there were an audit. It was also raised that shorter dates "could be seen as unfair equity compared to what other youths are getting statutorily statewide". A preference of statewide consistency, within "what the statute states" was shared.
- **Policy Committee Decision:** No change.

Policy Section 16-20:

23. Comment:

- ❖ In section 17, you could probably do without the last sentence.
 - **Policy Committee Response:** Agree.
 - **Policy Committee Decision:** Removed the last sentence.

24. Comment:

- ❖ **19-4 If the minor fails to respond to the probation officer's inquiry after being provided with notice for the preliminary interview. Probation should document at least three attempts to contact the youth before submitting the case for prosecutorial review. Are there specific types of contact that should be made? Would we ever be able to close a case with LOC?**
 - **Policy Committee Response:** The probation officer should make at least three attempts and document those attempts. There is not a specific list but it could be email, phone call, mail, etc. LOC is still available.
 - **Policy Committee Decision:** No change.

25. Comment:

- ❖ **20. Questions that have come up that could be addressed in this policy: When a victim offender mediation agreement through non judicial is made for c/s hours. What happens if the youth doesn't complete the Victim Offender Mediation agreement c/s hours? Closed unsuccessfully or sent for RFA?**
 - **Policy Committee Response:** If there is only community service hours owing, a PO would close as unsuccessful without submitting the request for decision. If there is restitution, probation would close as unsuccessfully and send a Request for Decision in CARE. This was raised at chiefs regarding restitution agreements through mediation and a probation officer should let the prosecutor know there is a current mediation agreement.
 - **Policy Committee Decision:** Added wording indicating that the probation officer should let the prosecutor know if there is a current mediation agreement.

26. Comment:

- ❖ **Section 20.3.3, I don't think an amended NJ is appropriate. Essentially, the minor has been given a second chance, with up to another 6 months, so I see it as a whole new NJ. Amending it suggests we are fixing a mistake or oversight but we are not. We are starting the NJ process all over again. This idea is reflected in section 20.3.3.1**
 - **Policy Committee Response:** Statute allows for one nonjudicial agreement per episode so probation may only amend the original or we would be in violation of statute.
 - **Policy Committee Decision:** No change.

Policy Section 21-23:

27. Comment:

- ❖ **In section 21, if you insist on doing amended NJ agreements, you may as well add the caveat that the PO will also need to do a modification for NJ accounting on an amended NJ, right?**
 - **Policy Committee Response:** For now it will need to be a practice and will be included in training. It is anticipated that CARE will eventually handle accounting for amended NJ's so we don't want to put this in policy right now. A CARE enhancement is being requested to adjust the accounting automatically.
 - **Policy Committee Decision:** Removed the instructions from 21.1 and 21.2 for probation officers to submit a Modification of Nonjudicial Accounting form for order fulfillment items.

28. Comment:

- ❖ **21.2 Modifications - Historically, it is probation's responsibility to decrease items in Order Fulfillment. I do think it is good practice to include these items on the modification for an accurate record. Will this continue to be a probation responsibility or would this move it to clerical? If it is moving it to clerical has this been discussed with the CoC's?**
- ❖ **There is also a CARE enhancement that has been approved that will not allow successful/unsuccessful/withdrawn to be marked without items tied to that item being fulfilled or a Request for Action to be sent. If this is in chronological order we might want to consider the order of items 19-21.**
 - **Policy Committee Response:** The responsibility to decrease items in Order Fulfillment will remain with the probation officer. This will be included in training.
 - **Policy Committee Decision:** Removed the instructions from 21.1 and 21.2 for probation officers to submit a Modification of Nonjudicial Accounting form for order fulfillment items.

29. Comment:

- ❖ **Hi Team, I am wondering how the new requirements found in 22 & 23 will work with the direction found on 20.3.3**

- **Policy Committee Response:** There will be training on this that a probation officer will follow until CARE is programmed to do this.
- **Policy Committee Decision:** No change.

30. Comment:

- ❖ **Section 22.** I'm sure you can tell by now that I'm not a fan of amending NJ agreements. Amending is for mistakes and oversights. A secondary NJ agreement is for adding things that were left open previously but have now been determined such as restitution.

- **Policy Committee Response:** Statute allows for one nonjudicial agreement per episode so probation may only amend the original or we would be in violation of statute. There will be training on this to help with the change.
- **Policy Committee Decision:** No change.

31. Comment:

- ❖ **Section 23.** I'm worried we are not going to give youth enough time to pay restitution when determined after the PI if the due date is the same as the original NJ. We have to weigh carefully if we want to err on the side of the youth being able to pay NJ restitution without going to court because they ran out of time or err on the side of the victim by giving the youth less time to pay. How does this committee feel about youth vs. victim rights? Answer that question and you'll know whether or not enacting section 23 is the right thing to do.

- **Policy Committee Response:** Section 23 outlines 80-6-304(5) and was guided by general counsel. There will be training to address how to provide time for restitution if needed.
- **Policy Committee Decision:** No change.

Policy Addendum - NJ Adjustment Process Guide:

32. Comment:

- ❖ **Chart 1 - Prosecutorial Review Process - This references "charged" offenses. Would they be charged or referred offense?**

- **Policy Committee Response:** The charged offense can be changed.

- **Policy Committee Decision:** Removed the word charged and kept offense.

33. Comment:

- ❖ **While I appreciate the effort in chart #1, it's way too busy to follow and I think it will cause confusion. I'm very knowledgeable in the NJ process and I even got lost trying to follow that chart. Since we've been without an updated NJ process doc for almost a year, I've grown accustomed to look at 80-6-303.5. I'll probably just continue to do that. I feel like the onus should be on the supervisor to instruct their POs whether an offense is eligible for NJ processing when they assign the referral. POs shouldn't have to go dig through a chart to determine their next course of action. I would choose to nix the chart altogether.**
 - **Policy Committee Response:** This is a complex process and hopefully this will give another option to reference.
 - **Policy Committee Decision:** No change.

34. Comment:

- ❖ **The code references link on table 2 should at least take you to title 80 instead of the code homepage.**
 - **Policy Committee Response:** The link to the Utah Code References have been added so it can be clicked on to find several code references. In Table 2 there are 80 and 76 codes that are referenced.
 - **Policy Committee Decision:** No change.

35. Comment:

- ❖ **Table 3: Responses and Interventions for Nonjudicial Adjustments. This discusses what probation can do for a moderate/high, but what is allowed to be on the NJ for a low-risk youth? The previous table laid out what was allowed for low risk vs. high risk.**
 - **Policy Committee Response:** Table 3 did seem to highlight only moderate and high risk youth.
 - **Policy Committee Decision:** Switched the order of the statement so it clarifies the options for low risk youth.

36. Comment:

❖ **"felony" needs to be removed from table 4 since we cannot NJ felonies.**

- **Policy Committee Response:** Agree. The charge has to be amended to a lower degree.
- **Policy Committee Decision:** Removed felonies from Table 4.

37. Comment:

❖ **This wording in table 5: "If the minor fails to substantially comply with the conditions agreed upon in the nonjudicial adjustment, the referral shall be sent to the prosecutor for screening. [80-6-304.5(1)(b)]" should be moved to the "unsuccessful" row.**

- **Policy Committee Response:** Agree.
- **Policy Committee Decision:** Moved to unsuccessful.



Administrative Office of the Courts

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

July 15, 2025

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

MEMORANDUM

TO: Members of the Judicial Council Management Committee

FROM: Sonia Sweeney, Juvenile Court Administrator
Blake Murdoch, Deputy Juvenile Court Administrator

RE: Probation Officer Case Planning Policy

Background

The Probation Officer Case Planning Policy was last updated on December 21, 2020. The policy provides direction related to the development of an individualized case plan as mandated by Utah Code § [80-6-107](#).

The revised policy provides the following key clarifying changes:

1. The term “BAW,” which references a tool called the “Behavioral Analysis Worksheet,” is removed. Instead, the more general term, “behavioral analysis tool,” is used to allow probation officers to utilize other effective tools that achieve the same outcome.
2. Direction is provided to specify that probation officers must continue working on a case plan when the minor is living out-of-state, including nonjudicial cases that are not under ICJ supervision.
3. A case plan is not required while a minor is placed in a residential facility, but a probation officer must complete a case plan within 30 days if the minor returns to the community *“from the residential placement.”*

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.

Case Planning

Policy:

The probation officer must develop an individualized case plan in collaboration with the minor and the minor's parent or guardian which is informed by the results of the Protective and Risk Assessment (PRA) and a behavior analysis tool.

Scope:

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

Authority:

- [UCA 80-6-607](#)
- [Juvenile Court Administrator Memo: Probation Assisting with Delayed Admission Agreement](#)

Procedure:

1. The probation officer must complete the Protective and Risk Assessment (PRA) and behavioral analysis tool in CARE on all minors who score moderate or high on the most recent risk assessment in the development of a case plan.
 - 1.1. If the minor refuses or is unable to complete a behavioral analysis tool the probation officer must still enter a summary of the minor's pattern of behavior into the case plan worksheet.
 - 1.2. The probation officer must also complete a PRA and behavioral analysis tool on all minors when an aggravating override has been applied as outlined in the [Assessment Tools Probation Policy](#).
2. The probation officer must collaborate with the minor and the minor's parent or guardian in the development of the case plan which must include:
 - 2.1. Identification of priority risk items based upon a review of the PRA and the results of the behavioral analysis tool (best practice indicates four to six risk items be identified);
 - 2.2. Protective factors identified in the PRA;
 - 2.3. Mental health factors;
 - 2.4. Responsivity factors; and
 - 2.5. Incentives.
3. The probation officer is not required to complete a case plan with a minor if a mitigating override has been applied as outlined in the [Assessment Tools Probation Policy](#).
4. The probation officer is not required to complete a case plan while a minor is placed in a residential facility.
 - 4.1. The probation officer must complete a case plan within 30 days if the minor returns to the community from the residential placement.

5. The probation officer must collaborate with the minor and the minor's parent or guardian to identify goals, action steps, strategies, and stages of change specific to the priority risk items prior to eFiling the case plan.
6. The probation officer must eFile the case plan and provide a written copy to the minor and the minor's parent or guardian within 30 days of disposition or signing of the nonjudicial agreement. The probation officer must staff the case with a supervisor when the case plan cannot be completed within 30 days because of extenuating circumstances. The results of that staffing must be documented in case notes in CARE.
7. The probation officer must enter all notes and progress related to the case plan in the case plan worksheet.
8. The probation officer must continue to work with the minor on the case plan until the minor's case has been concluded, including out-of-state nonjudicial cases that are not under ICJ supervision.
9. The probation officer must use evidence-based case management methods including modeling and skill practice to address the minor's identified risk items.
10. When there is a new charge or significant change that increases or decreases scoring values for the PRA questions, the probation officer must update the PRA, the behavioral analysis tool, the zeroing in process, and the case plan.
 - 10.1. The behavioral analysis tool is not required to be updated if the PRA reassessment is being completed because of an increase in protective factors.
11. The probation officer must eFile the working case plan document every 90 days, prior to every review hearing and within seven days of the minor's case being concluded. The case plan must be eFiled before completing the PRA closing assessment.

History:

Approved by Judicial Council December 21, 2020

Updated by Probation Policy Committee January 16, 2025



Administrative Office of the Courts

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

June 18 2024

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

MEMORANDUM

TO: Juvenile Trial Court Executives and Probation Chiefs

FROM: Sonia Sweeney, Juvenile Court Administrator
Blake Murdoch, Deputy Juvenile Court Administrator

RE: Probation Assisting with Delayed Admissions Agreement

On June 14, 2024, the Board of Juvenile Court Judges voted to adopt the following regarding probation's role in delayed admission plea cases:

1. Probation officers shall assist on delayed admission agreements;
2. Judges should be very explicit about the conditions of the agreement and what the assigned probation officer's role is in providing assistance; and
3. Necessary adjustments shall be made to the Probation Weighted Caseload Study to appropriately account for the work done by probation officers for delayed admission cases.

The Administrative Office of the Courts will work with statewide leadership to consider training and implementation needs. Additionally, the Probation Weighted Caseload Committee will develop a proposal for capturing the work done by probation officers in delayed admission cases.

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.

Case Planning

Policy:

The probation officer ~~shall~~ **must** develop an individualized case plan in collaboration with the minor and the minor's parent or guardian which is informed by the results of the Behavior Analysis Worksheet (BAW) and Protective and Risk Assessment (PRA): **and a behavior analysis tool.**

Scope:

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

Authority:

- [UCA 80-6-607](#)
- [Juvenile Court Administrator Memo: Probation Assisting with Delayed Admission Agreement](#)

Procedure:

1. The probation officer ~~shall~~ **must** complete the Protective and Risk Assessment (PRA) and ~~(BAW) Behavioral Analysis Worksheet tool~~ in CARE on all minors who score moderate or high on the most recent risk assessment in the development of a case plan.
 - 1.1. ~~if~~ the minor refuses or is unable to complete **a behavioral analysis tool**, the probation officer ~~shall~~ **must still** enter a summary of the minor's pattern of behavior into the case plan worksheet.
 - 1.2. The probation officer ~~shall~~ **must** also complete a PRA and ~~BAW~~ **behavioral analysis tool** on all minors when an aggravating override has been applied as outlined in the [Assessment Tools Probation Policy](#).
2. The probation officer ~~shall~~ **must** collaborate with the minor and the minor's parent or guardian in the development of the case plan which ~~shall~~ **must** include:
 - 2.1. Identification of priority risk items based upon a review of the PRA and the ~~BAW~~ results **of the behavioral analysis tool** (best practice indicates four to six risk items be identified);
 - 2.2. Protective factors identified in the PRA;
 - 2.3. Mental health factors;
 - 2.4. Responsivity factors; and
 - 2.5. Incentives.
3. The probation officer is not required to complete a case plan with a minor if a mitigating override has been applied as outlined in the [Assessment Tools Probation Policy](#).
4. The probation officer is not required to complete a case plan while a minor is

placed in a residential facility.

- 4.1. The probation officer ~~shall~~ **must** complete a case plan within 30 days if the minor returns to the community **from the residential placement.**
5. The probation officer ~~shall~~ **must** collaborate with the minor and the minor's parent or guardian to identify goals, action steps, strategies, and stages of change specific to the priority risk items prior to eFiling the case plan.
6. The probation officer ~~shall~~ **must** eFile the case plan and provide a written copy to the minor and the minor's parent or guardian within 30 days of disposition or signing of the nonjudicial agreement. The probation officer ~~shall~~ **must** staff the case with a supervisor when the case plan cannot be completed within 30 days because of extenuating circumstances. The results of that staffing ~~shall~~ **must** be documented in case notes in CARE.
7. The probation officer ~~shall~~ **must** enter all notes and progress related to the case plan in the case plan worksheet.
8. The probation officer ~~shall~~ **must** continue to work with the minor on the case plan until the minor's case has been concluded, **including out-of-state nonjudicial cases that are not under ICJ supervision.**
9. The probation officer ~~shall~~ **must** use evidence-based case management methods including modeling and skill practice to address the minor's identified risk items.
10. ~~When there is a new charge or significant change that increases or decreases scoring values for the PRA questions, the probation officer shall~~ **must** complete a reassessment of **update the PRA, BAW the behavioral analysis tool, and the zeroing in process,** and create an updated **the** case plan.
- 10.1. ~~The BAW behavioral analysis tool does not need to be~~ **is not required to be** updated if the PRA reassessment is being completed because of an increase in protective factors.
11. The probation officer ~~shall~~ **must** eFile the working case plan document every 90 days, prior to every review hearing and within seven days of the minor's case being concluded. **The case plan shall must be eFiled before completing the PRA closing assessment.**

History:

Approved by Judicial Council December 21, 2020

Updated by Probation Policy Committee January 16, 2025

Proposed Update for the Case Planning Policy

1. Comment/Theme:

- ❖ **7. The probation officer shall enter all notes and progress related to the case plan in the case plan worksheet.**

Is the case plan worksheet going to be adapted to become more user friendly? It is not a user friendly document. It is quite time consuming to navigate, document progress, and save new case progress information on the case plan worksheet. Probation officers are quite frustrated by the 'checking of boxes' and time spent on case plan note requirements. This distracts them and is a discouraging factor for probation officers that want to dedicate themselves more fully to working with and hearing and moving youth and families to positive change. We desperately need to simplify and expedite note entry for case planning/skill building meetings so probation officers can enjoy their jobs again.

- **Policy Committee Response:** This is directed to the wrong group. We will forward this recommendation to the Steering Committee for consideration.
- **Policy Committee Decision:** No Change. This suggestion will be forwarded to the Probation Steering Committee.

2. Comment/Theme:

- ❖ **#6 I think the court also needs to be informed, probably through court report, when a case plan cannot be completed within 30 days and the reason for such. Judges do not have access to probation notes in CARE. And I would want to know why the case plan hasn't been completed.**

- **Policy Committee Response:** There is a section in the summary and recommendations of the court report template that allows a probation officer to make a statement that a case plan has not been completed. Currently it is a box that can be clicked on and does not allow PO's to free-type the specific reason.
- **Policy Committee Decision:** No Change to the policy. This suggestion will be forwarded to the Probation Steering Committee.

3. Comment/Theme:

- ❖ **Clarification needed on #10.** The way it is worded now (how I am understanding it at least) is if the PO completes a new PRA due to a new charges/significant change and the risk level does not change (say the youth is high risk and stays high risk) then a new BAW would not need to be completed. Only if the risk changes would the PO need to update the BAW. Not sure if that is the intent but that seems to be how it is worded. (I understand this is not different from current policy but may be good to make clarification either way).
 - **Policy Committee Response:** A new BAW does not need to be completed if there is an increase in protective factors. You will complete a new BAW, zeroing in, and PRA with a new charge. There is a BAW process guide that is currently being created that will address this as well for training.
 - **Policy Committee Decision:** Added “must update the BAW and zeroing in process when” and “is not required to be updated if” for clarification.

4. Comment/Theme:

- ❖ **Can this say something like BAW and/or the Driver? - The probation officer shall develop an individualized case plan in collaboration with the minor and the minor’s parent or guardian which is informed by the results of the Behavior Analysis Worksheet (BAW) and Protective and Risk Assessment (PRA).** I know quite a few PO's prefer the Driver to the BAW in Davis County.
 - **Policy Committee Response:** Lines 46-53 of the Behavior Analysis Worksheet (BAW) in CARE is required if the BAW or Driver is eFiled. If neither the BAW or Driver is eFiled then a PO would need to complete the full BAW in CARE. The Driver is contracted and may be used and is included in training. There is a BAW process guide that is being created that will address this for training.
 - **Policy Committee Decision:** This was discussed at Chiefs and the decision was made to use the term behavior analysis tool.

5. Comment/Theme:

- ❖ The suggestion is to merge items 8 and 9 and add some additional clarifications. Here's the proposed wording:

8. The probation officer shall continue to work the case plan with the minor, prioritizing 1-2 of the most significant risk items. They shall utilize evidence-based case management methods, including Motivational Interviewing, Core Correctional Practices, The Behavior Matrices, and Cognitive Behavioral Strategies that include skill development, modeling, role-playing, and skill practice which address the prioritized risk item(s).

8.1 The probation officer shall continue working on the case plan until the case has been concluded.

8.2 This applies to out-of-state nonjudicial cases not under ICJ supervision."

I believe this update will provide clearer guidance to our officers that we only focus on 1 to 2, and that the service delivery we provide needs to be focused on the priority risk item while also emphasizing our commitment to evidence-based practices.

I would also suggest that number 7 follows 8 just for chronological ordering. Thank you for your consideration.

- **Policy Committee Response:** We want to stay with the practice to identify 4-6 risk items and work on one to two at a time. The policy includes general methods and training will include the specifics on each type of case management methods. This will allow us to broaden the list as well.
- **Policy Committee Decision:** No Change.

6. Comment/Theme:

- ❖ **I second the comment about informing the court when a case plan cannot be completed within 30 days. It seems logical to document this information in court reports. POs must explain reason(s) why the case plan is not completed and include strategies/efforts to ensure the case plan will be completed in a timely manner.**
 - **Policy Committee Response:** See comment #2.
 - **Policy Committee Decision:**

Tab 21

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

Last name, first name

Date of birth

A minor
[] under [] over 18 years of age, and []
represented [] not represented.

**Motion for Copy of Audio Recording
- Juvenile Court**

(Utah Code of Judicial Administration 4-202.01
to 4-202.08, Utah Code 80-3-106 and 80-4-
107)

Case Number

Judge

Which form should I use?

Request for Copy of Audio Recording – you are one of the people allowed to get a copy of the audio recording under Rule 4-202.03

Motion for Copy of Audio Recording (this form) – the case is open and you are not listed as one of people allowed to get a copy of the audio recordings under Rule 4-202.03.

Petition for Copy of Audio Recording – the case is closed and you are not listed as one of the people allowed to get a copy of the audio recordings under Rule 4-202.03.

For more information visit utcourts.gov/audio.

1. My name is _____
(Name of requester).

2. I am _____
(Explain who you are in this case. For example, a party to the case, an attorney for a party, parent of a party, a family member of the child, victim, law enforcement agency, etc.).

3. I request a copy of the record of the following juvenile court proceedings:
(Write the date and time for each hearing)

--

4. My reasons for requesting a copy of the record of the proceeding are:

--

5. ☐ The requested audio is of an **abuse, neglect, or dependency proceeding** or a **termination or restoration of parental rights proceeding**.

Notice of my request for a copy of the record of the proceeding will be provided to all subjects of the record by the court. Sufficient time will be allowed for the subjects of the record to respond before the court determines if there is good cause for the release of the record. Utah Code 80-3-106 and 80-4-107.

6. Requested format:

☐ Email me a link where I can listen to the audio using *For the Record*. This is the quickest way to get the audio. Audio cannot be downloaded or shared. \$15.00 /each half day.

Email a link to the following email addresses: (add as many emails as necessary)

--

☐ Email me an MP3 attachment. \$15.00 /each half day. In addition to paying the cost of the records, you might also have to pay for court staff time to prepare your records.

☐ Create an MP3 CD. \$15.00 /each half day. In addition to paying the cost of the records, you might also have to pay for court staff time to prepare your records.

☐ Mail (additional fee) to: _____ (mailing

address), or

☐ Pickup (Any physical records that are not picked up within 30 days will be destroyed.)

You must pay the court or office that provides the record. Prior to processing your request, the court will notify you if an additional fee will be required. The request will be processed within 10 business days, after receipt of payment. No refund will be issued or credit applied toward another request.

For information on requesting audio of a court hearing, go to: utcourts.gov/audio.

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

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

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.

**Petition for Copy of Audio
Recording – Juvenile Court**

(Utah Code of Judicial Administration 4-202.01 to 4-202.08, Utah Code 80-3-106 and 80-4-107)

Case Number

Judge

Which form should I use?

Request for Copy of Audio Recording – you are one of the people allowed to get a copy of the audio recording under Rule 4-202.03

Motion for Copy of Audio Recording – the case is open and you are not listed as one of people allowed to get a copy of the audio recordings under Rule 4-202.03.

Petition for Copy of Audio Recording (this form) – the case is closed and you are not listed as one of the people allowed to get a copy of the audio recordings under Rule 4-202.03.

For more information visit utcourts.gov/audio.

1. My name is _____
(Name of requester).

2. I am _____
(Explain who you are in this case. For example, a party to the case, an attorney for a party, parent of a party, a family member of the child, victim, law enforcement agency, etc.).

3. I request a copy of the record of the following juvenile court proceedings:
(Write the date and time for each hearing)

4. My reasons for requesting a copy of the record of the proceeding are:

5. ☐ The requested audio is of an **abuse, neglect, or dependency proceeding** or a **termination or restoration of parental rights proceeding**.

Notice of my request for a copy of the record of the proceeding will be provided to all subjects of the record by the court. Sufficient time will be allowed for the subjects of the record to respond before the court determines if there is good cause for the release of the record. Utah Code 80-3-106 and 80-4-107.

If I am making this request under Utah Code 80-3-106 or 80-4-107, my request has been filed within 12 months of when the case is closed (jurisdiction ended).

6. Requested format:

☐ Email me a link where I can listen to the audio using *For the Record*. This is the quickest way to get the audio. Audio cannot be downloaded or shared. \$15.00 /each half day.

Email a link to the following email addresses: (add as many emails as necessary)

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☐ Mail (additional fee) to: _____ (mailing address), or

☐ Pickup (Any physical records that are not picked up within 30 days will be destroyed.)

You must pay the court or office that provides the record. Prior to processing your request, the court will notify you if an additional fee will be required. The request will be processed within 10 business days, after receipt of payment. No refund will be issued or credit applied toward another request.

For information on requesting audio of a court hearing, go to: utcourts.gov/audio.

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 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.

**Request for Copy of Audio
Recording - Juvenile Court**

(Utah Code of Judicial Administration 4-202.01
to 4-202.08)

Case Number

Judge

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For more information visit utcourts.gov/audio.

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(Name of requester).

2. I am _____
(Explain who you are in this case. For example, a party to the case, an attorney for a party, parent of a party, a family member of the child, victim, law enforcement agency, etc.).

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(Write the date and time for each hearing)

4. My reasons for requesting a copy of the record of the proceedings are:

- 5 Requested format:

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Email a link to the following email addresses: (add as many emails as necessary)

- ☐ Email me an MP3 attachment. \$15.00 /each half day. In addition to paying the cost of the records, you might also have to pay for court staff time to prepare your records.
- ☐ Create an MP3 CD. \$15.00 /each half day. In addition to paying the cost of the records, you might also have to pay for court staff time to prepare your records.

☐ Mail (additional fee) to: _____ (mailing address), or

☐ Pickup (Any physical records that are not picked up within 30 days will be destroyed.)

You must pay the court or office that provides the record. Prior to processing your request, the court will notify you if an additional fee will be required. The request will be processed within 10 business days, after receipt of payment. No refund will be issued or credit applied toward another request.

For information on requesting audio of a court hearing, go to: utcourts.gov/audio.

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

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

In the ☐ District ☐ Justice Court of Utah

Judicial District _____ County

Court Address _____

**Garnishee's answers to
interrogatories for earnings**

Plaintiff/Petitioner

V.

Defendant/Respondent

Case Number

Judge

Commissioner (domestic cases)

Learn more about garnishment at <https://www.utcourts.gov/en/self-help/case-categories/consumer/garnishment/responsibilities.html>.

Write your answers in the spaces provided. Add additional pages if necessary.

1. Do you employ the judgment debtor?

ANSWER: ☐ Yes ☐ No

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

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

ANSWER: ☐ Yes ☐ No

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

ANSWER: _____

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

ANSWER:

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

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

ANSWER: Start Date: _____ End Date: _____ *

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

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

(a) Gross earnings from all sources payable to the judgment debtor in the possession or control of the employer (Including wages, salaries, commissions, bonuses, or earnings from a pension or retirement program.)	\$
(b) Deductions required by law	
(b)(i) Federal income tax	\$
(b)(ii) State income tax	\$
(b)(iii) Social security tax (FICA)	\$
(b)(iv) Medicare tax (FICA)	\$
(b)(v) Other amounts required by law to be deducted (Describe reason for deduction.):	\$
(c) Total deductions (Calculate sum of 6(b)(i) through 6(b)(v).)	\$
(d) Disposable earnings (Calculate Line 6(a) minus	

Line 6(c).)	\$
(e) Calculate:	
(e)(i) 25% of the amount in Line 6(d); or, if this is a judgment for child support, 50% of the amount in Line 6(d); or some lesser amount, based on what the writ says	\$
(e)(ii) The difference between Line 6(d) and the federal minimum hourly wage \$7.25) times 30 times the number of weeks in this pay period For example: (Weekly): Line 6(d) minus \$7.25 X 30 X 1 week (Biweekly): Line 6(d) minus \$7.25 X 30 X 2 weeks (Semi-monthly): Line 6(d) minus \$7.25 X 30 X 2.16 weeks (Monthly): Line 6(d) minus \$7.25 X 30 X 4.33 weeks)	\$
(f) Record the lesser amount from Line 6(e)(i) and Line 6(e)(ii).	\$
(g) Amount of any other garnishment or income withholding order.	\$
(h) Calculate and record Line 6(f) minus Line 6(g)	\$
(i) Amount deducted for an undisputed debt owed to you by the (Check one, both or neither.) <div style="display: flex; justify-content: space-around; margin-top: 5px;"> <input type="checkbox"/> judgment creditor <input type="checkbox"/> judgment debtor </div>	\$
(j) Calculate and record Line 6(h) minus Line 6(i).	\$
(k) What is the balance owed on the judgment? (You may contact the judgment creditor or judgment creditor's attorney to obtain the outstanding balance.)	\$
(l) Record the lesser amount from Line 6(j) and Line 6(k). (This is the amount to be withheld.)	\$

Person Completing Answers to Interrogatories

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

Signed [[prose_signed_at]] (city, and state or country).
at

[[prose_signed_date]] Signature ► _____

Date

Printed
Name

[[prose_signed_name]]

Attorney or Licensed Paralegal Practitioner of record (if applicable)

Signature

►

Date _____

Printed Name

Certificate of Service

I certify that I filed with the court and am serving a copy of this Garnishee's answers to interrogatories for earnings on the following people.

[[ruleFiveServiceAddressesJoined]]

Person's Name	Service Method	Service Address	Service Date
	<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.)		
	<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.)		
	<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.)		

[[prose_signed_date]]

Date

Signature



Printed
Name

[[prose_signed_name]]

Name

Address

City, State, Zip

Phone

Email

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

In the ☐ District ☐ Justice Court of Utah

_____ Judicial District _____ County

Court Address _____

**Garnishee's answers to
interrogatories for property other
than earnings**

Plaintiff/Petitioner

V.

Defendant/Respondent

Case Number

Judge

Commissioner (domestic cases)

Learn more about garnishment at <https://www.utcourts.gov/en/self-help/case-categories/consumer/garnishment/responsibilities.html>.

Write your answers in the spaces provided. Add additional pages if necessary.

1. Do you possess or control any property in which judgment debtor has an interest? (Property includes real and personal property, including money.)

ANSWER: ☐ Yes ☐ No

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

2. If you answered "yes" in the previous question, explain in the table below.

Description of property	Nature of judgment debtor's interest in the property	The property is due to the judgment debtor on: (date)	Value of judgment debtor's interest in the property
			\$
			\$
			\$
Total*			\$

(*Unless you deduct an amount under paragraph 3, this is the amount you must withhold from the judgment debtor. The Writ of Garnishment directs what to do with the property.)

3. You may deduct from the amount to be withheld money owed to you by the judgment debtor or the judgment creditor, if the amount of money owed is not disputed.

ANSWER: Undisputed amount owed to you: \$ _____ by
☐ Judgment debtor ☐ Judgment creditor

4. Do you know about any of the judgment debtor's other property or other money owed to judgment debtor?

ANSWER: ☐ Yes ☐ No

5. If yes, please explain in the table below.

ANSWER:

Description of property	
Name and address of person with possession	
Nature and value of judgment debtor's interest	

Description of

property	
Name and address of person with possession	
Nature and value of judgment debtor's interest	

Description of property	
Name and address of person with possession	
Nature and value of judgment debtor's interest	

Person Completing Answers to Interrogatories

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

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

Date

Signature ► _____

Printed Name _____

Attorney or Licensed Paralegal Practitioner of record (if applicable)

Date

Signature ► _____

Printed Name _____

Certificate of Service

I certify that I filed with the court and am serving a copy of this Garnishee's answers to interrogatories for property other than earnings on the following people.

Person's Name	Service Method	Service Address	Service Date
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed/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.)		
	<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.)		
	<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

Signature ► _____

Printed Name _____

☐ In the ☐ District ☐ Justice Court of Utah

_____ Judicial District _____ County

Court Address _____

<p>_____</p> <p>Plaintiff/Petitioner</p> <p>v.</p> <p>_____</p> <p>Defendant/Respondent</p>	<p>Writ of Continuing Garnishment and Instructions for</p> <p><input type="checkbox"/> Child Support</p> <p><input type="checkbox"/> Other</p> <p>_____</p> <p>Case Number</p> <p>_____</p> <p>Judge</p> <p>_____</p> <p>Commissioner</p>
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For more information about writs of garnishment, go to:
www.utcourts.gov/resources/forms/garnishment/.

In this document:

- A **judgment creditor** is a person or company with a court order saying money is owed to them.
- A **judgment debtor** is the person or company who owes the money.
- A **writ of garnishment** is an order that property now belonging to the judgment debtor but held by someone else be used to pay the money owed to the judgment creditor.
- **Interrogatories** are written questions which identify the property and the value of the property that might be used to pay the debt.

To:

Garnishee's Name _____

Address _____

1. Utah law requires the judgment creditor to include with this Writ of Garnishment a fee to you. If the fee was not included, sign here and return the forms to the judgment creditor, or if they have one, their attorney.

Signature ► _____

2. A judgment has been entered against the judgment debtor. After calculation of interest, costs and payments, the judgment debtor owes \$ _____.

Papers filed with the court show that you may possess or control some of the judgment debtor's property which may include earnings not yet paid.

The property is being garnished (seized) in order to pay the judgment. If you are the garnishee, you are required to take certain steps to deliver the property or to hold and protect it. **If you do not, the court can order you to pay for the harm caused to the judgment creditor.** You should keep for your records a copy of everything that you prepare and everything that is served on you.

3. The person who owes money (judgment debtor) is:

Name	
Address	
Social security number (Last 4 digits only, if known.)	
Driver's license number and state of issuance (Last 4 digits only, if known.)	
Year and month of birth (If known.)	

4. Within 7 business days after this writ is served on you, you must:

- answer the attached Interrogatories;
- serve a copy of your Answers to Interrogatories on the judgment creditor, or if they have one, their attorney or licensed paralegal practitioner;
- serve a copy of the following papers on the judgment debtor and on any other person shown by your records to have an interest in the property. The papers to be served are:
 - one copy of this Writ of Continuing Garnishment;
 - one copy of your Answers to Interrogatories;
 - one copy of the Notice of Garnishment and Exemptions form; and
 - two copies of the Reply and Request for Hearing form.

5. You may serve the judgment creditor at this address by hand delivery or by first class mail:

Name
Address
City, State, Zip

Phone

Email

You may serve the judgment debtor at this address by hand delivery or by first class mail.

Name

Address

City, State, Zip

Phone

Email

6. This Writ of Continuing Garnishment is effective for one year after the date it was served on you, or for 120 calendar days if another writ of continuing garnishment is served on you. Within 7 business days after the close of each pay period occurring within the term of continuing garnishment, you must:
- answer the attached Interrogatories;
 - serve a copy of your Answers to Interrogatories on the judgment creditor, or if they have one, their attorney or licensed paralegal practitioner; the judgment debtor and on any other person shown by your records to have an interest in the property.
7. What to do with the property:
- **DO NOT SEND THE PROPERTY TO THE COURT.** You must withhold from the judgment debtor the amount shown in your Answers to Interrogatories. Hold the property for 21 calendar days after you serve the judgment debtor.
 - Wait 21 days.
 - If you receive a Reply and Request for Hearing within 21 days, hold the property until you receive further orders from the court directing you how to proceed.
 - If you do not receive a Reply and Request for Hearing within 21 days, deliver the property to the judgment creditor or, if they have one, their attorney or licensed paralegal practitioner.

8. **If you do not take these steps, the court may hold you responsible for the value of the property you should have withheld.**
9. You may deliver to the judgment debtor any property greater than you are required to withhold.
10. Multiple Writs of Garnishment for the same judgment debtor may be served on you, but only one Writ of Garnishment may be in effect at one time. You must satisfy the writs in the order in which they are served. When an earlier Writ of Garnishment expires or is satisfied, you must then satisfy the next writ.

However, a Writ of Continuing Garnishment in favor of the Office of Recovery Services or the Department of Workforce Services takes precedence over other writs and must be satisfied first.

A Writ of Continuing Garnishment in favor of the Office of Recovery Services or the Department of Workforce Services continues until fully satisfied, placing earlier writs on hold. These instructions do not apply to writs or orders entered by other courts or governmental agencies.

	Signature ►	
Date	Printed Name of Clerk of Court	

Certificate of Service

I certify that I filed with the court and am serving a copy of this Writ of Continuing Garnishment and Instructions on the following people.

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

 Date

 Signature ►

 Printed Name

In the [] District [] Justice Court of Utah

_____ Judicial District _____ County

Court Address _____

Plaintiff/Petitioner

v.

Defendant/Respondent

Abstract of Judgment

(Utah Rule of Civil Procedure 58A; Utah Code 78B-5-201 and 202)

Case Number

Judge

Commissioner (domestic cases)

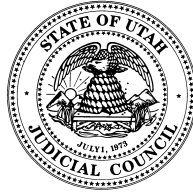
1. On _____ (date) a judgment was entered by the above court in favor of _____ (name) and against _____ (name) in the amount of: _____. The judgment was signed by _____ (name of judge or clerk that signed the judgment).
2. The judgment was recorded in the registry of judgments on _____ (date).
3. The time for appeal has passed and no appeal has been filed.
4. The judgment:
[] has not been stayed.
[] has been stayed until _____ (date).
5. A copy of the judgment is attached.

This is a correct abstract of the judgment rendered in this court and is issued under the seal of this court.

Date

Signature ►

Clerk's Printed Name



Administrative Office of the Courts

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

June 4, 2025

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

MEMORANDUM

TO: Forms Committee
FROM: Pleasy Wayas & Family Law Forms Subcommittee
RE: Additional Child Support Provisions for MyPaperwork Pleadings (Divorce and Parentage)

Additional child support provisions are needed for the divorce and parentage pleadings in MyPaperwork. These items are included in the child support calculation in the interviews. However, there are no paragraphs in the pleadings to explain that they were included in the calculation. Currently there are no provisions for:

- Alimony previously ordered and paid, [Utah Code 81-6-204\(1\)\(1\)](#)
- Child support previously ordered for a parent, [Utah Code 81-6-204\(1\)\(1\)](#)
- Additional children in the parties' homes, [Utah Code 81-6-202](#)
- Additional sources of income (other than employment and public benefits for which provisions already exist), [Utah Code 81-6-203](#)

We seek the Form Committee's permission to approve the following provisions for use in divorce and parentage pleadings in MyPaperwork:

(Party name) is ordered to pay and is paying \$ _____ per month in alimony in another case. This amount is subtracted from their gross monthly income for the child support calculation.

(Party name) is ordered to pay \$ _____ per month in child support for children not part of this case. This amount is subtracted from their gross monthly income for the child support calculation.

(Party name) has other children that are not in common to both parties and who are not part of this case. \$ _____ may be subtracted from their gross monthly income for the child support calculation based on a Child Support Obligation Worksheet - Parent's Home Worksheet.

(Party name) has the following income from any of these sources:
Source: (type of income) Monthly amount: \$ _____
(list continues for any of the other income)

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.