

**JUDICIAL COUNCIL  
MEETING AGENDA**

**January 20, 2025**

Hybrid Meeting (in person and Webex)

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

*Chief Justice Matthew B. Durrant, Presiding*

1. 10:00 a.m. Welcome & Approval of Minutes.....Chief Justice Matthew B. Durrant  
(TAB 1 - Action)
2. 10:05 a.m. Chair's Report.....Chief Justice Matthew B. Durrant  
(Information)
3. 10:10 a.m. State Court Administrator's Report.....Ron Gordon  
(Information)
4. 10:20 a.m. Reports: Management Committee.....Chief Justice Matthew B. Durrant  
Budget and Fiscal Management Committee.....Judge Rita Cornish  
Liaison Committee.....Judge Brendan McCullagh  
Policy, Planning, and Technology Committee.....Judge James Gardner  
Bar Commission.....Katie Woods, esq.  
(TAB 2 - Information)
5. 10:30 a.m. Budget and Grants.....Karl Sweeney  
(TAB 3 - Information).....Alisha Johnson  
.....Jordan Murray
6. 10:45 a.m. Certification of Treatment Courts.....Cris Seabury  
(TAB 4 - Action).....Katy Erickson
7. 10:50 a.m. Appointment to the CCJJ.....Shane Bahr  
(TAB 5 - Action)
8. 10:55 a.m. Tribal Liaison Committee Annual Report.....Matilda Willie  
(TAB 6 - Information)

11:05 a.m. **Break**

9. 11:15 a.m. New Courthouses.....Chris Talbot  
(TAB 7- Information)

10. 11:35 a.m. Legislative Updates.....Michael Drechsel  
(Information)
11. 11:50 a.m. Rules for Final Approval.....Keisa Williams  
(TAB 8 - Action)
12. 11:55 a.m. Old Business / New Business.....All  
(Discussion)
13. 12:00 p.m. Consent Calendar.....Chief Justice Matthew B. Durrant  
(Action)
14. 12:05 p.m. Senior Judge Appointment.....Neira Siaperas  
(Action)
15. 12:10 p.m. Executive Session.....All
16. 12:20 p.m. Adjourn.....Chief Justice Matthew B. Durrant

### **Consent Calendar**

1. Rules for Public Comment  
(TAB 9)
2. Forms  
(TAB 10)
3. MUJI (Criminal) Committee Appointment  
(TAB 11)

Tab 1

**JUDICIAL COUNCIL MEETING**  
**Minutes**

**December 15, 2025**  
Hybrid Meeting (in person and Webex)

**Matheson Courthouse – Council Room**  
450 S. State Street Salt Lake City, Utah 84111

*Chief Justice Matthew B. Durrant, Presiding*

**Members:**

Chief Justice Matthew B. Durrant, Chair  
Hon. David Mortensen, Vice Chair Hon. Suchada Bazzelle  
Hon. Samuel Chiara  
Hon. Rita Cornish Hon.  
Susan Eisenman  
Hon. Michael Leavitt  
Hon. James Gardner  
Hon. Amber Mettler  
Justice Paige Petersen  
Hon. Christine Johnson  
Hon. Michael DiReda  
Hon. Angela Fonnesbeck  
Kristin K. Woods

**AOC Staff:**

Ron Gordon Neira  
Siaperas Michael  
Drechsel Keisa  
Williams Nick Stiles  
Shane Bahr  
James Peters  
Brody Arishita  
Daniel Meza Rincon

**Presenters:**

Cris Seabury  
Katy Erickson  
Karl Sweeney Alisha Johnson  
Judge Rick Westmorland  
Judge Clay Stucki  
Lauren Andersen  
Alex Peterson  
Keri Sargent

**Excused:**

Hon. Chris Bown  
Hon. Brendan McCullagh  
Hon. Jon Carpenter

**1. WELCOME AND THE APPROVAL OF MINUTES (Chief Justice Matthew B. Durrant):**

Chief Justice Matthew B. Durrant welcomed everyone to the meeting and called for any questions or corrections to the November 24, 2025 meeting minutes. None were raised.

**Motion:** Judge Amber Mettler moved to approve the November 24, 2025 meeting minutes. Judge Christine Johnson seconded the motion, which passed unanimously.

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

Chief Justice Durrant reported that Justice John Nielsen has taken the bench as the newest member of the Supreme Court and is expected to be an excellent addition to the Court.

**3. STATE COURT ADMINISTRATOR REPORT (Ron Gordon):**

Ron Gordon reported that meetings between judges and legislators in each judicial district had concluded

and were successful statewide. He noted strong participation overall and productive, substantive discussions in all districts, with some variation in attendance. He also reported that public town hall meetings are being scheduled across the state, with invitations planned for stakeholders and members of the public. These events are intended to support outreach efforts by providing opportunities for community members to engage directly with judges and employees and to learn more about the work of the Judiciary.

Mr. Gordon further reported on results from the most recent National Center for State Courts (NCSC) nationwide public trust and confidence survey. He indicated that a Utah-specific survey will be conducted soon, allowing for comparison with national data. He noted that public confidence in the judiciary has historically remained higher than in other branches of government and that this trend continues, although the gap is narrowing. Nationwide, 62% of respondents expressed confidence in state courts, compared to 59% for state legislative branches and 57% for state executive branches. He also noted that the survey does not distinguish between respondents who have had experience with the courts and those who have not. The primary concern identified nationwide was whether courts can provide equal justice to all, which he noted aligns with the Judiciary's core mission.

Mr. Gordon then discussed mixed survey results regarding the use of artificial intelligence (AI) in the courts nationwide. He stated that 51% of respondents expressed concern that AI could negatively impact state courts, their ability to administer justice, and public trust; 31% believed AI could be helpful, particularly in improving efficiency; and 18% were unsure. He noted that Utah is ahead of other states, as the Judicial Council has approved AI guiding principles and policies and established appropriate guardrails. He emphasized the importance of clear public messaging regarding the Judiciary's use of AI, including that judicial officers and employees remain fully responsible for decisions and work product and that approved AI tools are intended to complement, not replace, human judgment.

Finally, Mr. Gordon reported that judicial security remains a nationwide concern and reaffirmed the Utah Judiciary's ongoing commitment to doing everything possible to ensure the safety of judges, employees, and court patrons.

**4. BOARD OF JUVENILE COURT JUDGES REPORT (Judge Rick Westmoreland, Daniel Meza Rincon):**

Judge Rick Westmoreland reported on behalf of the Juvenile Court Judges' Board and noted that the Board is working collaboratively to support and strengthen the juvenile court bench statewide.

Judge Westmoreland outlined the Board's goal for the coming fiscal year, which is to engage presiding judges in each judicial district to promote professional civility among attorneys and reinforce the juvenile court's problem-solving mission while keeping child safety at the forefront. He reported that the goal emphasizes courtroom practices that support family preservation and reunification, youth success, and positive long-term outcomes, while preserving civil and zealous advocacy and constitutional rights. He further reported that the goal has been shared with the juvenile court bench and that presiding judges will be invited to report on local implementation efforts over the coming year.

Judge Westmoreland also reported on the need for additional attorney law clerks. He noted that a recent survey of juvenile court judges and increased trial and order-drafting demands demonstrate the value of law clerks, particularly in complex cases such as termination of parental rights. He reported that the current ratio is one law clerk to eleven judges and that the Board is working with AOC administration to pursue ongoing funding for two additional attorney law clerks.

Finally, Judge Westmoreland provided highlights from the Child Welfare Legislative Oversight Panel report, noting strong statewide compliance with statutory timelines for child welfare cases. He reported that in FY 2025, the juvenile court handled approximately 3,437 child welfare matters, with most hearings meeting required timeframes. He noted that delays were often due to factors outside the court's control and emphasized the juvenile court's continued focus on child safety, family preservation, and positive outcomes for children and families.

## **5. COMMITTEE REPORTS:**

**Management Committee:** Nothing to report.

**Budget & Fiscal Management Committee:** The work of the committee will be discussed later in the meeting.

**Liaison Committee:** The committee will hold its first meeting later the same day.

**Policy, Planning, and Technology Committee:** Judge James Gardner reported that the committee has drafted a rule on case assignments and reassignments and has received all local rules from each district and court levels. He stated that the committee will present the proposed rule to the Judicial Council at its January meeting.

**Bar Commission:** Katie Woods reported that the Utah State Bar is monitoring developments in the upcoming legislative session and is awaiting additional details regarding potential changes to the Judicial Performance Evaluation Commission (JPEC). She stated that the Bar will seek guidance from the Judiciary and intends to follow the Judiciary's lead in developing and coordinating messaging on any proposed legislation.

Ms. Woods further reported that the Bar plans to oppose efforts to add Supreme Court justices, noting concerns that such proposals could undermine public confidence in the courts. She stated that a key component of the Bar's messaging will emphasize the fiscal impact of adding justices and the need to prioritize limited resources for lower courts and access-to-justice needs, including judicial officers, judicial assistants, juvenile court resources, guardian ad litem funding, and domestic violence services.

Ms. Woods also reported on a legislative resolution proposing amendments to court rules concerning lawyer licensing fees. She stated that the Bar views the proposal as unconstitutional and lacking a viable mechanism for implementation. She reported that the Bar is monitoring the issue closely, preparing messaging, and may consider budgeting for potential litigation if necessary. She emphasized the Bar's willingness to work collaboratively with the Judiciary and present a coordinated approach.

## **6. BOARD OF JUSTICE COURT JUDGES REPORT (Judge Clay Stucki, Jim Peters):**

Judge Clay Stucki reported that ongoing education and training efforts have been highly effective and credited the Education Committee for its strong leadership and continued support of justice court judges. He noted that incremental statutory and policy changes, developed in coordination with the Legislature, have also contributed to strengthening justice courts.

Judge Stucki further reported that justice courts are currently staffed by highly qualified judges, noting that recent appointees are law-trained, have significant experience, and possess credentials comparable to applicants for district court positions. He acknowledged that the Board of Justice Court Judges continues

to address operational issues identified through internal audits, including financial management and compliance with best practices, and reported that the Board is actively implementing improvements in these areas. He emphasized that the remaining issues are incremental rather than systemic and concluded that justice courts are functioning well and are in a stable position.

## 7. BUDGET AND GRANTS (Karl Sweeney, Alisha Johnson):

Alisha Johnson presented the financial reports.

### FY 2026 Ongoing Turnover Savings as of 12/04/2025 - Period 5

#		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)	138,582	138,582	138,582	-
	Ongoing Turnover Savings FY 2026 (actual year-to-date, Salary Differential only)	418,743	400,047	400,047	(18,696)
1	Ongoing Turnover Savings FY 2026 (forecast \$65,000 / month x 7 months, Salary Differential only)	520,000	-	455,000	(65,000)
	TOTAL SALARY RELATED ONGOING SAVINGS	1,077,325	538,629	993,629	(83,696)
	Benefit Differential Savings FY 2026 (will be recognized in this row starting in Q4)	-	-	-	-
	TOTAL SAVINGS	1,077,325	538,629	993,629	(83,696)
2	2026 Annual Authorized Hot Spot Raises	(200,000)	(191,455)	(200,000)	-
	TOTAL USES	(200,000)	(191,455)	(200,000)	-
<b>Total Actual/Forecasted Unencumbered Turnover Savings for FY 2026</b>		<b>877,325</b>	<b>347,175</b>	<b>793,629</b>	<b>(83,696)</b>

- 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 (\$102,847.16). Prior report benefit differential was (\$21,080). FY 2025 full year benefit differential was +\$201,339.
- Currently, 18 FTE are vacant.

1 Currently forecasting \$65,000 of ongoing Salary Differential savings a month for the remainder of the FY; actual run rate is \$400,047 / 5 months = \$80,009 / 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.

### FY 26 Ongoing Funding Net of Commitments/Reserves - Period 5, FY 2026

<i>Funding Sources</i>	
Available Funds	
Ongoing Turnover Savings carried over from FY 2025	\$ 138,582
Actual Ongoing Turnover Savings from FY 2026 (as of period 4) - Note: Does not include CY benefits differential until Q4 or forecasted amounts	\$ 400,047
<b>Total Available Ongoing Funding - Cash Basis</b>	<b>\$ 538,629</b>
<i>Commitments/Reserves</i>	
1 Judicial Council Delegated to State Court Administrator for Discretionary Use in FY 26	\$ (200,000)
2 Obligated/Committed Funds Needed by June 30, 2026 for use in 7.1.2027 fiscal year for Investing in our People	\$ (370,000)
3 Director of Finance and State Court Admin. reserves for assumption contingencies (including a negative benefit differential) that enable meeting the investing in our People Ongoing Commitment	\$ (100,000)
<b>Total Commitments/Reserves</b>	<b>\$ (670,000)</b>
<b>Net Available Ongoing Funding - Cash Basis (Deficit)</b>	<b>\$ (131,371)</b>
<i>Deferred Ongoing Requests</i>	
<i>Requests are deferred until Net Available Ongoing Funding - Cash Basis exceeds these requested amounts</i>	
8th District Probation Training Coordinator - Russ Pearson	Judicial Council Approved
Juvenile Court ICJ Funding Increase	\$ 52,500
	\$ 7,000
	<b>Subtotal</b>
	<b>\$ 59,500</b>

## FY 2026 One Time Turnover Savings - Period 5

#	Description	Actual	
		Funding Type	Amount
1	One Time Turnover Savings (from actual payroll data versus budget as of PPE 11/21/2025)	Internal Savings	781,478
2	Est. One Time Savings for remaining pay hours (1,256 @ \$900 / pay hour)	Internal Savings (Est.)	1,130,400
<b>Total Potential One Time Savings</b>		<b>3</b>	<b>1,911,878</b>
		<i>Prior Report Totals (as of PPE 10/24/2025)</i>	1,837,281
		<i>FY 2025 Final</i>	3,072,760

1 Actual per hour turnover savings for the last 4 pay periods (oldest to newest) are \$774.51, \$800.93, \$1,612.68, and \$1,018.59. The average per hour turnover savings for FY 2026 YTD is \$939.28. Last reports average was \$837.62.

In addition to vacancies, the variances between the 4 pay periods are related to the temporary effects of:

**Positive Impacts:**

Savings from the Social Security cap being met causing increases in per hour savings in the last two pay periods shown.

This savings will stop with the next tax year (PPE 12/19).

Lower Investing in Our People monthly expenses in November (variance in the 3rd pay period shown)

Budget was \$89,225, actual expenses were \$55,805. This is a timing difference only caused by the actual number of people receiving an Investing in our People award versus a straight line monthly budget.

**Negative Impacts:**

New Judge payroll timing

Judges are generally paid for 4 weeks of work on their first paycheck versus 2 for other employees and there may be an overlap with the prior judge for a time to include training. The first two pay periods shown were impacted by overlap involving 1 judicial position.

One judicial position was filled on 12/1 with no overlap so we will see a non-temporary 1x-TOS decrease when PPE 12/5 posts.

2 Based on the information above, the forecast was decreased from \$1,200 per hour to \$900 per hour for the balance of the year as of the PPE 10/24/2025 report. Actual per hour turnover savings for FY 2025 was \$1,427.

3 The decline from FY 25 to FY 26 is primarily due to the decrease in vacant positions which have declined from an average of 25-30 vacant positions between January 2025 & mid-September 2025 to +/- 15 vacant positions since mid-September. Overall, it appears that positions are filling faster when vacant. This decrease from 30 to 15 vacant positions at a loaded rate of ~ \*\$37.99 / hr equates to ~ \$569.85 per pay hour decrease. This decrease is reconciled in the table below.

## FY 2026 Year End Requests and Forecasted Available One-time Funds - Period 5

Forecasted Available One-time Funds		
	Description	Funding Type
	<b>Sources of YE 2026 Funds</b>	
*	Turnover Savings as of PPE 11/21/2025	Turnover Savings
	Turnover savings Estimate for the rest of the year (\$900 x 1,256 pay hours)	Turnover Savings
	<b>Total Potential One Time Turnover Savings</b>	<b>1,911,878</b>
	Less: Judicial Council Delegated to State Court Administrator for Discretionary Use	(250,000)
(a)	<b>Total Potential One Time Turnover Savings Less Discretionary Use</b>	<b>1,661,878</b>
	<i>Operational Savings From TCE / AOC Budgets - mid-year forecast</i>	<i>Internal Operating Savings</i>
	<i>Operational Savings from IT Budget - Timing of Contract Renewal Deferred to FY 27</i>	<i>Internal Operating Savings</i>
	<i>Reserve Balance (balance from FY 2025 Carryforward)</i>	<i>Judicial Council Reserve</i>
	<i>Use IT Budget Savings and Operational Savings to Increase Retro YOS Eligibility</i>	<i>Adjustments to CY Operations</i>
(b)	<b>Total Operational Savings, Reserve, Unclaimed Property and Prior Year Adjustments</b>	<b>438,700</b>
(c)	<b>Total of Turnover Savings &amp; Operational Savings = (a) + (b)</b>	<b>2,100,578</b>
	<b>Uses of YE 2026 Funds</b>	
(d)	Carryforward into FY 2027 (Anticipate request to Legislature for \$3,200,000)	<i>FY 2027 Carryforward</i>
	<b>Total Potential One Time Savings = (c) less Carryforward (d)</b>	<b>-</b>
	<b>Less: Judicial Council Requests Previously Approved</b>	<b>-</b>
	<b>Less: Judicial Council Current Month Spending Requests</b>	<b>-</b>
	<b>Remaining Forecasted Funds Available for FY 2026 YE Spending Requests, CCCF, etc.</b>	<b>-</b>

Updated 12/04/2025

## **Grants**

### **Request for Certificate of State Approval: SJI Grant for the SLC Justice Court (Jordan Murray):**

Jordan Murray presented a request to authorize a Certificate of State Approval for the Salt Lake City Justice Court's application to the State Justice Institute (SJI). He reported that the Justice Court is seeking SJI funding for a comprehensive project developed by the National Center for State Courts, which includes strategic planning and case flow management technical assistance. He noted that the proposed \$75,000 grant would impose no financial obligation or risk on the State Courts. Mr. Murray requested the Judicial Council's approval to issue the Certificate of State Approval to allow submission of the application.

**Motion:** Judge Gardner moved that the Judicial Council authorize the Certificate of State Approval required for submission of the Salt Lake City Justice Court's State Justice Institute grant application. Judge Rita Cornish seconded the motion, and it passed unanimously.

### **8. MUJI (Criminal) ANNUAL REPORT (Keisa Williams):**

Keisa Williams presented the annual report of the Model Utah Criminal Jury Instructions (MUJI-Criminal) Committee on behalf of the committee chair, Judge Theresa Welch. She reported that the Committee met ten times over the past year and currently has two vacancies, which are expected to be filled in the near future. She noted that the Committee focused on updating the DUI series of jury instructions, incorporating public comments, and publishing several amended and new instructions. Ms. Williams reported that the Committee looks forward to continuing its work and welcomes feedback from the Judicial Council.

### **9. STANDING EDUCATION COMMITTEE ANNUAL REPORT (Lauren Andersen):**

Lauren Andersen presented the Standing Education Committee's Annual Report. She reported that the Education Department delivered extensive training opportunities during the past year, with more than 56,000 enrollments across live and online offerings and high completion rates. She highlighted support for judicial and leadership conferences, expansion of on-demand training, launch of a new Employee Course Catalog, and updates to Rule 3-403 linking annual training requirements to the HR performance cycle. She also reported progress on key initiatives, including growth of the Employee Mentoring Program, expanded Divorce Education for Children services, implementation of a new learning management system, and development of new educational content related to generative AI.

Judge Michael Leavitt asked about communication regarding mandatory training subjects required by rule. Ms. Andersen responded that required topics are typically addressed at conferences and that reminders are sent to judges who have not completed required training. She also noted plans to improve communication with the benches regarding mandatory training requirements.

### **10. RULE 1-205 PERFORMANCE ASSESSMENT (Michael Drechsel):**

Michael Drechsel presented the Uniform Fine Committee's performance assessment and a recommendation to modify the committee's membership pursuant to UCJA Rule 1-205(1)(D). He explained that standing committee performance assessments, conducted every three years by committee chairs, evaluate committee efficiency, potential redundancies, and whether a committee continues to serve its purpose.

Mr. Drechsel reported that Judge Jennifer Valencia, chair of the Uniform Fine Committee, concluded that the committee continues to serve an important function and should not be dissolved, and that no redundancies exist warranting consolidation with other committees. Judge Valencia further determined that the committee's work could be completed more efficiently and recommended reducing the committee's membership from eight judges to one district court judge and two justice court judges, which would require an amendment to Rule 1-205.

Mr. Drechsel stated that the Policy, Planning, and Technology Committee reviewed and approved amended language to Rule 1-205 reflecting the streamlined structure. He requested the Judicial Council's approval to publish the proposed rule amendment for public comment, with comments to be reviewed through the standard process and the proposal to return to the Council for final consideration prior to implementation.

**Motion:** Judge Gardner moved to approve publication of amended Rule 1-205 for public comment. Justice Paige Petersen seconded the motion, and it passed unanimously.

## **11. CERTIFICATION OF TREATMENT COURTS (Cris Seabury, Katy Erickson):**

Cris Seabury and Katy Erickson presented certification recommendations for treatment courts pursuant to UCJA Rule 4-409. They reported that the evaluation process included site visits, interviews, and document reviews. Ms. Erickson noted that the Davis County DUI/RSAT Court is not currently using a standardized screening tool; however, Judge Michael Edwards is working with the treatment team to select and implement an appropriate tool. She reported that the court currently uses multiple screening processes and emphasized the importance of standardized screening to ensure DUI offenders are appropriately served based on risk level. Housing availability was also identified as a challenge due to increased costs. Despite these issues, re-certification was recommended based on the court's efforts to address the identified concerns.

The following treatment courts were recommended for re-certification:

- Fifth District – Washington County Adult Recovery Court (Judge Matthew Bell)
- Second District – Davis County DUI/RSAT Court (Judge Michael Edwards)

**Motion:** Judge Cornish moved to approve the certification of these treatment courts as recommended. Judge Mettler seconded the motion, and it passed unanimously.

## **12. BASIC GUIDELINES GUARDIANSHIP HANDBOOK (Keri Sargent):**

Keri Sargent presented on behalf of Shonna Thomas regarding the Working Interdisciplinary Networks of Guardianship Stakeholders (WINGS) Committee's draft revised handbook, Basic Guidelines: Serving as Guardian or Conservator for an Adult. She reported that the revised handbook updates the 2007 guardianship and conservatorship manual to reflect statutory and rule changes and incorporates plain language to improve accessibility. She further noted that UCJA Rule 6-501(3)(A) requires proposed guardians and conservators to complete a court-approved exam, and that the revised handbook is intended to support that requirement.

**Motion:** Judge Mettler moved to approve the Basic Guidelines Guardianship Handbook. Judge Cornish seconded the motion, and it passed unanimously.

**13. JUDICIAL CONDUCT COMMISSION REPORT (Alex Peterson):**

Alex Peterson, Executive Director of the Judicial Conduct Commission (JCC), presented the Commission's biannual update. He stated that the JCC is fully staffed with 11 commissioners, including newly appointed citizen member Linda Dunn, and that there are currently no vacancies. He noted that a request to the Supreme Court for an attorney member will occur in 2027 when an existing term expires. To address caseload demands, the judicial investigator position was converted from part-time to full-time, while overall staffing levels remained unchanged.

Mr. Peterson discussed caseload trends, noting that more than 90 complaints have been received to date in FY26 and that the Commission expects to receive approximately 180–190 complaints for the fiscal year, consistent with recent years and indicating a stabilization of caseload levels. He reported that there have been two dismissals with warnings to date and no public dispositions. Mr. Peterson also reported that the JCC published its FY25 Annual Report and that the Commission's actions, including public actions and dismissals with warnings, are posted on the JCC website in a timely manner. He also noted that commissioners participated in biennial training through the National Center for State Courts.

Mr. Peterson summarized national trends discussed during training, including an increase in judicial conduct complaints nationwide, many of which stem from public dissatisfaction with judicial decisions. He noted that social media has increased the visibility of judicial behavior, resulting in complaints related to conduct that previously may not have come to public attention. He also referenced ongoing national discussion regarding the balance between judicial independence and accountability and noted that Utah's Judicial Conduct Commission is unique in including legislators among its commissioners.

**14. CONSENT CALENDAR (Chief Justice Matthew B. Durrant):**

**Motion:** Judge Cornish moved to approve the items on the consent calendar. Judge Mettler seconded the motion, and it passed unanimously.

**15. ADJOURN**

The meeting was adjourned

Tab 2

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

**Minutes  
December 8, 2025  
Meeting held virtually through WebEx  
12:00 p.m. – 12:30 p.m.**

**Members Present:**

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

**Guests:**

Brett Folkman, TCE, First District Court  
Mark Urry, TCE, Fourth District Court  
Janine Liebert

**Excused:**

**AOC Staff Present:**

Ron Gordon  
Neira Siaperas  
Nick Stiles  
Daniel Meza-Rincon  
Brody Arishita  
Todd Eaton  
Shane Bahr  
Bart Olsen  
Erin Rhead  
Tina Sweet  
Karl Sweeney  
Jordan Murray  
Alisha Johnson  
Sheri Knighton  
Suzette Deans, Recording Secretary

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**Call to Order and Approval of Prior Minutes**

Judge Rita M. Cornish called the meeting to order and welcomed attendees.

**Motion:** Judge Cornish noted she had reviewed the minutes from the prior meeting and moved to approve them. Kristin K. Woods seconded the motion. With no discussion, votes, or abstentions, the prior meeting minutes were unanimously approved.

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**Grants Item – Certificate of State Approval (Salt Lake City Justice Court)**

Judge Cornish adjusted the agenda order to address a grants item while a quorum was present. Jordan Murray presented on behalf of the grants team, noting that Kate Fairchild, the original requester, was unavailable.

Mr. Murray explained that the Salt Lake City Justice Court requested a Certificate of State Approval to accompany a grant application to the State Justice Institute (SJI). Although the

project is not a state courts initiative, SJI requires pre-approval from the state supreme court or its designated council. A similar request was approved by the Judicial Council in 2022.

Mr. Murray reported that AOC Finance's internal review identified no fiscal obligations or risks to the state courts, as the funds are payable to the SLC Justice Court who will account directly to SJI for their use; the approval noted above is a technical requirement only.

**Motion:** Judge Cornish moved to recommend advancing the certificate of state approval to the Judicial Council. Judge Susan Eisenman seconded the motion. With no discussion, objections, or abstentions, the motion passed unanimously. The item will be forwarded to the Judicial Council for consideration.

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## Accounting Manual Policy Updates

Judge Cornish confirmed that the accounting manual policy updates had been reviewed and noted they were technical in nature. Karl Sweeney clarified that the updates had already been reviewed and approved by Clerks of Court, TCEs, and the Accounting Manual Committee.

**Motion:** Judge Susan Eisenman moved to approve the accounting manual policy updates. Judge Cornish seconded the motion. With no further discussion, objections, or abstentions, the motion passed unanimously.

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## Financial Reports – Year-to-Date Financials

Alisha Johnson presented the year-to-date financials.

### Ongoing Turnover Savings

Ms. Johnson reported that the ongoing turnover savings forecast had decreased slightly due to lower-level positions being filled at higher rates, largely because internal candidates from higher-paid positions retained their salaries and moved to fill lower-level job vacancies. The current forecast net of hot spot funds is \$794K vs \$877K last period. She indicated this decrease will be mitigated somewhat in future months as the vacated positions are filled.

Judge Cornish asked clarifying questions regarding inclusion of judicial salaries and the treatment of one-time versus ongoing turnover savings. Ms. Johnson confirmed judicial salaries are included and that terminal payouts affect one-time turnover savings.



### FY 2026 Ongoing Turnover Savings as of 12/04/2025 - Period 5

#		Prior Month Amount @ YE	Forecast Amount YTD	Actual Amount YTD	Forecasted Amount @ YE	Change in Forecast Amount @ YE
	Net Carried over Ongoing Savings (not finalized from FY 2025)	138,582		138,582	138,582	-
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	TOTAL SALARY RELATED ONGOING SAVINGS	1,077,325		538,629	993,629	(83,696)
	Benefit Differential Savings FY 2026 (will be recognized in this row starting in Q4)	-	-	-	-	-
	TOTAL SAVINGS	1,077,325		538,629	993,629	(83,696)
2	2026 Annual Authorized Hot Spot Raises	(200,000)	(191,455)	(200,000)	-	
	TOTAL USES	(200,000)	(191,455)	(200,000)	-	
Total Actual/Forecasted Unencumbered Turnover Savings for FY 2026		877,325	347,175	793,629	(83,696)	

### Ongoing Net of Commitments

Ms. Johnson reported that ongoing funds net of commitments remain below the target level, currently showing a negative balance of \$131,371. Deferred requests remain below the required balance but are expected to reach the funding threshold with the next 3 months.



### FY 26 Ongoing Funding Net of Commitments/Reserves - Period 5, FY 2026

12/4/2025

#### Funding Sources

##### Available Funds

Ongoing Turnover Savings carried over from FY 2025

Actual Ongoing Turnover Savings from FY 2026 (as of period 4) - Note: Does not include CY benefits differential until Q4 or forecasted amounts

Total Available Ongoing Funding - Cash Basis

Net Available
\$ 138,582
\$ 400,047
<u>\$ 538,629</u>

#### 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 (including a negative benefit differential) that enable meeting the investing in our People Ongoing Commitment

Total Commitments/Reserves

\$ (200,000)
\$ (370,000)
\$ (100,000)
<u>\$ (670,000)</u>
<u>\$ (131,371)</u>

#### 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 ICI Funding Increase

Judicial Council Approved
\$ 52,500
\$ 7,000
<u>\$ 59,500</u>

Subtotal

### One-Time Turnover Savings

As of the pay period ending November 21, one-time turnover savings totaled \$781,478, with remaining projected savings bringing the total estimate to \$1,911,878. This reflects an increase from the prior report but remains well below the fiscal year 2025 final total.

Ms. Johnson explained several contributing factors for the improvement in the period despite being down from last year, including:

- Increased vacancies (currently approximately 18) though still down from the 25-30 vacancies from last year at this time

- Temporary savings from judges reaching the Social Security wage cap
- Timing differences related to Investing in Our People expenses and
- Payroll timing effects when new judges begin service.



#### FY 2026 One Time Turnover Savings - Period 5

Updated as of Pay Period Ending 11/21/2025 (832 out of 2,088 hours)

#			Actual Amount
1	One Time Turnover Savings (from actual payroll data versus budget as of PPE 11/21/2025)	Funding Type	781,478
2	Est. One Time Savings for remaining pay hours (1,256 @ \$900 / pay hour)	Internal Savings (Est.)	1,130,400
<b>Total Potential One Time Savings</b>		<b>3</b>	<b>1,911,878</b>
		<i>Prior Report Totals (as of PPE 10/24/2025)</i>	<i>1,837,281</i>
		<i>FY 2025 Final</i>	<i>3,072,760</i>

#### Judicial Vacancy and Payroll Discussion

Judge Cornish and Ms. Johnson discussed the accounting effects of judicial transitions, clarifying that while there is no true overlap in judicial positions, payroll timing can create temporary accounting impacts.

Neira Siaperas added that long-term judicial vacancies are often covered by senior judges, which limits the amount of one-time turnover savings realized due to the senior judge budget constraints.

#### Year-End Requests and Forecasted Available One-time Funds

Ms. Johnson reported that no year-end spending requests have been submitted to date. Based on current projections, \$2,100,578 in one-time and operational savings may be carried forward into fiscal year 2027. Karl Sweeney noted that updated operational forecasts will be requested from TCEs and AOC directors later in December.



#### FY 2026 Year End Requests and Forecasted Available One-time Funds - Period 5

Forecasted Available One-time Funds			# One-time Spending Plan Requests	
Description	Funding Type	Amount	Adjusted Requests	Judicial Council Approved
Sources of YE 2026 Funds				
* Turnover Savings as of PPE 11/21/2025	Turnover Savings	781,478		
Turnover savings Estimate for the rest of the year (\$900 x 1,256 pay hours)	Turnover Savings	1,130,400		
<b>Total Potential One Time Turnover Savings</b>		<b>1,911,878</b>		
Less: Judicial Council Delegated to State Court Administrator for Discretionary Use		(250,000)		
( a ) <b>Total Potential One Time Turnover Savings Less Discretionary Use</b>		<b>1,661,878</b>		
Operational Savings From TCE / AOC Budgets - mid-year forecast	Internal Operating Savings	500,000		
Operational Savings from IT Budget - Timing of Contract Renewal Deferred to FY 27	Internal Operating Savings	400,000		
Reserve Balance (balance from FY 2025 Carryforward)	Judicial Council Reserve	700		
Use IT Budget Savings and Operational Savings to Increase Retro YOS Eligibility	Adjustments to CY Operations	(462,000)		
( b ) <b>Total Operational Savings, Reserve, Unclaimed Property and Prior Year Adjustments</b>		<b>438,700</b>		
( c ) <b>Total of Turnover Savings &amp; Operational Savings = (a) + (b)</b>		<b>2,100,578</b>		
Uses of YE 2026 Funds				
( d ) Carryforward into FY 2027 (Anticipate request to Legislature for \$3,200,000)	FY 2027 Carryforward	(2,100,578)		
<b>Total Potential One Time Savings = ( c ) less Carryforward ( d )</b>		<b>-</b>		
Less: Judicial Council Requests Previously Approved		-		
Less: Judicial Council Current Month Spending Requests		-		
Remaining Forecasted Funds Available for FY 2026 YE Spending Requests, CCCF, etc.		-		

Updated 12/04/2025

## Old Business

No old business was discussed.

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## New Business – Grant Clarification (Utah Bar Foundation Project)

Janine Liebert provided clarification regarding a previously approved grant-funded project involving automated email notifications to pro se defendants. She explained that email addresses may be obtained from three sources: existing MyCase accounts, court records, or plaintiff-provided information during filing.

She clarified that in some cases, defendants did not voluntarily provide their email addresses. General Counsel reviewed the issue and determined that no rule amendment or judicial order was required, as the emails are informational and provide access to court and self-help resources.

Judge Cornish expressed appreciation for the clarification and indicated no additional committee action was required. No objections or concerns were raised.

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Meeting adjourned at 12:35 p.m.

Next Meeting January 12, 2025

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

## Webex video conferencing

MEMBERS:	PRESENT	EXCUSED
Judge James Gardner, <i>Chair</i>	✓	
Judge Jon Carpenter	✓	
Judge Angela Fonnesbeck	✓	
Judge Christine Johnson	✓	

## **GUESTS:**

Shane Bahr  
Michael Drechsel  
Sonia Sweeney

**STAFF:**

Keisa Williams  
Brody Arishita  
Cindy Schut

## **(1) Welcome and approval of minutes:**

Judge Carpenter welcomed the committee members. PP&T considered the minutes from the November 3, 2025 meeting. With no changes, Judge Fonnesbeck moved to approve the minutes as presented. Judge Johnson seconded the motion. The motion passed unanimously.

**(2) CJA 4-102. Case and calendar assignments:**

### Local supplemental rules:

## Article 1. District Court Rules:

- 1<sup>st</sup> district: 10-1-101
- 2<sup>nd</sup> district: 10-1-201
- 3<sup>rd</sup> district: 10-1-306
- 4<sup>th</sup> district: 10-1-406
- 5<sup>th</sup> district: 10-1-501
- 6<sup>th</sup> district & juvenile: 10-1-602
- 7<sup>th</sup> district & juvenile: 10-1-701
- 8<sup>th</sup> district & juvenile: 10-1-802

## Article 2. Juvenile Court Rules:

- 1<sup>st</sup> juvenile: 10-2-101
- 2<sup>nd</sup> juvenile: 10-2-201
- 3<sup>rd</sup> juvenile: 10-2-301
- 4<sup>th</sup> juvenile: 10-2-401
- 5<sup>th</sup> juvenile: 10-2-501

### Article 3. Business and Chancery Court Rules:

• 10-3-101

The committee conducted a substantive review of each proposed rule, recognizing and expressing appreciation for the time and effort each district invested in drafting the rules. The committee determined that the following overarching principles should be addressed in each rule:

- Judges should articulate on the record the basis for reassignment decisions to improve transparency.
- Each rule should include provisions addressing the following circumstances:
  - disqualification;
  - recusal;
  - case consolidation;
  - notice of change of judge;
  - judicial vacancies (retirement, resignation, etc.) or illness;
  - newly created judge positions;
  - counties with one judge, where applicable; and
  - transfers out of the district (i.e., employee conflicts, all judges conflicted, etc.).
- Assignments and reassignments should be based on specific objective criteria outlined in rule. Judges may not assign or reassign cases to themselves based on broad concepts (i.e., “in the judge’s discretion, reassignment is in the interests of judicial efficiency”). Examples of objective criteria:
  - prior judicial assignments;
  - geographic location and/or travel;
  - best interests of the children;
  - related cases;
  - judicial caseloads;
  - case qualifies for specialized docket or problem-solving court;
  - extraordinary circumstances; or
  - Aggravated murder cases will only be assigned to judges who meet the following criteria:
    - judge has been on the bench for two years;
    - judge has been assigned to a felony calendar for at least two years; and
    - the judge, whether on the bench or as a lawyer, has taken two murder cases to verdict or resolution.
- Rule 4-102 will include a back-stop provision. If a local rule does not address a reassignment procedure, the presiding judge must approve the reassignment.

The Committee had specific feedback for a few districts, but asked Ms. Williams to send the overarching principles above, along with proposed language for consideration to every district. Below are a few examples of proposed language:

- **Counties with one judge.** Where only one judge sits in a county, the case will be reassigned to a judge in another county who does not have a conflict. Assignments to judges outside the county will be made on a rotating basis.
- **Transfers out of district.** If all of the judges in the district have a conflict, the presiding judge will ask the trial court executive to transfer the case to another district.
- **Motions to Disqualify.** If a reviewing judge determines that a case will be reassigned pursuant to Rule 63 of the Utah Rules of Civil Procedure, or Rule 29 of the Utah Rules of Criminal Procedure, the reviewing judge will notify court employees. Court employees will reassign the case in accordance with...
- **Consolidation or similarity.** If a judge assigned to a case determines that, in the interests of judicial efficiency, another case or cases should be heard by himself or herself due to the related nature of the cases, the judge may, after consulting with the other judge(s) assigned to the other case(s), and with the approval of the presiding judge, reassign the other case(s) to himself or herself by written order filed in all of the cases.
- **Notice of a change of judge.** If one or more parties to a case files a Notice of Change of Judge under Rule 63A(a) or Rule 63A(b) of the Utah Rules of Civil Procedure, the presiding judge (or the associate presiding judge if the presiding judge is the judge assigned to the case) will promptly determine whether the notice is proper, and, if so, will direct court employees to reassign the case to another judge in accordance with paragraph (4).
- **Judicial vacancies.** In case of a judicial vacancy, the vacating judge's cases will be reassigned to the judge appointed to fill the vacancy.
- **Newly created judge positions.** When a new judge position is created by statute, the caseload for that new position will be populated by the Clerk of Court taking cases from all other judges' existing caseloads so that the new judge's caseload is comparable to the existing caseloads.
- **Court employee conflicts.** If a judge or the Clerk of Court becomes aware of a case pending in the Eighth District in which an Eighth District employee or a family member of an Eighth District employee is a party, the Clerk of Court will notify the presiding judge, who will then determine, in his or her discretion, whether to reassign the case to a different court location or another judicial district.
- **Juvenile court cases.**
  - **Best practices.** The Juvenile Court has adopted the National Council of Juvenile and Family Court Judges (NCJFCJ) best practice which promotes the "one family, one judge" concept as the judicial model where a single judge handles all legal matters related to a family to ensure consistency. This practice has been adopted by the Board of Juvenile Court Judges.
  - **Criteria.** Juvenile court case assignments and reassignments will be consistent with best practices, and the following criteria will be considered:
    - prior judicial assignments;

- geographic location and travel;
- best interests of the child(ren);
- related cases; and
- judicial caseloads.

- **Specialized dockets or problem-solving courts.** Cases that qualify for specific specialized dockets or problem-solving courts (e.g., drug court, mental health court) will be assigned to the judge presiding over that specialized docket or program.
- **Extraordinary circumstances.** Reassignment of a case from one judge to another may occur only under extraordinary circumstances and with the approval of the presiding judge or their designee. Requests for reassignment must be submitted in writing, stating the reasons for the request. Examples of extraordinary circumstances include judicial disqualification, conflicts of interest, or significant changes in judicial availability.

**Technology report/proposals:** None.

**Old Business/New Business:** None.

**Adjourn:** With no further items for discussion, the meeting adjourned at 1:35 p.m. The next meeting will be held on January 9, 2026, at noon via Webex video conferencing.

Tab 3

**Budget and Grants Agenda  
For January 20, 2026  
Judicial Council Meeting**

1. Monthly YTD Financials ..... Alisha Johnson  
(Item 1 - Information)
  - FY 2026 Ongoing Turnover Savings – Per 6
  - FY 2026 Ongoing Funds Net of Commitments – Per 6
  - FY 2026 One Time Turnover Savings – Per 6
  - FY 2026 JC Year End Spending Plan – Per 6
  - LTD ARPA Expenditures – through December 31, 2025
- 2 EAC Request for up to 5% Budget Cut ..... Karl Sweeney and Alisha Johnson  
(Item 2 – Information)

# **Item 1**



## FY 2026 Ongoing Turnover Savings as of 01/05/2026 - Period 6

#		Prior Month Forecast	Actual	Forecasted	Change in Forecast
		Amount @ YE	Amount YTD	Amount @ YE	Amount @ YE
	Net Carried over Ongoing Savings (finalized from FY 2025)	138,582	138,582	138,582	-
	Ongoing Turnover Savings FY 2026 (actual year-to-date, Salary Differential only)	400,047	603,954	603,954	203,907
1	Ongoing Turnover Savings FY 2026 (forecast \$65,000 / month x 6 months, Salary Differential only)	455,000	-	390,000	(65,000)
	TOTAL SALARY RELATED ONGOING SAVINGS	993,629	742,537	1,132,537	138,907
	Benefit Differential Savings FY 2026 (will be recognized in this row starting in Q4)	-	-	-	-
	TOTAL SAVINGS	993,629	742,537	1,132,537	138,907
2	2026 Annual Authorized Hot Spot Raises	(200,000)	(191,455)	(200,000)	-
	TOTAL USES	(200,000)	(191,455)	(200,000)	-
<b>Total Actual/Forecasted Unencumbered Turnover Savings for FY 2026</b>		<b>793,629</b>	<b>551,082</b>	<b>932,537</b>	<b>138,907</b>

\* 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 (\$65,356.46). Prior report benefit differential was (\$102,847.16).

FY 2025 full year benefit differential was +\$201,339.

\* Currently, 30 FTE are vacant. This is up from the last report where 18 positions were vacant. This reflects an influx of retirements in December.

1 Currently forecasting \$65,000 of ongoing Salary Differential savings a month for the remainder of the FY; actual run rate is \$603,954 / 6 months = \$100,659 /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 6, FY 2026

1/6/2026

### Funding Sources

#### Available Funds

Ongoing Turnover Savings carried over from FY 2025

Actual Ongoing Turnover Savings from FY 2026 (as of period 6) - Note: Does not include CY benefits differential until Q4 or forecasted amounts

Total Available Ongoing Funding - Cash Basis

#### Net Available

\$	138,582
\$	603,954
\$	742,537

### 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 (including a negative benefit differential) 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)

\$ 72,537

### 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

Based on prior approval by the Judicial Council, now that the net ongoing available funding amount exceeds the amount of the deferred ongoing requests, AOC Finance will communicate with requestees that they may proceed.



## FY 2026 One Time Turnover Savings - Period 6

Updated as of Pay Period Ending 12/19/2025 (992 out of 2,088 hours)

#		Actual Amount
1	One Time Turnover Savings (from actual payroll data versus budget as of PPE 12/19/2025)	Internal Savings 875,754
2	Est. One Time Savings for remaining pay hours (1,096 @ \$900 / pay hour)	Internal Savings (Est.) 986,400
Total Potential One Time Savings		3 1,862,154
		Prior Report Totals (as of PPE 11/21/2025) 1,911,878
		FY 2025 Final 3,072,760

1 Actual per hour turnover savings for the last 4 pay periods (oldest to newest): \$1,610.76, \$998.66, \$994.21, and \$260.57.

The average per hour turnover savings for FY 2026 YTD: \$882.82. Last report's average was \$939.28.

We are maintaining the \$900 per pay hour estimate based on the increase in vacant positions offsetting the reduced savings from the expiration of the Social Security cap as of the start of the new calendar year.

In addition to vacancies, these variances between the 4 pay periods are related to the temporary effects of:

### Positive Impacts:

Savings from the Social Security cap being met causing increases in per hour savings in the first three pay periods shown.

These savings stopped with the next tax year (PPE 12/19, last pay period shown).

Lower Investing in Our People monthly expenses in December (variance in the 3rd pay period shown)

Budget was \$89,225, actual expenses were \$57,579. This is a timing difference only caused by the actual number of people receiving an Investing in our People award versus a straight line monthly budget.

Lower Pay for Performance actual expenses than budgeted. The P4P budget was based upon all employees having Tier 1 Retirement benefits.

This is the highest cost for general employee retirement. Ultimately, the budget was conservative due to utilizing the higher benefit rate calculation.

UPCOMING - Judicial Vacancy. Beginning in the next pay period (PPE 1/2/26), there will be a Judicial Officer vacancy.

### Negative Impacts:

New Judge payroll timing

Judges are generally paid for 4 weeks of work on their first paycheck versus 2 for other employees. A new Judicial Officer took office in the pay period ending 12/5 (3rd pay period shown).

In addition, a final payout was made to a retiring Judicial Officer in the pay period ending 12/19 (the last pay period shown) for the balance of their judgeship (to February 1).

Overtime - expenses in PPE 12/19 (last pay period shown) were up from the prior pay periods.

Removal of savings from the Social Security cap being met as of PPE 12/19 (see above in "positive impacts")

2 Based on the information above, the forecast was decreased from \$1,200 per hour to \$900 per hour as of the PPE 10/24/2025 report. Actual per hour turnover savings for FY 2025 was \$1,427.

3 The decline from FY 25 to FY 26 is primarily due to the decrease in vacant positions which have declined from an average of 25-30 vacant positions between January 2025 & mid-September 2025 to +/- 15 vacant positions since mid-September. Overall, it appears that positions are filling faster when vacant. This decrease from 30 to 15 vacant positions at a loaded rate of ~ \*\$37.99 / hr equates to ~ \$569.85 per pay hour decrease. This decrease is reconciled in the table below. Although this decrease does seem to be rebounding as of PPE 12/19, this impact will flow through beginning on the next report.

### RECONCILIATION

Per working Hour Δ

FY 2025 Per Hour Turnover Savings: \$	1,427	
Minus adjustment for decrease from 30 to 15 vacant positions (assumption: *\$37.99 loaded / hr): \$	(570)	(-15 x \$37.99)
Anticipated Turnover Savings per Hour based upon 15 vacant positions: \$	857	
FY 2026 Forecast for balance of year \$	900	

\*\$37.99 / hour includes JA base of \$22.39 / hr salary + 28.345% for retirement + \$9.26 for double health / dental.



## FY 2026 Year End Requests and Forecasted Available One-time Funds - Period 6

Forecasted Available One-time Funds			#	One-time Spending Plan Requests	Adjusted Requests	Judicial Council Approved
	Description	Funding Type			Amount	Amount
	<b>Sources of YE 2026 Funds</b>					
*	Turnover Savings as of PPE 12/19/2025	Turnover Savings	875,754			
	Turnover savings Estimate for the rest of the year (\$900 x 1,096 pay hours)	Turnover Savings	986,400			
	<b>Total Potential One Time Turnover Savings</b>		<b>1,862,154</b>			
	Less: Judicial Council Delegated to State Court Administrator for Discretionary Use		(250,000)			
(a)	<b>Total Potential One Time Turnover Savings Less Discretionary Use</b>		<b>1,612,154</b>			
	<i>Operational Savings From TCE / AOC Budgets - mid-year forecast</i>	<i>Internal Operating Savings</i>	500,000			
	<i>Operational Savings from IT Budget - Timing of Contract Renewal Deferred to FY 27</i>	<i>Internal Operating Savings</i>	400,000			
	<i>Reserve Balance (balance from FY 2025 Carryforward)</i>	<i>Judicial Council Reserve</i>	700			
	<i>Use IT Budget Savings and Operational Savings to Increase Retro YOS Eligibility</i>	<i>Adjustments to CY Operations</i>	(462,000)			
(b)	<b>Total Operational Savings, Reserve, Unclaimed Property and Prior Year Adjustments</b>		<b>438,700</b>			
(c)	<b>Total of Turnover Savings &amp; Operational Savings = (a) + (b)</b>		<b>2,050,854</b>			
	<b>Uses of YE 2026 Funds</b>					
(d)	Carryforward into FY 2027 (Anticipate request to Legislature for \$3,200,000)	<i>FY 2027 Carryforward</i>	<b>(2,050,854)</b>			
	<b>Total Potential One Time Savings = (c) less Carryforward (d)</b>		<b>-</b>			
	<b>Less: Judicial Council Requests Previously Approved</b>		<b>-</b>			
	<b>Less: Judicial Council Current Month Spending Requests</b>		<b>-</b>			
	<b>Remaining Forecasted Funds Available for FY 2026 YE Spending Requests, CCCF, etc.</b>		<b>-</b>			

Last reported expected carryforward: \$2,100,578

Updated 01/06/2026



## ARPA Expenses as of 01/05/2026 (period 6 not closed yet)

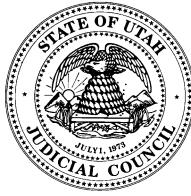
	A Judicial Council Approved	B Actual FY 2022 Expended	C Actual FY 2023 Expended	D Actual FY 2024 Expended	E Actual FY 2025 Expended	F Actual FY 2026 Expended	G Total Expended Amount	H Balance Available	% Obligated
IT Access to Justice - Part I + II	12,373,400	3,042,468	4,613,255	3,075,857	1,090,631	433,338	12,255,548	117,852	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
<b>TOTAL</b>	<b>15,000,000</b>	<b>3,750,431</b>	<b>5,792,027</b>	<b>3,815,722</b>	<b>1,090,631</b>	<b>433,338</b>	<b>14,882,148</b>	<b>117,852</b>	

*Expenditures added since last report:* 318,798

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

January 6, 2026

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

**TO:** **Budget and Fiscal Management Committee/Management Committee**

**FROM:** **Karl Sweeney, Ron Gordon and Neira Siaperas**

**RE:** **Executive Appropriations Committee Pro Forma 5% General Fund Budget Cut**

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At the Legislature's Executive Appropriations Committee (EAC) Meeting on December 9<sup>th</sup>, 2025, the EAC voted to have the Legislative Fiscal Analysts (LFA) obtain from each of their agencies/branches a "pro forma" 5% General Fund cut list. Pro Forma means that the 5% cuts are more than the Legislature is expecting to need to close the revenue loss created by the effects of the Federal tax cuts in the 2025 Federal bill HR1 (known also as the One Big Beautiful Bill Act (OBBBA)). Only a subset of the cuts will be adopted by the Legislature in the 2026 legislative session.

Gary Syphus, the Court's assigned LFA, reached out to AOC Finance on December 22<sup>nd</sup> to request that the Judicial Branch work up a 5% cut list which is in the attached worksheet. The total pro forma 5% cut amount is \$9.154M. Per Gary, he expects that the legislature will need between 1 and 2% but the cuts will not necessarily be evenly spread between various agencies/branches.

As shown on the 5% spending cut worksheet, revenue increases are equivalent to a spending cut. Given that for this year's exercise, we now have the benefit of seeing where there are revenue increases that the Courts could propose (courtesy of HB 531), we are making recommendations to the EAC that they consider increasing fees on 3 different items:

1. District Court Filing Fees for Complaints/Petitions \$2,000 and below
2. District Court Filing Fees for Complaints/Petitions \$,2001 to \$9,999, and
3. Garnishments

These are 3 items that have both a (a) large quantity of filings, and (b) large gap between the current fee and the actual fully loaded cost. (see Appendix A.) These 3 fee increases will

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

potentially enable the EAC to increase state General Funds by \$8.2M. We have discussed these amounts with Gary and he is supportive of offering these increases. [Note: Gary mentioned that the last time we needed a large boost to the General Fund balances (2009) the Legislature increased many of the Court's fees – see Appendix B which shows large increases (even larger than the ones we are proposing) between the fees in the 2003 and 2009 year columns].

The other items in the worksheet (#2 and #3) are also ones that Gary has endorsed – reducing the pass-through from the legislature for the And Justice for All non-profit before taking reductions of the Court's core operations - \$150,000 of operating expense reductions which will be obtained court-wide, if necessary.



**Appendix A**

History of increases in these fees  
from Appendix B of FY 2025 HB  
531 Report

		2009	2020	2027
1a	District Court Filing Fees - Complaint or Petition \$2,000 or less: Increase from \$90 to \$145 (cost \$296)	\$ 75	\$ 90	\$ 145

Total Filings 49,000 Per HB 531 Figure 2 rounded up to nearest 1000

Proposed Increase \$ 55

Incremental Revenues \$ 2,695,000

Existing Revenues \$ 4,410,000

Total Gross Revenues \$ 7,154,055

Total Filings 49,000

Cost per filing \$ 296

Gross costs w/ OH \$ 14,504,000

		2009	2020	2027
1b	District Court Filing Fees - Complaint or Petition \$2,001 to \$9,999: Increase from \$200 to \$250 (cost \$299)	\$ 185	\$ 200	\$ 250

Total Filings 30,000 Per HB 531 Figure 2 rounded up to nearest 1000

Proposed Increase \$ 50

Incremental Revenues \$ 1,500,000

Existing Revenue \$ 6,000,000

Total Gross Revenues \$ 7,530,050

Total Filings 30,000

Cost per filing \$ 299

Gross costs w/ OH \$ 8,970,000

		1993	2009	2027
1c	District Court Document Fees - Garnishments: increase from \$50 to \$105 (cost \$239)	\$ 40	\$ 50	\$ 105

Total Filings 73,000 Per HB 531 Figure 6 rounded up to nearest 1000

Proposed Increase \$ 55

Incremental Revenues \$ 4,015,000

Existing Revenue \$ 3,650,000

Total Gross Revenues \$ 7,738,055

Total Filings 73,000

Cost per filing \$ 239

Gross costs w/ OH \$ 17,447,000

Total Incremental

\$ 8,210,000

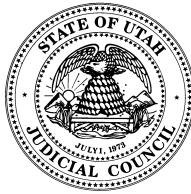
**APPENDIX B**

**Historical Fee Adjustments from 1992-2023 set by Statute**

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

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

Tab 4



# Administrative Office of the Courts

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

January 2, 2026

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 Erickson, Statewide Treatment Court Coordinator

**RE:** Treatment Court Certification - Recommendations

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According to UCJA [Rule 4-409](#) regarding the Council's Approval of Problem-Solving Courts, each problem-solving court must undergo a certification review every two years. Before making certification recommendations, the Statewide Treatment Court Certification Coordinator reviews the certification checklist approved by the Council, examines all relevant documents related to the court's operations, and interviews each team member. The Statewide Treatment Court Certification Coordinator also conducts site visits to each court to observe the pre-court staff meeting, the court hearing, and prepares a jurisdiction report. This report highlights the court's strengths, offers recommendations for improvement, and provides resources to support the certification process.

**Seventh District - Grand County - Judge Cas White and Judge Craig Bunnell Adult Recovery Court.** The program operates within a unique judicial structure that includes two Judges, with Judge Bunnell assisting when conflicts of interest arise. The Judges collaborate to promote efficiency and consistency for both the team and participants. Despite challenges related to limited public transportation and high housing costs in this tourist-based community, the team remains committed to strengthening holistic participant support. Team members demonstrate a strong commitment to professional development by participating in in-state and national training and are working collaboratively to refine program documents and enhance overall program structure. Based on the certification checklist, team interviews, and court observations, the Statewide Treatment Court Certification Coordinator recommends that the Judicial Council certify the Seventh District Adult Recovery Court.

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.

## **REQUIRED CERTIFICATION CRITERIA:**

### **#1. Eligibility and exclusion criteria are defined and applied objectively.**

The team initially marked “No” because the policy was not *defined* in writing. Although the criteria are applied objectively in practice, the team was encouraged to formalize the policy in a separate Operations Manual. In November, the team attended the Utah Treatment Court Conference, where a session on the updated Adult Treatment Court Best Practice Standards provided guidance and a refresher on the appropriate target population.

### **#2. Eligibility and exclusion criteria are specified in writing.**

The team initially marked “No” because the policy was not documented in writing. The team was encouraged to formalize the policy in a separate Operations Manual.

### **#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.**

The team initially marked “No”; however, after further discussion, it was determined that the correct response was “Yes.” The team considers the safety of the Tracker and Adult Probation and Parole, and individuals charged with, or with a history of, violent offenses are evaluated on a case-by-case basis..

### **#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.**

The team marked “No,” as they do not accept individuals when appropriate treatment cannot be provided.

## **PRESUMED CERTIFICATION CRITERIA:**

### **#2. The Drug Court regularly monitors the delivery of incentives and sanctions to ensure they are administered equivalently to all participants.**

The team is working to implement a more efficient method for tracking this data. Additionally, the Statewide Treatment Court Steering Committee is collaborating with the CORE Problem-Solving Court Subcommittee to develop standardized data entry policies and procedures, promoting consistency across programs.

### **#11. Drug test results are available within 48 hours.**

The team marked “No”. Beechtree recently transitioned to a new system, creating a backlog of approximately a week and a half for confirmations. Although the team received limited notice of the transition, they have addressed the issue and maintained ongoing communication with the Beechtree liaison. Additionally, the team has access to rapid drug tests and breathalyzers when substance use is suspected.

### **#23. Before participants enter the peer support groups, treatment providers use an evidence-based preparatory intervention, such as 12-step facilitation therapy.**

The team initially marked “No”; however, after further discussion, it was determined that the correct response was “Yes.”

**#27. All Drug Court team members, including court personnel and other criminal justice professionals, receive formal training on delivering trauma-informed services.**

The team marked “No”. Team members attended the Utah Treatment Court Conference, and several have also participated in national conferences. Resources are available in the shared Google Drive, and the Statewide Treatment Court Coordinator and Certification Coordinator will work with the Education Department to develop training modules to further support the teams.

**#28. Participants with deficient employment or academic histories receive vocational or educational services beginning in a late phase of Drug Court.**

The team marked “No” but wrote “Available, not required.”

**#29. Participants complete a brief evidence-based educational curriculum describing concrete measures they can take to prevent or reverse drug overdose.**

The team marked “No” but wrote “Available from MRH.” (Moab Regional Hospital)

**#30. Clients are placed in the program within 50 days of arrest.**

The team marked “No.” Upon clarification, it was determined that participants are not screened at the time of arrest, so the arrest date is not used to calculate time to admission. Screening occurs only after an application is submitted, which can happen anytime during or after case adjudication.

**#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 marked “No”. In November, team members attended the biannual Utah Treatment Court Conference, and several have also participated in the annual national conference. The Statewide Treatment Court Coordinator and Certification Coordinator will work with the Education Department to develop training modules to further support the teams.

**#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 marked “No”. The Statewide Treatment Court Coordinator and Certification Coordinator will work with the Education Department to develop training modules to further support the teams. Team members are also encouraged to attend the biannual Utah Treatment Court Conference as well as annual national conferences.

**#35. The Drug Court has more than 15 but less than 125 active participants.**

The treatment court currently has 15 active participants, and several additional individuals were in the screening process at the time of the site visit.

**#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.**

The team marked “No”. In November, team members attended the biannual Utah Treatment Court Conference, where they received a Time-Task Action Plan to review and several

recommendations were included in the Jurisdiction Report. The Statewide Treatment Court Coordinator and Certification Coordinator are available to provide assistance as needed.

**#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 marked "No". The Statewide Treatment Court Steering Committee is collaborating with the CORE Problem-Solving Court Subcommittee to develop consistent data entry policies and procedures.

**#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.**

The team initially marked "No"; however, after further discussion, it was determined that the correct response was "Yes."

**#40. The program conducts an exit interview for self- improvement.**

The team marked "No". At commencement, graduates are asked to share what they have learned and their reflections with the court and their peers. The team continues to explore ways to improve this process, and samples were provided in the Jurisdiction Report.

**NON-CERTIFICATION RELATED BEST PRACTICE STANDARDS:**

**#2. Treatment groups ordinarily have no more than twelve participants and at least two leaders or facilitators.**

The team marked "No".

**#3. Treatment providers have substantial experience working with criminal justice populations.**

The team marked "No." While there are a few new members, the team attended the Utah Treatment Court Conference and is encouraged to participate in the upcoming Rise26 national conference in July.

**#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.**

The team marked "No" but are exploring options to follow up with participants who have either graduated or been unsuccessfully terminated from the program.

**#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 marked "No." The Statewide Treatment Court Coordinator and Certification Coordinator will work with the Education Department to develop training modules. Team members are also encouraged to participate in state and national conferences.

**#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 initially marked “No”; however, after further discussion, it was determined that the correct response was “Yes.” Team members from Four Corners Behavioral Health maintain a detailed tracking spreadsheet that is provided to the team and used during staffing.

**#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 marked “No.” The team is working on implementing a more efficient system to collect this information. 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 marked “No.” The team is working on implementing a more efficient system to collect this information. 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: Grand County

JUDGE NAME: White

REVIEW DATE: 10/30/25

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

YES	NO	#	REQUIRED CERTIFICATION CRITERIA <i>Adherence to these standards is required for certification.</i>	BPS
	X	1	Eligibility and exclusion criteria are defined and applied objectively.	I.A.
	X	2	Eligibility and exclusion criteria are specified in writing.	I.A.
X		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		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		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		6	Evaluators are trained and proficient in the administration of the assessment tools and interpretation of the results.	I.C.
	X	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		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		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		10	The program has a written policy addressing medically assisted treatment.	
X		11	Participants ordinarily appear before the same judge throughout their enrollment in the Drug Court.	III.C.
X		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		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.*
X		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		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		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		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		19	The judge relies on the expert input of duly trained treatment professionals when imposing treatment-related conditions.	III.H.
X		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		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		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		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		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		25	Drug testing is performed at least twice per week.	VII.A.*
X		26	Drug testing is random, and is available on weekends and holidays.	VII.B.*
X		27	Collection of test specimens is witnessed and specimens are examined routinely for evidence of dilution, tampering and adulteration.	VII.E* VII.F.*
X		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		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
		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, <sup>or self</sup> jail sanctions are administered after less severe consequences have been ineffective at deterring infractions. <u>Generally</u>	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.*

YES	NO	#	REQUIRED CERTIFICATION CRITERIA <i>Adherence to these standards is required for certification.</i>	BPS
	X	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	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	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	52	Treatment fees are based on a sliding fee schedule and are disclosed to each participant.	
	X	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	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	1	Eligibility and exclusion criteria are communicated to potential referral sources.	I.A.
	X	2	The Drug Court regularly monitors the delivery of incentives and sanctions to ensure they are administered equivalently to all participants.	II.D.
	X	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	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	5	The judge presides over the Drug Court for no less than two consecutive years.	III.B.
	X	6	The Judge spends an average of at least three minutes with each participant.	III.F.*
	X	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	8	Phase promotion is predicated on the achievement of realistic and defined behavioral objectives, such as completing a treatment regimen or remaining drug-abstinent for a specified period of time.	IV.I.
	X	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	10	Testing regimens are not scheduled in seven-day or weekly blocks. The chances of being tested should be at least two in seven every day.	VII.B.*

YES	NO	PRESUMED CERTIFICATION CRITERIA	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>	
	+	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 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 Drug 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 Drug 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.
R		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
R		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 Drug Court.	V.J.
+		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.
+		26 Participants are assessed using a validated instrument for trauma history, trauma-related symptoms, and posttraumatic stress disorder (PTSD).	VI.F.
+	+	27 All Drug 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 Drug Court. <i>Available, not required</i>	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.

*Available from MRTT*

		<b>PRESUMED CERTIFICATION CRITERIA</b>	
YES	NO	# <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>	<b>BPS</b>
	X	30 Clients are placed in the program within 50 days of arrest.	
X		31 Team members are assigned to Drug Court for no less than two years.	
X		32 All team members use electronic communication to contemporaneously communicate about Drug Court issues.	
	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.	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.	VIII.F.
	X	35 The Drug Court has more than 15 but less than 125 active participants.	IX.A.*
	X	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	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	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	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	40 The program conducts an exit interview for self- improvement.	

		<b>NON-CERTIFICATION-RELATED BEST PRACTICE STANDARDS</b>	
YES	NO	# <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>	<b>BPS</b>
	X	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	2 Treatment groups ordinarily have no more than twelve participants and at least two leaders or facilitators.	V.E.
	X	3 Treatment providers have substantial experience working with criminal justice populations.	V.H.
	X	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		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.

YES	NO	NON-CERTIFICATION-RELATED BEST PRACTICE STANDARDS	BPS
		# <i>These are best practice standards that research has shown will produce better outcomes. Failure to meet these standards will not result in decertification.</i>	
<input checked="" type="checkbox"/>		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"/>		7 Female participants receive trauma-related services in gender-specific groups.	VI.F.
<input checked="" 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"/>		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 checked="" 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 checked="" type="checkbox"/>	11 Supervision caseloads do not exceed fifty active participants per supervision officer.	IX.B.
<input checked="" 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. <i>Now, but not always in the past</i>	IX.C.
<input checked="" 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 checked="" type="checkbox"/>	14 Information relating to the services provided and participants' in-program performance is entered into an electronic database. Statistical summaries from the database provide staff with real-time information concerning the Drug Court's adherence to best practices and in-program outcomes.	X.F.
<input checked="" type="checkbox"/>	<input 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 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

January 2, 2026

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 Erickson, Statewide Treatment Court Coordinator

**RE:** Treatment Court Certification - Recommendations

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According to UCJA [Rule 4-409](#) regarding the Council's Approval of Problem-Solving Courts, each problem-solving court must undergo a certification review every two years. Before making certification recommendations, the Statewide Treatment Court Certification Coordinator reviews the certification checklist approved by the Council, examines all relevant documents related to the court's operations, and interviews each team member. The Statewide Treatment Court Certification Coordinator also conducts site visits to each court to observe the pre-court staff meeting, the court hearing, and prepares a jurisdiction report. This report highlights the court's strengths, offers recommendations for improvement, and provides resources to support the certification process.

**Fourth District - Juab County - Judge Anthony Howell Adult Recovery Court.** The Judge balances compassion with accountability, using relatable analogies to educate participants and the courtroom audience, and concludes each session with an empowering message. The team actively encourages prosocial engagement as a vital component of recovery, helping participants build a new, supportive community. A key program strength is the collection of participant feedback at each advancement level, allowing for timely insight, increased engagement, and early identification of barriers. Based on the certification checklist, team interviews, and court observations, the Statewide Treatment Court Certification Coordinator recommends that the Judicial Council certify the Fourth District 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:**

**#35. The Drug Court has more than 15 but less than 125 active participants.**

The team reported “Somewhat less—usually around 10.” They explained that, as a rural county, many filed cases are “highway cases” involving individuals passing through the area. The team takes a proactive approach to identifying potential candidates by regularly reviewing the docket, collaborating on case discussions, and maintaining open dialogue regarding referrals.

**NON-CERTIFICATION RELATED BEST PRACTICE STANDARDS:** The court meets all non-certification related best practice standards.

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

COURT LOCATION: Neph.

JUDGE NAME: A. Howell

REVIEW DATE: \_\_\_\_\_

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

YES	NO	#	REQUIRED CERTIFICATION CRITERIA <i>Adherence to these standards is required for certification.</i>	BPS
<input checked="" type="checkbox"/>	<input type="checkbox"/>	1	Eligibility and exclusion criteria are defined and applied objectively.	I.A.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	2	Eligibility and exclusion criteria are specified in writing.	I.A.
<input checked="" type="checkbox"/>	<input checked="" 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.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	14	Status hearings are scheduled no less frequently than every four weeks until participants	III.E.*

<input checked="" type="checkbox"/>	graduate. In rural areas, some allowance may be made for other appearances or administrative reviews when the judge is unavailable.	
<input checked="" type="checkbox"/>	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"/>	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"/>	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"/>	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"/>	The judge relies on the expert input of duly trained treatment professionals when imposing treatment-related conditions.	III.H.
<input checked="" type="checkbox"/>	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"/>	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"/>	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"/>	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"/>	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"/>	Drug testing is performed at least twice per week.	VII.A.*
<input checked="" type="checkbox"/>	Drug testing is random, and is available on weekends and holidays.	VII.B.*
<input checked="" type="checkbox"/>	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"/>	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"/>	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"/>	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"/>	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 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.*

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 checked="" type="checkbox"/>	<input type="checkbox"/>	11. Drug test results are available within 48 hours. <i>-try, try</i>		VII.H.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	12. Participants are required to deliver a test specimen within 8 hours of being notified that a drug or alcohol test has been scheduled.		VII.B.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	13. Randomly selected specimens are tested periodically for a broader range of substances to detect any new drugs of abuse that might be emerging in the 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		V.A.

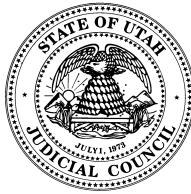
<input checked="" type="checkbox"/>	<input type="checkbox"/>	and are not tied to the Drug Court's programmatic phase structure.	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Participants receive a sufficient dosage and duration of substance abuse treatment to achieve long-term sobriety and recovery from addiction.	V.D.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	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"/>	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"/>	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"/>	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"/>	Treatment providers are supervised regularly to ensure continuous fidelity to evidence-based practices.	V.H.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	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"/>	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"/>	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"/>	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"/>	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"/>	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"/>	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"/>	Clients are placed in the program within 50 days of arrest.	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Team members are assigned to Drug Court for no less than two years.	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	All team members use electronic communication to contemporaneously communicate about Drug Court issues.	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	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"/>	New staff hires receive a formal orientation training on the Drug Court model and best practices in Drug Courts as soon as practicable after assuming their position and attend annual continuing education workshops thereafter.	VIII.F.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	The Drug Court has more than 15 but less than 125 active participants.	IX.A.*

7 somewhat less - usually around 10.

<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 checked="" type="checkbox"/>	<input type="checkbox"/>	4	For at least the first ninety days after discharge from the Drug Court, treatment providers or clinical case managers attempt to contact previous participants periodically by telephone, mail, e-mail, or similar means to check on their progress, offer brief advice and encouragement, and provide referrals for additional treatment when indicated.	V.J.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	5	Participants are assessed using a validated instrument for major mental health disorders that co-occur frequently in Drug Courts, including major depression, bipolar disorder (manic depression), posttraumatic stress disorder (PTSD), and other major anxiety disorders.	VI.E.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	6	Participants with PTSD or severe trauma-related symptoms are evaluated for their suitability for group interventions and are treated on an individual basis or in small groups when 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 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,	X.B.*

<input checked="" type="checkbox"/>	15. 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"/>	16. 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"/>	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"/>	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

January 2, 2026

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 Erickson, Statewide Treatment Court Coordinator

**RE:** Treatment Court Certification - Recommendations

---

According to UCJA [Rule 4-409](#) regarding the Council's Approval of Problem-Solving Courts, each problem-solving court must undergo a certification review every two years. Before making certification recommendations, the Statewide Treatment Court Certification Coordinator reviews the certification checklist approved by the Council, examines all relevant documents related to the court's operations, and interviews each team member. The Statewide Treatment Court Certification Coordinator also conducts site visits to each court to observe the pre-court staff meeting, the court hearing, and prepares a jurisdiction report. This report highlights the court's strengths, offers recommendations for improvement, and provides resources to support the certification process.

**Fourth District - Millard County - Judge Anthony Howell Adult Recovery Court.** The Judge balances compassion with accountability, using relatable analogies to educate participants and those in the audience, and concludes each session with an empowering message. Team members, including those with lived experience, provide expertise and empathy that support participant engagement and recovery. A key program strength is collecting participant feedback at each advancement level, enabling timely insight, increased engagement, and early identification of barriers. Based on the certification checklist, team interviews, and court observation, the Statewide Treatment Court Certification Coordinator recommends that the Judicial Council certify the Fourth District Adult Recovery Court.

**REQUIRED CERTIFICATION CRITERIA:** The court meets all required certification criteria.

### PRESUMED CERTIFICATION CRITERIA:

#### #35. The Drug Court has more than 15 but less than 125 active participants.

The team reported "Somewhat less—usually around 10." They explained that, as a rural county,

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.

many filed cases are “highway cases” involving individuals passing through the area. The team takes a proactive approach to identifying potential candidates by regularly reviewing the docket, collaborating on case discussions, and maintaining open dialogue regarding referrals.

**NON-CERTIFICATION RELATED BEST PRACTICE STANDARDS:** The court meets all non-certification related best practice standards.

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

COURT LOCATION: Fairview  
JUDGE NAME: A. Howell  
REVIEW DATE: \_\_\_\_\_

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

YES	NO	REQUIRED CERTIFICATION CRITERIA <small># Adherence to these standards is required for certification</small>	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.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	14 Status hearings are scheduled no less frequently than every four weeks until participants	III.E.*

<input checked="" type="checkbox"/>	<input type="checkbox"/>	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 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 checked="" type="checkbox"/>	<input type="checkbox"/>	11	Drug test results are available within 48 hours. <i>- try, try</i>	VII.H.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	12	Participants are required to deliver a test specimen within 8 hours of being notified that a drug or alcohol test has been scheduled.	VII.B.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	13	Randomly selected specimens are tested periodically for a broader range of substances to detect any new drugs of abuse that might be emerging in the 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	V.A.

<input checked="" type="checkbox"/>	16	and are not tied to the Drug Court's programmatic phase structure.	
<input checked="" 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"/>	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"/>	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"/>	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"/>	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"/>	22	Treatment providers are supervised regularly to ensure continuous fidelity to evidence-based practices.	V.H.
<input checked="" 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"/>	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"/>	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"/>	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"/>	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"/>	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"/>	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"/>	30	Clients are placed in the program within 50 days of arrest.	
<input checked="" type="checkbox"/>	31	Team members are assigned to Drug Court for no less than two years.	
<input checked="" type="checkbox"/>	32	All team members use electronic communication to contemporaneously communicate about Drug Court issues.	
<input checked="" 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"/>	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"/>	35	The Drug Court has more than 15 but less than 125 active participants.	IX.A.*

↑ somewhat less - usually around 10.

<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 checked="" type="checkbox"/>	<input type="checkbox"/>	4	For at least the first ninety days after discharge from the Drug Court, treatment providers or clinical case managers attempt to contact previous participants periodically by telephone, mail, e-mail, or similar means to check on their progress, offer brief advice and encouragement, and provide referrals for additional treatment when indicated.	V.J.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	5	Participants are assessed using a validated instrument for major mental health disorders that co-occur frequently in Drug Courts, including major depression, bipolar disorder (manic depression), posttraumatic stress disorder (PTSD), and other major anxiety disorders.	VI.E.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	6	Participants with PTSD or severe trauma-related symptoms are evaluated for their suitability for group interventions and are treated on an individual basis or in small groups when 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 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,	X.B.*

<input checked="" type="checkbox"/>	<input type="checkbox"/>	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"/>	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"/>	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"/>	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

January 2, 2026

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 Erickson, Statewide Treatment Court Coordinator

**RE:** Treatment Court Certification - Recommendations

---

According to UCJA [Rule 4-409](#) regarding the Council's Approval of Problem-Solving Courts, each problem-solving court must undergo a certification review every two years. Before making certification recommendations, the Statewide Treatment Court Certification Coordinator reviews the certification checklist approved by the Council, examines all relevant documents related to the court's operations, and interviews each team member. The Statewide Treatment Court Certification Coordinator also conducts site visits to each court to observe the pre-court staff meeting, the court hearing, and prepares a jurisdiction report. This report highlights the court's strengths, offers recommendations for improvement, and provides resources to support the certification process.

**Fifth District - Washington County - Judge Jay Winward Adult Mental Health Court.** Judicial decisions are informed by input from the multidisciplinary team, while the Judge ensures that participants are afforded a meaningful opportunity to be heard. The Judge consistently emphasizes the importance of honesty and formally recognizes participants for accomplishments such as phase advancement and positive lifestyle changes. Team members demonstrate a strong commitment to professional development by participating in both in-state and national training and by working collaboratively to update program documents, refine the phase structure, and create a more streamlined and effective process. Based on the certification checklist, team interviews, and court observation, the Statewide Treatment Court Certification Coordinator recommends that the Judicial Council certify the Fifth District Adult Mental Health Court.

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.

## **REQUIRED CERTIFICATION CRITERIA:**

### **#43. Participants complete a final phase of the Mental Health Court focusing on relapse prevention and continuing care.**

The team initially marked “No”; however, after further discussion, it was determined that the correct response was “Yes.”

### **#44. Participants are not excluded from participation in Mental Health Court because they lack a stable place of residence.**

The team initially marked “No”; however, after further discussion, it was determined that the correct response was “Yes.”

### **#52. Treatment fees are based on a sliding fee schedule and are disclosed to each participant.**

The team marked “No” and wrote “No fees”.

## **PRESUMED CERTIFICATION CRITERIA:**

### **#12. Drug test results are available within 48 hours.**

The team marked “No” and wrote “Apx 96.” The team explained that when drug tests are administered on weekends, specimens are not sent to the laboratory until the following Monday, which may result in processing delays. On occasion, confirmation testing has taken longer than expected; however, the team maintains ongoing communication with the Beechtree liaison. In addition, the team has access to rapid drug tests and breathalyzers for use when substance use is suspected.

### **#25. Where indicated, participants receive assistance finding safe, stable, and drug-free housing beginning in the first phase of Mental Health Court and continuing as necessary throughout their enrollment in the program.**

The team marked “No” and noted that “Housing is limited.” The team is exploring potential grant funding opportunities to address this need.

### **#31. Team members are assigned to Mental health Court for no less than two years.**

The team marked “No” and wrote “Some can take longer”.

### **#37. New arrests, new convictions, and new incarcerations are monitored for at least three years following each participant’s entry into the Mental health Court.**

The team did not select an answer and wrote “Unsure”. 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:**

### **#7. Female participants receive trauma-related services in gender-specific groups.**

The team initially marked “No”; however, after further discussion, it was determined that the correct response was “Yes.”

**UTAH JUDICIAL COUNCIL**  
**MENTAL HEALTH COURT CERTIFICATION CHECKLIST**  
 REVISED AND ADOPTED 2020

COURT LOCATION: 5th District Court - St. George, Utah

NAME: \_\_\_\_\_

REVIEW DATE: 11/17/2025

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 Mental health Court are assessed for eligibility using validated risk-assessment tool that has been demonstrated empirically to predict criminal recidivism or failure on community supervision and is equivalently predictive for women and racial or ethnic minority groups that are represented in the local arrestee population.	I.C.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	5	Candidates for the Mental health Court are assessed for eligibility using validated clinical-assessment tool that evaluates the formal diagnostic symptoms of substance dependence or addiction.	I.C.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	6	Evaluators are trained and proficient in the administration of the assessment tools and interpretation of the results.	I.C.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	7	Current or prior offenses may not disqualify candidates from participation in the Mental health Court unless empirical evidence demonstrates offenders with such records cannot be managed safely or effectively in a Mental health Court.	I.D.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	8	Offenders charged with non-drug charges, drug dealing or those with violence histories are not excluded automatically from participation in the Mental health Court.	I.D.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	9	If adequate treatment is available, candidates are not disqualified from participation in the Mental health Court because of co-occurring mental health or medical conditions or because they have been legally prescribed psychotropic or addiction medication.	I.E.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	10	The program has a written policy addressing medically assisted treatment.	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	11	Participants ordinarily appear before the same judge throughout their enrollment in the Mental health Court.	III.C.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	12	The judge regularly attends pre-court staff meetings during which each participant's progress is reviewed and potential consequences for performance are discussed by the Mental health Court team.	III.D.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	13	Participants appear before the judge for status hearings no less frequently than every two weeks during the first phase of the program. In rural areas, some allowance may be made for 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 graduate. In rural areas, some allowance may be made for other appearances or administrative reviews when the judge is unavailable.	III.E.*
<input checked="" type="checkbox"/> <input type="checkbox"/>	15 The judge allows participants a reasonable opportunity to explain their perspectives concerning factual controversies and the imposition of sanctions, incentives, and therapeutic adjustments.	III.G.
<input checked="" type="checkbox"/> <input type="checkbox"/>	16 If a participant has difficulty expressing him or herself because of such factors as a language barrier, nervousness, or cognitive limitation, the judge permits the participant's attorney or legal representative to assist in providing such explanations.	IV.B.
<input checked="" type="checkbox"/> <input type="checkbox"/>	17 The judge is the ultimate arbiter of factual controversies and makes the final decision concerning the imposition of incentives or sanctions that affect a participant's legal status or liberty.	III.H. VIII.D.
<input checked="" type="checkbox"/> <input type="checkbox"/>	18 The judge makes these decisions after taking into consideration the input of other Mental health Court team members and discussing the matter in court with the participant or the participant's legal representative.	III.H. VIII.D.
<input checked="" type="checkbox"/> <input type="checkbox"/>	19 The judge relies on the expert input of duly trained treatment professionals when imposing treatment-related conditions.	III.H.
<input checked="" type="checkbox"/> <input type="checkbox"/>	20 Policies and procedures concerning the administration of incentives, sanctions, and therapeutic adjustments are specified in writing and communicated in advance to Mental health Court participants and team members.	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 Mental health Court has a range of sanctions of varying magnitudes that may be administered in response to infractions in the program.	IV.E.
<input checked="" type="checkbox"/> <input type="checkbox"/>	23 For goals that are difficult for participants to accomplish, such as abstaining from substance use or obtaining employment, the sanctions increase progressively in magnitude over successive infractions. For goals that are relatively easy for participants to accomplish, such as being truthful or attending counseling sessions, higher magnitude sanctions may be administered after only a few infractions.	IV.E.
<input checked="" type="checkbox"/> <input type="checkbox"/>	24 Consequences are imposed for the non-medically indicated use of intoxicating or addictive substances, including but not limited to alcohol, cannabis (marijuana) and prescription medications, regardless of the licit or illicit status of the substance.	IV.F.
<input checked="" type="checkbox"/> <input type="checkbox"/>	25 Drug testing is performed at least twice per week.	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 Mental health Court uses scientifically valid and reliable testing procedures and establishes a chain of custody for each specimen.	VII.G.
<input checked="" type="checkbox"/> <input type="checkbox"/>	29 Metabolite levels falling below industry- or manufacturer-recommended cutoff scores are not interpreted as evidence of new substance use or changes in substance use patterns, unless 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 Mental health Court, participants receive a clear and comprehensive explanation of their rights and responsibilities relating to drug and alcohol testing.	VII.I.

<input checked="" type="checkbox"/>	31	The program requires a period of at least 90 consecutive days drug-free to graduate.	
<input checked="" type="checkbox"/>	32	The minimum length of the program is twelve months.	
<input checked="" 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"/>	34	Jail sanctions are definite in duration and typically last no more than three to five days.	IV.J.
<input checked="" 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"/>	36	Participants are not terminated from the Mental health Court for continued substance use if they are otherwise compliant with their treatment and supervision conditions, unless they are non-amenable to the treatments that are reasonably available in their community.	IV.K.
<input checked="" type="checkbox"/>	37	If a participant is terminated from the Mental health Court because adequate treatment is not available, the participant does not receive an augmented sentence or disposition for failing to complete the program.	IV.K.
<input checked="" type="checkbox"/>	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"/>	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"/>	40	Participants regularly attend self-help or peer support groups in addition to professional counseling.	V.I.
<input checked="" 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"/>	42	There is a secular alternative to 12-step peer support groups.	
<input type="checkbox"/>	43	Participants complete a final phase of the Mental health Court focusing on relapse prevention and continuing care.	V.J.
<input type="checkbox"/>	44	Participants are not excluded from participation in Mental health Court because they lack a stable place of residence.	VI.D.
<input checked="" type="checkbox"/>	45	Participants diagnosed with mental illness receive appropriate mental health services beginning in the first phase of Mental health Court and continuing as needed throughout their enrollment in the program.	VI.E.*
<input checked="" type="checkbox"/>	46	Participants are not required to participate in job seeking or vocational skills development in the early phases of mental health court.	VII.I.*
<input checked="" 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"/>	48	At a minimum, the prosecutor / assistant attorney general, defense counsel, treatment representative, law enforcement, a guardian ad litem (in dependency courts), and the judge attend each Mental health Court session.	VIII.A.*
<input checked="" 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"/>	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"/>	51	Court fees are disclosed to each participant, are reasonable, and are based on each participant's ability to pay. Any fees assessed by the Mental health Court must be reasonably	

<input type="checkbox"/>	<input checked="" type="checkbox"/>	related to the costs of testing or other services.	
52		Treatment fees are based on a sliding fee schedule and are disclosed to each participant.	
53		The Mental health Court develops a remedial action plan and timetable to implement recommendations from the evaluator to improve the program's adherence to best practices.	X.D.*
54		The Mental health Court has written policies and procedures that ensure confidentiality and security of participant information, which conform to all applicable state and federal laws, including, but not limited to, Utah's Governmental Records Access and Management Act (GRAMA), the Health Insurance Portability and Accountability Act of 1996 (HIPAA), and 42 C.F.R. 2 (Confidentiality of Substance Abuse Disorder Patient Records).	VIII.C.*

YES	NO	PRESUMED CERTIFICATION CRITERIA		BPS
		#	<i>There is a presumption that these standards must be met. If your program can show sufficient compensating measures, compliance with the standard may be waived.</i>	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	1	Eligibility and exclusion criteria are communicated to potential referral sources.	I.A.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	2	The Mental health Court regularly monitors the delivery of incentives and sanctions to ensure they are administered equivalently to all participants.	II.D.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	3	Each member of the Mental health Court team attends up-to-date training events on recognizing implicit cultural biases and correcting disparate impacts for members of historically disadvantaged groups.	II.F.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	4	The Mental health Court judge attends current training events on legal and constitutional issues in Mental health Courts, judicial ethics, evidence-based substance abuse and mental health treatment, behavior modification, and community supervision.	III.A.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	5	The judge presides over the Mental health 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 Mental health Court team relies on expert medical input to determine whether a prescription for an addictive or intoxicating medication is medically indicated and whether non-addictive, non-intoxicating, and medically safe alternative treatments are available.	IV.F.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	8	Phase promotion is predicated on the achievement of realistic and defined behavioral objectives, such as completing a treatment regimen or remaining drug-abstinent for a specified period of time.	IV.I.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	9	Treatment is reduced only if it is determined clinically that a reduction in treatment is unlikely to precipitate a relapse to substance use.	IV.I.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	10	Testing regimens are not scheduled in seven-day or weekly blocks. The chances of being tested should be at least two in seven every day.	VII.B.*
<input type="checkbox"/>	<input checked="" type="checkbox"/>	11	Drug test results are available within 48 hours. <i>APX 96</i>	VII.H.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	12	Participants are required to deliver a test specimen within 8 hours of being notified that a drug or alcohol test has been scheduled.	VII.B.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	13	Randomly selected specimens are tested periodically for a broader range of substances to detect any new drugs of abuse that might be emerging in the Mental health Court population.	VII.D.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	14	If a participant denies substance use in response to a positive screening test, a portion of the same specimen is subjected to confirmatory analysis using an instrumented test, such as gas chromatography/mass spectrometry (GC/MS).	VII.G.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	15	Standardized patient placement criteria govern the level of care that is provided.	V.A.

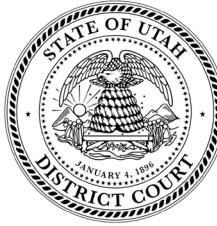
<input checked="" type="checkbox"/>	16	Adjustments to the level of care are predicated on each participant's response to treatment and are not tied to the Mental health Court's programmatic phase structure.	V.A.
<input checked="" type="checkbox"/>	17	Participants receive a sufficient dosage and duration of substance abuse treatment to achieve long-term sobriety and recovery from addiction. (IF SOB)	V.D.
<input checked="" 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"/>	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"/>	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"/>	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"/>	22	Treatment providers are supervised regularly to ensure continuous fidelity to evidence-based practices.	V.H.
<input checked="" 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"/>	24	Participants prepare a continuing-care plan together with their counselor to ensure they continue to engage in pro-social activities and remain connected with a peer support group after their discharge from the Mental health Court.	V.J.
<input type="checkbox"/>	25	Where indicated, participants receive assistance finding safe, stable, and drug-free housing beginning in the first phase of Mental health Court and continuing as necessary throughout their enrollment in the program. <u>HOUSING IS LIMITED</u>	VI.D.
<input checked="" 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"/>	27	All Mental health Court team members, including court personnel and other criminal justice professionals, receive formal training on delivering trauma-informed services.	VI.F.
<input checked="" type="checkbox"/>	28	Participants with deficient employment or academic histories receive vocational or educational services beginning in a late phase of Mental health Court.	VI.I.
<input checked="" type="checkbox"/>	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"/>	30	Clients are placed in the program within 50 days of eligibility screening. (NPX)	
<input type="checkbox"/>	31	Team members are assigned to Mental health Court for no less than two years. <u>SOME CAN TAKE LONGER</u>	
<input checked="" type="checkbox"/>	32	All team members use electronic communication to contemporaneously communicate about Mental health Court issues.	
<input checked="" 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 Mental health Courts.	VIII.F.
<input checked="" type="checkbox"/>	34	New staff hires receive a formal orientation training on the Mental health Court model and best practices in Mental health Courts as soon as practicable after assuming their position and attend annual continuing education workshops thereafter.	VIII.F.
	35	The Mental health Court has more than 15 but less than 125 active participants.	IX.A.*

<input checked="" type="checkbox"/>		
<input checked="" type="checkbox"/>	36 The Mental health Court monitors its adherence to best practice standards on at least an annual basis, develops a remedial action plan and timetable to rectify deficiencies, and examines the success of the remedial actions.	X.A.
<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 Mental health Court. (UNSOVR)	X.C.
<input checked="" type="checkbox"/>	38 A skilled and independent evaluator examines the Mental health Court's adherence to best practices and participant outcomes no less frequently than every five years.	X.D.
<input checked="" 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"/>	40 The program conducts an exit interview for self- improvement.	

YES	NO	<b>NON-CERTIFICATION-RELATED BEST PRACTICE STANDARDS</b> <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"/>		1 The Mental health Court offers a continuum of care for substance abuse treatment including detoxification, residential, sober living, day treatment, intensive outpatient and outpatient services.	V.A.
<input checked="" 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"/>		3 Treatment providers have substantial experience working with criminal justice populations.	V.H.
<input checked="" type="checkbox"/>		4 For at least the first ninety days after discharge from the Mental health Court, treatment providers or clinical case managers attempt to contact previous participants periodically by telephone, mail, e-mail, or similar means to check on their progress, offer brief advice and encouragement, and provide referrals for additional treatment when indicated.	V.J.
<input checked="" type="checkbox"/>		5 Participants are assessed using a validated instrument for major mental health disorders that co-occur frequently in Mental health Courts, including major depression, bipolar disorder (manic depression), posttraumatic stress disorder (PTSD), and other major anxiety disorders.	VI.E.
<input checked="" 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 type="checkbox"/>	<input checked="" type="checkbox"/>	7 Female participants receive trauma-related services in gender-specific groups (UNSOVR)	VI.F.
<input checked="" 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 Mental health Court.	VI.I.
<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"/>		10 Before starting a Mental health Court, team members attend a formal pre-implementation training to learn from expert faculty about best practices in Mental health Courts and develop fair and effective policies and procedures for the program.	VIII.F.
<input checked="" type="checkbox"/>		11 Supervision caseloads do not exceed fifty active participants per supervision officer.	IX.B.
<input checked="" 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	IX.C.

	complementary services.	
<input checked="" type="checkbox"/> <input type="checkbox"/>	13 The Mental health Court continually monitors participant outcomes during enrollment in the program, including attendance at scheduled appointments, drug and alcohol test results, graduation rates, lengths of stay, and in-program technical violations and new arrests or referrals.	X.B.*
<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 Mental health 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 Mental health Court regardless of whether they graduated, withdrew, or were terminated from the program.	X.H.
<input checked="" type="checkbox"/> <input type="checkbox"/>	16 The Mental health Court regularly monitors whether members of historically disadvantaged groups complete the program at equivalent rates to other participants.	II.B. X.E.

Tab 5



## BOARD OF DISTRICT COURT JUDGES

January 5, 2026

**Hon. Matthew Bell**  
Fifth District  
**Hon. Heather Brereton**  
Third District  
**Hon. Judge Patrick Corum**  
Third District  
**Hon. Anthony Howell**  
Fourth District

**Hon. Camille Neider**  
Second District  
**Hon. Stephen Nelson, Vice Chair**  
Third District  
**Hon. Mandy Larsen**  
Sixth District  
**Hon. Brandon Maynard**  
First District

**Commissioner Russell Minas**  
Third District  
**Hon. Denise M. Porter**  
Fourth District  
**Hon. Don Torgerson, Chair**  
Seventh District  
**Hon. David Williams**  
Second District

### M E M O R A N D U M

**TO:** The Management Committee of the Judicial Council

**FROM:** The Board of District Court Judges

**RE:** Recommendation for Appointment to the Commission on Criminal and Juvenile Justice

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After many years of service, Judge Camille Nieder stepped down from serving as a member of the Commission on Criminal and Juvenile Justice (CCJJ). [Utah Code 63M-7-202](#) specifies that the CCJJ membership includes one district court judge, appointed by the Judicial Council, who will serve as a non-voting member.

The Board of District Court Judges solicited volunteers from the district court bench who are interested in serving on the CCJJ. Of the three district court judges who expressed interest in serving, (listed below) the Board of District Court Judges recommends Judge Jeremiah Humes to the Judicial Council for appointment to the CCJJ.

**Judge Richard Pehrson, 3rd District** - I'd love to serve on the CCJJ. Before becoming a judge I worked in criminal law exclusively for 12 years. My experience ranged from infractions in justice court to scores of murder cases - two of which were certified for death after preliminary hearing. While leading the SLCO DA's murder team, I helped screen and then shepard more than 75 homicide cases. I care deeply for our justice system and those who are caught up in it - including as defendants, victims, and witnesses. I believe thorough deliberation must be given to the framework of the system to produce outcomes that are increasingly fair and predictable. I am available on the second Thursday of even months, from 12:00 PM to 2:00 PM.

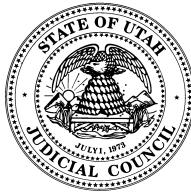
**Judge Vernice Trease, 3rd District** - I am interested in being the district court judge representative on the CCJJ. At the same time, I acknowledge I have kicked around long enough in the criminal justice

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

community, both as a lawyer and a judge, that if a newer judge wants to do this, I am not opposed to the JC considering them over me. I am currently on the Sentencing Commission as well. I will be able to attend the CCJJ mtgs identified in your email. The things I bring to the table if called to serve include my vast experience and institutional knowledge in all areas of criminal justice (almost 40 yrs as a lawyer and judge). I have a respectful relationship with stakeholders involved in criminal justice that will enable me to communicate with them and work effectively on issues. I have presided over one of the Mental Health Courts in the 3rd District for over 10 years.

**Judge Jeremiah Humes, 7th District** - I would be interested in serving on this commission. I am currently serving as the co-chair on the Bar's New Lawyer Training Program Committee and on the education committee. I would be available for the Thursday meetings. I have previously worked as a defense attorney and prosecutor, including as an elected county attorney in a rural area and now serve as a judge. With that experience I would be able to offer unique insights related to rural life and problems. If this would be helpful to the commission. I would be willing to serve.

Tab 6



## Administrative Office of the Courts

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

January 12, 2026

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

### MEMORANDUM

**TO:** Judicial Council  
**FROM:** Matilda Willie, Tribal Liaison  
**RE:** Annual Report on the Tribal Liaison Committee

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The Tribal Liaison Committee is composed of judges, attorneys, community and tribal representatives per [UCJA Rule 1-205\(1\)\(B\)\(xiv\)](#). Membership of the Tribal Liaison Committee was completed May 2025. In August of 2025, Judge Randy Steckel, Tribal Judge, stepped down due to scheduling conflicts. The position has been challenging to fill and is still pending. Currently, the Chair position is held by Judge Cas White, Juvenile Court Judge in the Seventh District.

This will be the first report to the Judicial Council since May 2025. Since that time, the committee has met three times and accomplished the following:

- The first official Tribal Liaison Committee meeting was held on August 25, 2025. Introductions of each committee member were made and the following was discussed:
  - [UCJA Rule 3-422](#).
  - Concrete goals and objectives and how they will be measured under each duties outlined in the rule.
  - Decision for members to report on and learn about the eight tribes of Utah for the next meeting.
- The second Tribal Liaison Committee meeting was held on September 22, 2025.
  - Reports were given on the eight tribes of Utah by committee members.
- The third Tribal Liaison Committee meeting was held on November 24, 2026.
  - The Tribal Liaison shared her vision with the committee being a bridge between the State Courts and Tribal Nations for communication and collaboration on policies and decisions that impact the tribes.

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

- The Tribal Liaison Committee decided they will work to create a mission statement and objectives.
- The committee determined that they would like to meet with the eight tribes of Utah to hear their concerns, issues, and barriers they encounter directly or indirectly.
- On December 12, 2025, the Tribal Liaison attended and presented at the Utah Tribal Leaders meeting at the Urban Indian Center in Salt Lake City and shared information about the Tribal Liaison Committee. The committee's desire to meet with tribal leaders was communicated and it is expected that will happen this coming new year.
- The next meeting is scheduled for February 23, 2026.
  - Meeting frequency is expected to be quarterly moving forward.

Tab 7

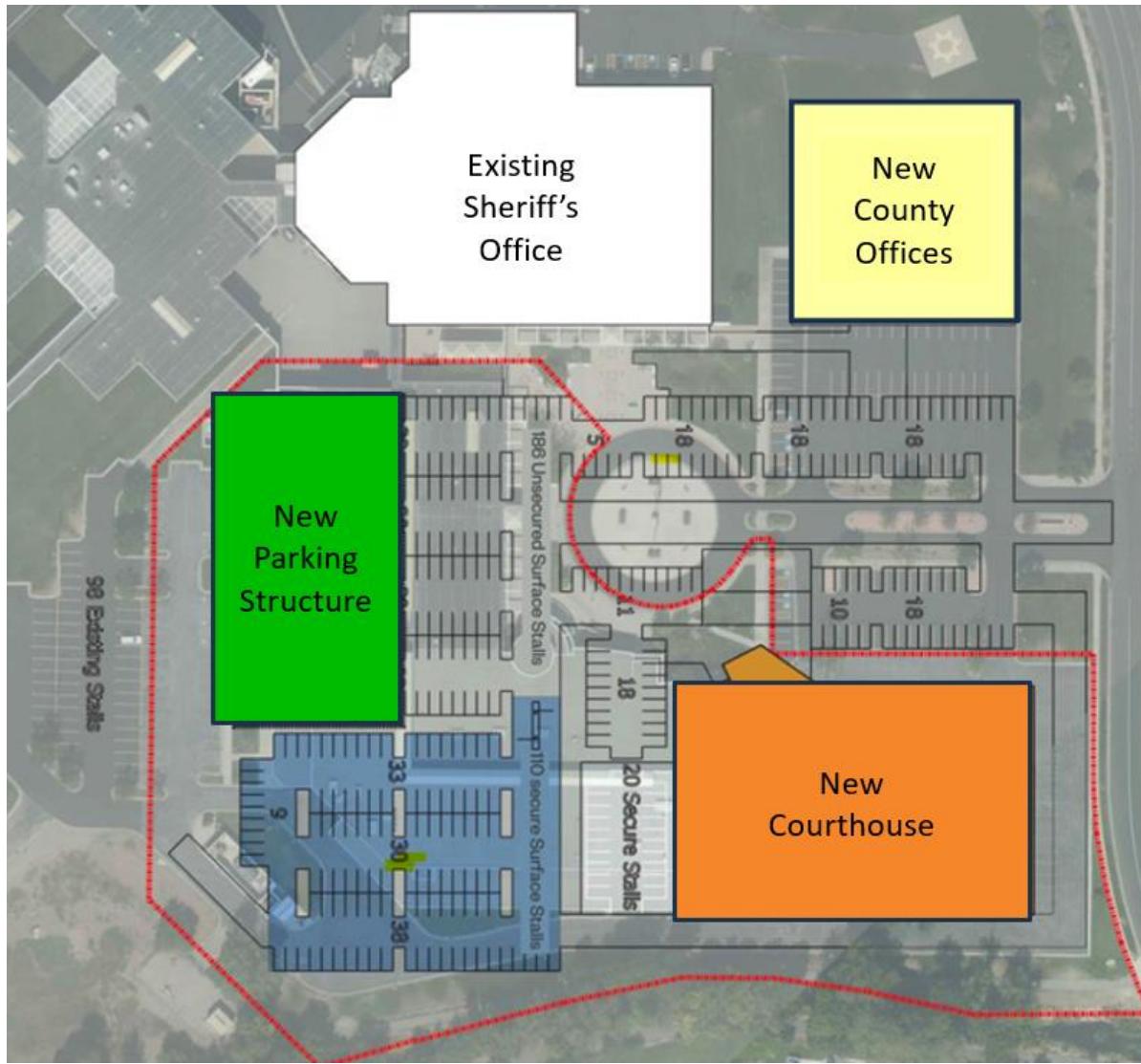


# **Davis County Justice Center Project Update January 2026**

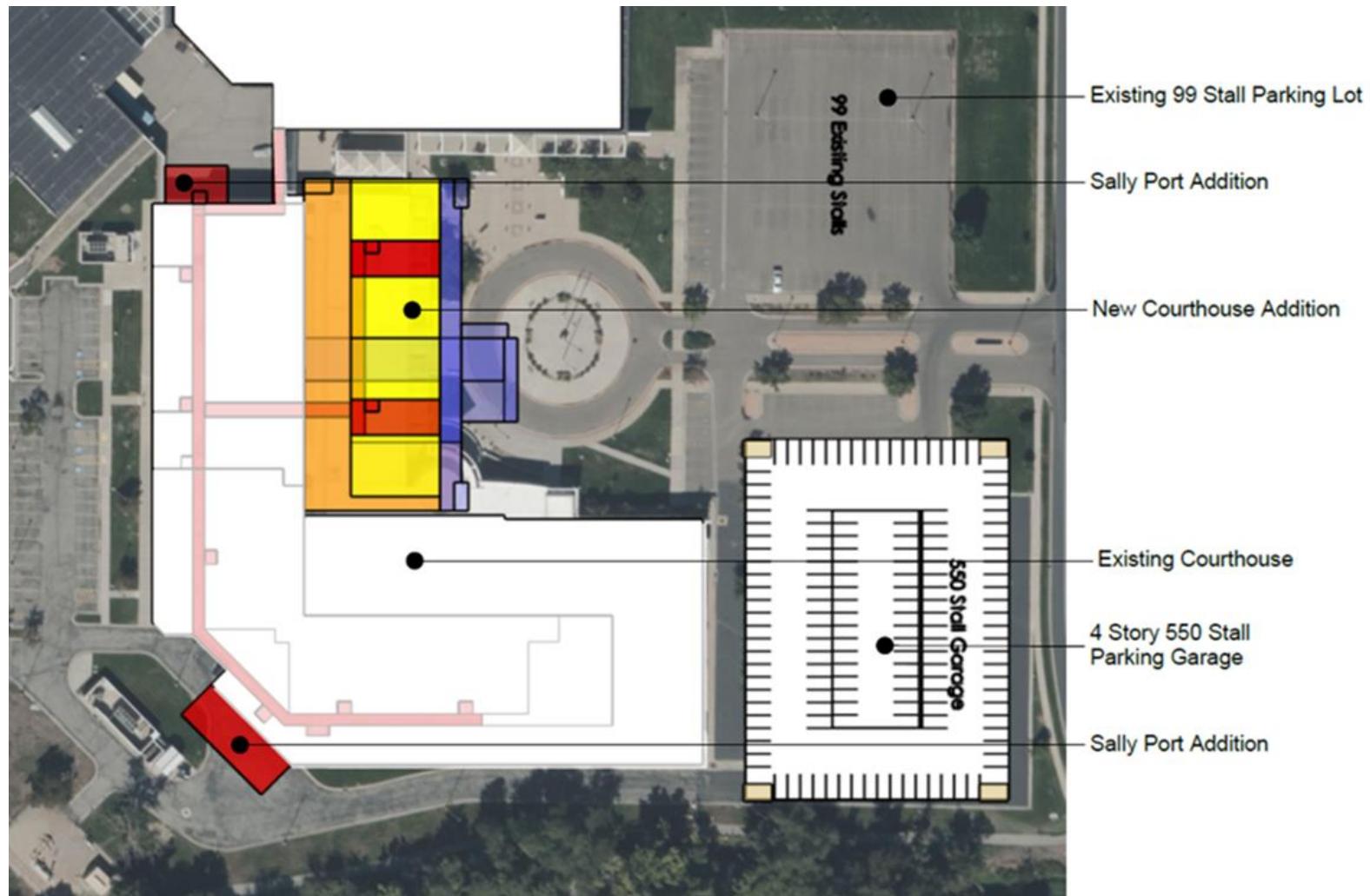
# Existing Farmington Shared Campus



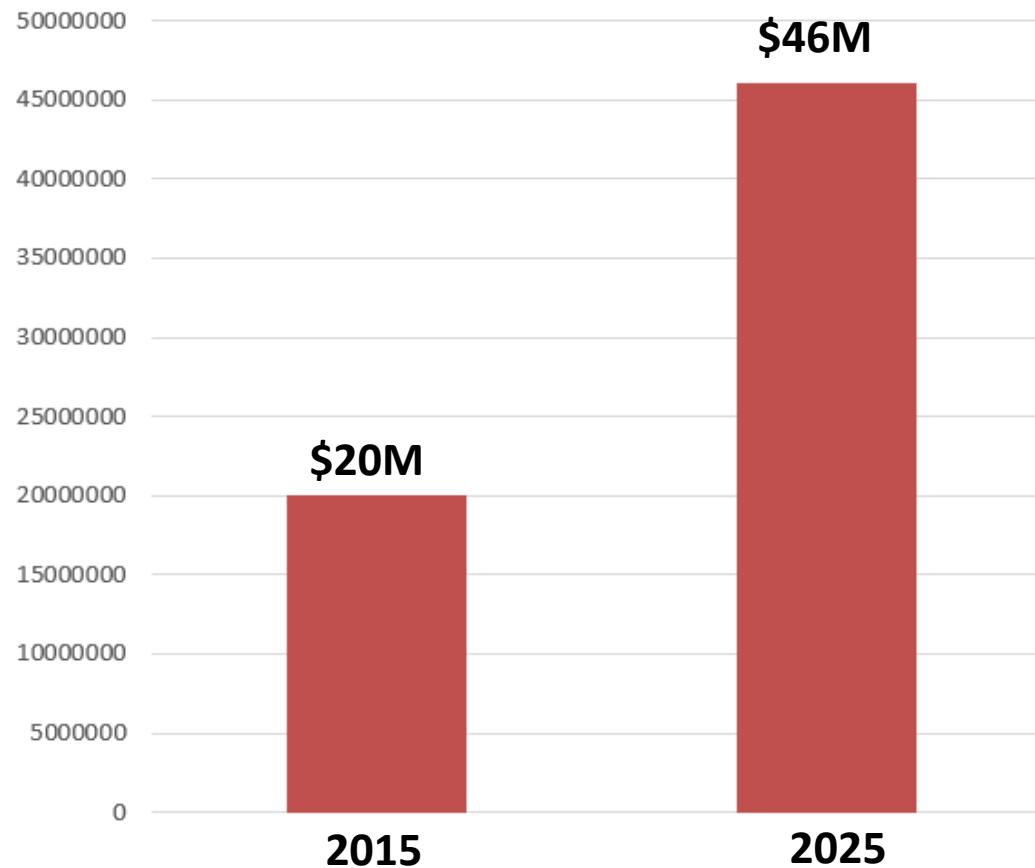
# First Design Concept – FY26 \$149M



# Second Design Concept – FY27 \$97M



## Utah Construction Escalation Over the Last 10 years



**130% Increase**

# Third Design Concept



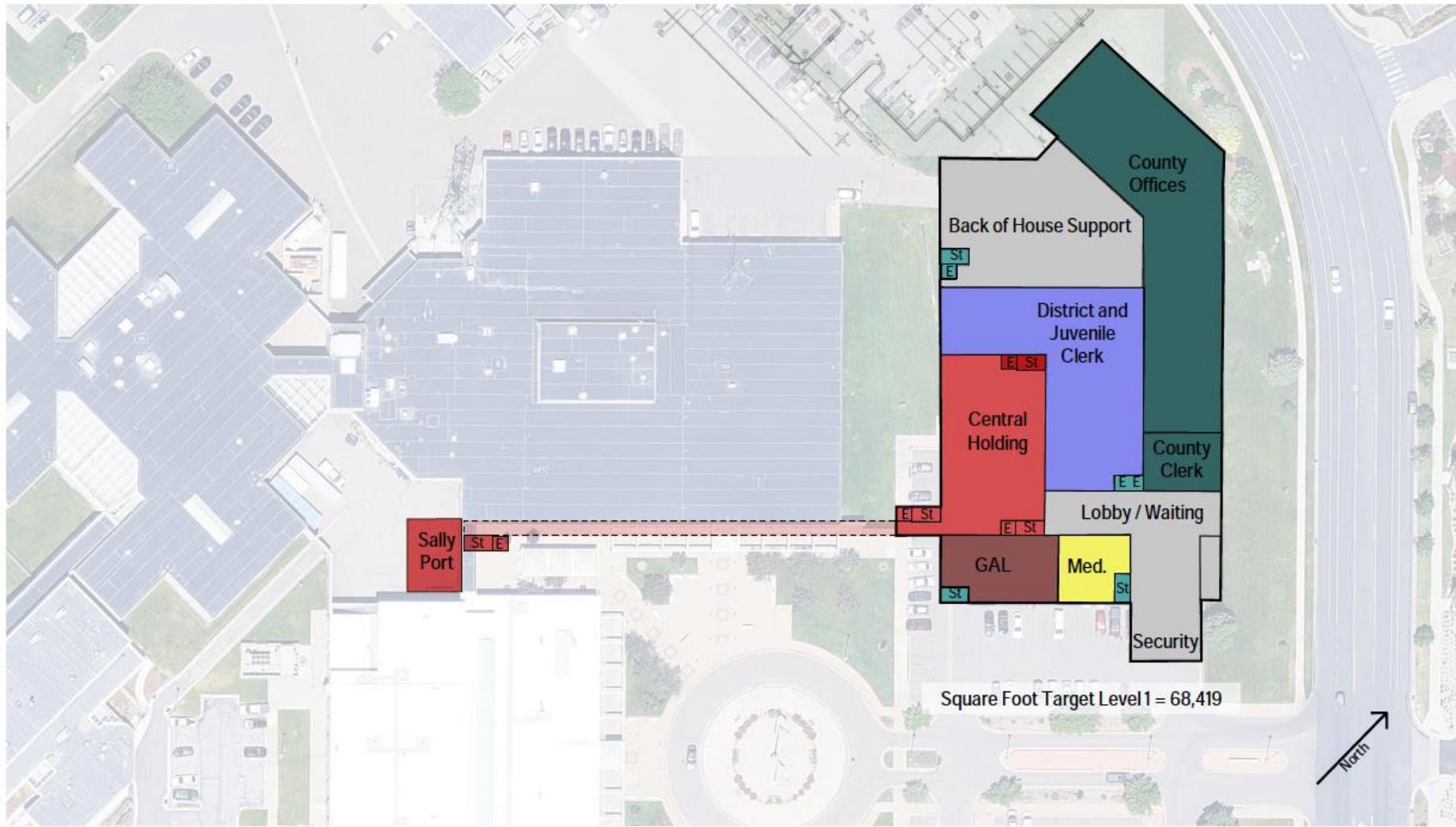
**VCBO**

December 22, 2025



**Davis County Justice Center**

2nd District Judicial Courthouse + Davis County Attorney Office | Farmington | Utah

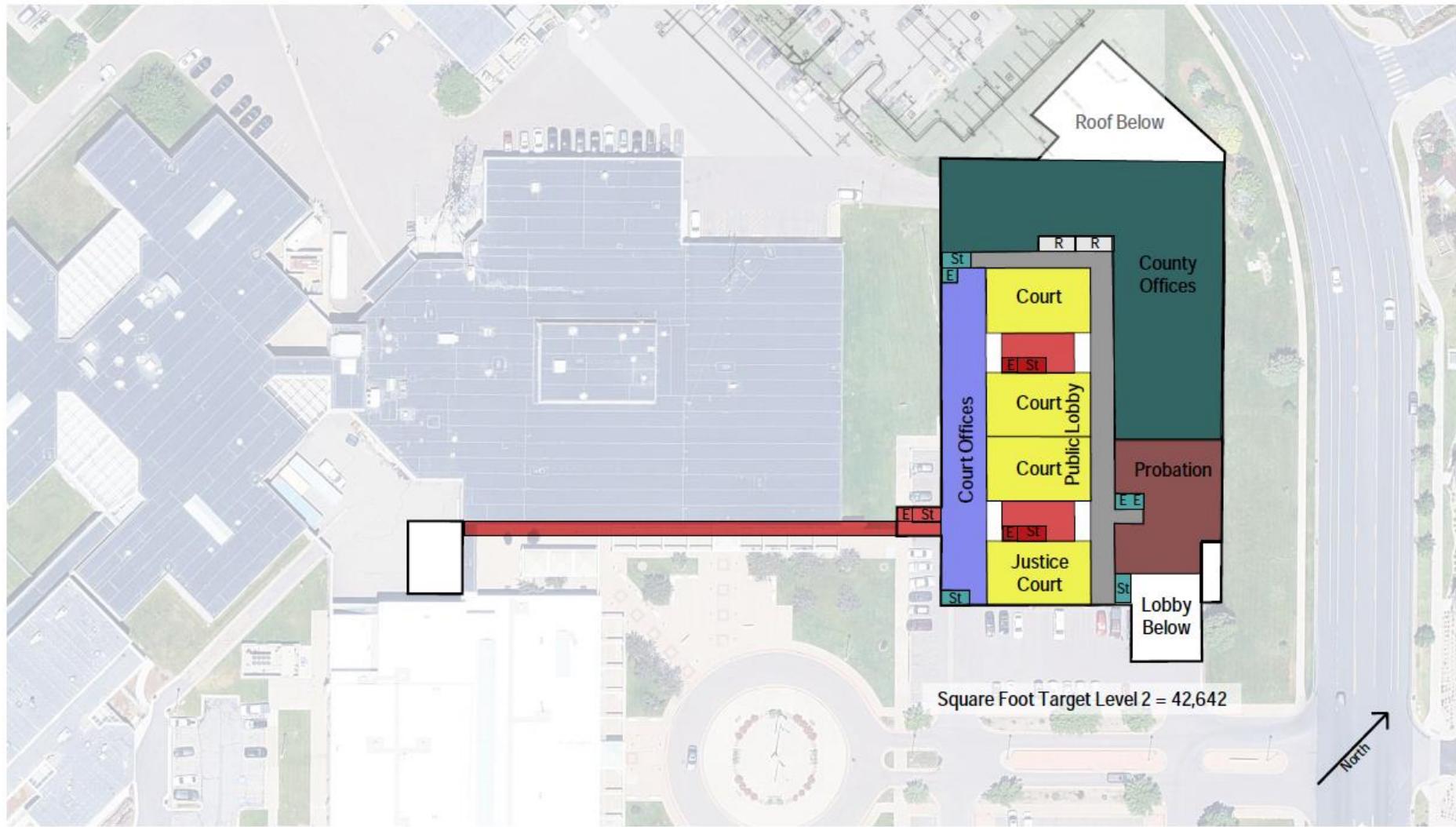


# VCBO



## Level 1

2nd District Judicial Courthouse + Davis County Attorney Office | Farmington | Utah

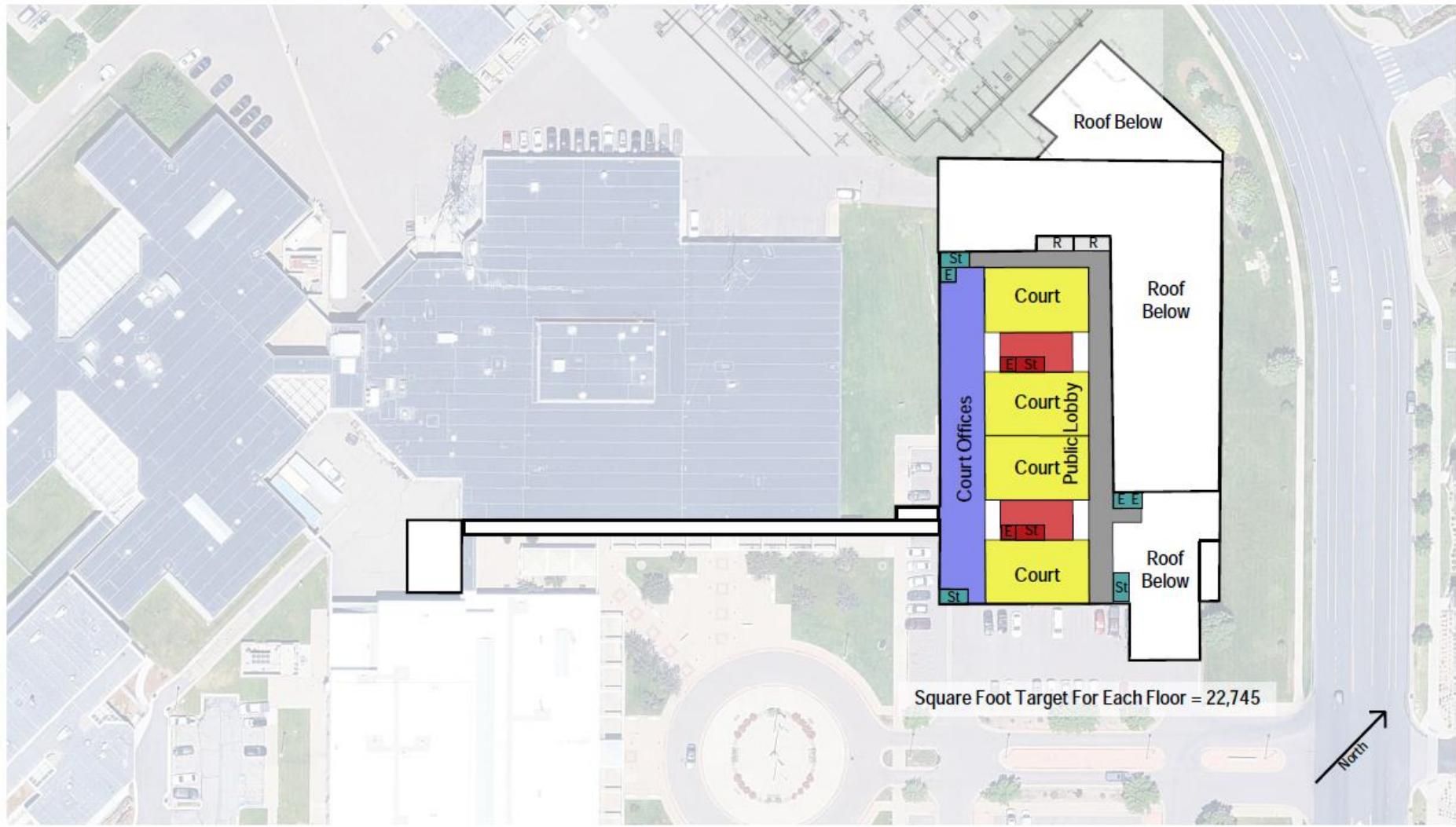


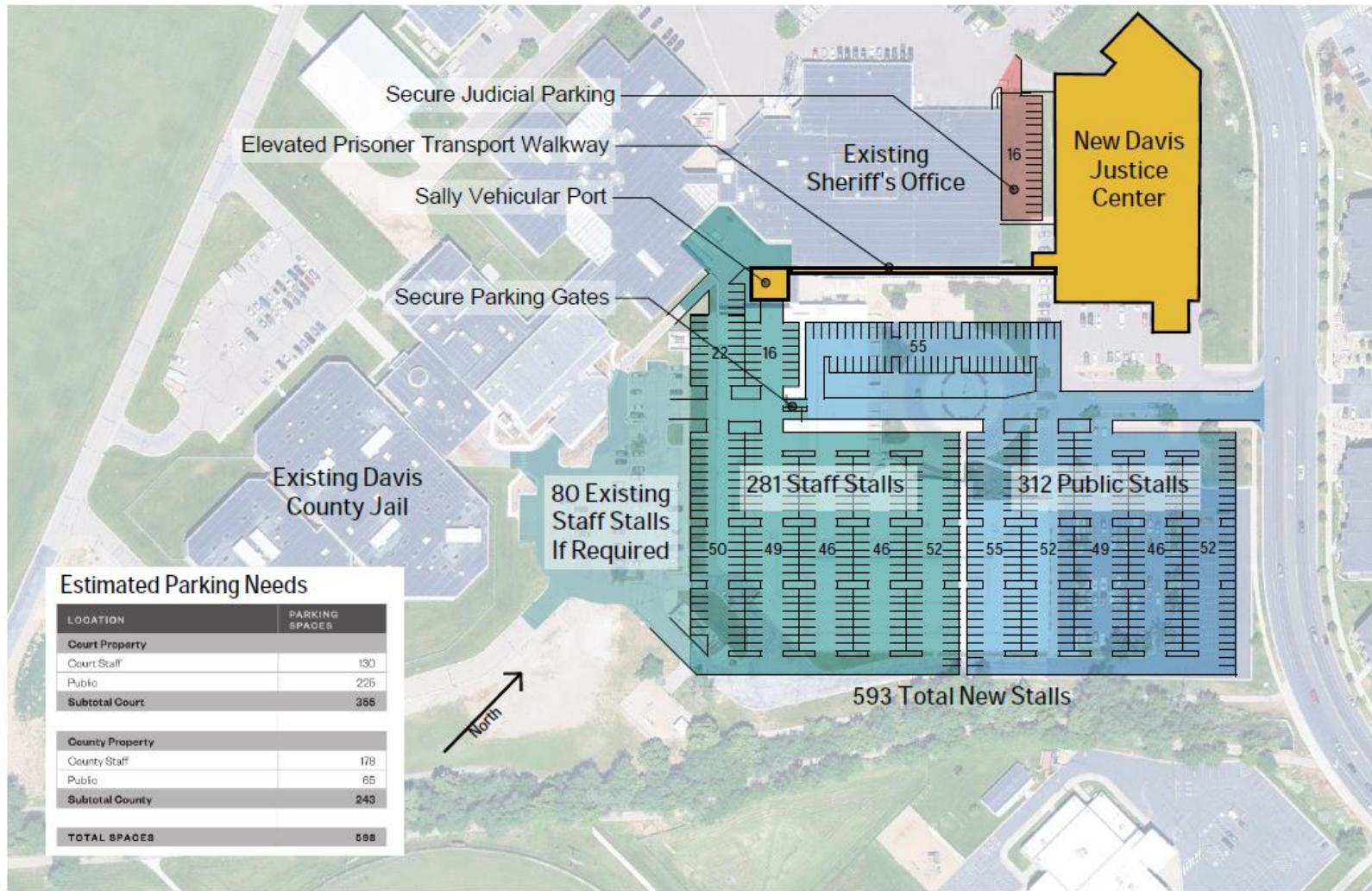
VCBO  
December 22, 2025



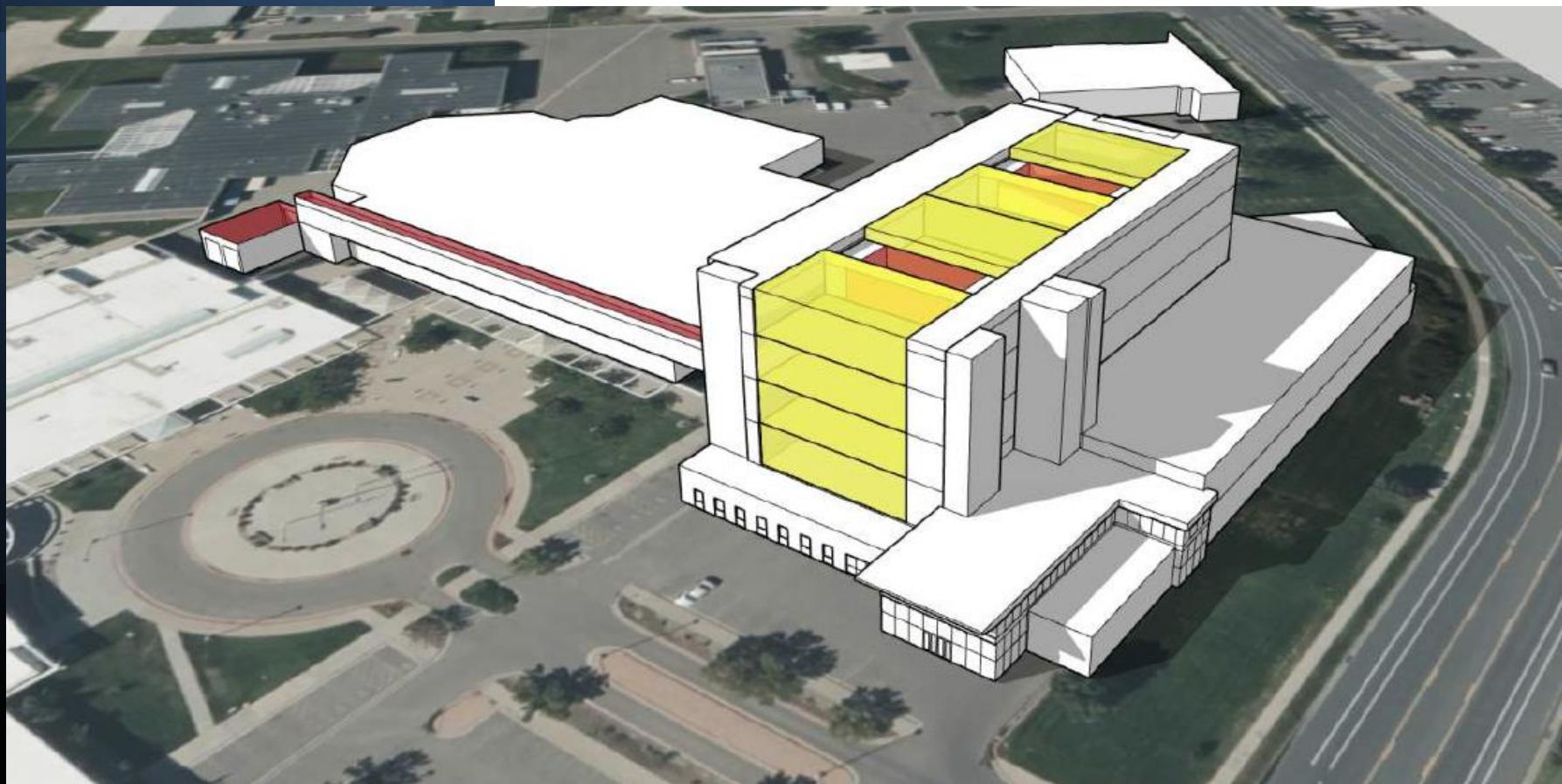
## Level 2

2nd District Judicial Courthouse + Davis County Attorney Office | Farmington | Utah





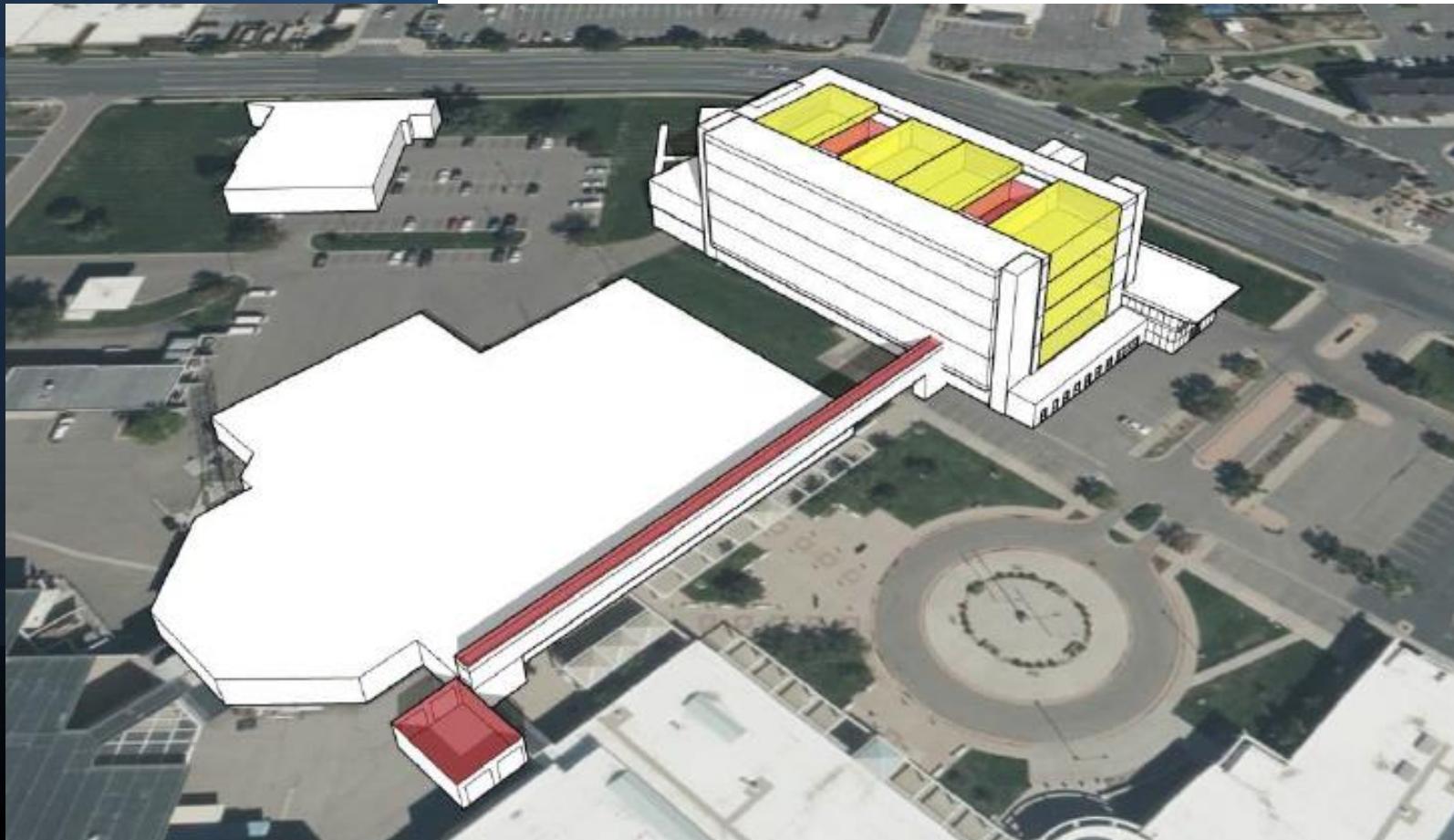
# Massing Study Southwest Elevation



# Massing Study Southeast Elevation



# Massing Study North Elevation



# Projected O&M / Property Sale Credits

- New projected O&M of \$1.3M annually to be reduced to \$507K annually by reallocated Court funds
- Future credit to State General Fund of \$7.5M from existing State-owned property sale in Layton



# Judiciary FY27 Annual Funding Request

## \$10.4M over 20 years or \$8.8M over 30 years

### Plus \$507K Annual O&M

#### Davis County Justice Center Cost Estimate\*

\*CBE prepared by DFCM for FY27

Court	Estimated Cost	Details	County	Estimated Cost	Details
15 CRs and support spaces	\$144,933,843	144,000 SF with 2 shelled courtrooms &	Attorney offices with expansion space	\$22,233,463	30,000 SF office space
		Justice Courtroom.	Secured Transfer Corridor	\$1,784,855	
			Parking contribution	\$3,000,000.00	Reduced due to surface parking
<b>Subtotal</b>	<b>\$144,933,843</b>		<b>Subtotal</b>	<b>\$27,018,318.00</b>	
<b>Combined Total Court &amp; County</b>	<b>\$171,952,161</b>				

#### Estimated Annual Construction Bond Payment

Term	Court	Term	County	Total
20 years	\$10,414,406	20 years	\$2,070,650	<b>\$12,485,056</b>
30 years	\$8,805,625	30 years	\$1,750,784	<b>\$10,556,409</b>



**VCBO**

December 22, 2025



**Davis County Justice Center**

2nd District Judicial Courthouse + Davis County Attorney Office | Farmington | Utah

**Questions ?**



**New Cedar City Courthouse  
Legislative Presentation  
November 2025**

# **FY27 Funding Request**



**New 3 story courthouse  
with 5 courtrooms (2 shelled)**

# Existing Courthouse Built 1984



# Existing Courthouse Site



EXISTING SITE

# Existing Courthouse Space Evaluation



# Separate Leased Office Spaces Juvenile Probation & GAL



## JUVENILE PROBATION & PAROLE



GUARDIAN AD LITEM



# New Courthouse Design Goals

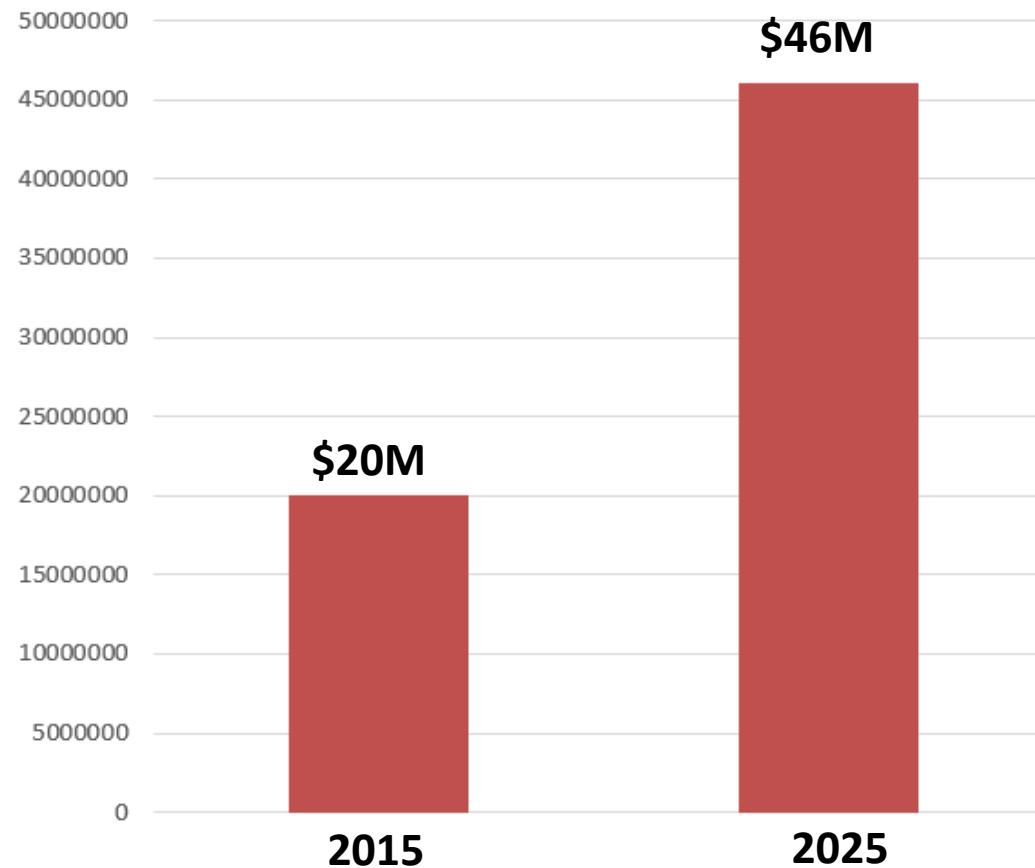
Combine Courthouse and Leased Offices

Correct All Physical Security Deficiencies

One Courtroom for Each Judge (3)

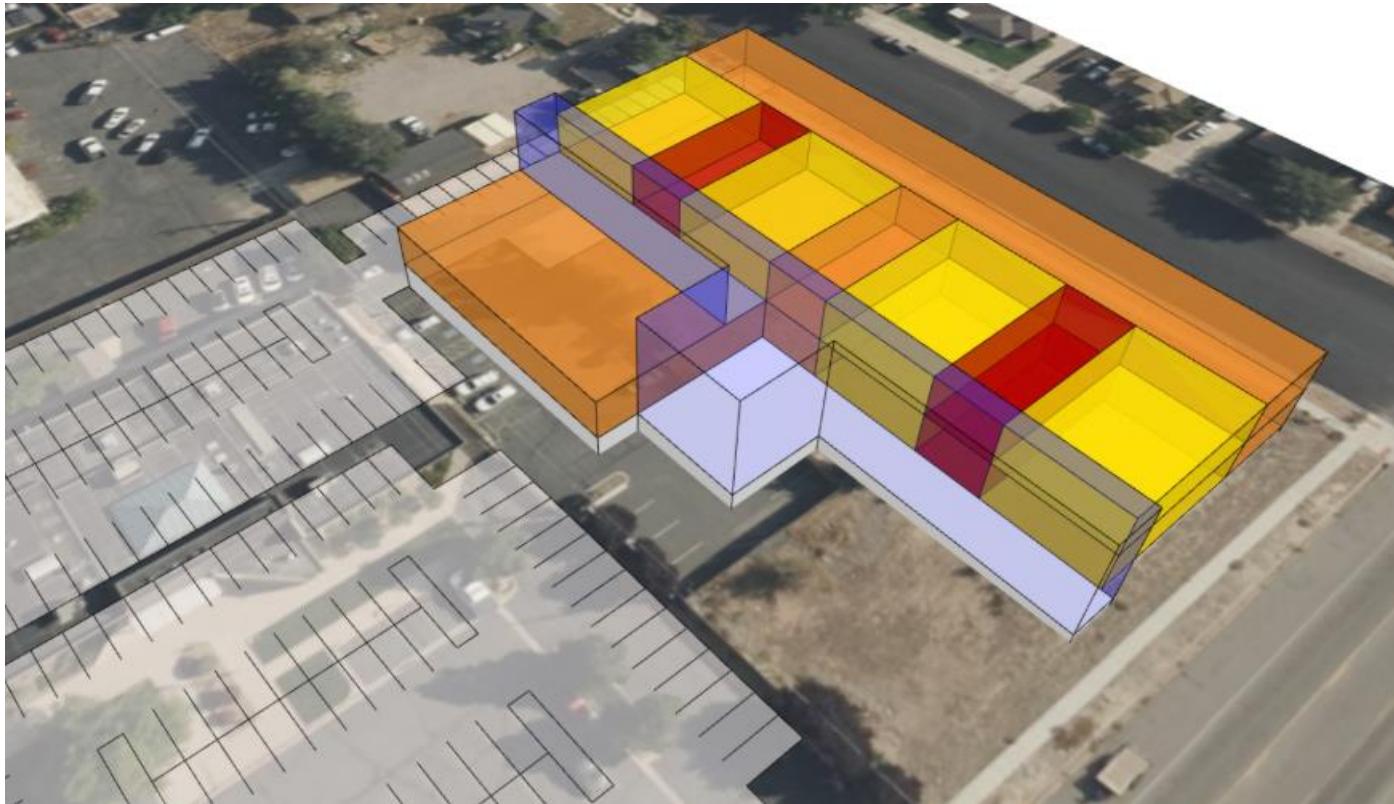
Shelled Courtrooms for Future Growth (2)

## Utah Construction Escalation Over the Last 10 years



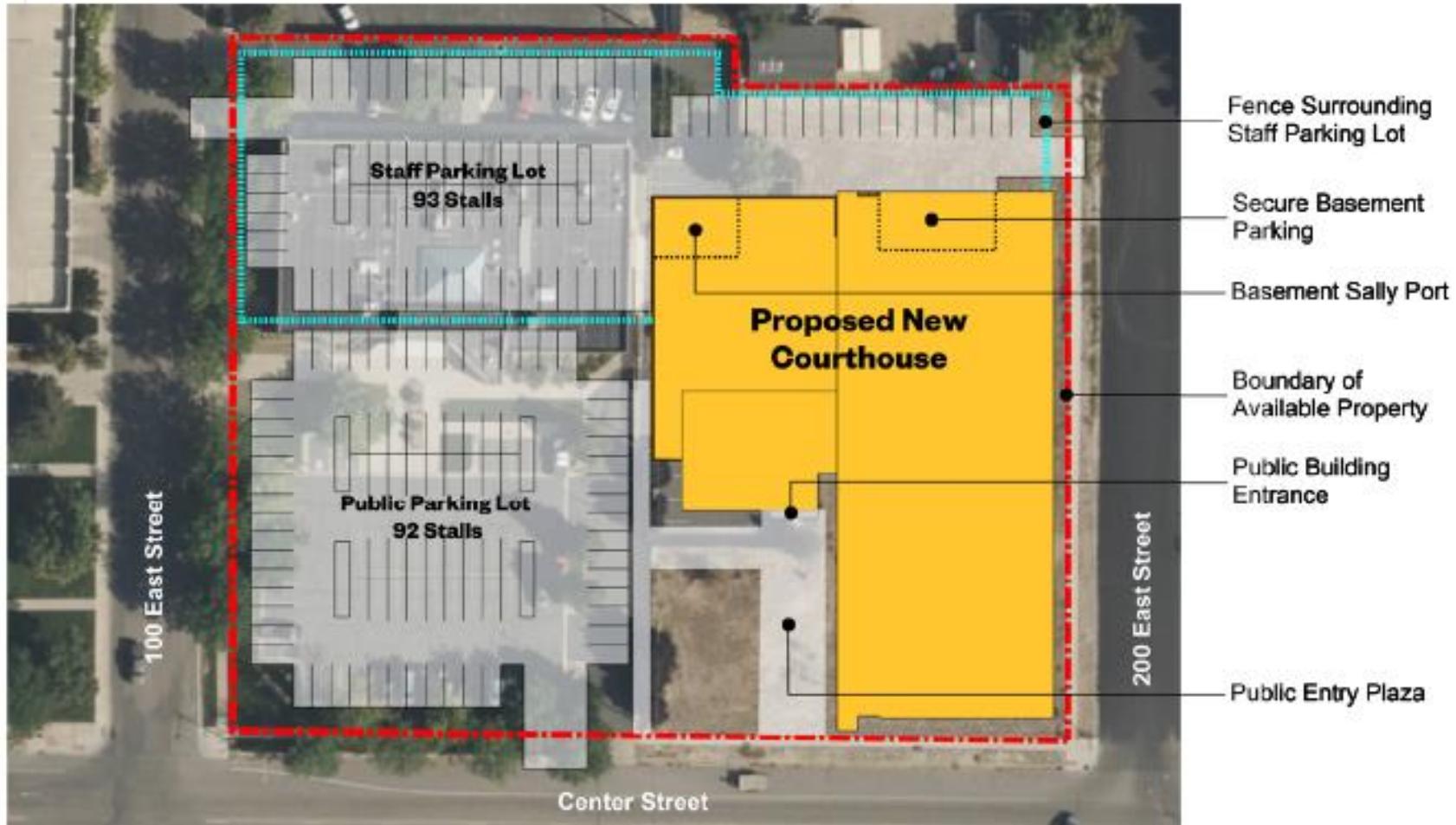
**130% Increase**

# Proposed New Cedar City Courthouse



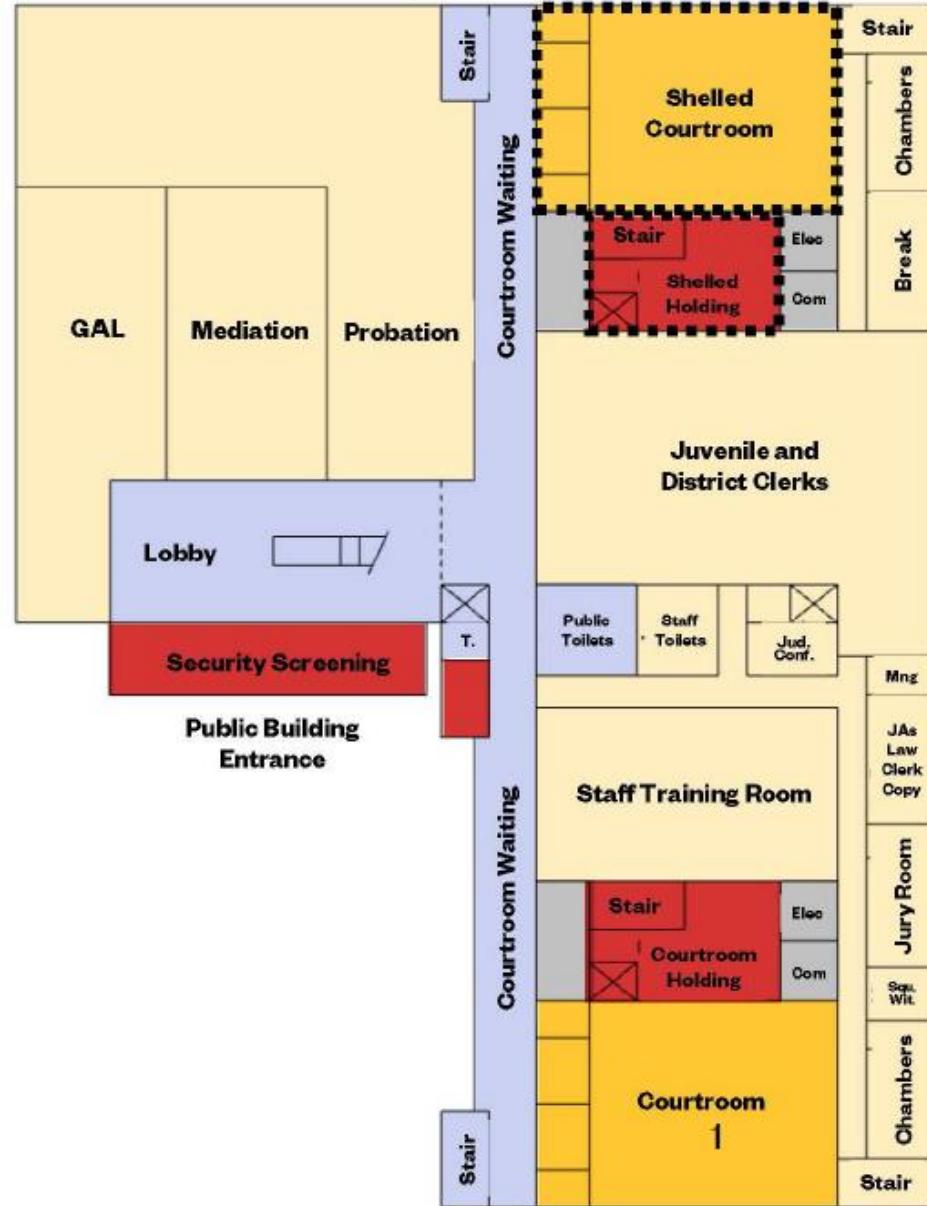
**Estimated Cost \$72M**

# New three-story Courthouse on State-owned Land



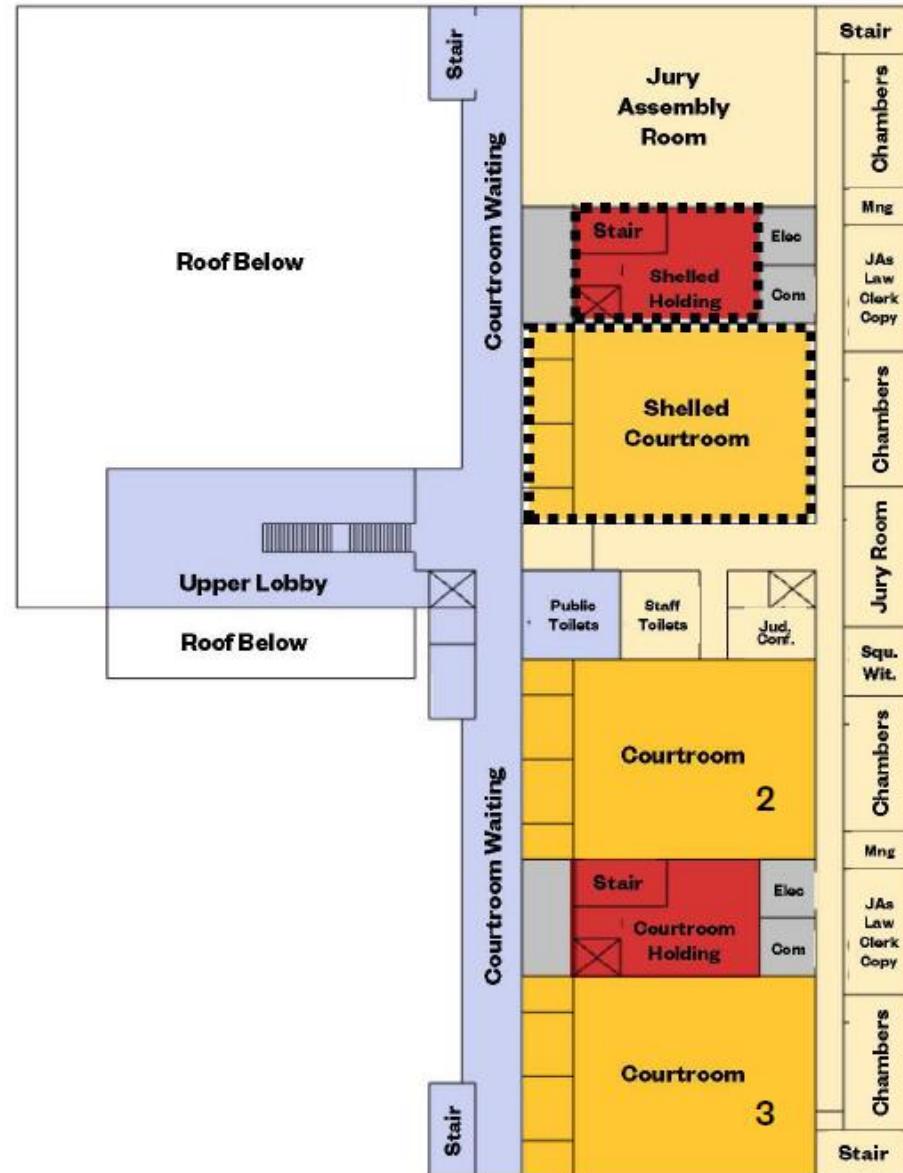
# Proposed First Floor

## Juvenile Courtroom with a Shelled Courtroom



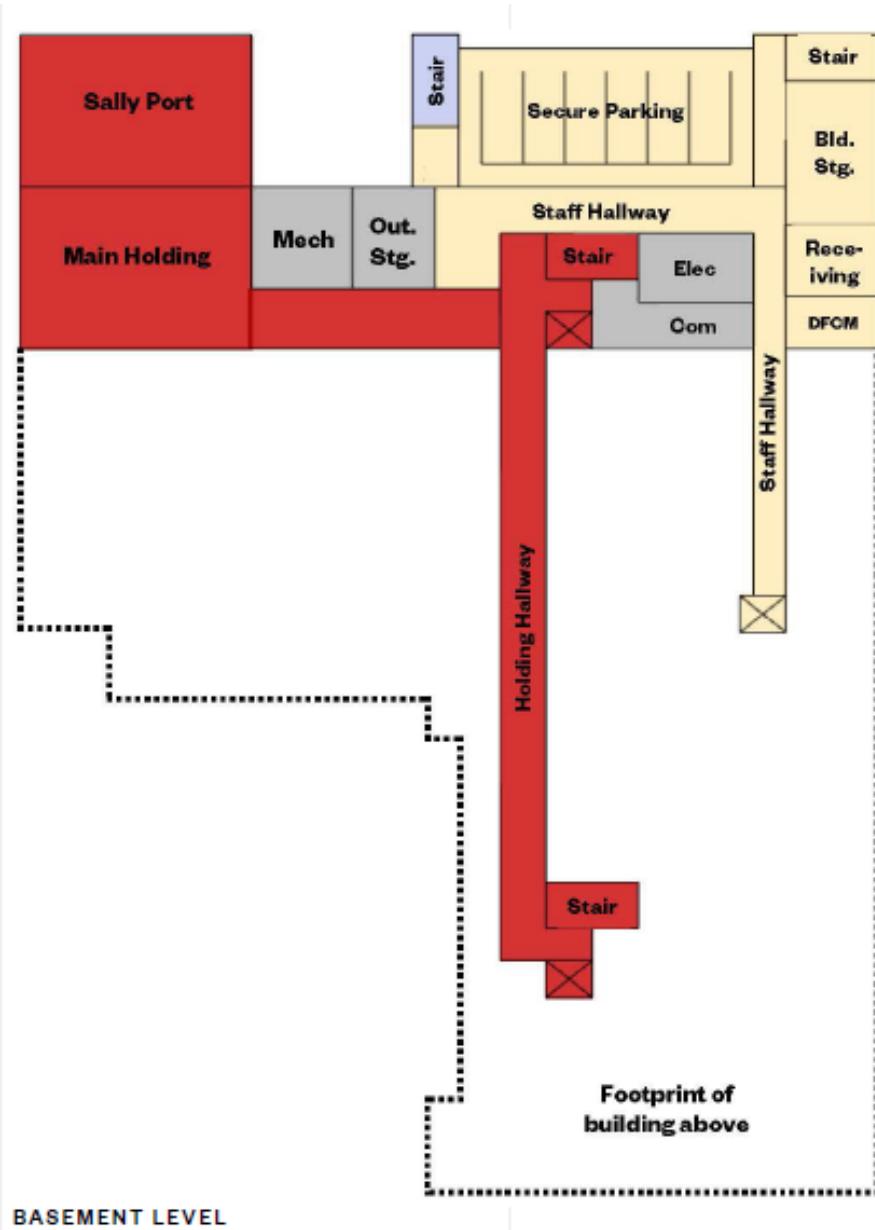
# Proposed Second Floor

Two District  
Courtrooms  
with a  
Shelled  
Courtroom



# Proposed Basement

## Required Security Spaces & Features



# Proposed East Elevation



# New Cedar City Courthouse

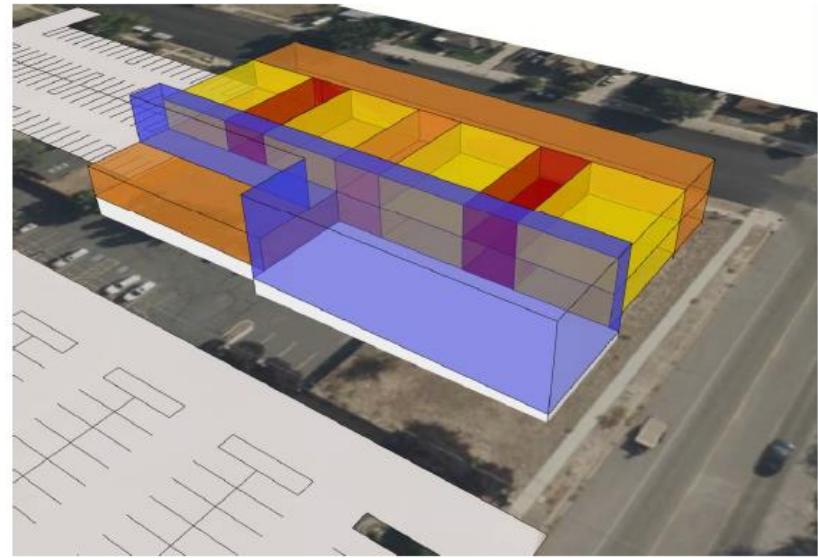
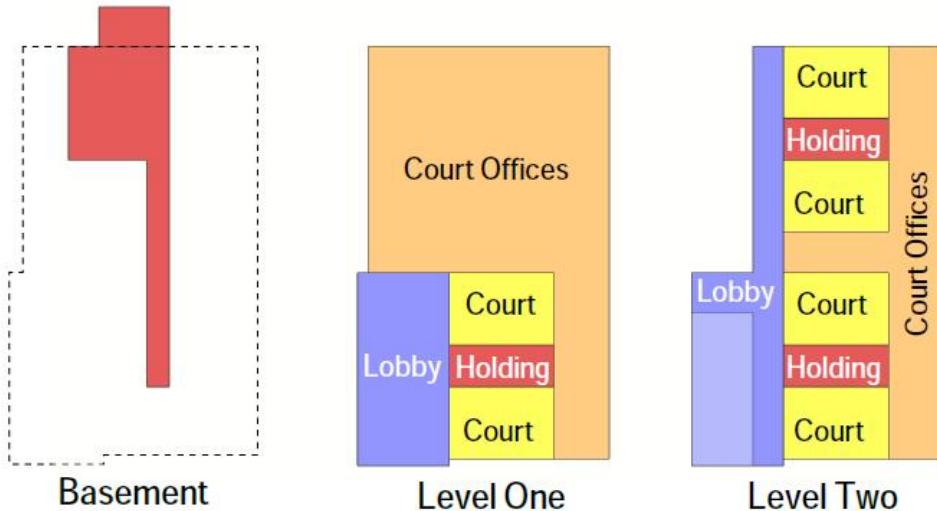
## FY27 Estimated Cost \$72M



# Questions?



Site Section



# Preliminary Cost Estimate from Oakland Construction

CONCEPTUAL ESTIMATE TEMPLATE  
Cedar City Courthouse Opinion of Cost  
8/5/2025



DESCRIPTION	BUILDING		SITE		TOTAL		
	78,796 sf	COST / qty	138,003 sf	COST / qty	78,796 sf	COST / sf	
01 00 00 GENERAL REQUIREMENTS	\$ 262,670	\$ 3.33	\$ 83,000	\$ 0.60	\$ 345,670	\$ 4.39	
02 00 00 EXISTING CONDITIONS	\$ -	\$ -	\$ 197,383	\$ 1.43	\$ 197,383	\$ 2.50	
03 00 00 CONCRETE	\$ 2,632,254	\$ 33.41	\$ -	\$ -	\$ 2,632,254	\$ 33.41	
04 00 00 MASONRY	\$ 990,486	\$ 12.57	\$ -	\$ -	\$ 990,486	\$ 12.57	
05 00 00 METALS	\$ 4,239,796	\$ 53.81	\$ 60,000	\$ 0.43	\$ 4,299,796	\$ 54.57	
06 00 00 WOOD, PLASTICS, AND COMPOSITES	\$ 2,075,102	\$ 26.34	\$ -	\$ -	\$ 2,075,102	\$ 26.34	
07 00 00 THERMAL AND MOISTURE PROTECTION	\$ 2,090,134	\$ 26.53	\$ 3,749	\$ 0.03	\$ 2,093,883	\$ 26.57	
08 00 00 OPENINGS	\$ 2,009,685	\$ 25.50	\$ 80,000	\$ 0.58	\$ 2,089,685	\$ 26.52	
09 00 00 FINISHES	\$ 5,841,383	\$ 74.13	\$ -	\$ -	\$ 5,841,383	\$ 74.13	
10 00 00 SPECIALTIES	\$ 264,940	\$ 3.36	\$ 25,750	\$ 0.19	\$ 290,690	\$ 3.69	
11 00 00 EQUIPMENT	\$ 1,150,000	\$ 14.59	\$ -	\$ -	\$ 1,150,000	\$ 14.59	
12 00 00 FURNISHINGS	\$ 383,048	\$ 4.86	\$ -	\$ -	\$ 383,048	\$ 4.86	
14 00 00 CONVEYING EQUIPMENT	\$ 600,000	\$ 7.61	\$ -	\$ -	\$ 600,000	\$ 7.61	
21 00 00 FIRE SUPPRESSION	\$ 512,174	\$ 6.50	\$ -	\$ -	\$ 512,174	\$ 6.50	
22 00 00 PLUMBING	\$ 2,431,645	\$ 30.86	\$ -	\$ -	\$ 2,431,645	\$ 30.86	
23 00 00 HEATING, VENTILATING, AND AIR CONDITIONING	\$ 3,664,014	\$ 46.50	\$ -	\$ -	\$ 3,664,014	\$ 46.50	
26 00 00 ELECTRICAL	\$ 4,172,392	\$ 52.95	\$ -	\$ -	\$ 4,172,392	\$ 52.95	
27 00 00 COMMUNICATIONS	\$ 945,552	\$ 12.00	\$ -	\$ -	\$ 945,552	\$ 12.00	
28 00 00 ELECTRONIC SAFETY AND SECURITY	\$ 2,068,395	\$ 26.25	\$ -	\$ -	\$ 2,068,395	\$ 26.25	
31 00 00 EARTHWORK	\$ 888,080	\$ 11.27	\$ 313,271	\$ 2.27	\$ 1,201,351	\$ 15.25	
32 00 00 EXTERIOR IMPROVEMENTS	\$ 120,113	\$ 1.52	\$ 1,841,783	\$ 13.35	\$ 1,961,896	\$ 24.90	
33 00 00 UTILITIES	\$ -	\$ -	\$ 367,575	\$ 2.66	\$ 367,575	\$ 4.66	
<b>TOTAL DIRECT COST</b>	<b>\$ 37,341,861</b>	<b>\$ 473.91</b>	<b>\$ 2,972,511</b>	<b>\$ 21.54</b>	<b>\$ 40,314,372</b>	<b>\$ 511.63</b>	
<b>INDIRECT COSTS</b>							
General Conditions	4.50%	\$ 1,682,683	\$ 21.35	\$ 133,946	\$ 0.97	\$ 1,816,629	\$ 23.05
General Requirements	2.00%	\$ 747,859	\$ 9.49	\$ 59,532	\$ 0.43	\$ 807,391	\$ 10.25
General Liability Insurance	0.94%	\$ 436,562	\$ 5.54	\$ 34,751	\$ 0.25	\$ 471,313	\$ 5.98
Subcontractor Default Insurance	1.20%	\$ 557,313	\$ 7.07	\$ 44,364	\$ 0.32	\$ 601,677	\$ 7.64

Page 1

CONCEPTUAL ESTIMATE TEMPLATE  
Cedar City Courthouse Opinion of Cost  
8/5/2025



DESCRIPTION	BUILDING		SITE		TOTAL		
	78,796 sf	COST / qty	138,003 sf	COST / qty	78,796 sf	COST / sf	
Payment and Performance Bond	0.85%	\$ 317,406	\$ 4.03	\$ 25,266	\$ 0.18	\$ 342,672	\$ 4.35
Preconstruction Fee	LSUM	\$ 148,203	\$ 1.88	\$ 11,797	\$ 0.09	\$ 160,000	\$ 2.03
Contractor Fee	3.50%	\$ 1,495,457	\$ 18.98	\$ 119,042	\$ 0.86	\$ 1,614,499	\$ 20.49
Construction Contingency	3.00%	\$ 1,393,283	\$ 17.68	\$ 110,909	\$ 0.80	\$ 1,504,192	\$ 19.09
Design Contingency	5.00%	\$ 2,322,138	\$ 29.47	\$ 184,848	\$ 1.34	\$ 2,506,987	\$ 31.82
<b>TOTAL COST</b>		<b>\$ 46,442,765</b>	<b>\$ 589.41</b>	<b>\$ 3,696,967</b>	<b>\$ 26.79</b>	<b>\$ 50,139,732</b>	<b>\$ 636.32</b>

# Preliminary Programming Information

## Departments/Program Overview

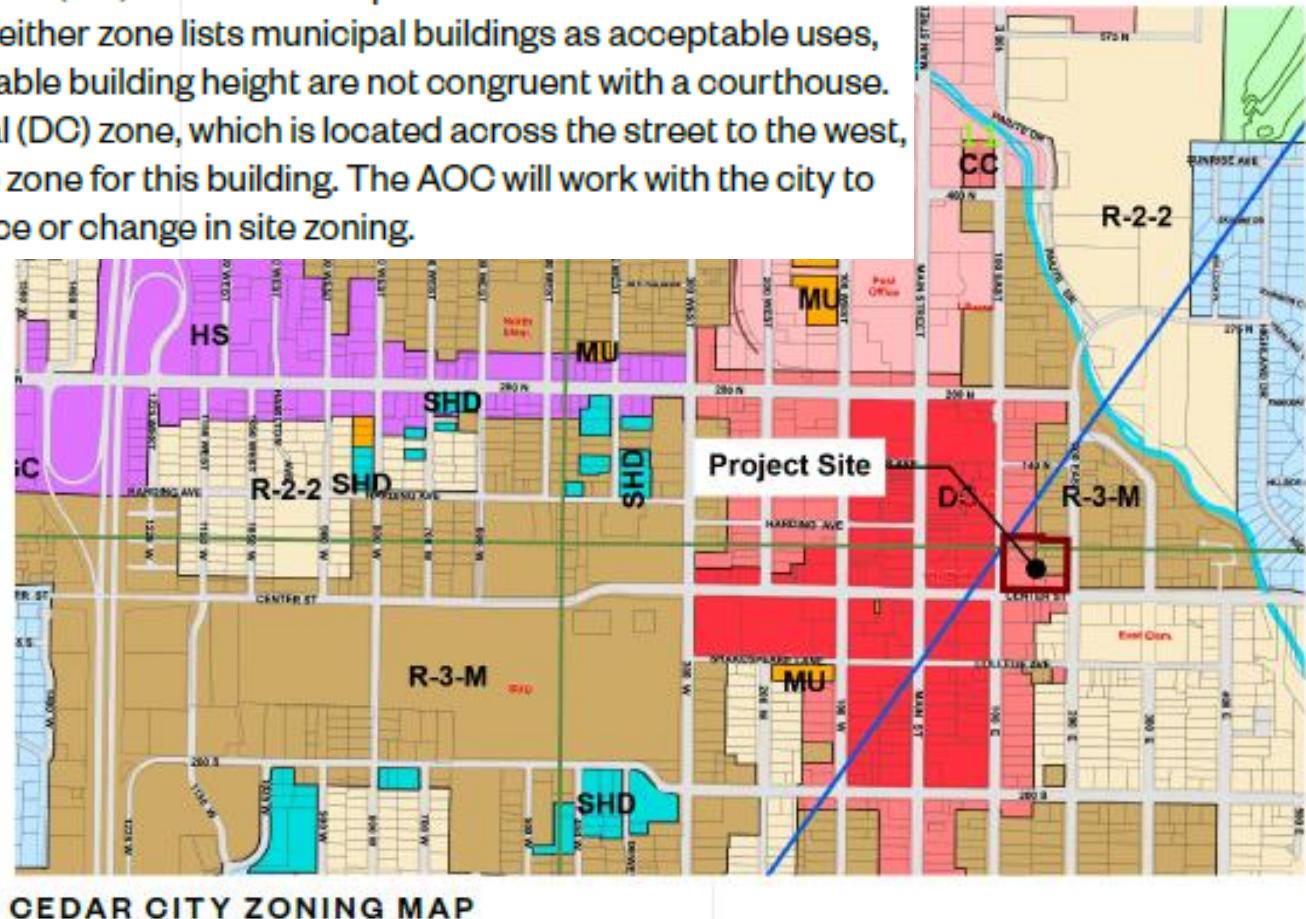
This building will house the necessary functions to provide court services to Cedar City and Iron County residents. We have provided a detailed list of spaces to be included in the new building later in this document. Below is a summary of the departments and the square footage needed to accommodate their needs.

District Court	9,812 SF
Shelled District Courtroom	1,800 SF
District Judicial Offices	2,184 SF
Juvenile Court	3,492 SF
Shelled Juvenile Courtroom	1,600 SF
Juvenile Judicial Offices	1,284 SF
District Clerk	1,698 SF
Juvenile Clerk	1,670 SF
Common Clerk Areas	2,440 SF
Court Administration	790 SF
Courthouse Security	6,882 SF
Shared and Common Spaces	13,990 SF
Guardian Ad Litem	1,942 SF
Probation	3,920 SF
Mediation	1,880 SF

Total Net Square Footage	55,384 SF
Total Gross Square Footage (35% Efficiency Factor)	74,768 SF

# Zoning

The site fronts Center Street and is located between 100 East Street and 200 East Street on the east edge of downtown Cedar City. The existing building parcel falls within the Central Commercial (CC) zone. The new parcel to the east falls within the Residential (R-3-M) zone. Neither zone lists municipal buildings as acceptable uses, and the setbacks and allowable building height are not congruent with a courthouse. The Downtown Commercial (DC) zone, which is located across the street to the west, would be a more applicable zone for this building. The AOC will work with the city to gain the appropriate variance or change in site zoning.



## Detailed Space Totals By Department

	STAFF	QUANTITY	NET AREA	TOTAL NET AREA	COMMENTS
<b>District Court</b>					
Large Courtroom		1	2,500	2,500	
Standard Courtroom		1	1,800	1,800	
Shelled Courtroom		1	1,800	1,800	
Jury Assembly		1	1,800	1,800	
Courtroom Sound Vestibule		8	60	480	
Courtroom Storage		4	20	80	
Attorney/Client Conference Room		4	113	452	
Courtroom Waiting		4	350	1,400	
Witness Waiting/Sequestered Witness		2	120	240	
Jury Deliberation		2	420	840	
Judicial Conference Room		1	220	220	One per district floor. Possibly shared with Juvenile Court
<b>Total Net Square Footage</b>				<b>11,612</b>	
<b>District Judicial Offices</b>					
Judge's Chamber	3	3	320	690	
Judge's Toile and Robe Closet		4	80	320	
Judicial Reception/ Waiting/ Counter		2	300	600	
Law clerk, Attorney	1	1	64	64	
Copy Area		2	120	240	
<b>Total Net Square Footage</b>				<b>2,184</b>	

	STAFF	QUANTITY	NET AREA	TOTAL NET AREA	COMMENTS
<b>Juvenile Court</b>					
Standard Juvenile Courtroom		1	1,600	1,600	
Shelled Juvenile Courtroom		1	1,600	1,600	
Courtroom Sound Vestibule		4	60	240	
Courtroom Storage		1	20	20	
Shelled Courtroom Storage		1	20	20	
Attorney/Client Conference Room		2	113	226	
Shelled Attorney/Client Conference Room		2	113	226	
Courtroom Waiting		2	350	700	
Witness Waiting/Sequestered Witness		1	120	120	
Judicial Conference Room		1	220	220	
Child Waiting Room		1	120	120	Adjacent to the Courtroom - Door and possibly window into the courtroom
<b>Total Net Square Footage</b>				<b>5,092</b>	
 <b>Juvenile Judicial Offices</b>					
Judge's Chamber	2	2	320	640	
Judge's Toile and Robe Closet		2	80	160	
Judicial Reception/ Waiting/ Counter		1	300	300	
Law clerk, Attorney	1	1	64	64	
Copy Area		1	120	120	
<b>Total Net Square Footage</b>				<b>1,284</b>	

	STAFF	QUANTITY	NET AREA	TOTAL NET AREA	COMMENTS
<b>District Clerk</b>					
Clerk of the Court	1	1	180	180	
Judicial Team Manager	1	1	110	110	
Judicial Case Manager	2	2	110	220	
Accounting / Finance Clerk	1	1	64	64	Open Office
Judicial Assistant (Counter)	4	4	64	256	Open Office
Judicial Assistant (Judge)	4	4	64	256	Open Office
Jury Coordinator	1	1	100	100	
Future Coordinator	2	2	100	200	
Intern	2	2	56	112	
District File Storage - Active		1	100	100	
District File Storage - Inactive		1	100	100	
<b>Total Net Square Footage</b>				<b>1,698</b>	

	STAFF	QUANTITY	NET AREA	TOTAL NET AREA	COMMENTS
<b>Juvenile Clerk</b>					
Clerk of the Court	1	1	180	180	
Judicial Team Manager	1	1	110	110	
Judicial Case Manager	2	2	110	220	
Training Coordinator	1	1	100	100	
Program Coordinator	1	1	100	100	
Future Coordinator	2	2	100	200	
Accounting / Finance Clerk	1	1	64	64	Open Office
Admin Assistant	1	1	64	64	Open Office
Judicial Assistant (Counter)	1	1	64	64	Open Office
Judicial Assistant (Judge)	4	4	64	256	Open Office
Intern	2	2	56	112	Open Office
Juvenile File Storage - Active		1	100	100	
Juvenile File Storage - Inactive		1	100	100	
<b>Total Net Square Footage</b>				<b>1,670</b>	

	STAFF	QUANTITY	NET AREA	TOTAL NET AREA	COMMENTS
<b>Common Clerk Areas</b>					
Public Transaction Counter and Queuing		1	900	900	
Public Terminals		1	300	300	
Document Viewing Room		1	120	120	
Computer Booths		4	100	400	
Conference Room		1	300	300	10 person
Copy Room		1	120	120	
Mail room or area		1	100	100	Wall cubbies
Evidence Storage		1	100	100	
Counting Room		1	100	100	
<b>Total Net Square Footage</b>				<b>2,440</b>	
<b>Court Administration</b>					
Trial Court Executive	1	1	250	250	
Trial Court Executive Administrative Assistant	1	1	180	180	
Conference Room		1	300	300	10 person
Copy Room		1	60	60	
<b>Total Net Square Footage</b>				<b>790</b>	
<b>Courthouse Security</b>					
Control Room		1	300	300	Basement Level Holding Area
Vehicle Sally Port		1	1,000	1,000	Basement Level Holding Area
Secure Vestibule - Sally Port Access		1	200	200	Basement Level Holding Area
Secure Vestibule - Internal Staff Access		1	50	50	Basement Level Holding Area
Group Holding - Adult Male		1	200	200	Basement Level Holding Area
Group Holding - Adult Female		1	200	200	Basement Level Holding Area

	STAFF	QUANTITY	NET AREA	TOTAL NET AREA	COMMENTS
Group Holding - Juvenile Male		1	200	200	Basement Level Holding Area
Group Holding - Juvenile Female		1	200	200	Basement Level Holding Area
Individual Holding Cell - Adult		1	60	60	Basement Level Holding Area
Individual Holding Cell - Juvenile		1	60	60	Basement Level Holding Area
Intake Alcove		1	80	80	Basement Level Holding Area
Sheriff Admin Office	1	1	90	90	Basement Level Holding Area
Security Office - Lobby	5	1	110	110	
Lobby Security Station		1	1,200	1,200	
Conference and work Room		1	560	560	Basement Level Holding Area
Security Storage		1	200	200	Basement Level Holding Area
All-Gender Toilet		1	72	72	Basement Level Holding Area
Courtroom Secure Vestibule		6	100	600	Courtroom Level Holding Area
Courtroom Individual Holding Cell		3	80	240	Courtroom Level Holding Area
Courtroom Group Holding Cell		6	130	780	Courtroom Level Holding Area
Courtroom Workstation		3	80	160	Courtroom Level Holding Area
Attorney/Client Interview Space		3	80	160	Courtroom Level Holding Area
<b>Total Net Square Footage</b>				<b>6,882</b>	

	STAFF	QUANTITY	NET AREA	TOTAL NET AREA	COMMENTS
<b>Probation</b>					
Chief Probation Officer	1	1	160	160	
Probation Supervisor	4	4	160	640	
Probation Officer	8	8	150	1,200	1 DPO is included in this count
Probation/Public Meeting Rooms		6	100	600	Included for use as an alternative to meeting in the probation officer's office
Probation Training Coordinator	1	1	100	100	
Waiting and Reception		1	150	150	
Conference Room		1	300	300	
Copy Room		1	150	150	
Break Room		1	120	120	
Storage		1	200	200	
Toilet Room		2	80	160	
Urinalysis Toilet Room		1	140	140	
<b>Total Net Square Footage</b>				<b>3,920</b>	

<b>Mediation</b>					
Reception / Lobby / Waiting		1	600	600	
Large Mediation Room		1	320	320	
Medium Mediation Room		2	240	480	
Caucus Room		3	160	480	
<b>Total Net Square Footage</b>				<b>1,880</b>	

<b>TOTAL STAFF OCCUPANTS</b>	<b>79</b>	<b>55,384</b>	<b>TOTAL NET SQUARE FOOTAGE</b>
		<b>74,768</b>	<b>TOTAL GROSS SQUARE FOOTAGE (35% EFFICIENCY)</b>

Tab 8



# Administrative Office of the Courts

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

January 12, 2026

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

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Proposed amendments to CJA rules 3-109, 4-202.10, and 4-906 are back from a 45-day public comment period. No public comments were received. The Policy, Planning, and Technology Committee (PP&T) recommends that the rules be adopted as final with a *May 1, 2026 effective date*.

### **CJA 3-109. Ethics Advisory Committee (AMEND)**

The proposed amendments: 1) clarify the process by which ethics advisory opinions are requested and issued; and 2) make non-substantive formatting changes.

### **CJA 4-202.10. Record Sharing (AMEND)**

The proposed amendments add the Office of Professional Conduct to the list of entities authorized to access nonpublic juvenile court records.

### **CJA 4-906. Guardian ad litem program (AMEND)**

The proposed amendments: 1) change annual reporting from August to October in (3)(I) to allow the director and chair to report on legislative grants and requests more accurately; 2) increase compensation for conflict guardians ad litem in (6)(D) to attract experienced attorneys to handle conflict cases; and 3) make grammatical and stylistic changes.

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

1   **Rule 3-109. Ethics Advisory Committee.**

2   **Intent:**

3   To establish the Ethics Advisory Committee ("Committee") as a resource for judges to request  
4   advice on the interpretation and application of the Code of Judicial Conduct.

5   To establish a process for recording and disseminating opinions on judicial ethics.

6   **Applicability:**

7   This rule ~~shall apply~~applies to ~~the Judiciary, all employees of the judicial branch of government~~  
8   ~~who are subject to the Code of Judicial Conduct.~~

9   **Statement of the Rule:**

10   (1) Duties.

11   (1)(A) Written opinions. The ~~Ethics Advisory~~ Committee is responsible for providing  
12   opinions on the interpretation and application of the Code of Judicial Conduct to specific  
13   factual situations. The Committee will, in appropriate cases, prepare and publish written  
14   opinions concerning the ethical propriety of professional or personal conduct when  
15   requested to do so by the Council, the Boards, the Judicial Conduct Commission, judicial  
16   officers, court employees, judges pro tempore, or candidates for judicial office. The  
17   eCommittee may interpret statutes, rules, and caselaw when necessary to answer a  
18   request for an opinion.

19   (1)(B) Code of Judicial Conduct. The Committee may, on its own initiate or upon the  
20   request of the Council, the Boards, the Judicial Conduct Commission, judicial officers, or  
21   court employees, propose amendments to the Code of Judicial Conduct and submit  
22   recommendations to the Supreme Court for consideration.

23   (2) ~~The Administrative Office shall provide staff support through the Office of General Counsel~~  
24   ~~and shall distribute opinions in accordance with this rule.~~

25   (2) ~~Duties of the committee~~Ethics advisory opinions.

26   (3)(A) ~~Duties of the committee~~Preparation of opinions.

27   (2)(A) Formal and informal. As used in these rules, the term "informal opinion" refers to  
28   an opinion that has been prepared and released by the Committee. The term "formal  
29   opinion" refers to an opinion that has been approved and released by the Council.  
30   "Formal opinions" will usually be reserved for situations of substantial and general  
31   interest to the public or the Judiciary.

32   (3)(A)(i) ~~The Ethics Advisory Committee shall, in appropriate cases, prepare and publish~~  
33   ~~written opinions concerning the ethical propriety of professional or personal conduct~~  
34   ~~when requested to do so by the Judicial Council, the Boards of Judges, the Judicial~~  
35   ~~Conduct Commission, judicial officers and employees, judges pro tempore or candidates~~

36 ~~for judicial office. The Committee may interpret statutes, rules, and case law as may be~~  
37 ~~necessary to answer a request for an opinion.~~

38 (23)(BA)(ii) **Conduct of others.** The Committee ~~shall~~will respond to an inquiry into the  
39 conduct of others only if:

40 (23)(BA)(ii)(a) the inquiry is made by the ~~Judicial~~ Council, a ~~Board of Judges~~, or  
41 the Judicial Conduct Commission; and

42 (23)(BA)(ii)(b) the inquiry is limited to matters of general interest to the judiciary  
43 or a particular court level.

44 (23)(CA)(iii) **Past conduct.** The Committee ~~will~~shall not answer requests for legal  
45 opinions or inquiries concerning conduct that has already taken place, unless it is of an  
46 ongoing nature.

47 (3)(B) ~~The Committee may receive proposals from the Judicial Council, the Boards of Judges,~~  
48 ~~the Judicial Conduct Commission, and judicial officers and employees or initiate its own~~  
49 ~~proposals for necessary or advisable changes in the Code of Judicial Conduct and shall submit~~  
50 ~~appropriate recommendations to the Supreme Court for consideration.~~

51 (24)(D) **Request sSubmission of requests.**

52 (4)(A) Requests for advisory opinions ~~shall~~must be ~~in writing~~ addressed to the ~~Chair of~~  
53 ~~the Committee, submitted to~~through ~~the~~ Office of General Counsel ("General Counsel")  
54 ~~in writing, and~~ ~~and shall~~ include ~~the following:~~

55 (24)(DA)(i) ~~a~~A brief statement of the contemplated conduct~~;~~

56 (24)(DA)(ii) ~~r~~Referencess to ~~the~~ relevant section(s) of the Code of Judicial  
57 Conduct~~;~~ and

58 (24)(DA)(iii) ~~c~~Gitationss to any relevant ethics opinions or other authority, if known.

59 (4)(B) ~~The request for an opinion and the identity of the requesting party is confidential~~  
60 ~~unless waived in writing by the requesting party.~~

61 (35) **Committee review and publication of informal opinion. nsideration of requests.**

62 (5)(A) ~~As used in these rules, the term "informal opinion" refers to an opinion that has~~  
63 ~~been prepared and released by the Committee. The term "formal opinion" refers to an~~  
64 ~~opinion that has been considered and released by the Judicial Council. "Formal~~  
65 ~~opinions" will usually be reserved for situations of substantial and general interest to the~~  
66 ~~public or the judiciary.~~

67 (35)(AB) **Preliminary recommendation.** Upon receipt of a request for an advisory  
68 opinion, ~~the~~ General Counsel ~~will~~shall research the issue and prepare a preliminary  
69 recommendation for the Committee's consideration. The opinion request, preliminary  
70 recommendation~~,~~ and supporting authorities ~~shall~~must be distributed to ~~the~~ Committee  
71 members within 21 days of receipt of the request.

72       (35)(B) Committee comments. The Committee members ~~shall~~will review the request  
73 and recommendation and submit comments to ~~the~~ General Counsel within 14 days of  
74 ~~their~~ receipt of the request and preliminary recommendation.

75       (35)(C) Final review. General Counsel ~~will~~shall review the comments submitted by ~~the~~  
76 ~~e~~Committee members and, within 14 days of receipt of the comments, prepare a  
77 responsive informal opinion in writing which ~~shall~~will be distributed to the Committee  
78 ~~members~~ for approval.

79       (35)(D) Majority vote. A majority vote of ~~the~~ Committee members is required for  
80 issuance of an informal opinion. ~~- Alternatively, the Committee may by majority vote refer~~  
81 ~~the request to the Council without issuing an informal opinion. The vote~~~~and~~ may be  
82 obtained by electronic means or, upon the request of a Committee member, the ~~c~~Chair  
83 may continue the vote until the next meeting of the Committee.

84       (35)(E) Release to requester. Informal opinions ~~shall~~will be released to the requesting  
85 party within 60 days of receipt of the request unless the chair determines that additional  
86 time is needed for the ~~e~~Committee members to deliberate and finalize the opinion or the  
87 matter is referred to the ~~Judicial~~ Council.

88       (3)(F) Issuance. Unless referred to the Council, the Committee will issue the informal  
89 opinion within 30 days of its release to the requester.

90       (35)(G) Expedited review. Upon the written request of a party and for good cause, the  
91 ~~e~~Committee may ~~issue a respond~~se to a request within a shorter period of time than  
92 provided for in these rules. The requesting party ~~has the responsibility of~~must  
93 establishing that the request is ~~of an emergency nature~~urgent and requires an  
94 abbreviated response time.

95       (46) Referral of informal opinion to Judicial Council. The Council must consider a referral of  
96 ~~an informal opinion made: (1) upon a majority vote from the Committee~~ ~~Upon an affirmative vote~~  
97 ~~of a majority of the Committee members~~or, (2) a motion ~~made by~~ of the requesting party ~~within~~  
98 ~~14 days of release of the~~, ~~or a motion by the Judicial Council, an opinion request~~ informal  
99 ~~opinion~~ ~~and Committee recommendation shall be referred to the Judicial Council for~~  
100 ~~consideration~~. Within 60 days of receipt of the referral, the Council ~~will~~shall consider the ~~request~~  
101 ~~and recommendation~~referral and take the following action:

102       (46)(A) ~~a~~Approve or modify the informal opinion and direct the Committee to ~~release~~  
103 ~~issue~~ the opinion, as initially drafted or modified, ~~to the requesting party~~ as an informal  
104 opinion of the Committee, or

105       (46)(B) ~~a~~Approve or modify the opinion and ~~release~~issue the opinion as a formal opinion  
106 of the Council.

107       (57) Reconsideration of formal and informal opinions.

108       (7)(A) Within 14 days of the issuance of an opinion, ~~the requesting party~~or a Committee  
109 member may request reconsideration. Within 30 days of the issuance of ~~an~~the opinion, a Board

110 ~~of Judges or Council member~~ may request reconsideration if they ~~were~~ ~~Board was~~ not the  
111 requesting party and the opinion addresses matters of general interest to the ~~J~~judiciary or to a  
112 particular court level.

113 **(5)(A) Reconsideration request submission.** Requests for reconsideration of informal  
114 opinions must be made in the first instance to the Committee and then to the ~~Judicial~~  
115 Council. Requests for reconsideration of formal opinions ~~must~~shall be made to the  
116 ~~Judicial~~ Council. Requests for reconsideration ~~shall~~must be in writing, addressed to the  
117 ~~c~~Chair of the Committee or the Presiding Officer of the Council, submitted to ~~through~~ the  
118 General Counsel, and ~~shall~~ include the following:

119 (57)(A)(i) ~~a~~A brief statement explaining the reasons for reconsideration; and

120 (57)(A)(ii) ~~l~~Identification of any new facts or authorities not previously submitted  
121 or considered.

122 (75)(B) **Committee or Council action.** The Committee or Council ~~shall~~will consider the  
123 request as soon as practicable and may take the following action:

124 (57)(B)(i) ~~a~~Approve the request for reconsideration and modify the opinion;

125 (57)(B)(ii) ~~a~~Approve the request for reconsideration and approve the opinion as  
126 originally ~~published~~issued; or

127 (57)(B)(iii) ~~d~~Deny the request.

128 (57)(C) **Committee notice.** The ~~e~~Committee ~~shall~~will be kept advised of the status of  
129 any request to reconsider an opinion.

130 (68) **Recusal.** Circumstances that require recusal of a judge ~~shall~~will require recusal of a  
131 Committee member from participation in Committee action. If the chair is recused, a majority of  
132 the remaining members ~~shall~~will select a chair pro tempore. If a member is recused, the chair  
133 may appoint a ~~lawyer or a~~ judge of the same court ~~level~~ and ~~if applicable the same~~ geographic  
134 division, ~~if applicable, or a lawyer~~ to assist the Committee with its deliberations. Preference  
135 should be given to former members of the Committee.

136 (79) **Publication.** All opinions of the Committee and the ~~Judicial~~ Council ~~shall~~will be numbered  
137 upon issuance, and published in a format approved by the ~~Judicial~~ Council. ~~No published~~  
138 ~~opinion rendered by the Committee or the Council shall identify the requesting party whose~~  
139 ~~conduct is the subject of the opinion unless confidentiality of the requesting party is waived in~~  
140 ~~writing.~~

141 (8) **Confidentiality.** The request for an opinion and the identity of the requesting party is  
142 confidential unless waived in writing by the requesting party.

143 (940) **Legal effect.** Compliance with an informal opinion ~~shall~~will be considered evidence of  
144 good faith compliance with the Code of Judicial Conduct. Formal opinions ~~shall~~will constitute a  
145 binding interpretation of the Code of Judicial Conduct.

146 (10) Staff support. The Administrative Office will provide staff support through the Office of  
147 General Counsel and will distribute opinions in accordance with this rule.

148 *Effective: November 1, 2015*May 1, 2026

1   **Rule 4-202.10. Record sharing.**

2   **Intent:**

3   To establish the authority and limits of sharing non-public records with governmental entities.

4   **Applicability:**

5   This rule applies to non-public court records.

6   **Statement of the Rule:**

7   (1) GRAMA. The court may share court records classified as other than public as provided in  
8   the Government Records Access and Management Act.

9   (2) JCC and OPC. The court may share records classified as other than public with the Judicial  
10   Conduct Commission (“JCC”) and the Office of Professional Conduct (“OPC”), provided ~~if the~~  
11   ~~Commission~~ it is the requester certifies in writing that:

12       (24)(A) the record is necessary for investigating a complaint;

13       (2)(B) the need for the record outweighs the interests protected by closure;

14       (23)(C) the ~~JCC~~ Commission will take the steps necessary to protect the interests  
15   favoring closure if the record is sent to the Supreme Court as part of the review of the  
16   ~~Commission's~~ JCC's order; and

17       (2)(D) the OPC will take the steps necessary to protect the interests favoring closure if  
18   the record is sent to a committee proceeding, screening panel, district court, the  
19   Supreme Court, or any other court or disciplinary authority as part of an investigation or  
20   review of misconduct; and

21       (254)(E) the ~~JCC~~ Commission and OPC ~~access to the record~~ will be restricted ~~access to~~  
22   ~~the record~~ to the same degree as the court.

23   Effective: ~~11/1/2005~~ May 1, 2026

1   **Rule 4-906. Guardian ad litem program.**

3   **Intent:**

4   To establish:

5   (1) ~~the responsibilities of the Guardian ad Litem Oversight Committee ("Committee")~~  
6   ~~established in Rule 1-205.~~

7   (2) ~~To establish~~ the policies~~s~~y and procedures for the management of the guardian ad  
8   item (GAL) program.~~s~~

9   ~~To establish responsibility for management of the program.~~

10   (3) ~~To establish~~ the policies~~s~~y and procedures for the selection of ~~guardians ad~~  
11   ~~itemGALs~~s.

12   (4) ~~To establish~~ the policies~~s~~y and procedures for payment for ~~guardian ad litem~~GAL  
13   services~~s~~and.

14   (5) ~~To establish~~ the policies~~s~~y and procedures for complaints regarding ~~guardians ad~~  
15   ~~itemGALs~~ and volunteers.

16   **Applicability:**

17   This rule ~~applies~~shall apply to the management of the ~~guardian ad litem~~GAL program.

18   This rule does not affect the authority of the Utah State Bar to discipline a ~~guardian ad~~  
19   ~~item~~GAL.

20   **Statement of the Rule:**

21   **(1) Guardian ad Litem Oversight Committee.** The Committee will~~shall~~:

22   (1)(A) develop and monitor policies of the Office of Guardian ad Litem (Office) to:

23       (1)(A)(i) ensure the independent and professional representation of a child-client  
24       and the child's best interest; and

25       (1)(A)(ii) ensure compliance with federal and state statutes, rules~~s~~and case law;

26       (1)(B) recommend rules of administration and procedure to the ~~Judicial~~ Council and  
27       Supreme Court;

28       (1)(C) select the Director of the Office ~~of Guardian ad Litem~~Director in consultation  
29       with the ~~State Court~~ Administrative Officeor;

30       (1)(D) develop a performance plan for the Director;

31       (1)(E) monitor the Office's caseload and recommend to the ~~Judicial~~ Council adequate  
32       staffing of ~~guardians ad litem~~GALs and staff;

33       (1)(F) develop standards and procedures for hearing and deciding complaints and  
34       appeals of complaints; and

35       (1)(G) hear and decide complaints and appeals of complaints as provided in this rule.

36 (2) **Qualifications of the Director.** The Director ~~will shall~~ have the qualifications provided in by  
37 the Utah Code.

38 (3) **Responsibilities of the Director.** In addition to responsibilities under the Utah Code, the  
39 Director ~~will shall~~ have the following responsibilities:-

40 (3)(A) ~~m~~Manage the Office ~~of Guardian ad Litem~~ to ensure that minors who have been  
41 appointed a ~~guardian ad litem~~GAL by the court receive qualified ~~guardian ad litem~~GAL  
42 services:-

43 (3)(B) ~~d~~Develop the budget appropriation request to the legislature for the ~~guardian ad~~  
44 ~~litem~~GAL program:-

45 (3)(C) ~~c~~Coordinate the appointments of ~~guardians ad litem~~GALs among different levels  
46 of courts:-

47 (3)(D) ~~m~~Monitor the services of the ~~guardians ad litem~~GALs, staff, and volunteers by  
48 regularly consulting with users and observers of ~~guardian ad litem~~GAL services,  
49 including judges, court executives and clerks, and by requiring the submission of  
50 appropriate written reports from the ~~guardians ad litem~~GAL:-

51 (3)(E) ~~Determine whether the guardian ad litem caseload in Judicial Districts 1, 5, 6, 7,~~  
52 ~~and 8 is best managed by full or part time employment or by contract monitor attorney~~  
53 GAL caseloads to ensure compliance with national standards:-

54 (3)(F) ~~s~~Select ~~guardians ad litem~~GALs and staff for employment as provided in this rule:-  
55 ~~s~~Select volunteers and ~~c~~Coordinate appointment of conflict counsel:-

56 (3)(G) ~~s~~Supervise, evaluate, and discipline ~~guardians ad litem~~GALs and staff employed  
57 by the courts and volunteers:-

58 (3)(H) ~~s~~Supervise and evaluate the quality of service provided by ~~guardians ad~~  
59 ~~litem~~GALs under contract with the court:-

60 (3)(I) ~~m~~Monitor and report to the Committee ~~guardian ad litem~~GAL, staff, and volunteer  
61 compliance with federal and state statutes, rules, and case law:and:-

62 (3)(J) ~~p~~Prepare and submit to the Committee in OctoberAugust an annual report  
63 regarding the development, policy, and management of the ~~guardian ad litem~~GAL  
64 program and the training and evaluation of ~~guardians ad litem~~GALs, staff, and  
65 volunteers. The Committee may amend the report prior to release to the Legislative  
66 Interim Human Services Committee.

67 (4) **Qualification and responsibilities of ~~guardian ad litem~~GALs.** A ~~guardian ad litem~~GAL ~~will~~  
68 ~~shall~~ be admitted to the practice of law in Utah and ~~will shall~~ demonstrate experience and  
69 interest in the applicable law and procedures. The ~~guardian ad litem~~GAL ~~will shall~~ have the  
70 responsibilities established in by the Utah Code.

71 (5) **Selection of ~~guardian ad litem~~GAL for employment.**

72 (5)(A) A ~~guardian ad litem~~GAL employed by the Administrative Office ~~of the Courts~~ is an  
73 at-will employee subject to dismissal by the Director with or without cause.

74 (5)(B) A ~~guardian ad litem~~GAL employed by the Administrative Office ~~of the Courts~~  
75 ~~will shall~~ be selected by the Director. Prior to the Director's ~~s~~making a selection, a panel  
76 ~~will shall~~ interview applicants and make hiring recommendations to the Director. The

77 interview panel ~~will shall~~ consist of the Director (or Director's designee) and two or more  
78 of the following persons:

79 (5)(B)(i) the managing attorney of the local ~~guardian ad litem~~GAL office;  
80 (5)(B)(ii) the ~~trial~~Court ~~E~~xecutive of the district court or juvenile court;  
81 (5)(B)(iii) a member of the Committee;  
82 (5)(B)(iv) a member of the Utah State Bar Association selected by the Director; or  
83 (5)(B)(v) a member selected by the Director.

84 (6) **Conflicts of interest and disqualification of ~~guardian ad litem~~GAL.**

85 (6)(A) In cases where a ~~guardian ad litem~~GAL has a conflict of interest, the ~~guardian ad~~  
86 ~~litem~~GAL ~~will shall~~ declare the conflict and request that the court appoint a conflict  
87 ~~guardian ad litem~~GAL in the matter. Any party who perceives a conflict of interest may  
88 file a motion with the court setting forth the nature of the conflict and a request that the  
89 ~~guardian ad litem~~GAL be disqualified from further service in that case. Upon a finding  
90 that a conflict of interest exists, the court ~~will shall~~ relieve the ~~guardian ad litem~~GAL from  
91 further duties in that case and appoint a conflict ~~guardian ad litem~~GAL.

92 (6)(B) The Administrative Office ~~of the Courts~~ may contract with attorneys to provide  
93 conflict ~~guardian ad litem~~GAL services.

94 (6)(C) If the conflict ~~guardian ad litem~~GAL is arranged on a case-by-case basis, the  
95 ~~C~~ourt ~~will shall~~ use the order form approved by the Council. The ~~o~~Order ~~will shall~~ include  
96 a list of the duties of a ~~guardian ad litem~~GAL. The court ~~will shall distribute file~~ the ~~original~~  
97 ~~o~~Order ~~as follows:~~ ~~original~~ ~~into~~ the case ~~file~~ and ~~will distribute~~ one copy each to: the  
98 appointed conflict ~~guardian ad litem~~GAL; the ~~guardian ad litem~~GAL; all parties of  
99 record; the parents, guardians or custodians of the child(ren); the ~~C~~ourt ~~E~~xecutive;  
100 and the Director.

101 (6)(D) A conflict ~~guardian ad litem's~~GAL's compensation ~~will shall~~ not exceed \$100~~50~~ per  
102 hour or \$3,000~~1000~~ per case in any ~~twelve month~~twelve-month period, whichever is  
103 less. The per case compensation limit includes incidental expenses incurred in the case.  
104 Under extraordinary circumstances, the Director may ~~extend~~ increase the ~~payment~~  
105 ~~compensation~~ limit upon request from the conflict ~~guardian ad litem~~GAL. The request  
106 ~~will shall~~ include justification showing that the case required work of much greater  
107 complexity than, or time far in excess of, that required in most ~~guardian ad litem~~GAL  
108 assignments. ~~Incidental expenses incurred in the case~~ ~~will shall be included within the~~  
109 ~~limit.~~ If a case is appealed, ~~the limit shall be extended by an additional~~  
110 ~~\$400~~compensation will be as set forth above.

111 (7) **Staff and ~~V~~Volunteers.**

112 (7)(A) The Director ~~will shall~~ develop a strong volunteer component to the ~~guardian ad~~  
113 ~~litem~~GAL program and provide support for volunteer solicitation, screening, and training.  
114 Staff and volunteers ~~will shall~~ have the responsibilities established ~~in~~by the Utah Code.

115 (7)(B) Training for staff and volunteers ~~will shall~~ be conducted under the supervision of  
116 the attorney ~~guardian ad litem~~GAL with administrative support provided by the Director.  
117 Staff and volunteers ~~will shall~~ receive training in the areas of child abuse, child  
118 psychology, juvenile and district court procedures, and local child welfare agency

119 procedures. Staff and volunteers ~~will shall~~ be trained in the guidelines established by the  
120 National Court Appointed Special Advocate Association.

121 (8) **Private guardians ad litem (“PGALs”).**

122 (8)(A) **List.** The Director ~~will shall~~ maintain a list of ~~private attorney guardians ad~~  
123 ~~litem~~PGALs qualified for appointment.

124 (8)(B) **Application.** To be included on the list of eligible ~~private attorney guardians ad~~  
125 ~~litem~~PGALs, ~~an~~ applicants ~~shall~~ ~~must~~ apply for eligible private attorney guardian  
126 ~~status~~ submit a written application to the ~~Utah~~ Office of Guardian ad Litem and:

127 (8)(B)(i) ~~show membership~~ ~~be a member~~ in good standing in the Utah State Bar;

128 (8)(B)(ii) provide a Bureau of Criminal Identification criminal history report;

129 (8)(B)(iii) provide a Utah Division of Child and Family Services ~~c~~hild ~~a~~Abuse  
130 ~~d~~Database report (~~and~~ ~~like similar~~ information from any state in which the  
131 applicant has resided as an adult);

132 (8)(B)(iv) provide a certificate of completion for any initial or additional necessary  
133 training requirements established by the Director;

134 (8)(B)(v) agree to perform in a competent, professional, proficient, ethical, and  
135 appropriate manner;

136 (8)(B)(vi) ~~and to~~ meet any minimum qualifications as determined by the Director;  
137 and

138 (8)(B)(vii) agree to be evaluated at the discretion of the Director for competent,  
139 professional, proficient, ethical, appropriate conduct, and/or performance, and  
140 minimum qualifications.

141 (8)(C) **Appointment.** Upon the appointment by the court of a ~~private guardian ad~~  
142 ~~litem~~PGAL, the court ~~will shall~~:

143 (8)(C)(i) use the following language in its order: "The Court appoints a private  
144 attorney guardian ad litem to be assigned by the Office of Guardian ad Litem, to  
145 represent the best interests of the minor child(ren) in this matter.";

146 (8)(C)(ii) designate in the order whether the ~~private attorney~~ PGAL guardian ad  
147 ~~litem~~ ~~will shall~~:

148 (8)(C)(ii)(a) be paid the set fee, as established by paragraph (8)(F), and  
149 an initial retainer;

150 (8)(C)(ii)(b) not be paid and serve pro bono; or

151 (8)(C)(ii)(c) be paid at a rate less than the set fee in paragraph (8)(F); and

152 (8)(C)(iii) send the order to the Director c/o the Private Attorney Guardian ad  
153 Litem Program.

154 (8)(D) **Assignment.** Upon receipt of the court's order appointing a ~~private guardian ad~~  
155 ~~litem~~PGAL, the Director ~~will shall~~ contact and assign the case to an eligible attorney, if  
156 available.

157 (8)(E) **Notice of appearance and representation.** Upon accepting the court's  
158 appointment, the assigned attorney will~~shall~~ file a notice of appearance with the court  
159 within five business days of acceptance, and will~~shall~~ thereafter represent the best  
160 interests of the minor(s) until released by the court.

161 (8)(F) **Fees.** The hourly fee to be paid by the parties and to be ordered and apportioned  
162 by the court against the parties will~~shall~~ be \$150.00 per hour or ~~at~~ a higher rate ~~as~~  
163 determined reasonable by the court. The retainer amount will~~shall~~ be \$1,000 or a  
164 different amount determined reasonable by the court. The retainer amount will~~shall~~ be  
165 apportioned by the court among the parties and paid by the parties.

166 (8)(G) **Education.** Each year, ~~private attorney guardian ad litem~~PGALs ~~must~~shall  
167 complete three hours of continuing legal education (CLE) ~~credits that are~~ relevant to the  
168 role and duties of a ~~private attorney guardian ad litem~~PGAL. To meet this requirement,  
169 the Office ~~of Guardian ad Litem~~will~~shall~~ provide training opportunities that are  
170 accredited by the Utah State Bar Board of Mandatory Continuing Legal Education. In  
171 order to provide access to all ~~private attorney guardians ad litem~~PGALs, the Office ~~of~~  
172 ~~Guardian ad Litem~~ ~~sh~~will~~ll~~ provide multiple trainings at locations throughout the State or  
173 online.

174 **(8)(H) Removal.**

175 (8)(H)(i) A ~~private attorney guardian ad litem~~PGAL who fails to complete the  
176 required number of CLE hours will~~shall~~ be notified that unless all requirements  
177 are completed and reported within 30 days, the Director may remove the ~~private~~  
178 ~~attorney guardian ad litem~~PGAL from the list of eligible ~~private attorney~~  
179 ~~guardians ad litem~~PGALs.

180 (8)(H)(ii) The Director may remove with or without a complaint a PGAL from the  
181 list of eligible PGALs for failure to perform or conduct themselves in a competent,  
182 professional, proficient, ethical, or appropriate manner, or for failure to meet  
183 minimum qualifications, including the annual CLE requirement. Within a  
184 reasonable time after the removal, and in the event the PGAL has not yet been  
185 released by the court in a pending case, the Director will provide written notice to  
186 the court of the Director's action, and the court may, in its discretion, determine  
187 whether the PGAL should be released from the case.

188 (9) **Complaints and appeals.**

189 (9)(A) **Complaints against Director or administrative policies.** (9)(A)(i) Any person  
190 ~~may file~~ Complaints against the Director or an administrative policy or procedure must  
191 be submitted to ~~with~~ the chair of the Committee. Complaints submitted to the Director's  
192 office must be sent to the Committee chair within a reasonable period of time, but not  
193 more than 14 days after receipt. ~~a complaint regarding the Director, or regarding an~~  
194 ~~administrative policy or procedure, not including complaints regarding a particular~~  
195 ~~guardian ad litem, private guardian ad litem, or volunteer.~~ If deemed necessary, the  
196 Committee may ~~enter a recommendation~~ to the Judicial Council, which may include  
197 ~~discipline of that~~ the Director ~~be disciplined~~.

198 (9)(A)(ii) If a complaint regarding the Director or an administrative policy or  
199 procedure is received in the Director's office, the Director shall forward the  
200 complaint to the chair of the Committee within a reasonable time, but not more  
201 than 14 days after receipt.

202 (9)(B) **Complaints against GALs or volunteers.**

203 (9)(B)(i) Any person may file with the Director a ~~complaints against~~ regarding a  
204 ~~guardian ad litem~~GAL employed by the Office ~~of~~ of ~~Guardian ad Litem~~, ~~a~~ private  
205 ~~attorney~~ ~~guardian ad litem~~PGAL, or ~~a~~ a volunteer, as defined ~~in~~by Utah CodeA  
206 ~~section~~ 78A-6-902(4)(a)~~207, must be submitted to the Director~~. The decision of  
207 the Director regarding the complaint is final and not subject to appeal.

208 (9)(B)(ii) If a ~~guardian ad litem~~GAL and a volunteer disagree on the major  
209 decisions involved in representation of the client, either may notify the Director  
210 that the dispute cannot be resolved. The decision of the Director regarding the  
211 dispute is final and not subject to appeal.

212 (9)(B)(iii) The failure of the Director to satisfactorily resolve a complaint against  
213 a ~~guardian ad litem~~GAL, ~~private attorney~~ ~~guardian ad litem~~PGAL, or volunteer is  
214 not grounds for a complaint against the Director.

215 (9)(E) ~~The Director may remove with or without a complaint a private attorney guardian~~  
216 ~~ad litem from the list of eligible private guardians ad litem for failure to perform or~~  
217 ~~conduct themselves in a competent, professional, proficient, ethical and/or appropriate~~  
218 ~~manner or for failure to meet minimum qualifications, including the annual continuing~~  
219 ~~legal education requirement. Within a reasonable time after the removal, and in the~~  
220 ~~event the private attorney guardian ad litem has not yet been released by the court in a~~  
221 ~~pending case, the Director shall provide written notice to such court of the Director's~~  
222 ~~action, and the court may, in its discretion, determine whether the private attorney~~  
223 ~~guardian ad litem should be released from the case.~~

224 (9)(F)(i) **Complaint submission.** A complaint ~~shall~~must be in writing, ~~and~~ and include:

225 (9)(C)(i) ~~stating~~ the name and contact information of the complainant;

226 (9)(C)(ii) the name of the child ~~(ren)~~or~~children~~ involved;

227 (9)(C)(iii) ~~the facts upon which the complaint is based in sufficient detail to inform~~  
228 ~~the Committee or the Director of the nature and date of the alleged misconduct.~~  
229 ~~the nature of the complaint and the facts upon which the complaint is based.~~

231 (9)(D)(ii) **Investigation.** In resolving a complaint, the Director or ~~the~~ Committee ~~will~~shall  
232 conduct ~~such an~~ investigation as ~~determined by~~ the Director or ~~the~~ Committee  
233 ~~determines~~ to be reasonable. The Director or ~~the~~ Committee may meet separately or  
234 together with the complainant and the person against whom the complaint is filed.

235 (9)(E)(iii) **Decision.** The decision of the Director may include discipline of the person  
236 against whom the complaint is filed. If the complaint is against a ~~private~~ ~~guardian ad~~  
237 ~~litem~~PGAL, the decision may include removal of the ~~private~~ ~~guardian ad litem~~PGAL from  
238 the list of ~~private~~ ~~guardians ad litem~~PGALs and the conditions for reinstatement.

239 (9)(F) **Applicability.** ~~This subsection~~Paragraph (9) does not apply to conflict ~~guardians~~  
240 ~~ad litem~~GALs.

Tab 9



# Administrative Office of the Courts

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

January 12, 2026

**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 Public Comment

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The Policy, Planning, and Technology Committee (PP&T) recommends that CJA rule 4-510.04 be approved for a 45-day public comment period.

### **CJA 4-510.04. ADR training (AMEND)**

The proposed amendments: 1) ensure court-qualified Primary Trainers are actively involved in 40-hour basic mediation training; 2) require court-qualified mediation training providers to provide or facilitate opportunities for trainees to get the observation and experience requirements necessary to be admitted to the ADR Roster; and 3) make non-substantive formatting changes.

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

1   **Rule 4-510.04. ADR training.**

2   **Intent:**

3   To establish course content, methodology, and trainer qualifications for ~~Court~~ court-approved 40-  
4   hour ~~B~~ basic ~~M~~ mediation ~~T~~ training (“Basic Mediation Training”) and to establish a process for  
5   certification of training programs.

6   **Applicability:** This rule applies ~~in the district court~~to the Judiciary.

7   **Statement of the Rule:**

8   **(1) Course content requirements.** Any trainer or training program seeking to offer a mediator  
9   training program that fulfills the ~~Court’s~~ 40-hour mediator training requirement must abide by the  
10   following:

11   **(12)(A) Submission of training materials.** When applying for certification and renewal,  
12   training programs ~~must~~shall provide the ADR Office (“Office”)~~at the AOC~~ with all training  
13   materials which will be used in the training program. These materials ~~shall~~must include  
14   all exercises, handouts, and,~~but are not limited to, the following:~~ the training manual  
15   provided~~that is given~~ to the participants, including the required readings; ~~all exercises~~  
16   and handouts. Revisions, deletions, and/or additions to the previously approved training  
17   materials must be reported to the Office prior to conducting any course.

18   **(13)(B) ADR syllabus approval.** In addition to submission of training materials, each  
19   training program must seek approval of its syllabus from the Office no later than 20  
20   working days in advance of each scheduled offering of a certified mediation training  
21   program. ~~The syllabus shall~~will ~~be reviewed by the Office for compliance with the~~  
22   ~~training standards.~~ The syllabus must be submitted in a format that easily identifies the  
23   presentation topic, the trainer(s) for each topic, the time allotted to each topic, any  
24   training activities, and the inclusion of the break times. The Office will review the syllabus  
25   for compliance with the training standards and ~~shall~~ notify the trainer or training program  
26   of any deficiencies no later than 10 working days before the program is ~~to be~~  
27   ~~offered~~scheduled. Any deficiencies in the program syllabus ~~shall~~must be corrected prior  
28   to the commencement of the training program.

29   **(14)(C) Readings.** All training programs must provide ~~the~~ participants with a copy~~copies~~  
30   of Rules 4-510.01-06, ~~UCJA, Rule 104~~Rule 104 of the Utah Rules of Court-Annexed  
31   Alternative Dispute Resolution (URCADR)~~Rule 104 (the ethical code)~~, Utah Code  
32   ~~title~~Title 78B, ~~c~~Chapter 6, ~~p~~Part 2, Alternative Dispute Resolution Act, ~~and~~Utah Code  
33   ~~t~~Title 78B, ~~c~~Chapter 10, Utah Uniform Mediation Act, and the Utah Mediation Best  
34   Practice Guide. Time spent reading the required materials may not count towards the  
35   required number of hours of training and can be completed by participants at times when  
36   the training program is not being conducted. ~~Trainers shall incorporate in this~~The  
37   program ~~some~~must include a method ~~of to~~ ensuring that the required readings are  
38   completed.

(15)(D) **Ethics Training.** Training programs shall must review with participants Rule 104 of the URCADR and ~~Code of Ethics for ADR Providers~~. In addition, incorporate ethics shall be woven throughout the program.

## (1)(E) Mediation oObservation and eExperience oOpportunities.

(1)(E)(i) In addition to the Basic Mediation Training, the training program must:  
All court-qualified 40-hour basic trainings;:

(1)(E)(i)(a) mMust provide opportunities for those participants, who successfully complete the training, to fulfill all 10 hours of mediation observation and all 10 hours of co-mediation experience in accordance with Rule UCJA 4-510.03: or

(1)(E)(i)(b) pProvide documentation evidencing how the trainer will provide opportunities for all 10 hours of mediation observation and all 10 hours of co-mediation experience hours in accordance with UCJA Rule 4-510.03. For example, E.g. T he contractual arrangements with Utah Court Rostered Mediators on the Roster who have agreed to provide opportunities which fulfill the requirements in Rule UCJA 4-510.03.

(1)(E)(ii) Trainers who provide Basic Mediation Training for 25 or fewer participants per calendar year need only provide all 10 hours of mediation observation opportunities in accordance with RuleUCJA 4-510.03 or provide documentation evidencing how the trainer will provide opportunities for participants to complete all 10 hours of mediation observation in accordance with UCJA Rule 4-510.03. E.g. The For example, contractual arrangements with mediators on the RosterUtah Court Rostered Mediators who have agreed to provide opportunities which fulfill the mediation observation requirement in RuleUCJA 4-510.03.

## (26) Training mMethodology:

**(4)(A)(ii)(a)-(26)(A) Pedagogy.** The program ~~shall must~~ include, ~~but is not limited to, the following:~~ lecture, group discussion, written exercises, mediation simulations, and role plays. ~~In addition, e~~ Outside readings should also be provided by the trainer to supplement the training.

(26)(B) **Mediation Demonstration.** All training programs ~~shall~~must present a role play mediation simulation (either live or by video) prior to the participant's role play experience as the mediator.

**(26)(C) Primary Trainer.** A Primary Trainer must be in attendance during the entire training program and actively instructing over 50 percent of the training content. It is preferable that a single Primary Trainer fulfill this obligation, but it is permissible that this be accomplished by more than one Primary Trainer.

77        (26)(D) **Participant attendance.** Participants must complete their training requirement  
78        by attending one entire program. The Pprimary Itrainer is responsible for ensuring that  
79        participants comply with the approved syllabus ~~is complied with~~. Under no  
80        circumstances may a participant be excused from attending portions of the training.  
81        Any portion of the training missed ~~shall~~must be made up as directed by the Pprimary  
82        Itrainer.

83        (37) **Primary Trainer Qualifications.**

84        (3)(A) Training programs ~~shall~~must employ a Pprimary Itrainer approved by the Office  
85        who meets the applicable qualifications of a Pprimary Itrainer ~~and who have been~~  
86        ~~approved by the Office. In order to be approved as a~~

87        (3)(B) Pprimary Itrainers, ~~a trainer~~ must demonstrate at least the following  
88        qualifications:

89                (37)(BA)(i) sSuccessful completion of a minimum of 40 hours of mediation  
90                training;  
91

92                (37)(B)(ii) pParticipation in a minimum of 300 hours of mediation acting as the  
93                mediator; and

94                (37)(BG)(iii) cCompletion of 6 hours of continuing mediator education in the last  
95                year.

96        (37)(CD) Primary Itrainers are approved for a three-~~(3)~~ year period.  
97

98        Effective: ~~4/1/2012~~May 1, 2026

Tab 10

Name \_\_\_\_\_

Address \_\_\_\_\_

City, State, Zip \_\_\_\_\_

Phone \_\_\_\_\_

Email \_\_\_\_\_

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

I am  Plaintiff/Petitioner  Defendant/Respondent  
 Plaintiff/Petitioner's Attorney  Defendant/Respondent's Attorney (Utah Bar #: \_\_\_\_\_)  
 Plaintiff/Petitioner's Licensed Paralegal Practitioner  
 Defendant/Respondent's Licensed Paralegal Practitioner (Utah Bar #: \_\_\_\_\_)

In the District Court of Utah

\_\_\_\_\_ Judicial District \_\_\_\_\_ County

Court Address \_\_\_\_\_

	<b>Plaintiff's Declaration of Damages</b>
Plaintiff	Case Number _____
V.	Judge _____
Defendant	

Plaintiff says

**1. Rent due after the notice expired** (Check one. Fill in blanks if appropriate.)

There was no agreement for defendants to pay rent. No rent was ever paid.

There is a written or oral agreement for the defendants to pay rent.

a. The monthly rent for the property is: \$ \_\_\_\_\_.

b. The monthly rent multiplied by 12 is \$ \_\_\_\_\_. This is the yearly rent.

c. The yearly rent divided by 365 is: \$ \_\_\_\_\_. This is the daily rent.

d. The notice was served on: \_\_\_\_\_.

e. The notice is a \_\_\_\_\_ (number of days) notice.

f. Skipping the day I served the notice (day zero), it expired on \_\_\_\_\_.  
(Read the notice and compare paragraphs d and e. Calculate the date based on when you served the notice and the number of days it gave to comply.)

g. It has been \_\_\_\_\_ days since the notice expired.

h. If I multiply the daily rent from paragraph c by the number of days in paragraph g, it gives me a total of \$\_\_\_\_\_.

**2. Amounts due under the contract besides rent** (Check one. Fill in blanks if appropriate.)

Defendants do not owe any other amounts under the contract.

Defendants owe \$\_\_\_\_\_ under the contract. It is for (explain)

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**3. Waste** (Check one. Fill in blanks if appropriate.)

The complaint did not include a notice for waste.

The complaint included a notice for waste. Defendants owe \$\_\_\_\_\_ for waste because (explain):

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**4. Clearing a nuisance** (Check one. Fill in blanks if appropriate.)

The complaint did not include a notice for criminal nuisance.

The complaint included a notice for criminal nuisance. Defendants owe \$\_\_\_\_\_ for clearing a nuisance because (explain):

---

---

**5. Treble damages**

When I add the totals in paragraphs 1, 2, 3, and 4 above the total is \$\_\_\_\_\_. That amount multiplied by 3 is \$\_\_\_\_\_.

**6. Past due rent as listed in the 3-day notice** (Check one. Fill in blanks if appropriate.)

There is no past due rent owed from before the notice was filed.

The defendants owe \$\_\_\_\_\_ in past due rent. This is the amount that was listed on the 3-day notice.

**7. Attorney Fees** (Check one. Fill in blanks if appropriate.)

I do not have an attorney or no attorney fees are owed.

The defendants owe \$\_\_\_\_\_ in attorney fees.

**8. Filing Fees** (Check one. Fill in blanks if appropriate.)

I am not asking for reimbursement of filing fees.

The defendants owe \$\_\_\_\_\_ for the filing fee I paid.

**9. Service Fees** (Check one. Fill in blanks if appropriate.)

I did not have to pay any service fees or I am not asking for reimbursement of serving fees.

The defendants owe \$\_\_\_\_\_ for the fees I paid to have defendants served.

**10. Damage to plaintiff's property** (Check one. Fill in blank if appropriate.)

Defendants did not cause damage beyond normal wear and tear while in possession of plaintiff's property

Defendants caused the following damage beyond normal wear and tear while in possession of plaintiff's property (Briefly describe the damage.):

---

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Plaintiff has paid or will pay \$\_\_\_\_\_ to repair the damage caused by defendant(s). Plaintiff is attaching an itemized list of costs plaintiff has already paid to repair the property. If plaintiff has not yet repaired the property, one or more bids or estimates of the costs of repair are attached.

**11.  Other damages**

In addition to the amounts above, plaintiff is entitled to \$\_\_\_\_\_ from defendants for the following reasons. (Include only other damages allowed by statute or case law. Proof is required.)

---

---

---

## **12. Total Amount of Damages**

The total amount of damages I am asking for is \$\_\_\_\_\_ (add the amounts in paragraphs 5 to 11 above).

### **Plaintiff**

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

Signed at \_\_\_\_\_ (city, and state or country).

Date \_\_\_\_\_ Signature ► \_\_\_\_\_  
Printed Name \_\_\_\_\_

### **Attorney or Licensed Paralegal Practitioner of record (if applicable)**

Date \_\_\_\_\_ Signature ► \_\_\_\_\_  
Printed Name \_\_\_\_\_

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

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

### **Certificate of Service**

I confirm that I provided a copy of this Plaintiff's Affidavit of Damages to the following people.

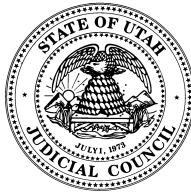
I provided a copy to <b>Name of Person</b>	I provided the copy by <b>[x]check one</b>	I provided the copy to this <b>address</b> <b>(based on ← option checked)</b>	I provided the copy on <b>Date</b>
1.	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed/MyCase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

Your Signature



Date  
(when you filled this out)

Your Printed  
Name



## Administrative Office of the Courts

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

November 10, 2025

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

### M E M O R A N D U M

TO: Forms Committee

FROM: Pleasy Wayas, with approval of Family Law Forms Subcommittee

RE: Proposed Addition to Divorce Jurisdiction Options in MyPaperwork

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Currently divorce pleadings in MyPaperwork only allow for jurisdiction based on one of the parties having lived in a Utah county for at least 90 days before filing. However, there are more options available. [Utah Code 81-4-402](#) says:

- (1) An individual may bring a petition for divorce if:
  - (a) the individual or the individual's spouse is an actual and bona fide resident of the county where the petition is filed for at least 90 days before the day on which the petition is filed;
  - (b) the individual is a member of the armed forces of the United States and the individual is stationed under military orders in this state for at least 90 days before the day on which the petition is filed; or
  - (c) both parties to the marriage have consented to personal jurisdiction for divorce or annulment under Subsection 81-2-303(5)(a)(ii).

And [Utah Code 81-2-303\(5\)](#) states:

- (5) (a) A county clerk may not issue a marriage license until the county clerk receives:
  - (i) an affidavit from each party applying for the marriage license, stating that there is no lawful reason preventing the marriage; and
  - (ii) if one of the parties will not be physically present in the state at the time of solemnization of the marriage, an affidavit from each party applying for the marriage license, stating that the party consents to personal jurisdiction of the state, and of the county issuing the marriage license, for the purposes of filing a divorce or annulment of the marriage.
- (b) A county clerk shall file and preserve each affidavit provided under this section.

Some counties, like [Utah County](#), allow people to get married online without either party being present in Utah if they consent to jurisdiction. Individuals who marry this way may need to get divorced in Utah even when they do not live here. The Forms Committee has received requests to add an option to MyPaperwork for these situations. If approved this language would appear when appropriate in divorce petitions, counterpetitions, stipulations, findings and decrees that are created by MyPaperwork.

The proposed language is:

Neither party lives in \_\_\_\_\_ county. One or both parties was not physically present in Utah at the time of the marriage. Both parties consented to Utah jurisdiction and to the jurisdiction of (county name inserted here) by signing the affidavit to get a marriage license. (Utah Code 81-4-402)

Name \_\_\_\_\_

Address \_\_\_\_\_

City, State, Zip \_\_\_\_\_

Phone \_\_\_\_\_

Email \_\_\_\_\_

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

I am  Plaintiff/Petitioner  Defendant/Respondent  
 Plaintiff/Petitioner's Attorney  Defendant/Respondent's Attorney (Utah Bar #: \_\_\_\_\_)  
 Plaintiff/Petitioner's Licensed Paralegal Practitioner  
 Defendant/Respondent's Licensed Paralegal Practitioner (Utah Bar #: \_\_\_\_\_)

In the District Court of Utah

\_\_\_\_\_ Judicial District \_\_\_\_\_ County

Court Address \_\_\_\_\_

Plaintiff	<b>Complaint for Unlawful Detainer (Eviction)</b> Utah Code 78B-6-801 to 814
V.	Case Number _____
Defendant	Judge _____

1. Plaintiff is (Choose one.):

- an individual over the age of 18 (including a DBA – Doing Business As) and the owner of the property.
- a business or trust with legal right to proceed in this action on behalf of the owner and represented by a lawyer.
- other: \_\_\_\_\_

2. Defendants, \_\_\_\_\_ (names) are residents at: \_\_\_\_\_ (property address).

3. The agreement to rent the property is: (Choose one.)  
[ ] in writing. The contract is attached as Exhibit 1.  
[ ] not in writing. It was an oral agreement.

4. Defendants agreed: (Complete a, b, and c or d.)  
[ ] a. To rent the premises:  
[ ] for 1 year, starting on \_\_\_\_\_  
[ ] month-to-month  
[ ] other: \_\_\_\_\_

      b. To pay rent of \$ \_\_\_\_\_ [ ] monthly [ ] other:  
\_\_\_\_\_

      c. To pay rent on [ ] first of the month [ ] other:  
\_\_\_\_\_

      [ ] d. Other: \_\_\_\_\_

5. Defendants was served with the following notices: (Check any that apply.)  
[ ] Three Day Notice to Pay or Vacate (Utah Code 78B-6-802(1)(c))  
[ ] Three Day Notice to Comply or Vacate (Utah Code 78B-6-802(1)(h))  
[ ] Three Day Notice to Vacate for  
      [ ] assigning or subletting (Utah Code 78B-6-802(1)(d))  
      [ ] committing criminal act (Utah Code 78B-6-802(1)(g))  
      [ ] for criminal nuisance (Utah Code 78B-6-1107)  
      [ ] committing waste on premise (Utah Code 78B-6-802(1)(d))  
      [ ] lease violation(s) (Utah Code 78B-6-802(1)(c))  
      [ ] nuisance (Utah Code 78B-6-802(1)(f))  
      [ ] unlawful business on the premises (Utah Code 78B-6-802(1)(e))  
[ ] Five Day Notice to Tenant at Will (Utah Code 78B-6-802(1)(b)(ii))  
[ ] Fifteen Day Notice to Vacate (Utah Code 78B-6-802(1)(b)(l))  
[ ] Other: \_\_\_\_\_

6. On \_\_\_\_\_ (date), the period stated in the notices described in paragraph 5 above ended. A copy of the notices served are attached as Exhibit 2.

7. Plaintiff is asking to evict defendants for the following reasons: (Check the box that matches the eviction notices you already served.)

[ ] a. **Three Day Notice to Pay or Vacate** (Utah Code 78B-6-802(1)(c))  
Defendants owe plaintiff \$\_\_\_\_\_.

[ ] unpaid rent, for the time period of \_\_\_\_\_ through  
\_\_\_\_\_ (date the notice expired).

[ ] money other than rent due under the contract:

\_\_\_\_\_  
(explain what the money is for, such as utilities)

[ ] b. **Three Day Notice to Comply or Vacate** (Utah Code 78B-6-802(1)(h))  
Defendants have violated the parties' rental agreement as follows:

\_\_\_\_\_

\_\_\_\_\_

[ ] c. **Three Day Notice to Vacate for Assigning or Subletting**

(Utah Code 78B-6- 801(1)(d))

Defendants have sublet the premises in violation of the rental agreement  
as follows: \_\_\_\_\_

\_\_\_\_\_

[ ] d. **Three Day Notice to Vacate for Committing Criminal Act**

(Utah Code 78B-6-802(1)(g))

Defendants have committed a criminal act as follows: \_\_\_\_\_

\_\_\_\_\_

[ ] e. **Three Day Notice to Vacate for Criminal Nuisance** (Utah Code 78B-6-1107)

Defendants have committed criminal nuisance as follows: \_\_\_\_\_

\_\_\_\_\_

[ ] f. **Three Day Notice to Vacate for Committing Waste on Premises**

(Utah Code 78B-6-802(1)(d))

Defendants have committed waste as follows: (Examples of waste are  
destruction of property, failure to maintain, trash)

\_\_\_\_\_

[ ] g. **Three Day Notice to Vacate for Violations that Cannot Be Brought into  
Compliance** (Utah Code 78B-6-802(1)(c))

Defendants have violated the parties' rental agreement by committing a violation that cannot be brought into compliance as follows: \_\_\_\_\_

---

[ ] h. **Three Day Notice to Vacate for Nuisance** (Utah Code 78B-6-802(1)(f))

Defendants have permitted nuisance as follows: \_\_\_\_\_

---

[ ] i. **Three Day Notice to Vacate for Engaging in Unlawful Business on or in the Premises** (Utah Code 78B-6-802(1)(e))

Defendants have engaged in unlawful business on or in the premises as follows:

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[ ] j. **Five Day Notice to Tenant at Will** (Utah Code 78B-6-802(1)(b)(ii))

Plaintiff served a Five Day Notice to Tenant at Will upon defendants and incorporates that notice and the statements contained in the notice as part of this complaint.

[ ] k. **Fifteen Day Notice to Vacate** (Utah Code 78B-6-802(1)(b)(l))

Plaintiff served a Fifteen Day Notice to Vacate upon defendants. It is attached.

8. Defendants did not comply with the notices and are still in possession of the property.

9. Plaintiff asks for an Order of Restitution to remove defendants from plaintiff's property. (Utah Code 78B-6-811(1)(b) and 78B-6-812)

10. Plaintiff asks for a judgment upon proof at trial or upon plaintiff's affidavit in the event of defendant's default of any rent due and unpaid by defendants through the date the notice expires as well as any unpaid amounts under the rental agreement. (Utah Code 78B-6-811)

11. Plaintiff asks for treble (three times) the following damages for (Utah Code 78B-6-811):

[ ] rent for the time the tenant unlawfully detained the premises;

- other money due under the contract
- physical damages beyond normal wear and tear (waste) caused by defendants to the plaintiff's property (this complaint and the notice served include a claim for waste) (Utah Code 78B-6-802(1)(d));
- the abatement (termination) of criminal nuisance caused by defendants (the complaint and the notice served include a claim for criminal nuisance) (Utah Code 78B-6-1107 through 1114).

[ ] 12. Plaintiff is entitled to a judgment for reasonable attorney's fees. (Utah Code 78B-6-811)

### **Requests for Relief**

Plaintiff asks that this court:

1. Enter an Order of Restitution to evict the defendants.
2. Grant plaintiff a judgment for unpaid rent, damages and other amounts due.
3. Grant other available relief.

### **Plaintiff**

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

Signed at \_\_\_\_\_ (city, and state or country).

Date \_\_\_\_\_ Signature ► \_\_\_\_\_  
Printed Name \_\_\_\_\_

### **Attorney or Licensed Paralegal Practitioner of record (if applicable)**

Date \_\_\_\_\_ Signature ► \_\_\_\_\_  
Printed Name \_\_\_\_\_

## **EXHIBIT 1**

### **Rental Contract**

(Utah Rule of Civil Procedure 26.3)

(Attach copy of written contract to next page.)

## **EXHIBIT 2**

### **Eviction Notices Served on Defendant**

(Utah Rule of Civil Procedure 26.3)

(Attach copy of copy of eviction notices served on defendant to next page.)

## EXHIBIT 3

### Itemized calculation of amounts defendants owed at time of filing (Utah Code 78B-6-811 and Utah Rule of Civil Procedure 26.3)

**Instructions to plaintiff:** Look at your complaint and notices. Skip any parts that do not apply.

a. Rent due <b>after</b> the notice expired (if you need help with this part, use the worksheet below)	\$
b. Amounts due under the contract besides rent (utility bills, late fees, etc.)	\$
c. Waste – if the complaint includes a notice for waste	\$
d. Clearing a nuisance – if the complaint includes a notice for criminal nuisance	\$
e. <b>Total</b> (add the amounts listed above)	\$
f. Total X 3 (multiply the total in paragraph e by 3 – these are called treble damages)	\$
g. Past due rent as listed in the 3-day notice – if the complaint includes a notice to pay or vacate	\$
h. Attorney fees (may include Licensed Paralegal Practitioner)	\$
i. Filing fees	\$
j. Service fees (to have any papers served on the defendants)	\$
k. <b>Total amount requested</b> (add the paragraphs f through k)	\$

#### Worksheet for paragraph a

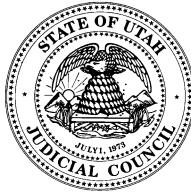
(You only need to complete this if you need help with paragraph a.)

My case is about past due rent.

1. The monthly rent for the property is: \$\_\_\_\_\_.
2. The monthly rent multiplied by 12 is \$\_\_\_\_\_. This is the yearly rent.
3. The yearly rent divided by 365 is: \$\_\_\_\_\_. This is the **daily rent**.
4. The notice was served on: \_\_\_\_\_.

5. The notice is a \_\_\_\_\_ (number of days) notice.
6. Skipping the day I served the notice (day zero), it expired on \_\_\_\_\_.  
(Read the notice and compare paragraphs 4 and 5. Calculate the date based on when you served the notice and the number of days it gave to comply.)
7. It has been \_\_\_\_\_ days **since the notice expired**.
8. If I multiply the daily rent from paragraph 3 by the number of days in paragraph 7, it gives me \$\_\_\_\_\_. (Write this amount in paragraph a.)

Tab 11



## Administrative Office of the Courts

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

December 29, 2025

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

### MEMORANDUM

**TO:** The Management Committee of the Judicial Council

**FROM:** Standing Committee on Model Utah Criminal Jury Instructions  
Jace Willard, Associate General Counsel

**RE:** New Appointment

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*New Appointment for Justice Court Judge:*

Judge Mark Flores, South Salt Lake Justice Court Judge, has expressed willingness to serve on the Committee to fill a pending justice court judge vacancy. Prior to his appointment to the bench, Judge Flores served as an Assistant Salt Lake County Attorney assigned to the Major Crimes Unit. He also served as a public defender in the Eighth District Court from 2018 through 2023. His significant experience in criminal law would serve the Committee well. Accordingly, the Chair is pleased to recommend that Judge Flores be appointed to fill the position.

The Committee looks forward to approval and any feedback from the Management Committee and Judicial Council as to the proposed new appointment.

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