JUDICIAL COUNCIL
MEETING AGENDA

November 23, 2026
Hybrid Meeting (in person and Webex)

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

Interim Chief Justice Jill Pohlman, Presiding

1. 9:00 a.m. Welcome & Approval of Minutes.....Interim Chief Justice Jill Pohlman
   (TAB 1 - Action)

2. 9:05 a.m. Oath of Office for New Council Member……..Interim Chief Justice Jill Pohlman

3. 9:10 a.m. Chair's Report.....Interim Chief Justice Jill Pohlman
   (Information)

4. 9:15 a.m. State Court Administrator's Report.....Ron Gordon
   (Information)

5. 9:25 a.m. Reports: Management Committee.....Interim Chief Justice Jill Pohlman
   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)

6. 9:30 a.m. Budget and Grants.....Karl Sweeney
   (TAB 3 - Action) Alisha Johnson

7. 9:45 a.m. JPEC Report……Mary-Margaret Pingree
   (TAB 4-Information)

8. 10:00 a.m. Request for Grand County Justice Court Holliday Closure…….. Jim Peters
   (TAB 5 - Action)

9. 10:05 a.m. Certification of Treatment Courts……Katy Erickson
   (TAB 6 - Action) Cris Seabury

10. 10:15 a.m. Ethics Advisory Committee Annual Report……..…..Judge Todd Shaughnessy
    (Information) Keisa Williams

11. 10:20 a.m. Request for Exception to CJA Rule 1-305……..…….Neira Siaperas
    (TAB 7 - Action)

10:25 a.m. Break

12. 10:35 a.m. Board of District Court Judges Report……...Judge Stephen Nelson
    (Information) Shane Bahr

13. 10:50 a.m. MUJI Civil Committee Annual Report…….. Alyson McAllister
    (TAB 8- Information) Stewart Harman

14. 11:00 a.m. Legislative Audit Implementation Plan……..……..Ron Gordon
    (TAB 9- Action)

15. 11:15 a.m. Strategic Plan Annual Report……..….Judge Monica Diaz
    (TAB 10- Action) Jon Puente

16. 11:30 a.m. Rules for Final Approval.....Keisa Williams
    (TAB 11 - Action)

17. 11:35 a.m. Old Business / New Business.....All
    (Discussion)

18. 11:45 a.m. Consent Calendar..... Interim Chief Justice Jill Pohlman
    (Action)

19. 11:50 a.m. Adjourn.....Interim Chief Justice Jill Pohlman

Consent Calendar

1. Rules for Public Comment
   (TAB 12)

2. Forms
   (TAB 13)

3. Committee on Fairness and Accountability Appointment
   (TAB 14)

4. MUJI-Civil Committee Member Reappointment
   (TAB 15)

5. Vacancy on the Grand Jury Panel of Judges
   (TAB 16)

6. Probation Policies for Approval
   (TAB 17)

7. Children and Family Law Committee Vacancies
   (TAB 18)

Tab 1

JUDICIAL COUNCIL MEETING
Minutes

October 6, 2026
Hybrid Meeting (in person and Webex)

Zermatt Resort
784 W Resort Dr. Midway, UT 84049

Honorable Judge David Mortensen, presiding

Honorable Interim Chief Justice Jill Pohlman presiding

Members:
Interim Chief Justice Jill Pohlman, Chair
Hon. David Mortensen, Vice Chair
Justice Paige Petersen
Hon. James Gardner
Hon. Brendan McCullagh
Hon. Suchada Bazzelle
Hon. Rita Cornish
Hon. Susan Eisenman
Hon. Michael Leavitt
Hon. Amber Mettler
Hon. Christine Johnson
Hon. Chris Bown
Hon. Jon Carpenter
Hon. Michael DiReda
Hon. Angela Fonnesbeck
Kristin K. Woods

AOC Staff:
Ron Gordon
Neira Siaperas
Michael Drechsel
Esme Blanco
Keisa Williams
Nick Stiles
Brody Arishita
Daniel Meza Rincon
James Peters

Excused:
Hon. Samuel Chiara

Presenters:
Hon. Richard Mrazik
Karl Sweeney
Jordan Murray
Wayne Kidd
Mark Paradise
Lauren Andersen

1. **WELCOME** (Judge David Mortensen)

Judge David Mortensen welcomed everyone to the meeting.

2. **EXECUTIVE SESSION**

Justice Jill Pohlman and Justice Paige Petersen were excused and not present for the executive session.

Motion: Judge Brendan McCullagh made a motion to move into executive session for the purpose of collective bargaining and litigation. Judge Michael Leavitt seconded the motion, and it passed unanimously.

An executive session was held.

DRAFT

3. **APPROVAL OF MINUTES** (Interim Chief Justice Jill Pohlman)

Justice Jill Pohlman asked whether there were any questions or corrections to the September 29, 2026, meeting minutes. None were raised.

Motion: Judge Leavitt moved to approve the September 29, 2026, minutes. Katie Woods seconded the motion, and it passed unanimously.

4. **CHAIR'S REPORT** (Interim Chief Justice Jill Pohlman)

Justice Pohlman noted that there was no formal report from the Chair for this meeting.

5. **STATE COURT ADMINISTRATOR REPORT** (Ron Gordon)

Ron Gordon presented the proposed structure and content for the 2026 Annual Report, which the Judicial Council is statutorily required to submit to the Chief Justice, Governor, and Legislature before the general legislative session. The report will include an overview of the Utah Judiciary's structure, Judicial Council member biographies, a map of the judicial districts, and Judiciary performance measures. It will also highlight progress on the first-year milestones of the Judiciary's Strategic Plan, provide a final summary of the System Review, and include updates on the XChange launch and MyCase.

The Council unanimously supported proceeding with the 2026 Annual Report as outlined.

Mr. Gordon also reminded Council members that the annual Judicial Council group photograph is scheduled to be taken at the beginning of the November meeting.

6. **COMMITTEE REPORTS**

Management Committee: Nothing to report.

Budget & Fiscal Management Committee: Nothing to report.

Liaison Committee: No report was presented.

Policy, Planning, and Technology Committee: No report was presented.

Bar Commission: Katie Woods reported that the Utah State Bar admission ceremony for new members would take place on Tuesday, October 13, 2026, at 10:00 a.m. in the State Capitol Rotunda, with members of the Utah Supreme Court presiding. She encouraged everyone to attend.

7. **BUDGET AND GRANTS** (Judge Richard Mrazik and Jordan Murray)

USU Moonshot Grant GAP

Judge Richard Mrazik and Jordan Murray presented a Grant Application Proposal (GAP) requesting authorization to issue a conditional letter of support for a $1 million grant proposal submitted by Utah State University's (USU) Transforming Communities Institute under the Governor's Pro-Human AI Initiative (Utah AI Moonshot Program).

DRAFT

The grant project, titled the *Utah Justice Access Data Exchange (UJADE)*, would establish a centralized backend data hub to coordinate legal aid and social services across Utah, focusing on unrepresented litigants in housing, debt collection, and domestic violence matters. The proposal includes a potential subaward to the Judiciary of up to $75,000 over 18 to 24 months to offset internal programming and staff costs associated with technical partnership.

Mr. Murray explained that strict safeguards would prevent outside entities from directly accessing court systems. Instead, an isolated, read-only "data mart" would provide approved case metadata for the Debt Collection and Housing Action Division via automated daily updates. The Council confirmed that providing a letter of support and participating as a subrecipient would not violate grant acceptance rules under CJA Rule 3-411.

Motion: Judge Rita Cornish moved to approve the Grant Application Proposal and authorize issuance of the conditional letter of support for the USU AI Moonshot Grant proposal as presented. Judge Leavitt seconded the motion, which passed unanimously.

8. **2026 COURT FEES REPORT** (Wayne Kidd and Karl Sweeney)

Wayne Kidd and Karl Sweeney presented the Fiscal Year 2026 Review of Court Fees and Waivers which evaluates court fee revenue against direct operational costs and indirect administrative expenses to determine whether fees generate excess revenue. Mr. Kidd reported that, overall, court fees do not generate excess revenue. Out of 88 court fees evaluated, expenses exceeded revenue for 83 fees. Only five fees generated excess revenue across the state: Business and Chancery Court Complaint/Petition Fees, Petition for Special Findings for At-Risk Noncitizen Children, Duplicate Attorney License Certificate Fee, and Interest-Bearing Accounts Fee.

Mr. Sweeney noted that recent legislative adjustments to four high-volume filing categories are projected to generate approximately $3.3 million in additional state revenue. The report recommended monitoring the five fees with surpluses and reevaluating them during the next annual reporting cycle prior to recommending any fee reductions.

Motion: Judge David Mortensen moved to approve the FY 2026 Court Fees Report for submission to the Legislature. Judge Leavitt seconded the motion, which passed unanimously.

9. **REQUEST FOR EXCEPTION TO CJA RULE 3-102** (Mark Paradise)

Mark Paradise presented a request from the Third District Court for an exception to the 60-day qualification requirement under CJA Rule 3-102 for Elizabeth Butler, who was appointed by Governor Spencer Cox and confirmed by the Utah Senate on September 16, 2026, to fill the vacancy resulting from Judge Elizabeth Hruby-Mills' retirement. Because Judge Hruby-Mills' retirement would not take effect until December 1, 2026, Ms. Butler would be unable to assume judicial office within the prescribed 60-day period.

Mr. Paradise requested an extension under CJA Rule 3-102(1)(B), which allows an exception when the outgoing judge's term has not ended. He also proposed that Ms. Butler begin working for the Judiciary as an employee on November 23, 2026, allowing her to shadow Judge Hruby-Mills before assuming judicial office the following week.

Motion: Judge Mortensen moved to approve the exception to CJA Rule 3-102, extending the

qualification period for Elizabeth Butler beyond 60 days. Judge McCullagh seconded the motion, which passed unanimously.

10. **STANDING EDUCATION COMMITTEE ANNUAL REPORT** (Lauren Andersen)

Lauren Andersen presented the annual report of the Standing Education Committee on behalf of Judge Ryan Tenney. She highlighted the successful statewide implementation of a new, cost-effective Learning Management System (LMS) with improved reporting and training tracking capabilities, high compliance rates for mandatory training, particularly cybersecurity training, and improvements to the Judicial Assistant onboarding program through expanded in-person and online training. Ms. Andersen also reported on the continued development of targeted judicial education programs and leadership academies.

11. **HB 540 RECOMMENDATIONS TO JUDICIARY INTERIM COMMITTEE** (Michael Drechsel)

Michael Drechsel presented a draft memorandum containing proposed recommendations to the Legislature's Judiciary Interim Committee pursuant to House Bill 540. The statute requires the Judicial Council to submit written recommendations by November 30, 2026, addressing whether audio recordings of public court proceedings should be made freely available to the public, and, if so, how that access could be operationalized.

Mr. Drechsel explained that the memorandum recommends the Legislature first assess the fiscal, operational, and privacy impacts of the initial implementation of House Bill 540 before considering expanded public access to court audio recordings. He noted that providing free access would require significant technology infrastructure scaling and additional staffing, given that Utah's trial courts handle over 400,000 court proceedings annually.

The memorandum also emphasized the importance of protecting sensitive information disclosed during court proceedings, particularly in cases involving family matters, medical information, and crime victims. Council members requested minor text revisions, including refining references to the specialized protections governing juvenile court records.

Motion: Judge Mortensen moved to authorize Michael Drechsel to finalize the memorandum incorporating the discussed revisions and submit it to the Judiciary Interim Committee on behalf of the Judicial Council. Judge McCullagh seconded the motion, which passed unanimously.

12. **COUNCIL MEMBER'S SERVICE RECOGNITION** (Interim Chief Justice Jill Pohlman)

Justice Pohlman recognized Judge Samuel Chiara, who is concluding his second term on the Judicial Council, having served from 2020 to 2026. On behalf of the Council and the Judiciary, she expressed appreciation for his six years of dedicated service, leadership, and contributions to the Judiciary.

13. **JUSTICE COURT UPDATES** (Ron Gordon and Michael Drechsel)

Michael Drechsel and Ron Gordon provided an update on the anticipated operational impacts of the Salt Lake County Justice Court closure, effective July 1, 2027They explained that the closure is expected to transfer more than 10,000 misdemeanor and small claims cases annually to the Third

District Court, creating significant additional workload without corresponding judicial positions or operational resources.

Following discussions with presiding judges in the First, Second, and Third Districts, the Lieutenant Governor, and the Governor's Office of Planning and Budget (GOPB), Mr. Drechsel and Mr. Gordon recommended establishing a separate budget priority to address the impact of justice court closures. Specifically, they recommended requesting two additional district court judges dedicated to the workload transferred from the Salt Lake County Justice Court, advocating for a legislative moratorium on future justice court closures in counties without countywide justice courts until a comprehensive court structure and funding model is established, and seeking a requirement that future closure legislation include fiscal notes accounting for additional judicial positions and necessary operational and staff resources.

Motion: Judge Suchada Bazzelle moved to approve the recommended strategy, including establishing a separate budget priority for two additional Third District Court judges advocating for a legislative moratorium on further justice court closures, and pursuing complete judicial and staff fiscal notes on any future closure legislation. Judge Leavitt seconded the motion, which passed unanimously.

14. **LEGISLATIVE AUDIT RESPONSES (Judge David Mortensen and Ron Gordon)**

Ron Gordon and Judge David Mortensen reviewed the final legislative audit reports, including Judicial Independence and Accountability and Judicial Governance and Efficiency. Mr. Gordon thanked the Management Committee for its work preparing comprehensive written responses on behalf of the Judicial Council.

The Council expressed general agreement with the audit recommendations, including strengthening governance and accountability, clarifying the role of presiding judges, expanding judicial performance measures and internal audit activities, enhancing judicial education, and improving the analysis and reporting of sentencing data. The Judiciary also committed to working with criminal justice partners on any reporting requirements established by the Legislature.

The Council also discussed its objection, as outlined in its formal response, to the recommendation regarding legislative or executive branch representation on the Judicial Council. While acknowledging the Legislature's authority to supplement the Council's constitutional membership requirements, the Council maintained that representation from other branches of government could raise separation of powers concerns and undermine judicial independence.

Mr. Gordon reported that a comprehensive audit implementation plan would be presented at the November Judicial Council meeting and invited Council members to provide feedback in advance.

15. **SYSTEM REVIEW UPDATE** (Ron Gordon, Neira Siaperas, and Esme Blanco)

Esmeralda Blanco and Ron Gordon presented the final update on the Judiciary's System Review. Ms. Blanco reported that 95.6% of the recommendations had been implemented, with 34 completed as originally proposed, nine implemented through alternative approaches, and two remaining in progress.

Ms. Blanco highlighted several accomplishments, including improved communication and access to

AOC resources, expanded leadership and supervisory training, and the implementation of Gemini Notebooks to provide employees with easier access to Judiciary policies and resources. Additional improvements included enhanced new employee orientation and onboarding, streamlined employee recognition processes, and expanded IT support through regional resources, courthouse visits, and online chat assistance.

Ms. Blanco reported that the System Review initiative is now complete. Looking ahead, the AOC plans to develop employee satisfaction surveys and conduct an internal follow-up review in 2028 to assess the continued effectiveness of the improvements.

16. **SENIOR JUDGE APPOINTMENT (**Neira Siaperas**)**

Motion: Judge McCullagh moved to determine that Judge Elizabeth Hruby-Mills meets the qualifications for appointment as an active senior judge. Judge Bazzelle seconded the motion, which passed unanimously.

17. **RULES FOR FINAL APPROVAL** (Keisa Williams)

Keisa Williams presented the finalized Judicial Financial Disclosure Form and corresponding amendments to CJA Rule 3-110. The form incorporates feedback from the boards of judges and uses the statutory definition of income. The proposed amendments also require that judicial officers be formally notified when a member of the public requests access to their unredacted financial disclosures.

The Policy, Planning, and Technology Committee recommended approval of the form and rule amendments, effective November 1, 2026, with the initial reporting period beginning August 1, 2027, to ensure disclosures cover a full year.

Motion: Judge McCullagh moved to approve the Judicial Financial Disclosure Form and amendments to CJA Rule 3-110 as final, effective November 1, 2026, with the initial reporting beginning August 1, 2027. Judge Bazzelle seconded the motion, which passed unanimously.

18. **CONSENT CALENDAR** (Interim Chief Justice Jill Pohlman)

Motion: Judge McCullagh moved to approve the items on the consent calendar. Judge Cornish seconded the motion, which passed unanimously.

19. **ADJOURN** (Interim Chief Justice Pohlman)

The meeting was adjourned.

DRAFT

Tab 2

UTAH JUDICIAL COUNCIL
POLICY, PLANNING and TECHNOLOGY COMMITTEE
MEETING MINUTES

Webex video conferencing
October 16, 2026 – 12 p.m.

MEMBERS:	**PRESENT**	**EXCUSED**
Judge James Gardner, *Chair*	✓	
Judge Jon Carpenter	✓	
Judge Angela Fonnesbeck	✓	
Judge Christine Johnson	✓	

GUESTS:

Melissa Kennedy
Commissioner Marian Ito
Samantha Starks
Keri Sargent
Jaelynn Jenkins

STAFF:

Todd Eaton
Keisa Williams
Cindy Schut

(1) Welcome and approval of minutes:

Judge Gardner welcomed the committee members to the Policy, Planning, and Technology Committee (PP&T). PP&T considered the minutes from the September 4, 2026 meeting. With no changes, Judge Carpenter moved to approve the minutes as presented. Judge Fonnesbeck seconded the motion. The motion passed unanimously.

(2) Rules back from public comment:

- **CJA 1-205. Standing and ad hoc committees**
- **CJA 1-302. Board of Judges Membership**
- **CJA 9-101. Board of Justice Court Judges**
- **CJA 9-110. Implementation of Internal Control for Self-Assessment Recommendations (for Justice Courts)**
- **CJA 3-407. Accounting**
- **CJA 4-601. Failure to Appear – Notice to Surety**
- **CJA 4-202.02. Records classification**
- **CJA 4-405. Juror and witness fees and expenses**

No public comments were received. The committee discussed appropriate effective dates, evaluating December 1, 2026 versus May 1, 2027. The committee determined that a December 1, 2026 effective date would expedite implementation without requiring unnecessary delay.

Judge Fonnesbeck moved to recommend to the Judicial Council that rules 1-205, 1-302, 9-101, 9-110, 3-407, 4-601, 4-202.02, and 4-405 be approved as final with a December 1, 2026 effective date. Judge Carpenter seconded the motion. The motion passed unanimously.

(3) CJA 3-408. Inventory:

Recent updates to the Accounting Manual revealed that several processes in the manual establish controls for fixed assets (mostly separation of duties), none of which require direct oversight through the Code of Judicial Administration. While repeal or consolidation into Rule 3-407 was considered, amending Rule 3-408 preserves the Council's deliberate policy decision to comply with State Division of Finance regulations and enforce an annual inventory requirement. Maintaining 3-408 as a separate rule also appropriately limits these fixed-asset inventory requirements to the Administrative Office and courts of record, rather than extending them to justice courts under the broader scope of Rule 3-407. The amendments leave operational specifics to the updated Accounting Manual.

Modernized accounting guidelines now capture standard fixed asset management protocols, rendering much of the language in the CJA rule redundant or outdated.

Judge Carpenter moved to send rule 3-408 to the Judicial Council with a recommendation that it be posted for a 45-day public comment period. Judge Johnson seconded the motion. The motion passed unanimously.

(4) Senior Judges:

- **CJA 3-104. Presiding judges**
- **CJA 3-108. Judicial assistance**
- **CJA 3-113. Senior judges**

The proposed amendments are intended to make the judicial assistance process clearer and more flexible for presiding judges while preserving appropriate oversight. In addition to cleanup and reorganization, the draft broadens the circumstances in which assistance may be requested, replaces the existing priority structure with factors for presiding judges to consider, and expressly allows direct use of senior judges in exigent circumstances, including when a district is operating above weighted caseload capacity, the need is immediate, or using a sitting judge would create a substantial burden elsewhere. The drafts also create clearer processes for extended vacancy coverage and for planned or recurring senior judge assignments, with budget consultation or Management Committee approval when appropriate.

Following discussion, Judge Carpenter moved to recommend to the Judicial Council that amendments to rules 3-104, 3-108, and 3-113 be approved on an expedited basis with a December 1, 2026 effective date, followed by a 45-day public comment period. Judge Fonnesbeck seconded the motion. The motion passed unanimously.

(5) AI-generated court filings and rule 11 notice:

Commissioner Ito and Jaelynn Jenkins presented on the operational impact of unvetted, AI-generated court pleadings filed by self-represented litigants and members of the Bar across Utah courts. Driven by the widespread adoption of free consumer models, over 75% of pro se domestic pleadings are now AI-generated, creating massive backlogs that delay hearing calendars by four to five months. These submissions frequently contain fabricated factual assertions, non-existent statutes, and hallucinated case law that force judicial staff to waste time verifying sources and hold preliminary clarification hearings.

To address concerns regarding generative AI misuse, the committee evaluated implementing an e-filing popup warning along with a mandatory MyCase instructional video designed in accessible, plain language to maximize user comprehension. Additionally, the committee discussed drafting a uniform statewide Standing Order applicable to all judicial districts and court levels, reinforcing that AI usage remains subject to Rule 11 certifications for both self-represented litigants and attorneys.

Following discussion, PP&T took no action at this time. Ms. Jenkins will take the recommendations to the AI subcommittee and will report back with specific proposals for PP&T's consideration.

Technology report/proposals:
Todd Eaton presented an administrative technology briefing on behalf of the Information Technology Department. The Technology Advisory Subcommittee reviewed four updated policy documents revising the Technology Emergency Response Plan. The revisions incorporate cybersecurity protocols and recommendations gathered from national security conferences over the past year.

IT leadership evaluated commercial off-the-shelf digital exhibit platforms. Commercial vendor systems were rejected due to excessive feature complexity and cost structures starting at $1.2 million annually. IT partnered with a company to custom-build a digital exhibit system tailored specifically to state court requirements. System specifications and technical requirements will be distributed for committee review prior to the next meeting.

Following the July Webex WSMP migration, 14 support tickets remain active with Cisco. Of eight initial high-priority issues, three have been fully resolved, four high-priority tickets remain unresolved. Todd Eaton and Brody Arishita scheduled an executive escalation meeting with Cisco Webex leadership during the first week of November to review all open tickets and long-term requests.

Old Business/New Business: The committee discussed the annual chair election. Judge Gardner expressed willingness to serve one final one-year term as Chair (through October 2027), after which leadership will rotate to another committee member.

Judge Carpenter moved to elect Judge Gardner as Chair for another year and to hold a new election in October 2027. Judge Johnson seconded the motion. The motion passed unanimously.

The committee reviewed the proposed 2027 meeting schedule and unanimously agreed to adjust three meeting dates to avoid state holiday conflicts.

- January 1, 2027 (New Year's Day) rescheduled to January 8, 2027.
- July 2, 2027 (Independence Day weekend) rescheduled to July 9, 2027.
- September 3, 2027 (Labor Day weekend) rescheduled to September 10, 2027.

Adjourn: With no further items for discussion, the meeting adjourned at 12:54 p.m. The next meeting will be held on November 6, 2026, at 12:00 p.m. via Webex video conferencing.

JUDICIAL COUNCIL'S
BUDGET & FISCAL MANAGEMENT COMMITTEE

Minutes
September 3, 2026
Meeting held virtually through WebEx
12:00 p.m. – 2:00 p.m.

Members Present:
Judge Rita Cornish (Chair)
Judge Susan Eisenman
Judge Michael DiReda

Guests:
Mark Urry

Excused:
Kristin Woods

AOC Staff Present:
Ron Gordon
Neira Siaperas
Bart Olsen
Brody Arishita
Todd Eaton
Shane Bahr
Erin Rhead
Keri Sargent
Wayne Kidd
Karl Sweeney
Alisha Johnson
Jordan Murray
Sheri Knighton
Suzette Deans, Recording Secretary

Call to Order and Approval of Prior Minutes

Judge Rita Cornish welcomed everyone to the meeting.

Motion: Judge Rita Cornish made a motion to approve August 10, 2026, meeting minutes. Susan Eisenman seconded the motion. With no discussion or opposition, the motion passed unanimously.

Financial Reports

Alisha Johnson presented the 2026 ongoing turnover savings update. She reported that the preliminary savings amount had increased by $62,690 from the previous report. The figure remained preliminary because three employees were still eligible to make benefit selections. The committee was advised that as the benefit selections were finalized, any changes will flow through to the carryforward and ongoing funding requests as final FY 2026 carry over amounts.

FY 2026 Ongoing Turnover Savings as of 08/25/2026 - Preliminary Final

#		Prior Month Forecast Amount @ YE	Actual Amount YTD	Forecasted Amount @ YE	Change in Forecast 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)	1,187,379	1,187,379	**1,187,379**	-
1	Ongoing Turnover Savings FY 2026 (forecast $65,000 / month x 0 months, Salary Differential only)	-	-	-	-
	TOTAL SALARY RELATED ONGOING SAVINGS	1,325,961	1,325,961	**1,325,961**	-
	Benefit Differental Savings FY 2026 (will be recognized in this row starting in Q4)	66,393	129,083	**129,083**	*62,690*
	TOTAL SAVINGS	1,392,355	1,455,044	**1,455,044**	*62,690*
2	2026 Annual Authorized Hot Spot Raises	(200,000)	(200,000)	**(200,000)**	-
	TOTAL USES	(200,000)	(200,000)	**(200,000)**	-
	Total Actual/Forecasted Unencumbered Turnover Savings for FY 2026	**1,192,355**	**1,255,044**	**1,255,044**	*62,690*

Ms. Johnson stated that a request for a payroll specialist for the Human Resources Department in the amount of $130,700 was coming out of FY 2026 ongoing funds and would be heard by the committee later in the meeting. She explained that even if the request were approved, approximately $10,699 would remain in unallocated FY2026 ongoing turnover savings. The committee had no questions regarding the report.

FY 2027 Carryforward and Ongoing Requests - FY 2026 (1x Final, Ongoing Not Finalized)

8/25/2026

Funding Sources

	One Time	Ongoing
Ongoing Turnover Savings carried over from FY 2025		$ 138,582
Forecasted YE Ongoing Turnover Savings from FY 2026		$ 1,316,462
Unused Ongoing Investing in Our People Comp Track Increase, FY 2026		$ 126,705
Subtotal		$ 1,581,749
Unobligated Fiscal Note Funds - District Court (net)	$ 94,100	$ 439,900
Unobligated Fiscal Note Funds - Juvenile Court	$ (3,600)	$ 3,600
Unobligated Fiscal Note Funds - Admin	$ -	$ 10,900
Legislative ongoing cut - reduce ongoing turnover savings		$ (185,000)
Wellness Council Portion of Carryforward		
Expected Carryforward Amount from Fiscal Year 2026	$ 2,373,404	$ -
Total Available Funding	$ 2,463,904	$ 1,851,149
Less: Judicial Council Delegated to State Court Administrator for Discretionary Use		$ (200,000)
Net Available for Use	$ 2,463,904	$ 1,651,149

Ongoing / One Time Requests - Directly from Unobligated Fiscal Note Funds

		Presented		Judicial Council Approved	
		One Time	Ongoing	One Time	Ongoing
1	Education Judicial Assistant Training Support - Lauren Andersen		$ 34,000		$ 34,000
^ 2	Court Visitor Specialist and Pilot Program Attorney - Shonna Thomas, Keri Sargent	$ 130,000	$ 108,250	$ 130,000	$ 108,250
* 3	Sixth District Clerical Training Coordinator - Linda Ekker		$ 102,000		$ 102,000
4	8th District Additional Judicial Assistant FTE - Russell Pearson		$ 90,600		$ 90,600
^ 5	Sixth District Clerical Team Manager - Linda Ekker		$ 112,300		$ 112,300
	Subtotal	*$ 130,000*	*$ 447,150*	*$ 130,000*	*$ 447,150*

Ongoing Requests

		Presented		Judicial Council Approved	
	Prior Approved Ongoing Commitments	One Time	Ongoing	One Time	Ongoing
	Investing in Our People - Ron Gordon and Neira Siaperas		$ 370,000		$ 370,000
	8th District Probation Training Coordinator - Russell Pearson		$ 52,500		$ 52,500
	Juvenile Court ICJ Funding Increase - Daniel Meza Rincón		$ 7,000		$ 7,000
	Ongoing Requests - For Consideration				
1	Two Additional Juvenile Law Clerk Attorneys - Judge Westmoreland, Daniel Meza Rincón		$ 278,700		$ 278,700
2	5th District Court Case Manager - Cade Stubbs		$ 14,800		$ 14,800
3	Appellate Court Conference Funds - Lauren Andersen, Nick Stiles		$ 35,000		$ 35,000
4	Director of Administrative Services- Ron Gordon, Neira Siaperas	$ 5,000	$ 190,000	$ 5,000	$ 190,000
5	Employee and Judicial Officer Wellness Resources - Tava - Neira Siaperas and Karl Sweeney		$ 94,600		$ 94,600
* 6	All Rise Welcome Dinner - Jon Puente		$ 20,000		$ 20,000
7	Payroll Specialist for HR Team - Bart Olsen and Ron Gordon		$ 130,700		
	Subtotal to Approve and Fund Immediately	*$ 5,000*	*$ 1,193,300*	*$ 5,000*	*$ 1,062,600*
	Balance Remaining After Judicial Council Approvals				$ 141,399
	Balance Remaining Inclusive of "Presented"		$ 10,699		

Carryforward One Time Requests

		Presented		Judicial Council Approved	
		One Time	Ongoing	One Time	Ongoing
* 1	Public Transit Reimbursement Program - Suzette Deans, Karl Sweeney	$ 61,200		$ 61,200	
* 2	Education Assistance Program - Alisha Johnson	$ 85,000		$ 85,000	
* 3	HR Applicant Tracking System - Bart Olsen, Jeremy Marsh	$ 23,700		$ 23,700	
* 4	IT Contract Developers - Brody Arishita	$ 682,000		$ 682,000	
* 5	IT Network/Systems Maintenance Staff - Todd Eaton/Chris Talbot	$ 50,000		$ 50,000	
* 6	IT Replacement Inventory - Todd Eaton	$ 364,000		$ 364,000	
* 7	IT Tech Subject Matter Expert Stipend - Todd Eaton/Taz Hatch	$ 65,000		$ 65,000	
* 8	Incentive Awards - Bart Olsen, Erin Rhead and Alisha Johnson	$ 560,000		$ 560,000	
9	Contingent Bridge Funding for Protective Order Program Facilitator - Amy Hernandez	$ 32,500		$ 32,500	
^ 10	Tooele Courtroom Funding - Mark Paradise 3rd District TCE	$ 1,285,000			
	Defer #10 past FY 2027 carryforward	$ (1,285,000)			
	Subtotal	*$ 1,923,400*	*$ -*	*$ 1,923,400*	*$ -*
	Balance Remaining After Judicial Council Approvals			$ 405,504	$ 141,399
+	**Balance Remaining Inclusive of "Presented"**	$ 405,504	$ 10,699		

Ms. Johnson then reviewed the 2027 ongoing turnover savings. The initial report had projected $702,563 in savings, while the current forecast was $640,757. She noted that the current estimate did not yet include the benefit differential because that adjustment would be incorporated during the final quarter. Because the fiscal year was still in its early stages and only

a limited number of transactions occurred, the savings amount could fluctuate significantly as additional positions turned over.

FY 2027 Ongoing Turnover Savings as of 08/27/2026 - Period 2

#		Prior Month Forecast Amount @ YE	Actual Amount YTD	Forecasted Amount @ YE	Change in Forecast Amount @ YE
	Net Carried over Ongoing Savings (FY 2026, includes $185,000 ongoing cut from legislature, 2026 GS)	78,709	10,699	**10,699**	*(68,010)*
	Ongoing Turnover Savings FY 2027 (actual year-to-date, Salary Differential only)	108,854	180,058	**180,058**	*71,204*
1	Ongoing Turnover Savings FY 2027 (forecast $65,000 / month x 11 months, Salary Differential only)	715,000	-	**650,000**	*(65,000)*
	TOTAL SALARY RELATED ONGOING SAVINGS	902,563	190,757	**840,757**	*(61,807)*
	Benefit Differental Savings FY 2027 (will be recognized in this row starting in Q4)	-		-	-
	TOTAL SAVINGS	902,563	190,757	**840,757**	*(61,807)*
2	2027 Annual Authorized Hot Spot Raises	(200,000)	(46,005)	**(200,000)**	-
	TOTAL USES	(200,000)	(46,005)	**(200,000)**	-
	Total Actual/Forecasted Unencumbered Turnover Savings for FY 2027	**702,563**	**144,752**	**640,757**	*(61,807)*

The committee was also provided an updated estimate for 2027 one-time turnover savings. No actual savings have been included since no analysis of open positions has yet been completed due to other pressing deadlines (e.g., budget, fee and comp prep). Ms. Johnson noted that we have used the actual FY 2026 average of $675 per pay hour as a conservative forecast which results in forecasted one-time savings of approximately $1.4M for FY 2027.

FY 2027 One Time Turnover Savings - Period 2

Estimated for FY 2027

#		Funding Type	Actual Amount
1	One Time Turnover Savings (no data yet)	Internal Savings	-
2	Est. One Time Savings for remaining pay hours (2088 @ $675 / pay hour)	Internal Savings (Est.)	1,409,400
Total Potential One Time Savings			**1,409,400**

Ms. Johnson reviewed the year-end requests and forecasted available one-time funds. The forecast included one-time turnover savings, remaining prior-year funds, operational savings combined with legislature-required taking of $500K and other expected uses. The committee was advised that approximately $1,699,700 in carryforward funds was projected to be needed based on requests received for FY2026. The estimate had been adjusted to remove items that would not repeat, and approximately $200,000 of the requests could potentially be moved from one-time funding to ongoing funding if sufficient ongoing funds became available.

FY 2027 Year End Requests and Forecasted Available One-time Funds - Period 2

Forecasted Available One-time Funds

	Description	Funding Type	Amount
	Sources of YE 2027 Funds		
	Turnover Savings as of PPE N/A (not yet reported)	Turnover Savings	-
	Turnover Savings Estimate for the rest of the year ($675 x 2088 pay hours)	Turnover Savings	1,409,400
	Prior Year Unused 1x Carryforward		405,504
	Total Potential Available from 1x Turnover Savings and Carryforward		1,814,904
	Less: Judicial Council Delegated to State Court Administrator for Discretionary Use		(250,000)
(a)	Total Potential One Time Turnover Savings less Discretionary Use		1,564,904
	Operational Savings From TCE / AOC Budgets - estimate of $62,500 per period	*Internal Operating Savings*	750,000
	Legislative 1x Budget Cut - 2026 General Session	*Legislative Action*	(500,000)
(b)	**Total Operational Savings, Legislative Actions, and Reserve**		250,000
(c)	**Total of Turnover Savings & Operational Savings = (a) + (b)**		1,814,904
	Uses of YE 2027 Funds		
(d)	Projected requests for FY 27 to FY 28 - carryforward	*FY 2028 Carryforward*	(1,699,700)
Total forecastedl One Time Savings Surplus/(Deficit) = (c) less Carryforward (d)			115,204
Less: Judicial Council Requests Previously Approved			-
Less: Judicial Council Current Month Spending Requests			(112,700)
Remaining Forecasted Funds Available for FY 2027 YE Spending Requests, CCCF, etc.			2,504

#	One-time Spending Plan Requests	Adjusted Requests Amount	Judicial Council Approved Amount
1	Time Limited Auditor Position - Wayne Kidd	$ 112,700	
	Current Month One-time Spending Requests	112,700	
	Previously Approved 1x FY 2027 YE Spending Request		-

Last reported expected carryforward: N/A

The committee was also advised of a request for a time-limited auditor position in the amount of $112,700. If approved and forwarded to the Judicial Council, approximately $2,504 in one-time funds would remain, assuming the other projections for revenues and expenditures remained stable. The committee had no further questions regarding the financial report.

2027 YE 1x and 2026 Ongoing Requests

2026 Ongoing Savings Funds

7. FY 2026 Payroll Specialist for HR Team

Ron Gordon provided background regarding the request for an additional Human Resources position to assume payroll responsibilities. He explained that the request was intended to address longstanding workload issues in both the Finance and Human Resources Departments. Finance had experienced significant additional workload associated with the transition to the Vantage system and the department had been managing those responsibilities while continuing to fulfill its other duties.

Mr. Gordon also explained that Human Resources had experienced an increase in investigations involving employee complaints. He stated that the increase appeared to reflect a greater willingness among employees to report concerns rather than necessarily representing a significant increase in workplace incidents. He further explained that the transition to Vantage had resulted in payroll and human resources functions operating within a shared system, making it more practical for payroll responsibilities to be moved to Human Resources.

The proposed change would transfer payroll functions from Finance to Human Resources. This would provide additional capacity within Finance while requiring an additional full-time employee in Human Resources. Mr. Gordon emphasized that the proposal originated as an administrative decision to address organizational workload and was not the result of Finance or Human Resources requesting that responsibilities or staffing be changed.

Judge Cornish asked whether the change would affect Alisha's involvement with the committee. Mr. Gordon confirmed that the change would not result in her being removed from the committee or otherwise affect her role in reporting to the committee. Judge Cornish indicated that this addressed her concern.

Karl Sweeney stated that the existing Finance staff would be retained and that the new position would provide additional support rather than replace existing employees. He also indicated that the timing and implementation of the transition would be worked out as part of the process.

Judge Susan Eisenman asked Bart Olsen whether he had concerns about the proposal. Mr. Olsen stated that he did not. He explained that several members of his team had prior payroll experience and had experience with consolidating payroll functions into Human Resources within the executive branch. He stated that he had discussed the proposal with those employees and had their feedback and support.

Motion: Judge Susan Eisenman made a motion to approve and authorize forwarding to the Judicial Council a request for a new position on Bart Olsen's team to handle payroll functions being transferred to Human Resources. Judge Rita Cornish seconded the motion. There were no abstentions or nay votes, and the motion passed.

2027 YE One-time Funds

1. FY 2027 YE Funding Time-Limited Auditor Position

Wayne Kidd presented a request from the Audit Department for an additional auditor on a time-limited basis. He explained that the Audit Department currently has one auditor responsible for auditing the Utah State Courts. The proposed position would initially be time-limited and would provide an opportunity to train a successor before the current state court's auditor is expected to retire in approximately two years.

Mr. Kidd explained that adequately training a new auditor requires significant time because the individual must become familiar with the Audit Department's processes as well as the different systems and procedures used at each level of the courts. He estimated that the training process would take approximately two years, with the first year focused on completing audits at the various court levels and receiving mentoring and the second year focused on developing the ability to independently lead audit projects.

Mr. Kidd also explained that the Institute of Internal Auditors had recently revised its auditing standards. The Audit Department is required by statute to follow those standards. The revised requirements include additional topical requirements addressing areas such as governance, risk management, cybersecurity, third-party risk, and organizational resilience. In addition, the department must develop a comprehensive enterprise risk management plan for the Utah Judiciary.

Mr. Kidd stated that the additional auditor would provide the capacity necessary to address these requirements while continuing to perform the department's regular audit responsibilities. The additional position would also assist in preparing for the Judiciary's anticipated 2029 external audit and ensure compliance with the updated audit standards.

Judge Susan Eisenman expressed concern about the limited number of auditors supporting the entire judicial branch and asked about the anticipated retirement and training timeline. Mr. Kidd clarified that the current auditor has indicated an intention to retire in approximately two years. He explained that the department would face significant challenges if it waited until her retirement to begin training a replacement.

Judge Cornish asked whether the new audit requirements independently justified the additional position. Mr. Kidd confirmed that the work associated with the updated standards and enterprise risk management plan would need to be completed regardless of the retirement timeline. He explained that without an additional auditor, the department would have to divert resources from court audits or take work away from the current auditor to complete the new requirements.

Judge Cornish also raised concern that the proposed position would leave only approximately $2,500 in remaining one-time funds. Karl Sweeney explained that the estimates were conservative because the year was still early and additional turnover savings could develop as more positions became vacant or were filled. He noted that there were currently approximately 28 open positions and that additional positions might not yet be reflected in the 1x TOS estimate. He also explained that the average salary associated with the current turnover activity was higher than in some prior years.

Mr. Sweeney identified additional options available if additional 1x TOS funding became necessary, including moving a portion of the Information Technology budget into ongoing funding. He noted that approximately $685,000 was available in that area and could provide a source of funding if needed. He further explained that relatively small changes in turnover

assumptions could generate substantial additional savings. The committee was therefore assured that contingency options were available if the remaining one-time balance became insufficient.

Motion: Judge Michael DiReda made a motion to forward the request to the Judicial Council for consideration of a one-time, time-limited auditor position. Judge Rita Cornish seconded the motion. There were no abstentions or nay votes, and the motion passed.

Old Business/New Business

No old or additional new business was presented.

Adjournment

The meeting was adjourned at 12:30 p.m.

Tab 3

Budget and Grants Agenda
For November 23, 2026
Judicial Council Meeting

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

- FY 2027 Ongoing Turnover Savings – Per 4
- FY 2027 1x Turnover Savings – Per 4
- FY 2027 YE Requests and Forecasted Available 1x Funds – Per 4

2. Requests ..... Karl Sweeney

2027 YE One-time Funds

(Item 2 – Information – Time Sensitive Request)

2. Court of Appeals 40th Anniv. CLE..... Approved by BFMC/Mgmt. Committee email vote 10.29

(Item 2 - Action)

3. Q1/Q2 Performance Bonuses ($600,000) ..... Ron Gordon and Karl Sweeney
4. Court Swag & Educational Outreach Materials ($10,000) ..... Jonathan Puente

FY 2026 Ongoing and FY 2027 Carryforward Funds

(Item 2 - Action)

2. Amend GRAMP Attorney Pilot Funding Request to adj contract attorney fee rate..... Keri Sargent

FY 2028 Legislative Request

(Item 2 - Action)

3. Update Core Workforce FY 28 Legislative Request ..... Jordan Murray and Bart Olsen

Item 1

FY 2027 One Time Turnover Savings - Period 4

Through Pay Period Ending 10/09/2026 - 584 out of 2088 pay hours

#		Funding Type	Actual Amount
1	One Time Turnover Savings (as of pay period ending 10/09/2026)	Internal Savings	2,123,735
2	Est. One Time Savings for remaining pay hours (1,504 @ $915 / pay hour)	Internal Savings (Est.)	1,376,160
Total Potential One Time Savings			**3,499,895**

Prior Report Totals *N/A - first actual report*

1 Actual per hour turnover savings for the last 4 pay periods (oldest to newest): $2,528.26, $3,304.70, $2,077.62, and $2,929.99.
The average per hour turnover savings for FY 2027 YTD: $3,636.53

2 Our estimated one time turnover savings for remaining FY 2027 is $915 per pay hour.

FY 2027 Year End Requests and Forecasted Available One-time Funds - Period 4

Forecasted Available One-time Funds

	Description	Funding Type	Amount
	Sources of YE 2027 Funds		
	Turnover Savings as of pay period ending 10/09/2026	Turnover Savings	2,123,735
	Turnover Savings Estimate for the rest of the year ($915 x 1,504 pay hours)	Turnover Savings	1,376,160
	Prior Year Unused 1x Carryforward		405,504
	Total Potential Available from 1x Turnover Savings and Carryforward		**3,905,399**
	Less: Judicial Council Delegated to State Court Administrator for Discretionary Use		(250,000)
(a)	Total Potential One Time Turnover Savings less Discretionary Use		**3,655,399**
	Operational Savings From TCE / AOC Budgets	*Internal Operating Savings*	750,000
	Legislative 1x Budget Cut - 2026 General Session	*Legislative Action*	(500,000)
(b)	**Total Operational Savings, Legislative Actions, and Reserve**		**250,000**
(c)	**Total of Turnover Savings & Operational Savings = (a) + (b)**		**3,905,399**
	Uses of YE 2027 Funds		
(d)	Projected requests for FY 27 to FY 28 - carryforward	*FY 2028 Carryforward*	**(1,899,700)**
Total forecastedl One Time Savings Surplus/(Deficit) = (c) less Carryforward (d)			**2,005,699**
Less: Judicial Council Requests Previously Approved			**(122,700)**
Less: Judicial Council Current Month Spending Requests			**(610,000)**
Remaining Forecasted Funds Available for FY 2027 YE Spending Requests, CCCF, etc.			**1,272,999**

Updated 11/04/2026

#	One-time Spending Plan Requests	Adjusted Requests Amount	Judicial Council Approved Amount
1	Time Limited Auditor Position - Wayne Kidd		112,700
2	Court of Appeals 40th Anniversary CLE - Judge Mortensen		10,000
3	Q1/Q2 Performance Bonuses - Ron Gordon	$ 600,000	
4	Outreach Materials - Jonathan Puente	$ 10,000	
	Current Month One-time Spending Requests	**610,000**	
	Previously Approved 1x FY 2027 YE Spending Request		**122,700**

Last reported expected remaining: $2,504

Will ask Legislature for carryforward authority of $3.2M.

(d) Assumes FY 2027 into FY 2028 requests are similar $ to FY 2026 into FY 2027 requests, adjusted for items not repeating.

FY 2027 Ongoing Turnover Savings as of 11/3/2026 - Period 4

#		Prior Month Forecast Amount @ YE		Actual Amount YTD	Forecasted Amount @ YE		Change in Forecast Amount @ YE
	Net Carried over Ongoing Savings (FY 2026, includes $185,000 ongoing cut from legislature, 2026 GS)	10,699		10,699	**10,699**		-
	Ongoing Turnover Savings FY 2027 (actual year-to-date, Salary Differential only)	226,892		254,151	**254,151**		*27,259*
1	Ongoing Turnover Savings FY 2027 (forecast $65,000 / month x 8 months, Salary Differential only)	585,000		-	**520,000**		*(65,000)*
	TOTAL SALARY RELATED ONGOING SAVINGS	822,591		264,850	**784,850**		*(37,741)*
	Benefit Differential Savings FY 2027 (will be recognized in this row starting in Q4)	-			**-**		-
	TOTAL SAVINGS	822,591		264,850	**784,850**		*(37,741)*
2	2027 Annual Authorized Hot Spot Raises	(200,000)		(72,665)	**(200,000)**		-
	TOTAL USES	(200,000)		(72,665)	**(200,000)**		-
	Total Actual/Forecasted Unencumbered Turnover Savings for FY 2027	**622,591**		**192,185**	**584,850**		*(37,741)*

* 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 $25,458. Prior report benefit differential was $5,247. FY 2026 full year benefit differential was $129,083.

* Currently, 31 FTE are vacant. This is up from the last report where 28 FTE were vacant. This does not include new positions authorized by the Legislature but not yet filled.

1 Currently forecasting $65,000 of ongoing Salary Differential savings a month for the remainder of the FY; actual run rate is $254,151 / 4 months = $63,538 / 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.

Item 2

2027 YE One-time Funds

(Item 2 – Information – Time Sensitive Request)

2. FY 2027 YE Spending Request – Court of Appeals 40th Anniversary CLE

The Judicial Branch receives budget funds through the Legislative appropriations process. Funds appropriated for FY 2027 are to be spent between July 1, 2026 and June 30, 2027; however current spending forecasts indicate the Courts may not fully expend our appropriations by June 30, 2027 even after reserving +\-$2.0M for carryforward use. This is a request to the Budget and Fiscal Management Committee/Judicial Council to allocate the use of some of these anticipated surplus 1x funds for **one-time projects that could be delivered prior to June 30, 2027**.

Date: October 29, 2026

Department or District: Court of Appeals
Requested by: Judge David Mortensen, Court of Appeals; Ron Gordon, SCA

Request title: Court of Appeals 40th Anniversary CLE

Amount requested: $10,000 **One-time Turnover Savings funds**

Purpose of funding request:

The Court of Appeals requests $10,000 to help fund a CLE event recognizing the 40th anniversary of the Court of Appeals.

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

The Court of Appeals is working with the Utah State Bar on a CLE event in recognition of the 40th anniversary of the Court of Appeals. Because of the significance of the anniversary, the Court of Appeals and the Bar would like this event to be something different from a traditional CLE lecture. That would be reflected in the venue, the agenda, and the invited guests.

The event will be held at the Grand America. Invitees would include not only attorneys, but also legislators and members of the executive branch as an opportunity to recognize the wisdom shown by all branches in establishing the Court of Appeals.

The agenda would be different from most CLE events. Multiple well-known speakers and panelists will be invited to discuss both the history and future of the Court of Appeals. This event would last up to a half day including three hours of CLE and lunch.

The Court of Appeals is working with the Utah State Bar on a CLE event in recognition of the 40th anniversary of the Court of Appeals. Because of the significance of the anniversary, the Court of Appeals and the Bar would like this event to be something different from a traditional CLE lecture. That would impact the venue, the agenda, and the invited guests.

The event will be held at the Grand America. Invitees would include not only attorneys, but also legislators and members of the executive branch as an opportunity to recognize the wisdom shown by all branches in establishing the Court of Appeals.

The agenda would be different from most CLE events. Multiple well-known speakers and panelists will be invited to discuss both the history and future of the Court of Appeals. This event would last up to a

half day including three hours of CLE and lunch.

Alternative funding sources, if any:

The Utah State Bar is seeking funds from some of the Bar Sections with the understanding that we would seek funds from the Judicial Council. However, no guarantees were made regarding funding from the Council. Attendees will be asked to pay a sliding-scale registration fee that will vary depending upon how much of the program they wish to attend; this fee will allow for some of the costs to be recouped.

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

If this request is not funded, the event will likely not take place.

2027 YE One-time Funds

(Item 2 – Action)

3. FY 2027 YE Spending Request – FY 2027 Q1/Q2 Performance Bonus Funds

The Judicial Branch receives budget funds through the Legislative appropriations process. Funds appropriated for FY 2027 are to be spent between July 1, 2026 and June 30, 2027; however current spending forecasts indicate the Courts may not fully expend our appropriations by June 30, 2027 even after reserving +\-$2.0M for carryforward use. This is a request to the Budget and Fiscal Management Committee/Judicial Council to allocate the use of some of these anticipated surplus 1x funds for **one-time projects that could be delivered prior to June 30, 2027**.

Date: November 4, 2026 **Department or District**: AOC
Requested by: Karl Sweeney and Ron Gordon

Request title: FY 2027 Q1/Q2 Performance Bonus Funds

Amount requested: $600,000 1x Turnover Savings (benefits will be taken out of the funds)

Purpose of funding request:
The conversion of the Court's incentive plans to a court-wide incentive plan (as approved by the Judicial Council in May 2021) includes a performance-based bonus plan. Under this plan all non-judicial Court employees can receive a Performance Bonus using one-time Turnover Savings (1x TOS) similar to the one-time performance bonus payments that were made in the past.

The totals for all performance bonus plans for the last 4 years are detailed below:

	FY 2023	FY 2024	FY 2025	FY 2026	Q1/Q2*** FY 2027
Performance Bonus Payments	$900,000	$450,000*	$448,000 $910,000**	$400,000 $1,543,000**	$600,000
Total	$900,000	$450,000	$1,358,000	$1,943,000	

*Legislature funded $1.65M in performance raises
**Funded by legislature
***Q3/Q4 performance bonus amounts, if any, will not be requested until after 2027 legislative session and we see whether the legislature funds any 1x or ongoing performance pay.

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

Because of the importance of regularly recognizing high performing employees, we are requesting $600,000 be funded for the first two quarters of FY 2027 through YE funds. As shown in the Period 4 FY 2027 YE Requests and Available One-time Funds schedule from the Financials, we expect to be able to fund this request (and the other YE requests previously approved or requested) and have approximately $1.273M in forecasted surplus funds AFTER funding the $1.9M in recurring 1x carryforward fund requests we expect in June 2027. This $1,273M cushion is sufficient to give us confidence that the $600,000 Q1/Q2 performance bonus payments can be made with little to no risk that we will not have adequate funds for our normal carryforward commitments. The Q1/Q2 performance bonus payments generally go out in December.

3. FY 2027 YE Spending Request – FY 2027 Q1/Q2 Performance Bonus Funds

Performance Bonuses are the largest type of one-time compensation that can be given to non-judicial officer employees. Payment of Performance Bonuses is a critical piece of the Court's compensation strategy. However, request amounts may vary depending on the (1) amount of 1x Turnover Savings and (2) competing demands for those funds.

These bonuses are meant to be given as employees complete milestones in performance goals as set with their manager. Not all goals will be accomplished in Q1 or Q2, but to further reduce the turnover of Court personnel not in the New Hire Compensation track, we are encouraging managers to continue paying performance bonuses as eligible (e.g., meeting or exceeding performance goals) employees complete portions of their annual goals.

Bonus payments in Q1/Q2 of FY 2027 not only immediately reinforce the accomplishment of an employee's goals but serve to assure employees that the Performance Bonus plan can continue to be relied upon as part of the total compensation plan for the Courts.

Alternative funding sources, if any:
None.

If this request is not funded with this request, what are the consequences or is there an alternative strategy?
It would potentially accelerate turnover in critical positions.

4. FY 2027 YE Spending Request – Outreach Materials for OFA

The Judicial Branch receives budget funds through the Legislative appropriations process. Funds appropriated for FY 2027 are to be spent between July 1, 2026 and June 30, 2027; however current spending forecasts indicate the Courts may not fully expend our appropriations by June 30, 2027 even after reserving +\-$2.0M for carryforward use. This is a request to the Budget and Fiscal Management Committee/Judicial Council to allocate the use of some of these anticipated surplus 1x funds for **one-time projects that could be delivered prior to June 30, 2027**.

Date: October 23, 2026

Department or District: Office of Fairness and Accountability (OFA)
Requested by: Jon Puente

Request title: Court Swag & Educational Outreach Materials Supplement

Amount requested: $10,000

One-time Turnover Savings funds

Purpose of funding request:
To supplement the current budget allotted for court promotional and educational materials ("court swag") used during community outreach events attended by the OFA and Districts.

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

Background & History: Under UCJA 3-419(3)(A)(v), the Office of Fairness and Accountability (OFA) is charged with fostering community engagement, building public trust, and promoting confidence in the judicial system. As part of these core responsibilities, OFA actively participates in community events, cultural gatherings, and forums with local partners across Utah. Attending these public events allows court representatives to interact directly with community members, answer basic questions about court operations and judicial processes, and provide vital legal and informational resources.

Current Challenge & Budget Deficit: In recent months, two converging factors have created a critical budget issue for court promotional and educational items ("court swag"):

(1) macroeconomic inflation and rising international tariffs have significantly escalated the unit procurement costs for essential items - such as educational brochures, informational pamphlets, branded pencils, tote bags, stress gavels, and outreach materials; and

(2) the OFA has continued to participate in public outreach events throughout the state, many of the judicial districts have also been participating in outreach events including town halls, school outreach events, and community gatherings to meet statutory and strategic goals. As a result, the current budget allocation for court swag is no longer sufficient to maintain outreach needs for the remainder of the fiscal year.

Expected Outcomes & Relation to Court Mission: This request for $10,000.00 in one-time funds will allow OFA to replenish its inventory of court swag and educational materials. Distributing these items at community events directly advances the court's overarching mission to ensure an open, fair, and accessible judicial system. Providing accessible informational materials at public events helps demystify court procedures, enhances public legal literacy, and reinforces public trust and confidence in the Utah Judiciary.

4. FY 2027 YE Spending Request – Outreach Materials for OFA

Alternative funding sources, if any:
There are no alternative funding sources currently available.

If this request is not funded with this request, what are the consequences or is there an alternative strategy?
If this request is not funded, the OFA will be forced to severely limit the distribution of promotional and educational materials at upcoming community events or share severely depleted stock with other court departments and Districts. Eliminating swag and informational materials at public events significantly reduces community engagement, limits the office's ability to share basic legal information, and undermines ongoing efforts to build public trust and confidence across diverse Utah communities.

FY 2026 Ongoing and FY 2027 Carryforward Funds

(Item 2 – Action)

Administrative Office of the Courts

Interim Chief Justice Jill Pohlman
Utah Supreme Court
Chair, Utah Judicial Council

September 21, 2026

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

MEMORANDUM

TO: BFMC/Judicial Council

FROM: Keri Sargent, Deputy District Court Administrator

RE: GRAMP Billable Hours Pilot Program Update

As a reminder, in June 2026, the Judicial Council granted the Guardianship and Conservatorship Monitoring Program's (GRAMP) FY 2026 Ongoing Turnover Savings funding request totaling $108,250 in ongoing funds and $130,000 in one-time funds to satisfy statutory representation requirements under Utah Code §75-5-303 (see Exhibit A). These funds directly targets a critical compliance gap where 62% of court-appointed attorney requests currently go unfilled. Most of these cases eventually result in the appointment of a court visitor, and in accordance with the authorized budget request, a full-time Court Visitor Program Specialist has been hired with the ongoing funds to oversee volunteer case backlogs, recruitment, and statutory training.

However, we have discovered an issue with the intended use of the $130,000 in one-time funds. About 130 cases annually statutorily require the appointment of an attorney, which the Judicial Council granted $130,000 in one-time funds to compensate contracted attorneys for an estimated 1,300 billable hours at $100 per hour. These funds were intended to fund a pilot program to determine the impact of representation for respondents in guardianship hearings. With the $130,000 allocated, we completed a request for proposals (RFP) through the Utah State's procurement site asking for bids by agencies or law firms who would agree to represent respondents at $100 hourly for 130 annual cases. The bid was active for approximately a month, and perhaps unsurprisingly, no law firm or agency bid on the RFP.

After review, it was decided to pull the original RFP and indicate that the projected annual amount of 130 cases would be payable at $200 hourly. A new RFP was written reflecting that amount and is now available through the Utah State's procurement site. A copy of the new RFP is attached as Exhibit B. With the bump to $200 hourly, the impact to the allotted $130,000 may mean that all of the projected 130 cases will not benefit from the funds.

But, due to the circumstances regarding the lack of bids and the change to the RFP, the $130,000 funds that have been allocated for the pilot program have not yet been touched. Details regarding the infrastructure of the pilot program are still being worked out, and with the upcoming holidays, the impact to the $130,000 funds is assumed to be minimal in the calendar year 2026.

Due to the issues with the hourly pay rate, I am seeking to amend the original request to pay $100 per hour and increase it to $200 per hour, which will fund 65 cases. I will also be seeking a new one-time carryforward request for $130,000 in June 2027 for FY 2028 so that the final 65 cases of the original 130 total projected cases will benefit from the pilot program.

I look forward to discussing this matter with you.

Exhibit A

2. FY 2027 Ongoing Case Processing Funds Spending Request – GRAMP Court Visitor Program

The Judicial Council approves uses of Ongoing Case Processing funds. This is a request to the Budget and Fiscal Management Committee and the Judicial Council to allocate the use of some of the Legislature-provided FY 2027 Case Processing Ongoing Funds for ongoing personnel and operational needs that will be funded in FY 2027.

Date: 04/06/2026 **Department or District:** AOC / GRAMP
Requested by: Shonna Thomas / Keri Sargent

Request title: Court Visitor Specialist and Pilot Program Attorney Appointment Funding

Amount requested: **One-time $130,000** (pilot program phase; will ask for ongoing funds if pilot is successful)

Ongoing $108,250 (necessary to manage the Court Visitor Program with a fully qualified FTE)

Purpose of funding request:
This ongoing case processing funding request will provide the necessary resources to address the workload experienced by the Court Visitor Program because of an enduring shortage of attorneys to fulfill statutory requirements in guardianship cases.

- New Court Visitor Specialist position **(Ongoing)**
- Pass-through Funding for Billable Hours for Court-Appointed Attorney **(One-Time)**

Executive summary (include background/history, expected outcomes, relation to performance measures and court mission). Attach supporting data or documents.
Utah Code 75-5-303(2) mandates that respondents in guardianship cases must have legal representation, appointed by the court, unless specific conditions are met. Utah Code 75-5-303(6)(e) mandates appointment of a court visitor in lieu of an attorney if specific conditions are met.

The Guardianship Signature Program (GSP) was established by the Utah State Bar to provide a mechanism for attorneys to volunteer to fill this mandate. The Court Visitor Program (CVP) was established as a means of utilizing trained volunteers to serve as special appointees of the court in guardianship cases, including those where an attorney has been waived per statute.

GSP attorneys may seek reimbursement from the respondent, based on the Modest Means fee scale and facilitated by the Utah State Bar, in their specific cases. Apart from this possible reimbursement, the GSP lacks funds to incentivize legal representation in mandatory guardianship cases and relies solely on volunteerism to fulfill the statutory mandate. However, only 38% of requests received by the GSP are filled by attorneys, leaving 62% that must be covered by the CVP or resolved without any representation, in opposition to statute.

With support from the Judicial Council, requests to appropriate funding for GSP contract attorneys were presented to the Utah legislature in 2025 and 2026 without success. **(Attached as Exhibit A).** In FY 2027, GSP requests are projected to increase, producing an estimated 1065 unfilled attorney requests. As a result the CVP will bear the increased burden to cover cases where GSP attorneys are not involved. **This increase in workload will not be sustainable without additional resources**.

2. FY 2027 Ongoing Case Processing Funds Spending Request – GRAMP Court Visitor Program

Since 2012, the CVP has been a steady resource for the Judiciary, using minimal court resources and the services of volunteers to consistently provide reliable and important information to judges, enabling them to make informed decisions that serve the respondent's best interest. Delays in fulfilling these time-sensitive referrals have significantly increased due to lack of resources, resulting in a chain reaction for judges managing their caseloads and for vulnerable individuals seeking resolution to their cases.

To promote statutory compliance, reduce case delays, and allow for efficient resource allocation, the GRAMP Program requests $108,250 in **ongoing case processing funds** for one Court Visitor Program Specialist position to support judges in guardianship cases.

- $103,250 (Ongoing - Salary and Benefits)
- $5,000 (One Time - IT Equipment and Office Budget)

Once funded the Court Visitor Program Specialist will help manage current and future requests, address the backlog of cases, provide ongoing case management responsibilities to Court Visitors, assist in recruiting additional volunteers to take on this important work, and conduct ongoing training of volunteers, in accordance with UCJA Rule 6-507((1)(B) and (1)(C).

The GRAMP Program is also asking for $130,000 in **one-time funds**. This would fund billable hours for a pilot program in which contracted attorneys are incentivized when appointed by the court to represent respondents in guardianship cases. Setting aside the high volume of eligible attorney waiver cases sent to the CVP, the GSP receives approximately 130 requests each year that are not eligible for an attorney waiver, as per statute. These are cases where judges would either ask for a court visitor, even though statute requires the appointment of an attorney; or the judge would simply grant guardianship without a court visitor or attorney. Neither path aligns with statute, though the appointment of a court visitor is preferable.

These 130 requests would be the base number expected of a pilot program if funding were received, with each case averaging 5 – 15 hours needed from the attorney to complete the case. These cases would include more complex issues where an advocate is clearly needed, or when the parties have been ordered to complete mediation. The average pay that an attorney working for the State of Utah receives is $100 hourly. With 130 cases needing an average of 10 hours per case, that equals 1300 hours that could be billed by the attorney under a pilot program.

At the conclusion of the program, the resulting data could be shared to determine a more robust solution to the chronic problem of the unfunded mandate found in the guardianship statute. Given the severe limitations placed on a respondent when guardianship is granted, and the vulnerable position that respondents are in, resources are needed to ensure they are supported and given due process.

Alternative funding sources, if any:
Other than submitting funding requests to the Legislature, other funding options have not been identified.

2. FY 2027 Ongoing Case Processing Funds Spending Request – GRAMP Court Visitor Program

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

While a Court Visitor Program Specialist can alleviate some of the statutory requirements, the need to reliably appoint attorneys to represent respondents still exists. Requests for funding to the Legislature for these resources will continue until the necessary resources are realized. Until then, the Judiciary will remain out of compliance with the statute.

EXHIBIT B

REQUEST FOR PROPOSAL
Utah State Courts
LEGAL REPRESENTATION FOR RESPONDENTS IN GUARDIANSHIP CASES
(Guardianship Reporting and Monitoring Program)
Solicitation # AOC27002

PURPOSE OF REQUEST FOR PROPOSAL (RFP)

The purpose of this request for proposal is to enter into a contract with a qualified firm or agency to provide legal representation to respondents in guardianship petitions filed statewide at the rate of $200 per hour. It is anticipated that this RFP will result in a contract award to a single offeror.

There will be two phases to this RFP. All vendors who score 51 points or higher out of 85 points possible on the attached evaluation scoresheet will qualify for an interview in a second phase. The winning bidder will be the highest score after the scores calculated in phase two are added to the scoresheet.

This RFP is designed to provide interested offerors with sufficient basic information to submit proposals meeting minimum requirements but is not intended to limit a proposal's content or exclude any relevant or essential data. Offerors are at liberty and are encouraged to expand upon the specifications to evidence service capability under any agreement.

BACKGROUND

Utah Code 75-5-303(2) mandates that respondents in guardianship cases must have legal representation, appointed by the court, unless specific conditions are met. Utah Code 75-5-303(6)(e) mandates appointment of a court visitor in lieu of an attorney if specific conditions are met.

The Guardianship Signature Program (GSP) was established by the Utah State Bar to provide a mechanism for attorneys to volunteer to fill this mandate. The Court Visitor Program (CVP) was established as a means of utilizing trained volunteers to serve as special appointees of the court in guardianship cases, including those where an attorney has been waived per statute. Both these programs are part of the Guardianship Reporting and Monitoring Program (GRAMP) at the Administrative Office of the Court (AOC).

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

representation in mandatory guardianship cases and relied solely on volunteerism to fulfill the statutory mandate.

The Judicial Council has provided funding for a pilot program in which a firm or agency will be incentivized to accept guardianship cases statewide when appointed by the court. The GSP receives approximately 130 requests yearly from all the districts each year that are not eligible for an attorney waiver, as per statute. These are cases where judges would either ask for a court visitor, even though statute requires the appointment of an attorney; or the judge would move forward with the appointment, without a court visitor or attorney.

It is anticipated that each case will require an average of 10 hours to complete, though some cases may require more or less time. These cases will be assigned to the pilot program after the statutory 60 days have passed to allow an attorney to volunteer for the case through the GSP.

Billable hours will be paid at $200 per hour up to a maximum of $130,000 initially. The Guardianship Reporting and Monitoring Program will be seeking further funding to be amended into this contract to cover the projected annual number of 130 cases. If additional funding is approved, approximately 1300 hours could be billed by the attorney annually under this pilot. If no funding is given for next fiscal year (beginning 7/1/2027) the contract will end on 6/30/2027 with a maximum payout through that date of $130,000.

This $200 hourly rate is non-negotiable, and proposals should focus on the skills and abilities to efficiently and effectively represent respondents in guardianship cases.

ISSUING OFFICE AND RFP REFERENCE NUMBER

The State of Utah Administrative Office of the Courts (AOC) is the issuing office for this document and all subsequent addenda relating to it, on behalf of GRAMP.

RFP Reference Number: **AOC27002**

SUBMITTING YOUR PROPOSAL

Proposals must be received by the due date and time listed on the Euna/Bonfire U3P Utah Procurement Place website, currently:

EXHIBIT B

Wednesday, October 14, 2026 at 3:00 P.M (mdt).
Please refer to the U3P website for any modifications. Proposals received after the deadline will be late and ineligible for consideration.

The preferred method of submitting your proposal is electronically through the Euna/Bonfire U3P Utah Procurement Place. However, if you choose to submit hard copies, one original and (3) three identical copies of your proposal must be received at the Administrative Office of the Courts, Attn: Dustin Treanor, 450 South State Suite 31, PO Box 140241, Salt Lake City, Utah 84114-0241 prior to the posted due date and time. Hard copies must list the Bid number and "**Private Bid**" on the envelope.

When submitting a proposal electronically through the Euna/Bonfire U3P Utah Procurement Place, Please allow sufficient time to complete the online forms and upload documents. The solicitation will end at the closing time listed on Euna/Bonfire U3P. If you are in the middle of uploading your proposal at the posted closing time, the system will stop the process, and your proposal will not be received by the system.

Electronic proposals may require uploading of electronic attachments. The Euna/Bonfire U3P Utah Procurement Place's site will accept a wide variety of documents as attachments. However, the submission of documents containing embedded documents (zip files), mov, wmp, and mp3 files are prohibited. Cost should be on a separate attachment.

LENGTH OF CONTRACT

The contract resulting from this RFP will be approximately one year, contingent on funding beyond the current fiscal year (ending on 6/30/2027). The contract may be extended up to (1) additional year, totaling (2) years at the Judicial Council's discretion and funding, and by mutual agreement with the vendor.

PRICE GUARANTEE PERIOD

The hourly rate of $200/hour will be guaranteed for the entirety of this contract. Price adjustments will not be considered.

CONTRACT TERMS AND CONDITIONS

Any contract resulting from this RFP will include, but not be limited to, the attached terms and conditions.

EXHIBIT B

QUESTIONS

All questions must be submitted through the EUNA/BONFIRE U3P UTAH PROCUREMENT PLACE website. Answers will also be given via the U3P site.

INTERVIEWS WITH OFFERORS

All vendors who score 51 points or higher out of 85 possible points on the attached evaluation scoresheet will qualify for an interview in the second phase. The winning bidder will be the highest score after the scores calculated in the second phase are added to the first phase on the scoresheet.

PROTECTED INFORMATION

The Utah Rules of Judicial Administration provide that the following business records are protected:

> *(1) trade secrets as defined in Utah Code § 13-24-2,*
> *(2) commercial information or non-individual financial information obtained from a person if:*
> *(a) disclosure of the information could reasonably be expected to result in unfair competitive injury to the person submitting the information or would impair the ability of the governmental entity to obtain necessary information in the future;*
> *(b) the person submitting the information has a greater interest in prohibiting access than the public in obtaining access; and*
> *(c) the person submitting the information has provided the governmental entity with the information specified in Utah Code Section 63G-2-309; and*
> *(3) records the disclosure of which would impair governmental procurement proceedings or give an unfair advantage to any person.*

To protect information under a claim of business confidentiality, the Offeror must provide a written claim of business confidentiality at the time the proposal is provided to the State *and* include a concise statement of reasons supporting the claim of business confidentiality (Utah Code Section 63G-2-309(1)).

A claim of business confidentiality may be appropriate for information such as client lists and non-public financial statements. Pricing and service elements may not be protected. An entire proposal may not be protected under a claim of business confidentiality. The claim of business confidentiality must be submitted with your

proposal.

To ensure the information is protected, please clearly identify in the Executive Summary and in the body of the proposal any specific information for which the offeror claims business confidentiality protection.

DETAILED SCOPE OF WORK

The goal of the Guardianship Reporting and Monitoring Program (GRAMP) is to provide respondents in guardianship proceedings with statutorily required legal representation. GRAMP will also continue to use the GSP to find volunteer attorneys, and the CVP when a court visitor is appointed. Cases will only be funneled to the Offeror upon official referral by GRAMP, confirming that the case has remained open without a volunteer attorney match for a minimum of 60 days. The winning Offeror will serve as the designated Secondary Failsafe Provider for the GSP.

Respondents in guardianship cases that require legal representation vary in age, race and gender, but most may be disabled or otherwise impaired in some way. Due to this, Offerors must show competency in guardianship law and procedures. This can be done by certifying that they are competent in these matters, or by completing the training course offered by GRAMP and providing a certificate of completion from that course to the GRAMP administrator. Offerors must be admitted to practice law in Utah and a member of the Utah State Bar in good standing.

Program Objectives for the Offeror:

1. Provide legal representation for respondents in guardianship cases as appointed by the court. Cases will be screened by the GRAMP administrator after the statutory 60 days has passed to allow for volunteers through the GSP. As a result, cases will require navigation of guardianship statutes, including mediation. The Offeror's ability to provide this will be examined.
2. Legal representation of the respondent must continue until the case is resolved, even if that time exceeds that average of 10 hours as stated.
3. The agency and / or firm may choose the attorney to fill the appointment. They will track the hours spent working on a case and submit an invoice for each separate case to the GRAMP administrator.
4. The agency and / or firm will provide all office and technical support to any attorney involved in the program. Any need for interpreter services will be provided by the AOC, for both court hearings and office meetings.

EXHIBIT B

PROPOSAL REQUIREMENTS AND QUALIFICATIONS

1. Any attorney who the Offeror would use in the pilot program must be an active member of the Utah State Bar.
2. Any attorney who the Offeror would use in the pilot program must either certify to the GRAMP administrator that they are competent in these matters or complete the four-part training course offered by GRAMP. If the GRAMP training is completed, a certificate of completion from that training must be provided.

3. Provide legal representation to the respondent as needed, even if the hours exceed the average number of hours initially contemplated.
4. The Offeror must agree to utilize the standard GRAMP reporting forms and data portals, ensuring judges see no operational difference between a GSP volunteer and a pilot program attorney. Invoices must be submitted to the GRAMP administrator on a monthly basis that includes data requirements given by the GRAMP administrator to achieve the program objectives

PROPOSAL RESPONSE FORMAT

All proposals must include:

1. **RFP Form**. The State's Request for Proposal form completed and signed.
2. **Executive Summary.** The one- or two-page executive summary is to briefly describe the Offeror's proposal. This summary should highlight the major features of the proposal. It must indicate any requirements that cannot be met by the offeror. The reader should be able to determine the essence of the proposal by reading the executive summary. Protected information requests should be identified in this section.
    a. An assurance that the Offeror can meet all requirements.
    b. The Offeror's relevant experience, including the relevant experience of any attorney who may be involved in the pilot program.
    c. The proposed strategy of providing legal representation to guardianship respondents as described, including data tracking and invoicing processes.
    d. Assurances that the attorneys who may be involved in the pilot program are knowledgeable in guardianship and conservatorship practices.

e. Assurance that the attorneys who may be assigned to respondents who are disabled in some way will have the skills available to advocate for the respondents' best interests, even if they cannot directly ask the client what they want. They must do their due diligence to ascertain what the client would want if they could communicate. They also must see a case through, even if the best course of action for their client takes them beyond the assumed billable hours.

3. **Detailed Response.** This section should constitute the major portion of the proposal and must contain at least the following information:

   a. A list of all attorneys that may be used in the pilot program, with a summary of work experience. The Offeror must also indicate that the attorneys are knowledgeable in guardianship matters, either by written certification or a certificate of completion of the GRAMP training course. Access to the training courses can be provided by the GRAMP administrator. The response should also detail how experienced the attorneys involved in the pilot program are with working with respondents that may be disabled or otherwise impaired in some way.

   b. To ensure that performance management remains with the Offeror during each attorney's time in the pilot program, the Offeror must confirm that all listed attorneys will be monitored against internal performance expectations and requirements.

   c. The Offeror must provide a list of objectives and methodologies they will impose, in line with feedback from the GRAMP administrator, to meet program goals. This could include criteria to consider when decisions are made regarding which attorney should take on a case in the pilot program.

   d. A description of how the Offeror and each attorney involved in the pilot program will determine if a conflict of interest exists with themselves or the Offeror. This includes reporting conflicts to the GRAMP administrator, how the attorney will be screened off from any other attorneys, and how the attorney will maintain objectivity and confidentiality around the conflict.

   e. To ensure that the respondents in the assigned cases get immediate assistance, the Offeror should describe any processes they can implement to help the attorney assigned to the case immediately begin work.

f. A description of the Offeror's administrative ability to provide clerical and technical support to the attorneys involved in the pilot program. This would include a list of personnel in a supportive position who may assist the attorney while they are representing respondents in pilot program cases.

4. **Examples of Past Work**. With the list of attorneys that may be utilized in this program, the Offeror must also submit a total of 3 cases per attorney. These three cases must show that the attorney provided representation to a protected person and /or respondent in a guardianship case and completed the case.

5. **Cost**. Costs are currently capped at $130,000 for the initial period averaging 10 hours per case, with each case billed at $200 per hour. GRAMP will seek more funding to add to this contract as an amendment to cover the projected number of 130 cases that will require representation. Each Offerer must show a comprehensive plan detailing efficiencies to maximize the time spent on each case. This would include showing how many hours could be contributed toward the pilot program using senior level attorneys and paralegal support.

PROPOSAL EVALUATION CRITERIA

A committee will evaluate proposals against the following weighted criteria. Each area of the evaluation criteria must be addressed in detail in proposal.

PHASE I

WEIGHT	EVALUATION CRITERIA
25 %	Capacity and Scalability
20 %	Competency and Qualifications
25 %	Guardianship and Disability Law Experience
15 %	References and Rating Prior Guardianship Cases

EXHIBIT B

PHASE II (for those who score at least 51 points in Phase One)

WEIGHT	EVALUATION CRITERIA
15%	Interview

GRAMP LEGAL REPRESENTATION IN GUARDIANSHIP CASES
Utah State Courts
SOLICITATION# AOC27002
RFP EVALUATION SCORESHEET

Firm Name: _____

Evaluator: _____

Date: _____

Score will be assigned as follows:
0 = Failure, no response
1 = Poor, inadequate, fails to meet requirement
2 = Fair, only partially responsive
3 = Average, meets minimum requirement
4 = Above average, exceeds minimum requirement
5 = Superior

	Points Possible	Score	Weight	Points
PHASE ONE				
1. Capacity and Scalability (25 points possible)		----	----	**----**
Soundness of operational plan triaging and evaluating assigned cases.	10 points		x2	
Is there a dedicated pool of attorneys who can give immediate assistance and immediately begin work on an assigned case.	10 points		x2	
Ability to complete to disposition any case that goes beyond the average number of 10 hours.	5 points		x1	
2. Competency and Qualifications (20 points possible)		----	----	**----**
What is the work experience of attorneys who would be assigned cases?	10 points		x2	
Are there senior attorneys who can lend knowledge and expertise?	10 points		x2	
3. Guardianship and Disability Law Experience (25 points possible)		----	----	**----**
Do the attorneys have experience working with disabled or otherwise impaired respondents?	15 points		x3	

EXHIBIT B

Knowledge and history with the GRAMP (GSP, CVP, WINGS).	10 points		x2	
4. References and Rating Prior Guardianship Cases (15 points possible)		**----**	**___**	**___**
Soundness of detailed plan describing how the Offeror will check for conflicts and possible mitigation.	5 points		x1	
Submit list of cases that the firm / agency has completed successfully, noting which attorney worked on each case.	10 points		x2	
FINAL PHASE ONE SCORE All proposals that score 51 points or more qualify for Phase Two	85 points possible	------	------	
PHASE TWO (only for those who scored at least 51 points in Phase One)		**----**	**----**	**----**
Interview Score (15 Points Possible)	15 points	---	----	
FINAL EVALUATION POINTS	**100 points possible**	**----**	**Total**	

FY 2028 Legislative Request

(Item 2 – Action)

Administrative Office of the Courts

Interim Chief Justice Jill Pohlman
Utah Supreme Court
Chair, Utah Judicial Council

November 23, 2026

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

MEMORANDUM

TO: **The Judicial Council**

FROM: **Jordan Murray, Financial Manager**
Bart Olsen, Director, Human Resources

RE: **Revised FY28 Legislative Funding Request – Core Courthouse Workforce: Recruit and Retain**

Purpose & Background

At the August 2026 all-day budget meeting, the Judicial Council approved the Core Courthouse Workforce – Recruit and Retain legislative funding request as a FY28 budget priority, seeking $5,563,000 in ongoing funding to address workforce compensation and retention challenges.

Since that approval, two developments have prompted revisions: (1) a reduction in the proposed compensation funding following discussions with the Governor's Office of Planning and Budget (GOPB), and (2) an additional funding need associated with proposed changes to the Judiciary's Office of State Debt Collection (OSDC) funding.

Revision to Compensation Funding

Following discussions with GOPB, the compensation portion of the request was reduced from $5,563,000 to $3,807,000, focusing on salary compression and targeted adjustments for judicial assistants, probation officers, and their team leads. The difference reflects a change in funding strategy, not a reduction in the Judiciary's identified compensation needs. The strategy shift follows GOPB's recommendation to use the "Targeted Funding" tool for the Judiciary's broad nonjudicial officer compensation needs ($5.6M) and narrows the legislative request to the highest priority positions ($3.8M). This approach provides a backstop such that if the $5.6M in targeted funding comes in below our $5.6M request, we still have the $3.8M legislative request to pursue. This approach was adopted by Finance and HR in consultation with the State Court Administrator's Office.

Additional OSDC-Related Funding
The Office of the Legislative Fiscal Analyst (LFA) has recommended that the Legislature discontinue the Judiciary's existing $740,000 annual funding transfer from the Office of State Debt Collection (OSDC), including removing the statutory authorization for the transfer and adopting FY28 intent language directing its termination. The Department of Government Operations (DGO) concurred with the recommendation.

Discontinuation of the transfer would not eliminate the Judiciary's underlying responsibilities. Judicial assistants would continue to perform essential functions, including monitoring criminal accounts, preparing delinquent matters for judicial review, and referring eligible cases to OSDC.

Based on employee workload estimates, approximately 77.5% of the currently funded workload would continue following discontinuation of the OSDC funding, requiring an estimated $573,500 in ongoing annual personnel funding to maintain these essential functions.

Because these duties are performed by existing judicial assistants, we propose incorporating the necessary replacement funding into the workforce request. No additional positions are requested.

Requested Council Action
We request the Judicial Council's approval to revise its previously approved FY28 legislative funding request as follows:

Funding Item	**FY28 Ongoing**
Revised workforce compensation	$3,807,000
OSDC-related replacement funding	$573,500
Total revised request	**$4,380,500**

Governor's Office *of* Planning & Budget

FY27 and FY28 State Agency Budget Request Form

Request Title	**Core Courthouse Workforce – Recruit and Retain**		
State Agency	Judiciary	**Request Priority**	3
Division	Judiciary	**Program**	Human Resources
Primary Contact	Ron Gordon, Neira Siaperas, Karl Sweeney	**Email & Phone**	ronbg@utcourts.gov 801 578 3816 neiras@utcourts.gov 801 578 3850 karls@utcourts.gov 801 578 3889

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

SOURCE	FY27 ONE-TIME	FY28 ONGOING	FY28 ONE-TIME	TOTAL REQUEST
GF, ITF, USF	$0	$4,380,500	$0	$4,380,500
OTHER	$0	$0	$0	$0
TOTAL	**$0**	**$4,380,500**	**$0**	**$4,380,500**
			New FTEs	**0**

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

SUMMARY

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

The Judiciary seeks ongoing funding to address persistent turnover in its core courthouse workforce and the loss of institutional knowledge essential to fair, efficient court operations. Turnover among employees who process cases, assist the public, and provide probation services remained 20–21% annually from 2021 through 2025; average judicial assistant tenure fell from 13.5 to 5.4 years over a decade. Exit surveys consistently cite pay as a reason for leaving. The Judiciary requests $4,380,500 in FY28 ongoing funding, with no new positions: $3,807,000 for targeted compensation and salary compression adjustments for judicial assistants, probation officers, and team leads; and $573,500 to maintain criminal account monitoring, judicial review preparation, and referrals if the Office of State Debt Collection (OSDC) funding ends. This investment would help stabilize court services and preserve experience, with outcomes tracked through retention, vacancy duration, and referral timeliness.

COST

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

The Judiciary requests $4,380,500 in FY28 ongoing personnel funding through the state fund sources listed on the cover page. The request includes $3,807,000 for targeted compensation and salary compression adjustments and $573,500 to support continuing judicial assistant duties if the OSDC funding ends. The proposed compensation adjustments average 9%. No new positions or one-time funding are requested.

Ongoing compensation adjustments by job classification - $3,656,700

- Judicial Assistant: $2,442,100
- Judicial Assistant Team Lead: $218,500
- Probation Officer: $939,400
- Probation Officer Team Lead: $56,700

Adjustments subtotal: $3,656,700

Additional ongoing salary compression adjustments: $150,300

Total compensation adjustments: $3,807,000

Continuing judicial assistant workload after proposed end of OSDC transfer: $573,500

TOTAL FY28 ONGOING REQUEST: $4,380,500

See Attachment, Table 1 for the personnel cost breakdown.

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

In effect, this compensation request has already been scaled over several budget cycles while retention challenges have continued. The concern is not simply the number of vacant positions: when experienced employees leave, institutional knowledge leaves with them. Remaining staff must cover vacancies and train replacements while continuing to process cases, assist the public, and provide probation services. Further reductions would leave more of the compensation pressures identified in exit surveys unresolved.

A 10% reduction to the combined request would provide $3,942,450; funding 50% would provide $2,190,250. If the continuing OSDC-related duties were funded at $573,500 in either scenario, $3,368,950 or $1,616,750, respectively, would remain for pay adjustments. Partial compensation funding would require smaller adjustments, fewer employees receiving them, or less funding for salary compression. The Judiciary would select classifications and adjustment levels based on pay data, retention pressures, and internal pay relationships.

Funding the full request this cycle would allow the Judiciary to implement compensation adjustments together and preserve the court work that would continue if the OSDC transfer ends at the close of FY27. Phasing compensation increases would prolong retention pressures in deferred classifications. Reducing or delaying the

additional funding for continuing duties would require courts to redirect staff from other work or risk delays in reviewing delinquent accounts and referring eligible cases.

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

The $4,380,500 request would fund ongoing personnel costs beginning in FY28: $3,807,000 for compensation adjustments and associated benefits, and $573,500 to support continuing duties performed by existing judicial assistants if the OSDC funding ends. Future statewide compensation and benefit changes would be addressed through the regular budget process.

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

For the past decade, the Judiciary has relied on approximately $450,000 annually in internally generated ongoing turnover savings to address targeted pay inequities. These resources have helped address small pockets of compensation need but cannot support a meaningful statewide response to the pressures facing the core courthouse workforce. The historical level of savings is substantially less than the $3.807 million proposed for compensation adjustments. During the 2026 General Session, the FY27 budget also had ongoing turnover savings reduced by $185,000, further limiting the Judiciary's flexibility.

The Legislature provided $3.9 million for judicial assistant compensation in FY23. Following that investment, the Judiciary reported fewer vacant judicial assistant positions and a 19% reduction in the average time to fill them in calendar year 2024. That funding helped bring employees in the door; keeping employees long enough to build experience remains a challenge. Core courthouse turnover continues to affect approximately one in five employees each year (see Attachment, Table 2).

The Judiciary has also pursued tuition assistance, internal training, employee recognition, and pay-for-performance bonuses. These measures support professional development and employee engagement, but they cannot substitute for ongoing compensation adjustments where exit surveys repeatedly identify pay as a reason for departure.

The current $740,000 annual OSDC transfer helps support 7.5 existing judicial assistant FTEs who perform collections work. Some districts have already stopped sending collection letters and redirected staff time to monitoring criminal accounts. If that funding ends, District Court Administration recommends discontinuing collection letters statewide; the Judiciary could handle limited payment processing directly. Work that remains necessary for court operations would still require staff capacity.

STRATEGIC ALIGNMENT

6. Explain how this request aligns with the agency's strategic plan or the governor's priorities. Please include a direct citation to the relevant objective or strategy from the agency's strategic plan or other long-range plan.

Strategic Plan:

This request aligns with the Judiciary's Strategic Plan Commitment 3, Goal 2: "Provide equal opportunities for all employees," and Strategy 2: "Expand employee retention efforts."

This request is essential to the Judiciary's mission to provide "an open, fair, and efficient system for the advancement of justice under the law." Fair and competitive compensation supports a motivated and equitable workforce; retaining experienced judicial assistants and probation officers secures institutional knowledge essential to preventing errors and delivering justice fairly and impartially. The people of Utah need to be confident they will receive fair and timely service when they bring matters to court. Continuing to monitor criminal accounts and prepare delinquent cases for judicial review and referral likewise supports accurate records and dependable court operations.

Average judicial assistant tenure has declined from 13.5 years about a decade ago to 5.4 years in the latest reported data. Stabilizing this workforce would reduce repeated training demands and help ensure that experience and knowledge remain available to the people the Judiciary serves.

Governor's Priorities:

Strengthening Families – The Governor emphasizes that "when families win, we all win – economically as well as socially." Not only do courts play a critical role in domestic and family law cases, but every court patron belongs to a family. Case outcomes inevitably impact not just the patron but the patron's family as well. A stable and experienced courthouse workforce ensures that cases are handled accurately and efficiently, which directly aids in stabilizing and strengthening families in crisis.

A Robust Economy – An experienced judiciary workforce processes cases accurately and promptly, allowing businesses to resolve disputes without costly delays, fostering economic stability and investor confidence. Additionally, high turnover in critical roles needlessly drives up administrative and training costs; mitigating this through competitive wages translates to more efficient public spending.

Improving Health – "Addressing the social factors that can adversely affect health" is a critical piece to improving health according to the Governor's Priorities webpage. Efficient and fair courtroom procedures are an important key to addressing such social factors. If divorce cases or custody disputes are adversely impacted due to staffing inefficiencies, the prolonged stress unavoidably contributes to adverse health conditions for Utahns. Retaining experienced judicial assistants and probation officers helps cases to proceed without health-harming delays.

Protecting Rural Utah – The Judiciary operates courthouses in all judicial districts, encompassing both urban and rural areas. Retaining judicial assistants and probation officers supports reliable court operations and probation services in rural communities as well as urban areas.

Solving and Serving – The Governor emphasizes the need to "build up their communities" and find solutions. In many circumstances, those solutions rely on answers to questions and disputes that Utahns bring to the courts.

Utah's communities need experienced judicial assistants and probation officers to provide its people an open, fair, and efficient system of justice that is foundational to the community in which we all live and want to thrive.

EVIDENCE & ANALYSIS

7. **Issue:** Substantiate the **issue** and justify the proposed **solution** using supporting evidence, such as program data, calculations, published research, etc. Please attach supporting documents as needed. ***NOTE: The GOPB Program Evaluation team will reach out for more information from the agency if the request meets conditions that suggest it is appropriate for review within the GOPB evidence framework. This is usually the case if the request is for a new program.***

At its core, this request concerns the Judiciary's ability to maintain a knowledgeable and dependable courthouse workforce. Processing filings, maintaining accurate records, scheduling hearings, assisting the public, and providing probation services all depend on employees who develop expertise over time. Repeated turnover erodes that institutional knowledge; experienced staff must cover vacant positions and train replacements while still meeting the needs of court patrons.

The supporting workforce chart shows annual core courthouse turnover of approximately 20% to 21% from 2021 through 2025 (see Attachment, Table 2). Average judicial assistant tenure declined from 13.5 years about a decade ago to 5.4 years in the latest reported data. Together, these figures describe sustained turnover and a workforce with substantially less average experience than it had a decade earlier.

Exit surveys repeatedly describe employees leaving for higher-paying public-sector jobs with fewer responsibilities. Competitive compensation is therefore directly relevant to the retention problem. The request allocates $3,656,700 across four existing classifications – Judicial Assistant, Judicial Assistant Team Lead, Probation Officer, and Probation Officer Team Lead – and an additional $150,300 for salary compression, bringing the compensation portion to $3,807,000 (see Attachment, Table 1). These targeted adjustments would support the Judiciary's efforts to keep experienced employees and maintain reliable case processing, public assistance, and probation services.

Continuing criminal-account workload if the OSDC funding ends

District judges impose criminal financial obligations at sentencing. Even if the OSDC transfer ends, court staff would still need to monitor payment status and address delinquent accounts. In November 2026, three employees in OSDC-funded positions provided estimates of their weekly duties. On average, they reported 15 hours per 40-hour week monitoring accounts and 16 hours preparing delinquent matters for judicial review, consulting with judges and court managers, preparing and referring eligible cases to OSDC, and creating related judgments.

The Judiciary estimates the ongoing need at $573,500 by applying the continuing share of reported workload (31 of 40 hours, or 77.5%) to the $740,000 annual transfer. The estimate excludes six hours for collection letters, two hours for defendant-information verification, and one hour for payment processing. The request would preserve the capacity to perform the remaining court responsibilities without adding positions.

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

The Judiciary would evaluate whether the compensation adjustments help stabilize the funded judicial assistant and probation officer classifications, including their team leads. Existing HR reporting and exit surveys would support the assessment. Where data allow, additional targeted adjustments would be assessed for the employees who receive them.

Proposed measures include:

- Retention and turnover: Annual turnover by funded job classification and district, distinguishing voluntary departures and other separations where data allow.

- Vacancy duration: Time to fill positions and the number of vacancies in funded classifications.

- Compensation-related departures: The share of exit survey respondents identifying pay or a higher-paying job as a reason for leaving.

- Experience: Tenure in funded classifications, interpreted alongside hiring patterns and workforce changes.

The intended outcome is to preserve an experienced workforce and limit further instability. First-year results would be compared with verified pre-adjustment baselines and interpreted considering implementation dates, hiring patterns, and labor-market changes. Later assessments would determine whether improvements are sustained. The Judiciary would establish targets and reporting arrangements through its performance-planning process.

Separately, the Judiciary would assess whether courts continue to review delinquent criminal accounts and refer eligible cases to OSDC in a timely manner. Where records permit, the first-year review would track the number of accounts awaiting review and the time from referral eligibility to referral, compared with a pre-change baseline.

COLLABORATION

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

The Judiciary developed the compensation proposal internally. District Court Administration consulted judicial assistants in OSDC-funded positions to estimate the continuing workload. The Office of the Legislative Fiscal Analyst proposed discontinuing the transfer, and the Department of Government Operations agreed with the recommendation. The Judiciary developed the replacement funding estimate.

LEGAL AUTHORITY

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

Utah Code Section 78A-2-107 assigns personnel-administration responsibilities to the State Court Administrator. CJA Rule 3-402 governs human resources administration and requires compensation schedules to consider current market data, comparable positions, local labor-market information, and available funds. The proposed compensation adjustments and continuing judicial assistant duties would be funded within the existing personnel system. No statutory amendment or court-rule change is requested by the Judiciary for this appropriation.

Separately, the Legislative Fiscal Analyst recommended that the Legislature consider removing the authority in Utah Code Subsection 63A-3-505(3)(f) for the State Debt Collection Fund to pay deputy court clerks working exclusively on debt collection activities and consider FY28 intent language to end the OSDC transfer.

INTENT LANGUAGE

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

The Judiciary requests no special intent language for this appropriation. The request would fund ongoing compensation adjustments and continuing criminal accounts work by existing judicial assistants if the OSDC funding ends.

Governor's Office of Planning & Budget

Attachment - Tables

FY27 and FY28 State Agency Budget Request Form

Request Title	**Core Courthouse Workforce – Recruit and Retain**		
State Agency	Judiciary	**Request Priority**	3
Division	Judiciary	**Program**	Human Resources
Primary Contact	Ron Gordon, Neira Siaperas, Karl Sweeney	**Email & Phone**	ronbg@utcourts.gov 801 578 3816 neiras@utcourts.gov 801 578 3850 karls@utcourts.gov 801 578 3889

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

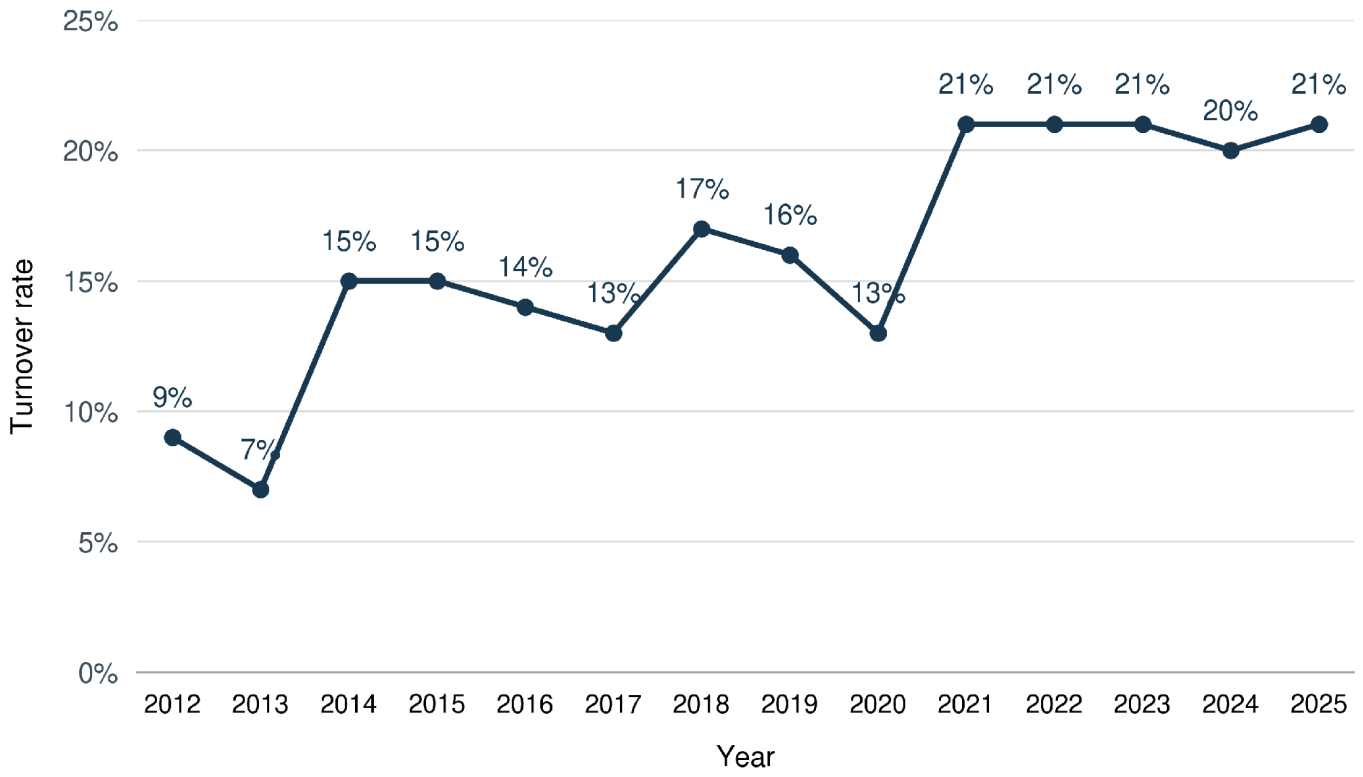
SOURCE	FY27 ONE-TIME	FY28 ONGOING	FY28 ONE-TIME	TOTAL REQUEST
GF, ITF, USF	$0	$4,380,500	$0	$4,380,500
OTHER	$0	$0	$0	$0
TOTAL	**$0**	**$4,380,500**	**$0**	**$4,380,500**
			New FTEs	**0**

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

Table 1: Personnel funding by classification and purpose

Classification / Purpose	Total cost
Judicial Assistant	$2,442,100
Judicial Assistant Team Lead	$218,500
Probation Officer	$939,400
Probation Officer Team Lead	$56,700
Subtotal compensation adjustments by classification	**$3,656,700**
Salary compression adjustments	$150,300
Total compensation adjustments	**$3,807,000**
Judicial Assistant duties if Office of State Debt Collection funding ends	$573,500
Total FY28 ongoing request	**$4,380,500**

Table 2: Core courthouse workforce turnover
2012 to 2025



Year	2012	2013	2014	2015	2016	2017	2018
Turnover	9%	7%	15%	15%	14%	13%	17%
Year	**2019**	**2020**	**2021**	**2022**	**2023**	**2024**	**2025**
Turnover	16%	13%	21%	21%	21%	20%	21%

Tab 4

EXAMINING ABUSE OF DISCRETION RULINGS AS AN INDICATOR OF JUDICIAL PERFORMANCE

PREPARED BY:
THE JUDICIAL PERFORMANCE EVALUATION COMMISSION
Mary-Margaret Pingree
Chris Russell
Julie Spilker
Madison Klein

Department *of* Criminal Justice
Judicial Performance Evaluation Commission

Executive Summary

Purpose of Report

Senate Bill 233 (2026) directed the Judicial Performance Evaluation Commission (JPEC) to study whether the number of times a judge is overturned on appeal for abuse of discretion should be included in judicial performance evaluations.

Key Findings

JPEC reviewed 1,044 appellate cases from January 1, 2021, through September 30, 2025. The abuse of discretion standard was applied in 343 cases, resulting in 36 cases overturned on appeal involving 30 district court judges.

The study found that reversal counts provide limited information because most judges had only one qualifying reversal, the practical impact of cases varied substantially, and judges had different opportunities for appellate review. Judicial feedback reinforced that an isolated reversal does not necessarily indicate poor performance and that reasonable judges may disagree on discretionary decisions.The analysis also found virtually no relationship between abuse of discretion reversal counts and judges' legal ability scores (Pearson correlation r = -0.005, p = .980).

Recommendation

JPEC does not recommend incorporating abuse of discretion reversal counts into judicial performance evaluations. The study did not establish that these counts are a reliable or meaningful measure of overall judicial performance.

Introduction and Purpose of the Study

This report responds to the Legislature's mandate to the Judicial Performance Evaluation Commission (JPEC) under SB 233 (2026): "The commission shall study whether the number of times that a judge is overturned on appeal for an abuse of discretion should be included in a judicial performance evaluation."

Our study examined two questions:

- Do cases overturned on appeal for an abuse of discretion provide meaningful information about judicial performance?
- Can these cases be identified and measured?

The premise underlying the study was that an abuse of discretion finding, which indicates that a decision fell outside the range of reasonable decisions permitted by law, might provide information about a judge's legal ability and judgment. Because JPEC's existing performance measures rely in part on survey-based assessments, the study examined whether judges with more abuse of discretion reversals also received lower legal ability scores.[1]

JPEC also wanted to assess whether the metric was viable in practice. This included determining whether the necessary appellate data could be identified and collected and whether the resulting data provided meaningful, reliable information about judicial performance. More broadly, the study reflects an interest in identifying objective measures that can supplement existing approaches to evaluating judicial performance.

This report reviews relevant research on the abuse of discretion standard and on the broader use of appellate reversals in evaluating judicial performance. It describes the study's methodology and findings, examines the potential strengths and limitations of reversal counts as a performance measure, and summarizes feedback from judges about their usefulness and application.

What is Abuse of Discretion?

Appellate courts review the rulings of trial courts under various standards of review. A standard of review specifies how much deference the appellate court gives to the trial court's ruling on appeal. In reviewing some issues—for example, a ruling on the meaning of a statute—the appellate court will grant the trial court no deference; that is, the appellate court will decide what the statute means without regard to how the trial court ruled. In reviewing other issues—for example, whether the division of marital assets in a divorce case is equitable—the appellate court will grant the trial court considerable deference, as the issue is more of a judgment call that the trial court is better situated to make.

[1] Note: Throughout this report, we use the term reversals broadly to refer to appellate rulings that overturn a trial court's decision, including cases that are reversed, vacated, or remanded.

Abuse of discretion is a standard of review used by appellate courts in reviewing the latter type of issue, where trial judges are often given discretion, meaning they have some scope to decide what the law requires under the particular circumstances of the case. But that scope has limits. If the decision exceeds those limits, an appellate court may determine that the trial court judge abused their discretion.

In *State v. Richins*, the Utah Supreme Court stated that "[a] district court abuses its discretion if it applies the wrong legal standard or if its decision is 'beyond the limits of reasonability.'"[2] The court further explained that a decision is "beyond the limits of reasonability" if "no reasonable person would take the view adopted by the trial court." *Id.*[3]

Therefore, a finding of abuse of discretion occurs when an appellate court determines that a trial court's decision falls outside the range of reasonable and permissible outcomes. Abuse of discretion is a deferential standard of review, meaning appellate courts give substantial latitude to trial judges. As a result, reversals—particularly on discretionary grounds—are relatively rare.

Empirical studies of appellate outcomes have generally found that appellate courts affirm a substantial majority of lower-court decisions, although reversal rates vary considerably by jurisdiction, case type, and the population being measured. In state criminal appeals, for example, a national study found that only 12% of all appeals resulted in a reversal, remand, or modification.[4]

Existing Research

JPEC reviewed research addressing the nature of the abuse of discretion standard and the use of appellate reversals as indicators of judicial performance. The literature identifies several challenges that are relevant to assessing whether this metric can provide a meaningful measure of judicial performance.

"Abuse of discretion" is an appellate standard of review that has been described in the literature as difficult to define consistently, and courts have articulated the standard in different ways. Mead, in "*"Abuse of Discretion: Maine's Application of a Malleable Appellate Standard,"*[5] argues that the term is highly flexible and sometimes unclear, leaving lawyers and judges uncertain how the standard is applied. Peters, in "The Meaning, Measure, and Misuse of Standards of Review,"[6] similarly observes that courts may define terms such as "abuse of discretion" differently and may apply the standard differently as well. Peters says, "One California appellate judge stated that abuse of discretion 'is so amorphous as to mean everything

---

[2] *State v. Richins*, 2025 UT 10, ¶ 18.
[3] *State v. Montiel*, 2005 UT 48, ¶ 24, 122 P.3d 571
[4] Nicole L. Waters, Anne Gallegos, James Green, and Martha Rozsi, *Criminal Appeals in State Courts* (Washington, DC: Bureau of Justice Statistics, U.S. Department of Justice, Office of Justice Programs, September 2015), NCJ 248874.
[5] Andrew M. Mead, "Abuse of Discretion: Maine's Application of a Malleable Appellate Standard," *Maine Law Review* 57, no. 2 (2005): 519–40.
[6] Amanda Peters, "The Meaning, Measure, and Misuse of Standards of Review," *Lewis & Clark Law Review* 13, no. 1 (2009): 233–76.

and nothing at the same time and [is] virtually useless as an analytic tool.'" Peters adds that some courts have added on other verbiage "in an attempt to more clearly delineate its boundaries."

Research on appellate reversals as a performance measure highlights several key concerns regarding consistency and measurement. For instance, Rantanen[7] found substantial variation when reviewing federal circuit reversals of lower courts' patent cases. Rantanen found substantial variation in reported reversal rates even when studies purported to measure the same parameter. These inconsistencies raise questions about the reliability and comparability of reversal rates when used as a performance metric. Rantanen attributes this variation in part to differences in methodology and case classification and concludes that such variation presents a significant challenge to the meaningful use of reversal-rate metrics.

Beyond these disparities, the literature identifies additional concerns about using appellate reversals as a measure of performance. One concern is that judges facing election may have an incentive to make decisions that are less likely to be reversed, even when doing so could come at the expense of decision quality.[8] Halberstam identified another concern: reversal rates may be influenced by characteristics of the appellate review process itself.[9] The empirical results of his study suggest that larger appellate court panels may reverse decisions more frequently than smaller panels, suggesting that panel size and composition may affect reversal rates independently of the underlying performance of the trial.

The literature also identifies potential influences on appellate reversals that extend beyond the underlying trial court ruling. For example, appellate decisions may reflect ideological or policy differences between judges at different levels of court, as well as by institutional and interpersonal factors.[10] For example, research has examined whether the proximity of courthouses and the frequency of interaction between trial and appellate judges are associated with reversal patterns.[11] Sen also found differences in reversal rates based on the race of federal district judges, reporting that African American federal district judges were overturned at higher rates than their white counterparts even after controlling for previous judicial experience, educational background, and other key factors.[12] These findings suggest that reversal rates may reflect characteristics of the appellate process or the judges involved in the review, in addition to the underlying merits of the trial court decision.

The nuanced nature of appellate standards of review may further complicate the interpretation of reversal data. There are several standards by which an appellate court may

---

[7] Jason Rantanen, "Empirical Analyses of Judicial Opinions: Methodology, Metrics, and the Federal Circuit," *Connecticut Law Review* 49, no. 1 (2016): 227–91.
[8] Mona Vakilifathi and Thad Kousser, "Does Judicial Selection Affect Judicial Performance? Evidence from a Natural Experiment," *The Forum* 18, no. 1 (2020): 25–50.
[9] Yosh Halberstam, "Trial and Error: Decision Reversal and Panel Size in State Courts," The Journal of Law, Economics, and Organization 32, no. 1 (2016): 94–118, https://doi.org/10.1093/jleo/ewv007.
[10] Susan B. Haire, Stefanie A. Lindquist, and Donald R. Songer, "Appellate Court Supervision in the Federal Judiciary: A Hierarchical Perspective," *Law & Society Review* 37, no. 1 (2003): 143–68.
[11] Michael J. Nelson, Morgan L. W. Hazelton, and Rachael K. Hinkle, "How Interpersonal Contact Affects Appellate Review," *Journal of Politics* 84, no. 1 (2022): 573–77, https://doi.org/10.1086/714783
[12] Maya Sen, "Is Justice Really Blind? Race and Reversal in U.S. Courts," *The Journal of Legal Studies* 44, no. S1 (2015): S190.

review the decisions of lower courts, and the appropriate standard may depend on the nature of the issue presented. For example, in studying hearsay decisions, Peterson[13] found that more than one standard of review could potentially apply. Abuse of discretion, de novo, or clearly-erroneous standards may all be relevant, depending on the extent to which questions of factuality, legality, or a mix of the two, play out.[14] Thus, determining which standard of review applies may depend on the circumstances and legal issues presented in a particular case.[15] Moreover, the abuse of discretion standard itself does not comprise a single approach. Rather, discretionary decisions depend on a variety of dimensions in a case.[16] [17] [18] [19] In other words, it is not a simple, one-size-fit standard that applies equally to all discretionary cases. Instead, it comprises "a family of review standards…whose members differ greatly" in how they review discretion.[20] Lee further described the standard as encompassing "differing degrees of deferential review depending on the nature of the inquiry." [21]

Because the types of discretionary decisions in trial courts vary, the degree of deference applied on appeal may also vary across cases and over time. For example, Mead notes that the amount of deference afforded on appellate review depends on the type of case and decision at issue.[22] Discretion may therefore be relatively broad in some circumstances and quite narrow in others. Moreover, it is not unusual for appellate courts to issue decisions finding no abuse of discretion without clarifying their review process.[23] Others have found that inconsistent decisions are manifested not only among different appellate jurisdictions but also within single jurisdictions.[24] [25] This variation further complicates comparisons of reversal rates across judges, particularly when judges handle different types of cases or when the applicable legal standards evolve over time.

The existing research identifies several challenges to using appellate reversals as a measure of judicial performance, including variation in how abuse of discretion is applied, differences in reversal rates, and factors that may influence appellate outcomes beyond the trial judge's performance. These findings suggest that reversal data should be interpreted carefully and in context. Our study builds on this research by examining whether abuse of discretion

---

[13] Matthew J. Peterson, "Discretion Abused: Reinterpreting the Appellate Standard of Review for Hearsay," *Charlotte Law Review* 6, no. 1 (2015).
[14] Peterson, "Discretion Abused."
[15] Cynthia K. Y. Lee, "A New 'Sliding Scale of Deference' Approach to Abuse of Discretion: Appellate Review of District Court Departures under the Federal Sentencing Guidelines," *American Criminal Law Review* 35, no. 1 (1997): 1–56.
[16] Lee, "A New 'Sliding Scale of Deference' Approach to Abuse of Discretion."
[17] Richard M. Markus, "A Better Standard for Reviewing Discretion," *Utah Law Review* 2004, no. 4 (2004): 1279–1304.
[18] Mead, "Abuse of Discretion."
[19] Timothy J. Storm, "The Standard of Review Does Matter: Evidence of Judicial Self-Restraint in the Illinois Appellate Court," *Southern Illinois University Law Journal* 34, no. 1 (2009): 73–113.
[20] *American Hospital Supply Corp. v. Hospital Products Ltd.*, 780 F.2d 589, 594 (7th Cir. 1986).
[21] Lee, "A New 'Sliding Scale of Deference' Approach to Abuse of Discretion."
[22] Mead, "Abuse of Discretion."
[23] Mead, "Abuse of Discretion."
[24] Lee, "A New 'Sliding Scale of Deference' Approach to Abuse of Discretion."
[25] Markus, "A Better Standard for Reviewing Discretion."

reversals provide a useful performance metric and whether they align with the existing survey-based measure of legal ability.

Criteria for a Strong Performance Measure

Research and established judicial performance evaluation frameworks identify several characteristics that are important when developing measures of judicial performance. The American Bar Association's *Guidelines for the Evaluation of Judicial Performance* emphasize the use of reliable information, appropriate evaluation criteria, and reliable and valid methodology. More recent work by the Institute for the Advancement of the American Legal System (IAALS) similarly emphasizes that judicial performance evaluation should use reliable and accurate data and criteria that reflect the actual work of judging.[26] [27]

Based on these principles, JPEC identified four characteristics for assessing whether a measure is appropriate for evaluating judicial performance:

- **Measures Should Reflect Factors Within the Judge's Control:** A meaningful performance measure should, to the extent possible, evaluate factors that are within the judge's control rather than outcomes substantially influenced by external circumstances, such as caseload, case assignment, staffing, or other system-level conditions.
- **Measures Should Identify Patterns Rather Than Isolated Events:** A meaningful performance measure should provide sufficient information to identify consistent patterns of behavior or performance over time rather than placing substantial weight on an isolated error, ruling, or anomalous event.
- **Measures Should Have Adequate Sample Sizes and Statistical Reliability:** A meaningful performance measure should be based on enough observations to produce reliable and interpretable results. Measures based on very small numbers of observations may be disproportionately affected by individual cases or events and may provide an inadequate basis for comparing judges.
- **Measures Should Align With Core Judicial Performance Characteristics:** Effective judicial performance measures should focus on characteristics that are central to the work of judging, such as legal ability, impartiality, procedural fairness, communication, judicial temperament, and administrative capacity, rather than relying primarily on individual case outcomes.[28]

Using these criteria as a framework, JPEC examined whether or not reversals for abuse of discretion provide information that is sufficiently consistent, reliable, and related to judicial performance to serve as a performance measure.

---

[26] American Bar Association, Judicial Division, *Guidelines for the Evaluation of Judicial Performance with Commentary* (2005), Guideline 6-1.
[27] Jordan M. Singer, Danielle K. Kalil, Logan Cornett, and James Swearingen, *Recommendations for Modernizing Judicial Performance Evaluation* (Denver: Institute for the Advancement of the American Legal System, 2025).
[28] Singer et al., *Recommendations for Modernizing Judicial Performance Evaluation*.

Study Methodology and Findings

JPEC reviewed appellate opinions published between January 1, 2021, and September 30, 2025, to identify cases in which appellate courts applied the abuse of discretion standard of review. Although the formal evaluation period for a judge standing for retention in 2026 was April 1, 2024, through September 30, 2025, JPEC used the longer period for this study because the formal evaluation period provides a relatively limited number of cases for analysis. The longer study period approximates a judge's full six-year term, while allowing time after the data-collection period to compile and analyze the results. It also aligns with the time period JPEC uses to measure whether a judge has received public sanctions, providing consistency with an existing component of the judicial evaluation process.

This study identified 1044 total appellate cases with 343 (33%) cases in which the abuse of discretion standard of review was applied (see table 1.). Of those cases, 36 (10.5%) were overturned on appeal—that is, reversed, remanded, or vacated. These 36 cases represent approximately 3.5% of all appellate cases reviewed and involve 30 state judges, all of whom serve on the district court bench.[29]

Table 1.

Summary of Study Data and Key Parameters

Metric / Parameter	Value / Finding	Context & Notes
Study Timeframe	Jan 1, 2021 – Sep 30, 2025	~5-year period (approximates a full 6-year term)
Total Appellate Cases Reviewed	1,044 cases	Utah Court of Appeals and Utah Supreme Court
Cases With Abuse of Discretion Standard	343 cases (33% of total)	Cases in which the abuse of discretion standard of review was applied
Cases Overturned	36 cases (10.5% of abuse of discretion cases; 3.5% of total cases)	Reversed, remanded, or vacated under abuse of discretion

[29] See Appendix A.

Judges Associated with Reversals	30 judges	All 30 are District Court judges
Current Judicial Status	16 Active 14 No longer active	47% (14 judges) no longer serve on the bench
2026 Retention Class Impact	1 judge	Only 1 active retention judge in 2026 has a qualifying reversal

Distribution of Reversals Across Judges

Among the 30 judges identified, one judge had three cases overturned based on the abuse of discretion standard, four judges had two such cases each, and the remaining 25 judges had one such case each (see table 2). Of the 30 judges, 16 are currently serving on the bench. Only one of the 30 judges is an active retention judge in the 2026 evaluation cycle. Thus, if this metric were applied to the 2026 retention class, only one judge would have a case meeting this criterion.

Table 2.

Utah Judge Abuse of Discretion Reversal Counts

Reversal Count per Judge	Number of Judges	Percentage of Reversal Cohort
3 Reversals	1 judge	3.3%
2 Reversals	4 judges	13.3%
1 Reversal	25 judges	83.3%
Total	**30 judges**	**100.0%**

The three cases involving the judge with the highest number of abuse of discretion reversals illustrate how widely the cases reversed under this standard can differ. One case involved reinstatement of a $2.7 million jury verdict, another involved a $40,000 life-insurance reimbursement award, and the third involved changing a father's parent-time from six days to

seven days in a two-week period. An overview of each case and its relative severity is outlined in Appendix B.[30]

Relationship to Survey-Based Legal Ability Scores

JPEC examined whether the number of cases in which a judge was overturned for abuse of discretion was associated with the judge's legal ability scores. JPEC selected legal ability as the comparison measure because it provides a separate, survey-based measure of judicial performance.

As a descriptive analysis, JPEC examined the five judges with the highest numbers of reversals for abuse of discretion:

- **One Judge with Three (3) Reversals:** This judge received a legal ability score *above* the peer average.
- **Four Judges with Two (2) Reversals:** Two judges received a legal ability score *consistent* with their peers; one received a legal ability score *below* their peers; the other received a score *below* the minimum performance standard and below the peer average.

JPEC also tested the relationship between the number of abuse of discretion reversals and legal ability scores across the full group of judges included in the analysis (see table 3).[31] A preliminary Pearson product-moment correlation analysis found virtually no relationship between the two measures ($r = -0.005, p = 0.980, N = 30$), providing no statistical evidence that judges with more abuse of discretion reversals tend to have either higher or lower legal ability scores.[32]

[30] See Appendix B.
[31] Note: This Pearson correlation analysis provides only a preliminary assessment of the relationship between abuse of discretion reversals and judges' legal-ability scores. The analysis was limited by the sample size, the exclusion of judges with no qualifying reversals, and differences in the periods measured for individual judges."
[32] See Appendix C.

Table 3.

Correlation Analysis of Abuse of Discretion Reversals and Judicial Legal Ability Scores

Analysis Approach	Sample / Metric	Quantitative Output	Key Finding
Descriptive Analysis	Top 5 judges w/ multiple reversals ($N = 5$)	• 3 reversals: Score above peer average • 2 reversals: 2 score average, 1 score below average, 1 score below minimum standard	No consistent pattern between reversal frequency and legal ability ratings.
Statistical Analysis	Pearson Correlation ($N = 30$)	$r = -0.005$, $p = 0.980$	**Virtually no correlation;** no statistically significant relationship at $p < .05$.

Taken together, the descriptive and preliminary statistical analyses did not show a consistent relationship between the frequency of abuse of discretion reversals and judges' legal ability scores.

Potential Value of Abuse of Discretion Reversals as a Performance Measure

Our review identified four potential benefits of using abuse of discretion reversals as a measure of judicial performance. These benefits suggest that the measure may provide useful information that is not captured by broader reversal rates. At the same time, the measure has important limitations that should be considered when evaluating its usefulness. The following sections examine both the potential benefits and the challenges associated with using this measure.

Link to Legal Ability

General reversal rates have limitations as a measure of judicial performance because a reversal does not necessarily indicate a problem with a judge's legal knowledge or decision-making.[33] Abuse of discretion reversals potentially provide a stronger link to a judge's legal ability because they reflect an appellate court's determination that a judge's exercise of discretion exceeded the bounds permitted by law. When considered alongside other evaluation measures and examined as patterns over time, these reversals may provide useful information about a judge's legal analysis and exercise of judicial discretion.

Patterns Can Be a Signal

Abuse of discretion reversals are relatively rare, occurring in approximately 10% of cases JPEC reviewed. This makes a repeated pattern of reversals potentially meaningful. When examined across a sufficiently large number of cases, a higher rate of reversals or a recurring pattern may signal a need for further review of a judge's legal analysis or use of judicial discretion.

Objective and Quantifiable

In addition to reversal patterns providing insight into a judge's legal skill, a reversal using the abuse of discretion standard has the potential to provide a measurable data point. Although a ruling involves judicial judgment, the appellate court's decision to reverse is an objective outcome that can be identified and counted. JPE programs around the country are continually seeking objective measures to incorporate into judicial evaluations. Finding measures that are effective at measuring an individual judge's performance is challenging.[34]

In reviewing the appellate cases in our study, most outcomes were straightforward and could be readily categorized. However, some cases required subjective judgment. For example, in one case, the Supreme Court found that the district court had abused its discretion by misapplying a statute. However because statutory interpretation is a question of law, the underlying interpretation was reviewed for correctness. Cases like this present challenges in determining how to categorize rulings. Assigning outcomes to individual judges was also challenging when two trial court judges were listed in the case. Judges noted that it is difficult to determine which judge should be associated with the decision because the courts do not track the circumstances surrounding transfers between judges or when those transfers occur in the case cycle.[35]

---

[33] Timothy R. Johnson, James F. Spriggs II, and Paul J. Wahlbeck, "Specialization and Circuit Splits," *Stanford Law Review* 63, no. 5 (2011): 1145–1208.

[34] Institute for the Advancement of the American Legal System (IAALS), Recommendations for Modernizing Judicial Performance Evaluation (Denver: University of Denver, 2025), 5, 22–24, https://iaals.du.edu/publications/recommendations-modernizing-judicial-performance-evaluation

[35] Utah Board of District Court Judges, meeting, August 14, 2026, 12:00 p.m.

Focus on Individual Performance

A final benefit of adopting this measure is its link to individual performance: Abuse of discretion reversals are tied to specific decisions made by an individual judge. This creates a direct connection between the metric and the judge's decision-making, which is important for any measure intended to evaluate individual performance.

Limitations in Using Abuse of Discretion Reversals as a Performance Measure

Limited Number and Representativeness of Reversals

The most significant limitation identified in this study is the small number of cases overturned, based on the abuse of discretion standard for each judge. During the five-year study period, 30 judges had at least one case overturned under this standard, but 25 had only one, and no judge had more than three. Given the number of cases Utah judges handle each year, these reversals represent a very small portion of their overall caseloads.[36] In addition, appellate cases are not a random sample of a judge's decisions. Whether a decision is appealed inevitably depends on many factors in addition to the rulings involved, such as the dollar value of the case, the resources of the parties involved, the importance of the issues presented, and whether the case is civil or criminal (indigent criminal defendants have a right to appeal at no cost to them). Also, judges may have different opportunities for appellate review based on the types of cases they handle. As a result, the small number of qualifying reversals, combined with the limited and potentially nonrepresentative nature of the cases that reach appellate review, makes it difficult to use reversal counts to identify meaningful differences in judicial performance or to compare reversal counts across judges.

Varying Significance of Reversals

In reviewing hundreds of cases, JPEC found that the impact and significance of an abuse of discretion reversal can vary considerably. Two examples illustrate this difference:

- **A property dispute**: One reversal JPEC reviewed involved a judge applying the wrong legal framework when deciding whether a property owner could replace a lock-and-key gate with an automatic gate. The impact of this reversal was relatively minor.
- **A criminal case**: Another involved excluding evidence from a key prosecution witness, potentially affecting the outcome of a trial. The potential consequences were substantially greater.

Although both decisions were overturned, their potential consequences were very different. This raises an important question: Should each reversal be treated as having equal significance when evaluating judicial performance?

Abuse of discretion reversals arise from a wide range of decisions, including evidentiary rulings, trial management, family law matters, sentencing, and post-trial motions. Some involve

[36] Utah State Courts, "Utah Courts Caseload—Statewide Case Filings," accessed October 22, 2026, https://www.utcourts.gov/en/court-records-publications/publications/court-statistics.html

discrete procedural issues, while others may affect substantial financial interests, parental rights, or the fairness of a trial. A reversal count treats each reversal as a single data point, regardless of the nature of the decision or its practical consequences. Although reversal counts may provide useful information, they do not, on their own, reflect the significance of the underlying issue or how much the reversal informs an assessment of judicial performance.[37]

Impact of Case Complexity

The complexity and nature of cases may affect the number of opportunities a judge has for an abuse of discretion reversal. A complex case may involve multiple discretionary decisions or issues subject to appellate review, while a less complex case may present fewer such opportunities. As a result, differences in the number of abuse of discretion reversals among judges may partly reflect differences in the complexity and composition of their caseloads rather than differences in judicial performance. This makes it difficult to interpret raw reversal counts without accounting for differences in the types and complexity of cases handled by individual judges.

Delayed Availability of Appellate Outcomes

The appellate process can create a substantial lag between a judge's decision and the availability of the appellate outcome for purposes of judicial evaluation. Of the 30 judges who received a reversal, 14 (47%) have since retired. Consequently, nearly half of the judges identified through abuse of discretion rulings in the past five years are no longer serving on the bench by the time those rulings are used for evaluation. This delay limits the usefulness of appellate outcomes as a contemporaneous measure of judicial performance. In addition, newly appointed judges may have relatively few cases that have progressed through the appellate process, meaning that their performance may not be represented in the data for several years.

Meaning of "Abuse of Discretion"

A final concern centers on the term "abuse" itself. The word can carry a strong negative or moral connotation, potentially suggesting that a judge misused their authority or acted improperly. In the legal context, however, "abuse of discretion" does not imply misconduct, bad faith, corruption, or intentional wrongdoing. Rather, it generally refers to a decision that falls outside the range of reasonable choices permitted by law. Judges have also questioned whether the terminology accurately conveys the nature of the errors involved. In his article, *A Better Standard for Reviewing Discretion*, Judge Richard M. Markus argues that the term "abuse of discretion" can be unnecessarily pejorative because it may suggest more serious wrongdoing than is present in many trial court decisions.[38] Markus proposes terms such as "misused discretion" or "exceeded discretion" as more accurate descriptions of circumstances in which a trial court's exercise of discretion falls outside the appropriate range.[39] The Utah Board of Appellate Court Judges has similarly indicated a preference for the term "exceeded discretion,"

[37] See Appendix D for examples illustrating the range of issues reviewed under the abuse of discretion standard.
[38] Markus, "A Better Standard for Reviewing Discretion."
[39] Markus, "A Better Standard for Reviewing Discretion."

in part because of the negative connotations associated with the word "abuse."[40] Even if the terminology were changed, however, communicating this concept to voters would remain challenging. The underlying legal standard is complex and requires an understanding of the substantial deference appellate courts give to trial judges. As a result, the terminology itself may create a risk that voters misinterpret an abuse of discretion ruling as evidence of judicial misconduct.

Principal Themes in Judge Feedback

Judges across the appellate, district, and juvenile courts identified several recurring concerns about using abuse of discretion reversals as a measure of judicial performance.[41] [42] [43] The most consistent concern was that one or two reversals, standing alone, provide little basis for assessing a judge's overall performance.

- **Limited significance of isolated reversals.** Judges emphasized that an individual abuse of discretion reversal generally reflects the circumstances of a particular decision and does not, by itself, provide meaningful information about a judge's overall performance. They noted that judges routinely make discretionary decisions in cases involving unsettled law, close factual questions, or circumstances in which reasonable judges may reach different conclusions. Several judges emphasized that an appellate finding of abuse of discretion does not necessarily mean that a judge performed poorly or made an unreasonable decision. Rather, judges indicated that a pattern of reversals would provide more meaningful information about judicial performance than one or two isolated reversals.
- **Differences in caseload and court assignments.** Judges also noted that the frequency with which abuse of discretion issues arise may depend on the types of cases a judge handles, the judge's court assignment, and the nature of the judge's calendar. Because judges may have different numbers and types of opportunities for appellate review, judges questioned whether reversal counts alone provide a basis for comparing performance across judges or court types.
- **Small numbers and limited observations.** Judges expressed concern that the small number of qualifying reversals makes it difficult to draw meaningful conclusions from reversal counts. They noted that one or two reversals can appear significant when expressed as a percentage, while representing too few observations to support an assessment of overall performance. Judges also emphasized the importance of considering the total number of appeals, the underlying case mix, and the number of opportunities for an abuse of discretion ruling.
- **Variation in application of the standard.** Finally, judges noted that the application of the abuse of discretion standard is context-dependent. The applicable standard may differ depending on the type of decision being reviewed, and appellate decisions and changes in precedent may affect how the standard is applied over time. These factors were identified

[40] Utah Board of Appellate Court Judges, meeting, July 30, 2026, 12:00 p.m.
[41] Utah Board of District Court Judges, meeting, August 14, 2026, 12:00 p.m.
[42] Utah Board of Juvenile Court Judges, meeting, August 14, 2026, 9:00 a.m.
[43] Utah Board of Appellate Court Judges, meeting, July 30, 2026, 12:00 p.m.

as additional reasons to exercise caution when comparing reversal counts across judges, courts, or periods.

The judges' comments provide additional context for interpreting the study findings.[44]

Recommendation

Taken together, the findings do not support using the number of times a judge is overturned for abuse of discretion as a measure of judicial performance. Although an abuse of discretion reversal provides information about a particular decision, the study found no meaningful relationship between the number of reversals and the legal ability scores used in the existing evaluation process. The relatively small number of reversals also limits the information available to assess individual judges and determine whether reversal counts reflect broader patterns in judicial performance. As a result, the number of reversals does not provide a sufficiently reliable or meaningful indication of a judge's overall performance.

The study also found that reversals vary in their circumstances and practical significance, and that judges have different opportunities for their decisions to be reviewed on appeal. These factors further complicate interpretation of reversal counts. However, even if these differences could be accounted for, the limited number of reversals and the lack of a meaningful relationship with legal ability scores would remain significant obstacles to using reversal counts as a performance measure.

For these reasons, the study does not recommend incorporating reversal counts for abuse of discretion into the judicial performance evaluation process. The findings do not establish that the number of reversals provides a meaningful measure of judicial performance.

[44] See Appendix E for a summary of judge comments.

Works Cited

American Bar Association, Judicial Division. Guidelines for the Evaluation of Judicial Performance with Commentary. Chicago: American Bar Association, 2005.

American Hospital Supply Corp. v. Hospital Products Ltd. 780 F.2d 589 (7th Cir. 1986).

Halberstam, Yosh. "Trial and Error: Decision Reversal and Panel Size in State Courts." *Journal of Law, Economics, and Organization* 32, no. 1 (2016): 94–118.

Haire, Susan B., Stefanie A. Lindquist, and Donald R. Songer. "Appellate Court Supervision in the Federal Judiciary: A Hierarchical Perspective." *Law & Society Review* 37, no. 1 (2003): 143–68.

Institute for the Advancement of the American Legal System (IAALS). *Recommendations for Modernizing Judicial Performance Evaluation*. Denver: IAALS, 2025.

Johnson, Timothy R., James F. Spriggs II, and Paul J. Wahlbeck. "Specialization and Circuit Splits." *Stanford Law Review* 63, no. 5 (2011): 1145–1208.

Lee, Cynthia K. Y. "A New 'Sliding Scale of Deference' Approach to Abuse of Discretion: Appellate Review of District Court Departures under the Federal Sentencing Guidelines." *American Criminal Law Review* 35, no. 1 (1997): 1–56.

Markus, Richard M. "A Better Standard for Reviewing Discretion." *Utah Law Review* 2004, no. 4 (2004): 1279–1304.

Mead, Andrew M. "Abuse of Discretion: Maine's Application of a Malleable Appellate Standard." *Maine Law Review* 57, no. 2 (2005): 519–40.

Nelson, Michael J., Morgan L. W. Hazelton, and Rachael K. Hinkle. "How Interpersonal Contact Affects Appellate Review." *Journal of Politics* 84, no. 1 (2022): 573–77.

Peters, Amanda. "The Meaning, Measure, and Misuse of Standards of Review." *Lewis & Clark Law Review* 13, no. 1 (2009): 233–76.

Peterson, Matthew J. "Discretion Abused: Reinterpreting the Appellate Standard of Review for Hearsay." *Charlotte Law Review* 6, no. 1 (2015): 145–76.

Rantanen, Jason. "Empirical Analyses of Judicial Opinions: Methodology, Metrics, and the Federal Circuit." *Connecticut Law Review* 49, no. 1 (2016): 227–91.

Sen, Maya. "Is Justice Really Blind? Race and Reversal in U.S. Courts." *The Journal of Legal Studies* 44, no. S1 (2015): S187–S229.

Singer, Jordan M., Danielle K. Kalil, Logan Cornett, and James Swearingen. Recommendations for Modernizing Judicial Performance Evaluation. Denver: Institute for the Advancement of the American Legal System, 2025. State v. Richins, 2025 UT 10, ¶ 18.

State v. Montiel, 2005 UT 48, ¶ 24, 122 P.3d 571

Storm, Timothy J. "The Standard of Review Does Matter: Evidence of Judicial Self-Restraint in the Illinois Appellate Court." *Southern Illinois University Law Journal* 34, no. 1 (2009): 73–113.

Vakilifathi, Mona, and Thad Kousser. "Does Judicial Selection Affect Judicial Performance? Evidence from a Natural Experiment." *The Forum* 18, no. 1 (2020): 25–50. https://doi.org/10.1515/for-2020-1002

Waters, Nicole L., Anne Gallegos, James Green, and Martha Rozsi. *Criminal Appeals in State Courts*. Washington, DC: Bureau of Justice Statistics, U.S. Department of Justice, Office of Justice Programs, September 2015. NCJ 248874.

Appendix A: Judges Overturned on Abuse of Discretion, 2021-2025

Judge Name	Abuse Reversals	Urban/Rural Court	Legal Ability	Court type	Class Year	Active
Judge A	**3**	Urban	4.7	District	2028	Not active
Judge B	**2**	Urban	3.4	District	2022	Not active
Judge C	**2**	Rural	4.4	District	2028	Not Active
Judge D	**2**	Urban	4.4	District	2026	Active
Judge E	**2**	Rural	4.1	District	2030	Active
Judge F	1	Urban	3.9	District	2020	Not Active
Judge G	**1**	Rural	4.4	District	2020	Not Active
Judge H	**1**	Urban	4.2	District	2024	Not Active
Judge I	**1**	Urban	4.4	District	2024	Not Active
Judge J	**1**	Urban	4.1	District	2024	Not Active
Judge K	**1**	Urban	4.6	District	2026	Not Active
Judge L	**1**	Urban	4.4	District	2026	Not Active
Judge M	**1**	Urban	4.4	District	2026	Not Active
Judge N	**1**	Urban	4.1	District	2026	Active
Judge O	1	Urban	4.2	District	2026	Not Active
Judge P	**1**	Urban	4.7	District	2028	Active

Judge Q	**1**	Urban	4.2	District	2028	Active
Judge R	**1**	Urban	3.9	District	2028	Active
Judge S	**1**	Rural	4.4	District	2028	Active
Judge T	**1**	Urban	4	District	2028	Not Active
Judge U	**1**	Urban	4.2	District	2028	Active
Judge V	**1**	Urban	4.5	District	2028	Active
Judge W	**1**	Urban	4.7	District	2028	Active
Judge X	**1**	Urban	3.7	District	2028	Not Active
Judge Y	**1**	Urban	4.4	District	2030	Active
Judge Z	**1**	Urban	4.7	District	2030	Active
Judge AA	**1**	Urban	4.2	District	2030	Active
Judge AB	**1**	Rural	4.5	District	2030	Active
Judge AC	**1**	Urban	4.3	District	2030	Active
Judge AD	**1**	Urban	4.5	District	2030	Active

Appendix B: Cases Categorized and Rated by Impact

Case	Category	Issue	Impact Rating
1	Family Law & Domestic Relations	Division of Marital Property	2
2	Family Law & Domestic Relations	Child Custody and Parent Time	1
3	Post-Trial & Post-Judgment Relief	Motion for a New Trial	3
4	Evidence & Trial Management	Admitting or Excluding Evidence	4
5	Evidence & Trial Management	Admitting or Excluding Evidence	4
6	Evidence & Trial Management	Control of the Courtroom	3
7	Pleadings, Motions, & Pre-Trial Procedure	Motions to Reconsider/Post-judgment relief	3
8	Family Law & Domestic Relations	Child Custody & Parent-Time	3,2
9	Pleadings, Motions, & Pre-Trial Procedure	Discovery Sanctions	2
10	Post-Trial & Post-Judgment Relief	Setting Aside a Default Judgment	2
11	Pleadings, Motions, & Pre-Trial Procedure	Discovery Sanctions	2
12	Family Law & Domestic Relations	Alimony Awards (multiple issues)	2,1
13	Other	Property/Easements	1
14	Post-Trial & Post-Judgment Relief	Denial of Counsel	2
15	Family Law & Domestic Relations	Alimony Awards	2
16	Pleadings, Motions, & Pre-Trial Procedure	Appt of Special Master	2
17	Family Law & Domestic Relations	Alimony Awards	2
(same case)	Post-Trial & Post-Judgment Relief	Attorney Fees	2

18	Evidence & Trial Management	Jury Instructions	4
19	Evidence & Trial Management	Excluding Evidence	4
20	Pleadings, Motions, & Pre-Trial Procedure	Allowing Undisclosed Evidence	3
21	Post-Trial & Post-Judgment Relief	Attorney Fees	1
22	Criminal Sentencing	Restitution	2
23	Evidence & Trial Management	Jury Instructions	3
24	Post-Trial & Post-Judgment Relief	Attorney Fees	1
25	Family Law & Domestic Relations	Child Custody & Parent-Time	3, 2
(same case)	Post-Trial & Post-Judgment Relief	Attorney Fees	2
26	Evidence & Trial Management	Excluding Evidence	3
27	Pleadings, Motions, & Pre-Trial Procedure	Aggravated Kidnapping Bindover	2
28	Family Law & Domestic Relations	Alimony Awards	2
29	Evidence & Trial Management	Jury Selection	4
30	Post-Trial & Post-Judgment Relief	Attorney Fees	1
31	Family Law & Domestic Relations	Alimony Awards (multiple issues)	2,1
32	Pleadings, Motions, & Pre-Trial Procedure	Protective-Order bindover	2
33	Family Law & Domestic Relations	Division of Marital Property	3
34	Family Law & Domestic Relations	Child Custody & Parent-Time	2
35	Criminal Sentencing	Restitution	1
36	Post-Trial & Post-Judgment Relief	Refusal to Reinstate Plea Judgment	2

Impact Key

Rating	Level	Criteria
1	Low	The error had limited practical effect and did not materially change the outcome
2	Moderate	The error affected a party's rights, finances, or ability to present a case but did not substantially change the outcome.
3	High	The error substantially affected important rights, financial interests, or trial fairness.
4	Very high	Exceptionally serious harm, such as wrongful incarceration or deprivation of fundamental rights. Use sparingly

Appendix C: Pearson Correlation Between Cases Overturned and Legal Ability

A Pearson product-moment correlation test was conducted to examine the relationship between the number of times a judge was overturned using the abuse of discretion standard and their legal ability score. The analysis included 30 judges.

		Abuse of D Reversals	Legal Ability Score
Abuse of Dis Reversals	Pearson Correlation	1	-.005
	Sig (2-tailed)		.980
	N	30	30
Legal Ability	Pearson Correlation	-.005	1
	Sig (2-tailed)	.980	
	N	30	30

Interpretation of Data

The correlation coefficient (r = -0.005) indicates virtually no linear relationship between reversals and legal ability scores. The negative direction of the coefficient is negligible and does not indicate a meaningful association between the measures. The two-tailed p-value is .980, well above the conventional statistical significance threshold of .05. Accordingly, the analysis did not identify a statistically significant relationship between reversal counts and legal ability scores.

Limitations

This analysis provides only a preliminary assessment of the relationship between abuse of discretion reversals and judges' legal ability scores. The analysis was limited by the sample size, the exclusion of judges with no qualifying reversals, and differences in the periods measured for individual judges. These limitations should be considered when interpreting the results.

Correlation Value	Degree of Correlation
±1.00	Perfect
±.50 to ±.99	High
±.30 to ±.49	Moderate
Below ±.30	Low/Weak
0	No linear correlation

Appendix D: Issues Reviewed Under the Abuse of Discretion Standard

The following is an illustrative list of issues that may be appealed under the abuse of discretion standard. It is not intended to be comprehensive; numerous other, less common issues may also be subject to abuse of discretion review. The list is provided to demonstrate the range of issues that may result in an appeal under this standard.

1. Evidence & Trial Management (Criminal & Civil)

- **Admitting or Excluding Evidence:** Rulings under the Utah Rules of Evidence (e.g., whether evidence is more prejudicial than probative under Rule 403, admitting hearsay exceptions, or character evidence).
- **Expert Witness Qualifications:** Allowing or barring an expert from testifying based on their methods or qualifications.
- **Jury Selection (Voir Dire):** The specific questions a judge chooses to ask (or refuse to ask) prospective jurors, and granting/denying challenges for cause.
- **Declaring a Mistrial:** Granting or denying a motion for a mistrial after an unexpected courtroom irregularity.
- **Control of the Courtroom:** Setting trial schedules, granting/denying continuances, and governing the presentation of witnesses.

2. Family Law & Domestic Relations

- **Alimony Awards:** The amount, duration, or modification of alimony.
- **Child Custody & Parent-Time:** Determining what is in the "best interests of the child."
- **Division of Marital Property:** Allocating debts and dividing assets in a divorce decree.
- **Adoption & Termination of Parental Rights:** Decisions to terminate parental rights based on a finding of unfitness or token efforts.

3. Criminal Sentencing

- **Imposing Concurrent vs. Consecutive Sentences:** Deciding whether a defendant serves multiple sentences at the same time or back-to-back.
- **Probation Terms:** Granting, denying, or revoking probation, as well as the specific conditions attached to it.
- **Restitution Amounts:** Calculating the discretionary financial restitution a defendant must pay to a victim.

4. Pleadings, Motions, & Pre-Trial Procedure

- **Motions to Amend Pleadings:** Allowing or denying a party's request to change their Complaint or Answer late in litigation (URCP Rule 15).
- **Discovery Sanctions:** Punishing a party for failing to hand over evidence (ranging from fines to throwing out a defense).
- **Class Action Certification:** Deciding whether a lawsuit meets the discretionary prongs to become a class action.
- **Injunctions & Temporary Restraining Orders (TROs):** Granting or denying emergency equitable relief.

5. Post-Trial & Post-Judgment Relief

- **Motions for a New Trial (URCP Rule 59):** Denying or granting a new trial based on irregularity, jury misconduct, or newly discovered evidence.
- **Setting Aside a Default Judgment (URCP Rule 60(b)):** Deciding whether to rescue a party who lost by default due to "excusable neglect" or fraud.
- **Motions to Reconsider:** Denying a motion asking the court to rethink a prior ruling (like a summary judgment decision).
- **Awarding Attorney Fees & Costs:** Determining whether a requested attorney fee amount is "reasonable" or deciding to award fees under certain equitable doctrines.

Appendix E: Summary of Judge Feedback

1. A single reversal may not be meaningful

    - One reversal does not necessarily say anything about a judge.
    - A pattern may be more informative than an isolated reversal.
    - Judges sometimes make difficult calls where the law is unsettled.

2. Concerns with term “abuse of discretion”

    - “Abuse” may sound more serious to the public than the legal standard intends.
    - Appellate opinions often frame the standard as exceeding the limits of reasonability.
    - Appellate judges indicate they are leaning away from using the term “abuse of discretion” in favor of “erred” or other less charged language.
    - The standard does not necessarily imply misconduct or poor performance.

3. Differences among courts and calendars

    - Some types of cases are more likely to generate review under the abuse of discretion standard.
    - Juvenile judges may be disproportionately affected because of how their decisions are reviewed.
    - Some calendars, such as business or chancery matters, may have few or no comparable cases.

4. Sample size and statistical significance

    - One or two instances say nothing about the performance of a judge.
    - Low numbers may make percentages misleading.
    - The number of appeals should be considered alongside the number of reversals for abuse of discretion.
    - The underlying case mix matters.

5. Consistency of the standard

    - The standard can vary depending on the context.
    - Different appellate panels may approach issues differently.
    - Changes in appellate precedent can affect reversal rates over time.

JPEC Audit Report

Chapter 2

Finding: JPEC evaluations are not driving improvements in judge performance.

Recommendation 2.2: The Judicial Performance Evaluation Commission should coordinate with the Judicial Council, presiding judges, and the Administrative Office of the Courts to establish a process for communicating, monitoring, and supporting judicial improvement to address needs that performance evaluations identify. This process should enable the commission to provide additional insight into judge performance and how evaluation feedback is used. It should also support the Judicial Council's ability to hold judges accountable for poor performance.

Tab 5

GRAND COUNTY JUSTICE COURT
Honorable Judge Danalee Welch-O'Donnal

125 East Center Street
Moab, UT 84532
Phone: 435.259.1334
Fax: 435.259.3070
Email: jcmoab@utcourt.gov

TO: Judicial Council

FROM: Judge Danalee Welch-O'Donnal, Grand County Justice Court (Moab)

DATE: October 14, 2026

RE: Request for a waiver pursuant to UCJA Rule 9-105 to close the Court's office in observance of County observed holidays differing from State

---

UCJA Rule 9-105 outlines the hours and days of operation for a Justice Court, in conjunction with legal holidays under UCA 63G-1-301, and the daily hours of operation are designated by average monthly case filing. UCJA Rule 9-105 contemplates a Justice Court's ability to deviate from those designated hours of operation when "specifically waived by the Judicial Council."

The Grand County Justice Court is a Class II Justice Court with an average monthly case filing between 201-300 cases per month, consistent with the 2023 Recertification. According to UCJA 9-105, this court is only required to be open to transact business at a minimum of four (4) hours per day. However, the Grand County Justice Court chooses to operate with full-time hours, every business day, and open to the public from 8 am to 4:30 pm, but staff is present until 5 pm to conclude daily summary business. These hours are more than are required but reflect this Court's desire to provide a higher level of service and availability to its patrons; these hours of operation were also a part of the 2023 Recertification.

A specific request for waiver of hours of operation is herein requested by the Grand County Justice Court, Judge Danalee Welch-O'Donnal, as contemplated to be allowable by UCJA Rule 9-105. The Grand County Justice Court is requesting to be closed on the following dates:

2026: Friday November 27, 2026, the day after Thanksgiving; and
Thursday December 24, 2026, Christmas Eve;
2027: Friday November 26, 2027, the day after Thanksgiving; and
Friday December 24, 2027, Christmas Eve.

The requested dates of waiver are dates that Grand County officially has observed as "holidays" and County offices and departments are closed, wherein county employees who receive holiday pay are presumed to be allowed to have the day off.

Justice courts are unique in that they are a part of state courts that are managed and operated by counties or municipalities. Sometimes, this uniqueness causes obscurities, as in this

instance where we are to be open on days that our local governing entity has designated as a holiday. The problem is two-fold. First, aside from the conflicting designation, the employees would obviously prefer to have uninterrupted holiday off, which according to the county policies they are entitled to. They also would have to be compensated at a well-deserved, higher rate of 1.5 hours per hour worked plus 8 hours of holiday pay, equaling 2.5 times higher pay. Although the Rule contemplates remote work and being remotely available, this shifts an unfair burden to staff member(s) of the court.

Therefore, it is respectfully requested that the Grand County Justice Court be allowed to deviate from the scheduled hours of operation contemplated, and more specifically be allowed to close on the two requested days in 2026 and again in 2027. This request is made as the preferred alternative of being remotely open these dates. Thank you for your consideration.

Tab 6

Administrative Office of the Courts

Interim Chief Justice Jill Pohlman
Utah Supreme Court
Chair, Utah Judicial Council

November 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 Administrator

RE: **Treatment Court Certification - Recommendations**

Under UCJA Rule 4-409, each problem-solving court is reviewed for certification every two years. The Statewide Treatment Court Certification Coordinator evaluates the Council-approved checklist, reviews operational documents, interviews team members, and visits sites to observe staff meetings and court hearings. The Statewide Treatment Court Certification Coordinator then prepares a jurisdiction report for the treatment court team, highlighting successful practices and recommendations. The summary below is provided to the Judicial Council in support of recertification.

Third District - Salt Lake County Family Recovery Court - Judge Aaron Flater. The Salt Lake County Family Recovery Court demonstrates a strong, collaborative, and participant-centered approach that promotes recovery, accountability, and family reunification. The team's commitment to continuous improvement, meaningful participant engagement, and evidence-based practices positions the program well to continue strengthening outcomes for children and families. Based on the certification checklist, team interviews, and court observations, the Statewide Treatment Court Certification Coordinator recommends certification of the Third District Salt Lake County Family Recovery Court.

REQUIRED CERTIFICATION CRITERIA:

#10. The Family Treatment Court uses validated assessment tools to identify participant and family needs and make timely referrals to appropriate services. Referrals connect children, parents, and families to evidence-based treatment that is trauma-informed, culturally responsive, and family-centered, with ongoing assessments addressing barriers to recovery and supporting reunification. These services also promote understanding of substance use disorders and support the development of a stable, recovery-focused lifestyle.

The team selected “Not Implemented” and wrote “Responsibilities related to child and family assessments, service planning, and referrals are managed through the separate Child Welfare case and court process. The CW team is responsible for conducting validated assessments, identifying the needs of children and families, coordinating referrals, and overseeing services that support child safety, family functioning, and reunification. While the FRC team collaborates with the CW team and may advocate for participants by encouraging appropriate referrals and services that support child safety and reunification, FRC does not have the authority to direct or oversee child welfare assessments, service decisions, or the provision of child and adolescent services. Those decisions remain under the jurisdiction of the CW court team. As a result, implementation of this certification requirement falls outside the scope of the FRC's responsibilities.”

#12. The Family Treatment Court meets the child welfare and dependency court mandates to ensure children’s safety, well-being, and permanency through whole-family treatment. It assesses safety, risk, need, and protective factors for children, parents, and families throughout the case, not just the parent with the substance use disorder.
The team selected “Not Implemented” and wrote “FRC's primary focus is supporting the parents' recovery and reunification goals by promoting sustained sobriety and helping participants develop the skills needed to provide a safe, stable, and nurturing environment for their children. While FRC collaborates with the participant's Child Welfare team and supports progress toward reunification, responsibility for assessing child safety, risk, protective factors, family needs, and permanency planning rests with the CW team. Oversight of these services and compliance with child welfare mandates are outside the scope of the FRC and are addressed through separate child welfare proceedings.”

#26. The Family Treatment Court ensures that parents and children receive frequent, in-person, high-quality parenting and family time at the recommended frequency and duration, and does not use parenting or family time as an incentive or sanction.
The team selected “Partially Implemented” and wrote “FRC supports participants in maintaining frequent, in-person, and high-quality parenting and family time and encourages efforts that strengthen the parent-child relationship throughout the participant's recovery. When appropriate, the FRC team may advocate for increased or meaningful parenting time as participants make progress. However, decisions regarding the frequency, duration, level of supervision, and conditions of parenting time are within the authority of the Child Welfare team, not FRC. Consistent with best practices, FRC does not use parenting or family time as an incentive or sanction.”

#24. The Family Treatment Court creates a coordinated case plan, supporting the child welfare and treatment plans, with active participation from parents, children (when appropriate), and family members, reflecting family needs and strengths while prioritizing child safety.
The team selected “Partially Implemented” and wrote “FRC works collaboratively with participants and coordinates with Child Welfare and treatment providers, but it does not develop or oversee the comprehensive child welfare case plan. Additionally, children and other family members do not actively participate in FRC case planning, as their involvement is addressed through the separate child welfare process. While FRC does not implement this requirement because the development of a coordinated case plan is the responsibility of the Child Welfare

team, FRC does support and reinforce the goals of the child welfare and treatment plans as they support the participant's recovery, sobriety, and reunification goals."

#25. The Family Treatment Court utilizes evidence-based or evidence-informed interventions to address the parent's substance use, mental health, and trauma-related needs, and engages parents in a corresponding evidence-based or evidence-informed parenting curriculum. Children receive evidence-based or evidence-informed treatment and developmental/educational interventions that reflect their assessed level of care and other clinical needs.
The team selected "Partially Implemented" and wrote "FRC collaborates with community treatment providers to ensure participants are referred to and engaged in evidence-based or evidence-informed services that address substance use disorders, mental health needs, and trauma. Participants may also be referred to evidence-based or evidence-informed parenting programs as part of their treatment and recovery plan. However, decisions regarding children's assessments and interventions remain within the child welfare team. FRC does not assess children's clinical needs or oversee their treatment plans."

#32. The Family Treatment Court prepares a report of each participant's and child's progress and needs, which is shared with the team prior to staffing. These reports are objective and focus on the participant's compliance with program expectations and progress toward achieving identified goals.
The team selected "Partially Implemented" and wrote "Prior to staffing, the FRC DCFS Specialist prepares and distributes reports to the Core Team, typically at least 48 hours in advance. These reports focus on the participant's compliance with program expectations, engagement in treatment, and progress toward identified recovery and case goals. When a child is living or has extended visits with the participant, relevant information regarding the child's well-being and circumstances is included in the participant's report. However, FRC does not prepare a separate report for each child's progress and needs, and child-specific reporting is not completed for every case. Information regarding children's progress and needs is primarily maintained and reported through the Child Welfare team."

PRESUMED CERTIFICATION CRITERIA:

#1. The Family Treatment Court team meets regularly, quarterly, biannually, or annually, to address program needs, review data, monitor adherence to best practice standards, and discuss current policies, procedures, and the delivery of incentives and sanctions to ensure they are applied fairly and consistently. These meetings also include developing action plans to address challenges and expand opportunities.
The team selected "Partially Implemented" and wrote " The FRC Steering Committee meets quarterly to review program operations, data, best practice standards, policies, procedures, and the use of incentives and sanctions. Key updates are shared with the FRC Court Team. Beginning with the new fiscal year, the FRC Court Team will meet biannually to review these same areas and program improvement, bringing the program into full alignment with this certification criterion."

#2. The Family Treatment Court team members participate in biannual training to deepen their understanding of substance use disorders, mental health conditions, trauma, and stigma, as well as complementary treatment and social services, behavior modification, community supervision, drug and alcohol testing, team decision-making, and constitutional and legal considerations specific to Family Treatment Courts. Trainings also address recognizing implicit cultural biases and correcting disparate impacts for historically disadvantaged groups.
The team initially selected "Partially Implemented." Upon further review, it was determined that the appropriate response is "Implemented," as the team attends the biannual Utah Treatment Court Conference.

#5. As part of the onboarding process, all new team members review the Operations Manual, Participant Handbook, Participant Agreement, Certification Checklist, and other key documents outlining the structure and expectations of the Family Treatment Court.
The team selected "Partially Implemented" and wrote "Aside from the appointment of a new FRC Administrator, there have been no new FRC team members requiring onboarding. However, several FRC court team members expressed that these documents were not shared with them when they initially joined the FRC court team. As new members join the FRC Court Team or Steering Committee, they will receive and review the Operations Manual, Participant Handbook, Participant Agreement, Certification Checklist, and other key program documents as part of the onboarding process. To prepare for full implementation, the Certification Checklist and draft updates to the Operations Manual and Participant Handbook have already been shared with the team for review and feedback. The Steering Committee has also approved an updated Participant Agreement and revised policy language that clearly defines the separation between FRC and Child Welfare court matters. Full implementation of this onboarding process will occur during the current fiscal year."

#8. The Family Treatment Court examines program referrals and admissions in relation to the total dependency court filings that meet the programs admission criteria.
The team selected "Not Implemented" and wrote "FRC has explored options for tracking referrals and admissions in relation to total dependency court filings that meet program eligibility criteria. However, several barriers have been identified, including system limitations. The CARE system does not currently capture this information, requiring manual data collection that creates potential for error and would be labor-intensive given the volume of child welfare filings in Salt Lake County. FRC continues to evaluate the feasibility of implementing this data collection process. Currently, FRC tracks the number of referrals received, the number of referrals that meet admission criteria, and referral outcomes, including participants who enroll in the program and those who decline participation."

#9. The Family Treatment Court builds relationships through cross-training on tribal, state, and federal mandates such as Adoption and Safe Families Act (ASFA), Child Abuse Prevention and Treatment Act (CAPTA), and Indian Child Welfare Act (ICWA) and/or other relevant child welfare legal standards to help bridge differences in perspectives and approaches.
The team selected "Not Implemented" and wrote "While FRC supports collaboration and relationship-building among the multidisciplinary teams involved in a participant's case,

cross-training on child welfare mandates and legal standards- these responsibilities fall outside the scope of FRC. The Child Welfare team is responsible for addressing child abuse and neglect matters, decisions regarding child removal and placement, and reunification planning in accordance with applicable state and federal requirements."

#23. Participants receive a brief, evidence-based educational intervention that provides practical strategies and actionable steps to prevent and reverse opioid overdoses.
The team selected "Partially Implemented" and wrote "FRC is currently in the process of establishing a Memorandum of Understanding with Utah Naloxone to provide participants with an evidence-based educational intervention focused on opioid overdose prevention and response. Once the MOU is finalized, FRC will have a structured process in place to ensure participants receive training on practical strategies and actionable steps to prevent and respond to opioid overdoses. Full implementation is expected within the next couple of months."

#24. Additional team members may include one or more of the following providers: a public health nurse, pharmacist, early childhood education professional, school social worker, housing provider, or child and adolescent services provider.
The team selected "Not Implemented" and wrote "FRC collaborates closely with contracted treatment providers, who work with participants on recovery-related needs and, along with the DCFS FRC Specialist, assist with connections to housing resources. Treatment providers also participate in the FRC Steering Committee. FRC and Child Welfare matters are addressed through separate processes, with FRC focusing on the parent's treatment, sobriety, and recovery to support their ability to provide a safe and stable environment for their children. Addressing child-specific needs and engaging child-focused service providers, such as child and adolescent service providers, falls within the scope and authority of the Child Welfare team and dependency court process. These responsibilities are outside the scope of FRC."

#28. Randomly selected specimens are periodically screened for an expanded range of substances to identify emerging substance use trends within the Family Treatment Court population.
The team selected "Partially Implemented" and wrote "Historically, FRC has requested expanded substance testing when concerns arise or when there is a specific clinical need to assess a participant's substance use. However, expanded testing has not been conducted through a random process specifically designed to identify emerging substance use trends within the FRC population. FRC recognizes this as an area for improvement and will evaluate opportunities to incorporate periodic random expanded testing in alignment with this criterion. "

#30. The Family Treatment Court annually reviews critical program data related to all 5 Rs, program referral, admission, denial, and outcome (successful, unsuccessful, or neutral discharge) through an equity lens (e.g., performance measures are disaggregated by race, ethnicity, gender identity, sexual orientation, physical or mental disability, religion, language preference, citizenship status, and socioeconomic status) to ensure equitable access and outcomes.
The team selected "Partially Implemented" and wrote "The FRC Steering Committee meets quarterly to review critical program data related to referrals, admissions, outcomes, and program performance measures. FRC continues to evaluate data through an equity lens and identify

opportunities to improve participant access and outcomes. Historically, data related to child repeat maltreatment and child reentry into care was not available for FRC-specific review. Beginning July 1, 2026, FRC and DCFS will collaborate to manually track these outcomes for participants who complete the program. FRC's primary outcome goals are to support parents in achieving and maintaining long-term recovery, reunifying with their children, and developing the skills necessary to provide a safe and stable environment long-term. FRC continues to use available data to evaluate program effectiveness and identify areas for improvement."

NON-CERTIFICATION RELATED BEST PRACTICE STANDARDS: The court meets all certification criteria.

		Utah Judicial Council	
		Family Treatment Court Certification Checklist	
		Court Location: Salt Lake County	
		Judge Name: Aaron Flater	
		Review Date: July 15. 2026	
		According to UCJA Rule 4-409 Council Approval of Problem-Solving Courts, each problem-solving court must be considered for certification by the Judicial Council every two years. ***This checklist outlines best practices consistent with the Family Treatment Court Best Practice Standards and the updated All Rise Adult Treatment Court Best Practice Standards (Revised July 28, 2025) as approved by the Judicial Council. (Revised and Adopted November 24, 2025)*** ***It is intended to help treatment court programs assess their adherence to nationally recognized standards and guide ongoing efforts for continuous improvement.*** ***Website Link: https://allrise.org/wp-content/uploads/2022/07/Family-Treatment-Court-Best-Practice-Standards_Final2.pdf***	
Implementation Status	**#**	**REQUIRED CRITERIA (Do No Harm/Minimum)** Adherence to these standards is required for certification.	**Reference**
Implemented	1	The core team includes the Judge, Family Treatment Court coordinator, child welfare agency/state's attorney, parent's attorney, child's attorney, guardian ad litem and/or CASA, child welfare caseworker, substance use disorder treatment provider, mental health treatment provider, as well as child and adolescent services providers.	Standard 1
Implemented	2	All members of the Family Treatment Court team participate in staffing and attend the court hearing.	Standard 1, 2
Implemented	3	The Family Treatment Court, in consultation with the child welfare system and other stakeholders, maintains a written agreement specifying whether a single Judge will preside over both treatment court reviews and dependency proceedings or if responsibilities are divided. When divided, the agreement clearly outlines what information is shared, the timing of sharing, and the discharge decision process.	Standard 1, 7
Implemented	4	The Judge regularly attends pre-court staff meetings to discuss the progress of the participant and the family and to staff responses to behavior, treatment adjustments, and safety concerns. Information shared is deemed necessary for the operational team to monitor and support children, parents, and families toward stable recovery and reunification, permanency, and completion of the child welfare case plan.	Standard 2
Implemented	5	The Operations Manual (Formerly called the Policy and Procedures Manual) details all aspects of the program's operations, including, but not limited to: 1. Phase advancement requirements 2. Incentives, sanctions, service adjustments 3. Graduation criteria 4. Behaviors that may lead to termination 5. Shared mission and vision, jointly developed by partner organizations 6. Defines the roles, responsibilities, and expectations of all team members, with mutual agreement and commitment to these standards. 7. Objectively defined and specified eligibility and exclusion criteria that is written, distributed to, and understood by all partners. 8. 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). 9. Written policy on medication-assisted treatment (MAT). Participants are not denied admission, sanctioned, or discharged for the prescribed use of MAT, psychiatric medications, or other medications for diagnosed medical conditions such as pain or insomnia.	Standard 1, 4
Implemented	6	The Family Treatment Court team conducts an annual review and update of the participant handbook and operations manual to ensure they remain accurate and effective.	Standard 1
Implemented	7	Participants are not excluded from Family Treatment Court solely due to lack of stable housing, unless their circumstances prevent safe or effective management in the community.	Standard 1
Implemented	8	A parent attorney reviews the participation agreement with the applicant to advise on the process and implications of participating in the Family Treatment Court.	Standard 4
Implemented	9	During the intake process, the Family Treatment Court provides participants with a handbook outlining program expectations and reviews its contents.	Standard 1
Not Implemented	10	The Family Treatment Court uses validated assessment tools to identify participant and family needs and make timely referrals to appropriate services. Referrals connect children, parents, and families to evidence-based treatment that is trauma-informed, culturally responsive, and family-centered, with ongoing assessments addressing barriers to recovery and supporting reunification. These services also promote understanding of substance use disorders and support the development of a stable, recovery-focused lifestyle.	Standard 1, 3, 4, 5, and 6
Implemented	11	The Family Treatment Court treatment providers are licensed, certified, or accredited in accordance with Utah state standards and the requirements of the Department of Human Services or other relevant entities, and have a foundational understanding of the child welfare system, including tribal, state, and federal mandates such as Adoption and Safe Families Act (ASFA), Child Abuse Prevention and Treatment Act (CAPTA), and Indian Child Welfare Act (ICWA).	Standard 1, 5
Not Implemented	12	The Family Treatment Court meets the child welfare and dependency court mandates to ensure children's safety, well-being, and permanency through whole-family treatment. It assesses safety, risk, need, and protective factors for children, parents, and families throughout the case, not just the parent with the substance use disorder.	Standard 4
Implemented	13	Participants appear before the same Judge throughout their participation in the Family Treatment Court.	Standard 1
Implemented	14	Participants appear no less frequently than twice a month during the first phase of the program. Status hearings are scheduled no less frequently than monthly. In rural areas, allowances may be made for alternative appearances or administrative reviews when the Judge is unavailable.	Standard 1
Implemented	15	The Judge allows participants the opportunity to explain their perspectives regarding the imposition of incentives, sanctions, and service adjustments. The Judge permits the participant's attorney or legal representative to assist in providing such explanations.	Standard 1, 7
Implemented	16	The Judge makes final decisions regarding incentives, sanctions, and service adjustments after considering input from the team. Responses to non-compliant behavior are based upon proximal and distal goals, and the Judge is mindful of the family dynamic when imposing sanctions.	Standard 2
Implemented	17	The Judge and team members engage respectfully with participants and use non-stigmatizing language.	Standard 1, 7
Partially Implemented	18	The Family Treatment Court ensures that parents and children receive frequent, in-person, high-quality parenting and family time at the recommended frequency and duration, and does not use parenting or family time as an incentive or sanction.	Standard 6
Implemented	19	The Family Treatment Court does not apply a rigid set of sanctions for specific types of non-compliance. Responses to non-compliance are trauma-informed, tailored to the individual's unique circumstances and clinical needs, and aligned with evidence-based practices that promote sustained behavior change and recovery.	Standard 3, 7
Implemented	20	Treatment adjustments are based on assessed needs and never used as an incentive or a sanction.	Standard 7
Implemented	21	Jail sanctions are rarely imposed, used only when a participant poses an immediate risk to public safety or when less severe sanctions have failed to address ongoing non-compliance, and never as a substitute for a treatment bed or detoxification service. If the Family Treatment Court imposes a jail sanction, it must strictly adhere to all due process requirements.	Standard 7

		Utah Judicial Council	
Implemented	22	Participants who comply with their treatment and child welfare case plan are not discharged unsuccessfully for continued substance use. If adequate treatment is unavailable despite the team's efforts to secure appropriate services, a neutral discharge is issued. Behaviors contributing to a successful, neutral, or unsuccessful discharge may inform but do not determine the final custody decision.	Standard 7
Implemented	23	Following a discharge, successful, neutral, or unsuccessful, the team ensures participants are connected to appropriate treatment and support resources. Terminology for Team: **Successful discharge** occurs when a participant achieves key goals, strengthens family and community ties, and reunification happens when appropriate. **Neutral discharge** is issued when participation is impossible due to circumstances beyond the participant's control, such as loss of court jurisdiction, health issues, or unavailable treatment or interventions necessary for recovery. **Unsuccessful discharge** happens when a participant repeatedly fails to meet program expectations or engages in behavior that conflicts with the court's mission despite support and interventions.	Standard 7
Partially Implemented	24	The Family Treatment Court creates a coordinated case plan, supporting the child welfare and treatment plans, with active participation from parents, children (when appropriate), and family members, reflecting family needs and strengths while prioritizing child safety.	Standard 6
Partially Implemented	25	The Family Treatment Court utilizes evidence-based or evidence-informed interventions to address the parent's substance use, mental health, and trauma-related needs, and engages parents in a corresponding evidence-based or evidence-informed parenting curriculum. Children receive evidence-based or evidence-informed treatment and developmental/educational interventions that reflect their assessed level of care and other clinical needs.	Standard 1, 5, and 6
Implemented	26	Parents receive support as they work to develop a sustainable, recovery-oriented lifestyle (e.g., self-help groups, various forms of meditation, etc.).	Standard 6
Implemented	27	Participants diagnosed with mental illness receive appropriate mental health services, which continue as needed throughout their participation in the program	Standard 1, 5, and 6
Implemented	28	Participants are not required to participate in job seeking or vocational skills development in the early phases of the program.	Standard 1
Implemented	29	Participation in the Family Treatment Court is intended only when a parent can reasonably benefit from the program, and is not offered as a last-resort option when termination of parental rights is imminent.	Standard 4, 5, and 7
Implemented	30	The Family Treatment Court structures its phases and services to align with child welfare timelines and the Adoption and Safe Families Act (ASFA), with phase advancement based on observable behaviors and achievement of goals that support progress toward longer-term objectives. Advancement is not determined by treatment level, engagement type, program duration, child placement, or parenting arrangements, and participants are not demoted or required to restart a phase for non-compliance.	Standard 7
Implemented	31	The final phase of Family Treatment Court focuses on relapse prevention, continuing care, pro-social activities, and sustained connection to peer support networks, while helping participants plan for successful child welfare case closure and pursue educational and vocational goals to promote long-term recovery, healthy parent-child relationships, and future opportunities.	Standard 3, 5, and 6
Partially Implemented	32	The Family Treatment Court prepares a report of each participant's and child's progress and needs, which is shared with the team prior to staffing. These reports are objective and focus on the participant's compliance with program expectations and progress toward achieving identified goals.	Standard 1
Implemented	33	All Family Treatment Court partners actively engage in fidelity monitoring of evidence-based practices.	
Implemented	34	Pre-court staff meetings are presumptively closed to participants and the public unless the court has a compelling reason for a participant to attend discussions related to that participant's case.	Standard 1
Implemented	35	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.	Standard 5, 8
Implemented	36	Program and/or treatment fees are disclosed to participants, set at reasonable rates according to their ability to pay, and reflect the actual costs of testing or other services. Treatment fees follow a sliding scale and are clearly communicated to each participant.	Standard 1, 2
Implemented	37	The parent and children receive case management support to access safe and affordable housing.	Standard 6
Implemented	38	The Family Treatment Court actively partners with pregnant and community agencies to ensure the parents and infants receive all indicated medical care, including the development and support of Plans of Safe Care (POSC) when applicable.	Standard 6
Implemented	39	Drug and alcohol testing employs scientifically valid protocols and ensures reliable procedures, including: 1. Documented chain of custody for each specimen 2. Random collection at least twice a week, including weekends and holidays 4. Witnessed specimen collection is routinely examined for dilution or adulteration 5. Participants receive a written explanation of their rights and responsibilities of drug/alcohol testing.	Standard 5
Implementation Status	**#**	**PRESUMED CRITERIA** Adherance to these standards is required for certification.	**Reference**
Partially Implemented	1	The Family Treatment Court team meets regularly, quarterly, biannually, or annually, to address program needs, review data, monitor adherence to best practice standards, and discuss current policies, procedures, and the delivery of incentives and sanctions to ensure they are applied fairly and consistently. These meetings also include developing action plans to address challenges and expand opportunities.	Standard 1, 3
Partially Implemented	2	The Family Treatment Court team members participate in biannual training to deepen their understanding of substance use disorders, mental health conditions, trauma, and stigma, as well as complementary treatment and social services, behavior modification, community supervision, drug and alcohol testing, team decision-making, and constitutional and legal considerations specific to Family Treatment Courts. Trainings also address recognizing implicit cultural biases and correcting disparate impacts for historically disadvantaged groups.	Standard 1, 2, 3, 4, 5, and 6
Implemented	3	The Judge presides over the Family Treatment Court for no less than two consecutive years.	Standard 2
Implemented	4	All team members use electronic communication to discuss Family Treatment Court issues in real-time	Standard 1

		Utah Judicial Council	
Partially Implemented	5	As part of the onboarding process, all new team members review the Operations Manual, Participant Handbook, Participant Agreement, Certification Checklist, and other key documents outlining the structure and expectations of the Family Treatment Court.	Standard 1
Implemented	6	A skilled and independent evaluator examines the Family Treatment Court's adherence to best practices and participant outcomes no less frequently than every five years.	Standard 8
Implemented	7	The program ensures that eligibility requirements, exclusion criteria, and referral decisions are clearly communicated to all potential referral sources, and when a referral is denied, the reason for the denial is provided.	Standard 1
Not Implemented	8	The Family Treatment Court examines program referrals and admissions in relation to the total dependency court filings that meet the programs admission criteria.	Standard 8
Not Implemented	9	The Family Treatment Court builds relationships through cross-training on tribal, state, and federal mandates such as Adoption and Safe Families Act (ASFA), Child Abuse Prevention and Treatment Act (CAPTA), and Indian Child Welfare Act (ICWA) and/or other relevant child welfare legal standards to help bridge differences in perspectives and approaches.	Standard 1
Implemented	10	The Family Treatment Court seeks participant feedback on policies and practices through procedures such as exit interviews, participant surveys, and focus groups.	Standard 3
Implemented	11	Team members record information concerning the provision of services and in-program outcomes within forty-eight hours of the respective events.	Standard 8
Implemented	12	The Family Treatment Court maintains data in an electronic database.	Standard 8
Implemented	13	Eligible parents are referred to the Family Treatment Court at the dispositional hearing, or within 30 days of the dispositional hearing.	Standard 4
Implemented	14	The Family Treatment Court tracks the time between the case opening and treatment entry to monitor timely access.	Standard 5, 8
Implemented	15	The treatment provider conducts reassessments as needed and may adjust the level of care or change providers based on the participant's clinical response. Treatment decisions follow standardized patient placement criteria to ensure consistency and appropriateness, rather than being determined by the program's phase structure.	Standard 5, 6, and 7
Implemented	16	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.	
Implemented	17	The Judge meets with each participant for an average of at least three minutes to build rapport, review treatment progress and compliance, discuss other services essential to recovery and family reunification, and identify needs for additional support.	Standard 2
Implemented	18	Parents, children, and other family members receive counseling, treatment, and reunification services designed to enhance understanding of substance use disorders, strengthen family bonds, and support the development of a stable, recovery-focused, and healthy parent-child relationship.	Standard 1, 5, and 6
Implemented	19	The Family Treatment Court evaluates available resources and program capacity to determine the appropriate number of participants it can effectively serve	
Implemented	20	Treatment providers implement structured behavioral and cognitive-behavioral interventions with demonstrated efficacy in improving outcomes for individuals with substance use disorders. Providers maintain proficiency through regular supervision, ensuring continuous fidelity to evidence-based practices.	Standard 6
Implemented	21	The Family Treatment Court connects participants with certified peer support specialists.	Standard 6
Implemented	22	The Family Treatment Court connects participants with recovery groups aligned to their needs, supporting individual goals and creating a community-based recovery network.	Standard 6
Partially Implemented	23	Participants receive a brief, evidence-based educational intervention that provides practical strategies and actionable steps to prevent and reverse opioid overdoses.	

		Utah Judicial Council	
Not Implemented	24	Additional team members may include one or more of the following providers: a public health nurse, pharmacist, early childhood education professional, school social worker, housing provider, or child and adolescent services provider.	Standard 1
Implemented	25	Medication-assisted treatment (MAT) is determined by qualified health professionals, is voluntary, and requires informed consent. Participants who choose MAT must adhere to prescribed protocols. MAT is provided alongside psychosocial supports (e.g., counseling, case management), with the Family Treatment Court ensuring coordinated, comprehensive care.	Standard 5
Implemented	26	Drug test results are available within 48 hours.	Standard 5
Implemented	27	Participants are required to deliver a test specimen within 8 hours of being notified that a drug or alcohol test has been scheduled. **Note:** This is not referenced in the Family Treatment Court Best Practice Standards, but it is an Adult Treatment Court BPS. See page 97 of the Family Treatment Court Best Practice Standards, *"There is currently insufficient research within child welfare populations to make a clear recommendation for drug testing protocols outside those established within the Adult Drug Court Best Practices."*	Adult BPS Page 92-109
Partially Implemented	28	Randomly selected specimens are periodically screened for an expanded range of substances to identify emerging substance use trends within the Family Treatment Court population. **Note:** This is not referenced in the Family Treatment Court Best Practice Standards, but it is an Adult Treatment Court BPS. See page 97 of the Family Treatment Court Best Practice Standards, *"There is currently insufficient research within child welfare populations to make a clear recommendation for drug testing protocols outside those established within the Adult Drug Court Best Practices."*	Adult BPS Page 92-109
Implemented	29	If a participant denies substance use following a positive screening test, the presumptive result is confirmed using instrumented analysis, such as gas chromatography–mass spectrometry (GC/MS) or liquid chromatography–mass spectrometry (LC/MS-MS), on a portion of the same specimen.	Standard 5
Partially Implemented	30	The Family Treatment Court annually reviews critical program data related to all 5 Rs, program referral, admission, denial, and outcome (successful, unsuccessful, or neutral discharge) through an equity lens (e.g., performance measures are disaggregated by race, ethnicity, gender identity, sexual orientation, physical or mental disability, religion, language preference, citizenship status, and socioeconomic status) to ensure equitable access and outcomes. **Recovery** (i.e., access to SUD treatment, length of stay, and decreased substance use) and actively seeks to improve related outcomes. Children **remaining** at home and actively seeks to increase this rate. **Reunification** and actively seeks to improve the rate. Child **repeat** maltreatment and actively seeks to reduce the rate. Child **reentry** into care and actively seeks to reduce the rate.	Standard 8
Implemented	31	As needed, participants are supported in securing safe, stable, and sober housing, beginning in the first phase of Family Treatment Court and continuing throughout their program enrollment.	
Implementation Status	**#**	**NON-CERTIFICATION CRITERIA** These standards are grounded in research demonstrating improved outcomes. Compliance is encouraged, but not meeting them will not result in decertification.	**Reference**
Implemented	1	The Family Treatment Court provides a continuum of substance use treatment services (e.g., detoxification, residential, sober living, day treatment, intensive outpatient, outpatient). Where family-centered resources are limited, the team prioritizes family-centered assessment and case planning to address needs.	Standard 5
Implemented	2	Clinician caseloads should be maintained at a manageable level to ensure timely and comprehensive assessment of participant needs, and to support the delivery of appropriate, effective substance use treatment and indicated ancillary services	Standard 5
Implemented	3	Treatment groups typically consist of no more than twelve participants and are led by a minimum of two facilitators or group leaders.	
Implemented	4	For at least the first ninety days after discharge from the program (successful, neutral, unsuccessful) the 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.	Standard 7, 8
Implemented	6	Information on services provided and participants' in-program performance is recorded in an electronic database. Statistical summaries from the database give staff real-time insight into the Family Treatment Court's adherence to best practices and participant outcomes.	Standard 8

Administrative Office of the Courts

Interim Chief Justice Jill Pohlman
Utah Supreme Court
Chair, Utah Judicial Council

November 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 Administrator

RE: **Treatment Court Certification - Recommendations**

Under UCJA Rule 4-409, each problem-solving court is reviewed for certification every two years. The Statewide Treatment Court Certification Coordinator evaluates the Council-approved checklist, reviews operational documents, interviews team members, and visits sites to observe staff meetings and court hearings. The Statewide Treatment Court Certification Coordinator then prepares a jurisdiction report for the treatment court team, highlighting successful practices and recommendations. The summary below is provided to the Judicial Council in support of recertification.

Sixth District - Sevier County Adult Wellness Court - Judge Mandy Larsen. The Sevier County Wellness Court, maintains the same multidisciplinary team and participant-centered practices reflected in the Sevier County Adult Recovery Courts. Although there were no active participants at the time of the site visit due to a recent commencement and a transfer out of county, the team remains focused on ensuring participants meet appropriate clinical eligibility criteria and that program placement is aligned with individual treatment needs. Based on the certification checklist and team interviews the Statewide Treatment Court Certification Coordinator recommends certification of the Sixth District Sevier County Adult Wellness Court.

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

PRESUMED CERTIFICATION CRITERIA:

#35. The Mental Health Court has more than 15 but less than 125 active participants. The team marked "Yes" incorrectly. There were no active participants at the time of the site visit due to a recent commencement and a transfer out of county, the team remains focused on ensuring participants meet appropriate clinical eligibility criteria and that program placement is

aligned with individual treatment needs.

NON-CERTIFICATION RELATED BEST PRACTICE STANDARDS:

#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" and wrote "Not an available resource. CUCC leaves cases open to allow people to reach out for treatment, etc for a period of time."

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

COURT LOCATION: Sixth District Sevier County

NAME: Judge Mandy Larsen

REVIEW DATE: August 18, 2026

*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 *Adherence to these standards is required for certification.*	BPS
☑	☐	1	Eligibility and exclusion criteria are defined and applied objectively.	I.A.
☑	☐	2	Eligibility and exclusion criteria are specified in writing.	I.A.
☑	☐	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.*
☑	☐	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.
☑	☐	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.
☑	☐	6	Evaluators are trained and proficient in the administration of the assessment tools and interpretation of the results.	I.C.
☑	☐	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.
☑	☐	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.
☑	☐	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.
☑	☐	10	The program has a written policy addressing medically assisted treatment.	
☑	☐	11	Participants ordinarily appear before the same judge throughout their enrollment in the Mental health Court.	III.C.
☑	☐	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.
☑	☐	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.

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

☑	☐	31	The program requires a period of at least 90 consecutive days drug-free to graduate.	
☑	☐	32	The minimum length of the program is twelve months.	
☑	☐	33	Unless a participant poses an immediate risk to public safety, jail sanctions are administered after less severe consequences have been ineffective at deterring infractions.	IV.J.
☑	☐	34	Jail sanctions are definite in duration and typically last no more than three to five days.	IV.J.
☑	☐	35	Participants are given access to counsel and a fair hearing if a jail sanction might be imposed.	IV.J.
☑	☐	36	Participants are not terminated from the 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.
☑	☐	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.
☑	☐	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 Mental health Court focusing on relapse prevention and continuing care.	V.J.
☑	☐	44	Participants are not excluded from participation in Mental health 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 Mental health 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 mental health 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 Mental health Court session.	VIII.A.*
☑	☐	49	Pre-court staff meetings are presumptively closed to participants and the public unless the court has good reason for a participant to attend discussions related to that participant's case.	VIII.B.
☑	☐	50	Participants provide voluntary and informed consent permitting team members to share specified data elements relating to participants' progress in treatment and compliance with program requirements.	VIII.C.
☑	☐	51	Court fees are disclosed to each participant, are reasonable, and are based on each participant's ability to pay. Any fees assessed by the Mental health Court must be reasonably	

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

YES	NO	#	PRESUMED CERTIFICATION CRITERIA *There is a presumption that these standards must be met. If your program can show sufficient compensating measures, compliance with the standard may be waived.*	BPS
☑	☐	1	Eligibility and exclusion criteria are communicated to potential referral sources.	I.A.
☑	☐	2	The Mental health Court regularly monitors the delivery of incentives and sanctions to ensure they are administered equivalently to all participants.	II.D.
☑	☐	3	Each member of the Mental health Court team attends up-to-date training events on recognizing implicit cultural biases and correcting disparate impacts for members of historically disadvantaged groups.	II.F.
☑	☐	4	The Mental health Court judge attends current training events on legal and constitutional issues in Mental health Courts, judicial ethics, evidence-based substance abuse and mental health treatment, behavior modification, and community supervision.	III.A.
☑	☐	5	The judge presides over the Mental health Court for no less than two consecutive years.	III.B.
☑	☐	6	The Judge spends an average of at least three minutes with each participant.	III.F.*
☑	☐	7	The Mental health Court team relies on expert medical input to determine whether a prescription for an addictive or intoxicating medication is medically indicated and whether non-addictive, non-intoxicating, and medically safe alternative treatments are available.	IV.F.
☑	☐	8	Phase promotion is predicated on the achievement of realistic and defined behavioral objectives, such as completing a treatment regimen or remaining drug-abstinent for a specified period of time.	IV.I.
☑	☐	9	Treatment is reduced only if it is determined clinically that a reduction in treatment is unlikely to precipitate a relapse to substance use.	IV.I.
☑	☐	10	Testing regimens are not scheduled in seven-day or weekly blocks. The chances of being tested should be at least two in seven every day.	VII.B.*
☑	☐	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 Mental health 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 Mental health Court's programmatic phase structure.	V.A.
☑	☐	17	Participants receive a sufficient dosage and duration of substance abuse treatment to achieve long-term sobriety and recovery from addiction.	V.D.
☑	☐	18	Participants meet with a treatment provider or clinical case manager for at least one individual session per week during the first phase of the program.	V.E.
☑	☐	19	Participants are screened for their suitability for group interventions, and group membership is guided by evidence-based selection criteria including participants' gender, trauma histories and co-occurring psychiatric symptoms.	V.E.
☑	☐	20	Treatment providers administer behavioral or cognitive-behavioral treatments that are documented in manuals and have been demonstrated to improve outcomes for addicted persons involved in the criminal justice system.	V.F. VI.G
☑	☐	21	Treatment providers are proficient at delivering the interventions and are supervised regularly to ensure continuous fidelity to the treatment models.	V.F.
☑	☐	22	Treatment providers are supervised regularly to ensure continuous fidelity to evidence-based practices.	V.H.
☑	☐	23	Before participants enter the peer support groups, treatment providers use an evidence-based preparatory intervention, such as 12-step facilitation therapy.	V.I.
☑	☐	24	Participants prepare a continuing-care plan together with their counselor to ensure they continue to engage in pro-social activities and remain connected with a peer support group after their discharge from the Mental health Court.	V.J.
☑	☐	25	Where indicated, participants receive assistance finding safe, stable, and drug-free housing beginning in the first phase of Mental health Court and continuing as necessary throughout their enrollment in the program.	VI.D.
☑	☐	26	Participants are assessed using a validated instrument for trauma history, trauma-related symptoms, and posttraumatic stress disorder (PTSD).	VI.F.
☑	☐	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.
☑	☐	28	Participants with deficient employment or academic histories receive vocational or educational services beginning in a late phase of Mental health Court.	VI.I.
☑	☐	29	Participants complete a brief evidence-based educational curriculum describing concrete measures they can take to prevent or reverse drug overdose.	VI.L.
☑	☐	30	Clients are placed in the program within 50 days of eligibility screening.	
☑	☐	31	Team members are assigned to Mental health Court for no less than two years.	
☑	☐	32	All team members use electronic communication to contemporaneously communicate about Mental health Court issues.	
☑	☐	33	Subsequently, team members attend continuing education workshops on at least an annual basis to gain up-to-date knowledge about best practices on topics including substance abuse and mental health treatment, complementary treatment and social services, behavior modification, community supervision, drug and alcohol testing, team decision making, and constitutional and legal issues in Mental health Courts.	VIII.F.
☑	☐	34	New staff hires receive a formal orientation training on the Mental health Court model and best practices in Mental health Courts as soon as practicable after assuming their position and attend annual continuing education workshops thereafter.	VIII.F.
		35	The Mental health Court has more than 15 but less than 125 active participants.	IX.A.*

36	The Mental health Court monitors its adherence to best practice standards on at least an annual basis, develops a remedial action plan and timetable to rectify deficiencies, and examines the success of the remedial actions.	X.A.
37	New arrests, new convictions, and new incarcerations are monitored for at least three years following each participant's entry into the Mental health Court.	X.C.
38	A skilled and independent evaluator examines the Mental health Court's adherence to best practices and participant outcomes no less frequently than every five years.	X.D.
39	Staff members are required to record information concerning the provision of services and in-program outcomes within forty-eight hours of the respective events.	X.G.
40	The program conducts an exit interview for self- improvement.	

YES	NO	#	NON-CERTIFICATION-RELATED BEST PRACTICE STANDARDS *These are best practice standards that research has shown will produce better outcomes. Failure to meet these standards will not result in decertification.*	BPS
☑	☐	1	The Mental health Court offers a continuum of care for substance abuse treatment including detoxification, residential, sober living, day treatment, intensive outpatient and outpatient services.	V.A.
☑	☐	2	Treatment groups ordinarily have no more than twelve participants and at least two leaders or facilitators.	V.E.
☑	☐	3	Treatment providers have substantial experience working with criminal justice populations.	V.H.
☐	☑	4	For at least the first ninety days after discharge from the Mental health Court, treatment providers or clinical case managers attempt to contact previous participants periodically by telephone, mail, e-mail, or similar means to check on their progress, offer brief advice and encouragement, and provide referrals for additional treatment when indicated. CUCC leaves case open to allow participants to reach out for treatment, etc. for a period of time.	V.J.
☑	☐	5	Participants are assessed using a validated instrument for major mental health disorders that co-occur frequently in Mental health Courts, including major depression, bipolar disorder (manic depression), posttraumatic stress disorder (PTSD), and other major anxiety disorders.	VI.E.
☑	☐	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.
☑	☐	7	Female participants receive trauma-related services in gender-specific groups.	VI.F.
☑	☐	8	Participants are required to have a stable job, be enrolled in a vocational or educational program, or be engaged in comparable pro-social activity as a condition of graduating from Mental health Court.	VI.I.
☑	☐	9	Participants receive immediate medical or dental treatment for conditions that are life-threatening, cause serious pain or discomfort, or may lead to long-term disability or impairment.	VI.J.
☑	☐	10	Before starting a 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.
☑	☐	11	Supervision caseloads do not exceed fifty active participants per supervision officer.	IX.B.
☑	☐	12	Caseloads for clinicians must permit sufficient opportunities to assess participant needs and deliver adequate and effective dosages of substance abuse treatment and indicated	IX.C.

		complementary services.	
☑	☐	**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.*
☑	☐	**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.
☑	☐	**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.
☑	☐	**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.

Administrative Office of the Courts

Interim Chief Justice Jill Pohlman
Utah Supreme Court
Chair, Utah Judicial Council

November 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 Administrator

RE: **Treatment Court Certification - Recommendations**

Under UCJA Rule 4-409, each problem-solving court is reviewed for certification every two years. The Statewide Treatment Court Certification Coordinator evaluates the Council-approved checklist, reviews operational documents, interviews team members, and visits sites to observe staff meetings and court hearings. The Statewide Treatment Court Certification Coordinator then prepares a jurisdiction report for the treatment court team, highlighting successful practices and recommendations. The summary below is provided to the Judicial Council in support of recertification.

Sixth District - Sevier County Adult Recovery Courts - Judge Mandy Larsen and Judge Robert Van Dyke. The Sevier County Adult Recovery Courts demonstrate strong consistency through shared multidisciplinary team practices, policies, and participant-centered approaches across both courts, with each Judge providing individual leadership. The Judges and team consistently evaluate and refine program practices to support effective service delivery and respond to the evolving needs of participants and the program. Based on the certification checklist, team interviews, and court observations, the Statewide Treatment Court Certification Coordinator recommends certification of the Sixth District Sevier County Adult Recovery Courts.

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

PRESUMED CERTIFICATION CRITERIA: The court meets all presumed certification criteria.

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

NON-CERTIFICATION RELATED BEST PRACTICE STANDARDS:

#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" and wrote "Not an available resource. Central Utah Counseling Center (CUCC) leaves cases open to allow people to reach out/seek additional treatment for a period of time."

#17. Clients are placed in the program within 50 days after change of plea, sentencing, or a finding that a probation violation has occurred, or within a short period of time thereafter. The earlier treatment begins, the better the outcomes.
The team did not indicate a response and upon further clarification it was determined that the correct response was "Yes".

UTAH JUDICIAL COUNCIL
ADULT DRUG COURT CERTIFICATION CHECKLIST
REVISED AND ADOPTED DECEMBER 16, 2019 AND MODIFIED JUNE 26, 2023

COURT LOCATION: Sixth District Sevier County

JUDGE NAME: Judge Mandy Larsen / Judge Robert Van Dyke

REVIEW DATE: Larsen - August 18, 2026 & Van Dyke - August 25, 2026

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

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

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

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

YES	NO	#	PRESUMED CERTIFICATION CRITERIA *There is a presumption that these standards must be met. If your program can show sufficient compensating measures, compliance with the standard may be waived.*	BPS
			or alcohol test has been scheduled.	
☑	☐	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.
☑	☐	20	Treatment providers administer behavioral or cognitive-behavioral treatments that are documented in manuals and have been demonstrated to improve outcomes for addicted persons involved in the criminal justice system.	V.F. VI.G
☑	☐	21	Treatment providers are proficient at delivering the interventions and are supervised regularly to ensure continuous fidelity to the treatment models.	V.F.
☑	☐	22	Treatment providers are supervised regularly to ensure continuous fidelity to evidence-based practices.	V.H.
☑	☐	23	Before participants enter the peer support groups, treatment providers use an evidence-based preparatory intervention, such as 12-step facilitation therapy.	V.I.
☑	☐	24	Participants prepare a continuing-care plan together with their counselor to ensure they continue to engage in pro-social activities and remain connected with a peer support group after their discharge from the 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.	VI.I.
☑	☐	29	Participants complete a brief evidence-based educational curriculum describing concrete measures they can take to prevent or reverse drug overdose.	VI.L.
☐	☐	30	~~Clients are placed in the program within 50 days of arrest.~~	

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

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

YES	NO	#	NON-CERTIFICATION-RELATED BEST PRACTICE STANDARDS *These are best practice standards that research has shown will produce better outcomes. Failure to meet these standards will not result in decertification.*	BPS
			necessary to manage panic, dissociation, or severe anxiety.	
☑	☐	7	Female participants receive trauma-related services in gender-specific groups.	VI.F.
☑	☐	8	Participants are required to have a stable job, be enrolled in a vocational or educational program, or be engaged in comparable pro-social activity as a condition of graduating from Drug Court.	VI.I.
☑	☐	9	Participants receive immediate medical or dental treatment for conditions that are life-threatening, cause serious pain or discomfort, or may lead to long-term disability or impairment.	VI.J.
☑	☐	10	Before starting a 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.
☑	☐	11	Supervision caseloads do not exceed fifty active participants per supervision officer.	IX.B.
☑	☐	12	Caseloads for clinicians must permit sufficient opportunities to assess participant needs and deliver adequate and effective dosages of substance abuse treatment and indicated complementary services.	IX.C.
☑	☐	13	The 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.*
☑	☐	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.
☑	☐	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.
☑	☐	16	The Drug Court regularly monitors whether members of historically disadvantaged groups complete the program at equivalent rates to other participants.	II.B. X.E.
		17	Clients are placed in the program within 50 days after change of plea, sentencing, or a finding that a probation violation has occurred, or within a short period of time thereafter. The earlier treatment begins, the better the outcomes.	

Administrative Office of the Courts

Interim Chief Justice Jill Pohlman
Utah Supreme Court
Chair, Utah Judicial Council

November 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 Administrator

RE: **Treatment Court Certification - Recommendations**

Under UCJA Rule 4-409, each problem-solving court is reviewed for certification every two years. The Statewide Treatment Court Certification Coordinator evaluates the Council-approved checklist, reviews operational documents, interviews team members, and visits sites to observe staff meetings and court hearings. The Statewide Treatment Court Certification Coordinator then prepares a jurisdiction report for the treatment court team, highlighting successful practices and recommendations. The summary below is provided to the Judicial Council in support of recertification.

Fourth District - Utah County Family Recovery Court - Judge Jared Anderson. The Utah County Family Recovery Court demonstrates effective multidisciplinary collaboration and a family-centered, recovery-oriented approach that balances accountability with individualized support. The program incorporates practices that support participant recovery, family reunification, and long-term stability. The certification review identified no program-specific deficiencies. However, the statewide gap in drug testing continues to affect the program's ability to fully satisfy this certification requirement. Accordingly, the Statewide Treatment Court Certification Coordinator recommends continuation of the previously approved one-year conditional certification pending resolution of this broader system-level issue.

REQUIRED CERTIFICATION CRITERIA:

#39. Drug and alcohol testing employs scientifically valid protocols and ensures reliable procedures, including documented chain of custody for each specimen, random collection at least twice a week, including weekends and holidays, witnessed specimen collection is routinely examined for dilution or adulteration, and participants receive a written explanation of their rights and responsibilities of drug/alcohol testing.

The team selected “Implemented”; however, “Partially Implemented” is more appropriate because weekend testing is not consistently available to all participants throughout their time in the program. Participants in residential treatment are generally tested more frequently to meet residential program requirements, and upon transitioning back into the community, weekend testing availability may vary depending on the DCFS contract and services offered by the testing provider.

PRESUMED CERTIFICATION CRITERIA:

#24. Additional team members may include one or more of the following providers: a public health nurse, pharmacist, early childhood education professional, school social worker, housing provider, or child and adolescent services provider.
The team selected “partially implemented” and wrote “DCFS has a nurse assigned to each child in CARE but they do regularly attend hearings.”

#26. Participants are required to deliver a test specimen within 8 hours of being notified that a drug or alcohol test has been scheduled.
The team selected “partially implemented” and wrote "Participants have 10 hours not 8 hours.”

NON-CERTIFICATION RELATED BEST PRACTICE STANDARDS:

#4. For at least the first ninety days after discharge from the program (successful, neutral, unsuccessful) the 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 selected “partially implemented” and wrote “The team is currently working with the stakeholders to assist with this.”

		Utah Judicial Council - Family Treatment Court Certification Checklist	
		Court Location: American Fork	
		Judge: Jared Anderson	
		Review Date: September 1, 2026	
		According to UCJA Rule 4-409 Council Approval of Problem-Solving Courts, each problem-solving court must be considered for certification by the Judicial Council every two years. ***This checklist outlines best practices consistent with the Family Treatment Court Best Practice Standards and the updated All Rise Adult Treatment Court Best Practice Standards (Revised July 28, 2025) as approved by the Judicial Council. (Revised and Adopted November 24, 2025)*** ***It is intended to help treatment court programs assess their adherence to nationally recognized standards and guide ongoing efforts for continuous improvement.*** ***Website Link: https://allrise.org/wp-content/uploads/2022/07/Family-Treatment-Court-Best-Practice-Standards_Final2.pdf***	
Implementation Status	**#**	**REQUIRED CRITERIA (Do No Harm/Minimum)** Adherence to these standards is required for certification.	**Reference**
Implemented	1	The core team includes the Judge, Family Treatment Court coordinator, child welfare agency/state's attorney, parent's attorney, child's attorney, guardian ad litem and/or CASA, child welfare caseworker, substance use disorder treatment provider, mental health treatment provider, as well as child and adolescent services providers.	Standard 1
Implemented	2	All members of the Family Treatment Court team participate in staffing and attend the court hearing.	Standard 1, 2
Implemented	3	The Family Treatment Court, in consultation with the child welfare system and other stakeholders, maintains a written agreement specifying whether a single Judge will preside over both treatment court reviews and dependency proceedings or if responsibilities are divided. When divided, the agreement clearly outlines what information is shared, the timing of sharing, and the discharge decision process.	Standard 1, 7
Implemented	4	The Judge regularly attends pre-court staff meetings to discuss the progress of the participant and the family and to staff responses to behavior, treatment adjustments, and safety concerns. Information shared is deemed necessary for the operational team to monitor and support children, parents, and families toward stable recovery and reunification, permanency, and completion of the child welfare case plan.	Standard 2
Implemented	5	The Operations Manual (Formerly called the Policy and Procedures Manual) details all aspects of the program's operations, including, but not limited to: 1. Phase advancement requirements 2. Incentives, sanctions, service adjustments 3. Graduation criteria 4. Behaviors that may lead to termination 5. Shared mission and vision, jointly developed by partner organizations 6. Defines the roles, responsibilities, and expectations of all team members, with mutual agreement and commitment to these standards. 7. Objectively defined and specified eligibility and exclusion criteria that is written, distributed to, and understood by all partners. 8. 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). 9. Written policy on medication-assisted treatment (MAT). Participants are not denied admission, sanctioned, or discharged for the prescribed use of MAT, psychiatric medications, or other medications for diagnosed medical conditions such as pain or insomnia.	Standard 1, 4
Implemented	6	The Family Treatment Court team conducts an annual review and update of the participant handbook and operations manual to ensure they remain accurate and effective.	Standard 1
Implemented	7	Participants are not excluded from Family Treatment Court solely due to lack of stable housing, unless their circumstances prevent safe or effective management in the community.	Standard 1
Implemented	8	A parent attorney reviews the participation agreement with the applicant to advise on the process and implications of participating in the Family Treatment Court.	Standard 4
Implemented	9	During the intake process, the Family Treatment Court provides participants with a handbook outlining program expectations and reviews its contents.	Standard 1
Implemented	10	The Family Treatment Court uses validated assessment tools to identify participant and family needs and make timely referrals to appropriate services. Referrals connect children, parents, and families to evidence-based treatment that is trauma-informed, culturally responsive, and family-centered, with ongoing assessments addressing barriers to recovery and supporting reunification. These services also promote understanding of substance use disorders and support the development of a stable, recovery-focused lifestyle.	Standard 1, 3, 4, 5, and 6
Implemented	11	The Family Treatment Court treatment providers are licensed, certified, or accredited in accordance with Utah state standards and the requirements of the Department of Human Services or other relevant entities, and have a foundational understanding of the child welfare system, including tribal, state, and federal mandates such as Adoption and Safe Families Act (ASFA), Child Abuse Prevention and Treatment Act (CAPTA), and Indian Child Welfare Act (ICWA).	Standard 1, 5
Implemented	12	The Family Treatment Court meets the child welfare and dependency court mandates to ensure children's safety, well-being, and permanency through whole-family treatment. It assesses safety, risk, need, and protective factors for children, parents, and families throughout the case, not just the parent with the substance use disorder.	Standard 4
Implemented	13	Participants appear before the same Judge throughout their participation in the Family Treatment Court.	Standard 1
Implemented	14	Participants appear no less frequently than twice a month during the first phase of the program. Status hearings are scheduled no less frequently than monthly. In rural areas, allowances may be made for alternative appearances or administrative reviews when the Judge is unavailable.	Standard 1
Implemented	15	The Judge allows participants the opportunity to explain their perspectives regarding the imposition of incentives, sanctions, and service adjustments. The Judge permits the participant's attorney or legal representative to assist in providing such explanations.	Standard 1, 7
Implemented	16	The Judge makes final decisions regarding incentives, sanctions, and service adjustments after considering input from the team. Responses to non-compliant behavior are based upon proximal and distal goals, and the Judge is mindful of the family dynamic when imposing sanctions.	Standard 2
Implemented	17	The Judge and team members engage respectfully with participants and use non-stigmatizing language.	Standard 1, 7
Implemented	18	The Family Treatment Court ensures that parents and children receive frequent, in-person, high-quality parenting and family time at the recommended frequency and duration, and does not use parenting or family time as an incentive or sanction.	Standard 6
Implemented	19	The Family Treatment Court does not apply a rigid set of sanctions for specific types of non-compliance. Responses to non-compliance are trauma-informed, tailored to the individual's unique circumstances and clinical needs, and aligned with evidence-based practices that promote sustained behavior change and recovery.	Standard 3, 7
Implemented	20	Treatment adjustments are based on assessed needs and never used as an incentive or a sanction.	Standard 7
Implemented	21	Jail sanctions are rarely imposed, used only when a participant poses an immediate risk to public safety or when less severe sanctions have failed to address ongoing non-compliance, and never as a substitute for a treatment bed or detoxification service. If the Family Treatment Court imposes a jail sanction, it must strictly adhere to all due process requirements.	Standard 7
Implemented	22	Participants who comply with their treatment and child welfare case plan are not discharged unsuccessfully for continued substance use. If adequate treatment is unavailable despite the team's efforts to secure appropriate services, a neutral discharge is issued. Behaviors contributing to a successful, neutral, or unsuccessful discharge may inform but do not determine the final custody decision.	Standard 7

Implemented	23	Following a discharge, successful, neutral, or unsuccessful, the team ensures participants are connected to appropriate treatment and support resources. Terminology for Team: **Successful discharge** occurs when a participant achieves key goals, strengthens family and community ties, and reunification happens when appropriate. **Neutral discharge** is issued when participation is impossible due to circumstances beyond the participant's control, such as loss of court jurisdiction, health issues, or unavailable treatment or interventions necessary for recovery. **Unsuccessful discharge** happens when a participant repeatedly fails to meet program expectations or engages in behavior that conflicts with the court's mission despite support and interventions.	Standard 7
Implemented	24	The Family Treatment Court creates a coordinated case plan, supporting the child welfare and treatment plans, with active participation from parents, children (when appropriate), and family members, reflecting family needs and strengths while prioritizing child safety.	Standard 6
Implemented	25	The Family Treatment Court utilizes evidence-based or evidence-informed interventions to address the parent's substance use, mental health, and trauma-related needs, and engages parents in a corresponding evidence-based or evidence-informed parenting curriculum. Children receive evidence-based or evidence-informed treatment and developmental/educational interventions that reflect their assessed level of care and other clinical needs.	Standard 1, 5, and 6
Implemented	26	Parents receive support as they work to develop a sustainable, recovery-oriented lifestyle (e.g., self-help groups, various forms of meditation, etc.).	Standard 6
Implemented	27	Participants diagnosed with mental illness receive appropriate mental health services, which continue as needed throughout their participation in the program	Standard 1, 5, and 6
Implemented	28	Participants are not required to participate in job seeking or vocational skills development in the early phases of the program.	Standard 1
Implemented	29	Participation in the Family Treatment Court is intended only when a parent can reasonably benefit from the program, and is not offered as a last-resort option when termination of parental rights is imminent.	Standard 4, 5, and 7
Implemented	30	The Family Treatment Court structures its phases and services to align with child welfare timelines and the Adoption and Safe Families Act (ASFA), with phase advancement based on observable behaviors and achievement of goals that support progress toward longer-term objectives. Advancement is not determined by treatment level, engagement type, program duration, child placement, or parenting arrangements, and participants are not demoted or required to restart a phase for non-compliance.	Standard 7
Implemented	31	The final phase of Family Treatment Court focuses on relapse prevention, continuing care, pro-social activities, and sustained connection to peer support networks, while helping participants plan for successful child welfare case closure and pursue educational and vocational goals to promote long-term recovery, healthy parent-child relationships, and future opportunities.	Standard 3, 5, and 6
Implemented	32	The Family Treatment Court prepares a report of each participant's and child's progress and needs, which is shared with the team prior to staffing. These reports are objective and focus on the participant's compliance with program expectations and progress toward achieving identified goals.	Standard 1
Implemented	33	All Family Treatment Court partners actively engage in fidelity monitoring of evidence-based practices.	
Implemented	34	Pre-court staff meetings are presumptively closed to participants and the public unless the court has a compelling reason for a participant to attend discussions related to that participant's case.	Standard 1
Implemented	35	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.	Standard 5, 8
Implemented	36	Program and/or treatment fees are disclosed to participants, set at reasonable rates according to their ability to pay, and reflect the actual costs of testing or other services. Treatment fees follow a sliding scale and are clearly communicated to each participant.	Standard 1, 2
Implemented	37	The parent and children receive case management support to access safe and affordable housing.	Standard 6
Implemented	38	The Family Treatment Court actively partners with pregnant and community agencies to ensure the parents and infants receive all indicated medical care, including the development and support of Plans of Safe Care (POSC) when applicable.	Standard 6
Implemented	39	Drug and alcohol testing employs scientifically valid protocols and ensures reliable procedures, including: 1. Documented chain of custody for each specimen 2. Random collection at least twice a week, including weekends and holidays 4. Witnessed specimen collection is routinely examined for dilution or adulteration 5. Participants receive a written explanation of their rights and responsibilities of drug/alcohol testing.	Standard 5

Implementation Status	#	PRESUMED CRITERIA Adherance to these standards is required for certification.	Reference
Implemented	1	The Family Treatment Court team meets regularly, quarterly, biannually, or annually, to address program needs, review data, monitor adherence to best practice standards, and discuss current policies, procedures, and the delivery of incentives and sanctions to ensure they are applied fairly and consistently. These meetings also include developing action plans to address challenges and expand opportunities.	Standard 1, 3
Implemented	2	The Family Treatment Court team members participate in biannual training to deepen their understanding of substance use disorders, mental health conditions, trauma, and stigma, as well as complementary treatment and social services, behavior modification, community supervision, drug and alcohol testing, team decision-making, and constitutional and legal considerations specific to Family Treatment Courts. Trainings also address recognizing implicit cultural biases and correcting disparate impacts for historically disadvantaged groups.	Standard 1, 2, 3, 4, 5, and 6
Implemented	3	The Judge presides over the Family Treatment Court for no less than two consecutive years.	Standard 2
Implemented	4	All team members use electronic communication to discuss Family Treatment Court issues in real-time	Standard 1
Implemented	5	As part of the onboarding process, all new team members review the Operations Manual, Participant Handbook, Participant Agreement, Certification Checklist, and other key documents outlining the structure and expectations of the Family Treatment Court.	Standard 1
Implemented	6	A skilled and independent evaluator examines the Family Treatment Court's adherence to best practices and participant outcomes no less frequently than every five years.	Standard 8
Implemented	7	The program ensures that eligibility requirements, exclusion criteria, and referral decisions are clearly communicated to all potential referral sources, and when a referral is denied, the reason for the denial is provided.	Standard 1
Implemented	8	The Family Treatment Court examines program referrals and admissions in relation to the total dependency court filings that meet the programs admission criteria.	Standard 8
Implemented	9	The Family Treatment Court builds relationships through cross-training on tribal, state, and federal mandates such as Adoption and Safe Families Act (ASFA), Child Abuse Prevention and Treatment Act (CAPTA), and Indian Child Welfare Act (ICWA) and/or other relevant child welfare legal standards to help bridge differences in perspectives and approaches.	Standard 1
Implemented	10	The Family Treatment Court seeks participant feedback on policies and practices through procedures such as exit interviews, participant surveys, and focus groups.	Standard 3
Implemented	11	Team members record information concerning the provision of services and in-program outcomes within forty-eight hours of the respective events.	Standard 8
Implemented	12	The Family Treatment Court maintains data in an electronic database.	Standard 8
Implemented	13	Eligible parents are referred to the Family Treatment Court at the dispositional hearing, or within 30 days of the dispositional hearing.	Standard 4
Implemented	14	The Family Treatment Court tracks the time between the case opening and treatment entry to monitor timely access.	Standard 5, 8
Implemented	15	The treatment provider conducts reassessments as needed and may adjust the level of care or change providers based on the participant's clinical response. Treatment decisions follow standardized patient placement criteria to ensure consistency and appropriateness, rather than being determined by the program's phase structure.	Standard 5, 6, and 7
Implemented	16	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.	

Implemented	17	The Judge meets with each participant for an average of at least three minutes to build rapport, review treatment progress and compliance, discuss other services essential to recovery and family reunification, and identify needs for additional support.	Standard 2
Implemented	18	Parents, children, and other family members receive counseling, treatment, and reunification services designed to enhance understanding of substance use disorders, strengthen family bonds, and support the development of a stable, recovery-focused, and healthy parent-child relationship.	Standard 1, 5, and 6
Implemented	19	The Family Treatment Court evaluates available resources and program capacity to determine the appropriate number of participants it can effectively serve	
Implemented	20	Treatment providers implement structured behavioral and cognitive-behavioral interventions with demonstrated efficacy in improving outcomes for individuals with substance use disorders. Providers maintain proficiency through regular supervision, ensuring continuous fidelity to evidence-based practices.	Standard 6
Implemented	21	The Family Treatment Court connects participants with certified peer support specialists.	Standard 6
Implemented	22	The Family Treatment Court connects participants with recovery groups aligned to their needs, supporting individual goals and creating a community-based recovery network.	Standard 6
Implemented	23	Participants receive a brief, evidence-based educational intervention that provides practical strategies and actionable steps to prevent and reverse opioid overdoses.	
Partially Implemented	24	Additional team members may include one or more of the following providers: a public health nurse, pharmacist, early childhood education professional, school social worker, housing provider, or child and adolescent services provider.	Standard 1
Implemented	25	Medication-assisted treatment (MAT) is determined by qualified health professionals, is voluntary, and requires informed consent. Participants who choose MAT must adhere to prescribed protocols. MAT is provided alongside psychosocial supports (e.g., counseling, case management), with the Family Treatment Court ensuring coordinated, comprehensive care.	Standard 5
Implemented	26	Drug test results are available within 48 hours.	Standard 5
Partially Implemented	27	Participants are required to deliver a test specimen within 8 hours of being notified that a drug or alcohol test has been scheduled. **Note:** This is not referenced in the Family Treatment Court Best Practice Standards, but it is an Adult Treatment Court BPS. See page 97 of the Family Treatment Court Best Practice Standards, *"There is currently insufficient research within child welfare populations to make a clear recommendation for drug testing protocols outside those established within the Adult Drug Court Best Practices."*	Adult BPS Page 92-109
Implemented	28	Randomly selected specimens are periodically screened for an expanded range of substances to identify emerging substance use trends within the Family Treatment Court population. **Note:** This is not referenced in the Family Treatment Court Best Practice Standards, but it is an Adult Treatment Court BPS. See page 97 of the Family Treatment Court Best Practice Standards, *"There is currently insufficient research within child welfare populations to make a clear recommendation for drug testing protocols outside those established within the Adult Drug Court Best Practices."*	Adult BPS Page 92-109
Implemented	29	If a participant denies substance use following a positive screening test, the presumptive result is confirmed using instrumented analysis, such as gas chromatography–mass spectrometry (GC/MS) or liquid chromatography–mass spectrometry (LC/MS-MS), on a portion of the same specimen.	Standard 5
Implemented	30	The Family Treatment Court annually reviews critical program data related to all 5 Rs, program referral, admission, denial, and outcome (successful, unsuccessful, or neutral discharge) through an equity lens (e.g., performance measures are disaggregated by race, ethnicity, gender identity, sexual orientation, physical or mental disability, religion, language preference, citizenship status, and socioeconomic status) to ensure equitable access and outcomes. **Recovery** (i.e., access to SUD treatment, length of stay, and decreased substance use) and actively seeks to improve related outcomes. Children **remaining** at home and actively seeks to increase this rate. **Reunification** and actively seeks to improve the rate. Child **repeat** maltreatment and actively seeks to reduce the rate. Child **reentry** into care and actively seeks to reduce the rate.	Standard 8
Implemented	31	As needed, participants are supported in securing safe, stable, and sober housing, beginning in the first phase of Family Treatment Court and continuing throughout their program enrollment.	

Implementation Status	**#**	**NON-CERTIFICATION CRITERIA** These standards are grounded in research demonstrating improved outcomes. Compliance is encouraged, but not meeting them will not result in decertification.	**Reference**
Implemented	1	The Family Treatment Court provides a continuum of substance use treatment services (e.g., detoxification, residential, sober living, day treatment, intensive outpatient, outpatient). Where family-centered resources are limited, the team prioritizes family-centered assessment and case planning to address needs.	Standard 5
Implemented	2	Clinician caseloads should be maintained at a manageable level to ensure timely and comprehensive assessment of participant needs, and to support the delivery of appropriate, effective substance use treatment and indicated ancillary services	Standard 5
Implemented	3	Treatment groups typically consist of no more than twelve participants and are led by a minimum of two facilitators or group leaders.	
Partially Implemented	4	For at least the first ninety days after discharge from the program (successful, neutral, unsuccessful) the 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.	Standard 7, 8
Implemented	6	Information on services provided and participants' in-program performance is recorded in an electronic database. Statistical summaries from the database give staff real-time insight into the Family Treatment Court's adherence to best practices and participant outcomes.	Standard 8

Tab 7

Administrative Office of the Courts

Interim Chief Justice Jill Pohlman
Utah Supreme Court
Chair, Utah Judicial Council

October 30, 2026

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

MEMORANDUM

TO: Judicial Council

FROM: Neira Siaperas, Deputy State Court Administrator

RE: Request for Exception to CJA Rule 1-305(2)(D)

Information

CJA Rule 1-305(2)(B) provides that, contingent upon the availability of senior judges, each court level will have at least one representative on the Board of Senior Judges. Rule 1-305(2)(D) establishes three-year terms for Board members and provides that a member may not serve more than two consecutive terms.

Judge Kate Appleby is the Judiciary's only active appellate senior judge. Her second consecutive term on the Board ended in October 2026, making her ineligible to serve another consecutive term under the current rule. Judge Appleby has provided exceptional service on the Board, and her departure would leave the appellate courts without representation.

Recommendation

The Board of Senior Judges requests that the Judicial Council approve a limited exception to the term limit in CJA Rule 1-305(2)(D), solely as it applies to Judge Appleby, allowing her to serve a third consecutive term through October 2029.

This limited exception would allow the Board to maintain appellate court representation consistent with the intent of Rule 1-305(2)(B), without making a permanent change to the rule's term limits.

Tab 8

Administrative Office of the Courts

Interim Chief Justice Jill Pohlman
Utah Supreme Court
Chair, Utah Judicial Council

November 3, 2026

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

MEMORANDUM

TO: The Judicial Council

FROM: Alyson McAllister, Stewart Harman, and Jace Willard

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

---

The Judicial Council's Standing Committee on the Model Utah Civil Jury Instructions (MUJI-Civil) is comprised of district judges, an equal mix of attorneys primarily representing plaintiffs and attorneys primarily representing defendants, and a linguist. This year, one change was made to the membership of the Committee. The Committee has a new plaintiff's attorney member. The current membership list is as follows:

Last	**First**	**Role**
Bolinder	Brian	Judge
Eggington	William	Linguist
Fuller	Robert	Plaintiff
Harman	Stewart	Defendant, *Vice-Chair*
Henderson	Clancey	Recording Secretary
Lichfield	Michael	Defendant
Lusty	Benjamin	Defendant
Macfarlane	John	Plaintiff
McAllister	Alyson	Plaintiff, *Chair*
North	Kara	Plaintiff
Pacini	Aaron	Defendant
Willard	Jace	Staff

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

- *Economic Damages*: The Committee updated instruction references and Committee Notes to reflect recent caselaw.
- *Implied Covenant of Good Faith and Fair Dealing*: The Committee revised this instruction to state the relevant law more precisely.
- *General Admonitions*: The Committee amended instructions to include admonitions regarding the use of artificial intelligence.
- *Contract Implied in Fact and Contract Implied in Law*: The Committee approved a new set of instructions to address contracts implied in fact as well as those implied in law (unjust enrichment). The Committee also amended Committee Notes in an existing instruction addressing implied contract or unjust enrichment in the construction contract context.
- *Violation of a Safety Law*: The Committee revised this instruction, references, and notes to reflect recent caselaw.
- *Product Liability*: The Committee benefits from a knowledgeable subcommittee that continued its work this year and presented a number of substantial proposed revisions and new draft instructions. They are scheduled to return in November with additional suggested amendments.

Other instructions are pending in subcommittees. These include draft instructions on Insurance, Wills and Probate, and Directors and Officers Liability. The Linguistics and Law Subcommittee provided an update on the first stage of its ongoing work testing instructions for lay comprehensibility. The linguistics professors on the subcommittee have indicated they will submit a written report with their findings for the Committee's review.

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

Tab 9

Judicial Council Audit Implementation Plan
2026 Legislative Audit

I. Purpose and Approach

The Judicial Council is committed to implementing the recommendations of the 2026 legislative audit in ways that strengthen judicial governance, accountability, organizational performance, and public trust in Utah's courts.

This plan identifies the actions the Judiciary will undertake to address each recommendation, the individuals or groups responsible for implementation, and anticipated timelines. The plan builds on existing governance structures, judicial education programs, performance measures, and data analysis capabilities.

Implementation will be overseen by the Judicial Council and coordinated across boards of judges, presiding judges, the Administrative Office of the Courts (AOC), and other appropriate entities. Throughout this work, the Judiciary will maintain the distinction between accountability for judicial and organizational performance and the independence of judges in deciding individual cases.

II. Implementation Plan

Recommendation 1.1: *The Judicial Council should create, adopt, and continually monitor a formal governance accountability framework. The framework should connect judicial activities to measurable objectives and clearly define how judges contribute to and are accountable for advancing the judiciary's strategic plan and mission. Success would be demonstrated through established performance measures, regular monitoring of results, documented accountability discussions, and evidence that judicial activities are contributing to strategic objectives. Doing so will help the judiciary improve its goal of achieving a fair and effective justice system.*

Action plan

1. Review existing governance responsibilities and clarify the respective roles and authority of the Judicial Council, boards of judges, and presiding judges.
2. Determine whether changes to court rules, policies, or governance practices are needed to clarify how Council decisions and board recommendations are implemented and communicated, including when recommendations of the board of judges become requirements that judges are expected to follow.
3. Review the Judiciary's strategic plan and consider whether changes to its scope or implementation are appropriate.
4. Clarify how judicial officers and employees contribute to the Judiciary's mission and strategic plan implementation.
5. Establish a process for the Judicial Council to regularly review performance measures and progress toward the strategic plan, document accountability discussions, and identify and monitor needed actions.

Responsible party: State Court Administrator

Proposed Timeline:

- January to March 2027: Review existing governance structure, authority, and practices; review the strategic plan.
- April to June 2027: Develop recommendations for clarifying responsibilities, policies, rules and Council oversight.
- July to September 2027: Judicial Council adopts the governance accountability framework and establishes an ongoing review process.

Complete: September 30, 2027

Recommendation 1.2: *The Judicial Council should expand the role of the presiding judge to include performance management of judges within their district. This can assist the judiciary by establishing local accountability within individual districts.*

Action Plan

1. Conduct a legal review of existing statutes, court rules, and policies governing the authority and responsibilities of presiding judges, particularly as they relate to judicial performance.
2. Identify the appropriate role of presiding judges in monitoring performance, supporting individual judges, and addressing identified concerns, while preserving judicial independence and respecting the responsibilities of JPEC, the Judicial Conduct Commission, and appellate courts.
3. Work with the boards of judges and presiding judges to develop consistent statewide expectations and procedures for carrying out these responsibilities.
4. Consider mechanisms for greater coordination among presiding judges, including opportunities to collectively discuss common issues and recommend policies through their boards.
5. Identify additional training, guidance, and resources needed to help presiding judges fulfill their responsibilities, including improvements to shared resources and information.
6. Present recommended rule or policy changes to the Judicial Council for consideration.

Responsible party: State Court Administrator

Proposed Timeline:

- January to March 2027: Complete legal review and identify potential changes to the role of presiding judges.
- April to June 2027: Consult boards and presiding judges and develop proposed responsibilities and procedures.
- July to September 2027: Judicial Council considers and adopts necessary changes; develop supporting training and resources.

Complete: September 30, 2027.

Recommendation 1.3: *The Judicial Council should work with the internal audit director to ensure internal audits support the judiciary's strategic objectives. This should include developing an audit plan that focuses on core functions and governance. Audit areas should be directly tied to strategic goals and objectives. Success will be demonstrated through audit plans aligned with the strategic plan and audits that identify risks to strategic objectives and provide recommendations to address those risks.*

Action Plan

1. Pursue funding for an additional internal auditor to expand governance-related audit work while maintaining essential financial, compliance, and internal control audits.
2. Continue conducting annual Internal Control Self-Assessments of AOC departments, including governance related assessments.
3. Review the Judiciary's strategic objectives and identify opportunities to incorporate governance and organizational performance considerations into selected internal audits.
4. Work with the Management Committee to ensure that the annual audit plan appropriately balances governance related reviews with essential financial, compliance, and internal control audits.

Responsible parties: Internal Audit Director and Management Committee, with support from AOC leadership.

Proposed Timeline:

- January to March 2027: Request funding for additional audit team resources
- March to June 2027: Incorporate governance considerations into audit planning and continue governance related Internal Control Self-Assessments.
- July to September 2027: Review implementation progress and evaluate any remaining resource needs.

Complete: September 30, 2027, for incorporating governance considerations into audit planning and continuing existing assessments. Expansion of audit activities will depend on available resources.

Recommendation 1.4: *Using the governance framework established in Recommendation 1.1, the Judicial Council should develop additional data metrics to measure organizational performance. It can direct the data and research team to analyze the data and inform leaders on statewide performance. If successfully implemented, this data will provide the Judicial Council with helpful information to improve organizational effectiveness and efficiency, identify and address performance issues, and track and improve selected measures related to fairness and efficiency.*

Action Plan

1. Complete the ongoing review of existing performance measures to identify which measures should be retained, modified, or eliminated and where additional measures are needed.
2. Work with AOC departments, court level administrators, judicial districts, and boards of judges to identify meaningful measures related to court efficiency, fairness, access to justice, and organizational effectiveness.

3. Prioritize additional measures that can be implemented using existing data and resources, with the goal of presenting at least one new measure to the Judicial Council before the 2027 legislative session.
4. Evaluate potential measures such as trial date certainty, case backlogs, child welfare timelines, access to MyCase, audio request processing, employee satisfaction, and outcomes associated with major legislative initiatives.
5. Present recommended performance measures to the Judicial Council for approval and establish a regular process for reviewing statewide results, identifying areas of concern, and monitoring improvement efforts.
6. Develop a plan for making appropriate performance information publicly available through dashboards, including identifying necessary programming and other resources.

Responsible party: State Court Administrator

Proposed Timeline:

- November 2026 to January 2027: Identify and present an initial additional performance measure.
- January to May 2027: Complete initial review of existing measures and identify gaps.
- June to August 2027: Obtain input from court levels and districts and develop recommendations.
- September 2027: Judicial Council approves performance measures and establishes a regular review process.
- Beyond September 2027: Develop and implement public dashboards as resources permit.

Complete: September 30, 2027, for the review and initial implementation of performance measures. Dashboard development may require additional time.

Recommendation 1.5: *The Judicial Council should create and implement training standards for judges that help improve the performance of judges. This should include onboarding, periodic training, and individualized training requirements. The council should monitor and report on whether training deficiencies are being corrected using performance metrics. Success will be demonstrated with performance data to guide training and development efforts, improved training plans and requirements, and evidence that identified training gaps are being addressed.*

Action Plan

1. Conduct a comprehensive evaluation of existing judicial onboarding, mentoring, and continuing education programs.
2. Identify opportunities to strengthen new judge onboarding, including additional practical and assignment specific training, demonstrated proficiency in essential skills and technology, and continued support during the first year on the bench.
3. Evaluate options for providing crossover time before new judges assume a full caseload, including the possible use of senior judges and the resources necessary to support this approach.
4. Review and strengthen the judicial mentoring program, including expectations for mentors, appropriate qualifications, consistency of mentoring practices, and mechanisms for evaluating effectiveness.

5. Develop a consistent process for addressing judicial performance concerns identified through JPEC evaluations, including individualized training plans, criteria for when additional training or mentoring is appropriate, and when Judicial Council involvement may be necessary.
6. Clarify the respective roles of the Judicial Council, presiding judges, boards of judges, and judicial education staff in identifying and responding to training and performance improvement needs.
7. Review continuing education requirements and consider whether additional mandatory training components are appropriate based on identified performance needs, legislative changes, technology, or other statewide priorities.
8. Strengthen leadership and governance education for presiding judges, boards of judges, and Judicial Council members.
9. Establish standards and procedures for monitoring completion of required training and evaluating whether identified performance and training needs have been addressed, including measures of training effectiveness.

Responsible party: State Court Administrator

Proposed Timeline

- January to March 2027: Evaluate current onboarding, mentoring, education, and performance improvement practices.
- April to June 2027: Develop recommendations for strengthening judicial education and establishing consistent performance improvement procedures.
- July to September 2027: Present recommendations and proposed policies to the Judicial Council; adopt approved training standards and procedures and establish an implementation schedule.
- Beyond September 2027: Implement improvements requiring additional resources, including any expanded new judge crossover program.

Complete: September 30, 2027, for completing the evaluation and establishing approved training standards and performance improvement procedures. Some implementation may depend on additional funding.

Recommendation 2.1: *The Judicial Council should develop and implement a formal process for routinely analyzing sentencing outcomes across judges, districts, and offense types and reviewing significant variation identified through that analysis. This process should ensure that judicial leadership understands and addresses significant variation in sentencing outcomes.*

Recommendation 2.2: *The Judicial Council should develop and distribute routine comparative sentencing reports for judges and judicial leadership. These reports should help judicial leadership identify training and improvement opportunities. The Judicial Council should assess the impact of these reports and trainings by monitoring sentencing outcomes to determine their impact on the organization's mission of consistency and fairness.*

Action Plan

1. Establish the framework for sentencing analysis and reporting.

a. Establish two Judicial Council ad hoc committees, one for district courts and one for juvenile courts, to develop the sentencing analysis and reporting framework, with participation from the boards of judges and others as determined by the Judicial Council.
b. Coordinate with the Commission on Criminal and Juvenile Justice, Utah Sentencing Commission, Department of Criminal Justice, and other justice system partners, through the ad-hoc committees, in evaluating available sentencing data and developing the analysis process.
c. Develop policies for Judicial Council approval addressing how sentencing data and reports will be used, shared with judicial leadership, and made available to the public, including consideration of appropriate confidentiality protections.

2. Develop a formal sentencing analysis process (Recommendation 2.1).
    a. Review current sentencing data entry practices and identify inconsistencies across judges, districts, and courts that affect the accuracy and reliability of sentencing information.
    b. Develop standardized data entry practices and provide necessary training and guidance to improve the consistency and quality of sentencing data. Establish processes for monitoring data quality and consistency. Seek Judicial Council approval, as needed, for standardization measures that affect judicial practices or discretion.
    c. Evaluate available sentencing data, identify limitations, and develop a methodology for analyzing aggregate sentencing patterns and significant variations, taking into account relevant factors that may explain differences in sentencing outcomes.
    d. Establish a process for regularly reviewing sentencing data, evaluating significant variations, and identifying and following up on appropriate educational, policy, or systemic improvements.
    e. Determine how findings will be communicated to the Judicial Council, boards of judges, and presiding judges.

3. Develop comparative sentencing reports (Recommendation 2.2)
    a. Develop reports that allow judges to compare their sentencing decisions with broader sentencing patterns and those of their peers.
    b. Provide guidance on interpreting the reports and understanding the limitations of the data, while emphasizing judicial independence and discretion.
    c. Establish a schedule for distributing reports and a process for evaluating their impact, including monitoring sentencing patterns and the effectiveness of related educational or improvement efforts.

4. Address public reporting and resource needs.
    a. Develop clear public information explaining sentencing trends, sentencing guidelines, and the role of judges in sentencing decisions.
    b. Evaluate staffing, data, and technology resources needed to support ongoing analysis and reporting and pursue additional funding if necessary.

Responsible Parties: State Court Administrator and Director of Judicial Data and Research

Proposed Timeline

- November to December 2026:

    - Establish the district and juvenile court ad hoc committees and define their responsibilities.
    - Begin coordination with external justice system partners.
- By March 2027:
    - Complete the initial review of sentencing data, identify inconsistencies in data entry practices, and develop recommendations for improving data quality and standardization.
- By June 2027:
    - Seek approval from the Judicial Council on an administrative format for sentences
- By September 2027:
    - Establish standardized data entry practices and a formal process for analyzing sentencing outcomes.
    - Present proposed policies governing the use and distribution of sentencing information to the Judicial Council for approval.
- By December 2027:
    - Develop and distribute initial comparative sentencing reports to judges and judicial leadership, with guidance on interpreting the data and a process for ongoing review.

Complete:

- Recommendation 2.1: September 30, 2027.
- Recommendation 2.2: December 31, 2027.

Tab 10

Administrative Office of the Courts

Interim Chief Justice Jill Pohlman
Utah Supreme Court
Chair, Utah Judicial Council

November 2, 2026

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

M E M O R A N D U M

TO: **Management Committee and Judicial Council**

FROM: **Jon Puente, Director of the Office of Fairness and Accountability**

RE: **Strategic Plan Annual Report**

The purpose of this agenda item is to present the First-Year Strategic Plan Annual Implementation Report for your review and consideration. For the Management Committee: Review and approval of the Year One implementation progress and redlined modifications to the plan, along with any Committee-initiated additions or revisions, with a recommendation for transmittal to the Judicial Council. For the Judicial Council: Review, consideration of any Council-initiated additions or revisions, and final formal adoption of the Year One report and the updated Strategic Plan.

Background

The Strategic Plan was established as a dynamic, living document intended to guide statewide priorities across our core commitments: Promoting Public Trust and Confidence, Increasing Access to Justice, and Ensuring Constitutional Openness.

To maintain transparency and accountability across our courts, the plan incorporates an annual review cycle. This process assesses completed items, monitors the sustainability of operations, and updates the roadmap to reflect evolving operational realities, statutory changes, and practical lessons learned during implementation.

Scope of the Year One Implementation Report

The attached report covers all initiatives scheduled for launch during the first year of plan execution, categorized into two main groups:
1)Year One Action Items: Targeted initiatives intended for completion within the initial twelve-month cycle.
2)Ongoing Initiatives: Multi-year or operational programs initiated in Year One that will continue across subsequent phases of the plan.

For every initiative included, the report details:
-Deliverable: The specific benchmark, outcome, or output targeted.
-Owner: The designated lead division, committee, or project manager accountable for execution.
-Progress Report: A detailed status update highlighting milestones reached, obstacles encountered, and current completion metrics.

Redlined Edits, Adjustments, and Additions
Consistent with the principle of a living document, Year One operational experience highlighted the need for strategic calibration. All proposed revisions and additions are redlined directly in the attached document for full visibility, including timeline adjustments, new action items, and ownership and action item updates.

Action Requested
Management Committee Action: Review and approve the Year One Implementation Report. Make any additional edits, additions, or revisions to the plan as the Committee deems appropriate, as this is the Judiciary's strategic plan. Endorse the redlined updates and additions (including any Management Committee-directed revisions) for transmittal to the full Judicial Council.

Judicial Council Action: Formally adopt the Year One Strategic Plan Implementation Report. Make any further edits, additions, or modifications to the plan as the Council deems appropriate as the governing body of the judiciary. Grant final approval of the Strategic Plan, including all adopted edits and additions.

UTAH JUDICIARY STRATEGIC PLAN FY 2026-2029

Year 1 & Ongoing Action Items Tracker

COMMITMENT 1: PROMOTING PUBLIC TRUST AND CONFIDENCE

Goal 1: Discern public opinion regarding the Judiciary and its processes and implement changes where necessary

Strategy 1: Gather and assess current public opinion

#	Action Item	Deliverable	Owner(s)	Timing	Progress / Notes
1	Hire a third party to administer a public trust and confidence survey	Draft and distribute survey to public	Data & Research	Year 1	No concrete progress yet but planning to send an RFI in September to try to get a more confirmed cost estimate.

Strategy 2: Create oppor,tunities for ongoing feedback

#	Action Item	Deliverable	Owner(s)	Timing	Progress / Notes
3	Create and offer various opportunities for the public to provide ongoing feedback regarding court processes, efficiency, and other issues that impact the Judiciary's values	Establish opportunities for ongoing feedback (QR codes, surveys, on-line opportunities following each hearing, etc.)	Data & Research; Judicial Council	Start Y1 → Y2	Preliminary discussions are ongoing regarding a survey methodology. Additional planning is on hold until after the Public Trust and Confidence survey is complete.

Goal 2: Communicate more effectively with the public and increase public outreach and education

Strategy 1: Increase utility of the public website

#	Action Item	Deliverable	Owner(s)	Timing	Progress / Notes
4	Refine the public website to be more user-friendly based upon feedback from stakeholders, Self-help Center, and other internal employees that regularly engage with the public	Annual report to Judicial Council on improvements made	IT, Communications, Self-help Center	**Ongoing**	A new version of the public website launched in August 2026, with additional buttons for quick access to MyPaperwork and MyCase, and a search engine with a drop-down menu showing the public's most-used webpages. Will continue to add functionality to make site more mobile-friendly. Work is underway to add Court Connect tabs to this site.

Strategy 2: Increase opportunities for public outreach by courts in each district

#	Action Item	Deliverable	Owner(s)	Timing	Progress / Notes
5	Utilize the Committee on Fairness and Accountability to create a subcommittee with representatives from each judicial district from all court levels to engage local communities (open houses, brown bag luncheons, school visits, etc.)	Create subcommittee and community engagement plan; engage local communities	Committee on Fairness & Accountability	Year 1	The Community Relations Subcommittee was created in 2025. It has led community engagement efforts through 11 Court Connect town halls in 7 of 8 judicial districts, Community Court, school visits, and courthouse tours.
6	Develop templates and outreach packets for all court levels	Complete and distribute packets	Public Outreach & Education Coordinator, Trial Court Executives	Year 2-Begin Year 1	The Public Outreach Coordinator is working with the Education Department and local educators to develop civics education outreach packets. A judge script and video for elementary school children has been created and reviewed by the Civics Education Subcommittee. A mock trial featuring Goldilocks and the Three bears has been created

					for elementary schools. A middle school mock trial and video discussing the interaction of federal and state powers has been created and was shared with teachers for the 2026 Constitution Day. Washington School District will pilot mock trial content on November 3, 2026.
7	Evaluate court tours currently provided throughout the state and evaluate ways to increase interest in tours. Create consistency throughout each district in the state (e.g., create talking points for tours)	Standardize public tours and increase number of tours being offered	Judicial Outreach Committee; District TCEs; Clerks of Court	Year 1	Completed The OFA assumed responsibility for this item after the Judicial Outreach Committee was sunset. With feedback from schools, the OFA changed the process for court tours~~;~~ by standardizing talking points. It also increased outreach to rural schools. The Public Outreach Coordinator and Education Director continues to meet with educators to improve school outreach efforts.

Strategy 3: Increase engagement with schools

#	Action Item	Deliverable	Owner(s)	Timing	Progress / Notes
8	Increase school visits by drafting/sending a letter from each district, juvenile, and justice court directly to local schools inviting schools to visit	Develop templates and outreach packet for all districts	Public Outreach & Education Coordinator; Trial Court Executives	**Ongoing**	OFA met with educators during the summer of 2026 to let them know about this initiative. A letter was drafted and sent to schools and districts throughout the state, inviting them to have judicial officers visit their schools. They were made aware in the letter of the civics education packet and Constitution Day Video they could show their classes. A judge will meet students in a Washington School District middle school on November 3, 2026, to answer questions and preside over a mock trial. A packet for judges to take on visits is being developed, including a PowerPoint and mock trial templates.

Strategy 4: Increase engagement with media

#	Action Item	Deliverable	Owner(s)	Timing	Progress / Notes
9	Promote positive news stories happening within the Judiciary and publicize access to justice initiatives through traditional and social media platforms	Quarterly educational engagement with the media	Communication Department	**Ongoing**	Over the past year, quarterly press releases were sent out regarding Court Connect Town Halls in every district. These events were also published to social media. Will continue to look for more positive events happening quarterly.
10	Educate media on topics that are difficult for journalists to cover or are often misunderstood	Minimum of quarterly post on court social media/press outlets; Law School for Journalists twice/yr	Communication Department	**Ongoing**	Law School for Journalists (LSJ) was held in the fall of 2025 on the topic of security issues for judges/staff following news stories. A second session for students was planned for the spring of 2026 with the Utah State Bar and journalism students, but it had to be postponed. Another LSJ session is scheduled for fall of 2026.

Goal 3: Improve and expand training for all court staff and judicial officers to enhance consistency and efficiency throughout the State to improve service to the public

Strategy 1: Enhance and expand current training and practices to ensure exemplary service

#	Action Item	Deliverable	Owner(s)	Timing	Progress / Notes
11	Standardize training for tasks that are consistent throughout all districts at all court levels	Standardize training protocols	Education Team; Clerks of Court; Probation Chiefs; Training Coordinators; Clerk Education Committee	Year 2 (begin planning Y1)	A New Employee Orientation for districts across the state was created in Year 1 and was implemented on September 9, 2026. A statewide orientation will take place monthly. To further support standardized training, the Employee Conference will now be held annually instead of biennially. The Conference will provide improved tools for management, probation officers, and judicial assistants. The Judicial Council allocated $34,000 to provide standardized orientation and

					employee training as part of an Annual Employee Conference in June 2026.
12	Expand materials for training to use statewide, implementing best training practices for all court staff and judicial officers	Implement best training practices for use statewide based on subject matter	Education Team; Clerks of Court; Training Coordinators; Clerk Education Committee	**Ongoing**	The Education team is using multiple tools to achieve this goal. In August 2025, the Education Department acquired a new LMS that supports a better interface for attaching written training materials, and the platform launched statewide in April 2026. Downloadable written materials, on-demand videos, checklists, and process cards are now available through the LMS. In addition, with the support of a large committee of Trial Court Executives, Clerks of Courts, Training Coordinators, Judicial Assistants, the Education Coordinator, and the Director of Education, the New Employee Orientation was revamped. The new model brings all new employees to in-person training to learn about the purpose and responsibilities of the Utah Judiciary, its structure and governance, workplace policies, technology, and interactions with court patrons. The Judicial Council approved the model for the New Employee Orientation and provided ongoing funding for this orientation. New Employee Orientation's new model began on September 9, 2026. Materials are delivered through the New Employee Orientation and the LMS. All new employees are registered for orientation through the LMS.
14	Develop and implement training for all staff on legal advice vs. legal information	Deliver training	General Counsel; Education Team; Probation Chiefs; Clerk Education	Year 1	This new training has been created by General Counsel and was taught for the first time at the new in-person New Employee Orientation on Thursday, September 10. After that, the course

			Committee		will be offered monthly, and additional courses will be offered through the LMS throughout the year. Managers and employees may register for and take the courses.

Goal 4: Increase opportunities for strategic engagement with other branches of government

Strategy 1: Continue engagement and identify new ways to engage with other branches of government

#	Action Item	Deliverable	Owner(s)	Timing	Progress / Notes
16	Create a plan that allows consistent and strategic engagement with other branches of government (e.g., Legislative lunch)	Present and seek approval from the Judicial Council for the plan	State Court Administrator or designee	**Ongoing**	Progress has been made toward creating a more consistent and strategic approach to engagement with the other branches of government. In 2025, meetings were held in each judicial district with legislators, judges, and local and administrative staff and leadership, providing a structured opportunity to discuss local needs and priorities with policymakers. These district-level meetings will continue, including a Fifth District meeting focused on the need for a new courthouse in Cedar City. Additional efforts are underway to strengthen and broaden this engagement. Planning has begun to utilize senior and retired judges to provide expertise in discussions with legislators about potential legislation. Retired judges might also serve as a resource for the media by answering questions about court processes and providing neutral background and context on how the judicial system operates. The Judiciary is also exploring a summit that would bring together leaders from all three branches of government to strengthen relationships, improve mutual

					understanding, and create opportunities for more regular and strategic dialogue.

Strategy 2: Increase opportunities for engagement with Tribal Nations

#	Action Item	Deliverable	Owner(s)	Timing	Progress / Notes
17	Create a plan for consistent engagement with Tribal Nations	Include efforts made in annual report to the Judicial Council	Tribal Liaison Committee	**Ongoing**	The State Court Administrator met with 7 of 8 tribes at the Native American Summit and discussed the role of the Judiciary as well as future collaboration. We are also exploring the potential development of an ICWA Court. The Tribal Liaison Committee is reviewing and giving feedback on a toolkit on domestic violence. The Tribal Liaison Committee is working on developing goals and objectives.

COMMITMENT 2: INCREASING ACCESS TO JUSTICE

Goal 1: Address immediate barriers to accessing the judicial system

Strategy 1: Employ strategies to increase the understanding of court rules and procedures by non-law trained individuals

#	Action Item	Deliverable	Owner(s)	Timing	Progress / Notes
18	Identify potential amendments and additions to rules of procedure to remove obstacles for self-represented litigants	Report to the Utah Supreme Court including feedback from judicial boards	Self-help Center; Court Level Representatives; Supreme Court Advisory Committees; Standing Committee on Resources for SRLs	Year 1	Appellate Courts have identified possible amendments and changes to the rules to simplify procedures The Supreme Court is further exploring the use of Community Justice Advocates The High Volume Case Filing Committee is working on a set of simplified rules for debt collection and housing cases – also responsive to SB270. The goal

					is for the rules to be ready for implementation on July 1, 2027 Online Dispute Resolution (ODR) expansion remains on track to roll out to the remaining justice courts, with Summit County already onboarded and Midvale scheduled next. A staggered onboarding plan is established for the remaining justice courts throughout 2026 and into early 2027. While ODR operations are currently governed by a standing order, a formal rule change will be pursued to make participation mandatory, timed to coincide with the legislative session in 2027.

Strategy 2: Enhance our service culture

#	Action Item	Deliverable	Owner(s)	Timing	Progress / Notes
22	Improve understanding of how/when to use Boostlingo vs Language Line or a similar service	Develop and implement training modules	Language Access Team; Education Team	**Year 1 Ongoing**	Trainings on how to use Boostlingo were created in Year 1 and 120 individuals enrolled. 91 individuals completed the training. Training was provided to judicial staff and contract interpreters. Training was completed in the Third, Second, and Fourth Districts and is ongoing in others. Completed training with probation officers in Third district Modified by Boostlingo
23	Identify and prioritize standardized forms (i.e., summons/notices) to be translated in prioritized languages	Translate identified forms and make them accessible	Self-help Center; Law Library; Language Access Team	**Ongoing (begin Y1)**	The mandatory Judicial Council–approved bilingual notice language is incorporated into standard summonses pursuant to URCP 4(c)(1)(G) and into standard motion templates pursuant to URCP 7(c)(3). Summonses are published in bilingual English/Spanish formats, with standalone translated versions available in Arabic, Simplified

					Chinese, and Vietnamese. Notice of Hearing forms are also published in bilingual English/Spanish formats, with standalone translated versions available in Arabic, Simplified Chinese, and Vietnamese. Protective Order forms (civil and criminal) and the Statement in Support of Guilty Plea and Certificate of Counsel are translated but going through formatting revisions. OFA is purchasing a CAT tool.
24	Create an education course that helps court employees to more effectively interact with self-represented litigants and ask the Judicial Council to require the course	Coordinate with Education Team to develop and launch course; propose to Judicial Council	Self-help Center; Law Library Director; Education Team	Year 1 (launch Y2) Cont. to develop and launch end of Y2	A certification program called "Helping Self-Represented Parties in Utah" is available to all court employees. 50 individuals have completed the program. The program teaches court employees: foundational concepts about civil procedure including service, answers, and filings; modifying domestic orders, divorce and marriage; eviction and debt collection; appeals, criminal cases and juvenile court; and a live meeting with Self-Help Attorneys. The program is still being offered, but it needs to be revamped in Year 2 of the Strategic Plan.
25	Actively work on enhancing a court culture that is public-service oriented (use service-oriented language in job postings, create employee communication plan, training modules)	Updated language in job postings, implemented communication plan, and training modules	Education Team; Human Resources; Communication Team	**Ongoing**	The April 2026 Employee Conference included a plenary session covering the importance of public service. The live session was attended by 200 people. 47 employees have viewed the online module. Job postings deliberately incorporate more service-oriented language to foster an ideal work culture from day one of an employee's work life cycle.
26	Revise standard notices using language written at a 5th grade reading level	Meet with forms committee to create process; begin revising forms	Self-help Center; Law Library; Forms Committee; IT; Clerks of Court	Year 1 (implement Y2-3)	Plain-language form revisions are part of an ongoing initiative in coordination with the Forms Committee. Self-Help updated the system-generated Notice of

					Required Classes and Domestic Relations Injunctions (DRIs) into plain language. Expanding plain-language revisions to other system-generated notices is contingent upon securing additional funding. The Juvenile Court has updated notices to 5th grade reading level. Notice as next on list.

Goal 2: Create accountability mechanisms for expanding court access and increase our capacity to improve while balancing sustainability of operations

Strategy 1: Invite community members to provide input to help us find ways to increase access to justice and continually solicit feedback

#	Action Item	Deliverable	Owner(s)	Timing	Progress / Notes
27	Invite each district to meet at regular intervals with the community members who help and support court patrons and litigants. Document their feedback and provide regular updates on how the feedback is addressed	Hold meetings and implement feedback	District/Juvenile/Justice Court Administrators; Trial Court Executives	Year 1	Phase 1 completed. 11 Court Connect town halls were held in Year 1 of the plan. Judicial Officers and staff met with community members and received feedback on how we can better support court patrons and litigants. To ensure implementation of feedback, these meetings will be ongoing.
	Further develop Juvenile MyCase platform to increase patron access to court information	Completed updates to Juvenile MyCase	Juvenile State Court Administrator, Self-Help, IT	Ongoing	New action item, contingent on being approved by the Judicial Council

COMMITMENT 3: ENSURING CONSTITUTIONAL OPENNESS

Goal 1: Advance a fair and inclusive Judiciary

Strategy 1: Identify practices and conditions that may create or contribute to disparate treatment and outcomes

#	Action Item	Deliverable	Owner(s)	Timing	Progress / Notes
28	~~Review and inventory internal practices, protocols, and policies utilizing an equity impact assessment rubric to determine whether they create or contribute to disparate treatment or outcomesCreate an equity impact assessment rubric~~ ~~Review new hire, promotion, compensation, performance, and disciplinary actions from the past three years using an equity impact assessment rubric to identify disparate treatment.~~	~~Create an equity impact assessment rubric and conduct the review~~	~~Human Resources; District/Juvenile/Justice Court Administrators; Office of Fairness & Accountability~~	~~**Year 1 (Ongoing)**~~	~~Internally, the Human Resources Department drafted an equity impact assessment rubric to review personnel actions from the past three years and potentially identify any areas of disparate treatment.~~
31	Complete data gathering and information gathered from judicial Racial Ethnic and Disparities ("RED"), Racial Ethnic and Fairness ("REF"), and Justice REF workgroups to propose changes in the practices that result in disparate treatment and outcomes to the Judicial Council	Complete data gathering, review workgroup findings, and identify changes to be completed	Office of Fairness & Accountability; Committee on Fairness & Accountability; Trial Court Executives	Years 1-3	The Juvenile Court REF committee work is moving forward with regular meetings with the researchers . The other projects are delayed until after the Juvenile REF work is complete.

Strategy 2: Identify existing data on demographics and create processes to enhance collection of demographic data

#	Action Item	Deliverable	Owner(s)	Timing	Progress / Notes
32					

	Create or strengthen court rules to govern the storing, collection, and release of disclosed demographic data	Propose rule changes	General Counsel; Jury Equity Group; REF; RED; Justice REF; Human Resources	Year 2~~Year 1~~	This item was pushed to Year 2 of the plan.
33	Collect voluntarily disclosed demographic data on judicial officers and court employees to understand the make-up of our workforce	Identify and compile existing workforce demographic information	Human Resources	Year 1	Human Resources has compiled data dashboards that both protect PII and identify the aggregate demographics and voluntarily disclosed protected class data (also in aggregate) of judicial officers and court staff.
34	Collect voluntarily disclosed data on juror demographics to assist the Judiciary in meeting constitutional requirements	Build tool to collect data	Jury Equity Group; Data & Research	Year 1 (deploy Y2-3)	Programming has been completed. Data collection can begin.
35	Collect voluntarily disclosed data on patron demographics to assist the Judiciary in determining whether the community is receiving equal access to justice	Build tool to collect data	Data & Research	**Ongoing (begin Y1)**	MyCourtCase already has this functionality. We plan to incorporate questions about demographics in any ongoing survey efforts about Access and Fairness in the Courts~~.~~in any ongoing survey efforts

Strategy 3: Eliminate practices that create or contribute to disparate outcomes and implement practices that are just and equitable for all

#	Action Item	Deliverable	Owner(s)	Timing	Progress / Notes
37	Ensure accessibility to court resources with easy to navigate and readable digital court platforms (websites, MyCase, etc.) to meet the Website Content Accessibility Guidelines required by the ADA	Update digital court platforms each year to ensure they meet ADA guidelines	IT; Communications; Self-help Center	**Ongoing**	IT has a contract with an external company that does regular accessibility scanning to ensure ADA compliance.

Goal 2: Provide equal opportunities for all employees

Strategy 1: Promote fair hiring practices in recruitment efforts

#	Action Item	Deliverable	Owner(s)	Timing	Progress / Notes
40	Identify the make-up of interview panels. Managers will submit names of individuals who serve on interview panels to Human Resources	Submit interview panel names to HR	Human Resources; Managers	**Ongoing (begin Y1)**	The Human Resources Department is communicating to hiring managers theexpectation that they must submit the names of individuals who serve on interview panels to the Human Resources Department during the hiring process. Although the practice~~s~~ isn't yet entirely consistent, many hiring managers are now complying with this expectation.
41	Implement Human Resources Policy 04-4(6) when creating interview panels	Managers, supervisors, and directors will create interview panels in accordance with policy	Human Resources; Hiring Managers	**Ongoing (begin Y1)**	The Human Resources Department is educating hiring managers on policy HR04-4(6) to encourage reasonably broad representation in interview panels.
42	Consider policy change or court rule addressing skills-first hiring rather than requirement for higher education degrees for all jobs	Develop and propose policy change or new court rule	Human Resources; Hiring Managers; Trial Court Executives	Year 1	The Human Resources Department has visited extensively with staff leadership groups about the Governor's support for skills-first hiring practices, and it has updated dozens of job descriptions formerly listing higher education requirements to reflect a preference, rather than a requirement, where practicable.
43	Utilize community partners to advertise employment opportunities	Post job openings with Multicultural Affairs, universities, community partners, etc.	Human Resources; Hiring Managers	Year 1	The Human Resources Department coordinates with several community partners to advertise employment opportunities and is in the process of expanding that coordination to more community partners.

Strategy 2: Expand employee retention efforts

#	Action Item	Deliverable	Owner(s)	Timing	Progress / Notes

45	Provide Employee Resource Groups ("ERGs") resources and administrative support	Create an avenue for ERGs to request resources and administrative support	Office of Fairness & Accountability; Budget & Fiscal Management	Year 3~~1~~	This was moved to Year 3 due to fiscal constraints.
46	Provide professional development and training to advance within the Judiciary	Develop/conduct Annual Leadership Academy with sustained funding	Education Team	Year 1	Completed. Funds were allocated in FY26 (July 1, 2025 – June 30, 2026) to sustain the Annual Leadership Academy.
47	Provide mentoring opportunities	Develop/conduct Annual mentoring program with sustained funding	Education Team; Trial Court Executives	Year 1	Completed Funds were allocated in FY26 (July 1, 2025 – June 30, 2026) to sustain the Annual Mentorship program. The program runs annually with application requests sent out in February, and Mentors and Mentees are paired in March. The program completes in December each year.
48	Create and implement strategic plan. Work with leadership to establish shared values that may be included in the rules	Implement strategic plan and establish shared values	Judicial Council; Office of Fairness & Accountability	**Ongoing**	The Strategic Plan was completed and approved by the Judicial Council, including approval of judiciary values. -Work on first-year action items began.
49	Create sustained funding for employees that provide second language services in court roles	Secure annual funding for language stipend	Language Access; Budget & Fiscal Management	Year 1	Completed A request to fund the Second Langauge Stipend was submitted to the Budget and Fiscal Management Committee. The request was approved and stipend - funding is now secure.
	Use the legislative funding process to increase starting base wage to $25 per hour for core courthouse workforce.	Reduce core courthouse workforce annual turnover rate to no more than 10%	Human Resources and State Court Administrators	Year 3	The Human Resources Department, in coordination with the Department of Finance and the State Court Administrator's Office, drafted a legislative funding request and approval from the Judicial Council to advance the request to the Governor's Office for consideration in the Governor's budget recommendations to the Legislature.

Strategy 3: Support efforts to increase and broaden the applicant pool for judicial positions

#	Action Item	Deliverable	Owner(s)	Timing	Progress / Notes
52	Work with AllRise Utah, the Utah State Bar, and affinity bar groups to encourage law school students and bar members to consider careers in the Judiciary	Support development of programs (including mentoring) for interested candidates	Office of Fairness & Accountability	**Ongoing (begin Y1)**	Started and Ongoing AllRise Utah programming has grown and expanded. Judicial Mentorship program has doubled, so has the AllRise Welcome Dinner. All-Rise Utah has also started CLE programming for young attorneys.
53	Create, house, and maintain AllRise Utah website	Establish and maintain website	IT; Office of Fairness & Accountability	Year 1	Completed A website was completed by the IT department.
54	Encourage judicial officers conducting school visits to share their path to the Judiciary	School visits with pathway to the bench discussions	Office of Fairness & Accountability	**Ongoing**	Close to 40 school visits have been scheduled so far in the first year of the plan for judicial officers to share their pathway stories with students as well as to introduce them to the bench.
55	Encourage judicial officers to participate in events sponsored by affinity bar organizations and the Utah State Bar	Increase judicial officer attendance at affinity bar/Bar events	Office of Fairness & Accountability	**Ongoing**	The Judiciary purchases a table at the UMBA dinner for judicial officers to attend. Judicial officers also volunteer as panel members for USB events and CLEs.
56	Partner with faculty at Utah universities and colleges to share information about how a person becomes a judicial officer and timelines	Conduct informational partnerships with college faculty	Office of Fairness & Accountability	**Ongoing**	All-Rise Utah Subcommittee was started in partnership with the universities to share information on how to become a judge. Programming has been developed in order to share this information with students, including the Judicial Mentorship Program and the All-Rise Utah Welcome Dinner.

Goal 3: Provide resources to understand and mitigate bias

Strategy 1: Expand training and educational opportunities in areas that contribute to fair treatment and outcomes

#	Action Item	Deliverable	Owner(s)	Timing	Progress / Notes
57	Increase awareness of availability of resources to address potential bias and racism	Make resource information available to all court employees and judicial officers	Education Team	Year 1	Completed The new LMS awards badges to employees who complete trainings that educate on inclusion and elimination of bias. 878 employees received the badge in performance year 2025-26.
58	Make training available to bailiffs, contract court interpreters, and legal aid on the Judiciary's mission and how their interaction with patrons reflects on the courts	Develop and deliver training that incorporates the Judiciary's mission and values	Court Security Director; Education Team; Office of Fairness & Accountability; Language Access	**Ongoing**	Ethics training for contract interpreters is being developed by Language Access Team, General Counsel, and Education Team. Training should go live October 2026. The new LMS will have an external facing platform online by January 1, 2027. The external facing platform will store trainings for court bailiffs and court interpreters. Court Security – Training topics for initial, and annual training court of security personnel includes guidance on the Judiciary's Mission, constitutional obligations, operations rules, and policies. A scenario-based portion is used to ensure that a comprehensive level of the Judiciary's intent is met at all levels of court security leadership. In addition, this will be included in revisions to UCJA 3-414 as required training for all court security assigned personal.
59	Streamline, improve, and communicate court complaint process regarding harassment, abusive conduct, judicial officers, and court staff	Roll out complaint process communications; add website contact button and update intranet	Human Resources; Communications; AOC; IT	Ongoing	A complaint process has been updated and published on the HR website. HR15-3, 15-4, 15-5 and 15-6 were recently updated to clarify complaint pathways and investigation procedures





Utah Judiciary
Strategic Plan Annual Report











In 2025, to address bias and inequity in the judicial system, the Utah Judiciary adopted its FY 2026–2029 Strategic Plan, a shared vision built around three commitments — Promoting Public Trust and Confidence, Increasing Access to Justice, and Ensuring Constitutional Openness. The plan contains the goals, strategies, and action items needed to advance those commitments, and it reflects a truly statewide effort to define how the Judiciary intends to fulfill its mission for the open, fair, efficient administration of justice under the law.

The Strategic Plan's origins are rooted in rules 3-419 and 3-420 of the Utah Code of Judicial Administration. Under those rules, the Committee on Fairness and Accountability was tasked with developing the plan and submitting it to the Judicial Council for approval. To fulfill that duty, the Committee enlisted the help of a Strategic Plan Drafting Committee, composed of dedicated judges and staff from every court level and district in the State. The Committee is also charged with helping to monitor the Plan's implementation and with reporting to the Judicial Council on the Judiciary's progress toward the Plan's commitments.

This report is the first in an annual series tracking that progress. For each action item, the report identifies the responsible actor or subcommittee, the original projected completion timeline, and a current progress update. Some action items were completed within the year; other items spanning multiple years or requiring additional resources, approvals, or coordination across court levels are noted as ongoing, with an explanation of where things stand and what comes next.

While the Strategic Plan applies broadly to the Judiciary as a whole, it does not govern every aspect of its day-to-day operations. Similarly, this report is not intended to be an all-encompassing account of everything happening in Utah's courts. Court staff and judicial officers carry out a wide range of daily work — case processing, courtroom operations, and countless other responsibilities — that fall outside the scope of the Plan and, therefore, outside the scope of this report. What follows is a focused look at the three commitments identified in the Plan and the progress the Judiciary has made toward their advancement this year.

Reporting on this work openly and consistently is part of the Judiciary's commitment to promoting public trust and confidence. By tracking and reporting on its progress each year, including sharing what has gone well and being candid about what work remains undone, the Judiciary aims to hold itself accountable to its own goals and to give the Judicial Council, court staff, and the people of Utah a clear view of the road ahead.

-Interim Chief Justice Jill Pohlman

UTAH JUDICIARY STRATEGIC PLAN FY 2026-2029

Year 1 & Ongoing Action Items Tracker

COMMITMENT 1: PROMOTING PUBLIC TRUST AND CONFIDENCE

Goal 1: Discern public opinion regarding the Judiciary and its processes and implement changes where necessary

Strategy 1: Gather and assess current public opinion

#	Action Item	Deliverable	Owner(s)	Timing	Progress / Notes
1	Hire a third party to administer a public trust and confidence survey	Draft and distribute survey to public	Data & Research	Year 1	No concrete progress yet but planning to send an RFI in September to try to get a more confirmed cost estimate.

Strategy 2: Create opportunities for ongoing feedback

#	Action Item	Deliverable	Owner(s)	Timing	Progress / Notes
3	Create and offer various opportunities for the public to provide ongoing feedback regarding court processes, efficiency, and other issues that impact the Judiciary's values	Establish opportunities for ongoing feedback (QR codes, surveys, on-line opportunities following each hearing, etc.)	Data & Research; Judicial Council	Start Y1 → Y2	Preliminary discussions are ongoing regarding a survey methodology. Additional planning is on hold until after the Public Trust and Confidence survey is complete.

Goal 2: Communicate more effectively with the public and increase public outreach and education

Strategy 1: Increase utility of the public website

#	Action Item	Deliverable	Owner(s)	Timing	Progress / Notes
4	Refine the public website to be more user-friendly based upon feedback from stakeholders, Self-help Center, and other internal employees that regularly engage with the public	Annual report to Judicial Council on improvements made	IT, Communications, Self-help Center	**Ongoing**	A new version of the public website launched in August 2026, with additional buttons for quick access to MyPaperwork and MyCase and a search engine with a drop-down menu showing the public's most-used webpages. Will continue to add functionality to make site more mobile-friendly. Work is underway to add Court Connect tabs to this site.

Strategy 2: Increase opportunities for public outreach by courts in each district

#	Action Item	Deliverable	Owner(s)	Timing	Progress / Notes
5	Utilize the Committee on Fairness and Accountability to create a subcommittee with representatives from each judicial district from all court levels to engage local communities (open houses, brown bag luncheons, school visits, etc.)	Create subcommittee and community engagement plan; engage local communities	Committee on Fairness & Accountability	Year 1	The Community Relations Subcommittee was created in 2025. It has led community engagement efforts through 11 Court Connect town halls in 7 of 8 judicial districts, Community Court, school visits, and courthouse tours.
6	Develop templates and outreach packets for all court levels	Complete and distribute packets	Public Outreach & Education Coordinator, Trial Court Executives	Year 2-Begin Year 1	The Public Outreach Coordinator is working with the Education Department and local educators to develop civics education outreach packets. A judge script and video for elementary school children has been created and reviewed by the Civics Education Subcommittee. A mock trial featuring Goldilocks and the Three bears has been created for

					elementary schools. A middle school mock trial and video discussing the interaction of federal and state powers has been created and was shared with teachers for the 2026 Constitution Day. Washington School District will pilot mock trial content on November 3, 2026.
7	Evaluate court tours currently provided throughout the state and evaluate ways to increase interest in tours. Create consistency throughout each district in the state (e.g., create talking points for tours)	Standardize public tours and increase number of tours being offered	Judicial Outreach Committee; District TCEs; Clerks of Court	Year 1	Completed The OFA assumed responsibility for this item afterthe Judicial Outreach Committee was sunset. With feedback from schools, the OFA changed the process for court tours by standardizing talking points. It alsoincreased outreach to rural schools. The Public Outreach Coordinator and Education Director continues to meet with educators to improve school outreach efforts.

Strategy 3: Increase engagement with schools

#	Action Item	Deliverable	Owner(s)	Timing	Progress / Notes
8	Increase school visits by drafting/sending a letter from each district, juvenile, and justice court directly to local schools inviting schools to visit	Develop templates and outreach packet for all districts	Public Outreach & Education Coordinator; Trial Court Executives	**Ongoing**	OFA met with educators during the summer of 2026 to let them know about this initiative. A letter was drafted and sent to schools and districts throughout the state, inviting them to have judicial officers visit their schools. They were made aware in the letter of the civics education packet and Constitution Day Video they could show their classes. A judge will meet students in a Washington School District middle school on November 3, 2026, to answer questions and preside over a mock trial. A packet for judges to take on visits is being developed, including a PowerPoint and mock trial templates.

Strategy 4: Increase engagement with media

#	Action Item	Deliverable	Owner(s)	Timing	Progress / Notes
9	Promote positive news stories happening within the Judiciary and publicize access to justice initiatives through traditional and social media platforms	Quarterly educational engagement with the media	Communication Department	**Ongoing**	Over the past year, quarterly press releases were sent out regarding Court Connect Town Halls in every district. These events were also published to social media. Will continue to look for more positive events happening quarterly.
10	Educate media on topics that are difficult for journalists to cover or are often misunderstood	Minimum of quarterly post on court social media/press outlets; Law School for Journalists twice/yr	Communication Department	**Ongoing**	Law School for Journalists (LSJ) was held in the fall of 2025 on the topic of security issues for judges/staff following news stories. A second session for students was planned for the spring of 2026 with the Utah State Bar and journalism students, but it had to be postponed. Another LSJ session is scheduled for fall of 2026.

Goal 3: Improve and expand training for all court staff and judicial officers to enhance consistency and efficiency throughout the State to improve service to the public

Strategy 1: Enhance and expand current training and practices to ensure exemplary service

#	Action Item	Deliverable	Owner(s)	Timing	Progress / Notes
11	Standardize training for tasks that are consistent throughout all districts at all court levels	Standardize training protocols	Education Team; Clerks of Court; Probation Chiefs; Training Coordinators; Clerk Education Committee	Year 2 (begin planning Y1)	A New Employee Orientation for districts across the state was created in Year 1 and was implemented on September 9, 2026. A statewide orientation will take place monthly. To further support standardized training, the Employee Conference will now be held annually instead of biennially. The Conference will provide improved tools for management, probation officers, and judicial assistants. The Judicial Council allocated $34,000 to provide standardized orientation and

					employee training as part of an Annual Employee Conference in June 2026.
12	Expand materials for training to use statewide, implementing best training practices for all court staff and judicial officers	Implement best training practices for use statewide based on subject matter	Education Team; Clerks of Court; Training Coordinators; Clerk Education Committee	**Ongoing**	The Education team is using multiple tools to achieve this goal. In August 2025, the Education Department acquired a new LMS that supports a better interface for attaching written training materials, and the platform launched statewide in April 2026. Downloadable written materials, on-demand videos, checklists, and process cards are now available through the LMS. In addition, with the support of a large committee of Trial Court Executives, Clerks of Courts, Training Coordinators, Judicial Assistants, the Education Coordinator, and the Director of Education, the New Employee Orientation was revamped. The new model brings all new employees to in-person training to learn about the purpose and responsibilities of the Utah Judiciary, its structure and governance, workplace policies, technology, and interactions with court patrons. The Judicial Council approved the model for the New Employee Orientation and provided ongoing funding for this orientation. New Employee Orientation's new model began on September 9, 2026. Materials are delivered through the New Employee Orientation and the LMS. All new employees are registered for orientation through the LMS.
14	Develop and implement training for all staff on legal advice vs. legal information	Deliver training	General Counsel; Education Team; Probation Chiefs; Clerk Education	Year 1	This new training has been created by General Counsel and was taught for the first time at the new in-person New Employee Orientation on Thursday, September 10. After that, the course

			Committee		will be offered monthly, and additional courses will be offered through the LMS throughout the year. Managers and employees may register for and take the courses.

Goal 4: Increase opportunities for strategic engagement with other branches of government

Strategy 1: Continue engagement and identify new ways to engage with other branches of government

#	Action Item	Deliverable	Owner(s)	Timing	Progress / Notes
16	Create a plan that allows consistent and strategic engagement with other branches of government (e.g., Legislative lunch)	Present and seek approval from the Judicial Council for the plan	State Court Administrator or designee	**Ongoing**	Progress has been made toward creating a more consistent and strategic approach to engagement with the other branches of government. In 2025, meetings were held in each judicial district with legislators, judges, and local and administrative staff and leadership, providing a structured opportunity to discuss local needs and priorities with policymakers. These district-level meetings will continue, including a Fifth District meeting focused on the need for a new courthouse in Cedar City. Additional efforts are underway to strengthen and broaden this engagement. Planning has begun to utilize senior and retired judges to provide expertise in discussions with legislators about potential legislation. Retired judges might also serve as a resource for the media by answering questions about court processes and providing neutral background and context on how the judicial system operates. The Judiciary is also exploring a summit that would bring together leaders from all three branches of government to strengthen relationships, improve mutual

					understanding, and create opportunities for more regular and strategic dialogue.

Strategy 2: Increase opportunities for engagement with Tribal Nations

#	Action Item	Deliverable	Owner(s)	Timing	Progress / Notes
17	Create a plan for consistent engagement with Tribal Nations	Include efforts made in annual report to the Judicial Council	Tribal Liaison Committee	**Ongoing**	The State Court Administrator met with 7 of 8 tribes at the Native American Summit and discussed the role of the Judiciary as well as future collaboration. We are also exploring the potential development of an ICWA Court. The Tribal Liaison Committee is reviewing and giving feedback on a toolkit on domestic violence. The Tribal Liaison Committee is working on developing goals and objectives.

COMMITMENT 2: INCREASING ACCESS TO JUSTICE

Goal 1: Address immediate barriers to accessing the judicial system

Strategy 1: Employ strategies to increase the understanding of court rules and procedures by non-law trained individuals

#	Action Item	Deliverable	Owner(s)	Timing	Progress / Notes
18	Identify potential amendments and additions to rules of procedure to remove obstacles for self-represented litigants	Report to the Utah Supreme Court including feedback from judicial boards	Self-help Center; Court Level Representatives; Supreme Court Advisory Committees; Standing Committee on	Year 1	Appellate Courts have identified possible amendments and changes to the rules to simplify procedures The Supreme Court is further exploring the use of Community Justice Advocates The High Volume Case Filing Committee is working on a set of simplified rules for debt collection and housing cases – also responsive to SB270. The goal

			Resources for SRLs		is for the rules to be ready for implementation on July 1, 2027Online Dispute Resolution (ODR) expansion remains on track to roll out to the remaining justice courts, with Summit County already onboarded and Midvale scheduled next. A staggered onboarding plan is established for the remaining justice courts throughout 2026 and into early 2027. While ODR operations are currently governed by a standing order, a formal rule change will be pursued to make participation mandatory, timed to coincide with the legislative session in 2027.

Strategy 2: Enhance our service culture

#	Action Item	Deliverable	Owner(s)	Timing	Progress / Notes
22	Improve understanding of how/when to use Boostlingo vs Language Line or a similar service	Develop and implement training modules	Language Access Team; Education Team	**Year 1 Ongoing**	Trainings on how to use Boostlingo were created in Year 1 and 120 individuals enrolled. 91 individuals completed the training. Training was provided to judicial staff and contract interpreters. Training was completed in the Third, Second, and Fourth Districts and is ongoing in others. Completed training with probation officers in Third district Modified by Boostlingo
23	Identify and prioritize standardized forms (i.e., summons/notices) to be translated in prioritized languages	Translate identified forms and make them accessible	Self-help Center; Law Library; Language Access Team	**Ongoing (begin Y1)**	The mandatory Judicial Council–approved bilingual notice language is incorporated into standard summonses pursuant to URCP 4(c)(1)(G) and into standard motion templates pursuant to URCP 7(c)(3). Summonses are published in bilingual English/Spanish formats, with standalone translated versions available in Arabic, Simplified Chinese, and

					Vietnamese. Notice of Hearing forms are also published in bilingual English/Spanish formats, with standalone translated versions available in Arabic, Simplified Chinese, and Vietnamese. Protective Order forms (civil and criminal) and the Statement in Support of Guilty Plea and Certificate of Counsel are translated but going through formatting revisions. OFA is purchasing a CAT tool.
24	Create an education course that helps court employees to more effectively interact with self-represented litigants and ask the Judicial Council to require the course	Coordinate with Education Team to develop and launch course; propose to Judicial Council	Self-help Center; Law Library Director; Education Team	Year 1 (launch Y2) Cont. to develop and launch end of Y2	A certification program called "Helping Self-Represented Parties in Utah" is available to all court employees. 50 individuals have completed the program. The program teaches court employees: foundational concepts about civil procedure including service, answers, and filings; modifying domestic orders, divorce and marriage; eviction and debt collection; appeals, criminal cases and juvenile court; and a live meeting with Self-Help Attorneys. The program is still being offered, but it needs to be revamped in Year 2 of the Strategic Plan.
25	Actively work on enhancing a court culture that is public-service oriented (use service-oriented language in job postings, create employee communication plan, training modules)	Updated language in job postings, implemented communication plan, and training modules	Education Team; Human Resources; Communication Team	**Ongoing**	The April 2026 Employee Conference included a plenary session covering the importance of public service. The live session was attended by 200 people. 47 employees have viewed the online module. Job postings deliberately incorporate more service-oriented language to foster an ideal work culture from day one of an employee's work life cycle.
26	Revise standard notices using language written at a 5th grade reading level	Meet with forms committee to create process; begin revising forms	Self-help Center; Law Library; Forms Committee; IT; Clerks of Court	Year 1 (implement Y2-3)	Plain-language form revisions are part of an ongoing initiative in coordination with the Forms Committee. Self-Help updated the system-generated Notice of Required Classes and Domestic Relations Injunctions (DRIs) into plain language. Expanding

					plain-language revisions to other system-generated notices is contingent upon securing additional funding. The Juvenile Court has updated notices to 5th grade reading level. Notice as next on list.

Goal 2: Create accountability mechanisms for expanding court access and increase our capacity to improve while balancing sustainability of operations

Strategy 1: Invite community members to provide input to help us find ways to increase access to justice and continually solicit feedback

#	Action Item	Deliverable	Owner(s)	Timing	Progress / Notes
27	Invite each district to meet at regular intervals with the community members who help and support court patrons and litigants. Document their feedback and provide regular updates on how the feedback is addressed	Hold meetings and implement feedback	District/Juvenile/Justice Court Administrators; Trial Court Executives	Year 1	Phase 1 completed. 11 Court Connect town halls were held in Year 1 of the plan. Judicial Officers and staff met with community members and received feedback on how we can better support court patrons and litigants. To ensure implementation of feedback, these meetings will be ongoing.
	Further develop Juvenile MyCase platform to increase patron access to court information	Completed updates to Juvenile MyCase	Juvenile State Court Administrator, Self-Help, IT	Ongoing	New action item, contingent on being approved by the Judicial Council

COMMITMENT 3: ENSURING CONSTITUTIONAL OPENNESS

Goal 1: Advance a fair and inclusive Judiciary

Strategy 1: Identify practices and conditions that may create or contribute to disparate treatment and outcomes

#	Action Item	Deliverable	Owner(s)	Timing	Progress / Notes
28					
31	Complete data gathering and information gathered from judicial Racial Ethnic and Disparities ("RED"), Racial Ethnic and Fairness ("REF"), and Justice REF workgroups to propose changes in the practices that result in disparate treatment and outcomes to the Judicial Council	Complete data gathering, review workgroup findings, and identify changes to be completed	Office of Fairness & Accountability; Committee on Fairness & Accountability; Trial Court Executives	Years 1-3	The Juvenile Court REF committee work is moving forward with regular meetings with the researchers . The other projects are delayed until after the Juvenile REF work is complete.

Strategy 2: Identify existing data on demographics and create processes to enhance collection of demographic data

#	Action Item	Deliverable	Owner(s)	Timing	Progress / Notes
32	Create or strengthen court rules to govern the storing, collection, and release of disclosed demographic data	Propose rule changes	General Counsel; Jury Equity Group; REF; RED; Justice REF; Human Resources	Year 2	This item was pushed to Year 2 of the plan.
33	Collect voluntarily disclosed demographic data on judicial officers and court employees to understand the make-up of our workforce	Identify and compile existing workforce demographic information	Human Resources	Year 1	Human Resources has compiled data dashboards that both protect PII and identify the aggregate demographics and voluntarily disclosed protected class data (also in aggregate) of judicial officers and court staff.
34	Collect voluntarily disclosed data on juror demographics to assist the Judiciary in meeting constitutional requirements	Build tool to collect data	Jury Equity Group; Data & Research	Year 1 (deploy Y2-3)	Programming has been completed. Data collection can begin.
35	Collect voluntarily disclosed data	Build tool to collect data	Data & Research	**Ongoing**	MyCourtCase already has this functionality. We

	on patron demographics to assist the Judiciary in determining whether the community is receiving equal access to justice			**(begin Y1)**	plan to incorporate questions about demographics in any ongoing survey efforts about Access and Fairness in the Courtsin any ongoing survey efforts

Strategy 3: Eliminate practices that create or contribute to disparate outcomes and implement practices that are just and equitable for all

#	Action Item	Deliverable	Owner(s)	Timing	Progress / Notes
37	Ensure accessibility to court resources with easy to navigate and readable digital court platforms (websites, MyCase, etc.) to meet the Website Content Accessibility Guidelines required by the ADA	Update digital court platforms each year to ensure they meet ADA guidelines	IT; Communications; Self-help Center	**Ongoing**	IT has a contract with an external company that does regular accessibility scanning to ensure ADA compliance.

Goal 2: Provide equal opportunities for all employees

Strategy 1: Promote fair hiring practices in recruitment efforts

#	Action Item	Deliverable	Owner(s)	Timing	Progress / Notes
40	Identify the make-up of interview panels. Managers will submit names of individuals who serve on interview panels to Human Resources	Submit interview panel names to HR	Human Resources; Managers	**Ongoing (begin Y1)**	The Human Resources Department is communicating to hiring managers theexpectation that they must submit the names of individuals who serve on interview panels to the Human Resources Department during the hiring process. Although the practice isn't yet entirely consistent, many hiring managers are now complying with this expectation.
41	Implement Human Resources Policy 04-4(6) when creating interview panels	Managers, supervisors, and directors will create interview panels in	Human Resources; Hiring Managers	**Ongoing (begin Y1)**	The Human Resources Department is educating hiring managers on policy HR04-4(6) to encourage reasonably broad representation in interview

		accordance with policy			panels.
42	Consider policy change or court rule addressing skills-first hiring rather than requirement for higher education degrees for all jobs	Develop and propose policy change or new court rule	Human Resources; Hiring Managers; Trial Court Executives	Year 1	The Human Resources Department has visited extensively with staff leadership groups about the Governor's support for skills-first hiring practices, and it has updated dozens of job descriptions formerly listing higher education requirements to reflect a preference, rather than a requirement, where practicable.
43	Utilize community partners to advertise employment opportunities	Post job openings with Multicultural Affairs, universities, community partners, etc.	Human Resources; Hiring Managers	Year 1	The Human Resources Department coordinates with several community partners to advertise employment opportunities and is in the process of expanding that coordination to more community partners.

Strategy 2: Expand employee retention efforts

#	Action Item	Deliverable	Owner(s)	Timing	Progress / Notes
45	Provide Employee Resource Groups ("ERGs") resources and administrative support	Create an avenue for ERGs to request resources and administrative support	Office of Fairness & Accountability; Budget & Fiscal Management	Year 3	This was moved to Year 3 due to fiscal constraints.
46	Provide professional development and training to advance within the Judiciary	Develop/conduct Annual Leadership Academy with sustained funding	Education Team	Year 1	Completed. Funds were allocated in FY26 (July 1, 2025 – June 30, 2026) to sustain the Annual Leadership Academy.
47	Provide mentoring opportunities	Develop/conduct Annual mentoring program with sustained funding	Education Team; Trial Court Executives	Year 1	Completed Funds were allocated in FY26 (July 1, 2025 – June 30, 2026) to sustain the Annual Mentorship program. The program runs annually with application requests sent out in February, and Mentors and Mentees are paired in March. The

					program completes in December each year.
48	Create and implement strategic plan. Work with leadership to establish shared values that may be included in the rules	Implement strategic plan and establish shared values	Judicial Council; Office of Fairness & Accountability	**Ongoing**	The Strategic Plan was completed and approved by the Judicial Council, including approval of judiciary values. Work on first-year action items began.
49	Create sustained funding for employees that provide second language services in court roles	Secure annual funding for language stipend	Language Access; Budget & Fiscal Management	Year 1	Completed A request to fund the Second Langauge Stipend was submitted to the Budget and Fiscal Management Committee. The request was approved and stipend funding is now secure.
	Use the legislative funding process to increase starting base wage to $25 per hour for core courthouse workforce.	Reduce core courthouse workforce annual turnover rate to no more than 10%	Human Resources and State Court Administrators	Year 3	The Human Resources Department, in coordination with the Department of Finance and the State Court Administrator's Office, drafted a legislative funding request and approval from the Judicial Council to advance the request to the Governor's Office for consideration in the Governor's budget recommendations to the Legislature.

Strategy 3: Support efforts to increase and broaden the applicant pool for judicial positions

#	Action Item	Deliverable	Owner(s)	Timing	Progress / Notes
52	Work with AllRise Utah, the Utah State Bar, and affinity bar groups to encourage law school students and bar members to consider careers in the Judiciary	Support development of programs (including mentoring) for interested candidates	Office of Fairness & Accountability	**Ongoing (begin Y1)**	Started and Ongoing AllRise Utah programming has grown and expanded. Judicial Mentorship program has doubled, so has the AllRise Welcome Dinner. AllRise Utah has also started CLE programming for young attorneys.
53	Create, house, and maintain AllRise Utah website	Establish and maintain website	IT; Office of Fairness & Accountability	Year 1	Completed A website was completed by the IT department.
54	Encourage judicial officers conducting school visits to share	School visits with pathway	Office of Fairness &	**Ongoing**	Close to 40 school visits have been scheduled so far in the first year of the plan for judicial officers to

	their path to the Judiciary	to the bench discussions	Accountability		share their pathway stories with students as well as to introduce them to the bench.
55	Encourage judicial officers to participate in events sponsored by affinity bar organizations and the Utah State Bar	Increase judicial officer attendance at affinity bar/Bar events	Office of Fairness & Accountability	**Ongoing**	The Judiciary purchases a table at the UMBA dinner for judicial officers to attend. Judicial officers also volunteer as panel members for USB events and CLEs.
56	Partner with faculty at Utah universities and colleges to share information about how a person becomes a judicial officer and timelines	Conduct informational partnerships with college faculty	Office of Fairness & Accountability	**Ongoing**	AllRise Utah Subcommittee was started in partnership with the universities to share information on how to become a judge. Programming has been developed in order to share this information with students, including the Judicial Mentorship Program and the AllRise Utah Welcome Dinner.

Goal 3: Provide resources to understand and mitigate bias

Strategy 1: Expand training and educational opportunities in areas that contribute to fair treatment and outcomes

#	Action Item	Deliverable	Owner(s)	Timing	Progress / Notes
57	Increase awareness of availability of resources to address potential bias and racism	Make resource information available to all court employees and judicial officers	Education Team	Year 1	Completed The new LMS awards badges to employees who complete trainings that educate on inclusion and elimination of bias. 878 employees received the badge in performance year 2025-26.
58	Make training available to bailiffs, contract court interpreters, and legal aid on the Judiciary's mission and how their interaction with patrons reflects on the courts	Develop and deliver training that incorporates the Judiciary's mission and values	Court Security Director; Education Team; Office of Fairness & Accountability; Language Access	**Ongoing**	Ethics training for contract interpreters is being developed by Language Access Team, General Counsel, and Education Team. Training should go live October 2026. The new LMS will have an external facing platform online by January 1, 2027. The external facing platform will store trainings for court bailiffs and court interpreters.

					Court Security – Training topics for initial and annual training court of security personnel includes guidance on the Judiciary's Mission, constitutional obligations, operations rules, and policies. A scenario-based portion is used to ensure that a comprehensive level of the Judiciary's intent is met at all levels of court security leadership. In addition, this will be included in revisions to UCJA 3-414 as required training for all court security assigned personal.
59	Streamline, improve, and communicate court complaint process regarding harassment, abusive conduct, judicial officers, and court staff	Roll out complaint process communications; add website contact button and update intranet	Human Resources; Communications; AOC; IT	Ongoing	A complaint process has been updated and published on the HR website. HR15-3, 15-4, 15-5 and 15-6 were recently updated to clarify complaint pathways and investigation procedures

UTAH JUDICIARY

Judicial Council Members

Interim Chief Justice Jill Pohlman
Chair, Utah Supreme Court

Judge David N. Mortensen
Vice Chair, Utah Court of Appeals

Judge Suchada Bazzelle
Fourth District Juvenile Court

Judge Brian Brower Clearfield
Sunset, and Morgan County Justice Courts

Judge Jon Carpenter
Carbon County, Wellington City, and East Carbon Justice Courts

Judge Don Torgenson
Seventh District Court

Judge Rita Cornish
Business and Chancery Court

Judge Michael DiReda
Second District Court

Judge Susan Eisenman
Third District Juvenile Court

Judge Angela Fonnesbeck
First District Court

Judge James Gardner
Third District Court

Judge Michael Leavitt
Fifth District Juvenile Court

Judge Thomas Low
Fourth District Court

Judge Brendan McCullagh
West Valley City Justice Court

Judge Amber Mettler
Third District Court

Justice Paige Petersen
Utah Supreme Court

Katie Woods
Utah State Bar

Ron Gordon
Staff, State Court Administrator, Administrative Office of the Courts

Strategic Plan Drafting Committee

Judge Michele Christiansen Forster
Chair, Court of Appeals

Judge Monica Diaz
Chair, Third District Juvenile Court

Neira Siaperas
Chair, Deputy State Court Administrator

Holly Albrecht
Facilities Coordinator

Lauren Andersen
Director of Utah Judicial Institute

Shane Bahr
District Court Administrator

Tricia Bradshaw
Clerk of Court

Sherrone Braegger
Probation Officer

Miranda Buchanan
Probation Supervisor

Spencer Cottle
Chief Probation Officer

Judge Dianna Gibson
Third District Court

Marketa Heslop
Judicial Case Manager

Judge Eric Jewell
Payson, Santaquin, Genola, and Goshen Justice Courts

Stacy Haake
Associate General Counsel

Janine Liebert
Director of Self-Help Center & Law Library

Kristy Martinez
Clerk of Court

Tania Mashburn
Director of Communications

Brielle McCourt
Judicial Assistant

Judge Richard Mrazik
Third District Court

Zerina Ocanovic
Juvenile Court Management Analyst

Bart Olsen
Director of Human Resources

Jim Peters
Justice Court Administrator

Tiffany Power
Trial Court Executive

Jonathan Puente
Director of Office of Fairness and Accountability

Kapiolani Smith
Judicial Team Manager

Nick Stiles
Appellate Court Administrator

Cade Stubbs
Trial Court Executive

Karl Sweeney
Director of Finance

Daniel Meza Rincon
Juvenile Court Administrator

Erin York
Judicial Team Manager

Special Thanks

Chief Justice Matthew B. Durrant
Utah Supreme Court

Committee on Fairness and Accountability

Justice Jill Pohlman
Chair, Utah Supreme Court

Judge Monica Diaz
Third District Juvenile Court

Lauren Andersen
Director of Utah Judicial Institute

Judge Renee Jimenez
Senior Judge

Bryson King
Associate General Counsel

Tania Mashburn
Director of Communication

Shawn Newell
Public Member

Jonathan Puente
Director of Office of Fairness and Accountability

Judge Steven Roth
Retired Judge

Tucker Samuelsen
Director of Data and Research

Judge Todd Shaughnessy
Third District Court

Abram Sherrod
Public Outreach and Education Coordinator

Judge Bill Thorne
Retired Judge Judge

Danalee Welch-O'Donnal
Moab Justice Court Justice

Michael Zimmerman
Retired



Tab 11

Administrative Office of the Courts

Interim Chief Justice Jill Pohlman
Utah Supreme Court
Chair, Utah Judicial Council

November 13, 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 Discussion and Public Comment**

The attached memo provides a detailed explanation of the proposed amendments to CJA rule 3-411. The proposal removes the quarterly reporting requirement in subsection (9) (lines 219-230). The Policy, Planning, and Technology Committee (PP&T) is bringing that change to the Council's attention for discussion.

If approved, PP&T recommends posting CJA rule 3-411 for a 45-day public comment period.

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

Administrative Office of the Courts

Interim Chief Justice Jill Pohlman
Utah Supreme Court
Chair, Utah Judicial Council

October 26, 2026

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

MEMORANDUM

TO: **The Policy, Planning, and Technology Committee**

FROM: **Jordan Murray, Financial Manager / Grant Coordinator**
Karl Sweeney, Director of Finance

RE: **Rule 3-411 Grant Management Revisions**

The current grants management framework grew out of a substantial development effort in 2020-2021 and addressed the need for a coordinated process to evaluate grant opportunities, assess demands on court resources, clarify responsibilities, and secure appropriate approval before undertaking grant commitments.

Five years of operational experience under the current rule demonstrated that while structured guardrails are vital, several existing provisions were overly restrictive, duplicative of routine financial controls, or misaligned with standard grant application timelines. The proposed revisions modernize the Judiciary's grant management framework by streamlining oversight, clarifying operational roles, and reducing duplicative procedural requirements. Our intent is to preserve meaningful Budget & Fiscal Management Committee (BFMC) and Judicial Council oversight while placing detailed implementation and administrative procedures in Accounting Manual section 11-07.00.

The primary themes and material changes incorporated into this draft include:

Strategic Governance vs. Operational Detail: The revised rule firmly establishes the Judicial Council's role in high-level governance focusing on mission alignment, risk management, and long-term fiscal sustainability while delegating administrative workflows and procedural mechanics to Accounting Manual section 11-07.00.

Operational Agility & Timeline Flexibility: Rigid mandates, such as the mandatory 8-week prior notification deadline and the restrictive "urgent request" framework (which imposed a $150,000 cap and 3/4 supermajority voting requirements), have been removed. They are replaced

by an early coordination standard that accommodates tight federal and non-federal grant windows without sacrificing meaningful internal review.

Materiality Standard for Award Acceptance & Modifications: The process for award acceptance and any subsequent grant amendments is now streamlined. Awards and amendments that remain consistent with the original Council-approved Grant Application Proposal (GAP) are processed administratively, eliminating redundant approvals. Only material deviations (e.g., shifts in strategic purposes, new FTE, or increased cash match commitments) require resubmission to BFMC and the Judicial Council.

Streamlined Continuation Grants & External Agreements: The revised rule establishes a risk-based review process for continuation grants. Grants with no material changes may proceed following documented administrative review, while grants involving material changes remain subject to BFMC and Judicial Council approval. The revisions also establish a proportionate review process for external grant-related agreements, including memoranda of understanding and letters of support. These agreements require documented administrative review, with full GAP approval reserved for agreements that create material financial or operational commitments.

Modernized Vocabulary & Statutory Alignment: Terminology has been updated to reflect national grants management standards and statutory reporting references have been consolidated under Utah Code Title 63J, Chapters 5 and 7. These revisions do not alter applicable statutory notification, review, or approval requirements.

These revisions preserve the Judicial Council's oversight of material financial and operational commitments while reducing duplicative administrative work. The proposed framework supports responsible grant management, improves responsiveness to funding opportunities, and establishes a more sustainable division between governance and day-to-day grant administration.

Following adoption, Accounting Manual section 11-07.00 will be updated to align its administrative procedures and internal controls with the revised rule.

Summary of Material Changes by Provision

Note: Changes are presented in the order they appear in the existing rule. Retained provisions reflect their revised paragraph numbers, while the proposed deleted provisions are identified by their original paragraph numbers and distinguished in *red italics*.

Rule provision	Material change	Rationale
Intent	Reframes the rule around governance and strategic oversight.	Establishes the distinction between governance responsibilities and administrative procedures.
Applicability	Simplifies the scope and eliminates unnecessary cross-references.	Improves clarity without affecting the independent applicability of other rules.

(1) Definitions	Modernizes grants terminology and clarifies administrative roles.	Promotes consistency with recognized grants management practices.
Former (2) Purpose – Deleted	*Consolidates the rule's original purpose statement into the revised Intent, eliminating a separate, redundant provision.*	*Establishes the rule's governance objectives upfront while avoiding duplication between the Intent and a separate purpose paragraph.*
(2) Grant application proposals (GAPs)	Eliminates rigid advance-notice deadlines and the urgent-request process.	Accommodates time-sensitive funding opportunities without compromising the required review and approval process.
(3) Assessment	Broadens resource assessments to all affected departments.	Evaluates operational capacity and sustainability comprehensively.
(4) Approval of GAPs	Establishes a defined stakeholder, BFMC, and Judicial Council approval sequence; clarifies treatment of tabled or rejected proposals; and strengthens safeguards for new grant-funded positions.	Preserves governance authority, addresses operational concerns before Council consideration, and safeguards against unintended long-term financial commitments.
Former (6) Submission and tracking – Deleted	*Removal of this paragraph consolidates routine submission and tracking procedures within the Accounting Manual.*	*Removal of this paragraph maintains administrative accountability without duplicating operational procedures in the rule.*
(5) Notice of award	Eliminates repeat approval when award terms remain materially unchanged. Material deviations require an updated GAP with BFMC and Council approval.	Preserves governance oversight without duplicating completed reviews.
(6) Grant implementation	Consolidates implementation requirements and references the Accounting Manual.	Separates governance standards from detailed administrative procedures.
Former (9) Grant reporting – Deleted	*Eliminates quarterly grant portfolio reports and the annual grant compliance self-assessment (ICSA) for BFMC, Audit Director, and Judicial Council review.*	*The Accounting Manual already requires monthly expenditure reconciliations, grant-specific financial and compliance reviews, periodic desk audits, and independent*

		audit oversight.[1] These ongoing controls provide accountability throughout the year without duplicative quarterly summaries or a separate annual assessment. Required awarding agency and statutory reporting remain in effect.
(7) Grant modifications	Establishes materiality as the threshold for additional governance approval.	Allows routine changes to be managed administratively while retaining Council oversight of substantive changes.
Former (11) Grant closeout – Deleted	*Removes procedural closeout requirements from the rule.*	*Maintains compliance through existing administrative processes and applicable awarding agency requirements.*
(8) Continuation grants	Allows documented administrative review of continuation grants without material changes. Material changes require an updated GAP with BFMC and Council approval.	Eliminates repetitive review of unchanged programs while preserving oversight when substantive commitments change.
(9) External grant-related agreements	Establishes documented administrative review and approval recommendations for letters of support, MOUs, and similar agreements. Material commitments require a GAP with BFMC and Council approval.	Provides proportionate oversight based on the commitments and potential risks involved while protecting the Judiciary against unintended obligations.

[1] Eliminating quarterly grant reports and the annual ICSA does not diminish existing financial oversight or compliance requirements. The Accounting Manual already establishes monthly expenditure reconciliations (08-01.00); grant financial tracking, compliance reviews, and periodic desk audits (11-07.00(D)); grantor reporting requirements (11-07.00(E)(8)(B)); ongoing budget monitoring (13-01.00); and independent audit oversight (15-00.00). These established controls remain in effect.

Rule 3-411. Grant management.

~~**Intent:**~~

~~To establish the policy and procedures for applying for grant funds.~~

~~To delineate the responsibility for the assessment and administration of grant funds, including compliance and renewal.~~

Intent:

To establish standards for the oversight of grants, ensuring that funding opportunities advance the Judiciary's mission and strategic priorities, strengthen accountability, and safeguard against long-term financial or operational risks. This rule establishes the Council's governance framework for grant activities. Administrative procedures are provided in Accounting Manual section 11-07.00.

Applicability:

~~This Rule shall apply to all grants where the courts are the applicant, sub-recipient, or pass-through recipient of public or private grant funds. Applicability of this Rule concerning letters of support, or similar non-financial collaborations with external partners, is specified in Section (13).~~

~~This Rule applies broadly to encompass all agreements precedent to the potential receipt of grant funds either directly or indirectly. Agreements include, but are not limited to, memoranda of understanding (MOU) and any agreements for which the courts are contributing material resources or incurring risk, express or implied.~~

~~The Grant Application Proposal and approval process is also governed by Rule 3-105 (Administration of the Judiciary). Judicial Council review of Grant Application Proposals is governed by and subject to Rule 2-103 (Open and closed meetings) and Rule 2-104 (Recording meetings).~~

This rule applies to all court-affiliated efforts to apply for, receive, or manage externally funded grant awards, including: competitive, continuation, or formula grants from a federal, state, or private source; grants awarded directly to the Judiciary or by subaward from a passthrough entity; and grant agreements for which the Judiciary is listed as a joint applicant.

Statement of the Rule:

(1) **Definitions:**

(1)(A) "~~Grantor~~**Awarding agency**" means the organization providing the ~~funds~~funding, either directly or ~~the~~as ~~state~~a ~~agency~~passthrough ~~distributing the funds to the courts~~entity.

(1)(B) "**Continuation grant**" means a subsequent award from the same funding source that extends an existing grant program or funding commitment. Continuation grants are generally noncompetitive and do not substantially change the scope or purpose of the original award.

(1)(C) "**Formula grant**" means a grant awarded according to a predetermined formula established by statute, regulation, or the awarding agency.

(1)(~~B~~D) "**Grant Application Proposal**" (GAP) is the internal form ~~maintained~~and associated processes required to seek authorization before applying for grant funding. The GAP process is defined in ~~the~~ Accounting Manual section ~~used to request authorization to pursue grant funding~~11-07.00.

(1)(E) "**Governing bodies**" means the Council, the Budget and Fiscal Management Committee (BFMC), the Management Committee, and any other entity with relevant oversight of the applicable court areas participating in or affected by the grant. Resolution for any matter implicating both the Supreme Court's and Council's exclusive authority is provided in Rule 3-105. The Council is the final authority for approving GAPs.

(1)(~~C~~F) "**Grant Administering Unit**" (GAU) ~~is~~means the ~~Council~~department, committee, court, ~~board of judges, department,~~ or ~~court~~other ~~employee~~administrative ~~that~~unit ~~intends~~with ~~to apply for~~oversight and ~~administer~~ownership of the grant ~~or~~award. ~~grant funds.~~

(1)(~~D~~G) "**Grant Coordinator**" ~~is~~means the designated individual ~~responsible~~who ~~for~~supports ~~facilitating~~the Judiciary's grant activities, ~~monitoring~~provides resource assessments, ensures compliance, and ~~executing~~coordinates ~~the~~required ~~assessment~~approvals ~~and administration of Grant Application Proposals ensuring compliance with~~under this ~~Rule and all other applicable state rules, statutes, and federal requirements~~rule. Accounting Manual s~~S~~ection 11-07.00~~(D)(1)~~ further delineates roles and responsibilities.

(1)(~~E~~H) "**Grant Manager**" ~~is~~means the ~~individual~~primary ~~identified~~person ~~by~~within the GAU ~~or~~responsible ~~Grant~~for ~~Coordinator~~obtaining ~~to~~grant ~~manage~~approval, implementing the grant, ~~for~~overseeing ~~the~~its ~~GAU~~operations, and fulfilling grant-related requirements. Accounting Manual ~~Section~~section 11-07.00~~(D)(2)~~ further delineates roles and responsibilities.

~~(1)(F) "Governing Bodies" with oversight of the grant process refer to Boards of Appellate, District, Justice, and Juvenile Court Judges, the Judicial Council, the Budget and Fiscal Management Committee, the Judicial Council Management Committee, the appropriate court-level administrator and trial court executives, and any court committee (standing or ad hoc) vested with authority to direct the affairs of implicated court areas and operations. Judicial Council is the ultimate approving body for the grants process, preceded by the Budget and Fiscal Management Committee's prior recommendation. Additional Governing Bodies are specific to the implicated court areas. The Grant Coordinator will confirm and may assist the GAU/Grant Manager with identifying the appropriate Governing Bodies. Determinations concerning the exclusive authority reserved by the Supreme Court and Judicial Council are governed by Rule 3-105.~~

(1)(~~G~~I) "**Notice of Award**" (NOA) ~~is~~means the formal document ~~notifying~~from the ~~applicant~~awarding ~~that~~agency ~~an~~confirming ~~award~~a grant has been ~~issued~~awarded and ~~that funds are available to be accepted. This document contains~~describing the associated terms and conditions ~~of the grant~~.

~~(1)(H) "Quorum" is defined in Rule 1-101(1)(S) as "a majority of the members of the Judicial Council, Board, committee or other body."~~

(1)(J) "**Passthrough entity**" means an organization that receives grant funding and subawards it to other entities (subrecipients) while retaining primary responsibility for compliance with grant requirements.

(1)(K) "**Subrecipient**" means an entity that receives a subaward from a passthrough entity to carry out part of a grant program and is responsible for performance and compliance as defined by the grant.

~~(2) **Purpose.** The purpose of the grants policy is to facilitate the prudent pursuit of grant funds that further the courts' mission to provide an open, fair, efficient, and independent system for the advancement of justice under the law.~~

(~~3~~2) **Grant ~~Application~~application ~~Proposals~~proposals.** ~~To apply for a grant, the person who would serve as the Grant Manager shall complete the steps set forth in the Accounting Manual Section 11-07.00(E)(2). The following requirements set forth in 11-07.00(E)(2) are incorporated into this Rule:~~

(~~3~~2)(A) The Grant Manager must notify the Grant Coordinator as early as possible after becoming aware of a grant opportunity to allow time for internal review and stakeholder input. Delays outside the Grant Manager's control do not disqualify a proposal so long as there is sufficient time to complete the review required by this rule. The Grant Coordinator, in consultation with the director of AOC Finance, determines whether sufficient time remains to complete the review required by this rule.~~or their designee, must be notified of the applicant's intent to apply a minimum of 8 weeks prior to the grant submission deadline established by the Grantor.~~

(2)(B) The Grant Manager must complete a GAP form using the process provided in Accounting Manual section 11-07.00. The GAP must include a description of the proposed project, an explanation demonstrating the project's alignment with the Judiciary's mission, any anticipated resource impacts, and confirmation that the Grant Manager coordinated with all identified stakeholders.

(43) **Assessment**. The Grant Coordinator must assess the GAP for potential resource impacts, evaluating whether the Judiciary has the capacity to support the project at current staffing levels and whether the project would impose ongoing resource demands after grant funding ends. The grant manager must address all comments before the GAP is submitted for further review.

~~(4)(A) The Grant Coordinator will conduct a collaborative assessment of the incremental impacts the grant may have on the courts, with particular emphasis on IT Department resources. The Grant Coordinator must consider:~~

~~(4)(A)(i) the capacity of each impacted area to support the grant at current staffing levels; and~~

~~(4)(A)(ii) whether any incremental impacts would continue when grant funds cease.~~

~~(4)(B) Following the assessment, the GAU must incorporate adjustments identified by the Grant Coordinator in the Grant Application Proposal before circulating it for approval.~~

(~~5~~4) **Approval of g~~G~~rant a~~A~~pplication p~~P~~roposals**

(~~5~~4)(A) The Grant Manager must first obtain support for the grant from any stakeholders whose operations or jurisdictions would be affected by the proposed grant. A GAP that does not obtain stakeholder support does not advance to BFMC. ~~The GAU and Grant Coordinator will present Grant Application Proposals to all Governing Bodies within the court that may benefit from or be impacted by the grant. All Grant Application Proposals must be reviewed and recommended by the Budget and Fiscal Management Committee ("BFMC") prior to review and vote by the Judicial Council. Grant Application Proposals that do not receive approval from a Governing Body will not be advanced.~~

(~~5~~4)(B) ~~No~~The Grant ~~Application~~Coordinator ~~Proposal~~submits the GAP to the BFMC for review. A GAP does not advance to the Council without the recommendation of the BFMC. If the BFMC identifies material concerns, it may reject the GAP or ~~grant~~table ~~shall~~the ~~be~~request ~~approved~~and ~~unless~~return ~~it~~the GAP for revisions. If recommended, the GAP is ~~first presented~~scheduled for ~~approval~~consideration ~~in~~at ~~a~~the next regularly scheduled meeting of the Council ~~as provided in the annual Judicial Council Meeting Schedule and in compliance with Rule 2-103 and Rule 2-104. "Urgent" requests (GAPs with less than an 8-week period between notice and application due date) must also comply with paragraph (5)(A) and may be considered only if the grant funds are non-federal, do not exceed $150,000 inclusive of matching funds, and do not include the hiring of new employees. For an urgent request to be approved it must (1) secure a three-quarters supermajority vote among a Quorum of the Judicial Council in a regular meeting as provided in the Judicial Council Annual Meeting Schedule – ad hoc convenings will not be considered for the purpose of grant or Grant Application Proposal review, and (2) the urgency of the matter must not be precipitated by an "emergency of one's own causing."~~

(~~5~~4)(C) If the Council identifies material concerns, it may reject the GAP or table the request and return the GAP for revisions. The ~~GAU~~Grant Manager and the Grant Coordinator must ~~incorporate~~address ~~adjustments~~all ~~identified~~material ~~by a Governing Body~~concerns in the ~~Grant Application Proposal~~GAP before ~~it~~a tabled request is ~~circulated~~resubmitted for ~~re-~~consideration. A rejected GAP may not be appealed.

~~(5)(D) The Grant Coordinator will provide a synopsis of Grant Application Proposals that did not receive approval from a Governing Body to the BFMC.~~

(~~5~~4)(~~E~~D) When ~~evaluating~~reviewing ~~Grant~~a ~~Application Proposals~~GAP, the BFMC and ~~Judicial~~ Council ~~will~~ consider ~~the following~~:

(~~5~~4)(~~E~~D)(i) ~~Does~~whether the grant ~~contribute~~aligns ~~to accomplishing~~with the Judiciary's mission ~~of~~and ~~the~~strategic ~~courts?~~priorities;

(~~5~~4)(~~E~~D)(ii) ~~Does~~the anticipated value of the grant ~~add~~relative ~~value when compared with~~to the burden on ~~existing~~current and future resources~~, both during the grant project completion phase and thereafter?~~;

(~~5~~4)(~~E~~D)(iii) ~~Does~~whether the grant ~~provide~~advances ~~measurable benefits~~access to ~~marginalized,~~justice ~~minority,~~for ~~pro se,~~underserved or ~~similar~~vulnerable ~~under-served individuals or communities?~~populations;

(~~5~~4)(~~E~~D)(iv) ~~Does~~whether the ~~grant~~project ~~assist~~addresses ~~the~~a ~~courts~~documented ~~in~~problem ~~solving~~or ~~problems~~promotes ~~and promoting innovations~~innovation that cannot be accomplished with ~~existing~~current ~~resources?~~funding;

(~~5~~4)(~~E~~D)(v) ~~Does~~whether the grant ~~require~~imposes ~~actions~~conditions or ~~implementation of~~ policy ~~not~~requirements ~~in conformity~~inconsistent with ~~the~~judicial ~~mission of the courts~~independence or ~~in~~established ~~conformity with~~court policies; ~~previously established by the Judicial Council, Supreme Court, or the Utah Constitution?~~and

(~~5~~4)(~~E~~D)(vi) ~~Does~~whether the grant ~~expose~~creates ongoing financial or staffing obligations after the ~~courts~~grant ~~to potential long-term, unfunded financial obligations?~~ends.

(4)(E) The Council must approve the creation of any new grant-funded positions. Positions created under this requirement must be designated as time-limited in the hiring process and

comply with Judiciary's human resources policies. If a new position, program, or service is expected to continue after the grant concludes, the Grant Manager must identify sources of potential funding in the GAP, including contingencies if that funding is not obtained.

(~~5~~4)(F) If a ~~Grant Application Proposal or~~proposed grant implicates both the Supreme Court~~'~~'s and the ~~Judicial~~ Council~~'~~'s exclusive authority, the ~~Supreme~~matter ~~Court~~is referred for coordination and ~~the~~resolution ~~Judicial~~in ~~Council shall comply~~accordance with Rule 3-105 ~~before making application for the grant or accepting grant funds~~.

~~(6) **Submission and tracking of approved applications.** The tracking of approved submissions will follow the steps set forth in the Accounting Manual Section 11-07.00(E)(5).~~

(~~7~~5) **Notice of ~~Award~~award and accepting ~~grant~~ funds.**

(~~7~~5)(A) Upon ~~receipt~~receiving ~~of~~ a Notice of Award (NOA), the Grant Coordinator ~~will~~must ~~ensure~~review the ~~notice~~NOA ~~is~~to ~~consistent~~confirm that the terms align with the ~~Grant Application Proposal as~~GAP approved by the ~~Judicial~~ Council.

~~(7)(B) In accordance with Utah Code, as detailed in the Accounting Manual Section 11-07.00 Exhibit A, if approved by the Judicial Council, the Grant Coordinator will either:~~

~~(7)(B)(i) notify the Executive Appropriations Committee (EAC);~~

~~(7)(B)(ii) obtain "review and recommendation" from the EAC; or~~

~~(7)(B)(iii) obtain approval from the Legislature.~~

~~If approval from the Legislature is required, the Grant Coordinator will ensure grant funds are not accepted until Legislative approval is obtained.~~

(5)(B) If terms in the NOA are consistent with the approved GAP, the Grant Coordinator documents the alignment and notifies the Grant Manager and State Court Administrator to execute the grant agreement and accept the award funds.

(~~7~~5)(C) If the NOA includes a material change not reflected in the approved ~~by the Judicial Council~~GAP, ~~no funds shall be accepted from the grant and~~ the Grant Coordinator and Grant Manager ~~will~~must ~~notify~~seek reapproval in the ~~Grantor~~manner ~~of~~provided in paragraph (4). If not approved, the ~~Judicial~~ Council~~'s decision~~declines ~~not~~the award or may table the request and review a revised agreement after referring the matter to ~~accept~~the G~~g~~rant ~~funds~~Manager for resolution with the awarding agency.

~~(7)(D) If grant funds may only be accepted with remedial steps, the Grant Coordinator and Grant Manager will communicate those steps in writing to the Grantor. The Grant Coordinator and Grant Manager will work with the State Court Administrator to ensure remediation has been accomplished and to determine whether the grant can be resubmitted for Judicial Council approval.~~

(5)(D) The Grant Coordinator must report awards in compliance with Utah Code, title 63J, chapters 5 and 7.

(~~8~~6) **Grant implementation.** ~~Grant implementation will follow the steps set forth in the Accounting Manual Section 11-07.00(E)(7). The following requirements in 11-07.00(E)(7) are incorporated into this Rule:~~

(6)(A) Grant-funded activities may not begin until the start date specified in the award and all required approvals have been obtained.

(~~8~~6)(~~A~~B) ~~**Judicial Council.** Grant~~The Grant Manager must ensure that all positions supported with grant funds ~~shall~~maintain ~~only~~compliance ~~be~~with ~~used to hire permanent full-time or part-time employees if approved by the Judicial Council~~court and ~~in~~awarding ~~accordance~~agency ~~with~~personnel ~~Utah Code~~policies.

~~(8)(B) **Judicial/Quasi-Judicial duties.** If impacted by the grant, the presiding judge(s) of each district shall supervise any judicial or quasi-judicial duties required by the grant.~~

~~(9) **Grant reporting requirements.** Grant reporting to the Grantor will follow the steps set forth in the Accounting Manual Section 11-07.00(E)(8). The following requirements in 11-07.00(E)(8) are incorporated into this Rule:~~

~~(9)(A) **Judicial Council**~~

~~(9)(A)(i) Annually, the Grant Coordinator will complete a compliance self-assessment for all grants in the courts' active portfolio and report the results to the BFMC, Audit Director, and Judicial Council.~~

~~(9)(A)(ii) Quarterly, the Grant Coordinator will prepare a summary of:~~

~~(9)(A)(ii)(1) all existing court grants;~~

~~(9)(A)(ii)(2) a pipeline of potential future grants inclusive of all grants-in-progress under paragraphs (5) and (6); and~~

~~(9)(A)(ii)(3) a list of potential grants denied under paragraph (5)(A).~~

(6)(C) The Grant Manager must carry out grant-funded activities in accordance with the terms of the award, purchasing rules, and implementation procedures provided in Accounting Manual section 11-07.00.

(~~10~~7) ~~**Changes in budget or scope.**~~ **Grant modifications.** The Grant Coordinator must review grant modifications as an administrative matter unless the modification materially alters the strategic purpose, resource commitments, or conditions approved by the Council in the original GAP. Material grant modifications are reviewed and approved by the BFMC and Council before implementation in the manner provided in paragraph (4).

~~(10)(A) Any changes to a grant must be documented with a grant amendment, whether or not the Grantor requires such documentation. Changes include, but are not limited to:~~

~~(10)(A)(i) revisions to the scope or objectives of the overall grant or any portion thereof;~~

~~(10)(A)(ii) transfers of funds between different cost categories with no overall budget impact;~~

~~(10)(A)(iii) extensions of time to complete grant spending;~~

~~(10)(A)(iv) revisions to the amount of funds needed; or~~

~~(10)(A)(v) changes in key personnel named in the grant.~~

~~(10)(B) Changes may not be implemented until Grantor approval is obtained in writing and executed between the parties.~~

~~(10)(C) The Grant Manager and Grant Coordinator will work together to prepare grant amendments.~~

~~(10)(D) Grant amendments described in paragraph (12)(B) must be approved by the Judicial Council. All other amendments must be reviewed by General Counsel staff and signed by the State Court Administrator or designee.~~

~~(11) **Closing out the grant.** Procedures to close out a grant will follow the steps set forth in the Accounting Manual Section 11-07.00(E)(10).~~

(~~12~~8) ~~**Renewing**~~**Continuation** ~~**the grant**~~**grants.**

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

(~~12~~8)(~~B~~A) If a continuation grant includes a material change, such as a new permanent position, significantly revised scope, or an increased cash match commitment, the Grant Manager must collaborate with the Grant Coordinator to update the GAP before submitting the request to the BFMC and Council for approval. The updated GAP must include a cover page summarizing all material changes.~~If a grant renewal involves a change that requires a new incremental assessment, or a change to the number of permanent full or part-time employees, or a rant amount requiring a different approval level than previously obtained, the Grant Coordinator will perform the steps in paragraphs (4) and (5). If the grant qualifies, the Grant Coordinator will resubmit the grant to the BFMC and Judicial Council for approval~~.

(8)(B) For continuation grants with no material changes, the Grant Manager collaborates with the Grant Coordinator who must review the grant reapplication. With documentation from the Grant Coordinator stating no material changes are present, the Grant Manager may proceed with submitting the continuation grant to the awarding agency.

(~~13~~9) ~~**Letters of supportand other non-financial collaborations**~~**External grant-related agreements.**

(~~13~~9)(A) A letter of support, memorandum of understanding, or similar agreement requested by an external entity in connection with its grant application does not require submission of a GAP. ~~External partners pursuing their own grant opportunities ("principal applicant") may request the support of the courts as a stakeholder and explicit non-financial collaborator (NFC). Such collaborations are low-risk and provide documented reasonable assurances that no risk nor grant obligations will transfer to the courts directly or indirectly from the principal applicant. Letters of support or similar contributions to grant applications pursued by external partners must (1) be time-limited, (2) not entail the exchange of funds, (3) be non-binding, (4) not include the hiring of court employees, and (5) not commit or otherwise impose financial obligations on the courts~~.

(~~13~~9)(~~A~~)(~~i~~B) The Grant Coordinator must review any proposed agreement before execution to determine whether it creates a material commitment or risk. The Grant Coordinator must document the recommendation and submit it to the State Court Administrator or other authorized individual to approve and execute the agreement. ~~Agreements meeting all of the criteria in (13)(A) may be referred to the Grant Coordinator who will perform and document a risk assessment to be delivered to the State Court Administrator. If approved by the State~~

~~Court Administrator or their designee, the Grant Coordinator shall retain a copy of the approval and notify the initiating party of the decision.~~

(~~13~~9)(~~B~~C) If the proposed agreement would commit funds, require ongoing staffing or program support, obligate the Judiciary to serve as a subrecipient or fiscal agent, or otherwise create material operational obligations, whether ongoing or one-time, the matter must be submitted through the GAP process for review and approval. ~~If approval is not granted, and assuming sufficient time to comply with this Rule, the State Court Administrator may recommend the request be modified to undergo the full process for Grant Application Proposals, or, withdrawn from all consideration.~~

~~(13)(C) All agreements approved or rejected in this process will be documented in the Grant Coordinator's monthly updates to the Budget and Fiscal Management Committee and Judicial Council.~~

Effective: ~~November 22, 2021~~May 1, 2027

Administrative Office of the Courts

Interim Chief Justice Jill Pohlman
Utah Supreme Court
Chair, Utah Judicial Council

November 13, 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**

The following rules were posted for public comment. No comments were received. The Policy, Planning, and Technology Committee (PP&T) recommends that CJA rules 1-205, 1-302, 9-101, 9-110, 3-407, 4-601, 4-202.02, and 4-405 be approved as final with a ***December 1, 2026 effective date***.

CJA01-205. Standing and ad hoc committees (AMEND)
The proposed amendments remove the "adult educator from higher education" member position from the Standing Education Committee**.**

CJA01-302. Board of Judges Membership – Officers – Secretariat (AMEND)
The proposed amendments move the Board of Justice Court Judges' election cycle to the annual judicial conference to coincide with current practice.

CJA09-101. Board of Justice Court Judges (AMEND)
The proposed amendments add the Chair of the Justice Court Judges' Education Committee as a non-voting member of the Board and clarify that the person filling this position and the person sitting on the Judicial Council Education Committee are the same person.

CJA09-110. Implementation of Internal Control for Self-Assessment Recommendations [for Justice Courts] (NEW)
The proposed rule outlines the process for implementing the recommendations from an Internal Control Self-Assessment conducted by the AOC's audit department.

CJA03-407. Accounting (AMEND)
The proposed amendments: 1) expand the accounting manual to incorporate justice courts; 2) adjust the committee's membership structure to conform with current committee membership; and 3) make non-substantive formatting changes.

CJA04-601. Failure to appear – Notice to Surety (NEW)
The proposed rule establishes a procedure for providing notice to sureties when a defendant fails to appear in criminal cases in district and justice courts.

CJA04-202.02. Records classification (AMEND)
The proposed amendments: 1) classify the names of minors on child protective orders as public in response to House Bill 540, and 2) classify all motions, supporting materials, and records of hearings involving the admissibility of evidence of a victim's sexual behavior as protected records.

CJA 4-405. Juror and Witness Fees and Expenses (AMEND)
The amendments remove the requirement that a court order is necessary to provide juror refreshments and make non-substantive formatting changes.

PP&T recommends that CJA rules 3-104, 3-108, and 3-113 be approved as final on an ***expedited basis*** with a ***December 1, 2026 effective date***, followed by a 45-day public comment period.

CJA03-104. Presiding judges (AMEND)
CJA03-108. Judicial assistance (AMEND)
CJA03-113. Senior judges (AMEND)
The proposed amendments enhance clarity and flexibility in the judicial assistance process for presiding judges while maintaining essential administrative oversight. Specifically, the revisions:

(1) broaden the grounds upon which judicial assistance may be requested;

(2) replace the priority system with discretionary factors for presiding judges to evaluate;

(3) explicitly authorize the direct assignment of senior judges during exigent circumstances, such as elevated weighted caseloads or immediate operational burdens; and

(4) establish structured protocols for managing extended judicial vacancies and coordinating recurring senior judge assignments, incorporating formal budget consultation and Management Committee approval where appropriate.

PP&T recommends that CJA rules 4-202.08 and 4-409 be approved as final on an ***expedited basis*** with a ***January 1, 2027 effective date***, followed by a 45-day public comment period.

CJA04-202.08. Fee for records, information, and services (AMEND)
Implementing directives from HB540, the proposed amendments allow parties to access audio recordings of their proceedings for free via an online FTR Cloud link, while retaining standard fees for physical media. For public court records, the proposed amendments grant Xchange users 50 free searches and 50 free document downloads each calendar month. Beyond those limits, users must purchase ten-dollar credit blocks to pay per transaction or choose a subscription account offering discounted high-volume search rates.

CJA04-409. Council Approval of Problem-Solving Courts (AMEND)
The proposed amendments clarify training requirements, certification processes, and court case transfer procedures. These changes are intended to promote greater consistency, improve operational efficiency, and provide clearer direction to problem-solving court teams while supporting alignment with national treatment court best practices.

Rule 1-205. Standing and Ad Hoc Committees.

Intent:

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

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

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

Applicability:

This rule applies to the internal operation of the Council.

Statement of the Rule:

(1) Standing Committees.

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

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

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

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

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

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

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

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

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

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

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

(1)(A)(xi) Committee on Fairness and Accountability;

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

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

(1)(B) **Composition.**

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

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

(1)(B)(i)(b) two justice court judges.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(1)(B)(iii)(g) the Human Resources Director;

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

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

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

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

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

(1)(B)(iii)(l~~m~~) The Human Resources Director ~~and the adult educator~~ will serve as a non-voting member~~s~~. The court level administrator and the Human Resources Director will serve as permanent Committee members.

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

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

(1)(B)(iv)(b) the Director of the Department of Health and Human Services or designee;

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

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

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

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

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

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

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

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

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

(1)(B)(iv)(l) the Director of the Self-Help Center and Law Library or designee:

(1)(B)(iv)(m) one court commissioner;

(1)(B)(iv)(n) two district court judges; and

(1)(B)(iv)(o) two juvenile court judges.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(1)(B)(vi)(l) one expert in the field of linguistics;

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

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

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

(1)(B)(vii)(a) seven members appointed by the Council, including:

(1)(B)(vii)(a)(i) a current or former juvenile court judge;

(1)(B)(vii)(a)(ii) an attorney with experience representing parents in child welfare cases;

(1)(B)(vii)(a)(iii) an attorney with experience representing the Division of Child and Family Services in child welfare cases;

(1)(B)(vii)(a)(iv) a behavioral or mental health clinical provider with experience working with families involved in child welfare cases;

(1)(B)(vii)(a)(v) an individual with experience working with or advocating for youth in foster care;

(1)(B)(vii)(a)(vi) an individual with lived experience as a parent involved with the child welfare system; and

(1)(B)(vii)(a)(vii) an individual with lived experience as a child or youth involved with the child welfare system;

(1)(B)(vii)(b) two members appointed by the Administrative Office, including:

(1)(B)(vii)(b)(i) a current or former court administrator; and

(1)(B)(vii)(b)(ii) a current internal court auditor;

(1)(B)(vii)(c) a member of the Senate, whom the president of the Senate appoints;

(1)(B)(vii)(d) a member of the House of Representatives, whom the speaker of the House of Representatives appoints; and

(1)(B)(vii)(e) the guardian ad litem director or the director's designee.(1)(B)(viii) The **Committee on Model Utah Civil Jury Instructions** performs the duties described in Rule 3-418 and will consist of:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(1)(B)(x)(f) one appellate court staff attorney;

(1)(B)(x)(g) one representative from the Self-Help Center;

(1)(B)(x)(h) the State Law Librarian;

(1)(B)(x)(i) the district court administrator or designee;

(1)(B)(x)(j) one representative from a legal service organization that serves low-income clients;

(1)(B)(x)(k) one paralegal;

(1)(B)(x)(l) one educator from a paralegal program or law school;

(1)(B)(x)(m) one person skilled in linguistics or communication;

(1)(B)(x)(n) one representative from the Utah State Bar;

(1)(B)(x)(o) the Licensed Paralegal Practitioner (LPP) administrator; and

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

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

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

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

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

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

(1)(B)(xi)(e) two former judges from any court level;

(1)(B)(xi)(f) the General Counsel or designee;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(1)(D) **Committee performance review.** This subsection (1)(D) does not apply to the Guardian ad Litem Oversight Committee.

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

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

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

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

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

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

(1)(E) **Guardian ad Litem Oversight Committee.** The Guardian ad Litem Oversight Committee will meet at least quarterly and will not be dissolved. Meetings will be conducted in accordance with Utah Code section 78A-2-104.5(6). On or before November 1st of each year, the committee will provide an annual report to the Council regarding the committee's activities, findings, and recommendations.

(2) **Ad hoc committees.** The Council may form ad hoc committees or task forces to consider topical issues outside the scope of the standing committees and to recommend rules or

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

(3) **General provisions.**

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

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

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

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

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

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

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

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

(3)(C) **Expenses.** Members of standing and ad hoc committees may receive reimbursement for actual and necessary expenses incurred in the execution of their duties as committee members. Members of the Guardian ad Litem Oversight Committee will be compensated in accordance with Utah Code section 78A-2-104.5.

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

Effective: ~~May 19, 2026~~December 1, 2026

Rule 1-302. Boards of Judges Membership, -- Officers, and -- Secretariat.

Intent:

To delegate the authority for the election of members and leaders of the various Boards to the Boards themselves or to the judges of the respective courts.

To minimize the costs of organization and administration of the Boards by coordinating the election of members of all Boards.

Applicability:

This rule shall applies to all Boards of Judges, except the Board of Senior Judges.

Statement of the Rule:

(1) **Term – Election.** The judges of the respective courts shall determine an appropriate term of office for the members of their Board. Elections will to the Board of a court of record shall take place at the annual judicial conference. Election to the Board of Justice Court Judges shall take place at the annual spring training conference. After an election or upon any change in membership, each Board shall must certify to the Council the names of its members.

(2) **Membership.** Judicial Council members may not serve as voting members of a trial court Board of Judges of a trial court.

(3) **Chair – Officers.** Each Board mustshall establish the position of elect a Board chair of the Board and other positions of leadership as the Board deems appropriate. Each Board shall will establish the term and manner of election to such offices. Each Board shall must certify to the Council the names of the chair and other officers of the Board.

(4) **Secretariat.** The Administrative Office shall will serve as secretariat to the Boards.

(5) **Expenses.** Members of the Boards may receive reimbursement for actual and necessary expenses incurred in the execution of their duties as members.

Effective: May 1, 2023December 1, 2026

Rule 9-101. Board of Justice Court Judges.

Intent:

To prescribe the membership, method of selection, term of office, and basic procedures of the Board.

Applicability:

This rule ~~shall apply~~applies to the Board of Justice Court Judges.

Statement of the Rule:

(1) **Establishment – Membership.** The ~~re is hereby established a~~ Board ~~of Justice Court Judges~~ will be comprised of a~~the~~ chair, six at-large members, ~~and the~~ three non-voting Council representatives, and the Chair of the Justice Court Judges' Education Committee (JCEC).

(2) **Election.** Members of the Board ~~shall~~will be elected by the justice court judges in connection with the justice court ~~business~~bench meeting at the annual judicial conference. For all elections contemplated by this rule, judges may vote in person or remotely.

(3) **Term.** The chair and the at-large members ~~shall~~will serve staggered two- ~~-~~year terms. The Council representatives ~~shall~~will serve during ~~the length of~~ their term on the~~as~~ Council ~~representatives~~. The term of the JCEC chair will overlap with his or her service on the Judicial Council Education Committee created in Rule 3-403.

(4) **Chair, ~~and~~ Vice c~~C~~hair, and JCEC chair.**

(4)(A) **Chair.** The chair ~~shall~~will preside over all meetings of the Board and over the j~~J~~ustice c~~C~~ourt judges' training conferences. The chair may not simultaneously serve as a Council representative.

(4)(B) **Vice-chair.** Members of the Board ~~shall~~will elect a vice-chair ~~and an education liaison~~. The vice-chair ~~shall~~will serve as chair in the absence of the chair or upon request of the chair. ~~Neither t~~The vice-chair ~~nor the education liaison~~ may not simultaneously serve as a Council representative.

(4)(C) **JCEC.** Members of the Board will elect a justice court judge to chair the JCEC. The JCEC chair may simultaneously serve as an at-large member of the Board, but may not simultaneously serve as a Council representative. The JCEC chair will serve as the justice court representative on the Judicial Branch Education Committee.

(5) **Executive Committee.** There ~~shall~~will be an Executive Committee of the Board comprised of the chair, vice-chair, and one of the Council representatives designated by the chair. The Executive Committee may take necessary action on behalf of the Board between Board meetings.

(6) **Vacancies.** If vacancies occur for any reason ~~on the Board~~ between elections, the Board ~~shall~~will elect a replacement for the unexpired term of the vacancy.

(6)(A) **Vacancy in the office of chair.** Should the chair resign or leave the Board for any reason, the vice-chair ~~shall~~will become chair for the remainder of the term.

(6)(B) **Vacancy in the office of vice chair.** Should the vice-chair of the Board resign or leave the Board for any reason, a new vice-chair ~~shall~~will be elected by the Board from among its members to serve the unexpired term of the vice-chair.

(6)(~~B~~C) **Vacancy – Council representative.** If a vacancy occurs for any reason among the representatives of~~to~~ the Council, the Board ~~shall~~will designate an interim representative to serve until the next annual training conference, at which time a representative ~~shall~~will be elected to fill the unexpired term.

(6)(D) **Vacancy – Chair of the JCEC.** Should the chair of the JCEC resign or leave the Board for any reason, a new committee chair will be elected by the Board.

(7) **Meetings of the Board.** The Board ~~shall~~will meet at least quarterly to transact any and all business ~~that is~~ within its jurisdiction. The Board ~~shall~~will rule by majority vote. All members, except the three Council representatives, are voting members. The chair of the JCEC may vote only if he or she is also serving as an at-large member of the Board. Four voting members of the Board constitute a quorum. Board meetings ~~shall~~will be conducted in an orderly and professional manner and in accordance with this Code.

(8) **Certifications.** The Board ~~shall~~will be responsible for certifying new justice courts and recertifying existing justice courts to the Judicial Council ~~as outlined in~~in accordance with Rule 9-108.

Effective: ~~May 1, 2022~~December 1, 2026

Rule 9-110. Implementation of Internal Control Self-Assessment recommendations for justice courts.

Intent:

This rule establishes procedures and timelines for the implementation of recommendations arising from an Internal Control Self-Assessment conducted by the Audit Department ("ICSA") in justice courts. The rule is intended to promote timely compliance with applicable laws, policies, and internal control standards, and to strengthen financial and administrative practices in justice courts.

Applicability:

This rule applies to all justice courts that complete an ICSA administered by the Audit Department.

Statement of the Rule:

(1) **Definitions.**

(1)(A) "**Exit conference**" means the meeting held between the Audit Department and the justice court upon completion of an ICSA to review findings and recommendations.

(1)(B) "**Recommendations**" means actions identified in an ICSA report needed to improve court operations.

(2) **Implementation requirement.** Justice courts will implement all recommendations identified in its most recent ICSA within one year of the exit conference, unless otherwise approved by the Audit Department or the Management Committee for good cause shown.

(3) **Required review process.** Following completion of an ICSA, the following review process will apply:

(3)(A) **Exit conference.** Before issuing the final ICSA summary, the judge and court staff will participate in an exit conference with the Audit Department. The purpose of the exit conference is to review findings, clarify recommendations, and ensure understanding of required corrective actions.

(3)(B) **Six-month follow-up.** Approximately six months after the exit conference, the judge and court staff will meet with the Audit Department to review the status of implementation.

(3)(B)(i) If the Audit Department determines that no further action is required to implement the recommendations, it will issue a letter of compliance to the justice court.

(3)(B)(ii) If the Audit Department determines that additional action is required to implement the recommendations, the court will develop a written plan, in consultation with the Audit Department, to achieve full implementation within 90 days. The plan will be provided to the Board of Justice Court Judges.

(3)(C) **Nine-month review.** If recommendations have not been fully implemented nine months following the exit conference, the judge and court staff will provide a written report to the Board that details barriers to implementation and proposes appropriate next steps to achieve compliance. The judge may be invited to a Board meeting to discuss the report.

(3)(D) **One-year review.** If recommendations have not been fully implemented within one year after the exit conference, the judge and court staff will meet with the Management Committee, with participation from the Audit Director and the Court Level Administrator.

(3)(D)(i) The Management Committee may review the court's compliance status and implementation efforts.

(3)(D)(ii) The Management Committee may consider appropriate actions, including continued monitoring, additional support measures, or referral for decertification proceedings as provided by applicable rules.

(4) **Responsibilities.**

(4)(A) **Justice court judge and staff.** The judge and court staff are responsible for timely implementation of all ICSA recommendations and participation in all required meetings under this rule.

(4)(B) **Audit Department.** The Audit Department will conduct ICSAs, facilitate exit conferences, provide guidance on implementation, monitor progress, and issue letters of compliance once all recommendations have been implemented.

(4)(C) **Board of Justice Court Judges.** The Board will provide oversight and support at the nine-month review stage to assist courts in achieving compliance.

(4)(D) **Management Committee.** The Management Committee will review courts that have not achieved compliance within one year and determine appropriate next steps.

(5) Effective date. This rule applies to all ICSAs completed on or after November 1, 2026.

Effective: December 1, 2026

Rule 3-407. Accounting.

Intent:

To establish uniform procedures for the processing, tracking, and reporting of accounts receivable and trust accounts.

Applicability:

This rule applies to the judiciary.

Statement of the Rule:

(1) Manual of procedures.

(1)(A) **Manual of procedures.** The Administrative Office ~~will~~must develop a manual of procedures ~~(Utah Judiciary Accounting Manual) to govern). The manual~~ governing all accounting matters, including accounts receivable, accounts payable, trust accounts, cash receipts, disbursements, separation of duties, and all relevant procedures needed to comply with generally accepted accounting principles (GAAP) and generally accepted auditing standards (GAAS) ("Accounting Manual"). The ~~Utah Judiciary~~ Accounting Manual ~~will apply~~applies to personnel in Courts of Record and Courts not of Record~~, and will, at~~. At a minimum, the manual must conform to the requirements of this Code and state law. Unless otherwise directed by the Council, the Budget and Fiscal Management Committee ("BFMC") must approve the ~~Utah Judiciary~~ Accounting Manual ~~will be approved~~ by ~~a~~ majority vote ~~of the Budget and Fiscal Management Committee~~.

(1)(B) **Utah Judiciary Accounting Manual Review Committee.** The Utah Judiciary Accounting Manual Review Committee ("Accounting Committee") ~~responsible for making~~proposes, repeals, and ~~reviewing proposals to promulgate, repeal, and amend~~amends accounting policies and procedures. The Accounting Committee ~~will consist~~consists of the following members:

(1)(B)(i) the F~~f~~inance D~~d~~irector, who ~~will serve~~serves as chair;

(1)(B)(ii) four support services coordinators;

(1)(B)(iii) two accountants or ~~clerks~~ court employees with accounting responsibilities from ~~each of the trial Courts of Record~~a district court, two accountants or court employees with accounting responsibilities from a juvenile court, one accountant from the Business and Chancery Court, and one court employee with accounting responsibilities from an appellate court;

(1)(B)(iv) a Court Executive;

(1)(B)(v) a C~~c~~ourt C~~c~~lerk;

(1)(B)(vi) ~~a clerk with accounting responsibilities from an appellate court;~~

~~(1)(B)(vii)~~ two members of the Justice Court Judges' Education Committee ("JCEC");

(1)(B)(~~viii~~vii) the audit director or designee; and

(1)(B)(~~ix) the director of the~~viii) the Utah Division of Finance Director or ~~designee~~other independent person with similar experience.

(1)(C) **Member appointments.** The ~~JCEC members will be appointed by the~~ Board of Justice Court Judges~~. Unless designated by office, all other members of the Accounting Committee will be appointed by the~~ must appoint the JCEC members. The ~~state court administrator~~SCA, or designee~~.~~, will appoint all other Accounting Committee members and ~~T~~the finance department will provide ~~necessary~~ support ~~to the committee~~.

(1)(D) **Terms and voting.** Accounting Committee members not designated by office will serve three-year terms. ~~Additional terms must be approved by the~~ The ~~state court administrator~~SCA, or designee~~.~~, must approve additional terms. The F~~f~~inance D~~d~~irector ~~will vote~~votes only ~~in the event of a~~if there is a tie. The A~~a~~udit D~~d~~irector or designee and the ~~director of the~~ Utah Division of Finance Director or other individual filling the independent person position are nonvoting members.

(1)(E) **Trial Court E~~e~~xecutives and ~~court~~ Court C~~c~~lerks.** ~~New~~ Trial Court Executives, Court Clerks of ~~Court of all~~ Courts of Record, and the JCEC, must review and approve new and amended policies and procedures recommended by a majority ~~vote~~ of the Accounting Committee ~~will be reviewed and approved by the Court Executives and court clerks of all Courts of Record and the JCEC.~~. Trial~~he~~ Court Executives, ~~court clerks~~Court Clerks, and the JCEC may endorse or amend the draft policies and procedures or return them to the Accounting Committee for further consideration.

Once approved by the Trial Court Executives, ~~court clerks~~Court Clerks, and ~~the~~ JCEC~~,~~, the Finance Director must submit the new and amended policies and procedures ~~will be submitted~~ to the ~~Budget and Fiscal Management Committee~~BFMC for approval.

(2) Revenue accounts.

(2)(A) **Deposits, transfers, and withdrawals.** ~~All courts~~Every court will ~~make deposits~~deposit funds with a depository deemed qualified by the Administrative Office, with the Utah State Treasurer, or with the ~~treasurer of the~~ appropriate local government ~~entity~~entity's treasurer. The Supreme Court, Court of Appeals, State Law Library, Administrative Office, district court primary locations, and juvenile courts will deposit every business day whenever practicable, but at least once every three business days. The deposit ~~will consist~~consists of all court collections. District court contract sites and justice courts having funds due to the state or any political subdivision of the state will, on or before the ~~10th~~tenth day of each month, remit all funds receipted in the preceding month to the appropriate public treasurer. ~~The courts will make no withdrawals~~A court may not withdraw funds from a depository ~~accounts~~account.

(2)(B) **Periodic revenue report.** Under the Trial Court Executive's supervision, the Court Clerk ~~of the Court Executive, the court clerk~~ or designee will prepare and submit a revenue report ~~that~~. The report identifies the amount and source of the funds received during the reporting period and the state or local government entity entitled to the funds.

(2)(B)(i) Juvenile ~~courts~~ and district court primary locations ~~of the district courts~~ will submit the report weekly to the Administrative Office.

(2)(B)(ii) District court contract sites will submit the report at least monthly, together with a check for the state portion of revenue, to the Administrative Office.

(2)(B)(iii) Justice courts will submit the report monthly, together with a check for the state revenue collected, to the Utah State Treasurer.

(2)(C) **Monthly reconciliation of bank statements.** The Administrative Office will reconcile the revenue account upon receipt of the monthly bank statements and weekly revenue reports from the district and juvenile courts. The ~~justice C~~court Level A~~a~~dministrator for justice courts, or designee will reconcile the monthly bank statements for justice courts with a revenue bank account. For all other justice courts, the local government ~~will~~must reconcile the bank statements to the general ledger.

(3) Trust accounts.

(3)(A) **Definition.** A "Trust A~~a~~ccount"~~s are accounts~~ is an account established by ~~the courts~~a court for the benefit of third parties. Examples of funds ~~which are~~ held in a T~~t~~rust ~~accounts~~Account include restitution, attorney fees, and monetary bail amounts.

(3)(B) **Accounts required; duties of a fiduciary**. District and juvenile court primary locations ~~and juvenile courts~~ will maintain a T~~t~~rust A~~a~~ccount in which to deposit monies held in trust for the benefit of the trustor or some other beneficiary. Under the Trial Court Executive's supervision, the Court Clerk ~~of the Court Executive, the court clerk will be~~is the custodian of the account and ~~will have~~has the duties of a trustee as established by law. ~~All Courts not of Record~~Justice courts may maintain a T~~t~~rust A~~a~~ccount in accordance with ~~the~~this rule, ~~provisions of this rule. Justice courts may deposit~~which includes depositing monies held in trust ~~funds~~ into a trust bank account maintained by the justice court and the Court Clerk is the custodian of the account. A justice court may also deposit trust funds through the local government into a revenue or trust bank account~~. Justice courts may also deposit trust funds directly into a trust bank account maintained by the court~~.

(3)(C) **Monthly reconciliation of bank statements.** Each court will reconcile its ledgers upon receipt of the monthly bank statement.

(3)(C)(i) **Courts of Record.** Courts of Record will submit reconciliations to the Administrative Office.

(3)(C)(ii) **Courts not of Record.** A j~~J~~ustice courts that ~~deposit~~deposits trust funds into a court trust bank account will submit ~~reconciliations~~a reconciliation to a person in the local jurisdiction who is independent of court operations. For a justice ~~courts~~court depositing trust funds with the local government treasurer, the local government ~~will~~must reconcile monthly bank statements to the general ledger and CORIS trust account reports.

(3)(D) **Accounting to trustor.** ~~Courts~~A court will establish a method of accounting that ~~will trace~~traces the debits and credits attributable to each trustor.

(3)(E) **Monetary bail forfeitures and other withdrawals.** ~~Transfers~~A transfer from a T~~t~~rust ~~accounts~~Account to a revenue account may be made ~~upon an~~on a court order of ~~forfeiture of~~ monetary bail forfeiture or other court order ~~of the court.~~. Other withdrawals from a T~~t~~rust ~~accounts~~Account will be made ~~upon the~~on a court order ~~of the court~~ after a finding of entitlement.

(3)(F) **Interest bearing.** ~~All~~A T~~t~~rust ~~accounts~~Account will ~~be~~bear interest ~~bearing~~. The disposition of interest is governed by Rule 4-301.

Effective: ~~11/1/2025~~December 1, 2026

Rule 4-601. Failure to appear – Notice to surety.

Intent:

To establish a procedure for providing notice to sureties when a defendant fails to appear.

Applicability:

This rule applies to criminal cases in district and justice courts.

Statement of the Rule:

(1) When a bail bond is issued by a surety or bail bond agency, the bond must include the name, address, business email address, and telephone number ("Contact Information") of the surety or the surety's agent. If applicable, the bond must also include Contact Information for the bail bond agency.

(2) The Contact Information on the bond must be the same as the email address on file with the court. The surety or surety's agent have a continuing obligation to notify the Court Clerk of any changes to its Contact Information.

Effective: December 1, 2026

Rule 4-202.02. Records Classification.

Intent:

To classify court records as public or non-public.

Applicability:

This rule applies to the judicial branch.

Statement of the Rule:

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

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

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

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

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

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

(2)(E) audit reports;

(2)(F) case files;

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

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

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

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

(2)(K) financial records;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(2)(W) publications of the Administrative Office;

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

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

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

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

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

(2)(CC) record of a request for a record;

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

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

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

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

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

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

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

(3)(A)(i) Utah Code, title 81, chapter 13, Adoption, six months after the conclusion of proceedings, which are private until sealed;

(3)(A)(ii) Utah Code, title 81, chapter 5, part 8, Gestational Agreement, six months after the conclusion of proceedings, which are private until sealed;

(3)(A)(iii) Utah Code section 76-7-304.5, Consent required for abortions performed on minors; and

(3)(A)(iv) Utah Code section 78B-8-402, Actions for disease testing;

(3)(B) expunged records;

(3)(C) orders authorizing installation of pen register or trap and trace device under Utah Code section 77-23a-15;

(3)(D) records showing the identity of a confidential informant;

(3)(E) records relating to the possession of a financial institution by the commissioner of financial institutions under Utah Code section 7-2-6;

(3)(F) wills deposited for safe keeping under Utah Code, title 75, chapter 2, part 9, Custody and Deposit of Wills;

(3)(G) records designated as sealed by rule of the Supreme Court;

(3)(H) record of a Children's Justice Center investigative interview after the conclusion of any legal proceedings;

(3)(I) on appeal, any record previously designated as sealed by another court;

(3)(J) video record of a court proceeding, other than security video;

(3)(K) “nonpublic restitution record” as defined in Utah Code section 63M-7-502; and

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

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

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

(4)(A)(i) Utah Code section 26B-5-332, Involuntary commitment under court order;

(4)(A)(ii) Utah Code section 76-11-310, Removal from the National Instant Check System database;

(4)(A)(iii) Utah Code, title 81, chapter 13, Adoption, until the records are sealed;

(4)(A)(iv) Utah Code, title 81, chapter 5, part 8, Gestational Agreement, until the records are sealed;

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

(4)(A)(vi) Utah Code section 26B-8-111, Sex designation changes, and name changes combined with sex designation changes for both minors and adults, except that:

(4)(A)(vi)(a) the case history is public for minors; and

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

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

(4)(B)(i) Utah Code, title 81, Utah Domestic Relations Code, including qualified domestic relations orders, except that an action for consortium due to personal injury under Utah Code section 81-3-111 is public;

(4)(B)(ii) Utah Code, title 75, chapter 5, Protection of Persons Under Disability and their Property;

(4)(B)(iii) Utah Code, title 78B, chapter 7, Protective Orders and Stalking Injunctions;

(4)(B)(iv) Utah Code, title 81, chapter 6, Child Support;

(4)(B)(v) Utah Code, title 81, chapter 11, Utah Uniform Child Custody Jurisdiction and Enforcement Act;

(4)(B)(vi) Utah Code, title 81, chapter 8, Uniform Interstate Family Support Act;

(4)(B)(vii) Utah Code, title 81, chapter 5, Utah Uniform Parentage Act; and

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

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

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

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

(4)(F) alternative dispute resolution records;

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

(4)(H) jail booking sheets;

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

(4)(J) judgment information statement;

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

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

(4)(M) the following personal identifying information about a person other than a party or a victim or witness of a crime: residential address, personal email address, personal telephone number; date of birth, driver's license number, social security number, account description and number, password, identification number, maiden name, mother's maiden name, and similar personal identifying information;

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

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

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

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

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

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

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

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

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

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

(4)(S) record of a court hearing closed to the public or of a child's testimony taken under Rule 15.5 of the Utah Rules of Criminal Procedure:

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

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

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

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

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

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

(4)(X) victim impact statements;

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

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

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

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

(4)(CC) for an offense occurring on or after July 1, 2026, a court record that identifies a victim of a crime by name rather than initials if, prior to the entry of final disposition, judgment, or sentence in the case, a valid request is made under Rule 4-202.12; and

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

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

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

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

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

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

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

(5)(F) court security plans;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(5)(Q) test questions and answers;

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

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

(5)(T) presentence investigation report;

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

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

(5)(W) unredacted judicial officer financial disclosure forms; ~~and~~

(5)(X) motions, supporting materials, and records of hearings involving the admissibility of evidence of a victim's sexual behavior or other evidence under Rule 412 of the Utah Rules of Evidence; and

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

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

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

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

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

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

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

(6)(F) referral reports;

(6)(G) report of preliminary inquiries;

(6)(H) treatment or service plans;

(6)(I) nonjudicial adjustment records; and

(6)(J) documents filed with the court that were received pursuant to the Utah Interstate Compact for Juveniles.

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

(7)(A) accounting records;

(7)(B) discovery filed with the court;

(7)(C) pleadings, summonses, subpoenas, motions, affidavits, calendars, minutes, findings, orders, decrees, probable cause statements;

(7)(D) name of a party or minor;

(7)(E) record of a court hearing;

(7)(F) referral and offense histories; and

(7)(G) any other juvenile court record regarding a minor that is not designated as a social record.

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

(8)(A) upon request, location information, contact information, and identity information, other than the name of a petitioner and other persons to be protected, in an action filed under Utah Code, title 78B, chapter 7, Protective Orders and Stalking Injunctions;

(8)(B) upon request, location information, contact information and identity information, other than the name of a party or the party's child, after showing by affidavit that the health, safety, or liberty of the party or child would be jeopardized by disclosure in a proceeding under Utah Code, title 81, chapter 11, Utah Uniform Child Custody Jurisdiction and Enforcement Act, Utah Code, title 81, chapter 8, Uniform Interstate Family Support Act; or Utah Code, title 81, chapter 5, Utah Uniform Parentage Act;

(8)(C) upon request, if the information has been safeguarded under paragraph (8)(A) or (8)(B), location information, contact information and identity information, other than the name of a party or the party's child, in a proceeding under Utah Code, title 81, Utah Domestic Relations Code;

(8)(D) location information, contact information, and identity information of prospective jurors on the master jury list or the qualified jury list;

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

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

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

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

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

Effective: ~~May 18, 2026~~December 1, 2026

Rule 4-405. Juror and wWitness fFees and eExpenses.

Intent:

To develop ~~a~~ uniform procedures for payment of juror and witness expenses.

Applicability:

This rule ~~shall apply~~applies to juvenile and district courts. ~~all trial courts of record.~~

Statement of the Rule:

(1) **Fees.**

(1)(A) The C~~c~~ourt~~s~~ ~~shall~~will pay the fee established by statute for all jurors, ~~of the courts of record. The courts shall~~will pay the fee established by statute for witnesses subpoenaed by the prosecutor or by an indigent defendant in criminal cases, ~~in the courts of record~~ and ~~in~~ actions in ~~the~~ juvenile court. The C~~c~~ourt~~s~~ ~~shall~~will not pay ~~no~~ a fee to a witness appearing for a hearing that was canceled or postponed with at least 24 hours' notice to the parties, excluding Saturdays, Sundays, and holidays. The parties ~~shall~~will notify witnesses when a hearing is canceled or postponed. Upon request, a civil witness's necessary and reasonable parking expenses ~~shall~~will be reimbursed by the attorney who issued the subpoena.

(1)(B) ~~A~~ "S~~s~~ubsequent day of attendance" in Utah Code section 78B-1-119 means ~~shall be~~:

(1)(B)(i) for a witness, attendance on a subsequent day of the hearing regardless of whether the hearing is continued to a contiguous business day, but only if the hearing was actually called on the first day; and

(1)(B)(ii) for a juror, attendance on a subsequent day during the juror's term of availability, as defined in Rule 4-404~~(2)(B)~~, regardless of whether attendance is for the same trial.

(1)(C) A witness requesting payment ~~shall~~must present a subpoena ~~on which appears~~bearing the certification of the attorney general, county attorney, district attorney or legal defender of the number of days the witness attended court~~, as defined in subsection (1)(B)~~.

(2) **Mileage**. The C~~c~~ourt~~s~~ ~~shall~~will reimburse the cost of travel at the rate established by statute for those jurors and witnesses to whom the C~~c~~ourt pays a fee. A witness in a criminal case or juvenile court case traveling from out of state to whom the C~~c~~ourt pays a witness fee ~~shall~~will be reimbursed the cost of round-~~-~~trip airfare or round-~~-~~trip travel at $.20 per mile, as determined by the C~~c~~ourt.

(3) **Meals and refreshments**.

(3)(A) The Court ~~Meals for jurors shall~~will provide meals for jurors~~be provided~~ if the case has been submitted to the jury and the jury is in the process of deliberating the verdict or if the jury is sequestered. A lunch meal may be provided to jurors impaneled to try a case if it is anticipated that the matter will not be concluded by 2:00 p.m. on the final day of trial and the trial judge finds that provision of a lunch meal will assist in expediting the conclusion of the trial.

(3)(B) A witness in a criminal case or a juvenile court case traveling from outside the county to whom the C~~c~~ourt pays a witness fee may be reimbursed for meals.

(3)(C) Payment for meals for jurors and eligible in-state witnesses ~~shall~~must not exceed the rates ~~adopted by the Department of Administrative Services~~found on the U.S. General Services Administration website for the city in which the meal was provided.

(3)(D) Refreshments may be provided to a jury during the course of trial~~, upon order of the judge~~. Payment for refreshments ~~shall~~must not exceed the per diem per day break rates found in Section 07-03.00 of the Accounting Manual~~State Department of Finance per diem rate per person per day~~.

(4) **Lodging**. The Court will pay for jurors' l~~L~~odging ~~for jurors shall~~will be paid if the judge orders the jury sequestered, if the juror must travel more than 100 miles one-way from the juror's residence to the courthouse and the judge orders that lodging be paid, or if the judge orders that lodging be paid due to inclement weather. A witness in a criminal case or juvenile court case to whom the court pays a witness fee traveling from outside the county ~~shall~~will be provided lodging only upon a determination by the Trial C~~c~~ourt E~~e~~xecutive that returning to the point of origin on the date in question places a hardship upon the witness or that the reimbursement for travel for repeat appearances is greater than the cost of lodging. Unless unavailable, lodging costs ~~shall~~must not exceed the rates found on the U.S. General Services Administration website for the city in which the lodging was provided~~adopted by the Department of Administrative Services~~.

(5) **Method and record of payment**.

(5)(A) The Court will pay~~ment of~~ juror and witness fees and mileage ~~shall be~~ by check made payable to the individual, or ~~the court~~ may reimburse the county or municipal government for the payment of the fee or mileage allowance.

(5)(B) The C~~c~~ourt ~~shall~~will pay eligible juror expenses ~~of jurors~~ directly to the vendor. Jurors ~~shall~~will not be required to incur the expense and seek reimbursement. The C~~c~~ourt may pay ~~the~~ eligible witness expenses ~~of witnesses~~ directly to the vendor or may reimburse the witness or the county or municipal government for the expense.

(5)(C) **Jurors**. Jurors must present a summons for payment for the first day of service. If a juror does not present a summons, the ~~clerk~~ Court may certify that the juror was summoned. The Court ~~clerk shall~~must file the summons and ~~shall~~ record the attendance of jurors for payment, including subsequent days of service.

(5)(D) **Witnesses in criminal cases and juvenile court cases**. Witnesses in criminal cases and juvenile court cases must present a subpoena for payment. If the subpoena is issued on behalf of an indigent defendant, it ~~shall~~must bear the certificate of defense counsel that the witness has appeared on behalf of the defendant at state expense, regardless of the number of days for which the witness is eligible for payment. If the subpoena is issued on behalf of the prosecution, the prosecutor ~~shall~~must certify the number of days and the number of miles for which the witness is eligible for payment. The ~~clerk~~ Court~~shall~~ must file the subpoena and record of attendance. If a witness does not present a subpoena, the ~~clerk~~ Court may record the witness' attendance and mailing address that is certified by the prosecutor or defense counsel.

(5)(E) The Court C~~c~~lerk ~~of the court~~, or designee, ~~shall~~must enter the payment due the witness in the s~~S~~tate a~~A~~ccounting s~~S~~ystem ~~(FINET)~~ within 10 business days after receipt of certification.

(5)(F) The Court C~~c~~lerk ~~of the court~~, or designee, ~~shall~~must enter the payment due the juror into the j~~J~~ury m~~M~~anagement s~~S~~ystem within 10 business days from the last court date served.

(5)(G) The Court C~~c~~lerk ~~of court shall~~must maintain both a list of undeliverable juror and witness checks and the checks. State Finance reports all stale~~-~~-dated checks to the Unclaimed Property Division and the C~~c~~ourt destroys the checks.

(6) **Audit of records**. The Administrative Office ~~of the Courts~~ audit program ~~shall~~must include an audit of juror and witness payments within the scope of their regularly scheduled audits.

Effective: ~~May 1, 2019~~December 1, 2026

Rule 3-104. Presiding judges.

Intent:

To establish the procedure for election, term of office, role, responsibilities, and authority of presiding judges and associate presiding judges.

Applicability:

This rule ~~shall apply~~applies to presiding judges and associate presiding judges in the d~~D~~istrict and j~~J~~uvenile c~~C~~ourts.

Statement of the Rule:

(1) **Election and term of office.**

(1)(A) **Presiding judge.** The presiding judge in multi-judge courts ~~shall~~ must be elected by a majority vote of the judges of the court. The presiding judge's term of office ~~shall~~ will be at least two years. A district, by majority vote of the judges of the court, may re-elect a judge to serve successive terms of office as presiding judge. In the event that a majority vote cannot be obtained, the presiding judge ~~shall~~ will be appointed by the presiding officer of the Council to serve for two years.

(1)(B) **Associate presiding judge.**

(1)(B)(i) In a court having more than two judges, the judges may elect one judge of the court to the office of associate presiding judge. An associate presiding judge ~~shall~~ will be elected in the same manner and serve the same term as the presiding judge in paragraph (1)(A).

(1)(B)(ii) When the presiding judge is unavailable, the associate presiding judge ~~shall~~ will assume the responsibilities of the presiding judge. The associate presiding judge ~~shall~~ will perform other duties assigned by the presiding judge or by the court.

(1)(C) **Removal.** A presiding judge or associate presiding judge may be removed as the presiding judge or associate presiding judge by a two-thirds vote of all judges in the district. A successor presiding judge or associate presiding judge ~~shall~~ will then be selected as provided in this rule.

(2) **Court organization.**

(2)(A) **Court en banc.**

(2)(A)(i) Multi-judge courts ~~shall~~ must have regular court en banc meetings, including all judges of the court and the Trial C~~c~~ourt E~~e~~xecutive (TCE), to discuss and decide court business. The presiding judge has the discretion to excuse the attendance of the ~~court executive~~TCE from court en banc meetings called for the purpose of discussing the performance of the court executive. In single-judge courts, the judge ~~shall~~ must meet with the ~~court executive~~TCE to discuss and decide court business.

(2)(A)(ii) The presiding judge ~~shall~~ will call and preside over court meetings. If neither the presiding judge nor associate presiding judge, if any, is present, the presiding judge's designee ~~shall~~ will preside.

(2)(A)(iii) Each court ~~shall~~ must have a minimum of four meetings each year.

(2)(A)(iv) An agenda ~~shall~~ must be circulated among the judges in advance of the meeting with a known method on how matters may be placed on the agenda.

(2)(A)(v) In addition to regular court en banc meetings, the presiding judge or a majority of the judges may call additional meetings as necessary.

(2)(A)(vi) Minutes of each meeting ~~shall~~ must be taken and preserved.

(2)(A)(vii) Other than judges and ~~court executive~~TCEs, those attending the meeting ~~shall~~ will be by court invitation only.

(2)(A)(viii) The issues on which judges should vote ~~shall~~ will be left to the sound discretion and judgment of each court and the applicable sections of the Utah Constitution, statutes, and this Code.

(2)(B) **Absence of presiding judge.** When the presiding judge and the associate presiding judge, if any, are absent from the court, an acting presiding judge will ~~shall~~ be appointed. The method of designating an acting presiding judge ~~shall~~ will be at the discretion of the presiding judge. All parties that must necessarily be informed ~~shall~~ will be notified of the judge acting as presiding judge.

(3) **Administrative responsibilities and authority of presiding judge.**

(3)(A) **General—Caseload—Appeals**

(3)(A)(i) **Generally.** The presiding judge is charged with the responsibility for the effective operation of the court. He or she is responsible for the implementation and enforcement of statutes, rules, policies, and directives of the Council as they pertain to the administration of the courts, orders of the court en banc, and supplementary rules. The presiding judge has the authority to delegate the performance of non-judicial duties to the ~~court executive~~TCE. When the presiding judge acts within the scope of these responsibilities, the presiding judge is acting within the judge's judicial office.

(3)(A)(ii) **Caseload.** Unless the presiding judge determines it to be impractical, there is a presumption that the judicial caseload of the presiding judge will~~shall~~ be adjusted to provide the presiding judge sufficient time to devote to the management and administrative duties of the office. The extent of the caseload reduction will~~shall~~ be determined by each district.

(3)(A)(iii) **Appeals.** Any judge of the judicial district may ask the Chief Justice or ~~Judicial~~ Council to review any administrative decision made by the presiding judge of that district.

(3)(B) **Coordination of judicial schedules.**

(3)(B)(i) The presiding judge ~~shall~~ will be aware of the vacation and education schedules of judges and be responsible for an orderly plan of judicial absences from court duties.

(3)(B)(ii) Each judge ~~shall~~ must give reasonable advance notice of his or her absence to the presiding judge consistent with Rule 3-103~~(4)~~.

~~(3)(C) Authority to appoint senior judges. The presiding judge is authorized to assign a senior judge for judicial assistance consistent with Rule 3-108.~~

(3)(C) Active senior judge assignments. The presiding judge may assign an active senior judge only as authorized by Rule 1-201 of the Utah Supreme Court Rules of Professional Practice and in accordance with Rule 3-108.

(3)(D) **Court committees.** The presiding judge ~~shall,~~will, where appropriate, make use of court committees composed of other judges and court personnel to investigate problem areas, handle court business, and report to the presiding judge and/or the court en banc.

(3)(E) **Outside agencies and the media.**

(3)(E)(i) The presiding judge or ~~court executive~~TCE ~~shall~~ will be available to meet with outside agencies, such as the prosecuting attorney, the city attorney, public defender, sheriff, police chief, bar association leaders, probation and parole officers, county governmental officials, civic organizations and other state agencies when appropriate. The presiding judge ~~shall~~ will be the primary representative of the court.

(3)(E)(ii) Generally, the presiding judge or, at the discretion of the presiding judge, the ~~court executive~~TCE will~~shall~~ represent the court, ~~and~~ make statements to the media on matters pertaining to the ~~total~~ court, and provide general information about the court, ~~and the law, and about~~ court procedures~~,~~ court practices, and court rulings where ethics permit.

(3)(F) **Docket management and case and judge assignments.**

(3)(F)(i) The presiding judge will~~shall~~ monitor the status of the dockets in the court and implement improved methods and systems of managing dockets.

(3)(F)(ii) The presiding judge will~~shall~~ assign cases and judges in accordance with supplemental court rules to provide for an equitable distribution of the workload and the prompt disposition of cases.

(3)(F)(iii) Individual judges of the court will~~shall~~ convey needs for assistance to the presiding judge. The presiding judge ~~shall~~will, through the State Court Administrator, request assistance of visiting judges or other appropriate resources when needed to handle the workload of the court.

(3)(F)(iv) The presiding judge willshall discuss problems of delay with other judges and offer necessary assistance to expedite the disposition of cases.

(3)(G) **Trial Court Eexecutives.**

(3)(G)(i) The presiding judge willshall review the proposed appointment of the court executiveTCE made by the State Court Administrator and must concur in the appointment before it will be effective. The presiding judge mustshall obtain the approval of a majority of the judges in that jurisdiction prior to concurring in the appointment of a court executiveTCE.

(3)(G)(ii) The presiding judge for the respective court level and the Courtstate Llevel Aadministrator mustshall jointly develop an annual performance plan for the court executiveTCE.

(3)(G)(iii) Annually, the state Court Llevel Aadministrator willshall consult with the presiding judge in the preparation of an evaluation of the court executiveTCE's performance for the previous year, also taking into account input from all judges in the district.

(3)(G)(iv) The presiding judge willshall be aware of the day-to-day activities of the court executiveTCE, including coordination of annual leave.

(3)(G)(v) Pursuant to Council policy and the direction of the Courtstate Llevel Aadministrator, the court executiveTCE has the responsibility for the day-to-day supervision of the non-judicial support staff and the non-judicial administration of the court. The presiding judge, in consultation with the judges of the jurisdiction, willshall coordinate with the court executiveTCE on matters concerning the support staff and the general administration of the court including budget, facility planning, long-range planning, administrative projects, intergovernmental relations, and other administrative responsibilities as determined by the presiding judge and the Courtstate Llevel Aadministrator.

(3)(H) **Courtrooms and facilities.** The presiding judge willshall direct the assignment of courtrooms and facilities.

(3)(I) **Recordkeeping.** Consistently with Council policies, the court executiveTCE, in consultation with the presiding judge, willshall:

(3)(I)(i) coordinate the compilation of management and statistical information necessary for the administration of the court;

(3)(I)(ii) establish policies and procedures and ensure that court personnel are advised and aware of these policies; and

(3)(I)(iii) approve proposals for automation within the court in compliance with administrative rules.

(3)(J) **Budgets.** The court executiveTCE, in consultation with the presiding judge, willshall oversee the development of the budget for the court. In contract sites, the court

~~executive~~TCE will~~shall~~ supervise the preparation and management of the county budget for the court on an annual basis and in accordance with the Utah Code.

(3)(K) **Judicial officers.**

(3)(K)(i) In the event that another judge or commissioner of the court fails to comply with a reasonable administrative directive of the presiding judge, interferes with the effective operation of the court, abuses his or her judicial position, exhibits signs of impairment, or violates the Code of Judicial Conduct, the presiding judge may:

(3)(K)(i)(a) m~~M~~eet with and explain to the judge or commissioner the reasons for the directive given or the position taken and consult with the judge or commissioner;~~.~~

(3)(K)(i~~i~~)(b) d~~D~~iscuss the position with other judges and reevaluate the position;~~.~~

(3)(K)(i~~ii~~)(c) p~~P~~resent the problem to the court en banc or a committee of judges for input;~~.~~

(3)(K)(i~~v~~)(d) r~~R~~equire the judge or commissioner to participate in appropriate counseling, therapy, education, or treatment;~~.~~

(3)(K)(i~~v~~)(e) r~~R~~eassign the judge or commissioner to a different location within the district or to a different case assignment; or~~.~~

(3)(K)(~~v~~i)(f) r~~R~~efer the problem to the ~~Judicial~~ Council or to the Chief Justice.

(3)(K)(~~v~~ii) In the event that the options listed above in ~~subsections (i) through (vi)~~ paragraph (3)(K)(i) do not resolve the problem and where the refusal or conduct is willful, continuous~~al~~, and the presiding judge believes the conduct constitutes a violation of the Code of Judicial Conduct, the presiding judge must~~shall~~ refer the problem to the Council or the Judicial Conduct Commission.

(3)(L) **Cases under advisement.**

(3)(L)(i) A case is considered to be under advisement if it meets the criteria outlined in R~~r~~ule 3-101.

(3)(L)(ii) Once a month, each judge must~~shall~~ submit a statement on a form to be provided by the State Court Administrator notifying the presiding judge of any cases or issues held under advisement for more than two months and the reason why the case or issue continues to be held under advisement.

(3)(L)(iii) Once a month, the presiding judge must~~shall~~ submit a list of the cases or issues held under advisement for more than two months to the appropriate ~~state~~ Court L~~l~~evel A~~a~~dministrator and indicate the reasons why the case or issue continues to be held under advisement.

(3)(L)(iv) If a judge fails to submit a statement required under (3)(L)(ii), the presiding judge mustshall notify the appropriate Courtstate Llevel Aadministrator. If the Courtstate Llevel Aadministrator determines that a judge has willfully failed to submit a statement, the Courtstate Llevel Aadministrator mustshall notify the Management Committee.

(3)(M) **Board of judges.** The presiding judge willshall serve as a liaison between the court and the Board for the respective court level.

(3)(N) **Supervision and evaluation of court commissioners.** The presiding judge is responsible for the development of a performance plan for the cCourt cCommissioners serving in that court and shall must prepare an evaluation of the cCommissioner's performance on an annual basis. A copy of the performance plan and evaluation shall must be maintained in the commissioner's official personnel file in the Administrative Office.

(3)(O) **Magistrate availability.** The presiding judge in a district court willshall consult with the Jjustice Ccourt Aadministrator to develop a rotation of magistrates that ensures regular availability of magistrates within the district. The rotation shall will take into account each magistrate's caseload, location, and willingness to serve.

Effective: May 30, 2024December 1, 2026

Rule 3-108. Judicial assistance.

Intent:

To establish the authority, procedure, and criteria for judicial assistance.

Applicability:

This rule ~~shall apply~~ applies to judicial assistance provided by active senior judges and judges of courts of record.

Statement of the Rule:

(1) ~~**Criteria for requesting**~~ **Judicial assistance.** Judicial assistance may~~shall~~ be provided ~~only~~ for the following reasons:

(1)(A) ~~when assistance is needed because of~~to assist with a judicial vacancy or an absence due to an illness, accident, or disability;

(1)(B) to prevent ~~the occurrence of~~ or ~~to~~ reduce a critical accumulated backlog;

(1)(C) to assist with ~~handle~~ a particular case involving complex issues and extensive time ~~which~~ that would ~~have a~~ substantially impact ~~on~~ the court's calendar;

(1)(D) to replace ~~a sitting judge who is absent because of assignment as a tax judge, water law judge, illness or to replace~~ the sitting judges in that location because of disqualification in a particular case;

(1)(E) to mentor a newly appointed judge;

(1)(F) to ~~handle cases~~provide coverage during vacation periods or while a sitting judge attends ~~during attendance at~~ education programs ~~by the sitting judge, following~~ after the judge has made every effort ~~by that judge~~ to adjust the calendar to minimize the need for assistance, and only ~~to handle those~~ for matters ~~which~~ that cannot be accommodated by the other judges of the court during the absence;

~~(1)(G) to provide education and training opportunities to judges of one court level in the disposition of cases in another court level;~~

(1)(G~~H~~) in district court, to provide coverage for a sitting tax or water law judge, or to handle cases involving taxation or water, as defined in R~~r~~ules 6-103 or ~~and cases involving water, as defined in rule~~ 6-104;

(1)(H) in district court, to provide coverage when a sitting district court judge serves as a visiting judge with the Supreme Court;

(1)(I) to handle automatic expungement cases; ~~and~~

(1)(J) to serve on a grand jury panel or~~.~~

(1)(K) when the presiding judge determines that judicial assistance is necessary to address other circumstances affecting the fair, timely, or efficient administration of justice.

(2) **Factors for consideration.** When making judicial assistance requests and determinations under this rule, the presiding judge should consider the following factors:

(2)(A) whether the assistance can be provided by a sitting judge before requesting assistance from an active senior judge;

(2)(B) the judge's experience and familiarity with the subject matter;

(2)(C) the judge's proximity to the court in need, if travel is required; and

(2)(D) the anticipated expenses and available budget.

(3) **Requests for senior judge assistance.**

(3)(A) Before requesting assistance from an active senior judge, the presiding judge should consider the factors listed in paragraph (2). In exigent circumstances, the presiding judge may request the assistance of a senior judge for limited or immediate coverage without first applying those factors. Exigent circumstances may include, but are not limited to, when:

(3)(A)(i) judges in the district are operating above 100% capacity, as determined by the weighted caseload study;

(3)(A)(ii) the need for judicial assistance is immediate or time-sensitive and cannot reasonably be met by a sitting judge; or

(3)(A)(iii) assigning a sitting judge would create a substantial burden on the court or district.

(3)(B) If senior judge assistance is needed for an extended period of time due to a sudden vacancy, the presiding judge and Trial Court Executive should consult with the State Court Administrator or their designee regarding the anticipated budgetary impact.

(3)(C) If a presiding judge seeks to use senior judges for planned, recurring, or extended coverage not otherwise addressed by this rule, including coverage of particular calendars over a period of time, the presiding judge must submit a proposal to the Management Committee for administrative approval of the coverage plan and budget. The proposal must describe the need for senior judge assistance, the proposed coverage plan, and the budget needed to implement the plan.

~~(2) **Assigning a senior judge for judicial assistance.**~~

~~(2)(A) Unless exigent circumstances occur, a presiding judge shall seek assistance under the priorities listed in paragraph (3) before assigning a senior judge.~~

~~(2)(B) If the assignment of a senior judge shall be for more than 14 judicial days, the presiding judge shall seek approval from the Management Committee, and present to~~

~~the Management Committee a plan for meeting the needs of the court and a budget to implement the plan. The plan should describe the calendars to be covered by judges of the district, judges of other districts, and senior judges. The budget should estimate the funds needed for travel by the judges and senior judges.~~

~~(3) **Criteria for transferring or assigning judges.** The transfer or assignment of judges for judicial assistance under this rule, shall, in general, be based upon the following priorities:~~

~~(3)(A) experience and familiarity with the subject matter, including, in district court cases involving taxation, as defined in rule 6-103, and cases involving water, as defined in rule 6-104;~~

~~(3)(B) active judges before active senior judges with consideration of the following:~~

~~(3)(B)(i) proximity to the court in need if the judicial assignment requires travel;~~

~~(3)(B)(ii) priority of judicial coverage by a judge from a court of equal jurisdiction; and~~

~~(3)(B)(iii) priority of judicial coverage by a judge whose subject matter jurisdiction is most closely related to that of the court in need.~~

~~(3)(C) availability; and~~

~~(3)(D) expenses and budget.~~

(4) **Assignment of ~~active~~ sitting judges.**

(4)(A) **Equal-jurisdiction assignments.** A sitting judge of a court of record may be temporarily assigned to a court of equal jurisdiction in another judicial district by the presiding judge of the district in which the assigned judge normally serves.

(4)(B) **Different-jurisdiction assignments.** A sitting judge of a court of record may be temporarily assigned to a court of different jurisdiction in the same or another judicial district by the Presiding Officer.

(4)(C) **Tax and water cases.** In district court cases involving taxation, as defined in Rule 6-103, or water, as defined in Rule 6-104, with the approval of the Presiding Officer, the supervising tax judge or supervising water judge may assign a sitting district court judge to serve temporarily as a tax or water law judge in another judicial district.

(4)(D) **Automated orders.** The Presiding Officer may designate a district or juvenile court presiding judge to serve as the signing judge for automatic expungements and deferred traffic prosecution orders in all district or juvenile courts within the presiding judge's district with jurisdiction over eligible cases. The length of the assignment may coincide with the judge's term as presiding judge.

(4)(E) **Requests, duration, and authority.** A request for a temporary assignment under paragraphs (4)(A) through (4)(C) must be conveyed through the presiding judge of the court requesting assistance to the person authorized to make the assignment. The

assignment must be for a specified period or for the duration of a specified case. A judge temporarily assigned to another court has the same authority as a judge of that court.

~~(4)(A) Any active judge of a court of record may serve temporarily as the judge of a court with equal jurisdiction in a different judicial district upon assignment by the presiding judge of the district in which the judge to be assigned normally sits or, in district court cases involving taxation, as defined in rule 6-103, and cases involving water, as defined in rule 6-104, assignment by the supervising tax judge or the supervising water judge with the approval of the presiding officer of the Council.~~

~~(4)(B) Any active judge of a court of record may serve temporarily as the judge of a court with different jurisdiction in the same or a different judicial district upon assignment by the presiding officer of the Council or assignment by the state court administrator or designee with the approval of the presiding officer of the Council.~~

~~(4)(C) The presiding officer of the Council may appoint a district or juvenile court presiding judge as the signing judge for automatic expungements and deferred traffic prosecution orders in all district or juvenile courts within the presiding judge's district with jurisdiction over eligible cases. The length of the assignment may coincide with the judge's term as presiding judge.~~

~~(4)(D) The assignment shall be made only after consideration of the judge's calendar. The assignment may be for a special or general assignment in a specific court or generally within that level of court and shall be for a specific period of time, or for the duration of a specific case. Full time assignments in excess of 30 days in a calendar year shall require the concurrence of the assigned judge. The state court administrator or designee shall report all assignments to the Council on an annual basis.~~

~~(4)(E) Requests for the assignment of a judge shall be conveyed, through the presiding judge, to the person with authority to make the assignment under paragraphs (A) and (B). A judge who is assigned temporarily to another court shall have the same powers as a judge of that court.~~

(5) **Notice of assignments.**

(5)(A) A copy of an order assigning a sitting judge under paragraph (4) must be sent to the State Court Administrator or designee.

(5)(B) Senior judge assignments must comply with Rule 3-113 and Rule 1-201 of the Utah Supreme Court Rules of Professional Practice.

~~Notice of assignments made under this rule shall be made in writing, a copy of which shall be sent to the state court administrator or designee.~~

~~(6) **Schedule of trials or court sessions.** The state court administrator or designee, under the supervision of the presiding officer of the Council, may schedule trials or court sessions and designate a judge to preside, assign judges within courts and throughout the state, reassign cases to judges, and change the county for trial of any case if no party to the litigation files timely objections to the change~~.

Effective: ~~May 30, 2024~~December 1, 2026

Rule 3-113. Senior judges.

Intent:

To establish the responsibility to provide support services for active senior judges.

To provide for the compensation of active senior judges.

Applicability:

This rule ~~shall apply~~applies to ~~judicial~~ court employees and ~~to~~ active senior judges of courts of record.

Statement of the Rule:

(1) **Support services.**

(1)(A) **Orientation.** The Administrative Office will ~~shall~~ provide a new senior judge orientation course within three months of an active senior judge~~the~~ appointment ~~as active senior judge~~. The orientation ~~shall~~ will include information on judicial assignments, forms, compensation, available training, and reappointment processes.

(1)(B) **Services.** The Trial C~~c~~ourt E~~e~~xecutive (TCE) of the court in which an active senior judge is serving ~~shall~~ will make available services as would normally be needed in the performance of a judge's official duties.

(1)(C) **Assignment order and notice.** ~~**Notice of appointment – assignment.** The court executive of the court in which an active senior judge is serving shall execute the necessary notice of appointment for the case or matters to which the judge has been assigned. The order of assignment shall include the district the judge will serve, the court location, the assignment for which service is needed, and the signature and date of the presiding judge or the presiding judge's designee. The order shall be sent to the state court administrator or designee.~~

(1)(C)(i) In accordance with Rule 1-201 of the Utah Supreme Court Rules of Professional Practice, senior judge assignments must be made by written order. The assignment order must include:

(1)(C)(i)(a) the judicial district and court location;

(1)(C)(i)(b) the case, calendar, or other assignment for which service is needed;

(1)(C)(i)(c) the date of the assignment; and

(1)(C)(i)(d) the presiding judge's signature.

(1)(C)(ii) The TCE of the court level the active senior judge will serve must provide notice of the assignment by sending a copy of the signed assignment order to the State Court Administrator or designee.

(1)(D) **Assistance.** The TCE~~court executive~~ of the ~~district in which an~~court the active senior judge serves will~~shall~~ provide the following assistance as needed:

(1)(D)(i) administrative services;

(1)(D)(ii) orientation on case management system, district processes, and equipment;

(1)(D)(iii) access to electronic files, court documents, and a computer;

(1)(D)(iv) travel arrangements; and

(1)(D)(v) preparation of reimbursement vouchers.

(2) **Compensation.** Active senior judges will~~shall~~ be compensated at the rate and for the services and duties as set forth herein.

(2)(A) Compensation for the performance of judicial duties related to the assignment of cases, service on a grand jury panel, service on court committees, service on court projects, rules and policies, or the mentoring of a new judge will~~shall~~ be at an hourly rate equal to the hourly rate of a trial court judge, and will~~shall~~ be paid in half-day increments.

(2)(B) Compensation for all other duties, such as attendance at Board meetings and educational functions required by court rules will~~shall~~ be paid at the rate of $50.00 per half day (1-4 hours) and $100.00 per full day (over 4 hours).

(2)(C) For travel required in the performance of judicial duties related to assigned cases or calendars, senior judges will~~shall~~ be compensated for travel time in excess of one and one-half hours round trip at the hourly rate of a trial court judge, and for expenses, e.g., per diem, mileage, and lodging, at the rates allowed for state employees. Active senior judges are required, as court employees, to complete the Defensive Driver Training every two years.

(2)(D) For travel required in the performance of judicial duties not related to an assigned case, senior judges will~~shall~~ be compensated:

(2)(D)(i) for round-trip travel time as follows:

(2)(D)(i)(a) 0 - 1.5 hours: No payment

(2)(D)(ii)(b) 1.5 - 5.5 hours: $25.00

(2)(D)(iii)(c) More than 5.5 hours: $50.00

(2)(D)(ii) for expenses, e.g., per diem, mileage, and lodging, at the rates allowed for state employees.

(2)(E) Because senior judges do not have access to state vehicles, mileage will~~shall~~ be paid at the higher rate according to the state travel policy.

(2)(F) Except for the incentive benefit in Rrule 3-501, compensation willshall not include any form of benefits, i.e., state retirement contributions, medical or life insurance premiums, etc.

Effective: May 30, 2024December 1, 2026

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

Intent:

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

Applicability:

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

Statement of the Rule:

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

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

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

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

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

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

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

(3)(D)(i) $0.00 per recording for a party requesting an audio recording of a public court proceeding involving that party; and

(3)(D)(ii) $10.00 per recording for any other request; and

(3)(E) pre-printed forms and associated information: an amount for each packet established by the Sstate Ccourt Aadministrator.

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

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

(6) **Personnel time.**

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

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

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

(6)(B) Except as provided in paragraph (6)(C), t~~T~~he fee for time beyond the first 15 minutes is charged in 15-minute increments for any part thereof. The fees for personnel time will be set by the State Court Administrator and posted on the court website. The rates charged should be for the least expensive group capable of providing the record, information, or service.

(6)(C) Notwithstanding paragraph (6)(B), no fee may be charged for personnel time required to provide a party with access to an audio record of court proceedings via FTR Cloud under paragraph (3)(D)(i).

(7) **Public online services.**

(7)(A) Xchange is a public court records access website operated by the Administrative Office under the direction of the Council. No fee may be charged to use Xchange to:

(7)(A)(i) register for an Xchange account;

(7)(A)(ii) perform up to 50 searches in a calendar month; or

(7)(A)(iii) download up to 50 documents in a calendar month.

(7)(B) Once a registered user reaches a search or document limit described in paragraph (7)(A), the user may perform additional searches or download additional documents by purchasing Xchange credits in $10.00 blocks. Unused credits do not expire and will carry over to future months until used. An additional search performed or document downloaded in a calendar month will be deducted from the $10.00 block of credits as follows:

(7)(B)(i) $.35 per search; and

(7)(B)(ii) $1.00 per document.

(7)(C) Alternatively, the public may choose to subscribe to Xchange, subject to the following fees:

(7)(C)(i) a setup fee of $25.00;

(7)(C)(ii) a monthly fee of $40.00 for any portion of a calendar month to perform up to 500 additional searches beyond the searches described in paragraph (7)(A);

(7)(C)(iii) $.35 per search performed beyond the searches described in paragraph (7)(C)(ii); and

(7)(C)(iv) $1.00 per document downloaded beyond the documents described in paragraph (7)(A).

(7)(D) A search is performed each time the “Search Records” or a “View Full Case” link is used. A document is downloaded when it is displayed on the user’s device.~~(7)(A) The fee to subscribe to Xchange will be as follows:~~

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

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

~~(7)(A)(iii) $.35 for each search over 500 during a billing cycle. A search is counted each time the search button is clicked.~~

~~(7)(B) The fee to access public online services without subscribing will be a transaction fee of $10.00, which will allow up to 10 searches during a session.~~

~~(7)(C) The fee to access a document will be $1.00 per document.~~

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

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

(10) **Waiver of fees.**

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

(10)(A)(i) any government entity of Utah or its political subdivisions if the fee is $10.00 or less per transaction, meaning a request for one or more records in the same case;

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

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

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

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

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

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

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

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

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

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

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

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

(10)(D)(ii) the Utah State Bar;

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

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

Effective: ~~November 1, 2025~~January 1, 2027

Rule 4-409. Council Approval of Problem-Solving Courts.

Intent:

To establish criteria for the creation and operation of Pproblem-Ssolving Ccourts, and to create a process for ongoing reporting from and evaluation of Pproblem-Ssolving Ccourts.

Applicability:

This rule applies to all trial courts.

Statement of the Rule:

(1) **Definitions.**

(1)(A) **Applicant.** As used in this rule, an "applicant" is the Pproblem-Ssolving Ccourt judge, Trial Ccourt Eexecutive (TCE), or other representative of the Pproblem-Ssolving Ccourt as designated by the Pproblem-Ssolving Ccourt judge.

(1)(B) **Problem-Ssolving Ccourt.** As used in this rule, a "Pproblem-Ssolving Ccourt" is a targeted calendar of similar type cases that uses a collaborative approach involving the court, treatment providers, case management, frequent testing or monitoring and ongoing judicial supervision. Examples include, but are not limited to, adult and juvenile drug courts, mental health courts, veteran treatment courts, and ~~domestic violence~~family treatment courts.

(2) **Initial application.** Prior to beginning operations, each proposed Pproblem-Ssolving Ccourt must be approved by the ~~Judicial~~ Council and must agree to comply with the requirements of this rule. An application packet, approved by the ~~Judicial~~ Council, must~~shall~~ be made available by the Administrative Office ~~of the Courts~~. The~~is~~ application packet must be reviewed by the Statewide Treatment Court Administrator and submitted to the Council for approval by the applicant at least 90 days in advance of the proposed operation of a new court. New Problem-Solving Courts are encouraged to participate in foundation training at least one-hundred twenty (120) days prior to beginning operations.

(3) **Annual r~~R~~eport.** Each existing Pproblem-Ssolving Ccourt~~s~~ must annually submit a completed annual report on a form provided by the Administrative Office ~~of the Courts~~. Forms must be submitted to the Administrative Office within 45 days after the end of the fiscal year.

~~(3)(A) Each problem solving court shall annually report at least the following:~~

~~(3)(A)(i) The number of participants admitted in the most recent year;~~

~~(3)(A)(ii) The number of participants removed in the most recent year;~~

~~(3)(A)(iii) The number of participants that graduated or completed the program in the most recent year; and~~

~~(3)(A)(iv) Recidivism and relapse statistics for as long a period of time as is available, but at least for one year. If the court has been in existence for less than one year, then for the amount of time the court has been in existence.~~

(4) **Grants.** In addition to complying with ~~the requirements of CJA~~ Rule 3-411, an applicant must~~shall~~ notify the ~~Judicial~~ Council of any application for funding~~s~~ to operate a P~~p~~roblem-S~~s~~olving C~~c~~ourt, whether or not the court would be the direct recipient of the funds~~grant~~. ~~This n~~Notification ~~should~~ must be made ~~before~~ prior to initiating any application for funding ~~is initiated~~.

(5) **Requirements to o~~O~~perate a Problem-Solving Court.** All P~~p~~roblem-S~~s~~olving C~~c~~ourts ~~shall~~ must ~~be required to~~ adhere to the following requirements:

(5)(A) Each P~~p~~roblem-S~~s~~olving C~~c~~ourt must ~~adhere to~~comply with the "Required Certification Criteria" outlined in the ~~respective~~ applicable Certification Checklist ~~applicable to that problem solving court~~, as promulgated, ~~and~~ amended, and approved by the ~~Judicial~~ Council.

(5)(B) Each P~~p~~roblem-S~~s~~olving C~~c~~ourt must ~~adhere to~~comply with the "Presumed Certification Criteria" outlined in the applicable~~respective~~ Certification Checklist ~~applicable to that problem solving court, as promulgated and amended and approved by the Judicial Council,~~ unless:

(5)(B)(i) the program ~~can show~~ demonstrates sufficient compensating measures; or

(5)(B)(ii) the ~~Judicial~~ Council ~~specifically~~ grants a specific waiver of~~s~~ the~~at~~ requirement.

(5)(C) **Commencement of participation.** ~~To commence participation in a problem solving court:~~

(5)(C)(i) **Criminal proceedings.** In ~~a~~ criminal proceedings, a plea must be entered before a person may participate in a~~the c~~ Problem-Solving Court. Testing and orientation ~~processes may be initiated~~may occur prior to entry of the plea; however,~~,~~ ~~but~~ no sanctions may be imposed until the plea is entered, except ~~other than~~ those ~~which may be imposed~~permitted in a criminal proceeding in which a person is released ~~before~~ prior to trial. Prior to ~~the~~ acceptance of the plea, each participant must sign a~~n~~ written agreement ~~that~~ outlining~~es~~ the expectations of the court and the responsibilities of the participant.

(5)(C)(ii) **Juvenile Dependency Drug Court.** In J~~j~~uvenile D~~d~~ependency D~~d~~rug C~~c~~ourt, sanctions may not be imposed until the parent and juvenile have~~s~~ signed a~~n~~ written agreement ~~that~~ outlining~~es~~ the expectations of the court and the responsibilities of the participant.

(6) **Certification.** Each P~~p~~roblem-S~~s~~olving C~~c~~ourt must be considered for certification by the ~~Judicial~~ Council every two years~~. Each problem solving court shall~~ and must cooperate with the ~~Judicial Council's~~ certification review process.

(6)(A) Upon review, the ~~Judicial~~ Council may:

(6)(A)(i) certify a Pproblem-S solving Ccourt that ~~adheres to~~meets all requirements ~~as outlined in subsection~~in paragraph (5) ~~of this rule~~;

(6)(A)(ii) de-certify a Pproblem- ~~s~~Solving Ccourt that fails to ~~adhere to~~meet one or more requirements ~~as outlined in subsection~~in paragraph (5) ~~of this rule~~; or

(6)(A)(iii) conditionally certify a Pproblem- Ssolving Ccourt that fails to ~~adhere to~~ meet one or more requirements ~~as outlined in subsection~~in paragraph (5) ~~of this rule~~.

(6)(B) Prior to conditional certification or ~~To~~ de-certififcation~~y or conditionally certify a problem solving court~~, the ~~Judicial~~ Council must~~shall~~:

(6)(B)(i) inform the Pproblem- Ssolving Ccourt of the specific requirement(s) that are not being ~~adequately~~ met; and

(6)(B)(ii) provide ~~to~~ the Pproblem- Ssolving Ccourt an opportunity to respond ~~regarding the requirement(s) that are not being adequately met~~.

(6)(C) ~~In the event that the Judicial~~If the Council ~~determines that the problem solving court should be~~ conditionally certifies~~d~~ a Problem-Solving Court, ~~the Judicial Council shall~~it must:

(6)(C)(i) ~~outline specific~~identify the conditions ~~necessary for the problem solving court to meet in order to be certified~~required to achieve certifiication; and

(6)(C)(ii) provide ~~the problem solving court with~~ a specific timeframe for remediation~~period of time in which to remedy any such deficiency~~.

(6)(D) ~~In the event that~~If a conditionally certified Pproblem- Ssolving Ccourt fails to meet the conditions ~~outlined by the Judicial Council~~ within the time allotted, the ~~Judicial~~ Council will:

(6)(D)(i) ~~shall~~ de-certify the Pproblem- Ssolving Ccourt; or

(6)(D)(ii) ~~may~~ extend the remediation period ~~of time to remedy any deficiency,~~ for good cause shown.

~~(7) **DUI Courts.** The following courts are approved as DUI Courts: Riverdale Justice Court and other courts as may be approved by the Judicial Council in the future.~~

(7~~8~~) **Communications.** A judge may initiate, permit, or consider communications, including ex parte communications, made as part of a case assigned to ~~the judge in~~ a Pproblem-Ssolving Ccourt, consistent with the signed participation agreement.

(8) **Inactive Problem-Solving Court status.**

(8)(A) The Problem-Solving Court judge and/or TCE must notify the Council in writing if a Problem-Solving Court is to be placed on inactive status.

(8)(B) Inactive Problem-Solving Courts must submit written quarterly updates to the Council. The Council may close a Problem-Solving Court that remains inactive for six (6) months.

(9) **Closure of a Problem-Solving Court.**

(9)(A) The Problem-Solving Court judge and/or TCE must notify the Council in writing at least sixty (60) days prior to closing a Problem-Solving Court.

(9)(B) The Problem-Solving Court team must submit a transition plan to the Council addressing the legal and treatment needs of current participants.

(10) **Reinstatement of a Problem-Solving Court.** The Problem-Solving Court judge and/or TCE must notify the Statewide Treatment Court Administrator ninety (90) days prior to reinstating a Problem-Solving Court. At the request of court leadership, the Statewide Treatment Court Administrator may provide technical assistance in preparation for reactivation.

(11) **Onboarding and training requirements.**

(11)(A) All new Problem-Solving Court team members must complete required training prior to serving on a Problem-Solving Court team.

(11)(A)(i) New team members must review the treatment court operations manual, participant handbook, certification checklist, and complete onboarding requirements under the direction of the Problem-Solving Court judge.

(11)(A)(ii) The TCE must notify the Statewide Treatment Court Administrator when a new judge is assigned to a Problem-Solving Court and prior to the judge assuming responsibilities. The Statewide Treatment Court Administrator must contact the judge to provide support and resources.

(11)(B) All Problem-Solving Court staff must complete biennial training. If staff are not able to attend the state or national treatment court conference, Problem-Solving Court staff may complete biennial training via webinar, other conferences or training approved by the Problem-Solving Court judge, TCE, or Statewide Treatment Court Administrator.

(12) **Transfers.**

(12)(A) **Transferring from one Problem-Solving Court to a Problem-Solving Court in a different county.** For juvenile court cases, courts must comply with Rules 16 and 16A of the Utah Rules of Juvenile Procedure. For all other courts, a participant who the transferring court determines has a legitimate reason to relocate to a different county may request a transfer to a Problem-Solving Court in the county to which the participant is relocating as follows:

(12)(A)(i) The transferring court judge must contact a Problem-Solving Court judge in the receiving jurisdiction and request transfer;

(12)(A)(ii) The transferring court judge must provide case information for all cases proposed to be transferred, including case numbers, and contact information for a treatment team member to provide clinical information;

(12)(A)(iii) The participant must sign a release of information and allow the receiving court's treatment team access to the results of all screenings, assessments, current level of care, and treatment history;

(12)(A)(iv) The receiving court must promptly screen the participant for transfer and notify the transferring court of its decision;

(12)(A)(v) The receiving court may deny admission only if the participant does not meet the legal requirements of the receiving court or if the receiving court does not have the ability to provide treatment at a clinically-recommended level of care. If the receiving court denies admission, reasons for denial must be in writing; and

(12)(A)(vi) For district court cases, the participant, prior to transfer, must enter a plea in all cases to be transferred and the transferring court must enter a restitution order and set up a restitution trust account in CORIS, or enter an order that no restitution is owing.

(12)(B) **Transferring non-Problem-Solving Court cases to a Problem-Solving Court in a different county.** For juvenile court cases, courts must comply with Rules 16 and 16A of the Utah Rules of Juvenile Procedure. For all other courts, a participant who has cases pending in the same court level in a different county may request those cases be transferred to the Problem-Solving Court as follows:

(12)(B)(i) The receiving court must first screen the case to determine if it meets the legal requirements of the receiving court;

(12)(B)(ii) The prosecutor in the receiving court must then contact the assigned prosecutor in the transferring court and request transfer of the case;

(12)(B)(iii) The participant must sign a release of information and allow the receiving court's treatment team access to the results of all screenings, assessments, current level of care, and treatment history;

(12)(B)(iv) The transferring court prosecutor may decline to transfer a case. If the transfer is denied, reasons for denial must be in writing;

(12)(B)(v) If the transferring court prosecutor consents to transfer, the participant, prior to transfer, must enter a plea in all cases to be transferred and the transferring court must enter a restitution order and set up a restitution trust account in CORIS, or enter an order that no restitution is owing.

(12)(C) Transferring cases within a county should be addressed through procedures adopted by local courts.

(12)(D) **Justice courts.** Justice court cases remain with the sentencing judge. Participation in a Problem-Solving Court is a condition of probation. Fines, fees and restitution are collected by the originating court.

Effective: ~~January 28, 2019~~January 1, 2027

Tab 12

Administrative Office of the Courts

Interim Chief Justice Jill Pohlman
Utah Supreme Court
Chair, Utah Judicial Council

November 13, 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 Public Comment**

The Policy, Planning, and Technology Committee recommends that CJA rules 3-408 and 3-403 be approved for a 45-day public comment period.

CJA 3-408. Inventory (AMEND)
The proposed amendments eliminate outdated operational details and delegate routine fixed-asset controls to the updated Accounting Manual.

CJA 3-403. Judicial branch education (AMEND)
The proposed amendments add cybersecurity to the list of mandatory training topics for judicial officers and state court employees and gives supervisors the flexibility to address noncompliance through performance expectations and HR policies.

Rule 3-403. Judicial branch education

Intent:

To establish the Judicial Branch Education Committee's ("Committee") responsibility to develop and evaluate a comprehensive education program for all judicial officers and court staff.

To establish education standards for judicial officers and court staff, including provisions for funding and accreditation for educational programs.

To ensure that education programs, including opportunities for job orientation, skill and knowledge acquisition, and professional and personal development, are available to all members of the judicial branch and that such programs utilize the principles of adult education and focus on participative learning.

To emphasize the importance of participation by all judicial branch employees in education and training as an essential component in maintaining the quality of justice in the Utah courts.

Applicability:

This rule applies to all judicial officers and court staff, except employees classified as time-limited pursuant to the Judiciary's human resources policies.

Statement of the Rule:

(1) **Organization.**

(1)(A) **Judicial ~~b~~Branch ~~e~~Education ~~c~~Committee.** The Committee will submit to the Council for approval proposed policies, standards, guidelines, and procedures applicable to all judicial branch education activities. It will evaluate and monitor the quality of educational programs and make changes where appropriate within the approved guidelines for funding, attendance, and accreditation.

(1)(B) **Responsibilities of members.** Committee members will propose policies and procedures for developing, implementing, and evaluating orientation, continuing skill development, and career enhancement education opportunities for all judicial branch employees; formulate an annual education plan and calendar consistent with the judicial branch education budget; and serve as advocates for judicial branch education, including educating the J~~j~~udiciary about the purpose and functions of the Committee.

(1)(C) **Committee meetings.**

(1)(C)(i) The Committee will meet twice a year. Additional meetings may be called as necessary. A majority of voting members in attendance is required for official Committee action.

(1)(C)(ii) The chairperson may recommend to the Council that a Committee member be replaced if that member is absent without excuse from two consecutive Committee meetings or fails to meet the responsibilities of membership as outlined in paragraph (1)(B).

(2) ~~**Administration.**~~**Judicial ~~E~~education ~~O~~officer**. The j~~J~~udicial ~~E~~education ~~O~~officer, under the direction of the State Court Administrator, will serve as staff to the Committee and be responsible for the administration of the judicial education program consistent with this rule.

(3) **Education standards for judicial officers**.

(3)(A) **Requirements for judicial officers** (judges, court commissioners, active senior judges and active senior justice court judges).

(3)(A)(i) All new judicial officers will participate in the first designated orientation program offered after the date the judge is administered the oath of office, unless attendance is excused for good cause by the Management Committee.

(3)(A)(ii) All judicial officers will complete 30 hours of pre-approved education each fiscal year, to be implemented on a schedule coordinated by the Committee. To satisfy annual program requirements, judicial officers will complete training on harassment and abusive conduct prevention; cybersecurity; ethics; and inclusion and elimination of bias.

(3)(A)(iii) Judicial officers may attend a combination of approved local, state, or national programs. Active and inactive senior judges and retired judges may attend approved local or state programs and the annual judicial conference, but an inactive senior judge or retired judge must pay all expenses.

(3)(B~~A~~)~~(ii)~~ **Inactive senior judges and retired judges.** If an inactive senior judge or a retired judge applies to be an active senior judge, the judge will demonstrate that:

(3)(B~~A~~)(~~i~~)~~(a)~~ he or she has attended 30 hours of approved judicial education within one year before the application; or

(3)(B~~A~~)(ii)~~(b)~~ he or she has attended the new judge orientation for judges of the courts of record within one year before the application.

(3)(C~~B~~) **Program components**. Education programs for judicial officers will include: a mandatory new judge orientation program; a variety of programs addressing substantive

and procedural law topics~~,~~ aimed at skill and knowledge acquisition; and programs geared to professional and personal development, to meet the continuing needs of judicial officers.

(3)(D~~C~~) **Annual conferences**. Justice court judges and active senior justice court judges will attend the annual justice court judges' conference unless excused by the Board of Justice Court Judges for good cause. Because the annual judicial conference represents the only opportunity for judges to meet and interact as a group and to elect their representatives, judicial officers are strongly encouraged to attend that conference.

(4) **Standards for court staff**.

(4)(A) **State employees**.

(4)(A)(i) **Program requirements**. All court staff employed by the state will complete 20 hours of approved coursework during the performance year, as defined by the Judiciary's human resources policies. To satisfy performance year requirements, state employees must complete training on harassment and abusive conduct prevention; cybersecurity, ethics; and inclusion and elimination of bias.

(4)(A)(ii) **Program components**. Education programs for court staff employed by the state will include: onboarding for new employees as well as new employee orientation; skill development programs that teach technical and job-related competencies; and enhancement programs that promote personal and professional growth within the organization.

(4)(B) **Local government employees**.

(4)(B)(i) **Program requirements**. All court staff employed by a~~the~~ justice court~~s~~ will complete 10 hours of approved coursework annually.

(4)(B)(ii) **Program components**. Education programs for court staff employed by local government will include: annual training seminar; skill development programs that teach technical and job-related competencies; and enhancement programs that promote personal and professional growth. Professional and personal development programs may include training on harassment and abusive conduct prevention; cybersecurity; ethics; and inclusion and elimination of bias.

(5) **Reporting**.

(5)(A) Judicial officers and court staff governed by these standards will report participation in education programs on a form developed by the Committee.

(5)(B) For court staff, compliance with judicial branch education standards will be a performance criterion in the evaluation of all staff.

(5)(B)(i) Supervisory personnel are responsible ~~to ensure~~for ensuring that all staff have an opportunity to participate in the required education. Failure of a supervisor to meet the minimum education standards ~~will result in an unsatisfactory performance evaluation in the education criterion~~ may constitute a violation of the employee code of ethics and conduct under the Judiciary's human resources policies.

(5)(B)(ii) Failure of staff to meet the minimum education requirements ~~will result in an unsatisfactory evaluation on the education criterion unless the employee provides documented reasons that the employee's failure to meet the education standards is due to reasons beyond the employee's control~~may constitute a violation of the employee code of ethics and conduct under the Judiciary's human resources policies.

(6) **Credit**. Judicial education procedures will include guidelines for determining which programs qualify as approved education within the meaning of these standards.

(7) **Funding**.

(7)(A) **Budget**. In preparing its annual request for legislative appropriations, the Council will receive and consider recommendations from the Committee. The Committee's annual education plan will be based upon the Council's actual budget allocation for judicial education.

(7)(B) **In-state education programs**. Judicial branch funds allocated to in-state judicial education will first be used to support mandatory in-state orientation programs for all judicial branch employees and then for other education priorities as established by the Committee with input from the Boards of Judges and Administrative Office.

(7)(C) **Out-of-state education programs**. To provide for diverse educational development, to take advantage of unique national opportunities, and to utilize education programs which cannot be offered in-state, the annual education plan will include out-of-state education opportunities. The Committee will approve national education providers and will include in the education procedures, criteria to be applied by the Administrative Office to out-of-state education requests. Criteria will include relevance to the attendee's current assignment and attendance at in-state programs. Disagreement with a decision to deny an out-of-state education request may be reviewed by a quorum of the Committee at the applicant's request.

(7)(D) **Tuition, fees, and travel**. The Committee will develop policies and procedures for paying tuition, fees, per diem, and travel for approved programs. State funds cannot be used to pay for discretionary social activities, recreation, or spouse participation. The Committee may set financial limits on reimbursement for attendance at elective programs, with the individual participant personally making up the difference in cost when the cost exceeds program guidelines.

(8) **Mentoring**.

(8)(A) Within seven business days after a new district or juvenile judge has been sworn in, the Presiding Judge will appoint a mentor to the new judge.

(8)(B) Within fourteen business days after a new district or juvenile judge has been sworn in, the mentor and the new judge will meet and review the Judicial Mentoring Guidelines and Best Practices Recommendations, complete the Mentors' Checklist contained therein and the mentor, within that same fourteen business day period, will provide the completed Mentor's Checklist to the Judicial Education Officer.

Effective: ~~November 1, 2025~~May 1, 2027

Rule 3-408. Inventory.

Intent:

To comply with Division of Finance regulation of fixed assets.

To secure property other than fixed assets.

Applicability:

This rule applies~~shall apply~~ to the A~~a~~dministrative O~~o~~ffice ~~of the courts~~ and all courts of record.

Statement of the Rule:

(1) Fixed assets.

(1)(A) Within their respective courts, designated local fixed asset record keepers will~~court executives shall~~ maintain an inventory of fixed assets meeting the capitalization threshold established in the Accounting Manual~~with an original purchase price of $5,000 or more other than computer and recording equipment~~. The local fixed asset record keeper will annually verify and submit the inventory to the Administrative Office~~court executive shall annually submit the inventory to the director of Management Services no later than April 30~~.

(1)(B) The Administrative Office will ~~director of Management Services shall~~ maintain a ~~an~~ centralized inventory of fixed assets for ~~of~~ the A~~a~~dministrative O~~o~~ffice and courts of record~~all computer and recording equipment, regardless of location, with an original purchase price of $5,000 or more~~.

(1)(C) The Administrative Office will ~~director of Management Services shall~~ report the inventory of fixed assets ~~of $5,000 or more~~ to the Division o~~-~~f Finance as required by the Accounting Manual~~law~~.

(2) Inventory procedures. The Accounting Manual will~~director of Management Services shall~~:

(2)(A) establish ~~develop~~ detailed fixed asset inventory procedures, capitalization thresholds, segregation of duties, and reporting responsibilities ~~for implementing this rule~~; and

(2)(B) require courts to develop local controls to safeguard property susceptible to loss or theft that does not meet the fixed asset capitalization threshold. ~~a form for recording the following information for each fixed asset or other property:~~

~~(3)(B)(i) a brief description, including a serial number if any;~~

~~(2)(B)(ii) actual or estimated date of purchase;~~

~~(2)(B)(iii) actual or estimated purchase price; and~~

~~(2)(B)(iv) the disposition of the item.~~

Effective: ~~4/1/2012~~May 1, 2027

Tab 13

Name

Address

City, State, Zip

Phone

Email

I am [ ] 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 [ ] Justice Court of Utah

_____ Judicial District _____ County

Court Address _____

_____ Plaintiff/Petitioner v. _____ Defendant/Respondent	**Substitution of Counsel or Licensed Paralegal Practitioner** (Utah Rule of Civil Procedure 74 and 86) _____ Case Number _____ Judge _____ Commissioner (domestic cases)

1. I notify the court, counsel and parties that I am replacing _____ (name) as counsel or licensed paralegal practitioner for _____ (name of client).

2. I will comply with the existing hearing schedule and deadlines.

Date _____ Signature ► _____

Printed name of client _____

Date _____ Signature ► _____

Printed name of new counsel or licensed paralegal practitioner _____

Certificate of Service

I certify that I filed with the court and am serving a copy of this Substitution of Counsel or Licensed Paralegal Practitioner on the following people.

Person's Name	Service Method	Service Address	Service Date
	[ ] Mail [ ] Hand Delivery [ ] E-filed/MyCase [ ] Email [ ] Left at business (With person in charge or in receptacle for deliveries.) [ ] Left at home (With person of suitable age and discretion residing there.)		
	[ ] Mail [ ] Hand Delivery [ ] E-filed/MyCase [ ] Email [ ] Left at business (With person in charge or in receptacle for deliveries.) [ ] Left at home (With person of suitable age and discretion residing there.)		
	[ ] Mail [ ] Hand Delivery [ ] E-filed/MyCase [ ] Email [ ] Left at business (With person in charge or in receptacle for deliveries.) [ ] Left at home (With person of suitable age and discretion residing there.)		

_____ Signature ► _____

Date

Printed Name _____

Bilingual Notice to Responding Party for Motions (for compliance with URCP 7)

Notice to responding party
You have a limited amount of time to respond to this motion. In most cases, you must file a written response with the court and provide a copy to the other party:

- within 14 days of this motion being filed, if the motion will be decided by a judge or Debt Collection and Housing Action Division Commissioner, or
- at least 14 days before the hearing, if the motion will be decided by a Domestic Relations Commissioner.

In some situations a statute or court order may specify a different deadline.

If you do not respond to this motion or attend the hearing, the person who filed the motion may get what they requested.

See the court's Motions page for more information about the motions process, deadlines and forms:
utcourts.gov/motions

Scan QR code to visit page

Finding help
The court's Finding Legal Help web page (utcourts.gov/help) provides information about the ways you can get legal help, including the Self-Help Center, reduced-fee attorneys, limited legal help and free legal clinics.

Scan QR code to visit page

Aviso para la parte que responde
Su tiempo para responder a esta moción es limitado. En la mayoría de casos deberá presentar una respuesta escrita con el tribunal y darle una copia de la misma a la otra parte:

- dentro de 14 días del día que se presenta la moción, si la misma será resuelta por un juez, o
- por lo menos 14 días antes de la audiencia, si la misma será resuelta por un comisionado.

En algunos casos debido a un estatuto o a una orden de un juez la fecha límite podrá ser distinta.

Si usted no responde a esta moción ni se presenta a la audiencia, la persona que presentó la moción podría recibir lo que pidió.

Vea la página del tribunal sobre Mociones para encontrar más información sobre el proceso de las mociones, las fechas límites y los formularios:
utcourts.gov/motions-span

Para accesar esta página escanee el código QR

Cómo encontrar ayuda legal
La página de la internet del tribunal Cómo encontrar ayuda legal (utcourts.gov/help-span) tiene información sobre algunas maneras de encontrar ayuda legal, incluyendo el Centro de Ayuda de los Tribunales de Utah, abogados que ofrecen descuentos u ofrecen ayuda legal limitada, y talleres legales gratuitos.

Para accesar esta página escanee el código QR

Victim Request to Use Initials Instead of Name – Juvenile Court Case

Case Number_____

Utah Code 77-38-6

If you are the alleged victim in this juvenile delinquency case, you can change your name to your initials in the court papers that the public can see.

The alleged juvenile delinquent, the defense attorney, the prosecutor, and court staff in the case will be able to see your name in papers that are not public. The court must also share your name publicly if ordered in a court order.

This request does not change your name in protective orders. It also does not change your name in any other public papers law enforcement needs to enforce the protective order.

My information:

First Name:

_____

Middle name or initial (if any):

_____

Last name:

_____

Date of birth (mm/dd/yyyy):

_____

Phone number:

_____

Email

_____

Case information:

This information is required before filing. If you need help finding this information you can ask the prosecutor or victim advocate. You can also ask the courts for help.

Alleged juvenile delinquent's name (who the juvenile delinquency case is against):

_____

City where the court is located:

_____

County where the court is located:

_____

Court case number:

_____

Judge's name:

_____

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

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

_____ Signature ► _____

Date

Printed Name _____

Child Care Expense Provisions in MyPaperwork

The language in MyPaperwork divorce and parentage pleadings (petition, counterpetition, stipulation, findings, decree) needs to be updated to reflect changes to Utah Code 81-6-209 and 81-6-306 . These changes came from SB 257. The Forms Committee has approved the following language to be implemented into MyPaperwork by January 1, 2027 with the understanding that the language may need future revision as understanding of the statutes and their application develops.

Current Language:

Right now in MyPaperwork there are two options.

Option1: (standard option)

Child care expenses (Utah Code 81-6-209)

1. Both parties will equally share all reasonable work, career, or occupational training-related child care expenses.
    a. The party who pays child care expenses must provide the other party written verification of the cost and identity of the child care provider. This must be done when a provider is first hired, and any time the other party asks for the information. The party incurring or paying child care expenses must notify the other party of any change of a child care provider or monthly expense. This must be done within 30 calendar days of the change.
    b. The party not directly paying for child care must pay their share of child care expenses as soon as they receive verification of the expenses.
    c. If a party does not follow the order and provide written verification, they may not receive credit for work, career, or occupational training-related child care expenses or recover the other party's share of the expenses.

Option2: (custom option)

Child care expenses (Utah Code 81-6-209)

1. All reasonable work, career, or occupational training-related child care expenses will be paid as follows: *(then they fill in what they want)*

Proposed Language:

The guided interview will give people different options they can select depending on their situation.

New Option 1: Regular use of minimal child care award table

Child care expenses (Utah Code 81-6-209)

1. Actual Work-related Child Care Expenses

Each parent must pay half of all reasonable work-related child care expenses of the parents.

a. When a parent first hires a child care provider, that parent must give the other parent written proof of the cost and the provider's identity. The parent must also provide this proof whenever the other parent asks for it.
b. A parent who pays for work-related child care must tell the other parent in writing within 30 calendar days if the provider changes, the monthly cost changes, or the child care ends. This notice is not required if a protective order or stalking injunction prohibits contact with the other parent.
c. (*Optional provisions. These are not statutory but common in practice. They could choose not to include them at all or choose one.)*
    - The parent who pays for work-related child care must give the other parent written proof of the expense and payment within 30 calendar days after paying a child care expense. The other parent must pay their remaining half of the expense to the parent who paid it within 30 calendar days after receiving the proof.
    - If the child care provider allows both parents to pay separately, the parents must arrange for each parent to pay half of the expense directly to the provider. Otherwise, the parent who pays for work-related child care must give the other parent written proof of the expense and payment within 30 calendar days after paying. The other parent must pay their remaining half of the expense to the parent who paid it within 30 calendar days after receiving the proof.
d. The court may deny a parent the right to receive credit for child care expenses or collect the other parent's share if the parent does not provide the required proof or notice.

2. Minimal Child Care Award

a. The parent who must pay the monthly base child support amount (obligor) must also pay a minimal child care award of $_____ per month to the other parent (obligee) as required by Utah Code 81-6-209 and the table in Utah Code 81-6-306. The same provisions about when and how the base child support award must be paid also apply to the minimal child care award.
b. The minimal child care award is a monthly payment by one parent toward their half of child care expenses. It does not replace either parent's duty to pay half of the actual, reasonable work-related child care expenses as explained above.

c. The minimal child care award amount is to be automatically adjusted by the parents under Utah Code 81-6-209 and the table in Utah Code 81-6-306 as each child gets older. No new court order is needed.
d. The minimal child care award for a child ends when the child turns 13 or becomes emancipated under Utah Code 81-6-213, whichever happens first.

3. Additional Provisions

The following additional provisions apply to child care expenses: *(Space to write additional provisions. Can be used to address things like child care arrears or child care expenses related to the employment and occupational training of the custodial parent.)*

New Option 2: No minimal award because obligor's child support calculated based on low-income table

Child care expenses (Utah Code 81-6-209)

1. Actual Work-related Child Care Expenses

Each parent must pay half of all reasonable work-related child care expenses of the parents.

a. When a parent first hires a child care provider, that parent must give the other parent written proof of the cost and the provider's identity. The parent must also provide this proof whenever the other parent asks for it.
b. A parent who pays for work-related child care must tell the other parent in writing within 30 calendar days if the provider changes, the monthly cost changes, or the child care ends. This notice is not required if a protective order or stalking injunction prohibits contact with the other parent.
c. (*Optional provisions. These are not statutory but common in practice. They could choose not to include them at all or choose one.)*
    - The parent who pays for work-related child care must give the other parent written proof of the expense and payment within 30 calendar days after paying a child care expense. The other parent must pay their half of the expense to the parent who paid it within 30 calendar days after receiving the proof.
    - If the child care provider allows both parents to pay separately, the parents must arrange for each parent to pay half of the expense directly to the provider. Otherwise, the parent who pays for work-related child care must give the other parent written proof of the expense and payment within 30 calendar days after paying. The other parent must pay their half of the expense to the parent who paid it within 30 calendar days after receiving the proof.
d. The court may deny a parent the right to receive credit for child care expenses or collect the other parent's share if the parent does not provide the required proof or notice.

2. Minimal Child Care Award

The parent who must pay the monthly base child support amount (obligor) is not required to pay a minimal child care award because their base child support amount was calculated using the low-income table. However, they must still pay half of reasonable work-related child care expenses.

3. Additional Provisions
The following additional provisions apply to child care expenses: *(Space to write additional provisions. Can be used to address things like child care arrears or child care expenses related to the employment and occupational training of the custodial parent.)*

New Option 3: Rebutted presumption of minimal child care award with no amount listed for child care award due to sharing of actual expenses
Child care expenses (Utah Code 81-6-209)
1. Actual Work-related Child Care Expenses
Each parent must pay half of all reasonable work-related child care expenses of the parents.

a. When a parent first hires a child care provider, that parent must give the other parent written proof of the cost and the provider's identity. The parent must also provide this proof whenever the other parent asks for it.
b. A parent who pays for work-related child care must tell the other parent in writing within 30 calendar days if the provider changes, the monthly cost changes, or the child care ends. This notice is not required if a protective order or stalking injunction prohibits contact with the other parent.
c. (*Optional provisions. These are not statutory but common in practice. They could choose not to include them at all or choose one.)*
    - The parent who pays for work-related child care must give the other parent written proof of the expense and payment within 30 calendar days after paying a child care expense. The other parent must pay their half of the expense to the parent who paid it within 30 calendar days after receiving the proof.
    - If the child care provider allows both parents to pay separately, the parents must arrange for each parent to pay half of the expense directly to the provider. Otherwise, the parent who pays for work-related child care must give the other parent written proof of the expense and payment within 30 calendar days after paying. The other parent must pay their half of the expense to the parent who paid it within 30 calendar days after receiving the proof.
d. The court may deny a parent the right to receive credit for child care expenses or collect the other parent's share if the parent does not provide the required proof or notice.

2. Minimal Child Care Award

a. Under the table in Utah Code 81-6-306 the minimal child care award obligation for each parent would be $_____ per month. However, the parties have an actual monthly expense of $_____ (total) per month ($_____ one-half for each party). The parties will share the actual expense as outlined above. No minimal child care award should be ordered. This is reasonable and in the best interest of the children because: *(and they add reasons)*

3. Additional Provisions

The following additional provisions apply to child care expenses: *(Space to write additional provisions. Can be used to address things like child care arrears or child care expenses related to the employment and occupational training of the custodial parent.)*

New Option 4: Rebutted presumption of minimal child care award with proposed amount for minimal child care award

Child care expenses (Utah Code 81-6-209)

1. Actual Work-related Child Care Expenses

Each parent must pay half of all reasonable work-related child care expenses of the parents.

a. When a parent first hires a child care provider, that parent must give the other parent written proof of the cost and the provider's identity. The parent must also provide this proof whenever the other parent asks for it.
b. A parent who pays for work-related child care must tell the other parent in writing within 30 calendar days if the provider changes, the monthly cost changes, or the child care ends. This notice is not required if a protective order or stalking injunction prohibits contact with the other parent.
c. (*Optional provisions. They could choose not to include them at all or choose one.)*
    - The parent who pays for work-related child care must give the other parent written proof of the expense and payment within 30 calendar days after paying a child care expense. The other parent must pay their half of the expense to the parent who paid it within 30 calendar days after receiving the proof.
    - If the child care provider allows both parents to pay separately, the parents must arrange for each parent to pay half of the expense directly to the provider. Otherwise, the parent who pays for work-related child care must give the other parent written proof of the expense and payment within 30 calendar days after paying. The other parent must pay their half of the expense to the parent who paid it within 30 calendar days after receiving the proof.

d. The court may deny a parent the right to receive credit for child care expenses or collect the other parent's share if the parent does not provide the required proof or notice.

2. Minimal Child Care Award

a. The parent who must pay the monthly base child support amount (obligor) must also pay a minimal child care award of $_____ per month to the other parent (obligee). The same provisions about when and how the base child support award must be paid also apply to the minimal child care award.
b. This amount should be used instead of the amount under Utah Code 81-6-209 and the table in Utah Code 81-6-306. *(And then include one of the different provisions outlined below)*
    - This amount is one half of the current child care expense of the parents. The expense is reasonable and it is in the best interest of the children to continue the existing child care.
    - The parties agree to this amount for the following reasons: *(and they add reasons)*
    - This amount is in the best interest of the children for the following reasons: *(and they add reasons)*
    - The court decided at trial that the evidence favors this amount instead of the presumed amount. The court found *(and they add the findings of the court)*
c. The minimal child care award is a monthly payment by one parent toward their half of child care expenses. It does not replace either parent's duty to pay half of the actual, reasonable work-related child care expenses as explained above.
d. The minimal child care award does not automatically adjust under Utah Code 81-6-209 and the table in Utah Code 81-6-306 as each child gets older. *(And then one of the following that they pick.)*
    - The parties must petition the court for changes to the monthly amount.
    - The minimal child care award will adjust as follows: *(space to write)*
e. The minimal child care award for a child ends when the child turns 13 or becomes emancipated under Utah Code 81-6-213, whichever happens first.

3. Additional Provisions

The following additional provisions apply to child care expenses: *(Space to write additional provisions. Can be used to address things like child care arrears or child care expenses related to the employment and occupational training of the custodial parent.)*

New Option 5: No child care expenses

Child care expenses (Utah Code 81-6-209)

1. Work-related Child Care Expenses

The minor children are school-aged and paid child care is not needed. If child care becomes needed, both parents should share the expense equally pursuant to Utah Code 81-6-209.
2. Minimal Child Care Award
The minimal child care award is $0 because no child care expenses are being incurred.
3. Additional Provisions
The following additional provisions apply to child care expenses: *(Space to write additional provisions.)*

New Option 6: Each pay own expenses
Child care expenses (Utah Code 81-6-209)
1. Work-related Child Care Expenses
Each parent will pay for the child care expense incurred when the children are in their care without reimbursement from the other parent.
2. Minimal Child Care Award
It is in the best interest of the children not to have an additional minimal child care award for the following reasons: *(they insert explanation).*
3. Additional Provisions
The following additional provisions apply to child care expenses: *(Space to write additional provisions. Can be used to address things like child care arrears or child care expenses related to the employment and occupational training of the custodial parent.)*

New Option 7: Other
Child care expenses (Utah Code 81-6-209)
1. All reasonable work, career, or occupational training-related child care expenses will be paid as follows: *(then they fill in what they want)*

Tab 14

Administrative Office of the Courts

Interim Chief Justice Jill Pohlman
Utah Supreme Court
Chair, Utah Judicial Council

October 20, 2026

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

M E M O R A N D U M

TO: **Management Committee and Judicial Council**

FROM: **Jon Puente, Director OFA**

RE: **Committee on Fairness and Accountability Vacancy**

Rule 1-205(1)(B)(xiv) stipulates the membership of the Committee on Fairness and Accountability (CFA). Currently, there is a public member vacancy on the CFA. The CFA submits Destiny Garcia to fill this vacancy.

On behalf of the Committee on Fairness and Accountability and the Chair, Justice Jill Pohlman, we respectfully request that the Management Committee and Judicial Council appoint Destiny Garcia as a public member to the CFA.

At this time, the Committee on Fairness and Accountability is comprised of the following members:
- Justice Jill Pohlman, Chair, Utah Supreme Court
- Judge Todd Shaughnessy, Third District Court
- Judge Monica Diaz, Third District Juvenile Court
- Judge Danalee Welch-O'Donnal, Grand County Justice Court
- Justice Michael Zimmerman
- Judge Renee Jimenez
- Judge Steven Roth
- Shawn Newell, Community Representative
- Tucker Samuelsen, Director of Data and Research
- Jon Puente, Director of the Office of Fairness and Accountability
- Stacy Haake, General Counsel Designee

The purpose of the Committee on Fairness and Accountability is to serve as the core leadership team for the OFA. The Committee is to provide support to the OFA and provide expertise and guidance to the Judicial Council regarding how to best support the work of the OFA.

Destiny Garcia

Salt Lake City, UT | 801-419-2043 | garciadestiny838@gmail.com

---

Summary

An experienced professional and woman in recovery with a demonstrated involvement supporting those struggling with substance misuse disorder. Featured in an award-winning documentary about the opioid epidemic and political responses to the crisis. Well versed in a variety of administrative and managerial tasks. Passionate about the recovery community and sharing life experiences to combat stigma and bring hope to others.

Work Experience

Executive Assistant to Deputy Mayor Litvack, Salt Lake County Mayor's Office
December 2020 - Present

- Performs and participates in high level policy development and implementation
- Works in close confidence with the elected official and serves as a liaison to various groups, individuals, employees, boards, committees and the general public
- Responsible for using county policies and ordinances to provide information and direction to county agencies and elected officials on behalf of the Deputy Mayor
- Uses public relation skills and operations to handle walk-ins, representatives from news media and others who have business with elected officials or their staff
- Organize and facilitate meetings for the Deputy Mayor and other senior staff
- Initiate agendas, prepare materials, takes and administers minutes for the Steering Committee and other public meetings
- Manages the volunteer services program for over 5,000 volunteers. This program is key in connecting constituents with service opportunities throughout the County
- Manages all COVID-19 related invoices and contracts using the PeopleSoft System
- Oversees the management of multiple department staff in training and weekly submission process for County Council agenda items.
- Serve as primary backup to office HR lead

Support Staff/Peer Mentor, Odyssey House of Utah
October 2019 – Present

- Observes and monitors clients' behavior and intervenes based on schedule, individual client's treatment plan, and treatment community needs.
- Facilitates and documents group meetings and activities
- Ensures observations/milieu interventions are added to in client records/ feedback sheets during every shift
- Mentors and trains part-time staff
- Train and onboards new staff
- Ensures supervision/monitoring of clients and families during phone calls and visitation.
- Conducts behavioral groups and ensures services documentation is completed.
- Coordinates behavioral groups and unattended business are resolved, and feedback is sent to clinical teams.
- Coordinate new clients' orientations

Constituent Liaison, Salt Lake County Mayor's Office
May 2018 – December 2020

- Served as the primary constituent liaison between citizens and the Salt Lake County Mayor's Office
- Answered constituent emails
- Compiled daily news clips for the Mayor and other staff
- Served as a liaison for the elected official at community events
- Ensuring all office operations ran in a timely and smooth manner

---

Community Engagement

- Advocacy Lead, Young People in Recovery – YPR (March 2018 – December 2020)
- Speaker, Rally for Recovery (February 2019)
- Coordinator, Ride for Recovery (June 2019)
- Participant, Salt Lake County Expungement Clinic (July 2019)
- Participant, U.S. Congressional roundtable regarding substance misuse disorder and recovery (July 2019)
- Organizer, Labor Day of Love Community Outreach for the Homeless (September 2019)
- Participant, Use as Directed Opioid Townhall (September 2019)
- Organizer, United by Service 2 Community Outreach for the Homeless (October 2019)
- Speaker, Drug Court Graduation (July 2020)
- Speaker, Salt Lake County Council Meeting Naloxone Training (February 2020)
- Board Member, Clean Slate Utah (October 2021 – June 2022)

Skills/Training:

- Experience with Microsoft and Google document, spreadsheet, and calendar programs
- Familiarity with Zoom, Webex, and Google Meets Video Conferencing
- Experience managing a purchasing card and monthly reconciliations

Tab 15

Administrative Office of the Courts

Interim Chief Justice Jill Pohlman
Utah Supreme Court
Chair, Utah Judicial Council

November 3, 2026

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

MEMORANDUM

TO: The Management Committee of the Judicial Council

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

RE: Reappointment Request

Reappointment of Benjamin Lusty:
Mr. Benjamin Lusty was first appointed to be a member of the Committee in December 2023 and will complete his initial term this December. During his time on the Committee, he has faithfully attended meetings and actively contributed to discussions of numerous model instructions. He has expressed a desire to continue serving on the Committee. The Committee Chair and Vice Chair recommend that he be reappointed to serve another term.

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

Tab 16

Administrative Office of the Courts

Interim Chief Justice Jill Pohlman
Utah Supreme Court
Chair, Utah Judicial Council

October 26, 2026

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

MEMORANDUM

TO: Management Committee

FROM: Keri Sargent, Deputy District Court Administrator

RE: Grand Jury Panel of Judges Vacancy

In my capacity as secretary to the Grand Jury Panel of Judges, I assist the Board of District Court Judges in filling vacancies when a panel member's term concludes. Whenever a position becomes open, I coordinate with the affected judicial districts to identify a suitable successor.

Judge Matthew Bell, 5th District, has been on the Panel since January 2023, and recently was appointed to the Supreme Court. The end date for his term is December 31, 2027. Per UCJA Rule 6-304, a judge must be appointed to fill his vacancy.

I have solicited names of judges from the presiding judges from the 5th, 6th, 7th and 8th District to fill the vacancy. After internal discussion, Presiding Judge Don Torgerson for the 7th District submitted Judge Jeremiah Humes' name to replace Judge Matthew Bell. The Board recommended that Judge Humes fill the vacancy on the Grand Jury Panel of Judges, and is now forwarding his name to the Judicial Council for final approval.

- Judge Jeremiah C. Humes was appointed to the 7th District Court in January 2020 by Governor Gary R. Herbert. Judge Humes serves on the Court's Standing Education Committee, co-chairs the Utah State Bar's New Lawyer Training Program Committee, and is a member of the Utah Commission on Criminal and Juvenile Justice.

Tab 17

Administrative Office of the Courts

Interim Chief Justice Jill Pohlman
Utah Supreme Court
Chair, Utah Judicial Council

October 1, 2026

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

MEMORANDUM

TO: **Management Committee**

FROM: **Zerina Ocanovic, Deputy Juvenile Court Administrator**

RE: **DNA Sample Collection Policy**

The *DNA Sample Collection Policy* provides guidance to probation staff on when and how DNA samples must be collected from minors age 14 or older who are not committed to JJYS and have been ordered to provide a DNA sample.

Summary of Proposed Changes:

- Clarifies the qualifying offenses and circumstances that require probation to recommend DNA collection, including cases involving a delayed entry.
- Clarifies that probation must notify the court if DNA was previously collected so that a youth is not required to provide another sample unnecessarily.
- Adds a specific process for youth who reside out of state, including a new *Probation Officer Guide to Out-of-State DNA Collection* outlining how probation coordinates with an appropriate out-of-state agency and the Utah Department of Public Safety.
- Clarifies that once the court's jurisdiction over the qualifying offense has terminated, probation is no longer authorized to collect an outstanding DNA sample.
- Clarifies that DNA does not have to be collected when collection would create a substantial and unreasonable risk to the health of the minor, and requires documentation when DNA was not collected when jurisdiction terminated.
- Makes additional terminology and technical cleanup throughout the policy to better align it with current statute and practice.

Administrative Office of the Courts

Interim Chief Justice Jill Pohlman
Utah Supreme Court
Chair, Utah Judicial Council

October 1, 2026

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

Overall, the changes are intended to provide clearer direction to probation staff, particularly around **delayed entry cases, out-of-state youth, documentation, and when probation has authority to collect DNA**.

The Probation Policy Committee seeks approval for this policy.

DNA (Deoxyribonucleic Acid) Sample Collection

Policy:
This policy provides guidelines for the collection of DNA samples from minors 14 years of age or older, for any minor not committed to JJYS who have been ordered to provide a sample.

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

Authority:
- Utah Code § 53-10-403(1)(e)
- Utah Code § 53-10-403(2)
- Utah Code § 53-10-404
- Utah Code § 53-10-405
- Utah Code § 53-10-406
- Utah Code § 76-3-402
- Utah Code § 76-5-401
- Utah Code § 80-6-306(2)(a)
- Utah Code § 80-6-608

Reference:
- Judicial Law Clerk Attorney Memorandum: DNA, photography, fingerprinting policy update

Procedure:
1. The probation staff must recommend to the Court an order for the collection of DNA of any minor who is 14 years of age or older at the time of offense and is adjudicated on any of the following offenses:
    1.1. Any felony;
    1.2. Any class A misdemeanor;
    1.3. Any felony or class A misdemeanor in which the court enters an adjudication to a lower degree of offense under Utah Code section 76-3-402 (i.e. the court removes the statutory enhancement that was initially charged); or
    1.4. Any felony or class A misdemeanor in which all of the following conditions apply:
        1.4.1. The court enters the minor's admission;
        1.4.2. The court delays entry under Utah Code section 80-6-306(2)(a) and the minor fails to complete the conditions imposed under Utah Code section 80-6-306(2)(a)(ii).

DRAFT FOR APPROVAL

2. Probation staff must inform the court when the minor has previously had DNA collected as a result of a prior adjudication.

3. The probation staff must recommend that the minor pay a fee of $150.00.

4. DNA sample collection must only be conducted by staff who have completed the required training approved by the Administrative Office of the Courts. The DNA sample will be submitted to the Department of Public Safety in accordance with required training and accepted protocols.

5. When a minor adjudicated for a qualifying offense resides out-of-state, probation staff must follow the protocol included in the Probation Officer Guide to Out-of-State DNA Collection (See addendum 1).

6. A minor is required to provide only one DNA sample, even for qualifying subsequent offenses, unless the first sample is inadequate for analysis.
   6.1. The sample is to be obtained within 120 days of the minor's case being found to be within the court's jurisdiction, if possible, but no later than before the court's jurisdiction over the minor's case terminates.
   6.2. The designated probation staff must obtain and submit an additional sample upon notification by the Department of Public Safety that a DNA sample is not adequate.
   6.3. If the juvenile court's jurisdiction over the minor for the prior qualifying offense is terminated, probation staff is no longer authorized to collect an uncollected DNA sample.

7. The probation department of each judicial district must maintain a DNA sample collection log to include the following information:
   7.1. The name and case number of the youth providing the sample;
   7.2. The date the ODNA case was created and name of the probation staff that created the ODNA case;
   7.3. The date the sample was collected and the name of the individual that collected the sample;
   7.4. The date the sample was mailed or delivered to the Utah Department of Public Safety and the name of the individual that mailed/delivered the sample;
   7.5. The date the sample was confirmed as received/pending by the Utah Department of Public Safety per ODNA records.

8. Designated probation staff must create a critical message in CARE documenting the date when the DNA sample was collected and the name of the individual.

9. Collected DNA samples must be delivered or mailed within one (1) business day of collection:

DRAFT FOR APPROVAL

9.1. Samples that are not immediately mailed or delivered must be stored at a courthouse or satellite court office in a locked safe until they are mailed or delivered.

10. Designated probation staff must review all ODNA cases for samples collected in the district every 30 days following mailing or delivery until the sample has been marked as “received/pending” in ODNA.
    10.1. If a sample has not been marked as “received/pending” in ODNA after 30 days, designated probation staff must contact the Utah Department of Public Safety to inquire about the status of the sample.
    10.2. If the sample is not locatable by the Utah Department of Public Safety, the designated probation staff must report this information to the Probation Chief and Trial Court Executive.

11. Probation staff is not required to collect DNA if it would create a substantial and unreasonable risk to the health of the minor.

12. The probation officer must create the appropriate critical message in CARE when DNA was not collected and jurisdiction has been terminated to include the reason for not collecting the sample.

Addendum 1: Probation Officer Guide to Out-to-State DNA Collection

---

History:
Approved by the Judicial Council and Effective August 1, 2024.

Updated by the Policy Committee September 17, 2026.

DRAFT FOR APPROVAL

Probation Officer Guide to Out-of-State DNA Collection

STEP 1	**Identify and Verify Qualifications for an Out-of-State Partner Agency** Locate an agency and confirm that they are strictly a law enforcement, probation, or parole agency in the minor's state of residence that can assist with DNA collection. **Need help identifying an agency?** The Utah ICJ Office may be able to help. Contact the Utah ICJ Office at icjutah@utcourts.gov for assistance.
STEP 2	**Coordinate Collection Kit with the Utah Department of Public Safety** Share the contact information for the out-of-state agency collecting the DNA sample with the Utah Department of Public Safety and request that a DNA collection kit be mailed to the out-of-state agency.
STEP 3	**Assist Out-of-State Agency & Verify Collection** Maintain communication with the out-of-state agency in order to provide any necessary information to aid with the collection and to verify that the DNA sample was collected and mailed back to the Utah Department of Public Safety using the pre-paid envelope provided in the kit.
STEP 4	**Confirm Receipt of Sample and ODNA System Entry** Maintain communication with the Department of Public Safety to verify that the DNA sample was received and successfully entered into the ODNA system.
STEP 5	**Complete Required Entries in the DNA Collection Log** Record the information required in the DNA sample collection log as outlined in the DNA (Deoxyribonucleic Acid) Sample Collection policy.

DRAFT FOR APPROVAL

Updated 9/17/2026

DNA (Deoxyribonucleic Acid) Sample Collection

Policy:
This policy provides guidelines for the collection of DNA samples from minors 14 years of age or older**, for any minor not committed to JJYS** who have been ordered to provide a sample.

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

Authority:
- ~~UCA 53-10-403(3)~~
- Utah Code § 53-10-403(1)(e)
- Utah Code § 53-10-403(2)
- Utah Code § ~~UCA~~ 53-10-404
- Utah Code § ~~UCA~~ 53-10-405
- Utah Code § ~~UCA~~ 53-10-406
- Utah Code § ~~UCA~~ 76-3-402
- Utah Code § ~~UCA~~ 76-5-401
- **Utah Code § 80-6-306(2)(a)**
- Utah Code § ~~UCA~~ 80-6-608
- ~~Utah Rules of Juvenile Procedure Rule 27~~

Reference:
- ~~Memorandum from AOC General Counsel re: Collecting DNA Samples, Photographs, and Fingerprints~~
- **Judicial Law Clerk Attorney Memorandum: DNA, photography, fingerprinting policy update**

Procedure:
1. The probation ~~officer~~ **staff** ~~shall~~ **must** recommend to the Court an order for the collection of DNA of any minor who is 14 years of age or older at the time of offense and is adjudicated on any of the following offenses:
   - 1.1. ~~a~~**A**ny felony,**;** ~~or~~
   - 1.2. ~~a~~**A**ny class A misdemeanor**;**
   - 1.3. ~~a~~**A**ny felony or class A misdemeanor in which the court enters an adjudication to a lower degree of offense under **Utah Code** section 76-3-402 (i.e. the court removes the statutory enhancement that was initially charged)**; or**
   - **1.4. Any felony or class A misdemeanor in which all of the following conditions apply:**
     - **1.4.1. The court enters the minor's admission;**
     - **1.4.2. The court delays entry under Utah Code section 80-6-306(2)(a); and**

OLD VERSION WITH EDITS

~~1.4.3.~~ ~~T~~**the minor fails to complete the conditions imposed under Utah Code section 80-6-306(2)(a)(ii).**

2. **Probation staff must inform the court when the minor has previously had DNA collected as a result of a prior adjudication.**

~~2~~. **3.** The probation ~~officer~~ **staff** ~~shall~~ **must** recommend that the minor pay a fee of $150.00.

~~3~~. **4.** DNA sample collection ~~and thumbprint collection shall~~ **must** only be conducted by staff who have completed the required training approved by the Administrative Office of the Courts. The DNA sample will be submitted to the Department of Public Safety in accordance with required training and accepted protocols.

~~3.1. Districts may establish protocol for oversight of collection by third parties.~~

5. When a minor adjudicated for a qualifying offense resides out-of-state, probation staff must follow the protocol included in the Probation Officer Guide to Out-of-State DNA Collection (see addendum 1). ~~**If the minor resides out-of-state, probation staff will attempt to identify an out-of-state agency in the minor's state of residence who can help collect the DNA sample. Probation staff may work with the Utah ICJ Office to identify an out-of-state agency. Once probation has identified an out-of-state agency, probation will:**~~

~~**5.1. Ensure that the identified out-of-state agency is a law enforcement, probation, or parole agency;**~~

~~**5.2. Share the contact information for the out-of-state agency collecting the DNA sample with the Utah Department of Public Safety and request that a DNA collection kit be mailed to the out-of-state agency;**~~

~~**5.3. Maintain communication with the out-of-state agency in order to provide any necessary information to aid with the collection and to verify that the DNA sample was collected;**~~

~~**5.4. Maintain communication with the Department of Public Safety in order to verify that the DNA sample was received and entered into the ODNA system; and**~~

~~**5.5. Include the information required in the DNA collection log outlined in subsections 7.1, 7.3, 7.4, and 7.5.**~~

~~4.~~ **6.** A minor is required to provide only one DNA sample**, even for qualifying subsequent offenses,** unless the first sample is inadequate for analysis.

~~4.1.~~ **6.1.** The sample is to be obtained within 120 days of the minor's case being found to be within the court's jurisdiction, if possible, but no later than before the court's jurisdiction over the minor's case terminates.

OLD VERSION WITH EDITS

~~4.2.~~ **6.2.** The designated probation ~~officer~~ **staff** ~~shall~~ **must** obtain and submit an additional sample upon notification by the Department of Public Safety that a DNA sample is not adequate.

6.3. If the juvenile court's jurisdiction over the minor for the prior qualifying offense is terminated, probation staff is no longer authorized to collect an uncollected DNA sample.

~~5.~~ **7.** The probation department of each judicial district ~~shall~~ **must** maintain a DNA sample collection log to include the following information:

~~5.1.~~ **7.1.** The name and case number of the youth providing the sample;

~~5.2.~~ **7.2.** The date the ODNA case was created and name of the probation staff that created the ODNA case;

~~5.3.~~ **7.3.** The date the sample was collected and the name of the ~~probation staff~~ **individual** that collected the sample;

~~5.4.~~ **7.4.** The date the sample was mailed or delivered to the ~~State Crime Lab~~ **Utah Department of Public Safety** and the name of the individual that mailed/delivered the sample;

~~5.5.~~ **7.5.** The date the sample was confirmed as received/pending by the ~~State Crime Lab~~ **Utah Department of Public Safety** per ODNA records.

~~6.~~ **8.** Designated probation staff ~~shall~~ **must** create a critical message in CARE documenting the date when the DNA sample ~~and thumbprint were~~ **was** collected and the name of the individual.

~~7.~~ **9.** Collected DNA samples ~~shall~~ **must** be delivered or mailed within one (1) business day of collection:

~~7.1~~ **9.1.** Samples that are not immediately mailed or delivered ~~shall~~ **must** be stored at a courthouse or satellite court office in a locked safe until they are mailed or delivered.

~~8.~~ **10.** Designated probation staff ~~shall~~ **must** review all ODNA cases for samples collected in the district every 30 days following mailing or delivery until the sample has been marked as "received/pending" in ODNA.

~~8.1~~ **10.1.** If a sample has not been marked as "received/pending" in ODNA after 30 days, designated probation staff ~~shall~~ **must** contact the ~~State Crime Lab~~ **Utah Department of Public Safety** to inquire about the status of the sample.

~~8.2.~~ **10.2.** If the sample is not locatable by the ~~State Crime Lab~~ **Utah Department of Public Safety**, the designated probation staff ~~shall~~ **must** report this information to the Probation Chief and Trial Court Executive.

OLD VERSION WITH EDITS

11. Probation staff is not required to collect DNA if it would create a substantial and unreasonable risk to the health of the minor.

~~9~~. **12.** The probation officer ~~shall~~ **must** create the appropriate critical message in CARE when DNA ~~is determined to be uncollectible~~ **was not collected and ~~reasonable efforts had been made until~~ jurisdiction has been terminated** ~~and~~ to include the reason for not collecting the sample. ~~DNA can become uncollectible for several reasons including:~~

~~9.1. Jurisdiction over the minor no longer exists because of age;~~
~~9.2. Jurisdiction over the minor no longer exists because of the certification or direct file process;~~
~~9.3. Jurisdiction over the minor was legally terminated by the Court;~~
~~9.4. The minor is deceased;~~
~~9.5. Verification that the minor has moved from the state or is otherwise unavailable; and~~
~~9.6. The minor cannot be located and all reasonable efforts to locate the minor have been pursued.~~

Addendum 1: Probation Officer Guide to Out-to-State DNA Collection

OLD VERSION WITH EDITS

History:
Approved by the Judicial Council and Effective August 1, 2024.

Updated by the Policy Committee September 17, 2026.

Proposed Update for DNA (Deoxyribonucleic Acid) Sample Collection Policy

1. Comment/Theme:

- **The changed policy says that DNA should be collected on a delayed entry plea. There's an and that says if they fail to completed the delayed entry. Delayed entry is NOT an adjudication per statute 80-1-102(3)(b)(i). So, DNA only applies if the adjudication is entered. This may be what the policy is saying but it's confusing. I would suggest it is more clear to say something similar to:**
  1.4. Any felony or class A misdemeanor in which all of the following conditions apply: 1.4.2. The court delays entry under Utah Code section 80-6-306(2)(a) and the minor fails to complete the imposed conditions. Get rid of 1.4.3

  - **Policy Committee Response:** Policy Committee agrees and believes to combine 1.4.2. And 1.4.3. to make a more clear distinction.

  - **Policy Committee Decision:** Combined 1.4.2 and 1.4.3. To read "1.4.2 The court delays entry under Utah Code section 80-6-306(2)(a); and the minor fails to complete the conditions imposed under Utah Code section 80-6-306(2)(a)(ii).

2. Comment/Theme:

- **Item 12 seems vague. I don't understand how saliva DNA collection could be detrimental to a minor's health. I'm not sure if this need explanation, rewording, or if it just shouldn't be on the policy. Very confusing and appears to be unnecessary.**

  - **Policy Committee Response:** The decision was made to keep this in the policy as it is in statute 53-10-405. Although based on the statute it appears that it is related to blood draws, it was decided it would be best to be kept in for any potential liability concerns.

  - **Policy Committee Decision:** There was a change to #11 to remove "reasonable efforts" as that could not be measured and documentation should be done on any time DNA could not be collected. The suggestion

was to swap #11 and #12 so that documentation would be covered for the medical concern reasoning.

3. Comment/Theme:

- **Recently there was an issue raised with the CORE team regarding how the DNA was reporting in Order Fulfillment as a result of the accounting attached. Rather than reprogramming CARE, there is a proposal to expand access of the DNA report to all probation officers so they can use this report to determine who needs DNA collected. Would it be helpful to provide information in the PO policy on how to determine which youth should have DNA collected, or is there an accompanying document that provides this guidance?**

  - **Policy Committee Response:** Procedure #1 outlines when DNA is needing to be collected. Each district decides who will be collecting the DNA. Accessings items in CARE is not part of this policy.

  - **Policy Committee Decision:** No change.

4. Comment/Theme:

- **Regarding 6.2. "If the juvenile court's jurisdiction over the minor for the prior qualifying offense is terminated, probation staff is no longer authorized to collect an uncollected DNAsample." I would consider citing the authority for this or in the alternative, giving probation the option/ability to collect DNA if it was previously uncollectible and the youth comes back under the court's jurisdiction.**
  Sometimes youth who live out of state will be adjudicated in Utah with an offense that qualifies for DNA collection. Sometimes we are unable to collect on those cases due to them living out of state. The youth may get a FTA warrant and it will sit on our caseload for a year or so until the prosecutor asks that probation be terminated. Sometimes the youth will miraculously return to the area and pick up new charges and will be back under the court's jurisdiction, which may or may not be a qualifying offense for DNA. If it is not exclusively prohibited under the statute, it would be nice to be able to collect the DNA that was previously uncollectible. Or if nothing else, allow probation to file a SR&R to collect the previously uncollectible DNA.

- **Policy Committee Response:** This is exclusively prohibited under statute that is included in the authority at the top of the policy 53-10-404. It is found specifically in 53-10-404(7)(b)(ii).

- **Policy Committee Decision:** No Change.

Administrative Office of the Courts

Interim Chief Justice Jill Pohlman
Utah Supreme Court
Chair, Utah Judicial Council

October 1, 2026

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

MEMORANDUM

TO: **Management Committee**

FROM: **Zerina Ocanovic, Deputy Juvenile Court Administrator**

RE: **Fingerprints Policy**

The *Fingerprints Policy* provides guidance to probation staff on when fingerprints of minors are required, where youth may be fingerprinted, and the steps probation must take to verify and document fingerprint collection.

Summary of Proposed Changes:

- Creates a standalone policy specific to fingerprint collection.
- Clarifies when probation must recommend that the Court order fingerprints for youth age 14 or older, including qualifying felony and Class A misdemeanor offenses.
- Clarifies the process for cases involving a delayed entry.
- Requires probation to inform the court when a youth has previously been fingerprinted as a result of a prior adjudication or admission to detention.
- Expands where fingerprints may be collected to include juvenile detention facilities, local or federal law enforcement agencies, and independent fingerprinting businesses, and identifies acceptable collection methods.
- Adds a detailed process for youth who reside out of state, including obtaining court authorization, providing instructions to the youth and family, submitting the fingerprint card and required documentation, and confirming receipt with the Utah DPS
- Adds new supporting resources for the out-of-state process, including a Probation Officer Guide, a family-friendly procedure guide, and BCI form.
- Requires a critical message in CARE once fingerprint collection has been verified.

The Probation Policy Committee seeks approval for this policy.

Fingerprints

Policy:
This policy outlines when fingerprints of minors will be taken.

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

Authority:
- Utah Code § 80-6-608
- Utah Code § 76-3-402
- Utah Code § 80-6-306(2)(a)
- Utah Rules of Juvenile Procedure Rule 27(a)

Reference:
- Judicial Law Clerk Attorney Memorandum: DNA, photography, fingerprinting policy update
- Department of Public Safety: Fingerprint Procedure for Out-of-State Defendants

Procedure:
1. Probation staff must recommend to the Court an order for the collection of fingerprints of any minor who is 14 years of age or older at the time of the offense and is adjudicated on any of the following offenses:
   1.1. Any felony;
   1.2. Any class A misdemeanor;
   1.3. Any felony or class A misdemeanor in which the court enters an adjudication to a lower degree of offense under Utah Code section 76-3-402 (i.e. the court removes the statutory enhancement that was initially charged); or
   1.4. Any felony or class A misdemeanor in which all of the following conditions apply:
      1.4.1. The court enters the minor's admission;
      1.4.2. The court delays entry under Utah Code section 80-6-306(2)(a) and the minor fails to complete the conditions imposed under Utah Code section 80-6-306(2)(a)(ii).

2. Probation staff must inform the court when the minor has previously been fingerprinted as a result of a prior adjudication or admission to a detention facility.

3. Probation staff must direct the minor to a juvenile detention facility, local or federal law enforcement agency, or independent fingerprinting business for fingerprinting. The facility, agency, or business must have the ability to collect the

DRAFT FOR APPROVAL

minor's fingerprints digitally on a LiveScan machine or use ink and the FD-258 fingerprint card.

3.1. Upon verification that the juvenile detention facility, law enforcement agency, or independent fingerprinting business has obtained the fingerprints, the probation officer must create a fingerprint critical message in CARE.

4. If the minor resides out-of-state, fingerprints must be collected by an out-of-state law enforcement agency, court, or independent fingerprinting business.

4.1. At a hearing, probation staff must inform the court that the minor resides out-of-state and must recommend that the Court authorize the minor to submit out-of-state fingerprints as outlined in the Probation Officer Guide to Out-of-State Fingerprint Collection (Addendum 1).

4.2. Probation must follow the Probation Officer Guide to Out-of-State Fingerprint Collection (Addendum 1) and Department of Public Safety: Fingerprint Procedure for Out-of-State Defendants documents for instructions on collecting out-of-state fingerprints.

4.3. Probation must make contact with the Utah Department of Public Safety to confirm receipt of the completed fingerprint packet. Once verified, the probation officer must create a fingerprint critical message in CARE.

DRAFT FOR APPROVAL

Addendum 1: Probation Officer Guide to Out-of-State Fingerprint Collection
Addendum 2: Minor's Out of State Fingerprint Procedure Guide
Addendum 3: BCI Form

History:
Approved by the Judicial Council and Effective August 1, 2024.
Updated by the Policy Committee July 16, 2026.

Probation Officer Guide to Out-of-State Fingerprint Collection

Utah Department of Public Safety Procedure

1️⃣ PHASE ONE: AUTHORIZATION

Before the process begins, verify the following:

- **Residency:** The minor is not able to travel to Utah to be fingerprinted.
- **Judicial Order:** Recommend to the court that the minor be given permission to be fingerprinted out-of-state.
- **Instruction:** Once there is a court order allowing the minor to be fingerprinted out-of-state, direct the minor to a local Law Enforcement Agency (LEA) or independent business to obtain prints. **Need help identifying an agency?** The Utah ICJ Office may be able to help. Contact the Utah ICJ Office at icjutah@utcourts.gov for assistance.

2️⃣ PHASE TWO: INSTRUCTIONS TO THE MINOR

Fill out and provide the Minor's Out-of-State Fingerprint Procedure Guide and instruct the minor and their parent/guardian/custodian the following:

📞 Direct the family to the identified local law enforcement agency or independent fingerprinting business. Work with them to call the agency and verify they can process prints in ink using the Blue Applicant Fingerprint Card (FD-258) or digitally via LiveScan. If obtained digitally, the agency or business must be able to print a physical copy of the Blue Applicant Fingerprint Card (FD-258).

📝 Mandatory Data Check: *Before leaving the agency, the minor must ensure the card lists:*

- **Name & Aliases (nicknames/maiden names)**
- **Date of Birth & Place of Birth**
- **Demographics (Sex, Race, Height, Weight, Hair, Eye)**
- **Date the prints were taken**
- **Both Signatures: The Juvenile's AND the Official's**

DRAFT FOR APPROVAL

3️⃣ PHASE THREE: THE RECEIPT

The minor must return the Physical Fingerprint Card to your court.

Note: Provide the court's mailing address to the minor and their parent/guardian/custodian.

4️⃣ PHASE FOUR: COURT PROCESSING

Complete the "BCI Form" and include the following:

- [ ] **Enter the minor's Name, Date of Birth, Phone Number, Email Address, and CARE Court Case Number.**
- [ ] **Court Name**
- [ ] **Court ORI** (Enter N/A)
- [ ] **Transfer/Appeal Info** (Enter N/A)
- [ ] **Court Contact Email** (Assigned probation officer's email address)

🛑 **CRITICAL JUVENILE REQUIREMENT** 🛑 Unlike adult courts (which attach the docket), **Juvenile Courts MUST attach the COURT ORDER giving permission to be fingerprinted out-of-state** to the packet. The court order must have the victim and other mentioned parties' names, emails, and addresses redacted. *Please Note: IT has a training on how to redact documents on their Service Desk Training Corner in the Adobe section (PowerPoint or Video).*

💻 **Enter a Critical Message in CARE and include the date the fingerprints were received and the date they were mailed to BCI.**

5️⃣ PHASE FIVE: SUBMISSION

Mail the completed packet (BCI Form + Card (FD-258) + Redacted Court Order) to:

Bureau of Criminal Identification
Attention: AFIS
4315 S 2700 W
Suite 1300
Taylorsville, UT 84129

✅ PROCESS COMPLETE

DRAFT FOR APPROVAL

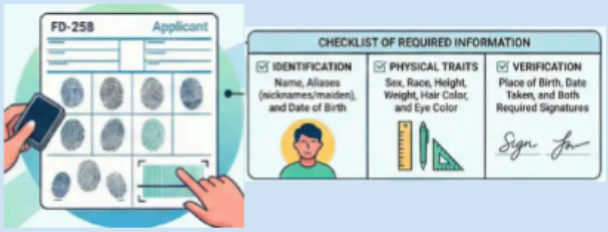
Out-of-State Fingerprint Procedure Guide



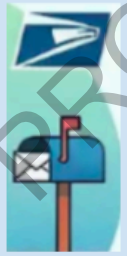
1. Judicial Authorization
This process only applies if a judge has granted permission to be fingerprinted outside the State of Utah.



2. Locate an Authorized Agency
Visit local law enforcement, local courts, or an independent fingerprinting business. Call ahead to make sure they can provide a physical blue 'Applicant' card.



3. Use Card Type FD-258
Prints must be captured on a physical blue 'Applicant' card and must include identification and physical traits.



4. Mail Directly to the Ordering Court
Send the completed fingerprint card directly back to the court.

DRAFT FOR APPROVAL

Fingerprint Card Check List:	Mail To:
☐ Name & Aliases (nicknames/maiden names) ☐ Date of Birth ☐ Place of Birth ☐ Demographics (Sex, Race, Height, Weight, Hair, Eye) ☐ Date the prints were taken ☐ Minor's Signature ☐ Official's Signature ☐ Date Taken	

BCI Form

Name: _____

Date of Birth: _____

Phone Number: _____

Email Address: _____

Court Case Number: _____

- -

For Court Use Only

Court Name: _____

Court ORI: _____

Is the case a transfer or appeal: _____

Transfer/Appeal court: _____

Transfer/Appeal court case number: _____

Court contact email: _____

Attach the Juvenile Court order and return to BCI for processing.

BCI
Attention: AFIS
4315 S 2700 W
Suite 1300
Taylorsville, UT 84129

DRAFT FOR APPROVAL

Fingerprints ~~and Photographs~~

Policy:
This policy outlines when fingerprints ~~and photographs~~ of minors will be taken.

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

Authority:
- Utah Code § ~~UCA~~ 80-6-608
- ~~UCA 78A-6-103~~
- **Utah Code § 76-3-402**
- Utah Code § **80-6-306(2)(a)**
- Utah Rules of Juvenile Procedure Rule 27(a)

Reference:
- ~~Law Clerk Memorandum Re: Collecting DNA Samples, Photographs, and Fingerprints~~
- **Judicial Law Clerk Attorney Memorandum: DNA, photography, fingerprinting policy update**
- **Department of Public Safety: Fingerprint Procedure for Out-of-State Defendants**

Procedure:
1. ~~The p~~**P**robation ~~officer~~ **staff** ~~shall~~ **must** recommend to the Court an order for the collection of fingerprints ~~and photographs~~ of any minor who~~, at the time of the offense~~, is 14 years of age or older **at the time of the offense** and is adjudicated on ~~an~~ **any** ~~offense that would be a Class A misdemeanor or a felony if the minor was an adult, including offenses held in abeyance.~~**of the following offenses:**
   - **1.1. Any felony;**
   - **1.2. Any class A misdemeanor;**
   - **1.3. Any felony or class A misdemeanor in which the court enters an adjudication to a lower degree of offense under Utah Code section 76-3-402 (i.e. the court removes the statutory enhancement that was initially charged); or**
   - **1.4. Any felony or class A misdemeanor in which all of the following conditions apply:**
     - **1.4.1. The court enters the minor's admission;**
     - **1.4.2. The court delays entry under Utah Code section 80-6-306(2)(a) and the minor fails to complete the conditions imposed under Utah Code section 80-6-306(2)(a)(ii).**

~~2. The probation officer shall ensure that fingerprints and photographs are collected~~

OLD VERSION WITH EDITS

~~from any minor ordered by the Court.~~

~~2.1. The probation officer shall direct the minor to a juvenile detention facility or local law enforcement agency for fingerprinting. Upon verification that law enforcement has obtained the fingerprints, the probation officer shall create a fingerprint critical message in CARE.~~

~~2.2. The probation officer shall ensure that a current photograph of the minor is added to the minor's CARE profile.~~

~~2.3. The probation officer shall inform the court when the minor has previously been fingerprinted or photographed as a result of a prior adjudication or admission to a detention facility.~~

2. Probation staff must inform the court when the minor has previously been fingerprinted as a result of a prior adjudication or admission to a detention facility.

3. Probation staff must direct the minor to a juvenile detention facility, local or federal law enforcement agency, or independent fingerprinting business for fingerprinting. The facility, agency, or business must have the ability to collect the minor's fingerprints digitally on a LiveScan machine or use ink and the FD-258 fingerprint card.

3.1. Upon verification that the juvenile detention facility, law enforcement agency, or independent fingerprinting business has obtained the fingerprints, the probation officer must create a fingerprint critical message in CARE.

4. If the minor resides out-of-state, fingerprints must be collected by an out-of-state ~~local~~ law enforcement agency, court, or independent fingerprinting business.

4.1. At a hearing, probation staff must inform the court that the minor resides out-of-state and must recommend that the Court authorize the minor to submit out-of-state fingerprints as outlined in the Probation Officer Guide to Out-of-State Fingerprint Collection (Addendum 1).

4.2. Probation must follow the Probation Officer Guide to Out-of-State Fingerprint Collection (Addendum 1) and Department of Public Safety: Fingerprint Procedure for Out-of-State Defendants documents for instructions on collecting out-of-state fingerprints.

4.3. Probation must make contact with the Utah Department of Public Safety to confirm receipt of the completed fingerprint packet. Once verified, the probation officer must create a fingerprint critical message in CARE.

~~3. If a probation officer believes a photograph is necessary for case planning purposes or to participate in special programming they must obtain parental~~

OLD VERSION WITH EDITS

~~consent. Probation officers shall follow the CARE Photograph Guidelines addendum when collecting photographs.~~

4. ~~Photographs may be distributed or disbursed, subject to any other records access rule requirements, to state or local law enforcement agencies, the judiciary and the division as provided by statute, which is defined as Juvenile Justice and Youth Services.~~

5. ~~All photographs and other records shall be sealed upon an expungement order by the Court. Fingerprint records may not be destroyed.~~

~~**Addendum:** CARE Photograph Guidelines~~
Addendum 1: **Probation Officer Guide to Out-of-State Fingerprint Collection**
Addendum 2: **Minor's Out of State Fingerprint Procedure Guide**
Addendum 3: **BCI Form**

History:
Approved by the Judicial Council and Effective August 1, 2024.
Updated by the Policy Committee July 16, 2026.

OLD VERSION WITH EDITS

<u>Proposed Update for Fingerprints Policy</u>

1. Comment/Theme:

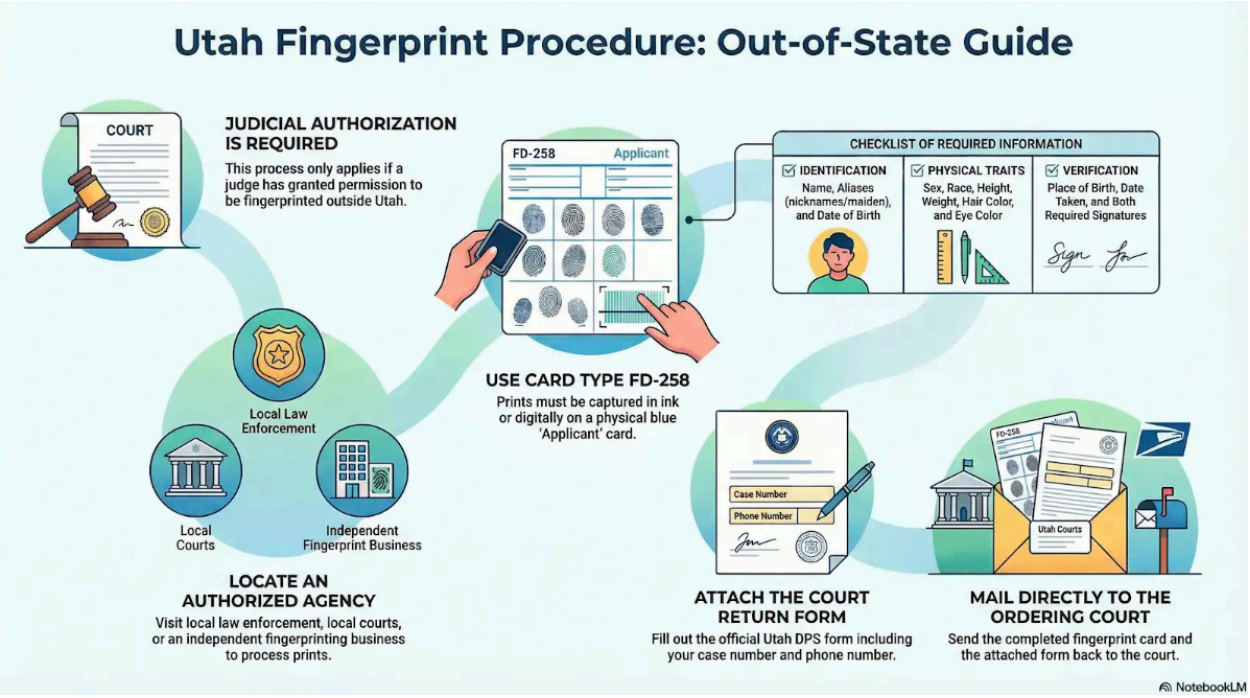
- **In paragraph #4 of the Fingerprints policy, the "O" in "Out-of-state" is capitalized. I wonder if this does not need to be capitalized. In the Fingerprinting guide, under Phase 1 and "Residency," it states, "The minor is not able to travel to Utah to bOffie fingerprinted." I believe that's supposed to read "be."**

  - **Policy Committee Response:** Agree.

  - **Policy Committee Decision:** The changes to the sentences were made**.**

2. Comment/Theme:

- **This is something that was created that might be helpful for families. Maybe this type of document can be added to the policy or used as a resource.**



  - **Policy Committee Response:** This document is great. It should be updated to remove the requirement to attach the court return form because that is a form that probation will use and not the family.

- **Policy Committee Decision:** We agree to use a document like this as a resource for families and remove the requirement to “attach the court return form” section. This has been added as an addendum to the policy and included in the Probation Officer Guide to Out-of-State Fingerprint Collection that is currently linked within the policy.

Administrative Office of the Courts

Interim Chief Justice Jill Pohlman
Utah Supreme Court
Chair, Utah Judicial Council

October 1, 2026

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

MEMORANDUM

TO: **Management Committee**

FROM: **Zerina Ocanovic, Deputy Juvenile Court Administrator**

RE: **Photographs Policy**

The *Photographs Policy* provides guidance to probation staff on when photographs of minors are required, when photographs may be taken for case management purposes, and how those photographs are handled in CARE.

Summary of Proposed Changes:

- Creates a standalone policy specific to photograph collection.
- Clarifies when probation must recommend that the Court order a photograph for a youth age 14 or older, including qualifying felony and Class A misdemeanor offenses.
- Clarifies how photographs are handled when a youth has a delayed entry.
- Requires probation to inform the court when a youth already has a photograph from a prior adjudication or admission to detention.
- Clarifies that probation must ensure a photograph is collected when ordered by the Court.
- Clarifies that when a youth does not otherwise qualify for a photograph based on age or offense, probation may obtain one for case management purposes with parental consent and must follow the CARE Photograph Guidelines.
- Makes minor terminology and statutory updates to better align the policy with current law and practice.

The Probation Policy Committee seeks approval for this policy.

Photographs

Policy:
This policy outlines when photographs of minors will be taken.

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

Authority:
- Utah Code § 76-3-402
- Utah Code § 80-6-306(2)(a)
- Utah Code § 80-6-608
- Utah Code § 80-6-1006.1(4)(a)(ii)
- Utah Rules of Juvenile Procedure Rule 27(a)

Reference:
- Judicial Law Clerk Attorney Memorandum: DNA, photography, fingerprinting policy update

Procedure:
1. Probation staff must recommend to the Court an order for the collection of photographs of any minor who is 14 years of age or older at the time of the offense and is adjudicated on any of the following offenses:
   1.1. Any felony;
   1.2. Any class A misdemeanor;
   1.3. Any felony or class A misdemeanor in which the court enters an adjudication to a lower degree of offense under Utah Code section 76-3-402 (i.e. the court removes the statutory enhancement that was initially charged); or
   1.4. Any felony or class A misdemeanor in which all of the following conditions apply:
      1.4.1. The court enters the minor's admission;
      1.4.2. The court delays entry under Utah Code section 80-6-306(2)(a) and the minor fails to complete the conditions imposed under Utah Code section 80-6-306(2)(a)(ii).

2. Probation staff must inform the court when the minor has previously had a photograph collected as a result of a prior adjudication or admission to a detention facility.

3. Probation staff must ensure that photographs are collected from any minor ordered by the Court.

4. If probation staff believe a photograph is necessary for case management purposes for a minor who does not qualify based on age and/or offense,

DRAFT FOR APPROVAL

probation must obtain parental consent and follow the CARE Photograph Guidelines addendum when collecting photographs

5. Photographs may be distributed or disbursed, subject to any other records access rule requirements, to state or local law enforcement agencies, the judiciary, and Juvenile Justice and Youth Services.

6. All photographs must be sealed upon an expungement order by the Court.

Addendum: CARE Photograph Guidelines

History:
Approved by the Judicial Council and Effective August 1, 2024

Updated by the Probation Policy Committee January 15, 2026

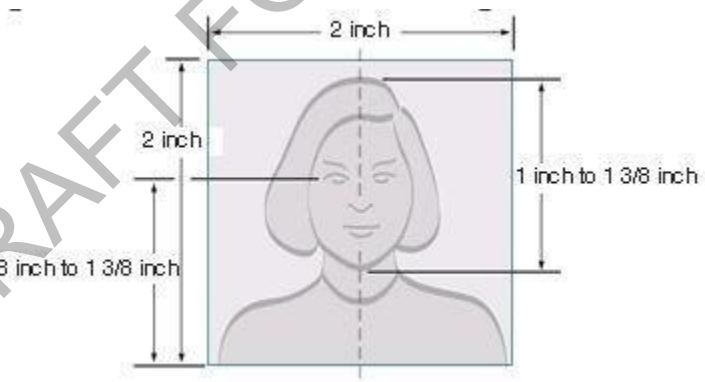
DRAFT FOR APPROVAL

CARE Photograph Guidelines

The purpose of these guidelines are to assist Probation and Juvenile Justice Youth Services staff in mitigating stigma or bias resulting from photographs that are uploaded to CARE.

Photographs should:

- Be taken in color without filters or editing
- Be taken in front of a plain white or a solid colored background
- Be taken in full-face view directly facing the camera
- Show a neutral facial expression and both eyes open
- Be taken in clothing that youth normally wear on a daily basis (no uniforms)
- Not show hats or head covering that obscures the hair or hairline, unless worn daily for a religious purpose. The full face must be visible and the head covering must not cast any shadows on the youth's face.
- If youth normally wears a hearing device or similar articles, they may be worn in the photo.
- Remove eyeglasses if they cause a glare in the photograph.
- Include from the shoulder up to the top of the head.



- Probation staff will provide instructions to the youth for submitting a photograph and will ensure the photographs comply with the standards above prior to entering into CARE.

Approved: BCJC 7/22/2024

DRAFT FOR APPROVAL

~~Fingerprints and~~ Photographs

Policy:
This policy outlines when ~~fingerprints and~~ photographs of minors will be taken.

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

Authority:
- **Utah Code § 76-3-402**
- ~~UCA 78A-6-103~~
- Utah Code § **80-6-306(2)(a)**
- Utah Code § UCA 80-6-608
- Utah Code § **80-6-1006.1(4)(a)(ii)**
- Utah Rules of Juvenile Procedure Rule 27(a)

Reference:
- ~~Law Clerk Memorandum Re: Collecting DNA Samples, Photographs, and Fingerprints~~
- **Judicial Law Clerk Attorney Memorandum: DNA, photography, fingerprinting policy update**

Procedure:
1. ~~The p~~**P**robation ~~officer~~ **staff** ~~shall~~ **must** recommend to the Court an order for the collection of ~~fingerprints and~~ photographs of any minor who~~, at the time of the offense,~~ is 14 years of age or older **at the time of the offense** and is adjudicated on ~~an~~ **any** ~~offense that would be a Class A misdemeanor or a felony if the minor was an adult, including offenses held in abeyance.~~**of the following offenses:**
   - **1.1. Any felony;**
   - **1.2. Any class A misdemeanor;**
   - **1.3. Any felony or class A misdemeanor in which the court enters an adjudication to a lower degree of offense under Utah Code section 76-3-402 (i.e. the court removes the statutory enhancement that was initially charged); or**
   - **1.4. Any felony or class A misdemeanor in which all of the following conditions apply:**
     - **1.4.1. The court enters the minor's admission;**
     - **1.4.2. The court delays entry under Utah Code section 80-6-306(2)(a) and the minor fails to complete the conditions imposed under Utah Code section 80-6-306(2)(a)(ii).**

2. **Probation staff must inform the court when the minor has previously had a photograph collected as a result of a prior adjudication or admission to a detention facility.**

OLD VERSION WITH EDITS

~~2.~~ **3.** ~~The p~~**P**robation **staff** ~~shall~~ **must** ensure that ~~fingerprints and~~ photographs are collected from any minor ordered by the Court.

~~2.1.1. The probation officer shall direct the minor to a juvenile detention facility or local law enforcement agency for fingerprinting. Upon verification that law enforcement has obtained the fingerprints, the probation officer shall create a fingerprint critical message in CARE.~~

~~2.1.2. The probation officer shall ensure that a current photograph of the minor is added to the minor's CARE profile.~~

~~2.1.3. The probation officer shall inform the court when the minor has previously been fingerprinted or photographed as a result of a prior adjudication or admission to a detention facility.~~

~~3.~~ **4.** If ~~a~~ probation ~~officer~~ **staff** believe~~s~~ a photograph is necessary for ~~case planning~~ **case management** purposes **for a minor who does not qualify based on age and/or offense, probation**~~, or to participate in special programming they~~ must obtain parental consent~~. Probation officers shall~~ **and** follow the CARE Photograph Guidelines addendum when collecting photographs.

~~4.~~ **5.** Photographs may be distributed or disbursed, subject to any other records access rule requirements, to state or local law enforcement agencies, the judiciary**,** and ~~the division as provided by statute, which is defined as~~ Juvenile Justice and Youth Services.

~~5.~~ **6.** All photographs ~~and other records shall~~ **must** be sealed upon an expungement order by the Court. ~~Fingerprint records may not be destroyed.~~

Addendum: CARE Photograph Guidelines

History:
Approved by the Judicial Council and Effective August 1, 2024

Updated by the Probation Policy Committee January 15, 2026

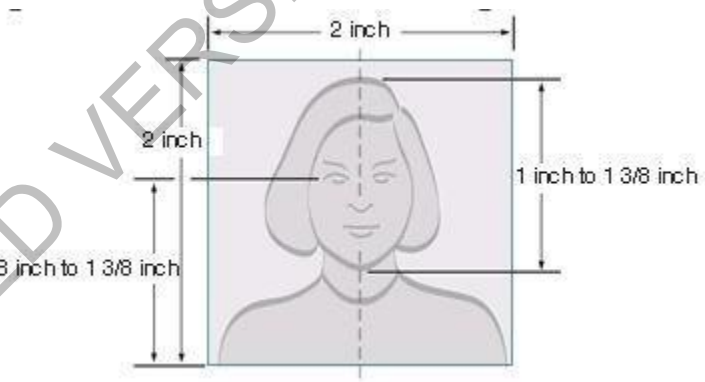
OLD VERSION WITH EDITS

CARE Photograph Guidelines

The purpose of these guidelines are to assist Probation and Juvenile Justice Youth Services staff in mitigating stigma or bias resulting from photographs that are uploaded to CARE.

Photographs should:

- Be taken in color without filters or editing
- Be taken in front of a plain white or a solid colored background
- Be taken in full-face view directly facing the camera
- Show a neutral facial expression and both eyes open
- Be taken in clothing that youth normally wear on a daily basis (no uniforms)
- Not show hats or head covering that obscures the hair or hairline, unless worn daily for a religious purpose. The full face must be visible and the head covering must not cast any shadows on the youth's face.
- If youth normally wears a hearing device or similar articles, they may be worn in the photo.
- Remove eyeglasses if they cause a glare in the photograph.
- Include from the shoulder up to the top of the head.



OLD VERSION WITH EDITS

- Probation staff will provide instructions to the youth for submitting a photograph and will ensure the photographs comply with the standards above prior to entering into CARE.

Approved: BCJC 7/22/2024

Proposed Update for Photograph Policy

No comments received during the comment period March 2, 2026 through April 2, 2026.

Tab 18

Administrative Office of the Courts

Interim Chief Justice Jill Pohlman
Utah Supreme Court
Chair, Utah Judicial Council

November 2, 2026

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

MEMORANDUM

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

FROM: **Samantha Starks, staff member of the Standing Committee on Children and Family Law**

RE: **Standing Committee on Children and Family Law Membership Changes**

Per UCJA 1-205(1)(B)(iv), the Standing Committee on Children and Family Law (SCCFL) has one member vacancy and one co-chair vacancy, two new role changes, and one upcoming co-chair vacancy.

The Board of Juvenile Court Judges recommend the following appointment to the Judicial Council:

- **Juvenile Court Judge** (UCJA 1-205(1)(B)(iv)(n)): The Board of Juvenile Court Judges recommends Judge Jared Anderson (4th District) to replace Judge David Johnson. Judge Johnson's first term would have expired on July 22, 2027. However, Judge Johnson retired on September 16, 2026. Judge Anderson will be fulfilling the remainder of Judge Johnson's first term.
- **Juvenile Court Judge Co-Chair** (UCJA 1-205(1)(B)(iv)(o)): Per UCJA 1-205(1)(C), the SCCFL recommends the Judicial Council designate either Judge Ryan D. Petersen (4th District) or newly appointed Judge Jared Anderson (3rd District) as the new juvenile court judge co-chair. For the Council's consideration, Judge Peterson has indicated a willingness to serve in the co-chair role if appointed by the Council.

The following role additions/changes have occurred in the past several months:

- **ADR Program Director** (UCJA 1-205(1)(B)(iv)(g)): Nini Rich retired as ADR Program Director at the end of May 2026. Evie Brinkerhoff became ADR Program Director in June 2026. Evie has indicated she will serve on the SCCFL rather than a designee.

- **Designee of the Director of the Self-Help Center and Law Library** (UCJA 1-205(1)(B)(iv)(l)): Janine Liebert, Director of the Self-Help Center and Law Library has requested that Pleasy Wayas, Self-Help Center Attorney, serve as her designee on the SCCFL.

The District Court Judge Co-Chair role will become vacant on December 1, 2026 with the retirement of Judge Hruby-Mills. The following information is presented should the Management Committee wish to fill the role in advance with an effective date of December 2, 2026.

- **District Court Judge Co-Chair** (UCJA 1-205(1)(B)(iv)(n))): Judge Hruby-Mills currently serves as the district court judge co-chair. She will retire on December 1, 2026. Recruitment for her role's successor is currently underway and recommendations from the Board of District Court Judges are anticipated to be submitted to the Management Committee for their December 2026 meeting. In the meantime Judge Catherine Conklin currently fills the other district court judge role on the SCCFL and has indicated a willingness to serve in the co-chair role if the committee is inclined to make an appointment with an effective date of December 2, 2026 prior Judge Hruby-Mills retirement.

Samantha asks the Management Committee to review these membership recommendations/changes and forward them to the Judicial Council for final appointments. She looks forward to the discussion at the Management Committee's next meeting.

JUDICIAL COUNCIL'S
BUDGET & FISCAL MANAGEMENT COMMITTEE

Minutes
September 3, 2026
Meeting held virtually through WebEx
12:00 p.m. – 2:00 p.m.

Members Present:
Judge Rita Cornish (Chair)
Judge Susan Eisenman
Judge Michael DiReda

Guests:
Mark Urry

Excused:
Kristin Woods

AOC Staff Present:
Ron Gordon
Neira Siaperas
Bart Olsen
Brody Arishita
Todd Eaton
Shane Bahr
Erin Rhead
Keri Sargent
Wayne Kidd
Karl Sweeney
Alisha Johnson
Jordan Murray
Sheri Knighton
Suzette Deans, Recording Secretary

Call to Order and Approval of Prior Minutes

Judge Rita Cornish welcomed everyone to the meeting.

Motion: Judge Rita Cornish made a motion to approve August 10, 2026, meeting minutes. Susan Eisenman seconded the motion. With no discussion or opposition, the motion passed unanimously.

Financial Reports

Alisha Johnson presented the 2026 ongoing turnover savings update. She reported that the preliminary savings amount had increased by $62,690 from the previous report. The figure remained preliminary because three employees were still eligible to make benefit selections. The committee was advised that as the benefit selections were finalized, any changes will flow through to the carryforward and ongoing funding requests as final FY 2026 carry over amounts.

FY 2026 Ongoing Turnover Savings as of 08/25/2026 - Preliminary Final

#		Prior Month Forecast Amount @ YE	Actual Amount YTD	Forecasted Amount @ YE	Change in Forecast 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)	1,187,379	1,187,379	**1,187,379**	-
1	Ongoing Turnover Savings FY 2026 (forecast $65,000 / month x 0 months, Salary Differential only)	-	-	-	-
	TOTAL SALARY RELATED ONGOING SAVINGS	1,325,961	1,325,961	**1,325,961**	-
	Benefit Differental Savings FY 2026 (will be recognized in this row starting in Q4)	66,393	129,083	**129,083**	*62,690*
	TOTAL SAVINGS	1,392,355	1,455,044	**1,455,044**	*62,690*
2	2026 Annual Authorized Hot Spot Raises	(200,000)	(200,000)	**(200,000)**	-
	TOTAL USES	(200,000)	(200,000)	**(200,000)**	-
	Total Actual/Forecasted Unencumbered Turnover Savings for FY 2026	**1,192,355**	**1,255,044**	**1,255,044**	*62,690*

Ms. Johnson stated that a request for a payroll specialist for the Human Resources Department in the amount of $130,700 was coming out of FY 2026 ongoing funds and would be heard by the committee later in the meeting. She explained that even if the request were approved, approximately $10,699 would remain in unallocated FY2026 ongoing turnover savings. The committee had no questions regarding the report.

FY 2027 Carryforward and Ongoing Requests - FY 2026 (1x Final, Ongoing Not Finalized)

8/25/2026

Funding Sources

	One Time	Ongoing
Ongoing Turnover Savings carried over from FY 2025		$ 138,582
Forecasted YE Ongoing Turnover Savings from FY 2026		$ 1,316,462
Unused Ongoing Investing in Our People Comp Track Increase, FY 2026		$ 126,705
Subtotal		$ 1,581,749
Unobligated Fiscal Note Funds - District Court (net)	$ 94,100	$ 439,900
Unobligated Fiscal Note Funds - Juvenile Court	$ (3,600)	$ 3,600
Unobligated Fiscal Note Funds - Admin	$ -	$ 10,900
Legislative ongoing cut - reduce ongoing turnover savings		$ (185,000)
Wellness Council Portion of Carryforward		
Expected Carryforward Amount from Fiscal Year 2026	$ 2,373,404	$ -
Total Available Funding	$ 2,463,904	$ 1,851,149
Less: Judicial Council Delegated to State Court Administrator for Discretionary Use		$ (200,000)
Net Available for Use	$ 2,463,904	$ 1,651,149

Ongoing / One Time Requests - Directly from Unobligated Fiscal Note Funds

		Presented		Judicial Council Approved	
		One Time	Ongoing	One Time	Ongoing
1	Education Judicial Assistant Training Support - Lauren Andersen		$ 34,000		$ 34,000
^ 2	Court Visitor Specialist and Pilot Program Attorney - Shonna Thomas, Keri Sargent	$ 130,000	$ 108,250	$ 130,000	$ 108,250
* 3	Sixth District Clerical Training Coordinator - Linda Ekker		$ 102,000		$ 102,000
4	8th District Additional Judicial Assistant FTE - Russell Pearson		$ 90,600		$ 90,600
^ 5	Sixth District Clerical Team Manager - Linda Ekker		$ 112,300		$ 112,300
	Subtotal	*$ 130,000*	*$ 447,150*	*$ 130,000*	*$ 447,150*

Ongoing Requests

		Presented		Judicial Council Approved	
	Prior Approved Ongoing Commitments	One Time	Ongoing	One Time	Ongoing
	Investing in Our People - Ron Gordon and Neira Siaperas		$ 370,000		$ 370,000
	8th District Probation Training Coordinator - Russell Pearson		$ 52,500		$ 52,500
	Juvenile Court ICJ Funding Increase - Daniel Meza Rincón		$ 7,000		$ 7,000
	Ongoing Requests - For Consideration				
1	Two Additional Juvenile Law Clerk Attorneys - Judge Westmoreland, Daniel Meza Rincón		$ 278,700		$ 278,700
2	5th District Court Case Manager - Cade Stubbs		$ 14,800		$ 14,800
3	Appellate Court Conference Funds - Lauren Andersen, Nick Stiles		$ 35,000		$ 35,000
4	Director of Administrative Services- Ron Gordon, Neira Siaperas	$ 5,000	$ 190,000	$ 5,000	$ 190,000
5	Employee and Judicial Officer Wellness Resources - Tava - Neira Siaperas and Karl Sweeney		$ 94,600		$ 94,600
* 6	All Rise Welcome Dinner - Jon Puente		$ 20,000		$ 20,000
7	Payroll Specialist for HR Team - Bart Olsen and Ron Gordon		$ 130,700		
	Subtotal to Approve and Fund Immediately	*$ 5,000*	*$ 1,193,300*	*$ 5,000*	*$ 1,062,600*
	Balance Remaining After Judicial Council Approvals				$ 141,399
	Balance Remaining Inclusive of "Presented"		$ 10,699		

Carryforward One Time Requests

		Presented		Judicial Council Approved	
		One Time	Ongoing	One Time	Ongoing
* 1	Public Transit Reimbursement Program - Suzette Deans, Karl Sweeney	$ 61,200		$ 61,200	
* 2	Education Assistance Program - Alisha Johnson	$ 85,000		$ 85,000	
* 3	HR Applicant Tracking System - Bart Olsen, Jeremy Marsh	$ 23,700		$ 23,700	
* 4	IT Contract Developers - Brody Arishita	$ 682,000		$ 682,000	
* 5	IT Network/Systems Maintenance Staff - Todd Eaton/Chris Talbot	$ 50,000		$ 50,000	
* 6	IT Replacement Inventory - Todd Eaton	$ 364,000		$ 364,000	
* 7	IT Tech Subject Matter Expert Stipend - Todd Eaton/Taz Hatch	$ 65,000		$ 65,000	
* 8	Incentive Awards - Bart Olsen, Erin Rhead and Alisha Johnson	$ 560,000		$ 560,000	
9	Contingent Bridge Funding for Protective Order Program Facilitator - Amy Hernandez	$ 32,500		$ 32,500	
^ 10	Tooele Courtroom Funding - Mark Paradise 3rd District TCE	$ 1,285,000			
	Defer #10 past FY 2027 carryforward	$ (1,285,000)			
	Subtotal	*$ 1,923,400*	*$ -*	*$ 1,923,400*	*$ -*
	Balance Remaining After Judicial Council Approvals			$ 405,504	$ 141,399
+	**Balance Remaining Inclusive of "Presented"**	$ 405,504	$ 10,699		

Ms. Johnson then reviewed the 2027 ongoing turnover savings. The initial report had projected $702,563 in savings, while the current forecast was $640,757. She noted that the current estimate did not yet include the benefit differential because that adjustment would be incorporated during the final quarter. Because the fiscal year was still in its early stages and only

a limited number of transactions occurred, the savings amount could fluctuate significantly as additional positions turned over.

FY 2027 Ongoing Turnover Savings as of 08/27/2026 - Period 2

#		Prior Month Forecast Amount @ YE	Actual Amount YTD	Forecasted Amount @ YE	Change in Forecast Amount @ YE
	Net Carried over Ongoing Savings (FY 2026, includes $185,000 ongoing cut from legislature, 2026 GS)	78,709	10,699	**10,699**	*(68,010)*
	Ongoing Turnover Savings FY 2027 (actual year-to-date, Salary Differential only)	108,854	180,058	**180,058**	*71,204*
1	Ongoing Turnover Savings FY 2027 (forecast $65,000 / month x 11 months, Salary Differential only)	715,000	-	**650,000**	*(65,000)*
	TOTAL SALARY RELATED ONGOING SAVINGS	902,563	190,757	**840,757**	*(61,807)*
	Benefit Differental Savings FY 2027 (will be recognized in this row starting in Q4)	-		-	-
	TOTAL SAVINGS	902,563	190,757	**840,757**	*(61,807)*
2	2027 Annual Authorized Hot Spot Raises	(200,000)	(46,005)	**(200,000)**	-
	TOTAL USES	(200,000)	(46,005)	**(200,000)**	-
	Total Actual/Forecasted Unencumbered Turnover Savings for FY 2027	**702,563**	**144,752**	**640,757**	*(61,807)*

The committee was also provided an updated estimate for 2027 one-time turnover savings. No actual savings have been included since no analysis of open positions has yet been completed due to other pressing deadlines (e.g., budget, fee and comp prep). Ms. Johnson noted that we have used the actual FY 2026 average of $675 per pay hour as a conservative forecast which results in forecasted one-time savings of approximately $1.4M for FY 2027.

FY 2027 One Time Turnover Savings - Period 2

Estimated for FY 2027

#		Funding Type	Actual Amount
1	One Time Turnover Savings (no data yet)	Internal Savings	-
2	Est. One Time Savings for remaining pay hours (2088 @ $675 / pay hour)	Internal Savings (Est.)	1,409,400
Total Potential One Time Savings			**1,409,400**

Ms. Johnson reviewed the year-end requests and forecasted available one-time funds. The forecast included one-time turnover savings, remaining prior-year funds, operational savings combined with legislature-required taking of $500K and other expected uses. The committee was advised that approximately $1,699,700 in carryforward funds was projected to be needed based on requests received for FY2026. The estimate had been adjusted to remove items that would not repeat, and approximately $200,000 of the requests could potentially be moved from one-time funding to ongoing funding if sufficient ongoing funds became available.

FY 2027 Year End Requests and Forecasted Available One-time Funds - Period 2

Forecasted Available One-time Funds

	Description	Funding Type	Amount
	Sources of YE 2027 Funds		
	Turnover Savings as of PPE N/A (not yet reported)	Turnover Savings	-
	Turnover Savings Estimate for the rest of the year ($675 x 2088 pay hours)	Turnover Savings	1,409,400
	Prior Year Unused 1x Carryforward		405,504
	Total Potential Available from 1x Turnover Savings and Carryforward		1,814,904
	Less: Judicial Council Delegated to State Court Administrator for Discretionary Use		(250,000)
(a)	Total Potential One Time Turnover Savings less Discretionary Use		1,564,904
	Operational Savings From TCE / AOC Budgets - estimate of $62,500 per period	*Internal Operating Savings*	750,000
	Legislative 1x Budget Cut - 2026 General Session	*Legislative Action*	(500,000)
(b)	**Total Operational Savings, Legislative Actions, and Reserve**		250,000
(c)	**Total of Turnover Savings & Operational Savings = (a) + (b)**		1,814,904
	Uses of YE 2027 Funds		
(d)	Projected requests for FY 27 to FY 28 - carryforward	*FY 2028 Carryforward*	(1,699,700)
Total forecastedl One Time Savings Surplus/(Deficit) = (c) less Carryforward (d)			115,204
Less: Judicial Council Requests Previously Approved			-
Less: Judicial Council Current Month Spending Requests			(112,700)
Remaining Forecasted Funds Available for FY 2027 YE Spending Requests, CCCF, etc.			2,504

#	One-time Spending Plan Requests	Adjusted Requests Amount	Judicial Council Approved Amount
1	Time Limited Auditor Position - Wayne Kidd	$ 112,700	
	Current Month One-time Spending Requests	112,700	
	Previously Approved 1x FY 2027 YE Spending Request		-

Last reported expected carryforward: N/A

The committee was also advised of a request for a time-limited auditor position in the amount of $112,700. If approved and forwarded to the Judicial Council, approximately $2,504 in one-time funds would remain, assuming the other projections for revenues and expenditures remained stable. The committee had no further questions regarding the financial report.

2027 YE 1x and 2026 Ongoing Requests

2026 Ongoing Savings Funds

7. FY 2026 Payroll Specialist for HR Team

Ron Gordon provided background regarding the request for an additional Human Resources position to assume payroll responsibilities. He explained that the request was intended to address longstanding workload issues in both the Finance and Human Resources Departments. Finance had experienced significant additional workload associated with the transition to the Vantage system and the department had been managing those responsibilities while continuing to fulfill its other duties.

Mr. Gordon also explained that Human Resources had experienced an increase in investigations involving employee complaints. He stated that the increase appeared to reflect a greater willingness among employees to report concerns rather than necessarily representing a significant increase in workplace incidents. He further explained that the transition to Vantage had resulted in payroll and human resources functions operating within a shared system, making it more practical for payroll responsibilities to be moved to Human Resources.

The proposed change would transfer payroll functions from Finance to Human Resources. This would provide additional capacity within Finance while requiring an additional full-time employee in Human Resources. Mr. Gordon emphasized that the proposal originated as an administrative decision to address organizational workload and was not the result of Finance or Human Resources requesting that responsibilities or staffing be changed.

Judge Cornish asked whether the change would affect Alisha's involvement with the committee. Mr. Gordon confirmed that the change would not result in her being removed from the committee or otherwise affect her role in reporting to the committee. Judge Cornish indicated that this addressed her concern.

Karl Sweeney stated that the existing Finance staff would be retained and that the new position would provide additional support rather than replace existing employees. He also indicated that the timing and implementation of the transition would be worked out as part of the process.

Judge Susan Eisenman asked Bart Olsen whether he had concerns about the proposal. Mr. Olsen stated that he did not. He explained that several members of his team had prior payroll experience and had experience with consolidating payroll functions into Human Resources within the executive branch. He stated that he had discussed the proposal with those employees and had their feedback and support.

Motion: Judge Susan Eisenman made a motion to approve and authorize forwarding to the Judicial Council a request for a new position on Bart Olsen's team to handle payroll functions being transferred to Human Resources. Judge Rita Cornish seconded the motion. There were no abstentions or nay votes, and the motion passed.

2027 YE One-time Funds

1. FY 2027 YE Funding Time-Limited Auditor Position

Wayne Kidd presented a request from the Audit Department for an additional auditor on a time-limited basis. He explained that the Audit Department currently has one auditor responsible for auditing the Utah State Courts. The proposed position would initially be time-limited and would provide an opportunity to train a successor before the current state court's auditor is expected to retire in approximately two years.

Mr. Kidd explained that adequately training a new auditor requires significant time because the individual must become familiar with the Audit Department's processes as well as the different systems and procedures used at each level of the courts. He estimated that the training process would take approximately two years, with the first year focused on completing audits at the various court levels and receiving mentoring and the second year focused on developing the ability to independently lead audit projects.

Mr. Kidd also explained that the Institute of Internal Auditors had recently revised its auditing standards. The Audit Department is required by statute to follow those standards. The revised requirements include additional topical requirements addressing areas such as governance, risk management, cybersecurity, third-party risk, and organizational resilience. In addition, the department must develop a comprehensive enterprise risk management plan for the Utah Judiciary.

Mr. Kidd stated that the additional auditor would provide the capacity necessary to address these requirements while continuing to perform the department's regular audit responsibilities. The additional position would also assist in preparing for the Judiciary's anticipated 2029 external audit and ensure compliance with the updated audit standards.

Judge Susan Eisenman expressed concern about the limited number of auditors supporting the entire judicial branch and asked about the anticipated retirement and training timeline. Mr. Kidd clarified that the current auditor has indicated an intention to retire in approximately two years. He explained that the department would face significant challenges if it waited until her retirement to begin training a replacement.

Judge Cornish asked whether the new audit requirements independently justified the additional position. Mr. Kidd confirmed that the work associated with the updated standards and enterprise risk management plan would need to be completed regardless of the retirement timeline. He explained that without an additional auditor, the department would have to divert resources from court audits or take work away from the current auditor to complete the new requirements.

Judge Cornish also raised concern that the proposed position would leave only approximately $2,500 in remaining one-time funds. Karl Sweeney explained that the estimates were conservative because the year was still early and additional turnover savings could develop as more positions became vacant or were filled. He noted that there were currently approximately 28 open positions and that additional positions might not yet be reflected in the 1x TOS estimate. He also explained that the average salary associated with the current turnover activity was higher than in some prior years.

Mr. Sweeney identified additional options available if additional 1x TOS funding became necessary, including moving a portion of the Information Technology budget into ongoing funding. He noted that approximately $685,000 was available in that area and could provide a source of funding if needed. He further explained that relatively small changes in turnover

assumptions could generate substantial additional savings. The committee was therefore assured that contingency options were available if the remaining one-time balance became insufficient.

Motion: Judge Michael DiReda made a motion to forward the request to the Judicial Council for consideration of a one-time, time-limited auditor position. Judge Rita Cornish seconded the motion. There were no abstentions or nay votes, and the motion passed.

Old Business/New Business

No old or additional new business was presented.

Adjournment

The meeting was adjourned at 12:30 p.m.