

Agenda
Language Access Committee Meeting
 January 14, 2022
 12:00 – 2:00 p.m.

Administrative Office of the Courts
 Scott M. Matheson Courthouse
 450 South State Street
Via Videoconference

12:00	Welcome and Approval of Minutes	Discussion/ Action	Tab 1	Judge Leavitt
12:10	Proposed Mentoring Program • Confidentiality	Discussion/ Action	Tab 2	Kara Mann
12:30	Oral Proficiency Interview Score Requirement Review	Discussion/ Action	Tab 3	Kara Mann
1:00	Review of Conditionally-Approved Form • Form • CJA Rule 4-202.02(4)(M)	Discussion/ Action	Tab 4	Kara Mann
1:30	Translation of Approved Court Forms • CJA Rule 3-117(3)(a)	Discussion	Tab 5	Kara Mann
1:50	Chair Nominations	Discussion/ Action		Kara Mann
2:00	Adjourn			Judge Leavitt

2022 Meeting Schedule

- March 18, 2022
- May 20, 2022
- July 15, 2022
- September 16, 2022
- November 18, 2022

Tab 1

Language Access Committee
Videoconference Webex

September 17, 2021

Draft

Members Present

Evangelina Burrows
Rory Jones
Judge Michael Leavitt- Chair
Russ Pearson
Chip Royce
Cade Stubbs
Judge Michael Westfall

Members Excused

Yadira Call
Judge Kelly Schaeffer-Bullock
Ingrid Oseguera

Staff

Kara Mann

(1) Welcome

Judge Michael Leavitt welcomed committee members to the meeting, and addressed the July 9, 2021 minutes. Rory Jones moved to approve the minutes. Evangelina Burrows seconded the motion. The motion carried unanimously.

(2) Contract Interpreter Rate Increase- Update

Ms. Mann advised the committee that the Judicial Council approved:

- a 20% contract rate increase for the freelance court interpreters. The new contract rates are:
 - Certified: \$47.76
 - Approved: \$40.93
 - Registered 1: \$40.93
 - Conditionally Approved: \$22.28

- an additional contract rate increase for Fiscal Year 2022 as courts address the COVID-19 backlog. The temporary contract rates are in effect until June 30, 2022, and are:
 - Certified: \$50
 - Approved: \$41
 - Registered 1: \$41
 - Conditionally Approved: \$23

(3) Proposed Mentoring Program

Ms. Mann reminded the committee at the last meeting there were concerns on how confidentiality and ethics should be handled by mentors.

Ms. Mann shared Utah Supreme Court Rule of Professional Practice 14-808(h), which outlines confidentiality of mentors in the New Lawyers Training Program overseen by the Utah State Bar. Under the court rule, the new lawyer is to discuss issues in hypothetical terms. If the lawyers determine hypothetical terms are not practical under the circumstances, then the new lawyer is not subject to the Utah Rules of Professional Conduct on Confidentiality of Information while seeking mentoring on the situation.

The committee discussed allowing mentors and mentees waiving confidentiality in similar circumstances. Judge Leavitt asked if a court rule would be necessary for the court interpreter mentoring program. Ms. Mann advised she would ask General Counsel for their opinion in the matter and report back.

(4) Proposed Provisional Interpreters

Ms. Mann reminded the committee that at the last meeting the idea of provisionally approving court interpreters was suggested as a potential solution to the backlog caused by the COVID-19 pandemic.

The committee reviewed Code of Judicial Administration Rule 3-306.03 and the testing and training requirements of the four credentialing levels for court interpreters. In discussing conditionally approved interpreters, Judge Westfall suggested that credentialing could be used for all languages, not just languages of a lesser diffusion. Russ Pearson suggested waiting to see how the backlog strains the interpreters' availability before changing the conditionally-approved credentialing.

After further discussion, the committee determined provisional interpreters are not a viable solution for the backlog at this time.

(5) 2022 Interpreter Training & Testing Subcommittee

Ms. Mann requested the formation of a subcommittee to review how the interpreter testing and training requirements can be offered in 2022 while the courts operate in the red phase of the Risk Phase Response Plan. Ms. Mann reminded the committee that last year's subcommittee's recommendations were approved by the Management Committee for 2021.

Mr. Pearson, Rory Jones, and Cade Stubbs agreed to serve on the subcommittee.

(6) Adjourn

There being no further business, the meeting adjourned at 12:50 pm.

Tab 2

Court Interpreting Mentoring Program

The mentoring program has a two pronged goal for approved Spanish interpreters: (1) providing feedback on their interpreting skills for the three modes of court interpreting, and (2) preparing for the Oral Proficiency Exam.

Recognizing that interpreters may know each other personally, mentors and mentees will have the ability to request who they are partnered with.

Certified Spanish Interpreters Participation Outline

Certified interpreters who volunteer to participate as mentors will be eligible for a minimum of four continuing education hours each reporting period and can apply for two additional continuing education hours depending on the time spent meeting with their mentee. Six hours is the maximum amount of time granted for CEUs, even if you meet with your mentee for additional hours.

Lessons on the following page are provided as a template, although the mentor can create their own schedule or lessons as long as two hours are spent on feedback and discussion regarding their mentee's court interpreting skills and two hours are spent on preparing their mentee for the Oral Proficiency Exam.

Certified Spanish interpreters willing to mentor must agree to:

- Meet with their mentee for a minimum of four hours over two months.
 - Meetings can occur in-person or by video
 - Meetings can exceed the two month minimum.
 - Mentors can apply for two additional CEU hours if they meet with their mentees for six or more hours.
- Provide constructive feedback on the mentee's court interpreting skills
 - Mentors must monitor their mentee actively interpreting twice on separate days.
- Discuss the Oral Proficiency Exam and provide insight and tips without divulging the actual exam's contents
- Practice and provide constructive feedback on their mentee's skill and proficiency with each mode of court interpreting.
- Share any relevant interpreting resources with their mentee
- Sign an agreement form
- Complete a tracking form in order to receive continuing education hours

Approved Spanish interpreters Participation Outline

The mentoring program is geared towards supporting approved Spanish court interpreters specifically.

Approved Spanish interpreters must be agree to:

- Meet with the mentor at least four hours over a minimum of two months and a maximum of four months
 - Meetings can occur in-person or by video
- Have their mentor monitor them actively interpreting in a court setting
- Receive constructive feedback regarding their court interpreting skills

- Study with their mentor to prepare for the Oral Proficiency Exam.
- Sign an agreement form
- Sign a tracking form for their mentor to receive continuing education hours

Confidentiality

The mentor and the mentee must discuss issues in hypothetical terms. When the mentee is seeking short-term guidance within the mentoring relationship, the mentor and mentee will discuss the issue in hypothetical terms. The Code of Professional Responsibility for Court Interpreters remains in effect within the mentoring relationship. Mentors and mentees must continue to follow Canon 5. Confidentiality when seeking guidance or giving advice on handling situations within the mentoring relationship.

Suggested Lessons

- Meeting 1: Discuss the three modes of court interpreting
 Practice each mode of interpreting (exercises for each mode of interpreting provided by the AOC)
 Discuss suggested improvements based on the exercises
- Meeting 2: Discuss the mentee's court interpreting assignments monitored by the mentor
 Discuss suggested improvements
 Discuss interpreting resources
 Discuss the Code of Professional Responsibility for Court Interpreters
- Meeting 3: Discuss an overview of the Oral Proficiency Exam
 Discuss tips for the Oral Proficiency Exam
 Discuss lessons learned by the Mentor
- Meeting 4: Complete a practice Oral Proficiency Exam (provided by the AOC)
 Score exam
 Discuss suggested improvements

Tab 3

Oral Proficiency Interview (OPI)

Interpreters must pass the OPI requirement in order to become an Approved Court Interpreter.

Currently, court interpreters are required to score a superior rating on the OPI proctored by Language Testing International. This is higher than the score suggested by the National Center for State Courts.

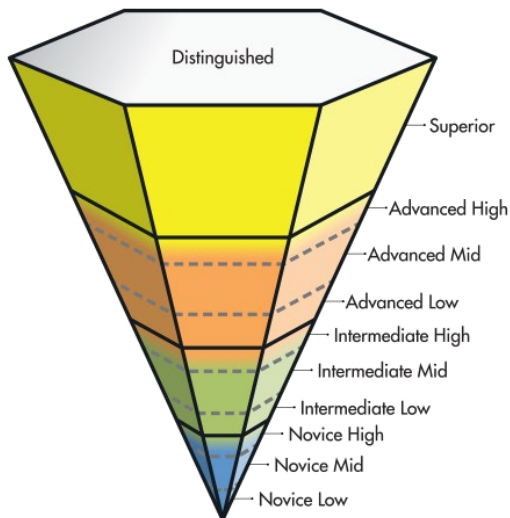
Name of English Proficiency Test	Proficiency Level Required
Versant English Test (VET)	49
Test of English as a Foreign Language (TOEFL) iBT Speaking Score	19
TOEFL Speaking Range	17-21
International English Language Testing System (IELTS) Spoken Total Score	5.4
IELTS Spoken Total Band	5
ALTA Language Services	8
Language Testing International (LTI)	Advanced Mid Level (ACTFL Scale)

**From the National Center for State Courts NCSC State Court Interpreter Testing Desk Reference Manual State Court Interpreter Testing Desk Reference Manual (p. 17)*

Language Testing International's ACTFL Proficiency Scale

Developed from the Federal Government's ILR scale by ACTFL, the ACTFL proficiency scale has four main levels (Novice, Intermediate, Advanced, Superior). The first three levels are each subdivided into three sublevels (Low, Mid, and High).

The ACTFL scale provides a great deal of definition, especially at the lower levels of proficiency usually achieved in foreign language learning. It is widely used in many arenas, but particularly in academia. Find more information about the ACTFL scale.



Inverted Pyramid Representing ACTFL Rating Scale with Major Ranges and Sublevels including Distinguished

SUPERIOR

Speakers at the Superior level are able to communicate with accuracy and fluency in order to participate fully and effectively in conversations on a variety of topics in formal and informal settings from both concrete and abstract perspectives. They discuss their interests and special fields of competence, explain complex matters in detail, and provide lengthy and coherent narrations, all with ease, fluency, and accuracy. They present their opinions on a number of issues of interest to them, such as social and political issues, and provide structured arguments to support these opinions. They are able to construct and develop hypotheses to explore alternative possibilities.

When appropriate, these speakers use extended discourse without unnaturally lengthy hesitation to make their point, even when engaged in abstract elaborations. Such discourse, while coherent, may still be influenced by language patterns other than those of the target language. Superior-level speakers employ a variety of interactive and discourse strategies, such as turn-taking and separating main ideas from supporting information through the use of syntactic, lexical, and phonetic devices.

Speakers at the Superior level demonstrate no pattern of error in the use of basic structures, although they may make sporadic errors, particularly in low-frequency structures and in complex high-frequency structures. Such errors, if they do occur, do not distract the native interlocutor or interfere with communication.

Advanced Mid

Speakers at the Advanced Mid sublevel are able to handle with ease and confidence a large number of communicative tasks. They participate actively in most informal and some formal exchanges on a variety of concrete topics relating to work, school, home, and leisure activities, as well as topics relating to events of current, public, and personal interest or individual relevance.

Advanced Mid speakers demonstrate the ability to narrate and describe in the major time frames of past, present, and future by providing a full account, with good control of aspect. Narration and description tend to be combined and interwoven to relate relevant and supporting facts in connected, paragraph-length discourse.

Advanced Mid speakers can handle successfully and with relative ease the linguistic challenges presented by a complication or unexpected turn of events that occurs within the context of a routine situation or communicative task with which they are otherwise familiar. Communicative strategies such as circumlocution or rephrasing are often employed for this purpose. The speech of Advanced Mid speakers performing Advanced-level tasks is marked by substantial flow. Their vocabulary is fairly extensive although primarily generic in nature, except in the case of a particular area of specialization or interest. Their discourse may still reflect the oral paragraph structure of their own language rather than that of the target language.

Advanced Mid speakers contribute to conversations on a variety of familiar topics, dealt with concretely, with much accuracy, clarity and precision, and they convey their intended message without misrepresentation or confusion. They are readily understood by native speakers unaccustomed to dealing with non-natives. When called on to perform functions or handle topics associated with the Superior level, the quality and/or quantity of their speech will generally decline.

Tab 4

CONDITIONALLY-APPROVED COURT INTERPRETER APPOINTMENT FORM

Please type or print legibly. Answer all questions fully. Please enter "None" for any blank responses.

Native Language:

Acquired Language:

Last Name:

First Name:

Middle Name:

Social Security Number:

Date of Birth:

Gender:

Mailing Address:

City:

State:

Zip Code:

E-mail Address:

Home Phone:

Cell Phone:

Work Phone:

Driver's License Number and Issuing State

**Do you agree to undergo a criminal
background check?**

Yes

No

**Have you ever been convicted of a
criminal offense?**

Yes

No

If you have been convicted of a criminal offense, please explain:

**EDUCATION IN ENGLISH: What is your highest level of schooling/degree in ENGLISH?
Enter the name of the degree or the total number of years of formal schooling completed.**

EDUCATION IN ACQUIRED LANGUAGE (if English is your acquired language, enter the information regarding your native language): What is your highest level of schooling/degree? Enter the name of the degree or the total number of years of formal schooling completed. If your studies were completed abroad, enter the closes United States Equivalent.

Can you READ the acquired language?

Yes

No

Can you WRITE the acquired language?

Yes

No

Do you know legal terminology? If yes, how did you learn it?

**Do you know the person
requiring an interpreter?**

If yes, please explain how you know them.

Yes

No

Have you already established communication with the court patron requiring an interpreter?

Yes

No

If yes, do you believe the person understands you and that you will be able to accurately interpret for that person during the court proceeding? Please explain.

Do you understand that the law requires you to interpret everything said by all parties in court?

Yes
No

Have you read and do you understand the Interpreter's Code of Professional Responsibility?

Yes
No

INTERPRETER'S OATH

"DO YOU SOLEMNLY SWEAR OR AFFIRM THAT YOU WILL INTERPRET ACCURATELY, COMPLETELY AND IMPARTIALLY, USING YOUR BEST SKILL AND JUDGMENT IN ACCORDANCE WITH THE STANDARDS PRESCRIBED BY LAW AND THE CODE OF PROFESSIONAL RESPONSIBILITY FOR COURT INTERPRETERS."

I understand that if approved, I am approved to provide interpreter services on this date and matter only. The information I have provided on this form is true and correct to the best of my knowledge. I hereby authorize the courts to conduct a thorough background investigation including but not limited to references, employment record, and criminal record. I understand that all information will be kept confidential and released only to authorized individuals. I also understand that any falsification of data on my part will result in disqualification to interpret in the Utah Courts. I hereby release the courts from any civil or criminal liability arising from or relating to my background investigation.

Signature:

Date:

BELOW THIS LINE TO BE FILLED OUT BY COURT PERSONNEL ONLY

Date:

Court:

Case Number:

Case Name:

Local Appointing Authority Title:

Approved?

Approving Authority Signature:

Yes
No

Rule 4-202.02. Records Classification.

Intent:

To classify court records as public non-public.

Applicability:

This rule applies to the judicial branch.

Statement of the rule:

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

- (2) **Public Court Records.** Public court records include but are not limited to:
 - (2)(A) abstract of a citation that redacts all non-public information;
 - (2)(B) aggregate records without non-public information and without personal identifying information;
 - (2)(C) appellate filings, including briefs;
 - (2)(D) arrest warrants, but a court may restrict access before service;
 - (2)(E) audit reports;
 - (2)(F) case files;
 - (2)(G) committee reports after release by the Judicial Council or the court that requested the study;
 - (2)(H) contracts entered into by the judicial branch and records of compliance with the terms of a contract;
 - (2)(I) drafts that were never finalized but were relied upon in carrying out an action or policy;
 - (2)(J) exhibits, but the judge may regulate or deny access to ensure the integrity of the exhibit, a fair trial or interests favoring closure;
 - (2)(K) financial records;
 - (2)(L) indexes approved by the Management Committee of the Judicial Council, including the following, in courts other than the juvenile court; an index may contain any other index information:
 - (2)(L)(i) amount in controversy;
 - (2)(L)(ii) attorney name;
 - (2)(L)(iii) licensed paralegal practitioner name;
 - (2)(L)(iv) case number;
 - (2)(L)(v) case status;
 - (2)(L)(vi) civil case type or criminal violation;
 - (2)(L)(vii) civil judgment or criminal disposition;
 - (2)(L)(viii) daily calendar;
 - (2)(L)(ix) file date;
 - (2)(L)(x) party name;
 - (2)(M) name, business address, business telephone number, and business email address of an adult person or business entity other than a party or a victim or witness of a crime;
 - (2)(N) name, address, telephone number, email address, date of birth, and last four digits of the following: driver's license number; social security number; or account number of a party;

- (2)(O) name, business address, business telephone number, and business email address of a lawyer or licensed paralegal practitioner appearing in a case;
- (2)(P) name, business address, business telephone number, and business email address of court personnel other than judges;
- (2)(Q) name, business address, and business telephone number of judges;
- (2)(R) name, gender, gross salary and benefits, job title and description, number of hours worked per pay period, dates of employment, and relevant qualifications of a current or former court personnel;
- (2)(S) unless classified by the judge as private or safeguarded to protect the personal safety of the juror or the juror's family, the name of a juror empaneled to try a case, but only 10 days after the jury is discharged;
- (2)(T) opinions, including concurring and dissenting opinions, and orders entered in open hearings;
- (2)(U) order or decision classifying a record not as public;
- (2)(V) private record if the subject of the record has given written permission to make the record public;
- (2)(W) probation progress/violation reports;
- (2)(X) publications of the administrative office of the courts;
- (2)(Y) 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)(Z) record of the receipt or expenditure of public funds;
- (2)(AA) record or minutes of an open meeting or hearing and the transcript of them;
- (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 Utah Rule of Criminal Procedure 40;
- (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 shall 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 these offenses.

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

- (3)(A) records in the following actions:

- (3)(A)(i) Title 78B, Chapter 9, Part 1 – Utah Adoption Act six months after the conclusion of proceedings, which are private until sealed;
- (3)(A)(ii) Title 78B, Chapter 15, Part 8 – Gestational Agreement, six months after the conclusion of proceedings, which are private until sealed;
- (3)(A)(iii) Section 76-7-304.5 – Consent required for abortions performed on minors; and
- (3)(A)(iv) 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 confident 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 Section 75-2-901;
- (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; and
- (3)(I) 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) Section 62A-15-631, Involuntary commitment under court order;
 - (4)(A)(ii) Section 76-10-532, Removal from the National Instant Check System database;
 - (4)(A)(iii) Title 78B, Chapter 6, Part 1, Utah Adoption Act, until the records are sealed;
 - (4)(A)(iv) Title 78B, Chapter 15, Part 8, Gestational Agreement, until the records are seals; and
 - (4)(A)(v) cases initiated in the district court filing an abstract of a juvenile court restitution judgment.
- (4)(B) records in the following actions, except that the case history, judgments, orders, and decrees, letters of appointment, and the record of public hearings are public record:
 - (4)(B)(i) Title 30, Husband and Wife, including qualified domestic relations orders, except that an action for consortium due to personal injury under Section 30-2-11 is public;
 - (4)(B)(ii) Title 77, Chapter 3a, Stalking Injunctions;
 - (4)(B)(iii) Title 75, Chapter 5, Protection of Persons Under Disability and their Property;
 - (4)(B)(iv) Title 78B, Chapter 7, Protective Orders;
 - (4)(B)(v) Title 78B, Chapter 13, Utah Uniform Child Custody Jurisdiction and Enforcement Act; Child Support Act;
 - (4)(B)(vii) Title 78B, Chapter 14, Uniform Interstate Family Support Act;
 - (4)(B)(viii) Title 78B, Chapter 15, Utah Uniform Parentage Act; and

- (4)(B)(ix) an action to modify or enforce a judgment in any of the actions in this subparagraph (B);
- (4)(C) records related to determinations of indigency;
- (4)(D) an affidavit supporting a motion to waive fees;
- (4)(E) aggregate records other than public aggregate records under subsection (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 62A-4a-1009;
- (4)(L) the following personal identifying information about a party: driver's license, social security number, account description and number, password, identification number, maiden name and mother's maiden name, and similar personal identifying information;
- (4)(M) the following personal identifying information about a person other than a party or a victim or witness of a crime: residential address, personal email address, personal telephone number, date of birth, driver's license number, social security number, account description and number, password, identification number, maiden name, mother's maiden name, and similar personal identifying information;
- (4)(N) medical, psychiatric, or psychological records;
- (4)(O) name of a minor, except that the name of a minor party is public in the following district and justice court proceedings:
 - (4)(O)(i) name change of a minor;
 - (4)(O)(ii) guardianship or conservatorship for a minor;
 - (4)(O)(iii) felony, misdemeanor, or infraction;
 - (4)(O)(iv) protective orders and stalking injunctions; and
 - (4)(O)(v) custody orders and decrees;
- (4)(P) nonresident violator notice of noncompliance;
- (4)(Q) personnel file of a current or former court personnel or applicant for employment;
- (4)(R) photograph, film, or video of a crime victim;
- (4)(S) record of a court hearing closed to the public or of a child's testimony taken under URCrP 15.5:
 - (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) victim impact statements;

- (4)(X) name of a prospective juror summoned to attend court, unless by the judge as safeguarded to protect the personal safety of the prospective juror or the prospective juror's family;
 - (4)(Y) records filed pursuant to Rules 52-59 of the Utah Rules of Appellate Procedure, except briefs filed pursuant to court order;
 - (4)(Z) records in a proceeding under Rule 60 of the Utah Rules of Appellate Procedure; and
 - (4)(AA) other records as order 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 of 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) except for those filed with the court, records maintained and prepared by juvenile probation; and
 - (5)(V) other records as ordered by the court under Rule 4-202.04.
- (6) **Juvenile Court Social Records.** The following are juvenile court social records:
- (6)(A) correspondence relating to juvenile social records;
 - (6)(B) custody evaluations, parent-time evaluations, parental fitness evaluations, substance abuse evaluations, domestic violence evaluations;
 - (6)(C) medical, psychological, psychiatric evaluations;
 - (6)(D) pre-disposition and social summary reports;
 - (6)(E) probation agency and institutional reports or evaluations;
 - (6)(F) referral reports;
 - (6)(G) report of preliminary inquiries; and
 - (6)(H) treatment or service plans.
- (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, order, decrees;
 - (7)(D) name of a party or minor;
 - (7)(E) record of a court hearing;
 - (7)(F) referral and offense histories
 - (7)(G) and 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 name of a petitioner and other persons to be protected in an action filed under Title 77, Chapter 3a, Stalking Injunctions or Title 78B, Chapter 7, Protective Orders;
 - (8)(B) upon request, location information, contact information and identity information other than name of a party or the party’s child after showing affidavit that the health, safety, or liberty of the party of child would be jeopardized by disclosure in a proceeding under Title 78B, Chapter 13, Utah Uniform Child Custody Jurisdiction and Enforcement Act or Title 78B, Chapter 14, Uniform Interstate Family Support Act or Title 78B, Chapter 15, Utah Parentage Act;
 - (8)(C) location information, contact information, and identity information of prospective jurors on the master jury list or the qualified jury list;
 - (8)(D) location information, contact information, and identity information other than name of a prospective juror summoned to attend court;
 - (8)(E) the following information about a victim or witness of a crime:
 - (8)(E)(i) business or personal address, email address, telephone number, and similar information from which the person can be located or contacted;
 - (8)(E)(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.

Effective December 5, 2020

Tab 5

Rule 3-117. Committee on Court Forms

Intent:

To establish a committee to determine the need for forms and to create forms for use by litigants in all court levels.

Applicability:

This rule shall apply to the judiciary.

Statement of the Rule:

(1) The committee shall conduct a comprehensive review of the need for court forms to assist parties and practitioners in all court levels.

(2) The committee shall create forms as it deems necessary for use by parties and practitioners, including forms for the Online Court Assistance Program.

(3) Process for form creation.

(3)(a) The committee shall adopt procedures for creating new forms or making substantive amendments to existing forms, procedures for eliminating obsolete and outdated forms, procedures for recommending which forms should be translated into other languages, and procedures for expediting technical or non-substantive amendments to forms.

(3)(b) Forms should be written in plain language and reference the statutes and rules to which the forms apply.

(3)(c) The committee shall solicit input from other interested groups as it deems appropriate. The committee may establish subcommittees using non-committee members to facilitate its work.

(3)(d) The committee may recommend to the Judicial Council mandatory use of particular forms. However the Judicial Council's designation of a form as mandatory is not binding on a decision-maker asked to review the legal correctness of the form.

(3)(e) The Office of General Counsel shall staff the committee and shall review all forms for legal correctness before final approval by the committee.

(4) The State Law Librarian shall be responsible for maintaining and archiving the forms.

Effective May 22, 2017