

1 **Rule 108. Objection to court commissioner's recommendation.**

2 (a) A recommendation of a court commissioner is the order of the court until modified  
3 by the court. A party may file a written objection to the recommendation within 14 days  
4 after the recommendation is made in open court or, if the court commissioner takes the  
5 matter under advisement, within 14 days after the minute entry of the recommendation  
6 is served. A judge's counter-signature on the commissioner's recommendation does not  
7 affect the review of an objection.

8 (b) The objection must identify succinctly and with particularity the findings of fact, the  
9 conclusions of law, or the part of the recommendation to which the objection is made  
10 and state the relief sought. The memorandum in support of the objection must explain  
11 succinctly and with particularity why the findings, conclusions, or recommendation are  
12 incorrect. The time for filing, length and content of memoranda, affidavits, and request  
13 to submit for decision are as stated for motions in Rule 7.

14 (c) If there has been a substantial change of circumstances since the commissioner's  
15 recommendation, the judge may, in the interests of judicial economy, consider new  
16 evidence. Otherwise, any evidence, whether by proffer, testimony or exhibit, not  
17 presented to the commissioner shall not be presented to the judge.

18 (d)(1) The judge may hold a hearing on any objection.

19 | (d)(2) If the hearing before the commissioner was held under Utah Code ~~Title 62A,~~  
20 | ~~Chapter 15, Part 6~~[Title 26B, Chapter 5, Part 3](#), Utah State Hospital and Other Mental  
21 | Health Facilities, Utah Code Title 78B, Chapter 7, Protective Orders, or on an order to  
22 | show cause for the enforcement of a judgment, any party has the right, upon request, to  
23 | present testimony and other evidence on genuine issues of material fact.

24 (d)(3) If the hearing before the commissioner was in a domestic relations matter other  
25 than a cohabitant abuse protective order, any party has the right, upon request:

26 (d)(3)(A) to present testimony and other evidence on genuine issues of material fact  
27 relevant to custody; and

28 (d)(3)(B) to a hearing at which the judge may require testimony or proffers of testimony  
29 on genuine issues of material fact relevant to issues other than custody.

30 (e) If a party does not request a hearing, the judge may hold a hearing or review the  
31 record of evidence, whether by proffer, testimony or exhibit, before the commissioner.

32 (f) The judge will make independent findings of fact and conclusions of law based on  
33 the evidence, whether by proffer, testimony or exhibit, presented to the judge, or, if  
34 there was no hearing before the judge, based on the evidence presented to the  
35 commissioner.

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37 [Effective:](#)