Rule 4-403. Electronic signature and signature stamp use.

Intent:

To establish a uniform procedure for the use of judges' and commissioners' electronic signatures and signature stamps.

Applicability:

This rule ~~shall apply~~applies to all trial courts of record and not of record.

Statement of the Rule:

(1) **Approved document types.** A clerk may, with the prior approval of the judge or commissioner, use an electronic signature or signature stamp in lieu of obtaining the judge~~'~~'s or commissioner~~'~~'s signature on the following document types:

(1)(A) bail bonds from approved bondsmen;

(1)(B) bench warrants;

(1)(C) civil orders for dismissal when submitted by the plaintiff in uncontested cases or when stipulated by both parties in contested cases;

(1)(D) civil orders for dismissal pursuant to Rule 4-103~~,~~ and Rules 3 and 4 of the Utah Rules of Civil Procedure~~URCP 3 and URCP 4(b)~~;

(1)(E) orders to show cause and orders to appear/attend under Rules 7A and 7B of the Utah Rules of Civil Procedure~~URCP 7A(c)(4) and URCP 7B(c)(4)~~;

(1)(F) orders to take into custody;

(1)(G) summons;

(1)(H) supplemental procedure orders;

(1)(I) orders setting dates for hearing and for notice;

(1)(J) orders on motions requesting the Department of Workforce Services (DWS) to release information concerning a debtor, where neither DWS nor the debtor opposes the motion;

(1)(K) orders for transportation of a person in custody to a court hearing, including writs of habeas corpus ad prosequendum and testificandum; and

(1)(L) orders appointing a court visitor.

~~(2) When a clerk is authorized to use a judge's or commissioner's electronic signature or signature stamp as provided in paragraph (1), the clerk shall sign his or her name on the document directly beneath the electronic signature or stamped imprint of the judge's or commissioner's signature.~~

(2) **Approval of additional document types.**

(2)(A) **Standing Orders.** A juvenile or district court presiding judge, or a justice court presiding judge of a judicial district may issue a standing order authorizing judges and commissioners to allow clerks to use an electronic signature or signature stamp in lieu of a judge's or commissioner's signature on specific document types other than those listed

in paragraph (1). Before issuing such an order, the presiding judge must determine that there is a benefit in administrative convenience, and be satisfied that there are minimal concerns about record accuracy or integrity in allowing a clerk to use a judge's or commissioner's electronic signature or signature stamp.

(2)(B) **Judge Authorization.** When a presiding judge has issued a standing order pursuant to paragraph (2)(A), a judge or commissioner within that district may authorize a clerk to use an electronic signature or signature stamp, in lieu of obtaining the judge's or commissioner's signature.

(2)(C) **Retention of Standing Orders.** Standing orders issued under this Rule must be maintained in accordance with the Utah State Courts Records Retention Schedule.

(3) **Automatic.** The electronic signature of a judge may be automatically affixed to the following documents without the need for specific direction from the assigned judge when issued using a form approved by the Judicial Council;

(3)(A) a domestic relations injunction issued under Rule 109 of the Utah Rules of Civil Procedure~~URCP 109~~;

(3)(B) an automatic expungement order issued under Utah Code; and

(3)(C) automated orders related to deferred traffic prosecution cases under Utah Code section~~§~~ 77-2-4.2.

(4) **Approval on a document-by-document basis.** All ~~other~~ documents not covered under paragraphs (1), (2), or (3) that require~~ing a~~the judge's or commissioner's signature ~~shall~~ must be personally signed by the judge or commissioner, unless the judge or commissioner, on a document~~-~~ by~~-~~ document basis, authorizes the clerk to use the judge's or commissioner's electronic signature or signature stamp in lieu of the judge's or commissioner's signature. The judge or commissioner must review the document prior to granting such authorization.

(5) **Documentation in the case.** Authorization granted under paragraph (4) must be documented in writing in the case. Authorization granted under paragraphs (1), (2), or (3) does not need to be documented in the case.

(6) **Clerk signature.** When a clerk is authorized to use a judge's or commissioner's electronic signature or signature stamp under this rule, ~~On such documents,~~ the clerk ~~shall~~ must ~~indicate in writing that the electronic signature or signature stamp was used at the direction of the judge or commissioner and shall~~ sign ~~his or her name~~ directly beneath the electronic signature or stamped imprint of the judge's or commissioner's signature.

*Effective: ~~October~~ July 1, 202~~4~~5~~2~~