

**TRIAL COURT EXECUTIVES  
AGENDA  
Friday, September 5, 2014  
Matheson Courthouse  
Education Room  
Salt Lake City, Utah**

**Debra Moore, Presiding**

#	Time	Agenda/Description	Presenter
1.	9:00 a.m.	Welcome and Approval of Minutes (Tab 1 - Action)	Debra Moore
2.	9:05 a.m.	Administrative Update	Debra Moore
3.	9:15 a.m.	E-Record/Update (Information) <i>Ms. Moore and Ms. Rubio, respectively, will provide an update on e-records and e-filing in district and juvenile court.</i>	Debra Moore Dawn Marie Rubio
4.	9:35 a.m.	TCE Goals – Follow-up (Information) <i>Mr. Erickson will provide an update on an assignment taken he took on when the TCE goals were set.</i>	Travis Erickson
5.	9:45 a.m.	Discuss Feasibility of Uploading Witness Subpoena When Processing FINET Payable (Tab 2 - Discussion) <i>Ms. Mackenzie-Campbell will discuss a proposal of uploading supporting documentation for witness and juror payments into FINET as other payables. Begin by discussing the pilot project and the payable clerk's experience and ideas for improving efficiency. She will review current court account policies and procedures for all other FINET payables and the drawback to not having Juror and Witness supporting documentation in FINET for validation, approval and review. She will review the General Counsel's opinion that uploading the information is consistent with the rules and statutes and discuss what is visible by the public through Transparency Utah. Discussion of electronic storage of the jury lists and subpoenas now and looking into the future.</i>	Heather Mackenzie-Campbell
6.	10:00 a.m.	Safeguarding of Assets Training (Tab 3 - Information) <i>A 10-15 min training on Safeguarding of Assets accounting policies and procedures will take place. Questions will be addressed at this time as well. She will use photographs of examples of devices used in the courts for complying with policies and procedures.</i>	Heather Mackenzie-Campbell
7.	10:15 a.m.	Courthouse Emergency Equipment (Discussion) <i>Discuss what emergency equipment/supplies exist in court buildings, what equipment/supplies should exist in court buildings. Should there be a standard? If so, who is responsible for determining the standard?</i>	Shane Bahr Carol Price
	10:30 a.m.	Break	
8.	10:40 a.m.	Court Skills Academy Applications (Discussion) <i>Mr. Langhorne would like the court executives to debrief him on their experiences seeking and receiving applications and ultimately selecting candidates for the Court Skills Academy. For example, was a large</i>	Tom Langhorne

#	Time	Agenda/Description	Presenter
		<i>number or small number of applications received? Was the quality of applicants and written applications consistent with the court executive's expectations? How did you manage the actual selection decision-making process? What can the AOC do to enhance future Academy recruitment, selection process.</i>	
9.	11:00 a.m.	Utah-Idaho TCE Workshop (Tab 4 - Information) <i>Mr. Langhorne will seek ideas from the court executives on the proposed joint Utah-Idaho Workshop. Mr. Langhorne will present an outline of possible topics with accompanying topics' narrative descriptions. Court executives will discuss topics they would like to add to or select from the tentative list of possible workshop topics.</i>	Tom Langhorne
10.	11:20 a.m.	Probation Safety Curriculum (Tab 5 - Information) <i>Mr. Bowers will update the court executives on the probation safety curriculum and seek approval for implementation.</i>	John Bowers
11.	11:35 a.m.	POS Terminals (Discussion) <i>Mr. Bowmaster would like to talk about the relocation of POS terminals and the need for an additional POS terminal.</i>	Ron Bowmaster
12.	11:45 a.m.	Old Business/New Business	All
13.	11:55 p.m.	Lunch/Adjourn	

### Consent Calendar

*The consent items in this section are approved without discussion if no objection has been raised with the Admin Office (801-578-3806).*

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- DCJUST Documents  
(Tab 6 - Action)

Peggy Johnson

# TAB 1

# 2014 Trial Court Executive (TCE) Minutes:

7/11/2014    9:00 – 12:15    Education Room  
MEETING DATE    TIME    LOCATION

MEMBER:	Present	Absent	Excused	MEMBER:	Present	Absent	Excused
Shane Bahr	X	<input type="checkbox"/>	<input type="checkbox"/>	James Peters	<input type="checkbox"/>	<input type="checkbox"/>	X
Sylvester Daniels	X	<input type="checkbox"/>	<input type="checkbox"/>	Wendell Roberts	<input type="checkbox"/>	<input type="checkbox"/>	X
Rick Davis	X	<input type="checkbox"/>	<input type="checkbox"/>	Tim Shea	X	<input type="checkbox"/>	<input type="checkbox"/>
Travis Erickson	X	<input type="checkbox"/>	<input type="checkbox"/>	Neira Siaperas	X	<input type="checkbox"/>	<input type="checkbox"/>
Corrie Keller	<input type="checkbox"/>	<input type="checkbox"/>	X	Peyton Smith	X	<input type="checkbox"/>	<input type="checkbox"/>
Russ Pearson	X	<input type="checkbox"/>	<input type="checkbox"/>	Terri Yelonek	X	<input type="checkbox"/>	<input type="checkbox"/>
STAFF:	Present	Absent		STAFF:	Present	Absent	
Daniel J. Becker	X	<input type="checkbox"/>		Derek Byrne	X	<input type="checkbox"/>	
Ray Wahl, Presiding	X	<input type="checkbox"/>		Krista Airam	X	<input type="checkbox"/>	
Debra Moore	X	<input type="checkbox"/>		Daniel Larsen	X	<input type="checkbox"/>	
Dawn Marie Rubio	X	<input type="checkbox"/>			<input type="checkbox"/>	<input type="checkbox"/>	
Ron Bowmaster	X	<input type="checkbox"/>			<input type="checkbox"/>	<input type="checkbox"/>	
Tom Langhorne	X	<input type="checkbox"/>			<input type="checkbox"/>	<input type="checkbox"/>	
GUEST:							
Chris Jeppesen	X	<input type="checkbox"/>					
Kimbal Parker	X	<input type="checkbox"/>					
Keri Sargent	X	<input type="checkbox"/>					

## AGENDA TOPICS

III. Approval of minutes	CHAIR: Ray Wahl
<p><b>Corrections</b> Ray Wahl greeted the TCEs, and welcomed Chris Jeppesen, Kimbal Parker, and Keri Sargent [on behalf of Corrie Keller, Jim Peters, and Wendell Roberts, respectively] to the meeting.</p> <p>It was moved and seconded to approve the minutes. The motion passed unanimously.</p>	
Approval	<input type="checkbox"/> Voice <input type="checkbox"/> with corrections    X Unanimous

## AGENDA TOPICS

### IV.

Administrative Update	DANIEL J. BECKER
<p><b>Discussion: Documents submitted:</b></p> <ul style="list-style-type: none"> <li><b>Judicial Nominations.</b> The Appellate Nominating Commission has submitted their selection of nominees to the Governor in filling the vacancy of Judge Carolyn McHugh.</li> <li><b>Judicial Retirements.</b> Justice Nehring has announced his upcoming retirement, effective February 1, 2015. Judge Donald Eyre, Fourth District Court, has announced his upcoming retirement, effective January 1, 2015. Judge Robin Reese, Third District Court, has announced his upcoming retirement, effective December 31, 2014. Currently there are five vacancies in the Third District Court to include: 1) Judge Robin Reese, 2) Judge Terry Christiansen, 3) Judge Lee Dever, 4) Judge Denise Lindberg, and 5) Judge John Kennedy. Mr. Becker noted that the Third District Nominating Commission will consider nominees to fill the five vacancies with three applicant pools. Mr. Becker noted that Governor Herbert has appointed almost half of the judges currently serving the Utah judiciary.</li> </ul>	

- **Judiciary Statistics.** Mr. Becker provided statistics relative to the makeup of the Utah judiciary to include: 1) average age of judges, 2) experience prior to appointment, 3) legal experience and background of legal service prior to appointment, 4) years of legal experience, and 5) average age of retiring judges.
- **PEW Study Update.** Mr. Becker reported on the PEW Study, the CCJJ initiative to look at the current criminal justice system with focus on corrections, parole and probation. The following subgroups have been formed to develop tailored policy options to be considered by the full Commission: 1) sentencing, 2) release, and 3) supervision and programming. The subgroups will meet twice monthly during August and September with the following presentation schedule: 1) an initial review presented to the Commission at their August meeting, 2) recommendations presented to the Commission at their September meeting, 3) refinement of recommendations in October, if necessary, and 4) the Commission to make final recommendations at their November meeting.
- **Judicial Council 2014-2015 Study Item.** Mr. Becker highlighted the following in his update of the potential 2014-2015 Judicial Council Study item: 1) future issues before the courts, 2) significant developments over the intervening 18 months, and 3) possible 2014-2015 study items. Additional study item topics should be forwarded to Mr. Becker prior to the September Council meeting.

## V. E-RECORD/UPDATE

DEBRA MOORE AND DAWN MARIE RUBIO

### Discussion

- **District Court-**Mr. Dan Larsen reported on behalf of the District Court. Mr. Larsen distributed the district court e-record update, current as of July 9, which he referenced during his presentation. As to Civil E-Filing, Mr. Larsen discussed ongoing system enhancements including the ability for OCAP to assist self-represented litigants in civil matters, and capturing filing fees which are currently slipping through the cracks during the filing process. As to criminal e-filing, Mr. Larsen indicated that the system to accept criminal informations will be ready to receive voluntary filings in August 2014. Mr. Larsen also discussed a November 2014 attorney advanced e-filing training program that will be developed by the EFCC. As to e-filing statistics, Mr. Larsen indicated that it is anticipated that the volume will increase in both civil and criminal e-filing once the capacity is in place for self-represented litigants to file domestic and probate matters through OCAP, and when the infrastructure is finalized to accept criminal informations. Finally, there is ongoing process work regarding document errors and rejections.
- **Juvenile Court-**Ms. Dawn Marie Rubio highlighted the following in her update: 1) the two-year electronic conversion plan focusing on an exclusively electronic record concluded on June 30, 2014 with only the DCFS piece outstanding; 2) DCFS does not have the current functionality to submit court reports/case plans electronically through the CARE/SAFE interface so DCFS will continue to submit court reports/case plans via email for uploading by court staff; 3) the ECG Workgroup will now turn its attention to e-filing – focusing on programming requirements, stakeholder access, training, OTPs, e-filing specialists, etc.; 4) the ECG Workgroup will be recommending an effective date for mandatory e-filing of July 2015 with a roll out schedule to be prepared; 5) system enhancements to CARE and the judicial workspace continue; and 6) continued details will be discussed further by ECG at the August meeting.

## VI. FY2015 TCE TEAM GOALS

DEBRA MOORE

### Discussion

Ms. Debra Moore and Ms. Dawn Marie Rubio led the TCEs in a discussion of Team Goals for FY2015. [See Attached.] The TCEs agreed upon the following goals: (1) Records Quality; (2) E-Filing and Staffing; and (3) EBP Implementation [a) Recruiting and Selection, b) Coaching and Training, and c) Performance Management]. Each TCE was assigned to develop a SMART goal statement associated with each of the identified goals for discussion and finalization during the August 1, 2014 TCE meeting.

- (1) Records Quality-Rick Davis, Corrie Keller, Jim Peters
- (2) E-Filing and Staffing-Tim Shea, Shane Bahr, Syd Daniels, Wendell Roberts
- (3) EBP Implementation-Terri Yelonek, Rick Davis, Russ Pearson, Travis Erickson, Neira Siaperas, Peyton Smith

## **VII. TECHNOLOGY STANDING COMMITTEE – STRATEGIC PLAN REVIEW**

RON BOWMASTER

### **Discussion**

Mr. Ron Bowmaster discussed the updates to the Strategic Plan for the Technology Standing Committee of the Judicial Council. Mr. Bowmaster reminded the TCEs that the Strategic Plan was last updated in 2007, and reflects a paper-based world. In order to update the plan, Mr. Bowmaster engaged in a series of discussions with key stakeholders including the boards of judges, TCEs, and clerks of court. Three themes emerged that will form the basis of the plan: 1) Uniformity, 2) Organization, and 3) Accounting. The Committee formed four workgroups to address: 1) Courtroom Equipment Upgrades for Remote Operations [Remote court sites, how situated in the courtroom, and hardware needs], 2) Scheduling [Improved court scheduling in light of the myriad formal/informal scheduling methods currently in use], 3) Accounting [Improved accounting capabilities with an eye towards a statewide system], and 4) Record Retention [Review current retention policies in light of the electronic record where critical documents will be stored indefinitely and non-critical document destruction will be automated]. It is anticipated that each workgroup will develop tactical recommendations which will be appended to the Strategic Plan. Mr. Bowmaster asked each of the TCEs to contact him with additional thoughts or recommendations. It is anticipated that the Strategic Plan will be finalized during the October, 2014 meeting of the Committee, and presented to the Judicial Council shortly thereafter.

## **VIII. HIGH PERFORMER NOMINATION FEEDBACK**

RAY WAHL

### **Discussion**

Mr. Ray Wahl discussed his overall thoughts regarding the local district/AOC dissemination of the high-performer discretionary awards, and provided statistics/information on the process. In total, 151 judicial personnel [34% managers and 66% staff] were awarded discretionary increases. Mr. Wahl indicated that he thought that the majority of nominations were well thought out and appropriate, and represented a good mix of clerical and juvenile probation staff. He did indicate concern, however, regarding timeliness of some submissions and a few performance evaluations which did not reflect "exceeds expectations." Mr. Wahl also encouraged the TCEs to check-in with AOC management staff regarding the performance of their high-level staff in statewide meetings, initiatives and projects. Several of the TCEs noted that the short turnaround timelines were somewhat frustrating. However, there were good local and statewide discussions of what it means to be a high-performer. Finally, the TCEs talked about the need to revisit the performance evaluation process so that high-performers could more easily be identified and rewarded.

## **IX. NEW JUDGE ORIENTATION**

TOM LANGHORNE

### **Discussion**

Mr. Tom Langhorne discussed the recent enhancements to the *New Judge Orientation* [NJO]. NJO is offered twice annually. The next NJO is scheduled for February 9-12, 2015 in order to accommodate numerous retirements during the latter part of 2014. Mr. Langhorne indicated that NJO dates are announced well in advance of the sessions, and reminded the TCEs of the expectation that new judges participate in the next scheduled NJO after confirmation, and that TCEs and presiding judges block out dates in judicial calendars for new judges to participate in this very important foundational training. Upon senate confirmation, Mr. Langhorne communicates immediately with the new judge to connect him/her to available online and organizational resources, including but not limited to: orientation materials, mentor information, intranet links, and National Judicial College Online modules. Mr. Langhorne also discussed pending amendments Rule 3-403 of the Code of Judicial Administration to reflect the twice yearly offering of the NJO, and mandatory attendance at the next NJO subsequent to senate confirmation unless "good cause shown." The Standing Committee approved the amendments to Rule 3-403, and it is working its way through final approval.

## **X. BOOKING AIRLINE TRAVEL**

DEREK BYRNE

### **Discussion**

Mr. Derek Byrne reminded the TCEs that all airline travel must be booked through the State Travel Office, effective July 1, 2014. Airfares not booked through state travel will not be reimbursed. Mr. Byrne talked about the benefits of going through the State Travel Office including coverage by Risk Management and the ability to change flights without fee.

**XI. SURPLUSING OF IPHONES AND IPADS FOR  
PURCHASE BY RETIRED JUDGES AND STAFF**

DEREK BYRNE

**Discussion**

Mr. Byrne indicated that the AOC is proceeding as its own Surplus Office at this time. As such, retiring or departing court staff may purchase iPhones at 75% of market value if the iPhone is less than one year in use, and at 50% of market value is greater than one year in use. iPads may not be purchased by senior judges as the Court's IT Department is only able to support the iPad when owned by the AOC.

**XII. DISCUSSION OF PROPOSED CHANGES TO  
THE ACCOUNTING MANUAL**

DEREK BYRNE

**Discussion**

Mr. Byrne discussed the changes to the *Accounting Manual*. Specifically, Mr. Byrne addressed the revised definition of "home base" which was adapted from the State Policy Manual. Home base is the location the employee leaves from and/or returns to. The employee may leave from one home base and return to a different home base. Home base can be home or office whichever is closest to the destination. The rule specifies that calculation of mileage reimbursement be the shortest distance less normal commute mileage. Mr. Byrne indicated that he will be circulating via email an *Abbreviated Travel Guide*, which will provide information for the most frequently used travel policies in the Utah State Courts, and apply to all judges, court commissioners, administrators, staff and all others traveling on Court business.

**AGENDA TOPICS**

**XIII. IDAHO/UTAH MEETING**

RAY WAHL

**Discussion**

Mr. Wahl reminded the TCEs of the Idaho/Utah Joint Management meeting scheduled for November 5-6, 2014 at the Majestic View Lodge in Springdale, Utah. [The November TCE meeting will take place on November 7, 2014, also in Springdale.] All TCEs and court level administrators will participate in the joint meeting. It is anticipated that 15 Idaho and 20 Utah AOC administrators/court executives will attend. Mr. Langhorne is currently working with an Idaho representative to plan the education sessions. Breakfast, lunch, and one planned dinner will be provided. Several of the TCEs indicated that HR topics would be beneficial. Mr. Wahl encouraged the TCEs to contact him directly with additional thoughts or suggestions for content.

Action Item:

Motion:

By:

Second:

**XIV. OLD BUSINESS/NEW BUSINESS**

ALL

**Discussion**

None.

Action Item:

Motion:

By:

Second:

# TLE Goals

- X**
1. RECORDS Quality - Dec / Minutes Etc  
Replies / List Party Names  
Card Index
- (a) Quantity  
Reliability
2. REMOTE / DISTANCE ACCESS Technology  
(M) Accessible / Pure / HEMINGWAY [SE Indict Usual]

ACE Graduate Packets (1) Education: 5755 / Judges

3. **PERIMETER SECURITY - (CONTINUED)**  
 (1) **PERIMETER SECURITY - (CONTINUED)**  
 (2) **PERIMETER SECURITY - (CONTINUED)**  
 (3) **PERIMETER SECURITY - (CONTINUED)**  
 (4) **PERIMETER SECURITY - (CONTINUED)**  
 (5) **PERIMETER SECURITY - (CONTINUED)**

*Callotrochus*

- \* \* \* \* \*
- ① LEAD To element has Reactivity Series  
Counting up & down
- ② Projects for period of Electrolysis  
Reactions = Electrolytic Reactions / Forward
- ③ Final assessment  
- Standard  
- Project  
- Final Exam

9. SMART COURTROOMS / RETURNS - STANDARD
10. JUDICIAL SECURITY - COURT HOUSE / HOME
11. JUV E Filing [COUNCIL OF DISTRICT JUDGES LEADER]
12. CONESIVE & EFFECTIVE TCE TEAM FILE
13. \* EMPLOYEE Satisfaction - SURVEY PROCESS  
MODEL: EMPLOYEE INPUT on DARIANS + COMMUNICATION PLANNED
14. REVISIT Implementation of Action Effects (eg. keepers)
15. POSITION REVIEW - Technology Enhancement  
eg. Support Sys / Day Mgmt / Collections
16. PROBLEM SOLVING PARTS POSITIVE  
@ LOCAL DISTRICTS
17. APPELLATE COURT E- Filing
18. STATEWIDE SHARING OF BEST PRACTICES

- 17 Appellate Court E-Filing  
18. 18.5 to include SHARING of RESOURCES (eg. e-filing)



# TAB 2

## Payment Processing

### Resources:

- FINET training modules (i.e. how to apply for a vendor number)
- Data Warehouse
- State Finance Quarterly Expenditure Audits
- State Finance Accounting Policies and Procedures: FIACCT 04-13.00 **Note:** If the information doesn't display on the screen, a new tab has opened.
- Division of Purchasing, State Contracts and Commodity Information
- State Form SA8 for FINET Access
- See 07 Purchasing Section and 10 Jury & Witness Payments
- Section 08-02 00 Forms and Instructions or Section 16 Forms, 16-03 Budget & Fixed Asset Forms to access forms such as the Court's Approved Expense Object Code List.

### Purpose:

The Courts will use FINET, (the State's on-line system) to generate payments for court expenses.

Effective July 1, 2006: The majority of payables are entered and approved locally, not submitted centrally to the Administrative Office of the Courts.

### Policy:

1. Those making purchases on behalf of the State Courts must not in any way split purchases over more than one invoice, separate components of a multiple component purchase, or otherwise modify evidence of a purchase in order to avoid compliance with statute or Council Rule.
2. The employee/department that receives purchases must account for the items recorded on shipping documentation. Examine the quantity and quality of goods received; sign and date the shipper or original invoice. Any problems with shortages and damaged materials should be noted.
3. The employee/department that received services must verify the service agrees with the requisition and performance expectations such as level agreements, contract terms, and vendor performance.
4. Any discrepancies should be reported to the purchaser for rectification as well as the payment processor.
5. All documents such as claims filed with the vendor/carrier should be scanned and attached into FINET.

6. According to the State of Utah Accounting Policies and Procedures Manual, all payables should be paid on a net 30 basis. The court's policy is to pay any payable as soon as possible or by the due date to avoid any possible interest charges or late fees.
7. In the accounts payable process, the State level Court Administrators and Court Executives are responsible to ensure that
  - a. purchasing policies and procedures are followed;
  - b. proper coding for posting expenses is used;
  - c. correct and valid contract numbers are used when appropriate;
  - d. correct and valid vendor numbers are used;
  - e. State Court Budget guidelines are followed; and
  - f. standards of 'Separation of Duties' are met.
8. Court Executives are responsible to develop internal procedures which will comply with the policies in this section, giving particular attention to the standards of "separation of duties."
9. Those designated to authorize the payable document (GAX – General Accounting Expenditure) in FINET should not approve payment for purchases which they themselves have made.
10. Electronic approval of Travel Reimbursements or FINET payables certifies all policy and procedure guidelines as provided by the Utah State Court's Accounting Manual and secondarily by the State of Utah Accounting Policies and Procedures have been complied with.
11. Invoices that must be sent to the AOC for processing (i.e. education, interpreter payments, bailiff invoices, jury & witness meals, HOLDS: where a check must be delivered in person or mailed with documentation) should have all applicable information indicated (payment stamp/coding information) necessary to complete the transaction.
12. Court districts will apply for vendor numbers as needed prior to placing an order with any new vendor.
13. The State level Court Administrators and Court Executives, or their designees, will have the capability to make corrections to expenditure postings within their respective districts.
14. The AOC Budget Department will have the capability to make corrections to expenditure postings within and among all units associated with the State Courts, upon receipt of written (including email) request from the affected Department Head or designee. Backup documentation to all IET's should be scanned.
15. Court districts are authorized to request copies of paid warrant checks directly from State Finance. (email 'Check Copy')
16. If the check is lost and needs to be cancelled and reissued, the "Lost Check Replacement Form" is to be completed.
17. Court Executives may authorize AOC Budget to process payment and to charge direct billed lodging expenses to their respective districts by sending a memo of authorization to the AOC Budget Department.
18. Monthly, the AOC Budget Department will review payable documentation on a random sample basis for proper coding, compliance with Finance and

- Purchasing policy (State of Utah and State Courts) and accuracy of input. Supervisors of document preparers will be notified of any errors discovered.
19. The above policies apply equally to all divisions and subdivisions of the Judicial Branch.

## **Procedures:**

### **Responsible Action**

#### **Appellate/District/Juvenile Courts Payment Processor**

1. Obtain proper and adequate receiving documents on all items purchased, and subsequently match those receiving documents to the purchase order (if applicable) and vendor invoice.
2. Prepare a FINET payable (GAX),
  - a. Ensuring the vendor account number is entered in the 'line description' field.
  - b. When applicable, the state contract number is entered in the 'check description' field.
3. Scanning the following supporting documentation (where applicable) to the HEADER Screen:
  - a. Original Vendor invoice (or original statements from vendors who don't issue invoices)
  - b. Copies of state court purchase orders or other documents authorizing purchase.
  - c. Telephone quotation sheets,
  - d. Packing slip/receiving report, initialed and signed by the receiver.
  - e. Supporting documentation where food purchases are to be paid
    - i. Copy of meeting agenda
    - ii. List of attendees
    - iii. Case number for payment of jury meals

#### **FINET Authorizer**

1. Prior to approving the payment, review the scanned documents to ensure accuracy.
2. If a state contract was used the contract number was entered in the check description field.

## *Payments processed by the AOC Budget Department*

1. To initiate payments as outlined policy #9, forward invoices that cannot be processed locally to the AOC Budget Department, ensuring the following information is provided:
  - a. Vendor #
  - b. Unit
  - c. Approp Code
  - d. Object Code
  - e. Contract # (If applies)
  - f. Approved signature
  - g. If the check is to be sent to the requesting court aka "HOLDS" (conference fees that the employee must have the check hand delivered, or the check must be mailed with documentation), indicate 'hold for: \_\_\_\_\_' and the name of the individual who should receive the check. Checks can also be held in the AOC to be mailed with documentation, rather than forwarded to the district, if desired. A note indicating such a request is to be on the payable.



Heather Mackenzie-Campbell &lt;heatherm@utcourts.gov&gt;

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**Request for opinion FINET payments for jurors and witnesses**2 messages

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**Heather Mackenzie-Campbell** <heatherm@utcourts.gov>  
To: "Johnson, Brent" <brentj@utcourts.gov>  
Bcc: Heather Mackenzie-Campbell <heatherm@utcourts.gov>

Fri, Aug 22, 2014 at 11:37 AM

Brent,

The State FINET System is used to process payments of jurors (district court) and witnesses (district and juvenile courts). It has been practice not to scan the juror lists and witness subpoenas as support for the payments into FINET, but retain the hard copies. All other FINET disbursements are supported by an invoice document, which is scanned, uploaded to the payable, and available for later examination.

One district is piloting the process of scanning the witness subpoenas for district court cases into FINET as support. The clerk reported that it has been worth her time because she can easily pull up the payable document and supporting subpoena when questions arise. AOC Finance and Budget Staff that enter the second approval now have something to review to ensure the payment is valid and the correct amount before approving payment (limiting the opportunity for fraudulent payments).

However, the clerk reported was directed not to scan the subpoenas for juvenile court witnesses or juror lists due to concerns about confidentiality. These payments are processed in FINET, a FINET check recorded with the names, but no supporting documents are scanned for later review.

My questions is since the jurors and juvenile witness names are already on a check in the FINET system hasn't the question as to confidentiality been breached? It is the only method to pay jurors and witnesses (district and juvenile).

I want to propose to the court executives that all juror and witness payments (district and juvenile courts) are supported by the juror lists and subpoenas uploaded into FINET. In order to see the actual juror lists and subpoenas, an individual has to have access rights to FINET Document Catalog.

Please advise.  
Thank you, Heather

—  
Heather Mackenzie-Campbell, CFE  
Director, Internal Audit  
Utah State Courts  
801-578-3889  
heatherm@utcourts.gov  
[www.utcourts.gov](http://www.utcourts.gov)

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**Heather Mackenzie-Campbell** <heatherm@utcourts.gov>  
To: "Johnson, Brent" <brentj@utcourts.gov>

Fri, Aug 22, 2014 at 5:47 PM

8/22/2014

Utah State Courts Mail - Request for opinion FINET payments for jurors and witnesses

Brent,

I attached the current accounting policies and procedures for scanning supporting documentation for all other FINET payables, in case it is helpful to you.

Heather

[Quoted text hidden]

—

Heather Mackenzie-Campbell, CFE

Director, Internal Audit

Utah State Courts

801-578-3889

heatherm@utcourts.gov

[www.utcourts.gov](http://www.utcourts.gov)

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 **08-00 00 payment processing handout.pdf**  
40K

[illegible]



[Utah Courts](#) [Utah.gov](#) [Utah.gov Services](#) [Agencies](#) [Find Financial Data](#) [www.utah.gov/transparency/application.html?govLevel=STATE&entityId=12&fiscalYear=2014&transType=1&searchanced=0](#)

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# TAB 3

## Safeguarding of Assets

### Resources:

01-03 01 Forms and Instructions for Key Log Examples and Termination Checklist  
(See CJA Rule 3-408 ).

### Purpose:

The purpose of this section is to summarize and consolidate various policies/procedures related to the safeguarding of assets handled by court employees. Links to detailed policy/procedure are referenced, if applicable. Court management should ensure policies and procedures are followed to make sure assets handled by court employees are properly safeguarded. Although ultimate responsibility for ensuring court assets are properly safeguarded rests with management, each court employee has a role to make certain policies/procedures are followed. The following policies and procedures pertain to safeguarding all accounting records, receipts, checks, monies, etc. handled by the court.

### Policy:

1. Court management should control key distribution and limit access to duplicate keys to locked storage devices used to safeguard assets, e.g., cash/checks stored in a cashier's cash drawer/box, evidence storage areas, check stock, petty cash fund, cash change fund, hand receipt books, etc.
2. A key box is to be used to store and restrict access to all duplicate keys. The key box should be equipped with two unique locks. Two authorized employees, each with one of the unique keys, should access the key box to retrieve a duplicate key when necessary. The two authorized employees should access the asset together under dual control in the custodian's absence.
3. A key log is maintained by a key log custodian listing the number of keys to each locking device, the employee(s) to whom a key is assigned/returned, and the employee's signature.
4. A key log shall be maintained identifying individuals who have access to secure devices. An employee who is assigned a key to a locked device must keep the key on his/her person throughout the day and take the key home at night. When an employee terminates, cards and keys shall be returned. (See Employee Termination Checkout List).
5. If a court has a drop box, the key and any duplicate keys should be stored in a dual-control key box. A clerk and second employee (clerk, probation officer, etc.) obtains the key, retrieves the payments from the drop box, and process as

a mail payment. See link to Over Counter Payment topic and Mail Payment Sections.)

6. Monies should be receipted in an efficient and business like manner. It is recommended that each clerk be provided a cash tray to place inside a locked counter drawer to organize the cash change fund and monies.
7. Each clerk's locked device, containing the monies s/he receipted and/or Cash Change Fund portion, should be stored in the safe/vault overnight and weekends.
8. If a clerk is not assigned cashiering duties on a particular day, the locked device containing the clerk's Cash Change Fund portion should remain secured in the safe/vault.
9. A key or combination lock to the room where a safe that is stored and/or to a safe must be changed when either:
  - a. an employee no longer should have access (duties change/termination) or
  - b. the combination has been compromised.
10. Unused tamperproof depository bags and deposit slip books should be secured in a locked device and access limited to clerks assigned deposit verification and preparation duties per Separation of Duties.
11. The deposit clerk, who receives monies receipted after verification, should restrict access to the monies (locking bank bag, cash box, or plastic depository bag) until the deposit is delivered to the bank/picked up by the armored car service.
12. If the deposit(s) must be held overnight/weekend, the secure device(s) should be stored in the safe/vault.
13. Mail should be opened by two individuals. Once opened and logged, mail payments should be secured until delivered to a cashier for receipt or until receipted.
14. Check stock shall be secured by the check stock custodian.
15. Trust Bank Statements containing cleared checks shall only be opened by an authorized employee not having check writing capability. Unassigned hand receipt books shall be secured in a locked device accessible only by the custodian. Cashiers shall secure their assigned book at all times.
16. A court employee assigned a Court Purchasing Card must keep the card secured when not in use.
17. Safeguarding of and accounting for fixed assets/inventory as per Rule 3-408.
18. Management is responsible for ensuring computer access rights are limited for certain functions. Only authorized personnel should approve "reversals."

## **Safeguarding of Cash found on Premises**

### **Policy:**

1. Premises is defined as "land and all the buildings on the land."
2. Cash found by work crews (both on and off the premises) is considered court property for purposes of this policy.
3. The reference to state employees includes those on a work crew.

### **Procedure:**

1. The following steps shall be followed for cash found on the premises with no apparent owner:
  - a. Write down the name, address, telephone number of the person who reported the discovery. Note the description of the situation regarding the discovery, the denominations of the money and other identifying information that will help return the money to the rightful owner.
  - b. Two clerks should verify the denominations and amount of cash, then sign the document. The cash should be locked in a secure container. The key to the container should be placed in a dual control key box. If tighter storage control is needed, the court shall adopt local policy.
  - c. Upon notification to management, the cash shall be held for 30 days pending contact by the rightful owner. Law enforcement should be notified if found outside the building and request made to forward any inquiries to the Trial Court Executive/designee.
  - d. If monies are claimed, two clerks under dual control shall retrieve the money. The owner should sign that they received the cash.
  - e. If no one contacts the court to claim the money within 30 days, the money may be returned to the person who found the money. Under dual control the funds shall be retrieved and a signature of the recipient be obtained.
  - f. Monies found by state employees (includes work crew) and never claimed by the owner, are to be receipted into the computer system (in CARE payer is Unclaimed Property) to "Trust Without a Case" and eventually forwarded to the Division of Unclaimed Property.
  - g. All documentation shall be stored with the daily accounting records.



## **Safeguarding of Postage Assets**

### **Resources:**

UCJA Rule 4-202.08, Fees for Records, information and services. Paragraph (4) - Mailing. The fee for mailing is the actual cost. The fee for mailing shall include necessary transmittal between courts or offices for which a public or private carrier is used.

### **Purpose:**

The purpose of this section is to define and document procedures in managing, using and safeguarding different forms of postage used in Utah State Court locations.

### **Objectives:**

To ensure the proper accountability of state funds, in the form of postage, and have a clear and trackable procedure confirming that the postage is used for official use only. The overall intent is to effectively manage the use of state postage, therefore resulting in a reduction of cost.

### **Policy:**

1. Exemption from Specific Mail Handling and Postage Management: Court locations that are served either by State Mail or a private mail courier service are exempt from the detailed mail handling and postage security measures listed below if these tasks are performed at the mail courier's processing center. However, each location must still ensure that any personal mail included with the court's official outgoing mail has the proper postage affixed prior to pick-up.
2. All outgoing court mail from a court location must be picked up and/or delivered to a postal facility, a minimum of every 48 hours, excluding Saturdays, Sundays and court holidays. If a postage meter/stamps are used at a court location, every attempt must be made to have a pick up and/or delivery to a postal facility each business day.
3. If postage is affixed at the court location, each piece of mail shall be weighed to determine the actual cost and the actual postage is properly affixed or printed on the parcel.

4. When a postage meter is used at a court location, it is directed that the machine be made as secure as possible. Each user shall have a private entry code to prevent unauthorized use or misuse of the postage. If it can not be secured by a private entry code due to inadequate equipment capabilities, then local policy will need to be established to dictate how usage of the postage meter is to be secured.
5. The Court Executive or Clerk of Court shall appoint at least one primary and one alternate supervisor assigned to manage and monitor the use of the postage meter. These supervisors shall be responsible for the dedicated password to add or delete user names and passwords, monitor the postage amounts loaded on the meter and arrange for more postage to be added as soon as the predetermined low amount of the postage is reached.
6. When postage stamps are used at a court location, they shall be treated with equal protection and security as court funds in the form of cash or checks. A primary and alternate custodian shall be assigned and any postage stamps not being used shall be securely maintained in a locked mechanical device, i.e., safe, locking cash drawer, locking file cabinet or other security device.
7. Court postage may not be used for personal use OR resale to employees or court patrons.

**Employee Name:**

[illegible]

Employee's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Supervisor's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

## EMPLOYEE TERMINATION CHECKLIST (05/11)

**Administrative Assistant:** Email the name of the terminating employee to a HR Administrative Assistant, including the last day of employment.

**HR Administrative Assistant:** Email the employee's name and last day of employment to AOC Departments on GroupWise List.

Employee Exit Process:	Yes	Date Item Returned Locally	Notify AOC Department
Final Time Sheet and Address for Final Pay Check/W-2			
Update Voice Mail Message/Change Password			
Reimbursements to/from employee (PDA prorated, tuition, etc.)			
Security Access Card, <i>Keep Locally Except Matheson</i>			Matheson – Notify AOC Purchasing Agent to Terminate Card Access and Return Card
Employee Picture ID Card, <i>Keep Locally Except Matheson</i>			Matheson – Return to AOC Purchasing Agent
Keys to Desks, Office, Court Rooms, etc., <i>Keep Locally, Except Matheson</i>			Matheson – Deliver to AOC Purchasing Agent
Motor Pool Gas Card			
Motor Pool PIN Number			AOC Budget to Cancel
Credit Cards:			
Telephone			AOC Budget to Cancel
Purchasing Card and/or State Travel Card			AOC Purchasing/Budget to Cancel
Laptop, Court Manuals, Books, Videos, Briefcase, etc.			
Notary Public Stamp			
Court Owned Vehicle			
Cellular Phone			
Pager			
Juvenile Probation Officer Safety Equipment			
Hand Receipt Book (____ - ____ ) – Return to Custodian; Hand Receipt Book Inventory			
Cash Change Fund Assigned (portion) –Count and Return to Custodian			
Cash Change Fund Custodian – Count and Transfer Custody			Send Updated Acceptance of Cash Fund Form to AOC Budget
Authorized Trust Account Check Signer			Request AOC Finance to Send Updated Signature Card to Court for Signatures
Authorized Payables Signer			Send AOC Budget Updated Authorized Payables Signatures
Issues Payments using FINET (Expenditures or Juror/Witness)			Notify AOC Budget to Terminate Access
Access to FINET Data Warehouse (Data Queries for Expenditures and Juror/Witness Payment Reconciliation)			Request AOC IT to remove network login and password, which is used to login to Data Warehouse
Access to Juror Management System, BCI, Domestic Violence Network, or On-line Child Welfare			Notify AOC Court Services to Terminate Access

# TAB 4

## Utah's Proposed Joint UT-ID TCE Workshop Topics for Idaho's Consideration

**Introductory Comments to Begin the Workshop:** Based upon past Idaho-Utah TCE workshop reflections, Utah proposes the workshop begin with the two court administrators explaining their state's respective court governance structure. This context and background will assist workshop attendees to understand the other state's nuanced practices and policies discussed throughout the workshop.

### Utah's Suggested Overarching Priority of Workshop Topics:

1. Evidence based practices in the criminal and juvenile justice system, in the context of criminal justice research efforts in both states.
2. Procedural fairness: What does it look like in our respective courts?
3. Roundtable discussions addressing:
  - a. Succession planning strategies
  - b. Change management strategies
  - c. Criminal reform/justice reinvestment
  - d. Guardianship/conservatorship/elder issues<sup>1</sup>
  - e. HR scenarios
  - f. Bringing justice and court services to rural areas: What and how are we doing?
  - g. Implications of technology in the courtroom *other than* case management (to be blended into the change management roundtable discussion)

The above sessions' and roundtables' content will be broken down into more detail, below.

1. **Evidence based practices in the criminal and juvenile justice system:** From pretrial release to release from prison- how do we know what is working? How do our respective two states' sentencing structures compare? How does EBP affect what information is given to the respective states' judges? How are PSI's conducted in misdemeanor cases? What is the role of AP&P? Perhaps representatives from Pew and/or Council of State Governments could address the workshop regarding their findings and recommendations.
2. **Procedural fairness:** What does it look like in our respective courts? What is the public saying about our courts in our public surveys and what can we do about it? How can we use training as a tool to address public perceptions? How does "procedural fairness" practically translate into specific behaviors and attitudes exhibited in the courtroom and by court staff? How does Utah incorporate procedural fairness into the judicial performance evaluation process?

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<sup>1</sup> Utah will bring 8 juvenile court TCEs to the workshop. We acknowledge this topic has limited relevance to them. However, given the roundtable workshop format, we anticipate no more than 15-20 minutes will be used to address this topic.

### **3.Roundtables' Potential Sub-Topics**

**Succession planning strategies:** Taking a broad scoped approach, what are the two court systems seeing? What strategies are we taking or might take to address succession planning challenges and opportunities?

**Change management strategies:** This topic could serve as a broad umbrella for diverse discussions. The implication of technology from counter operations to judges, including remote hearings, migrating to e-filing/paperless courts and judicial work spaces should be of interest. Non-case management technology, including court staff's use of social media, media access/electronic devices in the courtroom, remote services, remote hearings, transcript management and remote interpretation, could also be discussed.

**Criminal reform/justice reinvestment:** Here is another opportunity for Pew/Council of State Governments representatives to address the workshop. Various topics and initiatives could be folded into this session, including: Early case resolution, pre-trial release/treatment and sentencing using evidence based research; probation and parole reform; dearth of standards based on evidence based research; disproportionate representation of minority youth in secure confinement.

**Guardianship/conservatorship/elder issues:** As our states' age demographic matures, what are we doing to ensure the elderly have equal access to justice and their interests are fairly protected? Idaho could highlight its pilot project. Utah could highlight its Court Visitor Program that aims to protect vulnerable adults under guardianship, assist guardians and improve judicial decision making.

**HR scenarios:** In advance of the workshop, Tom would survey all workshop participants seeking HR issues and scenarios they would like to discuss. Some HR issues Tom previously submitted include:

- Interviewing techniques (e.g., candidates asked to role play, analyze real life scenarios)
- The performance evaluation process: From forms to 360 degree evaluations
- How do we handle extended FMLA leave while keeping the bases covered?
- Under what circumstances can we ask for "donated leave"?
- Navigating the generational gaps of our workforce
- Disciplinary actions and performance plans: What works, what re-energizes?
- Managing the suddenly unmotivated superstar

**Bringing justice and court services to rural areas: What are we doing?** One commonly shared characteristic of the two court systems is the abundance of rural communities served by courts. How do we bring justice and court services to those rural communities, e.g., remote interpreter services and remote hearings. This roundtable could brainstorm challenges, opportunities and possible solutions to same. Workshop participants could share what they are doing in this vein.

There were some other suggestions:

First, we discussed the possibility having Tom survey the Utah and Idaho workshop participants regarding the top issues they would like discussed and/or skills about which they would like to gain from the workshop. Let Tom know your thoughts about that approach.

Secondly, everyone agreed that having participants engage in interactive dialogue is the richest part of these workshops. Accordingly, it is suggested we limit "national" speakers to no more than two, if that many.

Lastly, one particular speaker was recommended. Specifically, Diane Hamilton recently presented a session to some Utah Bar members and judges entitled, *"Building a Culture that Handles Conflict Constructively and Creatively"*. Ray attended that session and can debrief you about her content and approach. If invited, she would take about 1.5 hours.



# TAB 5

# Natural Response Control Tactics:

## Training of Trainers

There are many good defensive tactics programs available today; however, many of the programs are designed for Police and do not take into consideration the diverse make-up and unique role of Parole, Probation, Corrections and Community-Based workers. This program examines the realities of how Parole, Probation, Corrections and Community-Based officers and staff are most likely confronted in office, field and custody environments. It then provides tactics that officers and staff can apply in these situations that will increase their ability to successfully avoid or control these situations. During this dynamic training program, participants will learn how to employ and train control tactics in a manner that will minimize the risk of injury to both the officer/staff *and* the aggressor.

Participants will learn control techniques that are effective and appropriate at all levels of the use of force continuum. These techniques are based upon the Natural Response Control Tactics (N.R.C.T.) System™, which was specifically designed for Parole, Probation, Corrections, and Community-Based personnel. The techniques are designed to be quickly learned, easily applied and retained, and can be effectively applied by officers of varying size, strength, experience and age, irrespective of gender.

This program is not designed to take away from any defensive tactics training staff may have previously received. The techniques are designed to add more *tools to their toolbox*, and provide them with techniques that, *under stress, in a crisis*, are easily retained and effectively applied. Techniques taught include:

Body mechanics and movement  
Defending against blows  
Distance and movement  
Arm and leg strikes  
Relative positioning  
Control techniques

Assailant repositioning techniques  
Ground defense and recovery  
Escape from grabs  
Team tactics  
Edged-weapon defense  
Defense against firearms

Once participants master the above skills training, they are given the opportunity to apply their skills in simulation exercises during which they will need to determine the assailant threat level and respond with an appropriate control response. This allows participants to not only learn the skills, but to apply them under stress, in a realistic but controlled environment. This technique increases skill retention and enhances the officer's confidence in their ability to handle various types of physical threats. It also helps to assure the agency that officers respond appropriately to a threat, accurately recognizing and responding to the threat, while not overreacting.

In an independent evaluation of the NRCT program provided by the Hennepin County Department of Corrections and Rehabilitation (Minneapolis, MN), participants were asked to rate their level of knowledge or ability on a five point scale in twelve safety topic areas at the beginning and following completion of training. The evaluation found:

“Ratings showed significant pre/post knowledge or ability gains in all safety skills.”

“There were significant increases in post versus pre training ratings for all topics. Average differences between pre and post ratings ranged from a 38% increase for ‘identifying common objects found in the office or field that can be used as weapons and demonstrating how to defend against their use in an attack’ to a 120% increase for ‘demonstrating how to control confrontations with knives and guns’. The average pre/post rating differences for all attendees and all knowledge/ability topics was 80% increase.”

For more information contact:

**Community Corrections Institute**  
**P.O. Box 130**  
**Springdale, WA 99173**  
**509-258-7426**



# ***NATURAL RESPONSE CONTROL TACTICS: LEVEL I***

## **INSTRUCTOR CERTIFICATION PROGRAM AGENDA**

### **DAY ONE**

#### **1. INTRODUCTION**

- A. PURPOSE OF THE PROGRAM
- B. PROGRAM OVERVIEW
- C. SAFETY RULES & PROCEDURES

#### **2. LIABILITY ISSUES**

#### **3. THE REALITIES OF HOW PO'S ARE KILLED & INJURED**

- A. 3-5 RULE
- B. TACTICAL POSITIONING
- C. HOW PO's ARE KILLED AND ASSAULTED

#### **4. SURVIVAL FACTS**

- A. SURVIVAL STATE OF MIND
- B. TACTICAL CONSIDERATIONS
- C. WHY OFFICERS UNDER-REACT
- D. MENTAL PREPARATION
- E. PRESUMED COMPLIANCE
- F. FIGHT, FLIGHT AND FREEZE SYNDROME

#### **5. THE USE OF FORCE**

- A. REVIEW OF CONTINUUMS
- B. THE REALITIES OF RESPONDING TO RESISTANCE
- C. ATTACK MANAGEMENT
- D. OFFICE SAFETY
- E. FIELD SAFETY
- F. CANINE CONSIDERATIONS
- G. CONTACT AND COVER
- H. THE SUCCESSFUL OFFICER

### **DAY TWO**

#### **6. PARTICIPANT PRESENTATIONS**

#### **7. NATURAL RESPONSE CONTROL TACTICS**

- A. BALANCE AND STANCE
- B. MOVEMENT EXERCISES
- C. MAXIMIZING NATURAL HAND REACTIONS

**8. NATURAL RESPONSE CONTROL TACTICS-CONTINUED**

- A. BREAKING THE GRAB
- B. MAXIMIZING OUR NATURAL BLOCKING RESPONSE
- C. PERSONAL WEAPONS
- D. LEG AND FOOT STRIKES
- E. ELBOW AND KNEE STRIKES

**DAY THREE**

**9. CONTROL ON THE GROUND**

- A. REVIEW - PARTICIPANT LED
- B. GROUND FIGHTING
- C. GROUND CONTROLS AND RESTRAINING TECHNIQUES
- D. CONTROLLING THE HEAD

**DAY FOUR**

**10. CONTROL AND TAKE DOWNS**

- A. PARTICIPANT LED REVIEW
- B. CONTROL TACTICS 1-3

**11. PRESSURE POINT TECHNIQUES**

**12. CONTROLLING EDGED WEAPONS**

**DAY FIVE**

**13. REVIEW OF TACTICS**

**14. DISARMING TECHNIQUES**

**15. LETHAL FORCE RESPONSES**

**16. WRITTEN EXAM**

**17. GRADUATION**

# NATURAL RESPONSE CONTROL TACTICS:

## LEVEL 1

DEVELOPED BY

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## INSTRUCTOR BIOGRAPHIES

**Ron Scheidt** is Lead Natural Response Control Tactics Instructor with Community Corrections Institute and a retired Senior United States Probation Officer with the District of Nebraska. As a Sr. USPO he served as the agency's Training Specialist, Program Development Coordinator, Defensive Tactics Instructor, Tactical Response Team Leader and Firearms Instructor. In addition, Ron supervised a caseload of high-risk federal offenders and gang members.

Ron holds a black belt in the Korean martial art of Hapkido and has also trained in the Israeli martial art of Krav Maga. He is a certified NRA Law Enforcement Firearms Instructor and a certified instructor in Defensive Tactics, Pressure Point Control Tactics, Natural Response Control Tactics, OC Spray and Concealed Carry. He is a graduate of the Sarpy County Sheriff's Department S.W.A.T. School. Ron was the Director of the District of Nebraska Officer Safety Academy. He has served as a faculty member of the Federal Judicial Center and as a National Defensive Tactics Instructor for the Office of Probation and Pretrial Services. He has trained and consulted for the Administrative Office of the United States Courts, Federal Judicial Center, American Probation and Parole Association and Federal Probation and Parole Officers Association.

Ron is a Charter member of the International Law Enforcement Educators and Trainers Association and is a member of the Federal Law Enforcement Officers Association, Federal Probation and Pretrial Officers Association, American Probation and Parole Officers Association and Midwest Gang Investigators Association.

Ron is a sought after guest presenter and instructor on multiple topics at conferences and academies throughout the United States and Canada. He has trained probation and parole officers from all 50 states. Ron was a guest presenter at the 2011 Legacy of Excellence Conference in Calgary, Alberta on the topic *Am I That Man ?* - a motivational presentation on heroes, mentors and role models. Ron's article entitled *Am I That Man ?* appears in the book *If I Knew Then 2* and has served as the inspirational theme and the title for the book *Am I That Man*.

**Robert L. (Bob) Thornton, M.Ed.**, is Director of Community Corrections Institute, LLC, a company dedicated to providing training and consultation specifically designed for corrections and law enforcement agencies. Previously, he served as a Pretrial, Probation, and Supervising U.S. Probation Officer for over 27 years, during which he served as a faculty member of the Federal Judicial Center and has developed, and continues to provide training in, enhanced supervision, officer safety skills, dealing with aggressive behavior, effective communication and management skills. Since 2010 Bob has served as Project Director for a Project Safe Neighborhoods grant focusing on gang issues in Native American and rural jurisdictions.

He also conducts training for the National Institute of Corrections (NIC) and the American Probation and Parole Association (APPA). He co-authored the 1993 National Institute of Corrections monograph, *New Approaches to Staff Safety*, and is the author of *New Approaches to Safe Safety-Second Edition*, released in March, 2003. He also authored the 2008 publication *Guns, Safety and Proactive Supervision: Involving Probation and Parole in Project Safe Neighborhoods*. He writes the "Spotlight on Safety" column for the APPA "Perspectives"

magazine and has published numerous other articles on officer and staff safety. Bob also serves as a subject matter expert for the National Institute of Justice "Incident Commander" simulation training website, the APPA On-Line Safety Training Program, and the APPA Audio Broadcast Safety Training and Firearm Interdiction Programs.

Bob also conducts agency audits for NIC and has testified as an expert witness on issues relating to officer and staff safety. He is a member of the Federal Law Enforcement Officers Association, the International Law Enforcement Educators and Trainers Association, Federal Probation & Pretrial Officers Association (FPPOA), American Corrections Association and the American Probation and Parole Association, serving as Chair of the associations Health and Safety Committee from 2001-2011. He was the 1990 recipient of the Line Officer of the Year Award for the Western Region of the United States and the 1998 recipient of the Doyle Award, presented by FPPOA in recognition of his contributions to effective offender supervision issues. He was also the 2002 recipient of the Sam Houston State University Award presented by APPA "...in recognition of his outstanding contributions to scholarship in Community Corrections", the 2007 Sam Houston State University Distinguished Service Award for "exceptional service and commitment to the Texas Probation Training Academy", and the 2009 recipient of the George M. Keiser Award presented by the National Association of Probation Executives. "This award is presented to administrators who have demonstrated exceptional leadership under challenging conditions which provided value, added activity or service to the organization and community they serve."



# **SAFETY GUIDELINES**

## **RULE NO. 1 – SAFETY IS EVERYONE’S RESPONSIBILITY**

### **BASIC SAFETY RULES:**

- **NO LIVE OC, FIREARMS, AMMUNITION OR FUNCTIONING KNIVES ON THE TRAINING SITE.**
- **KEEP YOUR FINGER OUTSIDE THE TRIGGER GUARD ON ALL TRAINING WEAPONS.**
- **WARM-UP BEFORE PRACTICING ANY TECHNIQUES.**

### **ADDITIONALLY --**

- **If, at any time, someone perceives a situation to be hazardous, they are to shout “Cease Fire” until everyone complies. Upon hearing “Cease Fire,” all participants and observers will immediately stop all action until receiving further orders.**
- **If there is an activity in the course in which you feel uncomfortable participating for any reason, it is your responsibility to bring it to the attention of the instructor prior to participating.**
- **Unsafe or frivolous behavior will not be tolerated.**
- **If in doubt about something--ask. The only stupid question is the one that is not asked, resulting in an injury.**
- **Report any and all injuries immediately to an instructor.**
- **It is the responsibility of participants to disclose any existing health condition to an instructor prior to the beginning of class.**
- **Activities which may aggravate a health condition or chronic injury are to be avoided.**

## **Performance Objectives**

By the end of the program, participants will be able to:

- Identify the most common objects found in the office and community that can be used as weapons and how to defend against them.
- Demonstrate three control tactics.
- Explain and demonstrate how to control a resistive offender in any situation.
- Explain and demonstrate three jamming techniques.
- Explain and demonstrate how to break choke holds.
- Explain and demonstrate four ground fighting techniques.
- Demonstrate how to control confrontations with knives and guns.



# **THE NATURAL RESPONSE CONTROL TACTICS PROGRAM**

There are many good defensive tactics programs available today; however, many of the programs are designed for Police and do not take into consideration the diverse make-up and unique role of Parole, Probation and Community Corrections staff. This program examines the realities of how Parole, Probation, and Community Corrections Officers are most likely confronted, both in the office and in the field. It then provides tactics that officers can apply in these situations that will increase their ability to successfully avoid or control these situations. During this dynamic training program, officers will learn how to employ control tactics in a manner that will minimize the risk of injury to both the officer *and* the aggressor.

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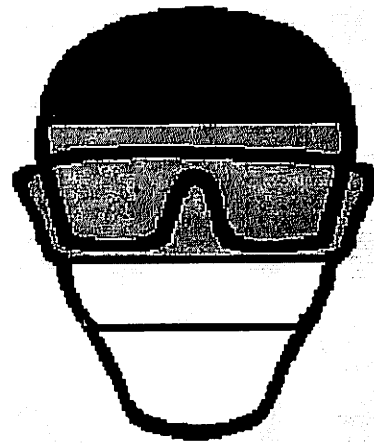
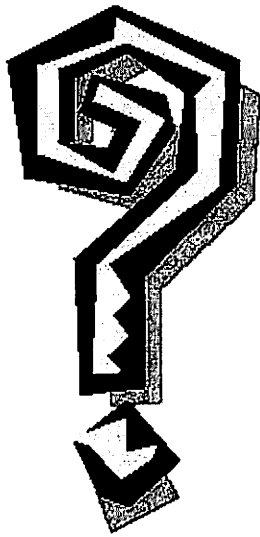
Body mechanics and movement  
Defending against blows  
Distance and movement  
Arm and leg strikes  
Relative positioning  
Control techniques

Assailant repositioning techniques  
Ground defense and recovery  
Escape from grabs  
Team tactics  
Edged-weapon defense  
Defense against firearms

Once officers participate in the above skills training, they are given the opportunity to apply their skills in simulation exercises during which they will need to determine the assailant threat level and respond with an appropriate control response. This allows participants to not only learn the skills, but to apply them under stress, in a realistic but controlled environment. This technique increases skill retention and enhances the officer's confidence in their ability to handle various types of physical threats. It also helps to assure the agency that officers respond appropriately to a threat, accurately recognizing and responding to the threat, while not overreacting.



# ISSUES IN OFFICER SAFETY



# LIABILITY ISSUES

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The Courts have repeatedly stated that any use of force must be reasonable. Both the agency and the individual can be held liable for the inappropriate use of force. The following two cases address the issue of the need for training, not only in how to apply the force techniques but also in the constitutional limits of the use of force.

## *City of Canton v. Harris, 109 S. Ct. 1197 (1989)*

The court ruled that inadequate training in the use of deadly force serves to establish an official policy of indifference, exposing the employer to severe liability risks.

## *Davis v. Mason County, 927 F.2d 1473 (1991)*

Training of officers on use of force was a practice that fell within the sheriff's policymaking authority. While most of the deputies involved had some type of training, even if it was minimal at best, the issue was the adequacy of training. While they may have had some training in the use of force, they received no training in the constitutional limits of the use of force.



# REALITIES OF THE THREAT

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## VICTIMIZATION

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*VICTIMIZATION* is defined as:

"... ANY VIOLENCE, THREAT OF VIOLENCE, INTIMIDATION, EXTORTION, THEFT OF PROPERTY, DAMAGE TO ONE'S REPUTATION OR ANY OTHER ACT WHICH INFLICTS DAMAGE, INSTILLS FEAR, OR THREATENS ONE'S SENSIBILITIES."<sup>1</sup>

- *William Parsonage*

When examining the subject of victimization, it is critical to understand that victimization is self-perceived; not other perceived. If someone feels that they have been victimized; they have been. How the event is interpreted by the victimized officer is what is important. Another person's interpretation of the act is not consequential.

Until the research of William H. Parsonage, a professor at Pennsylvania State University, probation workers had not been thought of as *victims*. Many have proffered that probation and parole workers know what they are getting into or, because in the conduct of their jobs they are expected to deal with potentially dangerous people and situations. By virtue of the aforementioned definition of victimization, and in spite of the nature of the job, they are as much a victim as anyone.

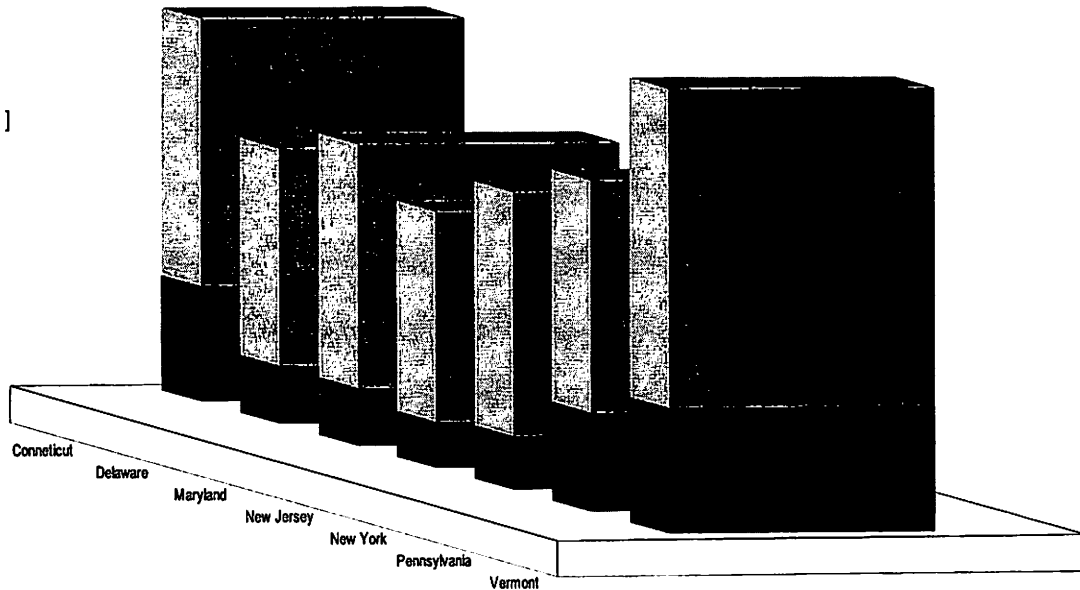
The ensuing victimization data illustrates the degree, assailant, location and context of victimization of probation and parole workers. Regretfully, unlike uniformed law enforcement officers, no agency collects data nationally on Parole, Probation, or Community Corrections Officers killed or injured in the line of duty.

Various governmental, educational, and private agencies periodically collect some data, but this information is not widely distributed or easily found. The American Probation and Parole Association has been actively working with the Bureau of Justice Statistics and Congress to either establish legislation that will mandate the collection of hazardous duty statistics for officers in the community corrections field or, in absence of legislation, establish a central repository for hazardous duty statistics and a process for the collection of statistics nationally.

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<sup>1</sup> Parsonage, William H. and W. Conway Bushey, "The Victimization of Pennsylvania Probation and Parole Workers in the Line of Duty," A Survey, The Pennsylvania State University, 1988.

## Middle Atlantic States Correctional Association (1990)



**Table Percent of Officers Victimized in Their Career:  
Middle Atlantic States Correctional Association (1990)<sup>3</sup>**

Incidents	CT	DE	MD	NJ	NY	PA	VT
Career Victim Rates	71%	59%	65%	56%	65%	62%	84%
Assault	30%	15%	15%	12%	14%	26%	33%
Intimidation	70%	57%	64%	55%	64%	61%	84%

<sup>2</sup> Parsonage, William H., *Worker Safety in Probation and Parole*, U.S. Department of Justice, National Institute of Corrections, 1990.

<sup>3</sup> Parsonage, William H. And Joseph A. Miller, *A Study of Probation and Parole Worker Safety in the Middle Atlantic Region*, Middle Atlantic States Correctional Association (MASCA), 1990.

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## CONTEXT

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### MASCA Study of Context

#### Middle Atlantic States Correctional Association Study on the Context for Most Serious Victimization (1990)<sup>4</sup>

Context	CT	DE	MD	NJ	NY	PA	VT
Announced Visits	32%	32%	50%	35%	41%	20%	33%
Surprise Visits	37%	45%	25%	37%	30%	15%	30%
Offender Arrest	24%	41%	4%	11%	14%	18%	22%
Other Arrest	0%	9%	4%	3%	2%	7%	4%
Offender Call for Help	9%	4%	13%	11%	11%	6%	11%
Family Call for Help	12%	9%	10%	8%	9%	2%	18%
Domestic Dispute	16%	4%	3%	8%	10%	2%	7%
Offender Transport	14%	9%	6%	7%	5%	9%	7%
Other Context	30%	24%	32%	37%	38%	22%	50%

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<sup>4</sup> Parsonage and Miller, op. cit.



**FEDERAL PROBATION & PRETRIAL OFFICERS  
ASSOCIATION STUDY**

Assaults Against Officers Nationwide  
1980 - 1992  
(48% of Jurisdictions Responding)

MURDERS .....	14
RAPES .....	2
OTHER SEXUAL ASSAULTS .....	99
SHOT & WOUNDED .....	8
SLASHED OR STABBED.....	14
CAR USED AS WEAPON .....	4
PUNCHED, KICKED, CHOKED .....	691
TOTAL	<u>832</u>

Assaults Against Officers Nationwide  
1980 - 1992

ATT. MURDERS .....	2
ATT. RAPES .....	5
ATT. OTHER SEXUAL ASSAULTS .....	1
SHOT AT & MISSED.....	24
ATT. SLASHED OR STABBED.....	14
ATT. CAR USED AS WEAPON .....	8
ATT. PUNCHED, KICKED, CHOKED .....	705
ATT. USE OF CAUSTIC SUB .....	2
ATT. UNSPECIFIED ASSAULT .....	17
TOTAL	<u>778</u>

---

## FEDERAL PROBATION HAZARDOUS DUTY STATISTICS 1984-1999

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<u>1984</u>	<u>1999</u>
<ul style="list-style-type: none"> <li>• Hazardous Duty Incidents-53</li> <li>• Office-38, Def. Home-15</li> <li>• Assailant                             <ul style="list-style-type: none"> <li>○ Offender-30</li> <li>○ Family Member-5</li> <li>○ Other-18</li> </ul> </li> </ul>	<p style="text-align: center;">188</p> <p>Office-60, Def. Home-94</p> <p>Offender-74</p> <p>Family Member-14</p> <p>Other-91</p>

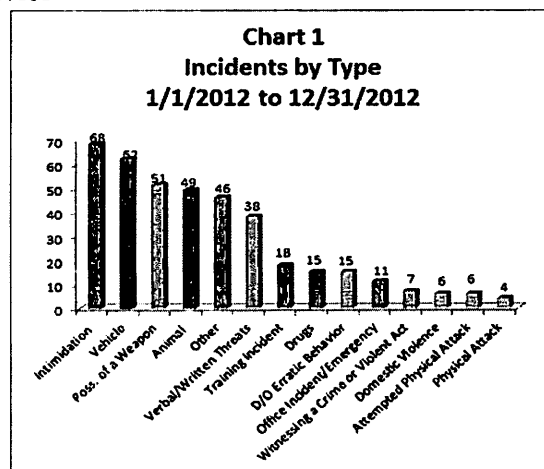
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## FEDERAL PROBATION HAZARDOUS DUTY STATISTICS JANUARY-DECEMBER, 2012<sup>5</sup>

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**396 Incidents with 81% of Districts Reporting: 15.9% increase from 2011**

- 68 (17%) Intimidation \*<sup>6</sup>
- 62 (16%) Vehicle-Related Incidents
- 51 (13%) Possession of Weapons
- 46 (12%) Animal Attacks<sup>7</sup>
- 38 (10%) Verbal/Written Threats\*
- 18 (5%) Training/Equipment Accidents\*
- 15 (4%) Def./Offender Erratic/Suicidal Behavior
- 15 (4%) Drug & Paraphernalia found\*
- 11 (3%) Office Incident/Emergency\*
- 7 (2%) Witnessing a Crime or Violent Act
- 6 (2%) Domestic Violence\*
- 6 (2%) Attempted Physical Attacks\*
- 4 (1.0%) Physical Attacks<sup>8</sup>



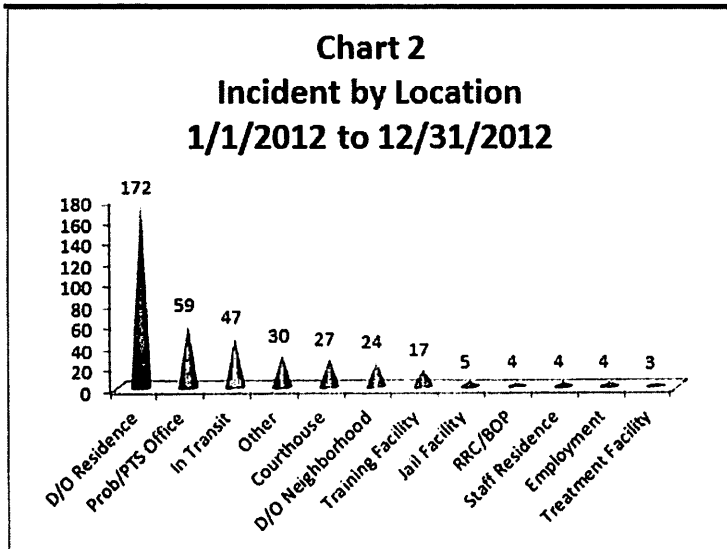
<sup>5</sup> *News and Views*. Administrative Office of the U.S. Courts. July, 2013.

<sup>6</sup> \* denotes increase in percentage from 2011

<sup>7</sup> In two incidents, officers found unknown third parties who were hiding. In another incident a law enforcement officer drew his weapon on an officer until the officer could identify himself.

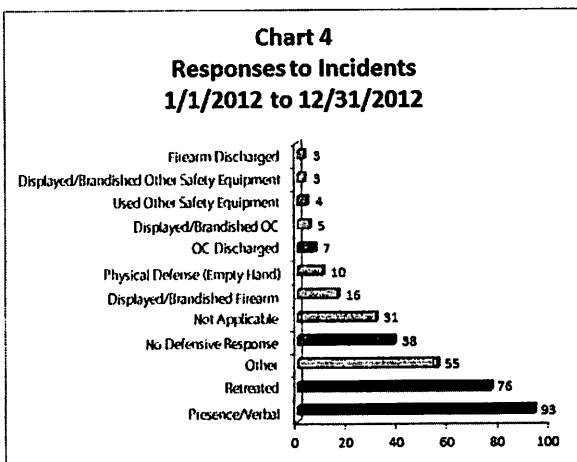
<sup>8</sup> Percentages are rounded numbers

**FEDERAL PROBATION HAZARDOUS DUTY LOCATIONS-JANUARY-DECEMBER, 2012<sup>9</sup>**



**Officers' responses to reported incidents.**

- **Presence/Verbal Defusion-93 incidents**
- **Retreated-76 incidents**
- **Other-55 incidents**
- **No Def. response-38 incidents**
- **Disp./Brandished Firearm-16 incidents**
- **Physical Defense-10 incidents**
- **OC discharged-7 incidents**
- **Use other safety equipment-4 incidents**
- **Disp./Brandished other equip-3 incidents**
- **Firearm discharge-3 incident**



**“In more than two-thirds of the incidents officers were alone in the field.”**

---

**TYPE OF WEAPONS USED TO KILL MALE POs<sup>10</sup>**

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Handgun	72.0%
Rifle	7.0%
Shotgun	7.0%
Knife	7.0%
Personal Weapons	7.0%

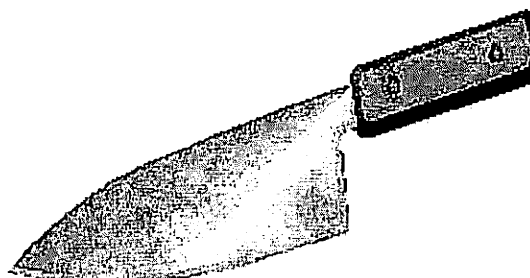



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**TYPE OF WEAPONS USED TO KILL FEMALE POs<sup>11</sup>**

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Handgun	0%
Rifle	0%
Shotgun	0%
Knife	67%
Personal Weapons	33%




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<sup>10</sup> Schweer, Ronald G. and Thornton, Robert L., *Based on research on probation officers killed in the line of duty-2013*

<sup>11</sup> Schweer and Thornton, op. cit.

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### 3 - 5 RULE<sup>12</sup>

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The majority of attacks against Probation and Parole officers have been initiated, and end, within a period of-

3 - 5 SECONDS

The attacks are initiated within a distance of-

3 - 5 FEET

The officer will sustain-

3 - 5 SHOTS, STABS, or BLOWS

This points out the need for officers to be vigilant for signs of aggression so, hopefully, attacks can be avoided. However, if attacks do occur, officers must possess the skills to stop the threat posed by the assailant.

## SURVIVAL FACTS

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### STREET FACTS

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- Nothing is *routine*.
- No two *situations* are ever exactly alike.
- *Behavior* is not always predictable.
- Each step of the way you must consider *opportunities* that a subject might have to injure you.
- Whenever possible you want to cultivate *tactics* for the unexpected.
- Whether attacks and assaults are elaborately or hastily planned, or are the result of an *impulsive* act, they can be carried out without difficulty, or time consuming and complex preparation.

***Be in the Moment!***

---

<sup>12</sup> Schweer and Thornton, op. cit.

- No special *skills* are required.
- The *means* and *opportunity* to carry out an attack and assault against you generally are readily at hand.
- Almost anyone, male or female, young or old, intelligent or not, can *successfully* attack and assault you.
- Most attacks are conceived and executed by subjects who are generally acting *alone*.
- An assailant can decide when, where and whom to attack, on grounds that are purely selfish or totally *irrational* and indiscriminate.
- In most instances, a subject may do so out of panic, desperation, confusion, anger, fear, derangement, exasperation, revenge, intoxication, hallucination, political zeal, or suicidal ideations.
- Attacks and assaults can be carried out by a *straight forward visible approach* or by a *hidden and inconspicuous ambush*.
- The method of the assault can be by *corporal* strike or by a *dangerous or deadly weapon*.
- Weapons can be easily *hidden* on or about the person.

---

## SAFETY TECHNIQUES

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They fall into two categories:

- Those that will help you *prevent* risky situations from *escalating* into life threatening encounters; and,
- Those that can help you *survive*, if despite your best efforts, violence does erupt.

Most safety techniques:

- Are simple; however, they require extensive use and application to be successful.
- Must become natural and reflexive, for under stress, in a crisis, you will instinctively revert to the way you have trained.

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## TACTICAL CONSIDERATIONS

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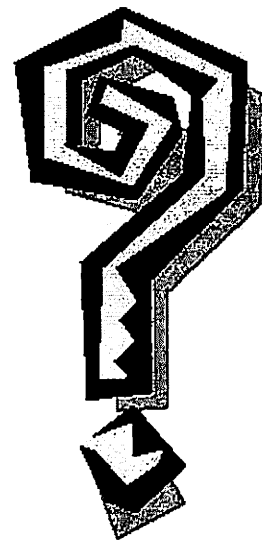
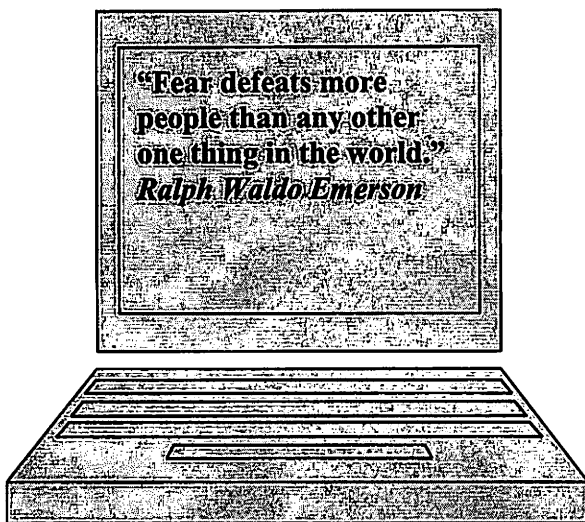
- There are no *absolutes* in tactics.
- No set of procedures are *always* effective.
- Always let the *circumstances* dictate tactics, not vice versa.
- *Action* is always quicker than *reaction*.
- When you least expect it, *expect* it.

---

## SURVIVAL STATE OF MIND

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- WHAT IS YOUR PERSONAL COMMITMENT TO SAFETY?
- WHAT IS YOUR PERSONAL COMMITMENT TO SURVIVAL?



WHAT IS THE DIFFERENCE IN THOSE TWO QUESTIONS?



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## WHY OFFICERS UNDER-REACT

---

- Failure to understand the *dynamics* of confrontations.
- Failure to *be mentally prepared*.
- Failure to *receive* training.
- Failure to *believe* in training.
- Failure to believe in their *ability*.
- *Mythical Thinking*.
- *Inhibition*.
- *Moral Repulsion*.

---

## FATAL TENDENCIES

---

- Act without waiting for backup or taking a partner with you.
- Rely heavily on reading people.
- Drop guard when good is perceived.
- Unbalanced Public Relations/Service orientation.
- Shortcut rules and procedures.
- Use less force than appropriate.
- Use force later than appropriate.



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## THE SURVIVAL EQUATION

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*SURVIVAL* is the result of a:

Realistic anticipation of threats that may arise;  
+  
developing options for preventing or resolving those threats safely.

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## ELEMENTS OF MENTAL PREPARATION

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- Personal Commitment
- Mental Awareness
- Crisis Rehearsal

---

## PRESUMED COMPLIANCE

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As most of our contacts will not result in any type of conflict, it is easy for us to *presume* there will be compliance in all our contacts. In analyzing probation/parole officers killed in the line of duty, we find that the majority of those officers killed by their offenders had previous, non-conflict, contacts with their offenders. *Presumed compliance* results in:

- Overconfidence
- Apathy
- Diminished motivation to train
- Increases reaction time
- Dulls intuition, instincts & communication skills
- Force option tunnel vision

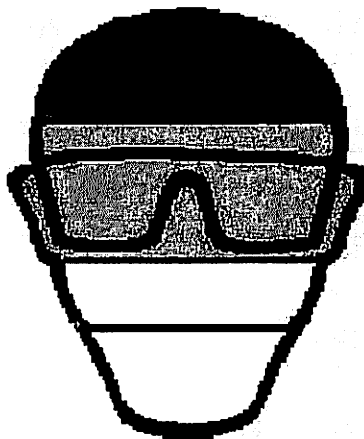


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## COLOR CODE of AWARENESS<sup>13</sup>

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- Condition BLACK
- Condition RED
- Condition ORANGE
- Condition YELLOW
- Condition WHITE



- Condition WHITE *Totally relaxed* state of mind. In familiar surroundings and unprepared to respond to any type of threat.
- Condition YELLOW *Relaxed awareness.* In a typical environment but realizing that threats can occur.
- Condition ORANGE *State of alarm.* You have perceived a threat and the body and mind have started to respond. You are considering the appropriate force options.
- Condition RED *State of combat.* You are a physical target. A confrontation is imminent.
- Condition BLACK *Blind panic.* The threat overwhelms you and you fail to control the adversary.

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<sup>13</sup> Cooper, Jeff, *Principles of Personal Defense*, Paladin Press: Boulder, Colorado, 1972.

---

## DEFENSIVE REACTION CYCLE<sup>14</sup>

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- *Perception*
- *Evaluation*
- *Reaction*

*Action is always  
quicker than reaction.*

---

## FIGHT, FLIGHT or FREEZE REACTION

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- New or dangerous situations trigger the "fight or flight" response.
- Whether you face real or imaginary fear, physical danger, or emotional stress, the reaction is the same.
- Our reactionary system can become so overwhelmed that we "freeze," failing to take the proper reactions to the threat. This freeze reaction can be overcome by dynamic training and "stress inoculation."
- Stressful reactions will cause adrenaline dump, thus speeding up the cardiovascular system.
- Adrenaline dump becomes energy.
- Your pulse quickens.
- Your muscles tense.
- The resulting rush of adrenaline equips you for any extra effort you might need.



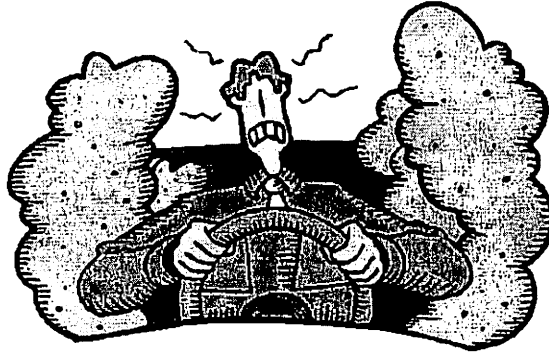
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<sup>14</sup> Desmedt, John, Police S.A.F.E.T.Y. Systems, Inc., 1989, as instructed by R. Scott Schlechter, Master Instructor, Protective (Police) S.A.F.E.T.Y. Systems.

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## CRISIS REHERSAL

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***Crisis Rehearsal*** is the use of mental images (internal movies) to develop appropriate reactions to confrontations. By repeatedly imagining yourself in a crisis where you successfully defeat a threat, you condition yourself to respond with the same proficiency in a real encounter. Your visualization of practicing proper tactics, physical and equipment skills, programs your nerves and muscles to respond automatically and lessens your susceptibility to stress interference.

Most techniques for dealing with potentially dangerous situations are simple and based upon easily retained skills. However, they require extensive use and application to be successful. They must become a natural and conditioned reflex. Under stress, in a crisis, you will instinctively revert to the way you have trained.

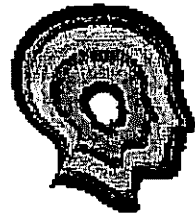
The most effective means of practicing *crisis rehearsal* is to continually review or discuss with a partner “what if” scenarios, e.g. what if the offender is intoxicated, in the middle of a drug deal, fighting with a spouse, etc. The more we practice *crisis rehearsal* the better prepared we will be.

---

### THREE STEPS OF CRISIS REHEARSAL

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- Visualize the threat/issue.
- Visualize your response, both verbally and physically. Be specific!
- See yourself successfully resolving the situation.



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## 11 POSITIVE SELF-TALK MESSAGES

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The following self-talk messages are adapted from Charles Remsberg's, *The Tactical Edge: Surviving High Risk Patrol*. The self-talk messages have been adapted to fit the situations that officers are likely to encounter, both in their personal and professional life.

It is our obligation to learn both the mental and physical training that will give us the confidence and skills to control any situation we encounter. The ability to think on our feet and develop a plan to control any situation is far more important than mastery on any one particular physical skill.

### ***Remember:***

- In any confrontation I will win.
- I've controlled dangerous situations before.
- I know the tactics I need.
- I know how to apply the control tactics I need.
- I have options for controlling the problem.
- I can take each situation step by step, without rushing.
- I can breathe deeply to control stress any time I become tense.
- I can decide not to be afraid.
- I can defeat any threat against me.
- I can use deadly force to save my life or the life of someone else.
- I can survive and keep going, no matter what, even if I'm hit.

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## THE USE OF FORCE

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**Graham v. Connor, 490 U.S. 386, 396 (1989)** is a landmark case that defines how force by an officer is to be used. It states that force issues shall be analyzed under the Fourth Amendment and its "reasonableness" standard, rather than under a "substantive due process" approach as other courts had ruled. The standard set forth by the Supreme Court states that an officer must act in an "objectively reasonable" manner in light of the facts and circumstances confronting them, without regard to the officer's motives or intent. Also, the "reasonableness" of a particular use of force must be judged from the perspective of a reasonable officer on the scene, not from the perspective of a lay person.

The court also recognized that officers are often forced to make split-second decisions about the amount of force necessary in a use of force encounter, in circumstances that are tense, uncertain,

and rapidly evolving. They also stated, "Not every push or shove, even if it may later seem unnecessary in the peace of a judge's chambers," would denote an excessive force verdict.

**Plakas v. Drinski, 19 F 3d 1143 (7<sup>th</sup> Cir 1994)**, set precedent regarding an officer's need to use alternative force options. The case involved the use of lethal force by an officer (Drinski) against an individual (Plakas) that charged the officer with a poker. The officer shot and killed the assailant and both the officer and his department were later sued by the administrator of the Plakas estate alleging that officers should have used other force options before deadly force.

The court held, "There is no precedent in the Circuit (or any other) which says that the Constitution requires law enforcement officers to use all feasible alternatives to avoid a situation where deadly force can justifiably be used. There are, however, cases which support the assertion that, where deadly force is otherwise justified under the Constitution, there is no constitutional duty to use non-deadly alternatives first."

"The Fourth Amendment does not require officers to use the least intrusive or even less intrusive alternative in search and seizure cases. The only test is whether what the police officers actually did was reasonable...." "We do not believe the Fourth Amendment requires the use of the least or even a less deadly alternative so long as the use of deadly force is reasonable under *Garner v. Tennessee* and *Graham v. Connor*."

### Use of Force Continuum

Many agencies have some form of use of force continuum graph, such as the one shown below from U.S. Probation. While these can be helpful, allowing staff to visualize the various levels of response to resistance and threat levels, agencies are beginning to move away from specific continuums and use scenarios where participants must evaluate the threat and then choose a "reasonable" response to the threat.

		Aggressor's Actions	Officer's Response
Officer's Self Defense Tools	Presence	<b>Compliance</b> Subject cooperative without direction	Open Stance Interview Stance Defensive Stance
	Verbal	<b>Resistance</b> Subject cooperative in response to direction	Questioning & Assessment Light Control (Adviso) Crisis Diffusion Heavy Control (Warning)
	Physical		Verbal Warning Hand On OC Present OC Use OC
	Deadly Force		Verbal Warning Defensive Stance Defensive Action
			Verbal Warning Hand on Weapon Draw/Point Weapon Shoot/Strike

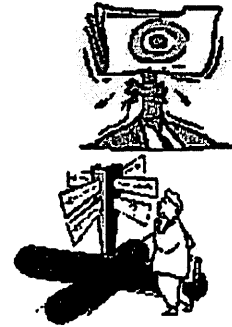
As you practice the various Natural Response Control Tactics, ask yourself against what type of threat would the specific tactics be reasonable. Also consider, in what type of situation would the tactic be either too much force or too little?

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## ATTACK MANAGEMENT

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- Shielding
- Distance
- Movement
- Counter-measures



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## PURPOSE OF FORCE

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The *PURPOSE* of any level of force is:

***CONTROL***  
and  
Maintaining  
a Position of Tactical  
Advantage

***“Your worst has got to be better than their best”***



---

## CONTACT/COVER<sup>15</sup>

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### ***CONTACT OFFICER***

- Conducts all communication with subject; issues commands when required.
- Performs searches of subjects and environments.
- Handcuffs all arrestees.
- Recovers evidence and contraband.

### ***POSITIONING OF COVER OFFICER***

- Personal *shielding*.
- *Unobstructed* view of contact officer and subject(s).
- Safe background (isolation) for *shooting*.
- *Peripheral* view of surrounding area.
- Control of likeliest *escape* route(s).

### ***COVER OFFICER***

- Devotes full attention to the subject(s) through a position of surveillance and control.
- Discourages hostile acts by the subject(s).
- Alerts contact officer to any weapons, or attempts to hide, discard or destroy evidence and contraband.
- Intervenes with force if necessary to protect contact officer.
- Resists distractions.
- Constitutes and unspoken force presence.

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<sup>15</sup> Albrecht, Steven and John Morrison, *Contact & Cover, Two Officer Suspect Control*, Springfield, Ill.: Charles C. Thomas, 1992.

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## THE SUCCESSFUL OFFICER

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- PERFORMS RELIABLY UNDER STRESS.
- AVOIDS USE OF FORCE WHENEVER POSSIBLE.
- IS READY TO EFFECTIVELY USE FORCE WHEN NECESSARY.
- ABLE TO HANDLE THE CONSEQUENCES OF THE USE OF FORCE.



***“You can’t react any  
better than you train”***

# TAB 6

District Court Judicial Support Staff Training Document	
Effective Date Statewide: Draft	Revision Date:

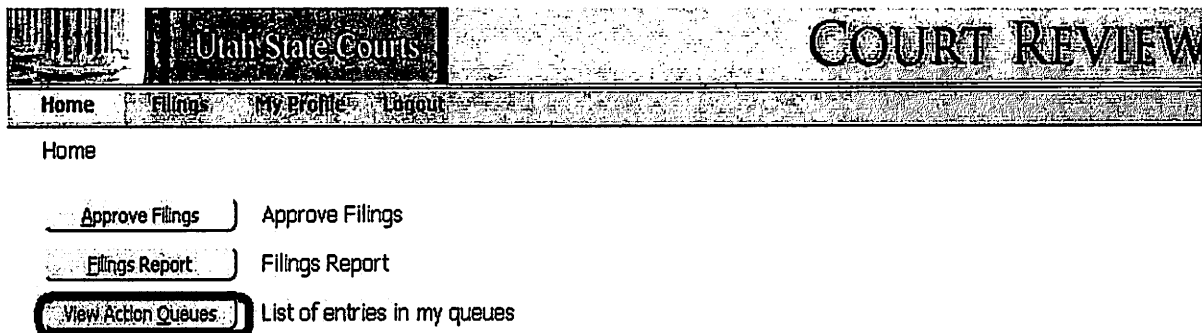
## ACCESSING EFILED DOCUMENTS IN THE VIEW ACTION QUEUE

### Overview

The majority of documents filed with the court are filed electronically. Some document types require action by the court to complete processing, i.e. a Request for Hearing requires a hearing to be scheduled; a Bankruptcy Notice requires that the case be placed on or taken off stay; an order requires a signature. Depending on the document type selected by the attorney when filing a document electronically, the document may be routed to a queue that requires additional action by the court.

### Procedure

1. Login to Efiling.
2. Select View Action Queues



3. **My Queue Entries** window will appear. This screen shows which documents have been assigned to a judicial support staff for processing. Each court site has an assigned Gatekeeper. Documents are routed first to the Gatekeeper and the Gatekeeper assigns the documents to a judicial support staff based upon local policy. Upon opening, the queue defaults to "All Queues".

## My Queue Entries

Filter By View Entries In: All Queues

- a. This screen is divided into columns which provide information about the documents and allows documents to be sorted by the column headings.

<input type="checkbox"/>	Queue	Case Number	Case Type	Court Location	CORIS Judge	CORIS Commissioner	Document	Assigned To	Case Title	Tracking	Filing Date/Time	Original Filed
--------------------------	-------	-------------	-----------	----------------	-------------	--------------------	----------	-------------	------------	----------	------------------	----------------

- i. By selecting a column heading, the documents are sorted by the column heading title. Selecting the **Queue** heading and the documents are sorted by the assigned queue; select the **Case Number** heading and the documents are sorted by the case number (which allows you to see if multiple documents for that case currently in an e-filing queue); select **Case Title** and the documents are sorted alphabetically by the name of the case. Sort order can be ascending or descending
- b. The queue search can be narrowed by selecting the down arrow on the right and selecting a specific queue. This allows judicial support staff to view only documents assigned to that queue.

Filter By View Entries In: All Queues

<input type="checkbox"/>	Queue	Case Number
<input type="checkbox"/>	Post Signature	10110120
<input type="checkbox"/>	QUALITY CONTROL	131100024

QUALITY CONTROL  
REVIEW  
CRIMINAL REVIEW  
ACTION  
JUDGMENTS  
ORDERS  
SUPP/BW/OSC  
Signed Docs from Commissioner  
WRITS with Filing Fees  
Post Signature

- c. The following queues contain pleadings awaiting signature by judge, commissioner or judicial support staff: **ACTION, JUDGMENTS, ORDERS, SUPP/BW/OSC, Signed Docs from Commissioner, and WRITS with Filing Fees**. A document in one of these queues requires action by the judicial support staff such as assigning an order to a judge or commissioner for signature; or signing the document in accordance with local policy.

- d. The **QUALITY CONTROL** queue is for records quality checking. Documents in this queue are monitored by a judicial support staff to ensure that specific actions have been completed. These actions include fees have been paid, all parties are entered, and information is entered correctly. Judicial support staff may be required to contact the filer to correct any errors.
- e. The **REVIEW** queue is for follow-up. Each document in the queue requires a judicial support staff to ensure that specific actions have been completed. These actions include detaching the attorney of record when a Withdrawal of Counsel document is filed, correcting data when a Request for Data Correction is filed, or entering a satisfaction of judgment disposition when a Satisfaction of Judgment is filed. Judicial support staff may be required to contact the filer to correct any errors.
- f. The **CRIMINAL REVIEW** queue is for follow-up in criminal cases. Each document in the queue requires judicial support staff to ensure that specific actions have been completed. These actions include detaching the attorney of record when a Withdrawal of Counsel has been filed or correcting data when a Request for Data Correction has been filed. Judicial support staff may be required to contact the filer to correct any errors.
- g. The **Signed Docs from Commissioner** queue contains documents that have been signed by a commissioner and are ready to be forwarded to a judge for signature or require action by a judicial support staff.
- h. The **Post Signature** queue is where documents are routed after an order is signed for any additional processing. Examples of common post order processing includes a hearing being rescheduled; a disposition to be entered or a warrant be recalled.

District Court Judicial Support Staff Training Document	
Effective Date Statewide: July 2010	Revision Date:

## ADOPTION

### Overview

Adoption is the legal act of permanently placing a child with a parent or parents other than the biological mother or father. A Decree of Adoption has the effect of severing the parental responsibilities and rights of the birth parent(s) and transferring those responsibilities and rights to the adoptive parent(s).

A petition for adoption is filed with the district court. Adoption cases are deemed private prior to disposition and sealed after the consent or finalization.

An adoption petition may be filed in the district where the petitioner resides, where the baby was born, or where the placement agency is located (78B-6-105). The petition must be filed within 30 days of the date the adoptee/child is placed in the home of the petitioner for the purpose of adoption, unless extended by the court or the licensed child-placing agency. If the biological parent's rights are terminated in juvenile court, the adoption would be filed and completed in juvenile court.

A petitioner in an adoption must be at least 10 years older than the person they seek to adopt.

There are several types of adoptions:

**Standard Adoption:** A standard adoption is when a husband and wife adopt a child from a private adoption agency or private individual. This type of adoption can be finalized after the child has been in the home for 6 months.

**Stepparent Adoption:** A step-parent adoption is when a person's spouse adopts their spouse's child. This type of adoption can be finalized when the child has resided in the home for at least one year.

**Foreign Adoption:** A foreign adoption is when the child is born in another country and the adoption is completed in that foreign country. The adoption must be registered in the United States in order to have a United States birth certificate issued. A foreign adoption does not require a hearing. A petition to register the foreign adoption order is filed with

the court. The petition along with the documents from the foreign country are reviewed by the judge (if the petition and documents are not in English they will need to be translated), and if approved the judge will sign an Order Approving the Registration. The original documents from the foreign country are given back to the petitioner after they have been scanned and uploaded.. These adoptions require a different form for the Office of Vital Records, called a Report of Foreign Adoption. All forms required to register a foreign adoption are available on the court's website.

**Single Parent Adoption:** A single parent adoption is when the petitioner is not married. A single person can do an adoption through a private agency, a private individual or a foreign country.

**Adult Adoptions:** An adult adoption is when the adoptee is an adult. Adult adoptions are done for various reasons such as:

- a person was adopted by a stepparent as a minor and now wishes to be adopted by their biological parent
- inheritance purposes
- to have a person's stepparent, foster parent or caregiver be a part of their legal family

These adoptions do not require the background check. Adult adoptions do not require the consent of the non-participating biological parent. The judge at the hearing should dissolve the prior adoption or terminate any conflicting parental rights.

**Consents:**

- In both standard adoptions and stepparent adoptions there must be consent of both biological parents.
- If the adoptee is more than 12 years of age the adoptee must consent to the adoption, unless the adoptee does not have the mental capacity to consent.
- The person or agency to whom an adoptee has been relinquished to and that is placing the child for adoption must consent.

**Mother's Consent:** Consent cannot be given until at least 24 hours have passed since the birth of the child. The consent can be taken by the adoption agency, in front of an appointed magistrate or commissioner (in out of state adoptions) or in front of a judge.

If the adoption will be finalized in another jurisdiction, the Petition for Taking Consent is filed as an Adoption.

**Father's Consent:** The consent can be taken by the adoption agency, in front of an appointed magistrate or commissioner (in out of state adoptions) or in front of a judge. Consent cannot be given until at least 24 hours have passed since the birth of the child.



If the adoption will be finalized in another jurisdiction, an adoption case does not need to be set up in the jurisdiction taking the consent. If the biological father cannot be located, the parties can motion the court for service by alternative means.

If the adoptee is not conceived or born within a marriage and consent of the biological father cannot be taken, the petitioner must file with the court a Certificate of Search of Paternity Registry and Birth Certificate Registry from the State Registrar of Vital Statistics from the Department of Health. This certificate states that a diligent search has been made of the registry of notices for unmarried biological fathers and that no filing has been found, or, if a filing is found the name of the putative father along with the time and date of filing.

Father's may need to give consent to a stepparent adoption that is to take place in another state, the father will need to come into court and sign a consent given to him by counsel in the other state. The counsel in the other state will need to file a Petition for Consent along with the associated \$35.00 filing fee.

The consents **must** be notarized or witnessed by an appropriate authority. This applies to standard adoptions and stepparent adoptions.

Adoption cases do not require that a summons be served, only that a notice of the adoption is being filed.

Before the court can enter a default of one of the parties, the petitioner must tell the court if the defaulting party is in the military service. A certificate from the Department of Defense Manpower Data Center is the preferred evidence of the party's military service status.

#### **Reference**

Utah Code Annotated: 78B-6-101 - 78B-6-145

Utah Rules of Civil Procedure: Rule 107

[Utcourts.gov/self help resources](http://Utcourts.gov/self-help-resources)

## Procedure

1. From the Primary Menu, select **Case>Case Filing>Probate Filing**.
  2. Select Adoption in **Case Type**. The **Name** field will automatically be populated with IN THE MATTER OF THE ADOPTION OF - at the end of this phrase type the adoptee's (the child's) name as it appears on the pleadings.
  3. Under **Party**, select **PET**. Enter petitioner's information. Then select **Next Party** and enter next petitioner.
  4. Select **Next Party**. Under **Party** select **MIN** and enter child(ren) name(s). If the Party being adopted is an adult select **ADP** as party type.
  5. Attach attorney(s). (DCJUST:Attach Attorney)
  6. Select **Accept Fee**. CORIS will generate a case number and assign a judge. The cashiering screen will display. In addition to the filing fee there is a vital statistics fee for **each** child being adopted. (DCJUST:Cashiering)
- Note:** if the case is efiled, the above steps are completed by the attorney, the petition will display in the efilings Review queue, open the petition to insure that the parties have been entered correctly, that a vital stat sheet for each child was filed and the correct filing fee was paid. Remove the petition from the Review queue.
7. For adoptions that require a hearing to finalize, counsel should contact the court when the appropriate time frame has expired. This may be at the time of filing.

The screenshot shows the 'Probate Filing' window with the following fields and options:

- Case:** [Dropdown menu]
- Case Type:** Adoption [Dropdown menu]
- Filing Date:** 08/15/2013
- Judge:** [Dropdown menu]
- Commissioner:** [Dropdown menu]
- Old Case Number:** [Text field]
- Name:** IN THE MATTER OF THE ADOPTION OF [Text field]
- Party:** PET [Dropdown menu]
- Last Name:** DOE [Text field]
- First Name:** JOHN [Text field]
- Sex:** M [Dropdown menu]
- Birth Date:** 08/08/2000 [Text field]
- Address:** [Text field]
- Address 2:** [Text field]
- Phone #:** [Text field]
- City:** [Text field]
- State:** [Dropdown menu]
- Zip Code:** [Text field]
- Country:** [Text field]
- Title:** [Text field]
- Disabled:** [Checkbox]
- Safeguarded:** [Checkbox]
- Attach attorney(s) to party:**
  - Bar No:** [Text field]
  - Bar State:** UT [Dropdown menu]
  - Last Name:** [Text field]
  - First Name:** [Text field]
  - Find:** [Button]
  - Next Party:** [Button]
  - Attach Attorney:** [Button]
  - Update Party:** [Button]
- No Amount Specified:** [Checkbox]
- Schedule Event:** [Checkbox]
- Classification:** PRIVATE [Dropdown menu]
- Note:** [Text field]
- Ref. #:** [Text field]
- Buttons:** Re-assign Judge, Accept Fee, Show Attorneys, Enter, Exit

Counsel for the petitioner or the petitioner, may submit a Certificate of Readiness for Adoption or contact the court for the hearing date.

8. Calendar the case for a hearing -- **Primary Menu > Case > Calendar > Schedule Events (F8)**. At the time when the hearing is set, confirm that a certificate from the Department of Corrections and a certificate from the Division of Family Services have been filed, or that counsel will be providing these certificates at the hearing.

The Adoptee **must** attend the hearing.

Create a Minute Entry (DCJUST: Minutes Entries)

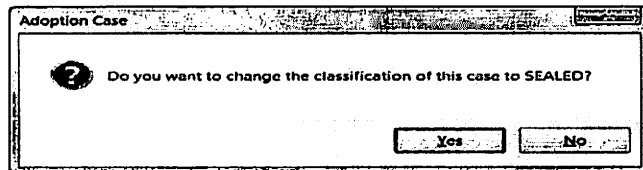
In adoptions being finalized in Utah because the baby was born in Utah, but the petitioners reside in another state, the petitioner's appearance at the hearing may be waived by the court. The agency representative and the attorney may be the only parties present at these hearings.

9. Enter the consents signed by the petitioners at the hearing **Primary Menu > Case > Documents > Documents (F5)**. Enter the order and any other documents received at the hearing.
10. Seal the judge's signature on the Findings and Decree if these pleadings were signed in paper form.
11. Enter the Findings of Fact and Conclusions of Law and the Decree of Adoption **Primary Menu > Case > Documents > Documents (F5)**.  
  
**NOTE:** If the case was efiled, the attorney will submit these pleadings before the hearing, on the day of the hearing, send these two pleadings to the judge's queue for signature.
12. Make certified copies of the Decree of Adoption as requested by the parties (typically 3 is recommended).
13. Certify and send the Report of Adoption form to the Office of Vital Records and Statistics. This form names the petitioners as the parents of the child and is required for a new birth certificate to be issued.  
If the case was efiled, this form will need to be printed from CORIS.

14. Enter a case disposition of Granted. **Primary Menu > Case > Civil Case Disposition.**

URCP Rule 107 allows copies of documents for a period of six months. When disposition is entered there is a message box which displays with an option to change the case classification to sealed. If the case classification is not changed the case must be placed on tracking for six months and the classification changed to sealed at the end of that time. If the security classification is changed to sealed a person with access to sealed records will have to print the appropriate documents.

15. Upon entering the disposition, a screen will open asking if the classification should be changed to sealed. Based on local practice select Yes to seal the case now, or, wait and track the case for six months and then seal. It is the courts statutory responsibility to access for six months.



If the adoption is contested, the case will proceed to a bench trial or evidentiary hearing.

With proper identification and information a copy of the Decree of Adoption may be obtained if one of the following applies:

- 1) The adoptee is now an adult
- 2) The adoptive parent of the adoptee
- 3) The adoptee was an adult at the time of the adoption

**NOTE:** The clerk is required to send the Report of Adoption to the Office of Vital Records and Statistics. Copies may be also provided to the parties to the case at the time the adoption is completed. If the non-identifying information is filed, it is also sent to the Office of Vital Records.

#### Case Management Warning

If a Decree of Adoption is requested from a case not in CORIS, because of the age of the case, the case may need to be added to CORIS to receipt fees. When adding this type of case to CORIS, BE SURE TO enter a CASE DISPOSITION. If the case disposition is not entered, the case will appear active on the case pending report.

Adoption files are **Permanently** retained.

<b>District Court Judicial Support Staff Training Document</b>	
Effective Date Statewide:	Revision Date:

## **CIVIL FEE WAIVERS**

### **Overview**

A filer may ask the court to waive the court filing fees and other associated fees. This is done by filing an Application and Affidavit to Waive Fees and proposed Order to Waive fees with the complaint or petition. If an Application and Affidavit to Waive fees is submitted, the filing will be accepted without the filing fee. A judge or commissioner will then review the financial information and make a determination. The judge may waive the fees totally, in part, or not at all. If the judge does not waive the entire fee, the filer must pay the fee that the judge decides within the time allowed, or the case may be dismissed.

### **Reference**

UCA 78A-2-302 through 78A-2-309, Rule 4-508

Waiver of Court Fees

### **Procedure**

If an Application and Affidavit and Order to Waive Fees is filed with a complaint or petition at the front counter by a self represented litigant, file the case. Once the filing information has been entered on the filing screen, select the **Accept Fee** box to open the **Cashiering** screen.

If an Application and Affidavit and Order to Waive Fees is filed with a Complaint or Petition which is efiled, the case will be filed and the complaint/petition and Application and Affidavit to Waive Fees docketed. The proposed Order to Waive Fees will need to be assigned for review and signing. Upon review of the filings report or assignment of the proposed order, a judicial assistant will need to open the **Cashiering** screen from the Primary Menu.

<b>The following process will need to be followed whether the case is e-filed by an attorney or filed at the front counter by a self-represented litigant.</b>
--

From the **Cashiering** screen, select the filer's name as **Payor** and check the **Civil Fee box** (a warning box will display asking if this is the correct payor.) From the **Civil Fees** screen, select the correct Fee and check the **Fee Waiver Requested** box.

The full amount of the civil fee is created as an account receivable.

**Civil Fees**

Case: 134000055 Divorce/Annulment

Title: JONES, JOY VS. JONES, BOB

Judgment Disposition: [ ]

Amount of Suit \$ 0 Fees paid to date \$ 0

Scroll to fee [ ]

Fee Description	Fee Amount
CONTEMPT	0
COUNTER/PATERN-GRAND	155.00
DIVORCE COUNTER	115.00
DIVORCE MODIFICATION	100.00
DIVORCE PREV TS CASE	275.00
DIVORCE/CUST&SU PETN	310.00

☐ Government Fee (based on filing date)

☐ Zero Amount

☐ Proceed to Miscellaneous Copies

☒ Fee Waiver Requested

Amount Due: \$310.00

Buttons: All Fee Codes, Paid Fees, Note, Continue, Exit

The Civil Fee Documents screen opens and the document and image can be entered if necessary. The account receivable has been created and the date entered on the Fee Waiver screen with a status of "Requested". On the **Cashiering** screen select **Exit**.

Two critical messages now display on the Primary Menu:

1. Fee Balance.
2. Fee Waiver Status. (Fee waiver statuses are: Denied, Government, Partial, Requested and Waived.)

Exit Case Party Cashier In

**Case Information**

Case: 134000055 Case: Divorce/Annulment

Citation: [ ]

Reference: [ ]

Change to Party: JONES, JOY PET

**Critical Messages**

Fee Balance \$310.00

Fee Waiver - Requested

Once a determination by the judge has been made regarding the fee waiver request, the status of the fee waiver **MUST** be updated.

From the **Primary Menu** screen, select **Case > Fee Waiver**. Select the appropriate **Waiver Status** from the drop down list. Depending on the status selected, the data in the Waive Amount and New Balance fields will change.

- Requested – When the status is requested, the balance due is the full fee amount. The Balance will change when you update the status.
- Denied – The Waive Amount field will be blank and the full amount of the filing fee will appear in the Amount Due.
- Government – The filing fee amount will be populated in the Waive Amount field and 0.00 will display in the Balance Due field.

**Fee Waiver**

Case: 134000055 Divorce/Annulment

Account: DIVORCE/CUST&SU PETN

Waiver Status: Partial

Account Type: DIVORCE/CUST&SU PETN

Party Name: JOY JONES

Original Amount Due: \$310.00

Adjusted: \$

Prior Waived: \$

Waive Amount: \$155.00

New Balance: 155.00

Amount Due: \$310.00

Amount Paid: \$0.00

Amount Credit: \$0.00

Balance: \$310.00

Buttons: Update Account, Exit

- Partial – When Partial is selected, an amount has to be entered in the Waive Amount field or the New Balance field. In this example, the judge has waived ½ of the filing fee (\$155). When \$155 is entered, the New Balance is populated when the field is tabbed out of.
- Waived – If the filing fee is waived in full, the amount of the fee will populate the Waived Amount field and the New Balance field will be blank. A fee with a waiver status of requested cannot be receipted.

Once the status information is entered, select the **Update Account** button.

The fee balance and status entry on the Primary Menu will be updated when the case is reopened.

Change to I  
JONES, JOY PET

#### Critical Messages

Fee Balance \$155.00  
Fee Waiver - Partial

When the Fee Waiver box on the Civil Fees screen is selected, it will reflect in the case history. When the fee status is changed or modified, the case history is updated with the current status.

REVENUE DETAIL - TYPE: DIVORCE/CUST&SU PETN  
➡ Fee Waiver Status - Partial  
Original Amount Due: 310.00  
Amended Amount Due: 155.00

The **Account Payoff** screen (F12) will display a warning if any account on the case has a Waiver Requested status.

A report called Fee Waiver Status is available. This report displays any case where a filing fee account has not been created, any case that has a filing fee account with a balance due and any case with a filing fee which has been waived. To generate this report, from the **Primary Menu** select **Information > Reports > Accounting > Management > Fee Waiver Status**.

<b>District Court Judicial Support Staff Training Document</b>	
Effective Date Statewide: 09/2005	Revision Date:

**LIEN MORTGAGE FORECLOSURE  
(EXCESS PROCEEDS)**

**Overview**

Excess funds from the foreclosure sale of real property are submitted to the court after all costs, expenses of sale, attorney fees, and trust deed obligations are paid by the trustee. The court then makes a determination as to how the funds are to be distributed.

Excess funds from the sale of real property are deposited with the court, along with an affidavit listing all known persons who may claim an interest in the funds (claimants) and their addresses. Within 15 days of the case being filed with the court, the clerk gives written notice of the deposited funds to the claimants listed in the affidavit. Persons claiming an interest in the funds may file a Petition for Adjudication asking the court to issue an order to distribute the funds. If the distribution of the funds is contested by competing petitions, a hearing is set within 20 days and notice sent to all parties. Refer to local policy if the judge requires a notice to submit prior to setting the hearing. If the petition is not contested or is stipulated, an order to disburse funds may be entered without a hearing. Unclaimed funds may be sent to Unclaimed Property after one year. See DCJUST:Unclaimed Property

**Reference**

Utah code 57-1-29

Accounting Manual



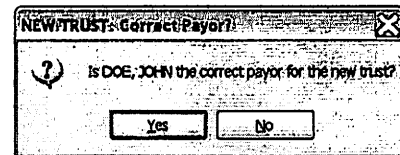
## Procedure

### 1. Case is created.

- A. The petition will be in efilng in the assigned Judge's judicial assistant's action queue under Review. The case type is **Lien/Mortgage Foreclosure**. Verify that potential claimants listed in the petition are added into CORIS, as party type **Claimant (CLA)**.
- B. The excess funds cannot be submitted electronically at this time. The funds are to be deposited with the court either over the counter or by mail. The attorney may supply the case number on the check. If not, the cashier must do their best to identify which case the funds apply to. If that cannot be determined, then follow local policy on returning checks.

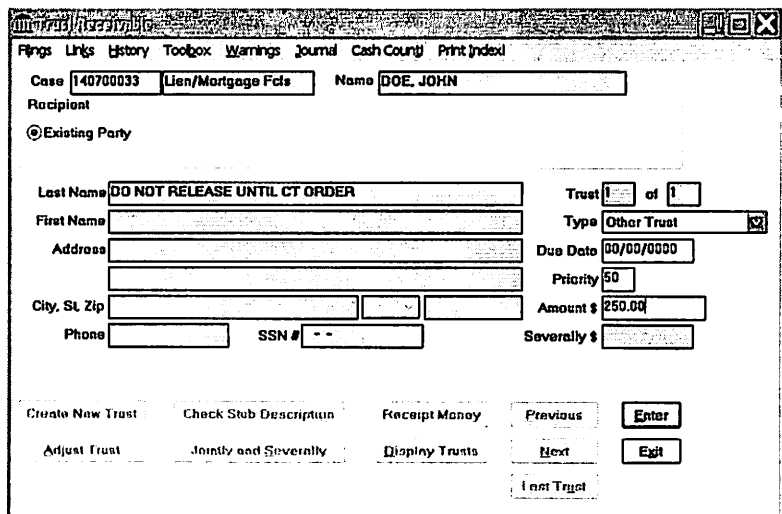
### 2. Create trust account.

- A. From **Primary Menu** select: **Cashiering > A/R > Trust Receivable**. After entering your user verification again, a box will open to confirm who the correct payor is. Verify the name and select yes. If no is selected, return to the cashiering screen to select the correct payor.



Select **New Party** button. List party name as "DO NOT RELEASE UNTIL COURT ORDER" in the last name field. Select **Other Trust** in **Type** box and enter amount of funds to be deposited in the **Amount** box. Select **Enter**.

- B. **Receipt funds.**  
(DCJUST: Cashiering in CORIS)



### 3. Create Notice

Within 15 days of the filing date, notice is to be sent to all potential claimants. (See sample notice) Enter the notice in the **Document (Case > Document (F5))** screen.

### 4. Petition for Adjudication of Funds/Hearing

A. Upon receipt of a Petition for Adjudication of Funds filed by a self represented litigant, scan and attach the image of the petition in the **Document** screen (F5). If the claimant has retained an attorney, the attorney should be submitting this through efilg. The Petitioner's notice of Petition for Adjudication of Funds must specify that all claimants have 45 days to contest the petition by affidavit of counter-petition.

B. Upon receipt of a contesting affidavit, competing petition(s), or request for hearing, enter any additional claimant names, verify attorney is attached, and **schedule the hearing within 20 days**, or refer to local policy if a notice to submit is required, sending notice to all parties.

**NOTE:** If no affidavit or competing petition is filed, the Court may enter an Order for Disbursement of Funds without a hearing.

### 5. Order

A. Upon receipt of the proposed order, submit to the Judge for signature, following local procedure for tracking time, etc.

B. Upon receipt of the signed order, enter a case disposition of granted. If the order is dismissed, or denied, enter the appropriate disposition.

C. Notify the accountant of the signed order so the funds can be disbursed according to the order.

If the case sits with no activity and no response, follow procedure for an order to show cause for dismissal. DCJUST: Civil Order to Show Cause for Dismissal  
If the funds remain in trust for at least one year, follow the procedure to send the funds to Unclaimed Property.

**(SAMPLE NOTICE)**

**NOTICE CONCERNING DISPOSITION OF FUNDS ON TRUSTEE'S SALE**

**TO WHOM IT MAY CONCERN:**

Please be advised that on the \_\_\_ day of \_\_\_\_\_, 20\_\_\_, pursuant to 57-1-29, Utah Code Annotated, 1953 as amended, the sum of \$ \_\_\_\_\_ was tendered to the \_\_\_\_\_ District Court Clerk's Office in Case No. \_\_\_\_\_, entitled:

**In the Matter of the Trustee's Sale of \_\_\_\_\_.**

Any claimant may petition the court for adjudication of priority of these funds. Said petitioners shall give notice of the petition to claimants listed in the trustee's affidavit and to any other claimants known to the petitioner. The petitioner's notice must specify that all claimants have 45 days to contest the petition by affidavit or counter-petition. If no affidavit or counter-petition is filed within 45 days, the funds may be disbursed to the petitioner according to the petition without further notice.

If a petition for adjudication is contested by a timely affidavit or counter-petition, the court will conduct a hearing and determine the priorities of such proceeds and the clerk will disburse the funds as ordered.

All persons having or claiming to have an interest in the disposition of funds deposited who fail to appear and assert their claims are barred from any claim to the funds.

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Clerk of the Court, District Court

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<b>District Court Judicial Support Staff Training Document</b>	
Effective Date Statewide: Draft	Revision Date:

## NA CASE TYPES

### Overview

A criminal case type that is filed with no defined severity is used for administrative cases only. This type of case uses "NA" or Not Applicable as the severity and was developed to allow the courts to process an activity in CORIS that is not associated with a criminal case. NA cases do not report to BCI or Driver License Division. Changing the severity from NA will result in reporting to those agencies.

The NA administrative codes are used in the event of filing in CORIS. The Ewarrants system is available for many of the warrant filings and should be used by law enforcement and judges when practicable.

### Reference

Utah Code of Criminal Procedure

### Efiling Procedure

NA case types cannot currently be initiated through efiling. However, documents can be efiled to an existing NA case.

### Manual Procedure

1. From the Primary Menu, select **Case > Case Filing > Criminal Filing**. The case is filed using the criminal filing screen with the information from the document filed by the prosecutor or law enforcement. The violation code will not be part of the filed document and will require a "find violation" search.

2. When the code is entered in the **Violation Code** box and the tab key is pressed, the **Violation Description** and **Severity** and security classification will automatically be entered.

**Criminal Filing**

Filing Date: 05/29/2014 Case #: [ ] Disability: [ ] Classification: PUBLIC

Law enforcement agency: SALT LAKE POLICE Prosecution: SALT LAKE CITY Citation: [ ] Judge: [ ] Commissioner: [ ]

Last Name: MONSTER Offense tracking # UT: [ ] OTN Not Available: [ ]

First Name: EDDIE Birth Date: 01/01/1940 Social security number: [ ]

Address 1: 222 E 100 S Commercial Drivers License: [ ] Drivers License Search: [ ]

Address 2: [ ] Drivers License/State ID Number: [ ]

City, St, Zip, Cntry: SALT LAKE CITY UT 84111 Drivers license state: UT

Note: [ ] 16 or more occupants: [ ]

Campus Code: [ ] de Novo: [ ] Attach: [ ] Schedule: [ ] Link: [ ] Defendant: [ ] Filed from an: [ ]

an attorney Event Co-defendants Information information

Seq	Offense Date	Offense Location	Gov	Violation Code	Violation Description	Severity
1	04/01/2014	SALT LAKE	UT	77-22-2	CRIMINAL INVESTIGATION	NA

Repeat Charge: [ ] Prosecution: [ ] Add Charge: [ ] Delete Charge: [ ] Spec Proc: [ ] Find Violation: [ ]

Total Charges: 1

Old case number: [ ] Agency Info: [ ] Judge Assign: [ ] Enter: [ ] Exit: [ ]

Print Barcode: [ ]

Add Document Image: 0

3. Once the charge is entered, select **Enter** to save input or select **Exit** to leave without saving.

Activities to file as NA in CORIS and the Offense Violation Code to Use

Description	Violation Code	Security
<b>ADMINISTRATIVE CHECKPOINT</b> is required for a roadblock where enforcement officers stop all, or a designated sequence of motor vehicles traveling on highways and roads. These vehicles are subject to inspection and/or testing, and the drivers and occupants may be questioned or asked to produce documents related to the vehicle	77-23-104	Public
<b>BOND TO RESTRAIN VIOLATION/WARRANT</b> If there is reasonable ground to fear the commission of an offense, the court may, in addition or as an alternative to other relief, enter an order permanently restraining the person from engaging in illegal conduct or acting in any manner that could result in illegal conduct or the person complained of may be required to enter into an undertaking in a sum not to exceed \$3,000, with one or more sufficient sureties.	77-3-8	Public

<b>CRIMINAL INVESTIGATION</b> Prior to filing a criminal case, the prosecuting attorney may apply to the district court for approval to conduct a criminal investigation for the purpose of identifying a criminal activity. The court may allow the prosecutor to subpoena witnesses and compel testimony to be recorded or require production of evidence. The prosecutor may request the criminal investigation case be sealed. The case may only be sealed upon judicial order.	<u>77-22-2</u>	Public
<b>DEMAND FOR FORFEITURE OF PROPERTY</b> On a criminal forfeiture of property, an Information or Amended Information is filed with a charge of "Demand for Forfeiture of Property". There will be other charges on the Information. Those charges are usually related to the property that was seized.	<u>24-4-105</u>	Public
<b>EXPUNGEMENT:</b> In the event an expungement is filed for a matter in which no case exists in CORIS or for an "arrest only" case, there are two options: 1. If the Judge requires a hearing, create a criminal case in CORIS using the offense code 77-40-103. This is an administrative code and does not report the case to either the Department of Public Safety or to the Drivers' License bureau. 2. If a hearing is not requested or required, the Court may decide not to create a case. Refer to local policy. <ul style="list-style-type: none"> <li>• Enter the booking sheet number on the order of expungement and the phrase "Arrest Only" before sending to the judge for signature.</li> <li>• The filing fee for ANY expungement petition is \$135.</li> <li>• See <u>DCJUST: Expungement</u></li> </ul>	<u>77-40-103</u>	Public
<b>EXTRADITION FOR CRIME COMMITTED IN ANOTHER STATE WHILE IN UTAH</b> is the legal surrender of an alleged criminal to the jurisdiction of another state, country, or government. It is also for the return of a person charged with a crime in this state, but being held in another state. Warrants for extradition must be made through the governor's office. If another state's governor desires extradition of a person charged with a crime in his/her state and the individual is currently held in Utah, a written demand, supported by sufficient documentation, shall be presented to the governor of Utah for execution. If the governor of Utah decides to comply with the demand, an arrest warrant is signed and directed to a peace officer to deliver the accused to the demanding state. However, no person arrested on such warrant will be delivered to the authorized agent unless the defendant is first taken before a district court judge. The judge will inform the defendant of the demand and of the crime with which the defendant is charged. The court will advise the defendant of the right to counsel and the right to challenge the legality of the arrest. If requested, the court will set a reasonable time in which the defendant may file a writ of habeas corpus.	<u>77-30-6</u>	Public
<b>FUGITIVE FROM JUSTICE- WARRANT OF ARREST</b> A judge may issue a warrant of arrest and order the warrant to be served on the accused of the following conditions are met: (1) the person held in Utah is charged with a crime in another state; (2) the person has fled from justice; and (3) the charge was made under oath before a judge or magistrate. A person can also be arrested without a warrant upon reasonable information that the accused stands charged in another state with a crime punishable by death or imprisonment for a term exceeding one year. When the person is arrested he or she must be taken before a judge with due speed. Furthermore, a complaint detailing the grounds for arrest must be made against him or her under oath.	<u>77-30-13</u>	Public
<b>HEARING DE NOVO</b> An appeal from a justice court in a criminal case as a result of a ruling regarding a hearing will be heard in a district court located in the same county as the justice court. In counties with multiple district court locations, the presiding judge of the district court shall determine the appropriate location for the hearing of justice court appeals.	<u>78A-7-118</u>	Public

<b>JAIL RELEASE COURT ORDER</b> The Court will make the order conditional upon the defendant bailing out from jail. This order is automatically placed on DPS/SWWS when the court issues the order from CORIS/Protective Orders.	<u>77-36-2.6</u>	Public
<b>PEN REGISTER OR TRAP AND TRACE DEVICE</b> is a device that records or decodes electronic impulses to identify numbers dialed or otherwise transmitted on a telephone line to which the device is attached. A "trap and trace device" could be a device, process, or procedure that captures incoming electronic impulses that identify the originating number of an instrument or device from which a wire or electronic communication is transmitted. The application and any orders granting a Pen Register, Trap and Trace Warrant are sealed. These warrants are not placed on the Statewide Warrant System.	<u>77-23A-15</u>	Sealed
<b>SEARCH WARRANT</b> is an order issued by a judge describing a thing, place, or person to be searched and the property or evidence to be seized. The court is required to maintain and be able to produce all search warrant documents filed. All documents provided by the magistrate including the application and all affidavits are sealed for 20 days unless the time is extended or shortened by judicial order.	<u>URCrP Rule 40</u>	Sealed
<b>SECURITY TO KEEP THE PEACE THREATENED OFFENSE</b> complaint that a person has threatened to commit an offense against the person or property of another, except in the case of stalking, may be made before any magistrate. Petitions alleging the commission of stalking shall be handled pursuant to Title 77, Chapter 3a, Stalking Injunctions.	<u>77-3-1</u>	Sealed
<b>WARRANT OF ARREST/TEMP RESTRAINING ORDER:</b> If the magistrate believes there is reasonable ground to fear the commission of the offense threatened, s/he may: (1) Issue a warrant directed generally to any peace officer, reciting the substance of the complaint and commanding the officer to immediately arrest the person complained of and bring him before the magistrate or in the case of his absence or inability to act before the nearest and most accessible magistrate of the county; and (2) Issue a temporary restraining order against the commission of the offense and order the person complained of to immediately appear before the magistrate for a hearing.	<u>77-3-4</u>	Sealed

## District Court Judicial Support Staff Training Document

Effective Date Statewide: Draft

Revision Date:

### Processing Post Signature Documents in Efiling

#### Overview

Once a document is signed by a judge, commissioner, or judicial support staff, it is routed into the **Post Signature Queue** and assigned back to the Gatekeeper. If the order requires additional action, the Gatekeeper may assign it back to the judicial support staff who assigned it to the judge, commissioner or judicial support staff for signature. Orders routed to the **Post Signature Queue** may require additional action by the judicial support staff, such as scheduling/rescheduling a hearing, detaching an attorney, or reducing the severity level of a criminal charge. Orders in the **Post Signature Queue** are reviewed to determine if additional action is required.

#### Procedure

1. Login to Efiling.
2. Select **View Action Queues**.

Home

Approve Filings

Approve Filings

Filings Report

Filings Report

**View Action Queues**

List of entries in my queues



3. **My Queue Entries** window will open. Select the down arrow to the right of the **View Entries in:** box and select **Post Signature**.

**My Queue Entries**

The screenshot shows a software interface titled "My Queue Entries". At the top left is an "Update" button. To its right is a "Filter By" label, followed by a "View Entries in:" label and a dropdown menu. The dropdown menu is open, displaying a list of options: "All Queues", "QUALITY CONTROL", "REVIEW", "CRIMINAL REVIEW", "ACTION", "JUDGMENTS", "ORDERS", "SUPP/BW/OSC", "Signed Docs from Commissioner", "WRITS with Filing Fees", and "Post Signature". The "Post Signature" option is highlighted at the bottom of the list. An arrow points from the right side of the page towards the "Post Signature" option. Below the dropdown, there is a table with columns labeled "Queue" and "Case No.". A row is visible with the value "11910" under the "Case No." column. To the left of this row, there is a checkbox labeled "REVIEW".

The signed orders will display in the Gatekeeper's **Post Signature Queue** for review to determine if any additional action is required. If additional action is required, the Gatekeeper reassigns the document per local policy. Judicial support staff then completes required action and removes the document from the queue.

<b>District Court Judicial Support Staff Training Document</b>	
Effective Date Statewide: Draft	Revision Date:

## **TRANSFER OF STRUCTURED SETTLEMENT**

### **Overview**

A structured settlement is a financial arrangement usually arising from a personal injury tort action. The insurance company involved resolves the tort action by agreeing to pay periodic payments to the claimant. To fund the obligation, an annuity is may be purchased by the insurance company with the payments delegated to the claimant.

The claimant may contract with a company to purchase their structured settlement. This is typically done at a discounted rate of the present value. The attorney for the company purchasing the structured settlement files a Petition for Approval of Transfer of Structured Settlement Payment Rights as a Civil Miscellaneous case type and pays the filing fee.

### **Reference**


UCA 78B-6-1502

UCA 78B-6-1504


UCA 78B-6-1506

### **Efiling Procedure**

1. The petition for **Transfer of Structured Settlement** will be filed in CORIS and will not be routed to any queue.
2. A Request for Hearing may be received at the time of Efiling. Check to make sure the petition is signed and the appropriate filing fee was collected. The parties added should be reviewed to verify they are listed correctly. Corrections, if necessary will need to be done using the Data Correction document.
3. If parties are entered correctly and the filing fee received, calendar the hearing as a Structured Settlement Hearing. Set on calendar per local policy and send notice to the parties.

- 
4. After the hearing, if the transfer of structured settlement is approved and the order is signed, the case disposition must be entered. From **Primary Menu**, go to **Case > Civil Case Disposition**. Enter **Granted** as the disposition, the judge who signed the final order, and the date the order was signed.

### **Manual Procedure**

1. From the **Primary Menu**, go to **Case > Case Filing > Civil Filing**.
    - a. From the **Case Type** drop down box, select **Miscellaneous**.
    - b. Enter the parties as they appear on the Civil Cover Sheet.
  2. A Request for Hearing may be received at the time of filing. Check to make sure petition is signed and the appropriate filing fee was collected. The parties added should be reviewed to determine that they are listed correctly.
  3. If parties are entered correctly and filing fee received, calendar the hearing as a Structured Settlement Hearing. Set on calendar per local policy and send notice to the parties.
  4. After the hearing, if the transfer of structured settlement is approved and the order is signed, the case disposition must be entered. From **Primary Menu** go to **Case > Civil Case Disposition**. Enter **Granted** as the disposition, the judge who signed the final order, and the date the order was signed.
- 

<b>District Court Judicial Support Staff Training Document</b>	
Effective Date Statewide:	Revision Date:

## **DISCOVERY TIERS AND TIMELINES**

### **Overview**

URCP 26 requires most civil cases be assigned to a discovery tier upon filing. The tier defines the length of time for discovery activities. The tiers proactively establish time expectations for the discovery portion of these cases. This document describes the CORIS tools to support noticing and enforcing these timelines.

### **Reference**

Rule 26 General provisions governing disclosure and discovery

Rule 4-103 Civil calendar management

Cover Sheet for Civil Actions

Disclosure and Discovery - Utah State Courts website

### **How Tiers Are Identified**

<b>Note:</b> Tiers for cases are defined in URCP 26.
--

The filer can choose a tier on a case with monetary damages. Other case types will default to a designated tier:

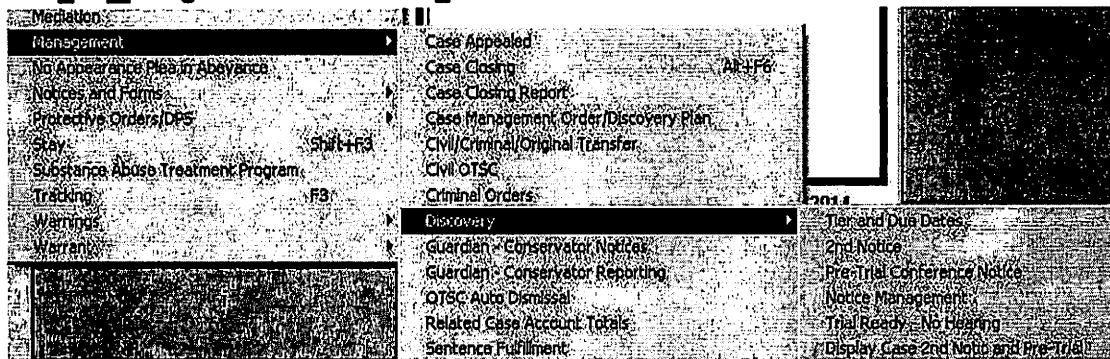
- Most domestic cases do not include monetary damages. These cases will default to Tier 2 when filed.
- Cases in which damages requested are \$50,000 or less are Tier 1.
- Cases in which damages requested are more than \$50,000 and less than \$300,000 are Tier 2.
- Cases in which damages requested are more than \$300,000 are Tier 3.
- If the filer does not declare monetary damages or the action claims non-monetary relief, standard discovery (Tier 2) is permitted.

- Some case types are exempt from tier assignment and will default as exempt when filed. These case types are: civil stalking, evictions, cohabitant abuse, temporary separation, UCCJEA, UIFSA, foreign judgment, expungement, hospital lien, forfeiture of property, water rights cases, post-conviction relief cases, administrative agency appeals and arbitration awards. If a case type is exempt from tier assignment, the CORIS tier and timeline tools described in this document do not apply.

**Note:** It is important that a tier be assigned. Assignment of a tier is the first step in managing the case to disposition.

### Tier and Timeline Tools

The CORIS tools currently available to support discovery timelines are located under **Case > Management > Discovery**.



### How Tiers Are Recorded

When a case is electronically filed, a tier is automatically assigned based on the case type selected unless monetary damages are declared. When monetary damages are declared, the filer must also declare a tier. The tier declared will be recorded in CORIS.

When a case requiring a tier assignment is manually filed, the **Civil Discovery Tier and Dates** screen will open after the parties are entered and the case has been assigned a case number and judge. Judicial support staff must record the tier that is declared on the Cover Sheet for Civil Actions.

**NOTE TO STAFF:** An **Undeclared** option is available for judicial staff use as a last resort only. No timeline is set up and no notice is generated when Undeclared is selected. Selecting **Undeclared** in a tier-eligible case makes extra work for judges and judicial support staff later. Each district should set clear procedures for situations in which filers are not prepared to declare a tier upon filing. The Undeclared option is not available for efilers to choose. Only judicial staff can change an efiled case to an undeclared tier.

## How the Civil Discovery Timeline Works

When the first answer or answer/counterclaim is filed in a case, the discovery dates on the **Civil Discovery Tier and Dates** screen are automatically calculated based on the tier designated and stored in CORIS and a Notice of Event Due Dates is generated for each party.

**IMPORTANT:** If an efiler files an answer as "Other" or some other document type, this screen will not be populated and a notice will not be sent. If an answer is electronically filed using an incorrect document type, the judicial support staff should contact the filing party to re-file the answer. If timelines will be negatively affected by the change in the answer filing date, a party may file a motion to correct the record with information regarding the initial filing of the answer.

1. The Civil Discovery Tier and Dates screen is located under **Case > Management > Discovery > Tier and Due Dates**.

2. The answer file date is automatically populated in the **An answer was filed on this case** box. The completion date for each discovery phase is calculated and populated. The calculated dates are based on the days allocated in URCP Rule 26 for each activity in the declared tier.

If the case type is designated as "Exempt" or if an answer is not filed, the discovery dates are not populated, no Notice of Event Due Dates is generated and the civil discovery tools are not used in managing the case.

**Civil Discovery Tier and Dates**

Case: 134600034 Last Name: ACOSTA  
Type: Paternity First Name: MAIRA

**Tier**

☐ Tier 1 <= 50K  
☒ Tier 2 <= 300K, 0.00 or no amt  
☐ Tier 3 > 300K  
☐ Undeclared  
☐ Stipulated or Ordered Discovery

An answer was filed on this case: [ ] **Remove/Recalculate Dates**

**Discovery Dates**

Plaintiff Initial Disclosures	00/00/0000
Defendant Initial Disclosures	00/00/0000
Fact Discovery	00/00/0000
Expert Discovery	00/00/0000
Mediation/ADR (unless exempt CJA 4-510.06)	00/00/0000
Certificate of Readiness for Trial (original)	00/00/0000
Certificate of Readiness for Trial (modified)	00/00/0000

**Reprint First Notice** **Reprint Second Notice** **Enter** **Exit**

3. A "Stipulated or Ordered Discovery" option is also available on the screen. Select this option when an order changing the timelines is signed by the judge. This will initiate recalculation of the discovery dates so a revised Notice of Event Due Dates can be generated. Stipulated or Ordered Discovery should only be selected if a stipulation is filed that opts the parties out of the URCP Rule 26 timelines. This option is not available to efilers.



**The Second Notice of Event Due Dates is simply a reminder of upcoming dates. It is intended to be sent after the date for the defendant's initial disclosures has passed.**

Like the first notice, this notice is electronically signed by the Clerk of Court.

**Unlike the first notice, the Second Notice of Event Due Dates is not automatically generated and sent.**

Judicial support staff must identify the cases eligible for the second notice using the **Civil Discovery Tier 2nd Notice** screen. This screen is located in **Case > Management > Discovery > 2nd Notice**.

To generate a list of cases eligible for the Second Notice, enter the desired date range for cases and select **Find Cases**. A list of cases in which the initial disclosure dates are within the date range, but no second notice has already been generated will display.

**IMPORTANT:** If this list has not been previously generated, a substantial number of cases may display and some list clean up will be required. Old cases should be removed from the list. There may be debt collection cases on the list. Debt collection cases no longer generate a Second Notice, but did in the past. Those cases should be removed from the list.

**In lieu of the Second Notice, some courts use the civil Order to Show Cause process. Cases with no activity are sent a Notice of Intent to Dismiss under URCP Rule 4. Judicial support staff should check local practice for direction on how their court is managing these cases.**

**To manage print the notice:**

- Select cases individually or select all by using **Select All**.
- After selecting the desired cases, select **Prepare 2nd Notice** to generate the notice.

**SIXTH DISTRICT COURT-RICHFIELD  
SEVIER COUNTY, STATE OF UTAH**

---

**JUDY ANN TAYLOR** :  
Petitioner :  
 :  
 :  
vs. : **SECOND NOTICE OF EVENT DUE DATES**  
 :  
 :  
 :  
 :  
**GAIL TAYLOR** : **Case No: 134600105 DA**  
Respondent : **Discovery Tier: 2**  
 : **Judge: WALLACE A LEE**

### To Counsel and Participate:

The district court case management system has automatically generated this notice, calculating the dates set forth below under Utah Rule of Civil Procedure 26. These dates will constitute the schedule for disclosures, fact discovery, expert discovery, ADR and readiness for trial. This schedule does not govern extraordinary discovery.

**The time for completing defendant's initial disclosures having expired, the following dates apply in this case:**

* Fact discovery completed:	15-Sep-14	(Date defendant's disclosures due plus 120, 150, or 210 days, depending on the discovery tier.)
* Expert discovery completed:	19-Jan-15	(Date fact discovery completed plus 126 days)
* ADR completed (unless exempt):	19-Jan-15	(Date expert discovery completed)
* Certificate of Readiness for Trial due:	19-Jan-15	(Date expert discovery completed)



- A case history can be displayed by highlighting the case and selecting **View Case History**.

This notice is automatically docketed in CORIS as **Second Notice of Event Due Dates**.

The second notice will be sent electronically to the attorney's email address if available in CORIS. If an email address is not available, judicial support staff must mail a paper notice to the attorney. Judicial support staff must also mail a paper notice to self represented litigants. The **Second Notice of Event Due Date** can be printed from the **Case History Summary** or by using the **F2** hot key.

Judicial support teams should discuss the use of the Second Notice with their judges and incorporate practices that support proactive management of the discovery process. Best practices indicate this report should be run weekly to ensure proper management of the notices

### **NOTICE 3: Notice of Pretrial Conference (URCP Rule 16)**

A **Notice of Pretrial Conference (URCP Rule 16)** is the final notice available. The notice is intended to be sent prior to the Certificate of Readiness for Trial due date. Individual judicial teams will determine how far in advance of the Certificate of Readiness for Trial due date they wish to calendar the pretrial conference. This report should be run weekly to ensure proper management of the notices.

The Certificate of Notification is electronically signed by the Clerk of Court.

To determine the cases eligible for the **Notice of Pretrial Conference**, the **Civil Discovery Tier Management** screen is used.

The **Civil Discovery Tier Management** screen is located in **Case > Management > Discovery > Pretrial Conference Notice**.

#### SIXTH DISTRICT COURT-RICHFIELD SEVIER COUNTY, STATE OF UTAH

MELONIE PERRY,	:	
Petitioner	:	
	:	
vs.	:	NOTICE OF PRETRIAL CONFERENCE
	:	(URCP RULE 16)
	:	
GREG WESLEY PERRY,	:	Case No: 124600201 DA
Respondent	:	Discovery Tier: 2
	:	Judge: MARVIN D BAGLEY

Mediation or ADR must be completed and a certificate of readiness for trial must be filed with the Court by . Accordingly, a pretrial conference has been scheduled to be held on:

Date: 14-Jul-14 Time: 10:00 AM Before Judge: WALLACE A LEE

Parties unable to appear on the above date should contact the Court within 7 days of the date of this notice with alternative dates to which all opposing parties have agreed. Thereafter, requests to continue are strongly discouraged and must be made by written motion.

Parties must have met all of the requirements of URCP 16(b) before the date of the conference. Self-represented parties must attend in person. Attorneys shall have available, either in person or by telephone, the appropriate parties who have authority to make binding decisions regarding settlement. **FAILURE TO APPEAR AT THE CONFERENCE MAY RESULT IN ENTRY OF SANCTIONS BY THE COURT UNDER URCP 37(e), INCLUDING DISMISSAL OF THE CASE AND ENTRY OF DEFAULT JUDGMENT AGAINST ANY PARTY.**

To determine the cases eligible for the **Notice of Pretrial Conference**, enter the desired date range for cases and select the judge.

Civil Discovery Tier / Pre-Trial Conference Notice

Certificate of Readiness  
for Trial due between  and  Judge

Filter  
Case Type  Tier   Attorney Bar #

Case #	Type	Case Filed	Answer Date	Tier	Cert. of Read. Due	Pre Trial Conf Date	Notice Date	Party Code
124600201	DA	12/5/2012	2/11/2013	2	1/6/2014			PET PERR

A list of cases in which the certificate of readiness for trial is due within the date range, but not yet filed, will display. Cases can be selected individually, or all cases can be selected by using **Select All**. A case history can be viewed by highlighting a case and selecting **View Case History**.

The Pretrial Conference can also be scheduled from the Civil Discovery Tier/Pre-Trial Conference Notice screen by selecting **Schedule Event**. This report should be also be run weekly to proactively manage the discovery process.

After selecting the desired cases, select **Prepare Notice of Pretrial** to generate the "Notice of Pretrial Conference (URCP Rule 16)".

**IMPORTANT:** The **Notice of Pretrial Conference** will display a pretrial date if it has been calendared. Generating the date of the pretrial conference date on the notice is dependent on the pretrial hearing being calendared as a "Pretrial Conference". Calendaring the pretrial conference as a "Status Conference" or "Law and Motion" hearing will result in the calendaring information not displaying on the notice.

The Notice of Pretrial Conference is automatically docketed in CORIS as **Notice of Pretrial Conference**. As with the other notices, the Notice of Pretrial Conference will be sent electronically to the attorney's email address if available in CORIS. If an email address is not available in CORIS, judicial staff must mail a paper notice to the attorney. Judicial staff must also mail paper notices to self-represented litigants. The **Notice of Pretrial Conference** can be printed from the **Case History Summary** or by using the **F2** hot key.

## Additional Tools for Civil Discovery Management

### Certificate of Readiness Filed But No Hearing Set

The Certificate of Readiness Filed But No Hearing Set screen will display a list of cases in which a certificate of readiness has been filed, but no hearing is set. This list provides a way to be sure cases are being properly scheduled for trial. This screen is located in **Case > Management > Discovery > Trial Ready - No Hearing**. The filter for judge, case type or tier may be changed to limit what cases display.

Case histories can be accessed from this screen.

Case#	Type	Case Filed	Tier	Cert. of Read. Filed	Judge
130600010	PR	03/20/2013	2	08/22/2013	wlee

**Note:** This screen will display all cases with a certificate of readiness filed and no subsequent hearing set. It is not limited to just cases in which a tier has been assigned.

## District Court Judicial Support Staff Training Document

Effective Date Statewide: Draft

Revision Date:

### E-filing: Quality Assurance Process and Standards

#### Overview

This document describes the review process for various documents, provides feedback on how to address problems and gives suggestions for remedying on-going problems.

Quality management of electronically filed documents differs from quality control of paper filed documents and is just as important. When documents are paper filed, the responsibility for quality rests primarily with judicial support staff. Data must be entered correctly and the correct document scanned so it is legible. When documents are electronically filed, much of that responsibility moves from court staff to the filer.

Managing the quality of electronically filed documents can best be described as strategically monitoring the work of others and providing feedback and assistance when needed. Well executed review and remediation techniques will result in a better product for judges, attorneys and court staff.

1. As a general rule, judicial support staff are responsible to determine if the case number is correct, the document has appropriate signatures, and appropriate fees are paid.
2. The judicial support staff is not responsible to review the document content. It is the responsibility of the attorney filing the pleading to ensure accuracy in content including but not limited to legal correctness, grammar, spelling, legibility and appropriate citation.
3. When an error is identified, judicial support staff shall notify the filing attorney of the error by email or telephone.
4. The Request for Data Correction form is available for circumstances where case data must be corrected and documented in the court record. Note: Some courts require attorneys to submit a motion and proposed order to correct all filing errors. While this is additional work, it is believed the additional burden on the attorney resolves quality problems.

### Chronic Quality Problems

A chronic quality problem may be a debt collection company that routinely fails to enter party details or a law office that continually submits RTF documents formatted improperly for signing. A chronic quality problem should be addressed as soon as it is identified. There are many possibilities for chronic data/document problem. It may be a new person in an office or an on-going misunderstanding as to what is expected by the court, a general staff training need, or even a programming bug in the filers' software. Whatever the problem, the attorney responsible may be unaware the court is experiencing problems with documents or data. The following steps are suggested to address the problem. If the first step doesn't work, go to the next step.

- 1) Email the attorney with specific examples and reference the rule or online documentation
- 2) Provide a brown bag forum (useful if multiple filers have similar problems)
- 3) Provide a one-time tutorial class for the filer's office staff in which specific problems are examined and the impact on their clients is discussed
- 4) If all else fails, a supervisor should report the problem to the court management team for possible intervention by the presiding judge.

### Procedures

- I. Documents Routed to the Case File. Documents not requiring court action and with a low risk of quality problems are routed directly to the case file. This includes, complaints, petitions, motions, affidavits, proofs of compliance, etc.
- II. Documents<sup>1</sup> Routed to the Queues. Documents requiring court action are routed to the appropriate queue. Documents submitted as Other are routed to the Quality Control queue to monitor and verify correctness. The following sections describe each queue and the records quality checks that must be included in document processing.

#### Quality Control Queue

**Purpose.** The Quality Control queue is provided to help identify and resolve significant filing mistakes.

<sup>1</sup> Documents in case types requiring immediate attention are visually highlighted in all queues. These case types are Protective Order, Civil Stalking, Eviction, Lien/Mortgage Foreclosure, UIFSA, UCCJEA, Wrongful Lien, and Adoption.

**What It Is.** All documents filed as the document type, "Other" display in this queue. If the proper document type requires a filing fee, staff must contact the filer to collect the appropriate fee(s).

**How to Use.**

- 1) Staff should scan the document titles in this queue to verify that they are properly filed as "Other." Identifying documents inappropriately filed as Other will assure that additional processing required by that document will be completed and fees associated with the document will be collected. (An answer and counterclaim filed as Other)
- 2) When a significant filing mistake is detected in the Quality Control queue, judicial support staff should communicate with the attorney to resolve the error and provide directed training/information/remediation.
- 3) This Quality Control queue **should not** be used to review every document or to spend time on minor errors, and it should not be used as a holding queue. Documents must be removed from the quality control as soon as they are reviewed.

## REVIEW QUEUE & CRIMINAL REVIEW QUEUE

**Purpose.** The Review Queues are provided for following up/tracking filed documents.

**What It Is.** The Review Queues contains documents that may require action by judicial support staff. Documents should be removed from the queue after action is taken.

**How to Use.** Documents in the Civil Review Queue may need an action taken when documents are reviewed. These actions may include:

- Updating party information
- Scheduling a hearing or cancel a scheduled hearing
- Sending required notices (Lien Mortgage)
- Notification to self represented parties, staff or outside agencies
- End or create tracking
- Place case on stay
- Contact filer regarding required fees
- Enter case/charge disposition
- Provide copies

Documents in the Criminal Review Queue may need an action taken when documents are reviewed. These actions may include:

- Add/remove/modify charges
- Update party information

If a mistake is detected, judicial support staff should communicate with the attorney to resolve the error and provide directed training/information/remediation as appropriate.

Document Types Requiring Special Attention	Action to be taken
Judgment Information Statement (Private)	<ol style="list-style-type: none"> <li>1) Update CORIS with information contained in Judgment Information Statement (DOB, SSN, Address, etc.)</li> <li>2) For the criminal Judgment Information Statement only, staff must manually change the document classification to SEALED after the information has been updated in CORIS.</li> </ol>
Motion to Classify...as Private or Sealed	<ol style="list-style-type: none"> <li>1) If a Motion to Classify is filed, all documents filed as part of the same e-filing submission will automatically be marked private in CORIS.</li> <li>2) If the Motion to Classify is filed separate from the document(s) to be classified as private, staff must manually change the classification to private in CORIS.</li> <li>3) If a classification other than private is ordered by the court, staff must update the classification in CORIS as ordered.</li> </ol>
Non-Probate Information Form	Enter all identifying information in CORIS for each party/child listed on form (DOB, SSN, Address, etc.)
Notice of Appeal	1) Notify designated appeals clerk.
Notice of Withdrawal	Determine if withdrawal is appropriate. When appropriate, detach attorney(s) in CORIS.
Objection to	1) Assign to a judge or commissioner according to local practice.
Probate documents <ul style="list-style-type: none"> <li>• Accounting and Status</li> <li>• Annual Accounting</li> <li>• Inventory</li> <li>• Report on Status of the Ward</li> </ul>	<ol style="list-style-type: none"> <li>1) Verify the filing fee was paid.</li> <li>2) Create or reset the Report Due On dates in CORIS.</li> </ol>
Request for Data Correction	1) Check for a certificate of notification to parties regarding change. If a certificate of notification is

	<p>provided, make the appropriate changes in CORIS requested in the document.</p> <p>2) If a certificate of notification is not provided, do not make changes and notify the filer.</p> <p>3) IMPORTANT: The Request for Data Correction may not be used to remove a document. It may only be used to correct the filer's data entry errors (misspelling of party names, wrong party type, etc.)</p> <p>4) A motion and proposed order to correct data may be required, check local policy.</p>
Satisfaction of Judgment	<p>1) Enter a judgment disposition of Satisfied in CORIS for the judgment being satisfied. There may be more than one judgment in a case so verify it is the correct judgment. (1 screen).</p>
Service Assistance Form (filed in protective order and civil stalking cases)	<p>1) Enter all identifying information for the petitioner and respondent in CORIS.</p>

### POST SIGNATURE QUEUE

**Purpose.** The Post Signature Queue is provided to display documents that have been signed and may require follow up.

**What It Is.** The Post Signature Queue contains orders, judgments and findings of fact that have been signed and docketed and may now require action by judicial support staff.

**How to Use.** Review order, judgment or findings and take appropriate action. Actions may include, but are not limited to:

- Setting the fee waiver flag
- Entering case or charge disposition
- Processing a Vital Stats Sheet for the Office of Vital Records
- Satisfy judgment
- Starting or ending tracking
- Verifying judgment details on the order match the judgment details in CORIS
- Preparing copies



## ACTION QUEUE

**Purpose.** The Action Queue is provided for documents that typically require judicial support staff action and signature. (Note: the Action Queue does not include orders, judgments, writs with fees or supplementary orders. Those go to other designated queues.)

**What It Is.** These are typically probate letters, notices of registration, and writs to be issued.

- **How to Use.** Judicial support staff should review the case and sign or re-assign documents as appropriate. It is advisable to open proposed orders in Edit mode to view the document prior to signing. If there are formatting issues, mark the proposed order unsigned and contact the filer to correct and re-submit it.

## JUDGMENT QUEUE

**Purpose.** The Judgment Queue is provided to review and process or re-assign proposed judgments, summary judgment, decrees.

**What It Is.** The Judgment Queue contains documents related to proposed judgments including default certificates.

**How to Use.** When appropriate:

- Verify filing fees have been paid or an order waiving fees is in place.
- Review and verify information in file (service, answer, etc.)
- Compare information in the Edit Data screen to the proposed judgment. If a problem is found, decide whether you can safely make changes to data submitted by filer or submit a note to the filer regarding the problem.
- It is advisable to open proposed orders in Edit mode to view the document prior to signing. If there are formatting issues, mark the proposed order unsigned and contact the filer to correct and re-submit it.
- Take the appropriate signing action. (Sign, Decline to Sign, OR Reassign to Judge or Commissioner).

## ORDERS QUEUE

**Purpose.** The Order Queue is provided for judicial support staff to review proposed orders before reassigning them to a judge or commissioner.

**What It Is.** The Order Queue contains all proposed orders.

**How to Use.** Typically, judicial support staff review proposed orders for the following:

- Verify filing fees have been paid or an order waiving fees is in place. Has the required time run between the filing of the motion, responsive pleadings and the proposed order?
- It is advisable to open proposed orders in Edit mode to view the document prior to signing. If there are formatting issues, mark the proposed order unsigned and contact the filer to correct and re-submit it.
- Are the documents legible, in order and complete?
- Is the order approved as to form and/or is a stipulation to the motion in the file?
- Are the documents ready to be assigned to the judge?

If this is not the case, staff may defer the proposed order until the appropriate time has lapsed or communicate with the attorney to resolve the error and provide directed training/information/ remediation as appropriate. Local policy will dictate how proposed orders submitted untimely are handled.

## SUPP/BW/OSC QUEUE

**Purpose.** The Supp/BW/OSC Queue is provided for documents to be reviewed and issued.

**What It Is.** The Supp/BW/OSC Queue contains Requests for Supplementary or "Supp" Orders Hearings, Requests for Bench Warrants and Motions for Orders to Show Cause, including Domestic Orders to Show Cause.

**How to Use.** Typically, judicial support staff review the case file to determine the following:

- Does a judgment exist?
- Has the time to appeal run?
- In the case of a bench warrant, was it authorized at a previous supp order hearing?
- When appropriate, a hearing date is provided as requested.

- Note: If filer uses Order (Proposed) for the proposed order in a Supplemental Proceeding, change the document type from Order (Proposed) to **SUPPLEMENTAL ORDER (Proposed)** before signing and completing in e-filing.
- Check formatting on assigned orders

### **SIGNED DOCS FROM COMMISSIONER QUEUE**

**Purpose.** The Signed Docs from Commissioner Queue is provided as a holding spot for documents signed by a commissioner that require judicial review and signature.

**What It Is.** All documents signed by a commissioner prior to judicial approval.

**How to Use.** Most documents in this queue must to be assigned to a judge. If the document does not require judicial review and signature such as order to continue a hearing, it may be removed from the queue.

### **WRITS QUEUE**

**Purpose.** The Writs with Filing Fees Queue is documents for judicial processing.

**What It Is.** Writs Queue is for proposed writs to be issued post judgment.

**How to Use.** Before documents in this queue are signed:

- Is there an existing judgment more than 10 days old
- Is party information complete
- Has there been a Notice of Bankruptcy filed. If so, has it been discharged or dismissed?
- It is advisable to open documents in Edit mode to view the document prior to signing. If there are formatting issues, mark the document unsigned and contact the filer to correct and re-submit it.

#### Quality Issues with Signed Documents

If the court finds formatting issues in a signed document, the court may as a courtesy contact the filer. The filer should be advised to correct their RTF issues and submit a proposed amended document if they would like the formatting corrected.

If the filer notifies the court of formatting issues with a signed order, the filer should be advised to correct the source RTF issues and submit a proposed amended document.

It is not recommended that the filer simply submit another document for the court to "replace". When a document is replaced, notice of the replacement is not sent to parties.

**DRAFT**

<b>District Court Judicial Support Staff Training Document</b>	
Effective Date Statewide:	Revision Date:

## **INTEREST BEARING TRUST ACCOUNT**

### **Overview**

For trust amounts in excess of \$5000, the court may order or a litigant/attorney may request that funds be deposited in an interest-bearing trust account. The interest-bearing trust account shall be at an institution designated by the Administrative Office of the Courts unless otherwise ordered by the court. The account shall be maintained in the name of the court and the state tax identification number of the litigant(s) depositing the funds shall be used. The court will assess an administrative fee of \$50 or 45 days worth of interest on the principal amount (based upon the overnight investment rate as of the first of the month multiplied by a factor of 45 days), whichever is greater.

If multiple deposits are held in trust for one case, the \$50 minimum will apply only to the first deposit. Subsequent deposits will be assessed 45 days worth of interest on the deposit amount. An Interest Bearing Trust Agreement will be initiated by the court each time a deposit is made. The litigant or authorized agent must sign this agreement.

The amount held in trust will be the litigated amount, less the administrative fee. Unless otherwise stated by court order, litigants have the option of submitting the administrative fee in addition to the principal amount to keep the litigated amount the same as the amount held in trust.

There will be a single Central Court Interest Bearing Account into which funds for all interest bearing accounts requested by litigants and/or court order are deposited, unless otherwise specified by court order.

Monies deposited into the Central Court Interest Bearing Account will be tracked by court location, case number and litigant name(s). Interest information will be supplied to parties involved in the case upon request to the AOC Finance Department.

An attorney may request a court order stating that monies be placed in an interest bearing account act as a blanket bond for all cases of a particular type which the attorney or the attorney's designee may have pending at any given time (i.e. evictions). If at any time the funds of a blanket bond fall below the ordered amount, the court may order a time frame in which the funds are to be replenished. (This is a limited practice in specific districts) Accrued interest earned on blanket bond interest bearing accounts will be released only upon court order.

The AOC Finance Department will act as a liaison between the local court and the Depository Bank. All Interest Bearing Trust Agreement forms will be routed through the AOC Finance Department.

Upon court order, local courts shall issue checks drawn on the court trust account to the ordered recipient(s) for the net amount held in trust, plus interest accrued.

If a court orders that an interest bearing account be established in a bank other than the depository bank, the Clerk of Court is responsible for establishing the ordered account, but all other procedures remain the same.

Litigants may, with the court's authorization, stipulate to the funds being held at an institution other than the Depository Bank. The court assumes no liability or responsibility for the funds in such instances and no administrative fee will be charged.

Funds of less than \$5,000 may be placed in the Central Court Interest Bearing Account only if court ordered.

**Reference**

Accounting Manual/Interest Bearing Account

UCJA Rule 4-301

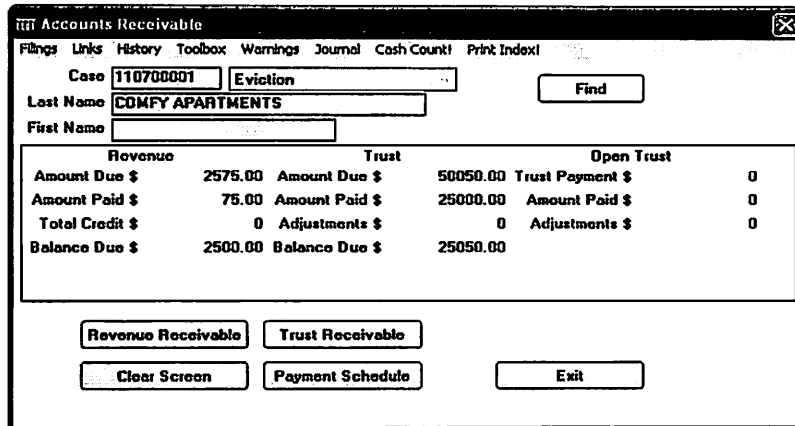
IBA Form: [www.utcourts.gov/intranet/committees/accountingmanual/TRUST-](http://www.utcourts.gov/intranet/committees/accountingmanual/TRUST-)

IBA Agreement.pdf

Accounting Manual/Trust Check Writing

## Procedure

From the **Primary Menu**, select **Accounting > Accounts Receivables**.



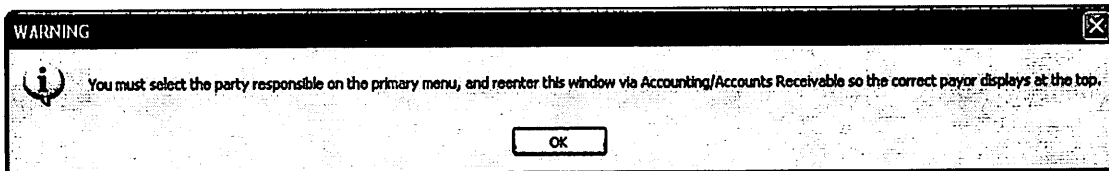
The screenshot shows the 'Accounts Receivable' window with a menu bar (Filings, Links, History, Toolbox, Warnings, Journal, Cash Count, Print Index) and input fields for Case (110700001), Eviction, Last Name (COMFY APARTMENTS), and First Name. A 'Find' button is present. Below the input fields is a table with three columns: Revenue, Trust, and Open Trust. The table contains the following data:

Revenue		Trust		Open Trust	
Amount Due \$	2575.00	Amount Due \$	50050.00	Trust Payment \$	0
Amount Paid \$	75.00	Amount Paid \$	25000.00	Amount Paid \$	0
Total Credit \$	0	Adjustments \$	0	Adjustments \$	0
Balance Due \$	2500.00	Balance Due \$	25050.00		

At the bottom of the window are five buttons: Revenue Receivable, Trust Receivable, Clear Screen, Payment Schedule, and Exit.

When **Trust Receivable** is selected, the clerk will be asked to enter their password. Then select **Continue**, and the **New Trust: Correct Payor?** screen will open. Select **Yes** if it is the correct payor or select **No** if it is not the correct payor. If **Yes** is selected, the **Trust Receivable** screen will open. If **No** is selected, a **Warning** screen will open.

After acknowledging the warning screen, the **Trust Receivable** screen will open. The clerk will need to set up two trust accounts. The first one will be Interest Bearing and the second will be Admin Fee - IBA.



The screenshot shows a 'WARNING' dialog box with a title bar and a close button. It contains an information icon and the following text: 'You must select the party responsible on the primary menu, and reenter this window via Accounting/Accounts Receivable so the correct payor displays at the top.' An 'OK' button is located at the bottom center.

**Trust Receivable**

Flags Links History Toolbox Warnings Journal Cash Count Print Index

Case  Eviction Name

Recipient

☒ Existing Party

Last Name  Trust  of

First Name  Type

Address  Due Date

City, St, Zip  Priority

Phone  SSN #

Amount \$

Buttons: Create New Trust, Check Stub Description, Receipt Money, Previous, Enter, Adjust Trust, Jointly and Severally, Display Trusts, Next, Exit, Last Trust

**Trust Receivable**

Flags Links History Toolbox Warnings Journal Cash Count Print Index

Case  Eviction Name

Recipient

☒ Existing Party

Last Name  Trust  of

First Name  Type

Address  Due Date

City, St, Zip  UT  Priority

Phone  SSN #

Amount \$

Buttons: Create New Trust, Check Stub Description, Receipt Money, Previous, Enter, Adjust Trust, Jointly and Severally, Display Trusts, Next, Exit, Last Trust

Once the information is added, select **Enter**.  
 Receipt the money into the trust account by using the **Receipt Money** button on the **Trust Receivable** screen or by going into **Cashiering!**. Both will go to the same screen.  
 Once on the Cashiering screen, select **A/R** button. Select **Trust** and the correct payor.

The Trust Payment screen will open. Enter the **Amount**. Select **Enter**. The **Cashiering** screen will open, enter the tender option. Select **Enter**.

**Trust Payment**

Case  Eviction Name

Override Automated Restitution Distribution

Supervisor  Password  Approved  Amount to distribute between trusts

Recipient	Trust Type	Priority	Total Due	Balance	Amount	Endorse
AOC	Admin. Fee - IBA	1	50.00	50.00	<input type="text" value="50.00"/>	<input type="checkbox"/>
THIRD DISTRICT COURT	Interest Bearing	1	25000.00	25000.00	<input type="text" value="25000.00"/>	<input type="checkbox"/>
THIRD DISTRICT COURT	Admin. Fee - IBA	50	50.00	50.00	<input type="text" value="50.00"/>	<input type="checkbox"/>
<b>Total</b>			<b>25100.00</b>	<b>25100.00</b>	<b>0.00</b>	

Open end trusts

Recipient	Trust Type	Priority	Amount	Endorse	Amount Due
<b>Total</b>			<b>0.00</b>		

Buttons: Update Trust Receivables, Show All, Enter, Exit

**Cashiering**

Flags Links History Toolbox Warnings Journal Cash Count Print Index

Case Number  Eviction Citation  Find

Last Name  First Name

Payor  LEA

Payment Options

☒ Trust ☐ Cash Bond ☐ Bonds Open ☐

☐ Cash Fee ☐ Cash Bail ☐ Bail Open ☐

☐ Miscellaneous ☐ Mail/Drop Box Payment

Amount to be Paid \$

Tender Options

Cash \$  Add Note ☐ Send Receipt to Printer ☐ View Receipt

Check \$  Number  Type  Continue Date ☐

Credit Card \$  Last 4 Digits  Type

Non Monetary \$  Authorization  Expiration Date

Buttons: Clear, Undo, Payor, Non Cash Bond, Dispose Bail/Bond, A/R, Enter, Exit

Critical Messages

Fee Balance \$2500.00  
Trust Balance \$25050.00

Warnings

DEF is Self Represented  
PLA is Self Represented

Refer to Trust Check Writing to send the Admin Fee - IBA to the AOC Finance Department with a copy of the Interest Bearing Agreement. The check to send to the Administrative Office of the Court should not issue for 21 days after receipt.



**Releasing an Interest Bearing Account:**

To release an interest bearing account, the clerk will need an order from the judge. The order must include the name, address and social security number of person or tax ID number of entity receiving the interest and the money.

The Accounting Clerk must contact the AOC Finance Department to get the amount of interest that has been earned on the account. When the accounting clerk has that information, they must adjust the interest bearing account to include the amount of interest earned before release.