


## Third Judicial District Court

Judge Laura S. Scott

To: Family Law Section of the Utah State Bar

From: Presiding Judge Laura S. Scott and Associate Presiding Judge Adam T. Mow 

Date: December 9, 2024

Subject: Standing Order re Unsolemnized Marriages, Dispositive Motion Practice, and Final Pretrial Conferences in Domestic Relations Actions

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In an effort to address the heavy workloads of our domestic commissioners and the resulting delays in domestic relations actions, the Third District Court has issued the attached Standing Order, which will be effective for matters filed after January 1, 2025.<sup>1</sup>

In summary, the following matters will now be heard by Third District Court judges instead of the domestic commissioners:

1. Actions or claims brought pursuant to Utah Code Ann. §81-2-408 to establish the validity of a marriage not solemnized or solemnized before an unauthorized individual;
2. Dispositive motions brought pursuant to Rule 12(b) and Rule 56 of the Utah Rules of Civil Procedure;
3. Petitions or motions brought to determine the validity of a prenuptial or postnuptial agreement; and
4. Requests for a pretrial conference after a certificate of readiness for trial has been filed and at which the judge will certify the issues for trial and set a trial date.

To facilitate a smooth transition and to ensure that these important matters are addressed in a timely manner, it is critical that family law practitioners comply with the Standing Order's requirements for titling motions and requests and submitting them to the judges for decision. Importantly, the parties must comply with the requirements of Rule 7 of the Utah Rules of Civil Procedure, not Rule 101.

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<sup>1</sup> For matters filed prior to January 1, 2025, the parties may request that the domestic commissioner refer it to the assigned judge. However, to avoid unnecessary disruption and delay, pretrial conferences that are currently scheduled with domestic commissioner will not be rescheduled with the assigned judge.

**IN THE THIRD JUDICIAL DISTRICT COURT**  
**SALT LAKE, SUMMIT, AND TOOELE COUNTIES, STATE OF UTAH**

**IN RE: CERTAIN DOMESTIC RELATIONS  
MATTERS TO BE HEARD BY THIRD  
DISTRICT COURT JUDGES INSTEAD OF  
COMMISSIONERS**

**STANDING ORDER**

December 9, 2024

Presiding Judge Laura S. Scott

To address the heavy workloads of the domestic commissioners and the resulting delays in domestic relations actions, the following matters will now be heard by Third District Court judges instead of the domestic commissioners:

1. Actions or claims brought pursuant to Utah Code Ann. §81-2-408 to establish the validity of a marriage not solemnized or solemnized before an unauthorized individual. After January 1, 2025, cases filed as “Common Law Marriage” case type will not have a domestic commissioner assigned to them. Petitions or claims for non-solemnized marriage filed in “Parentage” or “Divorce” or other case type to which a domestic commissioner is assigned will be addressed by the assigned judge, not the domestic commissioner.
2. Dispositive motions brought pursuant to Rule 12(b) and Rule 56 of the Utah Rules of Civil Procedure.
3. Petitions or motions brought to determine the validity of a prenuptial or postnuptial agreement.
4. Requests for a pretrial conference after a certificate of readiness for trial has been filed and at which the judge will certify the issues for trial and set a trial date.

To facilitate a smooth transition and to ensure that these important matters are addressed in a timely manner, family law practitioners and self-represented parties are required to comply with the following:

1. Dispositive motions must be titled “Motion to Dismiss” or “Motion for Summary Judgment” and comply with the requirements of Rule 7(c), (d), (e), and (f), not Rule 101.

2. Motions for summary judgment also must comply with Rule 56.
3. Petitions or motions to determine the validity of a prenuptial or postnuptial agreement must be titled “Petition to Determine Validity of Prenuptial Agreement” or “Motion to Determine Validity of Postnuptial Agreement” and comply with the requirements of Rule 7, not Rule 101.
4. These motions may not be combined with any other motion (*e.g.*, motion to enforce) or seek any other relief (*e.g.*, request for temporary restraining order) because all other motions will continue to be heard by the domestic commissioners.
5. When the briefing on the motion is complete or the time for briefing has expired, one of the parties must file a “Request to Submit for Decision” in accordance Rule 7(g).
6. The court will not automatically schedule a hearing on the motion. If a party wants a hearing, the party must comply with Rule 7(h).
7. When all pretrial requirements have been completed, a party may file a Certificate of Readiness for Trial and Request for Pretrial Conference with the assigned judge.
8. In addition to certifying that all pretrial requirements have been met, the Certificate of Readiness for Trial must list what issues should be certified for trial, *e.g.*, physical custody, child support, alimony, etc. If the other party disagrees with the list, the party may file a separate list.
9. For actions or claims brought pursuant to Utah Code Ann. §81-2-408 to establish the validity of a marriage not solemnized or solemnized before an unauthorized individual, a party may request a Rule 16 pretrial conference to address discovery, mediation, deadlines for motions, etc. If a pretrial conference is not requested or needed, a party may file a Certificate of Readiness for Trial once discovery is complete and the claim is ready for trial.

THIS STANDING ORDER IS EFFECTIVE AND APPLIES TO ACTIONS, CLAIMS,  
MOTIONS, AND REQUESTS FILED AFTER JANUARY 1, 2025.

So Ordered.

Dated this 7<sup>th</sup> day of December, 2024.



Presiding Judge Laura S. Scott  
Third District Court