

Agenda Committee on Court Forms

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

May 13, 2019 / 12:00 to 2:00 p.m.
Judicial Council Room

1. Welcome and approval of April meeting minutes	Randy Dryer
2. OCAP retirement clauses	Kim Allard
3. Petition to modify child custody Further discussion about paragraph 24 (tax exemptions/credits)	Waine Riches (OCAP)
4. Sexual violence protective order <ul style="list-style-type: none"> • Request for sexual violence protective order • Temporary sexual violence protective order • Sexual violence protective order New category of protective order created by HB 100. Effective July 1.	Brent Johnson
5. Fee waiver forms <ul style="list-style-type: none"> • Motion to waive fees and statement in support • Order on motion to waive fees 	Nathanael Player
6. Adjourn	Randy Dryer

2019 Meeting schedule

June 10
July 8
August 12
September 9

October 7
November 4
December 9

MINUTES
Utah Judicial Council’s
Committee on Court Forms
 Administrative Office of the Courts
 450 South State Street
 Salt Lake City, UT 84111
 April 8, 2019
 12 - 2 pm
 Judicial Council Room

Members	In attendance	Excused	Guest
Randy Dryer, Chair	•		
Kim Allard	•		
Cyndi Bayles	•		
Judge Randy Birch	•		
Christina Cope	•		
Cathy Dupont		•	
Guy Galli	•		
Judge Elizabeth Lindsley		•	
Kara Mann		•	
Commissioner Russell Minas	•		
Nathanael Player	•		
Stewart Ralphs	•		By phone
Judge James Taylor	•		
Jessica Van Buren	•		
Mary Westby	•		
Staff	In attendance	Excused	
Brent Johnson		•	
Minhvan Brimhall – recording secretary	•		

I. Welcome and approval of March meeting minutes:

Randy Dryer welcomed the Committee members to the meeting. The Committee discussed the minutes from the March 11 meeting. No revision was made to the minutes. Mary Westby moved to approve the full minutes. Cyndie Bayles seconded the motion. The motion unanimously passed.

II. Petition to modify child custody, parent-time and child support, stipulation and order:

These forms were previously approved by the Board of District Court Judges and are available on the website. The new version of the forms has been reviewed by the Family Law Subcommittee and the Stylistics Committee and is ready for review by this committee.

The committee discussed verifying aspects of the child's location over a five year period, as well as with whom the child resided. The committee recommended adding additional information under the jurisdiction section of paragraph 2 to establish where the child resided at the time of the petition to modify the order was filed. The committee also discussed including an option to indicate whether the case has transferred from another state to the State of Utah, as well as the date of when the transfer occurred.

Paragraph 11 asks for the current living arrangements of the child. The committee recommended that this section be placed in between paragraphs 4 and 5 as these sections are related to the child's place of residents and to whom the child resides. The committee agreed that this change will allow for congruency of the form.

The committee discussed and made minor language changes to other sections of the form for clarity and alignment with statutory requirements.

With no further changes, Mr. Player moved to approve the petition as modified by the committee. Ms. Westby seconded the motion. The motion was unanimously approved.

The committee reviewed the stipulation to the petition to modify child custody form. The committee did not recommend any changes to the form. With no further discussion, Mr. Player moved to approve the stipulation form. Commissioner Minas seconded the motion. The motion was approved unanimously.

The committee reviewed the order on the petition to modify child custody form and made minor language changes. With no further discussion, Mr. Player moved to approve the order form. Commissioner Minas seconded the motion. The motion was approved unanimously.

III. Petition for name change, order and certification regarding sex offender registry (adult and minor):

The Utah Legislators recently passed a bill that would allow registered sex offenders to change their name if they meet certain requirements. Name change is not an LPP practice area. The committee discussed and made language change recommendations that would align the form with the statutory changes.

Mr. Player moved to approve the petition for name change and adopt the recommended changes. Judge Taylor seconded the motion. The motion was unanimously approved.

With no additional changes, Judge Taylor moved to approve the order on petition for name change. Mr. Player seconded the motion. The motion was unanimously approved.

With no additional changes, Judge Taylor moved to approve the Department of Corrections Certification Regarding Sex Offender and Child Abuse Offender Registries - Adult form. Mr. Player seconded the motion. The motion was unanimously approved. This form will be further reviewed by this committee at a future date.

The committee discussed the petition to change minor's name. The committee did not have any revisions to recommend. The committee did not make a motion to approve the form.

With no additional changes, Judge Taylor moved to approve the order to change a minor's name Mr. Player seconded the motion. The motion was unanimously approved.

The committee discussed the Department of Corrections Certification Regarding Sex Offender and Child Abuse Offender Registries – Minor Child form. The committee did not have any revisions to recommend. The committee did not make a motion to approve the form.

[JVB1]

IV. Notice of garnishment exemptions:

HB 230 added a new exemption for money saved for college under the 529 plan. The Notice of Garnishment and Exemptions has been updated to include this new exemption.

With no further discussion, Ms. Westby moved to approve and accept the changes under HB 230. Mr. Player seconded the motion. The motion was unanimously approved.

V. SB 243 – Adoption Amendments:

SB 243 made several statutory changes in adoption of a step child. Background checks no longer need to be done by both BCI and FBI. Background checks need only be completed through the FBI. The new law also does not require a home visit prior to the adoption of a step child. The bill also allows a parent's rights to be terminated by implied consent.

With no further discussion or additional changes, Mr. Player moved to approve the petition to adopt a minor stepchild form as amended by the committee. Ms. Westby seconded the motion. The committee unanimously approved the motion. The petition will move to the Judicial Council for review and approval [JVB2].

VI. OCAP update:

The OCAP group has reviewed and approved all of the divorce language. Waine Riches has completed a thorough review of the forms for errors and made any necessary corrections. The next step is to send the forms to the Judicial Council for their consent calendar. Ms. Allard plans to have the forms ready for the Council to review at the May meeting.

Ms. Allard noted that she has put in a request with Judge Mary Noonan and members of the Judicial Council to delay her retirement and continue her employment with the courts on a part-time basis. Ms. Allard will be focusing on OCAP forms in preparation for usage by the first group of LPP graduates. Ms. Allard is willing to continue serving on the Forms Committee. Mr. Dryer proposed a letter be drafted to send to the Judicial Council in support of Ms. Allard's request and continuation in the Forms Committee. No members of the committee objected to Mr. Dyer's proposal. Mr. Dryer will draft the letter and circulate a copy to members of the Forms Committee.

VII. Adjourn

With no further discussion, the meeting was adjourned without a motion. The meeting adjourned at 1:57 pm. The next meeting will be on May 13, 2019 from noon to 2 pm in the Judicial Council Room.

Forms Status Summary

Approved forms

Form Name	Approved Date	Approved By
Abstract of judgment	May 21, 2018	Judicial Council
Acceptance of service	January 22, 2018	Judicial Council
Adult adoption	September 19, 2017	Forms Committee
Affidavit with exhibit(s)	May 21, 2018	Judicial Council
Answer	December 18, 2017	Judicial Council
Application for temporary restraining order and Order on application for temporary restraining order	April 22, 2019	Judicial Council
Certificate of service	January 22, 2018	Judicial Council
Conditionally approved interpreter appointment order	June 19, 2018	Forms Committee
Consent to email service	January 22, 2018	Judicial Council
Counter motion	May 21, 2018	Judicial Council
Counterclaim	December 18, 2017	Judicial Council
Debt collection answer	December 18, 2017	Judicial Council
Declaration of inmate filing	November 13, 2017	Forms Committee
Domestic relations injunction	April 22, 2019	Judicial Council
Eviction forms used in OCAP <ul style="list-style-type: none"> • Three day notice to pay or to vacate • Three day notice to comply with lease or vacate • Three day notice to vacate for criminal nuisance • Three day notice to vacate for nuisance • Three day notice to vacate for assigning or subletting contrary to rental contract • Three day notice to vacate for committing waste on premises • Three day notice to vacate for engaging in unlawful business on or in the premises • Three day notice to vacate for lease violation which cannot be brought into compliance • Three day notice to vacate for committing criminal act on the premises • Fifteen day notice to vacate • Five day notice to a tenant at will • Complaint 	December 18, 2017	Judicial Council

<ul style="list-style-type: none"> • Order of Restitution • Affidavit of Damages • Judgment for Plaintiff for Unlawful Detainer • Judgment for Defendant for Unlawful Detainer • Request for Hearing on Enforcement of Order of Restitution • Tenant Answer and Counterclaim • Motion to Set Amount of Counter Bond • Notice of Possession Bond • Order setting amount of possession bond • Request for Possession Bond hearing • Tenant Counter Bond Property • Order Setting Amount of Counterbond • Motion to Release Possession Bond • Order to Release Possession Bond 		
Eviction forms used in OCAP (additional) <ul style="list-style-type: none"> • Request for occupancy hearing • Notice of occupancy hearing • Ex parte motion for order of restitution 	January 28, 2019	Judicial Council
Exhibit summary	May 21, 2018	Judicial Council
Financial declaration Certificate of service of financial declaration	February 25, 2019	Judicial Council
Informal probate	July 17, 2017	Forms Committee
Initial disclosures	May 21, 2018	Judicial Council
Judgment information statement	May 21, 2018	Judicial Council
Military parenting plan	January 28, 2019	Judicial Council
Memorandum opposing motion	April 16, 2018	Judicial Council
Motion for alternative service	February 26, 2018	Judicial Council
Motion for genetic testing	December 17, 2018	Judicial Council
Motion for summary judgment to declare non-parentage after genetic testing Order granting motion for summary judgment on non-parentage	January 28, 2019	Judicial Council
Motion for temporary orders (domestic)	December 18, 2017	Judicial Council
Motion for temporary orders due to deployment (domestic)	January 28, 2019	Judicial Council
Motion forms	April 16, 2018	Judicial Council
Motion – juvenile court	August 13, 2018	Forms Committee
Motion to appear remotely	June 11, 2018	Judicial Council
Motion to appoint parent coordinator	August 17, 2018	Judicial Council

Motion to change venue	June 11, 2018	Judicial Council
Motion to continue	June 11, 2018	Judicial Council
Motion to correct clerical mistake	December 18, 2017	Judicial Council
Motion to decide divorce and reserve other issues (bifurcate divorce)	February 25, 2019	Judicial Council
Motion to declare judgment satisfied	May 21, 2018	Judicial Council
Motion to excuse mediation	April 16, 2018	Judicial Council
Motion to remove link between personal identifying information and dismissed criminal case	June 11, 2018	Forms Committee
Motion to renew judgment	May 21, 2018	Judicial Council
Motion to vacate dismissal and reinstate case	June 11, 2018	Judicial Council
Motion to waive divorce education requirement	April 16, 2018	Judicial Council
Motion to waive divorce waiting period	August 17, 2018	Judicial Council
Nonpublic information: parent, minor and safeguarded address	April 16, 2018	Judicial Council
Notice of appearance or appointment of counsel	May 21, 2018	Judicial Council
Notice of disclosure requirements in domestic cases	February 25, 2019	Judicial Council
Notice of dismissal / Motion to voluntarily dismiss case	August 17, 2018	Judicial Council
Notice of divorce education requirement	April 16, 2018	Judicial Council
Notice of hearing (motion)	April 16, 2018	Judicial Council
Notice of relocation and Motion for orders regarding relocation	June 11, 2018	Judicial Council
Notice of withdrawal of counsel	May 21, 2018	Judicial Council
Notice to appear personally or to appoint counsel	May 21, 2018	Judicial Council
Notice to defendant of disclosure in unlawful detainer actions	February 25, 2019	Judicial Council
Objection to commissioner's recommendation	December 18, 2017	Judicial Council
Objection to form of order	December 18, 2017	Judicial Council
Order on request to excuse respondent from hearing (guardianship)	December 10, 2018	Forms Committee
Parenting plan	May 21, 2018	Judicial Council
Petition for essential treatment	October 17, 2017	Forms Committee
Proof of service	February 26, 2018	Judicial Council
Reply memorandum supporting motion	April 16, 2018	Judicial Council
Request to submit (motion)	April 16, 2018	Judicial Council

Request to submit (motion) – juvenile court	August 13, 2018	Forms Committee
Statement supporting motion	April 16, 2018	Judicial Council
Stipulated motion	April 16, 2018	Judicial Council
Stipulation of voluntary dismissal	December 17, 2018	Judicial Council
Stipulation to enter order (motion)	April 16, 2018	Judicial Council
Substitution of counsel	May 21, 2018	Judicial Council
Summons	January 22, 2018	Judicial Council
Supplemental proceedings	April 16, 2018	Judicial Council
Writ of assistance to remove children	April 22, 2019	Judicial Council
Writ of execution packet	May 21, 2018	Judicial Council
Writ of garnishment packet	May 21, 2018	Judicial Council

Pending Judicial Council Consideration

- Divorce OCAP clauses
- Divorce answer OCAP
- Parentage OCAP clauses

Pending Forms Committee Consideration

- Petition to modify child support, child custody, and parent-time (to consider tax issues)
- Sexual violence protective order
- Fee waiver (district and justice court)

Pending Stylistics Subcommittee Consideration

- Settlement form (debt collection and eviction cases)
- Motion for default judgment
- Adult protective orders
- Child protective orders
- OCAP temporary separation clauses
- Petition for order adjudicating paternity (not custody or support)
- Adult name change
- Voluntary relinquishment of parental rights
- Annulment

- Declaration in support of collection costs (expanding to include attorney fees)

Pending Family Law Subcommittee Consideration

- Request to register foreign child custody, parent-time, support or income withholding order
- Temporary delegation of parental authority
- Judicial recognition of relationship as marriage packet
- Petition for order establishing fact of birth

- Registering an ORS order
- Motion for order to show cause – domestic cases (proposed rule change in the works, so this is on hold)

Queue

- Name change - minors
- Small claims packet
- Step-parent adoption packet
- Open adoption record
- Emancipation of a minor
- Guardianship of a minor
- Guardianship of an adult
- Conservatorship of a minor
- Conservatorship of an adult
- Petition for registration of adoption order from foreign country
- Motion to intervene in an adoption case
- Order assigning court visitor to report on the guardian's and protected person's whereabouts
- Order assigning court visitor to report on an audit of court records
- Motion to intervene in adoption case
- Statement of defendant in support of guilty plea (English and Spanish)
- Defendant's motion to release bail
- Motion to classify record and names as private (eviction)

This is a private record

Name

Address

City, State, Zip

Phone

Check your email. You will receive information and documents at this email address.

Email

I am Plaintiff/Petitioner Defendant/Respondent
 Plaintiff/Petitioner's Attorney Defendant/Respondent's Attorney (Utah Bar #: _____)
 Plaintiff/Petitioner's Licensed Paralegal Practitioner
 Defendant/Respondent's Licensed Paralegal Practitioner (Utah Bar #: _____)

In the District Court of Utah

_____ Judicial District _____ County

Court Address _____

<p>_____ Petitioner</p> <p>v.</p> <p>_____ Respondent</p>	<p>Petition to Modify Child Custody, Parent-time and Child Support (Utah Rule of Civil Procedure 106)</p> <p>_____ Case Number</p> <p>_____ Judge</p> <p>_____ Commissioner</p>
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I ask the court to modify the child custody, parent-time and child support orders as follows.

1. Controlling order

The order controlling child custody, parent-time and child support is:

Title of order:			
Name of Court:		State	

Address of Clerk of Court:		Phone Number of Clerk of Court:	
Case Number:		Case Name	
Date Signed:		Signed by Judge:	

2. **Controlling custody order**

(Required.)

I have attached a copy of the current order.

3. **Jurisdiction (Authority to Modify Order)**

(Note: an order could be registered in another state, but that does not always mean the other state has jurisdiction to modify or change the order.)

The children reside:

Child's name	Where child resides (state or country)	Lived there more than 6 months?
		<input type="checkbox"/> Yes <input type="checkbox"/> No
		<input type="checkbox"/> Yes <input type="checkbox"/> No
		<input type="checkbox"/> Yes <input type="checkbox"/> No
		<input type="checkbox"/> Yes <input type="checkbox"/> No
		<input type="checkbox"/> Yes <input type="checkbox"/> No

The petitioner resides in: _____ (state or country).

The respondent resides in: _____ (state or country).

The controlling order was issued by (Choose one.):

a Utah court, and
(Choose all that apply.)

jurisdiction **has never** been transferred to another state.

jurisdiction **has** been transferred to another state.

Name of court: _____ Date transferred: _____

other (Describe what has happened with the order):

OR

a non-Utah court, and
(Choose all that apply.)

jurisdiction **has never** been transferred to Utah.

jurisdiction **has** been transferred to Utah. Date: _____.

the order **has** been registered in Utah for enforcement purposes only.

there is substantial evidence in Utah about the children's care, protection, training, and personal relationships.

other courts have made a decision about jurisdiction and a copy of that order is attached to this petition.

other (Describe what has happened with the order):

4. Relationship to children

I am the (Choose all that apply.):

person who pays child support.

person who receives child support.

I am

the mother of

the father of

the legal guardian or legal custodian of

a person who has been acting as a parent (Utah Code 30-5a-103) to

the children listed below.

5. Minor children

There are _____ (number) minor children included in the controlling order.

Child's name (first, middle and last)	Child's gender	Month and year of birth

Child's name (first, middle and last)	Child's gender	Month and year of birth

6. Current living arrangement

The children are currently living (Choose one.):

as stated in the controlling order.

as described below:

Child's name	Address (street, city, state, ZIP)	Name(s) of person(s) who live with child at this address	Relation- ship(s) to child

7. Minor children's residence (Utah Code 78B-13-209)

The minor children have lived at the following addresses with the persons listed for the past five years:

(Add additional pages if needed.)

Child's name	Address (street, city, state, ZIP)	Dates child lived at this address	Name(s) of person(s) who lived with child at this address	Relation- ship(s) to child

Child's name	Address (street, city, state, ZIP)	Dates child lived at this address	Name(s) of person(s) who lived with child at this address	Relationship(s) to child

8. **People claiming custody or parent-time** (Utah Code 78B-13-209)

The following people other than petitioner and respondent claim a right to custody or parent-time with the children:

Name of Person	Current Address	Claims
		<input type="checkbox"/> Custody <input type="checkbox"/> Parent-time
		<input type="checkbox"/> Custody <input type="checkbox"/> Parent-time
		<input type="checkbox"/> Custody <input type="checkbox"/> Parent-time

9. **Other cases** (Utah Rule of Civil Procedure 100)

There are no other cases that affect the children or this case.

The following cases might affect the children or this case:

(Include pending or closed, civil or criminal, in this court or in any other court, in this state or in any other state. Each party has a continuing duty to notify the court of any case (past, current, or future) that could affect this case.)

Court (Name, address, and phone number)			
Case number			
Type of case (Choose all that apply.)	<input type="checkbox"/> adoption <input type="checkbox"/> custody <input type="checkbox"/> delinquency <input type="checkbox"/> divorce <input type="checkbox"/> enforcement of an order	<input type="checkbox"/> grandparent visitation <input type="checkbox"/> guardianship <input type="checkbox"/> modification of an order <input type="checkbox"/> parentage	<input type="checkbox"/> protective order <input type="checkbox"/> support <input type="checkbox"/> termination of parental rights <input type="checkbox"/> other: _____

Court (Name, address, and phone number)			
Case number			
Type of case (Choose all that apply.)	<input type="checkbox"/> adoption <input type="checkbox"/> custody <input type="checkbox"/> delinquency <input type="checkbox"/> divorce <input type="checkbox"/> enforcement of an order	<input type="checkbox"/> grandparent visitation <input type="checkbox"/> guardianship <input type="checkbox"/> modification of an order <input type="checkbox"/> parentage	<input type="checkbox"/> protective order <input type="checkbox"/> support <input type="checkbox"/> termination of parental rights <input type="checkbox"/> other: _____

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Court (Name, address, and phone number)	
Case number	
Type of case (Choose all that apply.)	<input type="checkbox"/> adoption <input type="checkbox"/> grandparent <input type="checkbox"/> custody visitation <input type="checkbox"/> delinquency <input type="checkbox"/> guardianship <input type="checkbox"/> divorce <input type="checkbox"/> modification of an <input type="checkbox"/> enforcement of order an order <input type="checkbox"/> parentage <input type="checkbox"/> protective order <input type="checkbox"/> support <input type="checkbox"/> termination of parental rights <input type="checkbox"/> other: _____

10. **Pre-filing dispute resolution** (Utah Code 30-3-10.4(1)(c))

(Choose one.)

- The other party agrees with the petition.
- Dispute resolution was not required because this petition seeks to modify a court order that does not provide for joint legal custody or joint physical custody.
- Both parents have complied in good faith with the dispute resolution process but we did not reach an agreement.
- The parties have not yet used a dispute resolution process.

11. **Controlling parent-time order**

The parent-time schedule in the controlling order is (Choose one.):

- according to the attached statutory parent-time schedule.
- described in the attached controlling Parenting Plan.
- described as follows in the controlling order (Quote the order exactly.):

Child Custody

12. **Change in circumstances** (Utah Code 30-3-10.4)

The following material and substantial change in circumstances occurred since the controlling order was entered:

(Describe in detail the material and substantial changes (important and major changes). Attach additional pages if needed.)

13. Proposed custody order

A joint physical or legal custody arrangement requires a separate Parenting Plan.

A joint physical custody arrangement may result in denial of cash assistance.
(Employment Support Act, Utah Code 35A-3-101 et seq.)

I ask for the following change in the custody order:

Child's Name	Month and Year of Birth	Order physical custody to	Order legal custody to
		<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> Joint physical	<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> Joint legal
		<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> Joint physical	<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> Joint legal
		<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> Joint physical	<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> Joint legal
		<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> Joint physical	<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> Joint legal
		<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> Joint physical	<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> Joint legal

Other Custody Arrangement (Describe in detail.):

Parent-time

14. **Parent-time schedule**

I ask the court to order parent-time as below (Choose one.):

Statutory parent-time schedule:

(Choose all that apply. You can find the Utah Code at le.utah.gov/xcode/code.html. Print and attach a copy of the statute(s) for the option(s) you choose.)

Children under 5 (Utah Code 30-3-35.5)

Children 5-18 (Utah Code 30-3-35)

Children 5-18 (expanded schedule) (Utah Code 30-3-35.1)

Parent-time described in the filed or attached Parenting Plan.

Other parent-time schedule (Describe in detail.):

15. **Parent-time transfers**

I ask the court to order transfer (pick-up and drop-off) of the children for parent-time as below (Choose one.):

Order transfer of the children for parent-time described in the filed or attached Parenting Plan.

Order transfer at **beginning** of parent-time with

petitioner

respondent

other adult (Name) _____

transferring the children at this address:

and transfer at **end** of parent-time with

petitioner

respondent

other adult (Name) _____

transferring the children at this address:

- Order curbside transfers (The parent/person picking up or dropping off the children does not leave the vehicle and the other parent/person does not leave the residence).
- Other transfer arrangements (Describe in detail.):

16. **Travel costs.**

(Check this box and complete this section only if you are asking for a change in travel costs.)

I ask the court to order travel cost payments for parent-time transfers as follows
(Choose one.):

- as we agree in the attached Parenting Plan.
- as proposed in my attached Parenting Plan.
- each party is responsible for their own travel costs.
- _____% by the Petitioner and _____% by the Respondent.
The parent who initially pays for reimbursable travel expenses will provide receipts to the other parent within 30 days. The parent who receives travel receipts will pay the other parent within 30 days.
- Other:

17. **Relocation of a parent**

(Check this box and complete this section only if you are asking for a change in relocation terms.)

I ask the court to order:

- If either parent moves more than 149 miles from the other parent, Utah Code 30-3-37 will apply.
- Neither parent may relocate with the minor children more than _____ miles from their current residence without a written agreement signed by the parties or further court order.

Other terms about relocating:

18. **Best interest** (Utah Code 30-3-10 and 30-3-10.4)

It is in the best interest of the children to change custody and parent-time because (Explain in detail.):

Child Support

19. **Child support – reasons to modify**

I ask that child support be modified because (Choose all that apply.):

The order has not been modified within the last three years, and

- there is a difference of 10% or more between the support amount as ordered and the support amount as required under the guidelines; and
- the difference is not temporary.

There are one or more material changes that affect the child support calculation. I used the child support worksheet and there is a difference of 15% or more from the current support order. The difference is not temporary. There is a change (Choose all that apply.):

in custody.

in the relative wealth or assets of the parties.

of 30% or more in the income of a parent.

in the employment potential and ability of a parent to earn.

in the medical needs of the child.

in the legal responsibilities of a parent for the support of others.
(Utah Code 78B-12-210(9))

_____ (child's name) is emancipated.

there has been a change:
(At least one must apply, but choose all that do apply.)

in the availability, coverage, or reasonableness of cost of health care insurance of the payor payee;

in work-related or education-related child care expenses of the payor payee.

20. Current child support order

The controlling order directs petitioner respondent to pay \$_____ each month for child support.

21. Proposed child support

I ask the court to modify child support based on the parties' incomes or estimated income based on ability or work history.

a. Petitioner's Income

Petitioner's total countable gross monthly income for child support purposes is \$_____ (Utah Code 78B-12-203).

This income is from these sources:

_____.

The court should consider petitioner's income to be \$_____ based on (Choose one.):

minimum wage.

historical earnings.

Petitioner does receive or has received public assistance.

b. Respondent's income

Respondent's total countable gross monthly income for child support purposes is \$_____ (Utah Code 78B-12-203).

This income is from these sources:

_____.

The court should consider respondent's income to be \$ _____ based on (Choose one.):

minimum wage.

historical earnings.

Respondent does receive or has received public assistance.

c. Child support worksheets

Order petitioner respondent to pay \$ _____ per month for child support. The following child support worksheet is filed or attached (Choose one.):

sole physical custody worksheet

joint physical custody worksheet

split custody worksheet

d. Statement of compliance with child support guidelines

(Choose one.)

This amount is based on the Uniform Child Support Guidelines (Utah Code 78B-12-2).

This amount is **not** based on the Uniform Child Support Guidelines and I am asking for a different amount because (Choose one.):

the guidelines are unjust.

the guidelines are inappropriate.

the guidelines amount is not in the best interest of the child/ren.

(Utah Code 78B-12-202 and 210.)

Explain your choice:

e. Effective Date

Child support should be effective (Choose one.):

the first day of the month following entry of the Order on Petition to Modify.

as of: _____ (date).

f. Method of payment

Child support should be paid as follows (Choose one.):

- Mandatory income withholding by the Office of Recovery Services (ORS). Unless ORS gives notice that payments should be sent elsewhere, all child support payments should be made to:

Office of Recovery Services
PO Box 45011
Salt Lake City, UT 84145

- Direct payments to the parent receiving child support by (Choose one.):

Check

Deposit in bank account

Cashier's check or money order

Other: _____

I ask for direct payment because (Utah Code 62A-11-404):

g. Payment schedule

Child support payments must be paid by the following due date (Choose one.):

- One half by the 5th day of each month, and the other half by the 20th day of each month.

Other:

h. Delinquent payments

Child support not paid by the due date is delinquent the next day.

i. Past-due child support

The issue of past-due child support may be decided by further judicial or administrative process.

If support is past due, the State of Utah may take federal or state tax refunds or rebates and apply the amounts to the child support owed.

22. **Child care expenses** (Utah Code 78B-12-214)
(Check this box and complete this section only if you are asking to change payment of child costs.)

I ask the court to order:

- Both parties share equally all reasonable child care expenses related to the custodial parent's work or occupational training.
- The parent who pays child care expenses must **immediately** provide to the other parent written verification of the cost of the child care expenses and the identity of the child care provider when hired, within 30 calendar days after a change in the provider or the expense, and anytime upon the request of the other parent.
- If the parent who pays child care expenses does not provide written verification of child care, that parent may be denied the right to recover or receive credit for the other parent's one-half share of the child care expense.
- The other parent must begin paying one-half the child care amount on a monthly basis **immediately** after receiving proof from the parent that pays the child care expense.

Other request for child care payment:

Other Support

23. **Health insurance, medical and dental expenses** (Utah Code 78B-12-212)

(Check this box and complete this section only if you are asking for a change in health insurance coverage.)

Our minor children currently have health insurance coverage through:

- Petitioner's insurance
- Respondent's insurance
- Medicaid
- CHIP
- Other: _____
- Not covered by insurance

I ask the court to order petitioner respondent to maintain health insurance for our minor children. Both parties must share equally:

- the cost of the premium paid by a parent for the children's portion of the insurance. The children's portion of the premium should be calculated by dividing the premium amount by the number of people covered by the policy and multiplying the result by the number of minor children of the parties; and
- all reasonable and necessary uninsured medical and dental expenses incurred for the children and paid by a parent, including deductibles and co-payments.

The parent ordered to maintain insurance must provide written verification of coverage to the other parent or the Office of Recovery Services when the children are first enrolled, on or before January 2nd of each calendar year and upon any change of insurance carrier, premium, or benefits within 30 calendar days after the date that parent knew or should have known of the change.

If the parent ordered to maintain insurance fails to provide written verification of coverage to the other parent or to the Office of Recovery Services, or if the parent incurring medical expenses fails to provide written verification of the cost and payment of the expenses to the other parent **within 30 days of payment**, that parent may be denied the right to receive credit for the expenses or to recover the other parent's share of the expenses.

The parent receiving written verification will reimburse the parent who incurred the medical or dental expenses one-half of the amount **within 30 days after receiving the written verification**.

I ask for this order because (Choose all that apply.):

the insurance is available to petitioner respondent;

the cost of the insurance is reasonable

the custodial parent prefers this arrangement.

Other reasons:

I ask for these additional orders regarding health insurance and medical and dental expenses:

24. **Tax exemptions or credits for dependent children** (Utah Code 78B-12-217)

OCAP proposes: Claiming children for tax purposes

(Choose one.)

_____ (name)
will receive any tax exemption or credit for the children.

_____ (name)
will receive any tax exemption or credit for the children in **even years**,
and _____ (name)
will receive any tax exemption or credit for the children in **odd years**.

any tax exemption or credit for the children will be divided as follows:

Child's name	Month and year of birth	Parent who may claim exemption or credit
		<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent
		<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent
		<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent
		<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent
		<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent

Other:

25. **Attorney fees and costs**

I ask the court to order the other party pay my attorney fees and costs.

26. **Other**

I ask the court for these additional orders:

I ask for these additional orders because:

27. **Remainder of order unchanged**

The remainder of the order should remain unchanged.

28. **Documents**

I am filing the following documents along with this Petition to Modify Child Custody, Parent-time and Child Support:

(Check all that apply. Forms can be found at www.utcourts.gov.)

- Cover Sheet
- Summons
- Non-public Information – Parent Information and Location
- Non-public Information – Minors
- Non-public Information – Safeguarded Address (if applicable)
- Affidavit about Child Support Services
- Notice to Child Support Division of the Attorney general (if applicable)
- Child Support Obligation Worksheet
- Parenting plan (Required if joint custody is requested.)

I declare under criminal penalty under the law of Utah that everything stated in this document is true.

Signed at _____ (city, and state or country).

Date

Signature ► _____
Printed Name _____

SEXUAL VIOLENCE PROTECTIVE ORDERS

2019 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: V. Lowry Snow

Senate Sponsor: Curtis S. Bramble

LONG TITLE

General Description:

This bill establishes the Sexual Violence Protection Act.

Highlighted Provisions:

This bill:

- ▶ defines terms and modifies definitions;
 - ▶ creates a sexual violence protective order and an ex parte sexual violence protective order;
 - ▶ establishes procedures for the application, modification, and enforcement of a sexual violence protective order and an ex parte sexual violence protective order;
- and
- ▶ requires that a sexual violence protective order and a dating violence protective order be placed on the statewide warrant system.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.

Utah Code Sections Affected:

AMENDS:

53-10-208, as last amended by Laws of Utah 2009, Chapters 292 and 356

53-10-208.1, as last amended by Laws of Utah 2011, Chapter 366

78B-7-201, as renumbered and amended by Laws of Utah 2008, Chapter 3

29 ENACTS:

30 **78B-7-501**, Utah Code Annotated 1953

31 **78B-7-502**, Utah Code Annotated 1953

32 **78B-7-503**, Utah Code Annotated 1953

33 **78B-7-504**, Utah Code Annotated 1953

34 **78B-7-505**, Utah Code Annotated 1953

35 **78B-7-506**, Utah Code Annotated 1953

36 **78B-7-507**, Utah Code Annotated 1953

37 **78B-7-508**, Utah Code Annotated 1953

38 **78B-7-509**, Utah Code Annotated 1953

39

40 *Be it enacted by the Legislature of the state of Utah:*

41 Section 1. Section **53-10-208** is amended to read:

42 **53-10-208. Definition -- Offenses included on statewide warrant system --**
43 **Transportation fee to be included -- Statewide warrant system responsibility -- Quality**
44 **control -- Training -- Technical support -- Transaction costs.**

45 (1) "Statewide warrant system" means the portion of the state court computer system
46 that is accessible by modem from the state mainframe computer and contains:

- 47 (a) records of criminal warrant information; and
- 48 (b) after notice and hearing, records of protective orders issued pursuant to:
 - 49 (i) Title 77, Chapter 36, Cohabitant Abuse Procedures Act; [σ]
 - 50 (ii) Title 78B, Chapter 7, Part 1, Cohabitant Abuse Act[-];
 - 51 (iii) Title 78B, Chapter 7, Part 4, Dating Violence Protection Act; or
 - 52 (iv) Title 78B, Chapter 7, Part 5, Sexual Violence Protection Act.

53 (2) (a) The division shall include on the statewide warrant system all warrants issued
54 for felony offenses and class A, B, and C misdemeanor offenses in the state.

55 (b) The division shall include on the statewide warrant system all warrants issued for

56 failure to appear on a traffic citation as ordered by a magistrate under Subsection 77-7-19(3).

57 (c) For each warrant, the division shall indicate whether the magistrate ordered under
58 Section 77-7-5 and Rule 6, Utah Rules of Criminal Procedure, that the accused appear in court.

59 (3) The division is the agency responsible for the statewide warrant system and shall:

60 (a) ensure quality control of all warrants of arrest or commitment and protective orders
61 contained in the statewide warrant system by conducting regular validation checks with every
62 clerk of a court responsible for entering the information on the system;

63 (b) upon the expiration of the protective orders and in the manner prescribed by the
64 division, purge information regarding protective orders described in Subsection 53-10-208.1(4)
65 within 30 days of the time after expiration;

66 (c) establish system procedures and provide training to all criminal justice agencies
67 having access to information contained on the state warrant system;

68 (d) provide technical support, program development, and systems maintenance for the
69 operation of the system; and

70 (e) pay data processing and transaction costs for state, county, and city law
71 enforcement agencies and criminal justice agencies having access to information contained on
72 the state warrant system.

73 (4) (a) Any data processing or transaction costs not funded by legislative appropriation
74 shall be paid on a pro rata basis by all agencies using the system during the fiscal year.

75 (b) This Subsection (4) supersedes any conflicting provision in Subsection (3)(e).

76 Section 2. Section 53-10-208.1 is amended to read:

77 **53-10-208.1. Magistrates and court clerks to supply information.**

78 Every magistrate or clerk of a court responsible for court records in this state shall,
79 within 30 days of the disposition and on forms and in the manner provided by the division,
80 furnish the division with information pertaining to:

81 (1) all dispositions of criminal matters, including:

82 (a) guilty pleas;

- 83 (b) convictions;
- 84 (c) dismissals;
- 85 (d) acquittals;
- 86 (e) pleas held in abeyance;
- 87 (f) judgments of not guilty by reason of insanity for a violation of:
- 88 (i) a felony offense;
- 89 (ii) Title 76, Chapter 5, Offenses Against the Person; or
- 90 (iii) Title 76, Chapter 10, Part 5, Weapons;
- 91 (g) judgments of guilty with a mental illness;
- 92 (h) finding of mental incompetence to stand trial for a violation of:
- 93 (i) a felony offense;
- 94 (ii) Title 76, Chapter 5, Offenses Against the Person; or
- 95 (iii) Title 76, Chapter 10, Part 5, Weapons; or
- 96 (i) probations granted; [~~and~~]
- 97 (2) orders of civil commitment under the terms of Section [62A-15-631](#);
- 98 (3) the issuance, recall, cancellation, or modification of all warrants of arrest or
- 99 commitment as described in Rule 6, Utah Rules of Criminal Procedure and Section [78B-6-303](#),
- 100 within one day of the action and in a manner provided by the division; and
- 101 (4) protective orders issued after notice and hearing, pursuant to:
- 102 (a) Title 77, Chapter 36, Cohabitant Abuse Procedures Act; [~~or~~]
- 103 (b) Title 78B, Chapter 7, Part 1, Cohabitant Abuse Act[~~;~~];
- 104 (c) Title 78B, Chapter 7, Part 4, Dating Violence Protection Act; or
- 105 (d) Title 78B, Chapter 7, Part 5, Sexual Violence Protection Act.
- 106 Section 3. Section **78B-7-201** is amended to read:
- 107 **78B-7-201. Definitions.**
- 108 As used in this chapter:
- 109 (1) "Abuse" means:

- 110 (a) physical abuse [or];
- 111 (b) sexual abuse;
- 112 (c) any sexual offense described in Title 76, Chapter 5b, Part 2, Sexual Exploitation; or
- 113 (d) human trafficking of a child for sexual exploitation under Section [76-5-308.5](#).
- 114 (2) "Court" means the district court or juvenile court.
- 115 (3) All other terms have the same meaning as defined in Section [78A-6-105](#).

116 Section 4. Section **78B-7-501** is enacted to read:

117 **Part 5. Sexual Violence Protection Act**

118 **78B-7-501. Title.**

119 This part is known as the "Sexual Violence Protection Act."

120 Section 5. Section **78B-7-502** is enacted to read:

121 **78B-7-502. Definitions.**

122 As used in this part:

- 123 (1) "Cohabitant" means the same as that term is defined in Section [78B-7-102](#).
- 124 (2) "Dating partner" means the same as that term is defined in Section [78B-7-402](#).
- 125 (3) "Ex parte sexual violence protective order" means an order issued without notice to
- 126 the respondent in accordance with the requirements of this part.

127 (4) "Protective order" means:

- 128 (a) a sexual violence protective order; or
- 129 (b) an ex parte sexual violence protective order.

130 (5) "Sexual violence" means the commission or the attempt to commit:

- 131 (a) any sexual offense described in Title 76, Chapter 5, Part 4, Sexual Offenses, or
- 132 Title 76, Chapter 5b, Part 2, Sexual Exploitation;
- 133 (b) human trafficking for forced sexual exploitation under Section [76-5-308](#); or
- 134 (c) aggravated human trafficking for forced sexual exploitation under Section
- 135 [76-5-310](#).
- 136 (6) "Sexual violence protective order" means an order issued after notice and a hearing

137 in accordance with the requirements of this part.

138 Section 6. Section **78B-7-503** is enacted to read:

139 **78B-7-503. Sexual violence -- Sexual violence protective orders.**

140 (1) (a) An individual may seek a protective order under this part if the individual has
141 been subjected to sexual violence and is neither a cohabitant nor a dating partner of the
142 respondent.

143 (b) An individual may not seek a protective order on behalf of a child under this part.

144 (2) A petition seeking a sexual violence protective order may not be withdrawn without
145 written order of the court.

146 Section 7. Section **78B-7-504** is enacted to read:

147 **78B-7-504. Sexual violence protective orders -- Ex parte protective orders --**
148 **Modification of orders.**

149 (1) If it appears from a petition for a protective order or a petition to modify an existing
150 protective order that sexual violence has occurred, the district court may:

151 (a) without notice, immediately issue an ex parte sexual violence protective order
152 against the respondent or modify an existing sexual violence protective order ex parte, if
153 necessary to protect the petitioner or any party named in the petition; or

154 (b) upon notice to the respondent, issue a sexual violence protective order or modify a
155 sexual violence protective order after a hearing, regardless of whether the respondent appears.

156 (2) The district court may grant the following relief with or without notice in a
157 protective order or in a modification to a protective order:

158 (a) prohibit the respondent from threatening to commit or committing sexual violence
159 against the petitioner and a family or household member designated in the protective order;

160 (b) prohibit the respondent from telephoning, contacting, or otherwise communicating
161 with the petitioner or a family or household member designated in the protective order, directly
162 or indirectly;

163 (c) order that the respondent:

164 (i) is excluded and shall stay away from the petitioner's residence and its premises;

165 (ii) subject to Subsection (4), stay away from the petitioner's:

166 (A) school and its premises;

167 (B) place of employment and its premises; or

168 (C) place of worship and its premises; or

169 (iii) stay away from any specified place frequented by the petitioner or a family or
170 household member designated in the protective order;

171 (d) prohibit the respondent from being within a specified distance of the petitioner; or

172 (e) order any further relief that the district court considers necessary to provide for the
173 safety and welfare of the petitioner and a family or household member designated in the
174 protective order.

175 (3) The district court may grant the following relief in a sexual violence protective
176 order or a modification of a sexual violence protective order, after notice and a hearing,
177 regardless of whether the respondent appears:

178 (a) the relief described in Subsection (2); and

179 (b) subject to Subsection (5), upon finding that the respondent's use or possession of a
180 weapon poses a serious threat of harm to the petitioner or a family or household member
181 designated in the protective order, prohibit the respondent from purchasing, using, or
182 possessing a weapon specified by the district court.

183 (4) If the petitioner or a family or household member designated in the protective order
184 attends the same school as the respondent, is employed at the same place of employment as the
185 respondent, or attends the same place of worship as the respondent, the court may enter an
186 order:

187 (a) that excludes the respondent from the respondent's school, place of employment, or
188 place of worship; or

189 (b) governing the respondent's conduct at the respondent's school, place of
190 employment, or place of worship.

- 191 (5) The district court may not prohibit the respondent from possessing a firearm:
192 (a) if the respondent has not been given notice of the petition for a protective order and
193 an opportunity to be heard; and
194 (b) unless the petition establishes:
195 (i) by a preponderance of the evidence that the respondent committed sexual violence
196 against the petitioner; and
197 (ii) by clear and convincing evidence that the respondent's use or possession of a
198 firearm poses a serious threat of harm to the petitioner or a family or household member
199 designated in the protective order.
200 (6) After the day on which the district court issues a sexual violence protective order,
201 the district court shall:
202 (a) as soon as possible, deliver the order to the county sheriff for service of process;
203 (b) make reasonable efforts at the hearing to ensure that the petitioner and the
204 respondent, if present, understand the sexual violence protective order;
205 (c) transmit electronically, by the end of the business day after the day on which the
206 court issues the order, a copy of the sexual violence protective order to a local law enforcement
207 agency designated by the petitioner; and
208 (d) transmit a copy of the sexual violence protective order in the same manner as
209 described in Section [78B-7-113](#).
210 (7) (a) A respondent may request the court modify or vacate a protective order in
211 accordance with Subsection (7)(b).
212 (b) Upon a respondent's request, the district court may modify or vacate a protective
213 order after notice and a hearing, if the petitioner:
214 (i) is personally served with notice of the hearing, as provided in the Utah Rules of
215 Civil Procedure, and appears before the district court to give specific consent to the
216 modification or vacation of the provisions of the protective order; or
217 (ii) submits an affidavit agreeing to the modification or vacation of the provisions of

218 the protective order.

219 (8) To the extent that the provisions of this part are more specific than the Utah Rules
220 of Civil Procedure regarding a protective order, the provisions of this part govern.

221 Section 8. Section **78B-7-505** is enacted to read:

222 **78B-7-505. Hearings -- Expiration -- Extension.**

223 (1) (a) Within 20 days after the day on which a district court issues an ex parte sexual
224 violence protective order, the district court shall set a date for a hearing on the petition for a
225 sexual violence protective order.

226 (b) If, at the hearing described in Subsection (1)(a), the district court does not issue a
227 sexual violence protective order, the ex parte sexual protective order expires, unless extended
228 by the district court.

229 (c) The district court may extend the 20-day period described in Subsection (1)(a) only
230 if:

231 (i) a party is unable to be present at the hearing for good cause, established by the
232 party's sworn affidavit;

233 (ii) the respondent has not been served; or

234 (iii) exigent circumstances exist.

235 (d) If, at the hearing described in Subsection (1)(a), the district court issues a sexual
236 violence protective order, the ex parte sexual violence protective order remains in effect until
237 service of process of the sexual violence protective order is completed.

238 (e) A sexual violence protective order remains in effect for one year after the day on
239 which the district court issues the order.

240 (f) If the hearing described in Subsection (1)(a) is held by a commissioner, the
241 petitioner or respondent may file an objection within 10 calendar days after the day on which
242 the commissioner enters the recommended order, and the assigned judge shall hold a hearing
243 on the objection within 20 days after the day on which the objection is filed.

244 (2) If the district court denies a petition for an ex parte sexual violence protective order

245 or a petition to modify a sexual violence protective order ex parte, the district court shall, upon
246 the petitioner's request:

247 (a) set the matter for hearing; and

248 (b) notify and serve the respondent.

249 (3) (a) A sexual violence protective order automatically expires under Subsection
250 (1)(e) unless:

251 (i) the petitioner files a motion before the day on which the sexual violence protective
252 order expires requesting an extension of the sexual violence protective order; and

253 (ii) after notice and a hearing on the motion, the district court finds that an extension of
254 the sexual violence protective order is necessary to protect the petitioner or any party named in
255 the sexual violence protective order.

256 (b) (i) If the district court denies the motion described in Subsection (3)(a), the sexual
257 violence protective order expires under Subsection (1)(e).

258 (ii) If the district court grants the motion described in Subsection (3)(a), the district
259 court shall set a new date on which the sexual violence protective order expires.

260 (iii) A sexual violence protective order that is extended under this Subsection (3), may
261 not be extended for more than one year after the day on which the court issues the order for
262 extension.

263 (iv) A sexual violence protective order may not be extended more than once.

264 (c) After the day on which the district court issues an extension of a sexual violence
265 protective order, the district court shall take the action described in Subsection [78B-7-504\(6\)](#).

266 (4) Nothing in this part prohibits a petitioner from seeking another protective order
267 after the day on which the petitioner's protective order expires.

268 Section 9. Section **78B-7-506** is enacted to read:

269 **78B-7-506. Service of process.**

270 (1) (a) The county sheriff that receives an order from the court under Subsection
271 [78B-7-504\(6\)](#) or [78B-7-505\(3\)](#) shall:

272 (i) provide expedited service for the sexual violence protective order; and
273 (ii) after the sexual violence protective order is served, transmit verification of service
274 of process to the statewide network described in Section 78B-7-113.

275 (b) This section does not prohibit another law enforcement agency from providing
276 service of process if the law enforcement agency:

277 (i) has contact with the respondent; or
278 (ii) determines that, under the circumstances, providing service of process on the
279 respondent is in the best interest of the petitioner.

280 (2) When a sexual violence protective order is served on a respondent in jail, or other
281 holding facility, the law enforcement agency managing the facility shall make a reasonable
282 effort to provide notice to the petitioner at the time the respondent is released from
283 incarceration.

284 Section 10. Section **78B-7-507** is enacted to read:

285 **78B-7-507. Fees -- Forms.**

286 (1) A fee may not be imposed by a court clerk, sheriff, constable, or law enforcement
287 agency for:

288 (a) filing a petition for a protective order;
289 (b) obtaining a protective order; or
290 (c) service of a protective order.

291 (2) (a) The office of the court clerk shall provide forms and nonlegal assistance to an
292 individual seeking to proceed under this part.

293 (b) The Administrative Office of the Courts shall:

294 (i) develop and adopt uniform forms for a petition for a protective order and a
295 protective order in accordance with this part; and

296 (ii) provide the forms to the clerk of each court authorized to issue a protective order.

297 (c) The forms described in this Subsection (2) shall include:

298 (i) a statement notifying a petitioner for a protective order that knowing falsification of

299 any statement or information provided for the purpose of obtaining a protective order may
300 subject the petitioner to criminal prosecution;

301 (ii) language stating violation of a protective order is a class A misdemeanor; and

302 (iii) a space for any information a petitioner is able to provide to facilitate identification
303 of the respondent, including social security number, driver license number, date of birth,
304 address, telephone number, or physical description.

305 (3) If the individual seeking to proceed under this part is not represented by an
306 attorney, it is the responsibility of the court clerk's office to provide:

307 (a) the forms adopted in accordance with Subsection (2);

308 (b) all other forms required to petition for a protective order, including forms for
309 service of process;

310 (c) except as provided in Subsection (4), clerical assistance in filling out the forms and
311 filing the petition, in accordance with Subsection (2);

312 (d) information regarding the means available for service of process;

313 (e) a list of legal service organizations that may represent an individual in an action
314 brought under this part, with the phone numbers of the organizations; and

315 (f) written information regarding the procedure for transporting a jailed or imprisoned
316 respondent to a protective order hearing.

317 (4) A court clerk's office may designate another entity, agency, or individual to provide
318 the service described in Subsection (3)(c), but the court clerk's office is responsible to see that
319 the service of process is provided.

320 (5) A petition for a protective order shall be in writing and verified.

321 (6) (a) A protective order shall be issued in the form adopted by the Administrative
322 Office of the Courts under Subsection (2).

323 (b) A sexual violence protective order or a modification to a protective order issued
324 after notice and a hearing shall include the following language:

325 "Respondent was afforded both notice and opportunity to be heard in the hearing that

326 gave rise to this order. Pursuant to the Violence Against Women Act of 1994, P.L. 103-322,
327 108 Stat. 1796, 18 U.S.C.A. 2265, this order is valid in all the United States, the District of
328 Columbia, tribal lands, and United States territories. This order complies with the Uniform
329 Interstate Enforcement of Domestic Violence Protection Orders Act."

330 Section 11. Section **78B-7-508** is enacted to read:

331 **78B-7-508. Enforcement -- Penalties.**

332 (1) A law enforcement officer shall, without a warrant, arrest an individual if the
333 officer has probable cause to believe that the individual has intentionally or knowingly violated
334 a protective order issued under this part, regardless of whether the violation occurred in the
335 presence of the officer.

336 (2) A violation of a protective order issued under this part is a class A misdemeanor.

337 (3) A petitioner may be subject to criminal prosecution under Title 76, Chapter 8, Part
338 5, Falsification in Official Matters, for knowingly falsifying any statement or information
339 provided for the purpose of obtaining a protective order.

340 Section 12. Section **78B-7-509** is enacted to read:

341 **78B-7-509. Duties of law enforcement officers -- Notice to victims.**

342 (1) A law enforcement officer who responds to an allegation of sexual violence shall
343 use all reasonable means to protect the victim and prevent further sexual violence, including:

344 (a) taking action that, in the officer's discretion, is reasonably necessary to provide for
345 the safety of the victim and any family or household member;

346 (b) making arrangements for the victim and any child to obtain emergency housing or
347 shelter;

348 (c) arranging, facilitating, or providing for the victim and any child to obtain medical
349 treatment; and

350 (d) arranging, facilitating, or providing the victim with immediate and adequate notice
351 of the rights of the victim and of the remedies and services available to victims of sexual
352 violence, in accordance with Subsection (2).

353 (2) (a) A law enforcement officer shall give written notice to the victim in simple
354 language, describing the rights and remedies available under this part.

355 (b) The written notice shall also include:

356 (i) a statement that the forms needed in order to obtain a protective order are available
357 from the court clerk's office in the judicial district where the victim resides or is temporarily
358 domiciled; and

359 (ii) a list of shelters, services, and resources available in the appropriate community,
360 together with telephone numbers, to assist the victim in accessing any needed assistance.

361 Section 13. **Effective date.**

362 This bill takes effect on July 1, 2019.

This is a private record.

Name

Address (omit if safeguarded)

City, State, Zip (omit if safeguarded)

Phone (omit if safeguarded)

Email (omit if safeguarded)

I am Petitioner Petitioner's Attorney (Utah Bar #: _____)

In the District Court of Utah

_____ Judicial District _____ County

Court Address _____

<p>_____ Petitioner (person asking for protection)</p> <p>V.</p> <p>_____ Respondent</p>	<p>Request for Sexual Violence Protective Order</p> <p>_____ Case Number</p> <p>_____ Judge</p> <p>_____ Commissioner</p>
--------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------

- (Choose one.)
 I am 18 or older.
 I am under 18 and have been emancipated by marriage or court order.
- I am not a cohabitant of the respondent.
- I am not a dating partner of the respondent.

Description of abuse

(Utah Code 76-5-401 et seq., 76-5b-201 et seq., 76-5-308, 76-5-310)

- The respondent has committed or has tried to commit sexual violence against me.

Sexual violence includes:

- Rape
- Object rape
- Sodomy
- Forcible sodomy
- Forcible sexual abuse
- Aggravated sexual assault
- Custodial sexual relations
- Custodial sexual misconduct
- Indecent liberties
- Sexual exploitation of a vulnerable adult or a child
- Distribution of an intimate image
- Sexual extortion
- Human trafficking for forced sexual exploitation
- Aggravated human trafficking for forced sexual exploitation

5. Describe the most recent sexual violence involving the respondent:

a. When did it happen? (Date.): _____

b. Where did it happen? (Street, city and state.):

c. Describe the sexual violence (Attach additional sheets if needed.):

d. Did the police come? Yes No

e. If the police came,

• Which police department came? _____

• Was anyone arrested? Yes No

If yes, who was arrested? _____

• Provide police case number if known: _____

f. Did respondent use or threaten to use a gun or other weapon?

Yes No (If yes, describe the weapons the respondent owns and how they were used against you.):

g. Other facts:

7. Respondent and I:

- work at the same place.
- go to the same school.
- attend the same place of worship.

(Give information the court should consider about potential or necessary interactions with respondent at the places listed above.)

8. Respondent and one or more of the people listed in paragraph 9 below:

- work at the same place.
- go to the same school.
- attend the same place of worship.

(List the person and what the court should know about potential or necessary interactions between the person and the respondent at the places listed above.)

Request

I ask the court to:

- Grant the temporary orders I have marked below.
- Schedule a hearing to be held within 20 days.
- After the hearing, make the temporary orders permanent.

(Choose all that apply.)

9. **Personal conduct**

Order respondent not to commit, try to commit, or threaten to commit any form of sexual violence against me or the people listed below.

Other people protected by this section (Relatives or people who live with me.):

Name	Age	Relationship to petitioner

10. **No contact**

Order respondent not to contact, phone, text, mail, e-mail, or communicate with me and the people listed in paragraph 9 in any way, either directly or indirectly.

11. **Stay away**

Stay at least _____ (distance) from me.

Stay away from:

my home

my work

my school

my place of worship

other: _____

Stay away from the people listed in paragraph 9 at their home, work, school, and place of worship and the following other places:

Other (specify):

12. **No weapons**

Order respondent not to use, possess, have, or buy a firearm or any of these weapons: _____

I understand it is a serious crime to lie to get a sexual violence protective order. If I lie, I can be charged with a class A misdemeanor.

I declare under criminal penalty under the law of Utah that everything stated in this document is true.

Signed at _____ (city, and state or country).

Date

Signature ► _____

Printed Name _____

In the District Court of Utah

_____ Judicial District _____ County

Court Address _____

**Temporary Sexual Violence
Protective Order**

Ex Parte Order

Petitioner

v.

Respondent

Case Number

Judge

Commissioner

The court finds:

1. (Choose one.)
 Petitioner is 18 or older, or
 Petitioner is under 18 and has been emancipated by marriage or court order.
2. It has jurisdiction over the parties in this case.
3. Respondent and petitioner are not cohabitants or dating partners.
4. Petitioner has been subjected to sexual violence by the respondent.

The court orders:

Respondent must obey all orders initialed below. Violation of this order is a criminal Class A Misdemeanor, punishable by up to 364 days in jail and a fine.

5. **Personal Conduct**
Respondent may not commit, try to commit, or threaten to commit sexual violence against the petitioner or any person listed below.

Other people protected by this section (relatives or people who live with petitioner):

Name	Age	Relationship to petitioner

6. **No Contact Order**
 Respondent must not contact, phone, text, mail, e-mail, or communicate in any way with the Petitioner and the people listed in paragraph 5 of this order either directly or indirectly.

7. **Stay Away Order**
 a. Stay at least _____ (distance) from petitioner.

b. Stay away from petitioner's

home

work

school

place of worship

other:

c. Must comply with the following restrictions while at respondent's and petitioner's

Work:

School:

Place of worship:

- d. Stay away from the people listed in paragraph 5 at their home, work, school, and place of worship and the following other places:

- e. Must comply with the following restrictions while at the work, school, and place of worship that respondent and the people in paragraph 5 have in common:

- f. Other (specify):

8. **No Weapons**

- The court finds there is clear and convincing evidence that respondent's use or possession of a firearm poses a serious threat of harm to the petitioner and the people listed in paragraph 5. Respondent cannot possess, have, or buy a firearm.
- The court finds that respondent's use or possession of a weapon poses a serious threat of harm to petitioner and the people listed in paragraph 5. Respondent cannot possess, have, or buy any of these weapons:

Notice to respondent:

This is a court order. No one except the court can change it. You can tell your side at the hearing. If you do not obey this order, you can be arrested, fined, and face other charges.

This order lasts until the hearing on the following date and time:

Courthouse Address (Dirección del tribunal):

Date (Fecha): _____ Time (Hora): _____ [] a.m. [] p.m.

Room (Sala): _____

Judge or Commissioner (Juez o Comisionado): _____

Attendance

You must attend. If you do not attend, you might be held in contempt of court and the relief requested might be granted. You have the right to be represented by a lawyer.

Evidence

Bring with you any evidence that you want the court to consider.

Interpretation

If you do not speak or understand English, the court will provide an interpreter. Contact court staff immediately to ask for an interpreter.

ADA Accommodation

If you need an accommodation, including an ASL interpreter, contact court staff immediately to ask for an accommodation.

Finding help

The court's Finding Legal Help web page (www.utcourts.gov/howto/legalassist/) provides information about the ways you can get legal help, including the Self-Help Center, reduced-fee attorneys, limited legal help and free legal clinics.

Asistencia

Presentarse es obligatorio. Si usted no llegara a presentarse, se lo podría encontrar en desacato de las órdenes del juez y la reparación solicitada podría ser otorgada. Usted tiene el derecho de que lo represente un abogado.

Pruebas

Traiga con usted cualquier prueba que quiera que el tribunal tome en cuenta.

Interpretación

Si usted no habla ni entiende el Inglés el tribunal le proveeré un intérprete. Contacte a un empleado del tribunal inmediatamente para pedir un intérprete.

Adaptación o Arreglo en Caso de Discapacidad

Si usted requiere una adaptación o arreglo, que incluye un intérprete de la lengua de signos americana, contacte a un empleado del tribunal inmediatamente para pedir una adaptación.

Cómo encontrar ayuda legal

La página de la internet del tribunal Cómo encontrar ayuda legal (www.utcourts.gov/howto/legalassist/index-sp.html/) tiene información sobre algunas maneras de encontrar ayuda legal, incluyendo el Centro de Ayuda de los Tribunales de Utah, abogados que ofrecen descuentos u ofrecen ayuda legal limitada,

_____ y talleres legales gratuitos.

Commissioner's or Judge's signature may instead appear at the top of the first page of this document.

Date

Signature ► _____
Commissioner _____

Date

Signature ► _____
Judge _____

In the District Court of Utah

_____ Judicial District _____ County

Court Address _____

Sexual Violence Protective Order

Petitioner

v.

Respondent

Case Number

Judge

Commissioner

A hearing was held on _____ (date). Respondent was given notice and an opportunity to be heard at the hearing.

The following people were present at the hearing:

Petitioner

Petitioner's attorney _____ (name).

Respondent

Respondent's attorney _____ (name).

The court reviewed the Request for Sexual Violence Protective Order and (Choose all that apply.):

received argument and evidence

accepted the stipulation of the parties

entered the default of respondent for failure to appear

finds that sexual violence has occurred.

and makes the orders initialed below.

The court finds:

1. (Choose one.)

Petitioner is 18 or older, or

Petitioner is under 18 and has been emancipated by marriage or court order.

2. It has jurisdiction over the parties in this case.
3. Respondent and petitioner are not cohabitants or dating partners.
4. Petitioner has been subjected to sexual violence by the respondent.

The court orders:

Respondent must obey all orders initialed below.

This order expires _____ (date)

Petitioner can file a motion to extend the order
before it expires.

Violation of this order is a criminal Class A Misdemeanor, punishable by up to 364 days in jail and a fine.

5. **Personal conduct**

Respondent may not commit, try to commit, or threaten to commit any form of sexual violence against the petitioner or any person listed below.

Other people protected by this section (Relatives or people who live with petitioner.):

Name	Age	Relationship to petitioner

6. **No contact order**

Respondent may not contact, phone, text, mail, e-mail, or communicate in any way with the Petitioner and the people listed in paragraph 5 of this order either directly or indirectly.

7. **Stay away order**

a. Stay at least _____ (distance) from petitioner.

b. Stay away from petitioner's

home

work

school

place of worship

other:

c. Must comply with the following restrictions while at respondent's and petitioner's

Work:

School:

Place of worship:

d. Stay away from the people listed in paragraph 5 at their home, work, school, and place of worship and the following other places:

e. Must comply with the following restrictions while at the work, school, and place of worship that respondent and the people in paragraph 5 have in common:

f. Other (specify):

8. **No weapons**

The court finds there is clear and convincing evidence that respondent's use or possession of a firearm poses a serious threat of harm to the petitioner and the people listed in paragraph 5. Respondent cannot possess, have, or buy a firearm.

The court finds that respondent's use or possession of a weapon poses a serious threat of harm to petitioner and the people listed in paragraph 5. Respondent cannot possess, have, or buy any of these weapons:

_____.

Respondent may be subject to state or federal law making it a crime to possess, transport, ship or receive any firearm or ammunition, including a hunting weapon.

Respondent was afforded both notice and opportunity to be heard in the hearing that gave rise to this order. Pursuant to the Violence Against Women Act of 1994, P.L. 103-322, 108 Stat. 1796, 18 U.S.C. Sec. 2265, this order is valid in all the United States, the District of Columbia, tribal lands, and United States territories. This order complies with the Uniform Interstate Enforcement of Domestic Violence Protection Orders Act.

— The court completes this section —

Judge or commissioner's signature may instead appear at the top of the first page of this document.

_____	Signature ►	_____
Date	Commissioner	_____
_____	Signature ►	_____
Date	Judge	_____

— Respondent completes this section —

By signing here, respondent approves the form, and accepts service of this Protective Order and waives the right to be personally served.

Respondent's Address

Respondent's Signature ► _____

This is a private record

Name

Address

City, State, Zip

Phone

Check your email. You will receive information and documents at this email address.

Email

I am Plaintiff/Petitioner Defendant/Respondent
 Plaintiff/Petitioner's Attorney Defendant/Respondent's Attorney (Utah Bar #: _____)
 Plaintiff/Petitioner's Licensed Paralegal Practitioner
 Defendant/Respondent's Licensed Paralegal Practitioner (Utah Bar #: _____)

In the District Justice Court of Utah

_____ Judicial District _____ County

Court Address _____

<p>_____ Plaintiff/Petitioner</p> <p>v.</p> <p>_____ Defendant/Respondent</p>	<p>Motion to Waive Fees and Statement Supporting Motion (Utah Code 78A-2-302 and Code of Judicial Administration Rule 4-508)</p> <p>_____ Case Number</p> <p>_____ Judge</p> <p>_____ Commissioner (domestic cases)</p>
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1. I cannot pay the court fees in this case. I believe I qualify for a waiver.
2. I ask the following fee(s) be waived:
(Choose all that apply. Ask court staff for help if needed.)
 Filing fee (Refer to Civil Cover Sheet): Divorce education class fee
Amount: \$ _____ (Maximum \$35.00.)
 OCAP fee (\$20.00) Divorce orientation class fee
(Maximum \$30.00.)

Office of Vital Records fee
(Certificate of Adoption or Certificate of
Divorce; \$8.00):

\$225 District Court to Court of
Appeals or Supreme Court

\$225 + \$10 Small claims appeal
(Justice Court)

Service fee (within Utah)

Other _____

Appeal fee

Other _____

3. I am represented by an attorney. My attorney is providing an affidavit describing the fee agreement and what percentage of their normal, full fee is represented by the discounted fee. (Code of Judicial Administration 4-508(5)).

4. **Employment**

I am employed as (Choose all that apply):

an hourly employee (Form W-2)

a salaried employee (Form W-2)

self-employed (Form 1099, Form K-1, Schedule C, etc.)

other (Explain): _____

Name of employer	Employer's address and phone number	Job title	Hourly rate or annual salary	Hours per week (If hourly)
			\$	
			\$	
			\$	

I am unemployed because:

5. **Dependents** (Count spouse, children or other dependents in your household. If none, write 0.)

The following people depend on me for support.

Number of adults	
------------------	--

Number of children under 18	
-----------------------------	--

6. Gross Monthly Income

I have the following monthly income before tax deductions:
 (Print your pre-tax income in the boxes below. For income that changes from month to month, calculate the annual total and divide by 12 months to list a monthly average.)

Source of income	Monthly amount
Work (Including self employment, wages, salaries, commissions, bonuses, tips and overtime)	\$
Rental income	\$
Business income	\$
Interest	\$
Dividends	\$
Retirement income (Including pensions, 401(k), IRA, etc.)	\$
Worker's compensation	\$
Private disability insurance	\$
Social Security Disability Income (SSDI)	\$
Supplemental Security Income (SSI)	\$
Social Security (Other than SSDI or SSI)	\$
Unemployment benefits	\$
Education benefits (Including grants, loans, cash scholarships, etc.)	\$
Veteran's benefits	\$
Alimony	\$
Child support	\$
Payments from civil litigation	\$
Victim restitution	\$
Public assistance (Including AFDC, FEP, TANF, welfare, etc.)	\$
Financial support from household members	\$
Financial support from non-household members	\$
Trust income	\$
Annuity income	\$
Other (Describe)	\$
Other (Describe)	\$

Source of income	Monthly amount
Total gross monthly income	\$

I have no income because:

7. Monthly Tax Deductions

I have no monthly tax deductions because I have no income.

I have the following monthly tax deductions.

Type of tax deduction	Amount
Federal income tax	\$
State income tax	\$
Municipal income tax	\$
FICA	\$
Medicare	\$
Total monthly tax deductions	\$

8. After Tax Income

My monthly income is:

\$ _____	Gross monthly income from section 7
- \$ _____	Minus monthly tax deductions from section 8
= \$ _____	Equals after-tax monthly income

I have no income.

9. Monthly Expenses (Include amounts you pay for yourself and any spouse, children or other dependents in your household.)

Monthly expense	Current Amount
Rent or mortgage	\$

Monthly expense	Current Amount
Real estate taxes (if not included in mortgage)	\$
Real estate insurance (if not included in mortgage)	\$
Real estate maintenance	\$
Food and household supplies	\$
Clothing	\$
Automobile payments	\$
Automobile insurance	\$
Automobile fuel	\$
Automobile maintenance	\$
Other transportation costs (public transportation, parking, etc.)	\$
Utilities (such as electricity, gas, water, sewer, garbage)	\$
Telephone	\$
Paid television, cable, satellite	\$
Internet	\$
Credit card payments	\$
Loans and other debt payments	\$
Alimony	\$
Child support	\$
Child care	\$
Extracurricular activities for children	\$
Education (children)	\$
Education (self)	\$
Health care insurance	\$
Health care expenses (excluding insurance listed above)	\$
Other insurance (describe)	\$
Entertainment	\$
Laundry and dry cleaning	\$
Donations	\$
Gifts	\$
Union and other dues	\$
Garnishment or income withholding order	\$

Monthly expense	Current Amount
Retirement deposits (including pensions, 401(k), IRA, etc.)	\$
Other (describe)	\$
Other (describe)	\$
Total monthly expenses	\$

10. **Business Interests** (Add additional sheets if needed.)

I have no business interests.

I have the following business interests.

Business name			
Address & phone			
Nature of business			
Current value of the business \$	Percent owned by _____% Petitioner _____% Respondent		

Business name			
Address & phone			
Nature of business			
Current value of the business \$	Percent owned by _____% Petitioner _____% Respondent		

11. **Financial Assets** (Add additional sheets if needed.)

I have no financial assets.

I have the following financial assets.

Asset	Name & address of institution	Names on account	Current balance

Asset	Name & address of institution	Names on account	Current balance
Bank or credit union Account number: _____ Date opened: _____ Type: <input type="checkbox"/> checking <input type="checkbox"/> savings <input type="checkbox"/> other			\$
Bank or credit union Account number: _____ Date opened: _____ Type: <input type="checkbox"/> checking <input type="checkbox"/> savings <input type="checkbox"/> other			\$
Stocks, bonds, securities, money market account Account number: _____ Date opened: _____			\$
Retirement account Account number: _____ Date opened: _____			\$
Profit sharing plan Account number: _____ Date opened: _____			\$
Annuity Account number: _____ Date opened: _____			\$
Life insurance Account number: _____ Date opened: _____			\$

Asset	Name & address of institution	Names on account	Current balance
Money owed to me Date of loan: _____			\$
Cash			\$
Other (describe)			\$
Other (describe)			\$

12. **Real Estate** (Add additional sheets if needed.)

I have no real estate.

I have the following real estate.

Home

Address _____

Date acquired	Name(s) on title	\$ _____ Original cost	\$ _____ Current value
First mortgage or lien holder (name & address)		\$ _____ Amount owed	\$ _____ Monthly payments
Second mortgage or lien holder (name & address)		\$ _____ Amount owed	\$ _____ Monthly payments

Other real estate

Address _____

Date acquired	Name(s) on title	\$ _____ Original cost	\$ _____ Current value
First mortgage or lien holder (name & address)		\$ _____ Amount owed	\$ _____ Monthly payments
Second mortgage or lien holder (name & address)		\$ _____ Amount owed	\$ _____ Monthly payments

13. **Personal Property** (Such as vehicles, boats, trailers, major equipment, furniture, jewelry, and collectibles. Add additional sheets if needed.)

I have no personal property.

I have the following personal property.

Property description (if automobile, include year, make, and model)	Debt owed to (name and address)	Names on title (if applicable)	Amount owed	Minimum monthly payments
			\$	\$
			\$	\$
			\$	\$
			\$	\$
			\$	\$

14. **Debts Owed** (Do not include amounts you owe on property reported in the Real Estate or Personal Property sections. Add additional sheets if needed.)

I do not owe any debts.

I owe the following debts.

Type of debt (such as credit card, cash loan, or installment payment)	Debt owed to (name and address and phone number)	Names on debt	Amount owed	Minimum monthly payments
			\$	\$
			\$	\$
			\$	\$
			\$	\$
			\$	\$
			\$	\$

15. **Other**

The following facts also show why I cannot pay these court fees.

Language required by 78A-2-302(5)

In addition to the financial disclosures, the affidavit shall state the following:

I, A B, do solemnly swear or affirm that due to my poverty I am unable to bear the expenses of the action or legal proceedings which I am about to commence or the appeal which I am about to take, and that I believe I am entitled to the relief sought by the action, legal proceedings, or appeal.

Is this language adequate?

I cannot pay the costs of this legal proceeding. I believe my case has merit.

I declare under criminal penalty under the law of Utah that everything stated in this document is true.

Signed at _____ (city, and state or country).

Date

Signature ► _____

Printed Name _____

Name

Address

City, State, Zip

Phone

Email

In the [] District [] Justice Court of Utah

_____ Judicial District _____ County

Court Address _____

<p>_____ Plaintiff/Petitioner</p> <p>V.</p> <p>_____ Defendant/Respondent</p>	<p>Order on Motion to Waive Fees</p> <p>_____ Case Number</p> <p>_____ Judge</p> <p>_____ Commissioner (domestic cases)</p>
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The matter before the court is a Motion to Waive Fees. Having reviewed the Motion to Waive Fees and Statement Supporting Motion and supporting financial evidence, and having made an independent determination,

The court orders:

1. [] **The motion is denied.** The information shows that the party is reasonably able to pay the fees.
2. [] **The motion is denied.** The party failed to provide the required information. The party may re-file the motion with the required information within 14 days.
3. [] **The motion is granted.** The following fees are waived. If the fee is waived in part, it is because the party is reasonably able to pay the balance.

Fee	Waived in Full	Waived in Part – Amount to be Paid
Filing fee	[]	
OCAP fee	[]	
Divorce education class fee	[]	
Divorce orientation class fee	[]	
Vital stats fee – divorce certificate or report of adoption	[]	
Service fee (within Utah)	[]	
Other (Describe.)	[]	

4. Any fees not waived must be paid within 30 days or the case may be dismissed.
5. This order is subject to review and amendment as long as the court has jurisdiction of the case.

Judge's signature may instead appear at the top of the first page of this document.

_____ Signature ► _____
Date _____ Judge _____

Notice to the Moving Party

If the fee waiver was denied because the judge found **you are reasonably able to pay** (paragraph 1 is marked), and you:

- have lost your source of income;
- have unaccounted expenses limiting your ability to pay;
- will suffer immediate irreparable harm if the action is delayed; or
- would lose the opportunity to file the case because of the delay,

you may file a Memorandum Demonstrating Inability to Pay Fees within 10 days of the date of this order.

If the fee waiver was denied **because you failed to provide the required information** (paragraph 2 is marked), and you want your request to be reconsidered, you must file a corrected motion with the required information within 14 days of the date of this order.

Clerk's Certificate of Service

I certify that on _____ (date) a copy of this order was served on the moving party by the method indicated below:

Mailed	Emailed	Party Name	Mail or Email Address
[]	[]	_____	_____

_____ Date
Signature ► _____
Printed name of court clerk _____

Name

Address

City, State, Zip

Phone

Email

In the [] District [] Justice Court of Utah

_____ Judicial District _____ County

Court Address _____

<p>_____ Plaintiff/Petitioner</p> <p>V.</p> <p>_____ Defendant/Respondent</p>	<p>Order on Motion to Waive Fees (Inmates)</p> <p>_____ Case Number</p> <p>_____ Judge</p> <p>_____ Commissioner (domestic cases)</p>
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The matter before the court is a Motion to Waive Fees. Having reviewed the Motion to Waive Fees and Statement Supporting Motion and supporting financial evidence, and having made an independent determination,

The court orders:

1. [] **The motion is denied.** The information shows that the party is reasonably able to pay the fees.
2. [] **The motion is denied.** The party failed to provide the required information. The party may re-file the motion with the required information within 14 days.
3. [] **The motion is granted.** The following fees are waived. If the fee is waived in part, it is because the party is reasonably able to pay the balance.

Notice to the Moving Party

If the fee waiver was denied because the judge found **you are reasonably able to pay** (paragraph 1 is marked), and you:

- have lost your source of income;
- have unaccounted expenses limiting your ability to pay;
- will suffer immediate irreparable harm if the action is delayed; or
- would lose the opportunity to file the case because of the delay,

you may file a Memorandum Demonstrating Inability to Pay Fees within 10 days of the date of this order.

If the fee waiver was denied **because you failed to provide the required information** (paragraph 2 is marked), and you want your request to be reconsidered, you must file a corrected motion with the required information within 14 days of the date of this order.

Clerk’s Certificate of Service

I certify that on _____ (date) a copy of this order was mailed to the moving party at this address:

_____ Signature ► _____

Date Printed name of court clerk _____

This is a private record

Name

Address

City, State, Zip

Phone

Check your email. You will receive information and documents at this email address.

Email

I am Plaintiff/Petitioner Defendant/Respondent
 Plaintiff/Petitioner's Attorney Defendant/Respondent's Attorney (Utah Bar #: _____)
 Plaintiff/Petitioner's Licensed Paralegal Practitioner
 Defendant/Respondent's Licensed Paralegal Practitioner (Utah Bar #: _____)

In the District Justice Court of Utah

_____ Judicial District _____ County

Court Address _____

<p>_____ Plaintiff/Petitioner</p> <p>v.</p> <p>_____ Defendant/Respondent</p>	<p>Memorandum Demonstrating Inability to Pay Fees (Utah Code 78A-2-307)</p> <p>_____ Case Number</p> <p>_____ Judge</p> <p>_____ Commissioner (domestic cases)</p>
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- I say the following (Choose all that apply.):
 - I have lost my source of income.
 - I have unaccounted expenses limiting my ability to pay.
 - I will suffer immediate irreparable harm if the action is delayed.
 - I would lose the opportunity to file the case because of the delay
- I have filed this document within 10 days after receiving the Order on Motion to Waive Fees.

3. I have attached documents to support my claims.

I declare under criminal penalty under the law of Utah that everything stated in this document is true.

Signed at _____ (city, and state or country).

Date

Signature ► _____

Printed Name _____