

MINUTES
Utah Judicial Council
Committee on Court Forms
Administrative Office of the Courts
450 South State Street
Salt Lake City, UT 84111
November 4, 2019
12 - 2 pm
Judicial Council Room

MEMBERS: PRESENT EXCUSED

Randy Dryer, <i>Chair</i>	•	
Cyndie Bayles	•	
Judge Randy Birch	•	
Chris Cope	By phone	
Guy Galli	•	
Judge Elizabeth Lindsley	•	
Kara Mann	•	
Comm. Russell Minas	•	
Nathanael Player	•	
Clayson Quigley	•	
Stewart Ralphs	By phone	
Judge James Taylor	•	
Jessica Van Buren	•	
Mary Westby	•	

Guest:
Elizabeth Bevington – Law Library
Amber Alleman – Clyde Snow & Sessions

Staff:
Brent Johnson - excused
Minhvan Brimhall

I. WELCOME, ANNOUNCEMENTS AND APPROVAL OF MINUTES:

Randy Dryer welcomed the committee members and guests to the meeting. Amber Alleman is a paralegal with Clyde Snow & Sessions. Ms. Alleman recently completed coursework and exam to become a License Paralegal Practitioner. Ms. Alleman has expressed interest in joining this committee as a LPP representative and will sit in on several meetings until she is appointed to the committee.

The Committee considered the minutes from the September 9 meeting. No revision was made to the minutes. Mary Westby moved to approve the full minutes. Judge Lindsley seconded the motion. The motion unanimously passed.

II. JUVENILE COURT- Petition for authorization to marry and Order on petition for authorization to marry:

The Petition and Order for authorization for minors to marry have gone through several revisions. The forms will be used statewide and will be the first be presented to county clerk's office before being filed with the court.

With no further revisions or discussion on the forms, Judge Lindsley moved to adopt the Petition as presented to the committee. Nathanael Player seconded the motion. The motion unanimously passed.

With no further revisions or discussion on the forms, Judge Lindsley moved to adopt the Order for authorization to marry, as presented to the committee. Mr. Player seconded the motion. The motion unanimously passed. The forms will not move to the Judicial Council for their review and approval.

III. OCAP – Choice for facts supporting divorce on grounds of irreconcilable differences:

The Family Law Forms subcommittee was asked to draft potential language to be used on petitions in which irreconcilable differences is the grounds for the divorce. Clayson Quigley has discussed these options with Wayne Riches. Mr. Riches has no objections to the proposed language. Judge Taylor expressed concern that the language needs to be more open ended to allow for additional information as to the reasons of the irreconcilable differences. Judge Taylor notes that petitioners and respondents are better served when they are afforded the opportunity to fully express their side in divorce matters.

The committee discussed and made additional language recommendations. The committee recommended language in the OCAP interviewing encouraging the user to consult an attorney if they wish to use grounds other than irreconcilable differences:

“If your reason for divorce is not listed above you cannot use this program. Consider talking to an attorney.”

With no further discussions, Mr. Player moved to adopt the language with the recommended changes as discussed in this meeting. Guy Galli seconded the motion. The motion unanimously passed.

Mr. Quigley will discuss the approved language with Mr. Riches.

IV. OCAP – quitclaim deed:

The question for the committee is whether this form should be produced by OCAP. The document is filed with the county recorder, not the court. Judge Taylor noted that quitclaim deeds are used in real estate law for hundreds of years and does not fall under jurisdiction of family law or under OCAP. Judge Taylor noted that if a judge wants to order a transfer of property, the judge would only need to sign a judgment for the order.

The committee discussed and determined that a quitclaim deed is to be removed from OCAP. With no further discussions, Judge Lindsley moved to remove the form from OCAP. Judge Taylor seconded the motion. The motion was unanimously approved.

Mr. Dryer recommends that OCAP create a form with clarifying instructions requiring a petitioner to obtain an order, and signed by a judge, when requesting a transfer of property or initiating a quitclaim deed. The instructions would also include citation of Utah Code 57-1-14. The committee discussed that this would be a decision made by the OCAP committee.

Following further discussions, Mr. Player moved to recommend to OCAP to include instructions in the OCAP system on how and where to file when a quitclaim deed has been ordered, and the instructions will include a link to the statute. Mr. Ralphs seconded the motion. The motion was unanimously approved.

Mr. Quigley will share this committee’s decision to remove the form, as well as the recommendation to include instructions on filing with the county clerk’s office with the OCAP team.

V. OCAP – Motion for summary judgment to declare non-parentage and Order on motion:

The Motion and Order on Motion for summary judgment forms have been reviewed and approved by this committee. The OCAP team has requested changes.

With no further discussions, Mr. Player moved to adopt the Motion for summary judgment as currently presented. Judge Taylor seconded the motion. The motion was unanimously approved.

The committee discussed and made minor language changes to the Order on the motion.

With no further discussion, Mr. Player moved to approve and adopt the changes made to line 8 of Order on Motion for summary judgment in 1. Judge Lindsley seconded the motion. The committee unanimously approved the motion.

With no further discussions, Judge Lindsley moved to approve the forms in its entirety with the incorporated recommended amendments. Mr. Player seconded the motion. The motion was unanimously approved by the committee.

VI. OCAP – Child support worksheets:

The OCAP child support worksheets are being presented to this committee for approval as they are currently written. They will need to be made available on OCAP as they will be used by LPPs.

Commissioner Minas noted that he does not have any objections or additional recommendations for changes. ORS and the Department of Human Services created the form to match their child support calculator.

With no further discussions, Mary Westby moved to adopt the form as presented. Judge Lindsley seconded the motion. The committee unanimously approved the motion.

VII. DEFAULT JUDGMENT – Military service order – input from Board of District Court Judges:

The committee has gone back and forth with the default document packet. Brent Johnson has met with the Board of District Court Judges. The Board does not want to sign a military service order every time, only when someone is in the military, or when their military status is unknown. The committee has already approved previous documents in this packet.

With no further discussions, Mr. Player moved to approved the Order. Judge Lindsley seconded the motion. The Motion was unanimously approved.

VIII. FORMS COMMITTEE PROCEDURES:

Mr. Dryer notes that this committee has been operating under a set of procedures that were adopted internally, though have never formally approved those procedures. Mr. Dryer asks for a motion to formally approve and retroactively adopt the procedures by which this committee has been functioning. Judge Taylor moved to approve the procedures of this committee since publication. Cyndie Bayles seconded the motion. The motion was unanimously approved.

Mr. Player asks that the committee members review the priorities outlined for this committee and understand the role and practice model for the function of this committee.

IX. BILINGUAL SUMMONS FOR PUBLICATION:

The committee previously discussed and approved for summons to be made available in both English and Spanish. The question has arisen as to whether the Summons for Publication should also be made available in both English and Spanish. The committee discussed that additional cost would be involved to publish in both languages, and whether the English and Spanish text should be on a separate page or side-by-side. As a greater population is bilingual, the committee determined that costs is minimal enough to warrant publication in both language is necessary. The committee also determined that side-by-side text would be preferable.

With no further discussions, Judge Lindsley moved to approve publications of summons side-by-side in English and Spanish. Mr. Player seconded the motion. The committee unanimously approved the motion.

X. SEXUAL VIOLENCE PROTECTIVE ORDER:

The Legislature this year created a new category of sexual violence protective orders. The law allows for extension of the protective for up to one year. A hearing is required for an extension request, and must be done prior to the expiration date. The committee questioned whether this means that a filing must be completed prior to the expiration date, or if the approval for extension must be completed prior to the expiration date. Commissioner Minas noted that the forms look good, however, the questions may need to be addressed with the Legislature. The committee also discussed how the respondent must be served with the request to extend. The committee determined that the forms need to be tabled to another meeting to allow Mr. Johnson to provide his input.

This item will be held over to discussion at another meeting.

XI. ADJOURN:

With no further items for discussion, the meeting was adjourned without a motion. The meeting adjourned at 1:30pm. The next meeting will be December 9, 2019, from noon to 2 pm in the Judicial Council Room.