

ONLINE COURT ASSISTANCE

2000 GENERAL SESSION

STATE OF UTAH

Sponsor: Michael G. Waddoups

Joseph L. Hull

AN ACT RELATING TO THE JUDICIAL CODE; MOVING ELECTRONIC ACCESS TO THE COURTS TO WEB-BASED TECHNOLOGY; PERMITTING THE GOVERNING BOARD DISCRETION TO ESTABLISH THE PARAMETERS OF THE PROGRAM; AND PROVIDING AN EFFECTIVE DATE.

This act affects sections of Utah Code Annotated 1953 as follows:

AMENDS:

**78-28-1**, as last amended by Chapter 111, Laws of Utah 1998

**78-28-2**, as last amended by Chapter 111, Laws of Utah 1998

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

Section 1. Section **78-28-1** is amended to read:

**78-28-1. Utah Quick Court -- Purpose of program -- Methods to access electronic filing system -- User's fee.**

(1) ~~[(a)]~~ There is established ~~[the Utah Quick Court as a]~~ an online court assistance program ~~[to be]~~ administered by the Administrative Office of the Courts to ~~[begin on January 1, 1995, designed]~~ provide the public with information about civil procedures and to assist the ~~[pro se civil litigant in the preparation of pro se court documents through an electronic filing system]~~ public in preparing and filing civil pleadings and other papers in:

~~[(i)]~~ (a) uncontested divorces;

~~[(ii)]~~ (b) enforcement of orders in the divorce decree ~~[including visitation, child custody, and property division; and];~~

~~[(iii)]~~ (c) landlord and tenant actions~~[-]; and~~

(d) other types of proceedings approved by the Online Court Assistance Program Policy Board.

~~[(b)]~~ The pro se documents prepared in uncontested divorces shall include a calculation of

~~child support payments if applicable.]~~

~~[(c) The electronic filing system of the program may be facilitated through computer terminals and the Internet.]~~

~~[(d) The electronic filing system shall also provide information to users about:]~~

~~[(i) the procedures of the district court;]~~

~~[(ii) the procedures of the small claims court;]~~

~~[(iii) landlord and tenant rights and responsibilities;]~~

~~[(iv) alternative dispute resolution;]~~

~~[(v) child support collection procedures;]~~

~~[(vi) how to collect court judgments; and]~~

~~[(vii) how to settle minor disputes without legal action.]~~

(2) The [statewide] purpose of the [Utah Quick Court] online court assistance program shall be to:

(a) minimize the costs of civil litigation;

(b) improve access to the courts; and

(c) provide for informed use of the courts and the law by pro se litigants.

~~[(3) The computer terminals shall be installed at four judicial districts with locations to be selected by the policy board.]~~

~~[(4) (a) The program shall provide for public access to computer terminals for a \$10 fee with the intent that the program shall become self-sufficient.]~~

~~[(b) The fee shall be charged for the preparation of documents under Subsections (1)(a) and (1)(b), but not for information under Subsection (1)(c).]~~

~~[(c) The user fee shall cover the costs of providing the services and maintaining the computer terminals.]~~

~~[(d) Any excess monies generated by user fees shall be returned to the General Fund, not the Administrative Office of the Courts.]~~

(3) (a) An additional \$20 shall be added to the filing fee established by Section 21-1-5 if a person files a complaint, petition, answer, or response prepared through the program. There shall

be no fee for using the program or for papers filed subsequent to the initial pleading.

(b) There is created within the General Fund a restricted account known as the Online Court Assistance Account. The fee collected under this Subsection (3) shall be deposited in the restricted account and appropriated by the Legislature to the Administrative Office of the Courts to develop, operate, and maintain the program and to support the use of the program through education of the public.

Section 2. Section **78-28-2** is amended to read:

**78-28-2. Creation of policy board -- Membership -- Terms -- Chair -- Quorum -- Expenses.**

(1) There is created a 13 member policy board to be known as the "~~Utah Quick~~ Online Court Assistance Program Policy Board" which shall ~~[provide technical assistance and practical knowledge to the Administrative Office of the Courts to]:~~

~~[(a) prepare the legal forms and legal documents to be generated by the electronic filing system;]~~

(a) identify the subject matter included in the Online Court Assistance Program;

~~(b) [assure that the legal forms and legal documents are]~~ develop information and forms in conformity with the rules of procedure and evidence; and

~~[(c) prepare relevant and accurate information on subjects listed in Subsection 78-28-1(d).]~~

(c) advise the Administrative Office of the Courts regarding the administration of the program.

(2) The voting membership shall consist of:

(a) two members of the House of Representatives to be designated by the speaker, with one member from each party;

(b) two members of the Senate designated by the president, with one member from each party;

(c) two attorneys actively practicing in domestic relations designated by the Family Law Section of the Utah State Bar;

(d) one attorney actively practicing in civil litigation designated by the Civil Litigation Section

of the Utah State Bar;

(e) one court commissioner designated by the chief justice of the Utah Supreme Court;

(f) one district court judge designated by the chief justice of the Utah Supreme Court;

(g) one attorney from Utah Legal Services designated by its director;

(h) one attorney from Legal Aid designated by its director; and

(i) two persons from the Administrative Office of the Courts designated by the state court administrator.

(3) (a) The terms of the members shall be four years and staggered so that approximately half of the board expires every two years.

(b) The board shall meet as needed.

(4) The board shall select one of its members to serve as chair.

(5) A majority of the members of the board constitutes a quorum.

(6) (a) (i) Members who are not government employees shall receive no compensation or benefits for their services, but may receive per diem and expenses incurred in the performance of the member's official duties at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.

(ii) Members may decline to receive per diem and expenses for their service.

(b) (i) State government officer and employee members who do not receive salary, per diem, or expenses from their agency for their service may receive per diem and expenses incurred in the performance of their official duties from the board at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.

(ii) State government officer and employee members may decline to receive per diem and expenses for their service.

(c) Legislators on the committee shall receive compensation and expenses as provided by law and legislative rule.

**Section 3. Effective date.**

This act takes effect on July 1, 2000.