

QUICK COURT AMENDMENTS

1998 GENERAL SESSION

STATE OF UTAH

Sponsor: Sheryl L. Allen

J. Brent Haymond

Patrice Arent

AN ACT RELATING TO JUDICIAL CODE; AMENDING THE UTAH QUICK COURT PROGRAM TO PERMIT ELECTRONIC FILING THROUGH THE INTERNET; AND MAKING TECHNICAL AMENDMENTS.

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

AMENDS:

78-28-1, as last amended by Chapter 68, Laws of Utah 1995

78-28-2, as last amended by Chapter 243, Laws of Utah 1996

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 program to be administered by the Administrative Office of the Courts to begin on January 1, 1995, designed to assist the pro se civil litigant in the preparation of pro se court documents through [~~computer use~~] an electronic filing system in:

(i) uncontested divorces;

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

(iii) landlord and tenant actions.

(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.

~~(c)~~ (d) The [~~computer terminal~~] 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 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.

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 Court 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 ~~[computer terminals]~~ electronic filing system;

(b) assure that the legal forms and legal documents are in conformity with the rules of procedure and evidence; and

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

(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.