

**MINUTES OF THE
HOUSE JUDICIARY STANDING COMMITTEE MEETING
Room W010 - State Capitol Complex
February 15, 2008**

MEMBERS PRESENT: Rep. Douglas C. Aagard, Chair
Rep. Lorie D. Fowlke, Vice Chair
Rep. Sheryl L. Allen
Rep. Jackie Biskupski
Rep. Kevin S. Garn
Rep. Keith Grover
Rep. Eric K. Hutchings
Rep. Christine A. Johnson
Rep. Rosalind J. McGee
Rep. Kay L. McIff
Rep. R. Curt Webb
Rep. Mark A. Wheatley

MEMBERS ABSENT: Rep. Jim Bird

STAFF PRESENT: Jerry D. Howe, Policy Analyst
Sylvia Newton, Committee Secretary

NOTE: A list of visitors and a copy of handouts are filed with the committee minutes.

Representative Aagard called the meeting to order at 3:29 p.m.

MOTION: Rep. Biskupski moved to approve the minutes of the February 13, 2008 meeting. The motion passed unanimously with Rep. Grover, Rep. McIff, and Rep. Fowlke absent for the meeting.

1st Sub. H.B. 169 Custody Evaluation and Parent Coordination (Rep. T. Cosgrove)

MOTION: Rep. Biskupski moved to amend the bill as follows:

1. Page 3, Lines 73 through 84:

73 (2) Licensed professionals in Subsection (1) shall have:

* * * *Some lines not shown* * * *

80 involved in custody decisions; **and**

81 (b) { **initial training totaling a minimum of 12 hours, and eight hours annually**
of

82 **continuing education, specific to custody evaluation; and**

83 ~~—(c)}~~ at least {~~24~~ **three** hours {~~of initial~~ **annual** training {~~—~~
and 16 hours annually of continuing education;

84 ~~on~~} **in** domestic violence **issues** .

2. Page 4, Lines 99 through 106:

99 A custody evaluator who accepts a case shall:
100 (1) ~~{accept cases referred by the court without regard to the financial~~
~~situation of the~~
101 ~~parties;~~
102 ~~—(2)—~~ review with each party the custody evaluator's policies and procedures,
including
103 fees, for conducting an evaluation;
104 ~~{(3)}~~ (2) provide the court with copies of all written documentation and
reports; and
105 ~~{(4)}~~ (3) note in the final report provided to the court, any missing or
incomplete
106 information.

3. Page 4, Lines 111 through 113:

111 (2) The court shall consider the financial situation and the merits of the claims
of both parties in determining
112 payment for the custody evaluator's services, and make a final determination on the record
of
113 the ~~{amounts}~~ percentage of the evaluator's fee each party is responsible for
paying.

4. Page 5, Lines 121 through 123:

121 (1) "Parent coordinator" means a person appointed by the court to minimize trauma
to
122 the children of divorce by resolving custody ~~{-}~~ and parent-time related disputes
between the parents within the
123 scope of the court's order.

5. Page 5, Lines 135 through 148:

135 (2) Parent coordinators shall have:
136 (a) ~~{format}~~ training ~~{or advanced knowledge}~~ in child development,
child and adult
137 psychopathology, interviewing techniques, and family systems;
*** Some lines not shown ***
144 (e) a minimum of ~~{40}~~ three hours of initial training which includes
training in parent

145 coordination, family dynamics in separation and divorce, domestic violence, child abuse,
146 and
147 court specific parenting procedures; and
147 (f) ~~{an additional 20}~~ three hours annually of specialized training
148 which includes maintenance of
148 professional competence in the parenting coordination process , domestic violence, and
child abuse .

6. *Page 6, Lines 156 through 157:*

156 (3) A parent coordinator ~~{may}~~ should decline appointment if the case is
157 beyond the parent
157 coordinator's skill or expertise.

7. *Page 6, Lines 168 through 170:*

168 continue the coordinator.
169 ~~{(6) If one parent requests additional time and the other parent declines, the~~
~~court shall~~
170 ~~determine the matter.}~~

8. *Page 6, Lines 177 through 179:*

177 (3) The parent coordinator shall communicate
177 ~~{decisions}~~ recommendations in a timely manner in person
178 or by fax, e-mail, or telephone. In the event decisions are provided orally, a written
178 version
179 shall follow in a timely manner.

9. *Page 7, Lines 181 through 182:*

181 and standards for decision-making. In addition, each party shall be given a copy of the
181 court's
182 order ~~{to}~~ appointing the coordinator.

The motion to amend the bill passed unanimously.

Rep. Cosgrove explained the amended bill to the committee, assisted by Ellen Lechtenberg.

Spoke to the bill: Rick Schwermer, Administrative Office of the Courts
Dr. Nanci Klein, Utah Psychology Association
Dr. Monica Christy, custody evaluator

MOTION: Rep. Biskupski moved to amend the bill as follows:

Page 6, Line 161: (b) allow the coordinator to make recommendations ~~{and decisions}~~
necessary to allow

Page 6, Line 178: or by fax, e-mail, or telephone. In the event
~~{decisions}~~ recommendations are provided orally, a written
version

The motion to amend the bill passed unanimously with Rep. Allen and Rep. Johnson absent for the vote.

MOTION: Rep. McIff moved to amend the bill as follows:

Page 4, Line 104: ~~{(3)}~~ (2) provide the court with ~~{copies of all written~~
~~documentation and reports}~~ a copy of the written custody
evaluation or report, if one is prepared ; and

The motion to amend the bill passed unanimously with Rep. Allen, Rep. Biskupski, and Rep. Johnson absent for the vote.

MOTION: Rep. Grover moved to pass the bill out with a favorable recommendation.

SUBSTITUTE

MOTION: Rep. Fowlke moved to amend the bill as follows:

Page 3, Line 83: (c) at least ~~{24}~~ three hours ~~{of initial}~~ annual
professional training ~~{, and 16 hours annually of~~
~~continuing education, on}~~ on issues that include domestic
violence.

After committee consideration, Rep. Fowlke withdrew the substitute motion.

The original motion to pass 1st Substitute H.B. 169 as amended with a favorable recommendation passed with Rep. Webb voting in opposition to the motion.

H.B. 167 A Victim Amicus Bill (Rep. R. C. Webb)

MOTION: Rep. Webb moved to amend the bill as follows:

1. Page 1, Line 9:

9 This bill provides victims of crime the right to ~~{file an amicus brief}~~ submit
a written statement in actions on appeal

2. *Page 1, Line 13:*

13 ▶ gives victims of crime the right to {~~file amicus briefs~~} submit a written statement in actions on appeal related to

3. *Page 2, Line 32:*

32 (c) to {~~file an amicus brief~~} submit a written statement in any action on appeal related to that crime; and

The motion to amend the bill passed unanimously.

Rep. Webb explained the bill to the committee.

Spoke to the bill: Rick Schwermer, Administrative Office of the Courts

MOTION: Rep. Grover moved to pass the bill as amended with a favorable recommendation. The motion passed unanimously with Rep. McGee absent for the vote.

MOTION: Rep. Biskupski moved to place H.B. 167 on the Consent Calendar. The motion passed unanimously with Rep. McGee absent for the vote.

S.B. 152 Presumptive Personal Representative (*Sen. G. Bell*)

MOTION: Rep. Fowlke moved to delete in title and body S.B. 152 and replace it with 1st Substitute S.B. 152. The motion passed unanimously.

Sen. Bell explained 1st Substitute S.B. 152 to the committee.

MOTION: Rep. Grover moved to pass 1st Substitute S.B. 152 with a favorable recommendation. The motion passed unanimously with Rep. Allen and Rep. Biskupski absent for the vote.

MOTION: Rep. Fowlke moved to adjourn the meeting. The motion passed unanimously with Rep. Allen and Rep. Biskupski absent for the vote.

Rep. Aagard adjourned the meeting at 4:35 p.m.