

DIVORCE ORIENTATION CLASS

2012 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jim Nielson

Senate Sponsor: _____

LONG TITLE

General Description:

This bill requires a prospective petitioner for divorce to attend the mandatory divorce orientation course before filing a petition for divorce.

Highlighted Provisions:

This bill:

▶ requires a prospective petitioner for divorce to complete the mandatory divorce orientation course before filing a petition for divorce;

↔▶ provides an exception for a victim of domestic violence; ↔

▶ requires the respondent to complete the mandatory divorce orientation course within 30 days of receipt of a petition for divorce;

▶ eliminates the waiver of the 90-day waiting requirement for parties who complete the mandatory divorce education course;

↔▶ waives the requirement for a petitioner or respondent who has previously taken the class;

▶ raises the filing fee for a divorce petition; ↔ and

▶ makes technical corrections.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

30-3-11.4, as last amended by Laws of Utah 2011, Chapter 51

30-3-15.3, as last amended by Laws of Utah 2008, Chapter 3



H.B. 290

28 30-3-18, as last amended by Laws of Utah 2011, Chapter 297

29 51-9-408, as last amended by Laws of Utah 2010, Chapter 218

29a ~~H~~→ 78A-2-301, as last amended by Laws of Utah 2011, Chapter 22 ←~~H~~

30

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

32 Section 1. Section 30-3-11.4 is amended to read:

33 **30-3-11.4. Mandatory orientation course for divorcing parties -- Purpose --**
 34 **Curriculum -- Exceptions.**

35 (1) There is established a mandatory divorce orientation course for all parties with
 36 minor children who file a petition for temporary separation or for a divorce. A couple with no
 37 minor children are not required, but may choose to ~~[attend]~~ take the course. The purpose of the
 38 course shall be to educate parties about the divorce process and reasonable alternatives. The
 39 course shall be provided free of charge.

40 (2) A prospective petitioner shall ~~[attend]~~ complete a divorce orientation course [~~no~~
 41 ~~more than 60 days after]~~ before filing a petition for divorce.

41a ~~H~~→ **(3) The prefiling completion requirement shall be waived for a victim of domestic**
 41b **violence who provides:**

41c **(a) a valid protective order or its equivalent from any jurisdiction;**

41d **(b) a police report that indicates domestic violence has occurred against the** [~~respondent]~~
 41e **petitioner by a spouse; or**

41f **(c) a letter from a domestic violence shelter stating that the petitioner is fleeing domestic**
 41g **violence.**

41h **(4) A petitioner who files for divorce under Subsection (3) shall be required to complete**
 41i **the course within 30 days after filing for divorce.**

42 [~~(3)~~] ~~5~~ ←~~H~~ The respondent shall ~~[attend]~~ complete the divorce orientation course
 42a [~~no more~~

43 ~~than]~~ within 30 days [~~after]~~ of being served with a petition for divorce.

43a ~~H~~→ [~~(4)~~] **(6) A petitioner or respondent who has taken the class is not required to take the**
 43b **class again unless more than 18 months has passed since completion of the class. The petitioner**
 43c **or respondent shall provide documentation showing class completion at the time of filing.**

44 [~~(4)~~] [~~(5)~~] **(7)** ←~~H~~ The clerk of the court shall provide notice to a petitioner of the
 44a requirement for the
 45 course, and information regarding the course shall be included with the petition or motion,
 46 when served on the respondent.

47 ~~H~~→ [~~(5)~~] **(8)** ←~~H~~ The divorce orientation course shall be neutral, unbiased, at least one

- 47a hour in
48 duration, and include:
49 (a) options available as alternatives to divorce;
50 (b) resources available from courts and administrative agencies for resolving custody
51 and support issues without filing for divorce;
52 (c) resources available to improve or strengthen the marriage;
53 (d) a discussion of the positive and negative consequences of divorce;
54 (e) a discussion of the process of divorce;
55 (f) options available for proceeding with a divorce, including:
56 (i) mediation;
57 (ii) collaborative law; and
58 (iii) litigation; and

59 (g) a discussion of post-divorce resources.

60 ~~Ĥ→~~ [(6)] (9) ~~←Ĥ~~ The course may be provided in conjunction with the mandatory course for
61 divorcing parents required by Section 30-3-11.3.

62 ~~Ĥ→~~ [(7)] (10) ~~←Ĥ~~ The Administrative Office of the Courts shall administer the course
62a pursuant to

63 Title 63G, Chapter 6, Utah Procurement Code, through private or public contracts. The course
64 may be through live instruction, video instruction, or through an online provider.

65 [~~(8)~~ Each participant shall pay the costs of the course, which may not exceed \$20, to
66 the independent contractor providing the course at the time and place of the course.]

67 [(a) A fee of \$5 shall be collected, as part of the course fee paid by each participant,
68 and deposited in the Children's Legal Defense Account described in Section 51-9-408.]

69 [(b) A participant who is unable to pay the costs of the course may attend without
70 payment and request an Affidavit of Impecuniosity from the provider to be filed with the
71 petition or motion. The provider shall be reimbursed for its costs by the Administrative Office
72 of the Courts. A petitioner who is later determined not to meet the qualifications for
73 impecuniosity may be ordered to pay the costs of the course.]

74 [(9) Appropriations from the General Fund to the Administrative Office of the Courts
75 for the divorce orientation course shall be used to pay the costs of an indigent petitioner who is
76 determined to be impecunious as provided in Subsection (8)(b).]

77 [(10)] ~~Ĥ→~~ [(8)] (11) ~~←Ĥ~~ The Online Court Assistance Program shall include instructions
77a with the
78 forms for divorce which inform the petitioner of the requirement of this section.

79 [(11)] ~~Ĥ→~~ [(9)] (12) ~~←Ĥ~~ Both parties shall attend a divorce orientation course before a
79a divorce decree
80 may be entered, unless waived by the court. A certificate of completion constitutes evidence to
81 the court of course completion by the parties.

82 [(12)] ~~Ĥ→~~ [(10)] (13) ~~←Ĥ~~ It shall be an affirmative defense in all divorce actions that the
82a divorce
83 orientation requirement was not complied with ~~Ĥ→~~ by the respondent ~~←Ĥ~~, and the action may
83a not continue until a party
84 has complied.

85 [(13)] ~~Ĥ→~~ [(11)] (14) ~~←Ĥ~~ The Administrative Office of the Courts shall adopt a program to
85a evaluate
86 the effectiveness of the mandatory educational course. Progress reports shall be provided if
87 requested [by] to the Judiciary Interim Committee.

88 Section 2. Section 30-3-15.3 is amended to read:

89 **30-3-15.3. Commissioners -- Powers.**

90 Commissioners shall:

91 (1) secure compliance with court orders;

92 (2) require ~~[attendance at]~~ completion of the mandatory course as provided in Section
93 30-3-11.3;

94 (3) serve as judge pro tempore, master or referee on:

95 (a) assignment of the court; and

96 (b) with the written consent of the parties:

97 (i) orders to show cause where no contempt is alleged;

98 (ii) default divorces where the parties have had marriage counseling but there has been
99 no reconciliation;

100 (iii) uncontested actions under Title 78B, Chapter 15, Utah Uniform Parentage Act;

101 (iv) actions under Title 78B, Chapter 12, Utah Child Support Act; and

102 (v) actions under Title 78B, Chapter 14, Uniform Interstate Family Support Act; and

103 (4) represent the interest of children in divorce or annulment actions, and the parties in
104 appropriate cases.

105 Section 3. Section **30-3-18** is amended to read:

106 **30-3-18. Waiting period for hearing after filing for divorce -- Exemption -- Use of**
107 **counseling and education services not to be construed as condonation or promotion.**

108 (1) Unless the court, for good cause shown and set forth in the findings, otherwise
109 orders, no hearing for decree of divorce shall be held by the court until 90 days shall have
110 elapsed from the filing of the complaint, but the court may make interim orders as may be just
111 and equitable.

112 ~~[(2) The 90-day period as provided in Subsection (1) does not apply in any case where~~
113 ~~both parties have completed the mandatory educational course for divorcing parents as~~
114 ~~provided in Section 30-3-11.3.]~~

115 ~~[(3)]~~ (2) The use of counseling, mediation, and education services provided under this
116 chapter may not be construed as condoning the acts that may constitute grounds for divorce on
117 the part of either spouse nor of promoting divorce.

118 Section 4. Section **51-9-408** is amended to read:

119 **51-9-408. Children's Legal Defense Account.**

120 (1) There is created a restricted account within the General Fund known as the

121 Children's Legal Defense Account.

122 (2) The purpose of the Children's Legal Defense Account is to provide for programs
123 that protect and defend the rights, safety, and quality of life of children.

124 (3) The Legislature shall appropriate money from the account for the administrative
125 and related costs of the following programs:

126 (a) implementing the Mandatory Educational Course on Children's Needs for
127 Divorcing Parents relating to the effects of divorce on children as provided in Sections 30-3-4,
128 30-3-7, 30-3-10.3, 30-3-11.3, 30-3-15.3, and 30-3-18~~[-and the Mediation Pilot Program =~~
129 ~~Child Custody or Parent-time as provided in Sections 30-3-15.3 and 30-3-18]~~;

130 (b) implementing the use of guardians ad litem as provided in Sections 30-3-5.2,
131 78A-2-227, 78A-6-321, 78A-6-902, and 78B-3-102; the training of guardians ad litem and
132 volunteers as provided in Section 78A-6-902; and termination of parental rights as provided in
133 Sections 78A-6-117, 78A-6-118, and 78A-6-1103, and Title 78A, Chapter 6, Part 5,
134 Termination of Parental Rights Act. This account may not be used to supplant funding for the
135 guardian ad litem program in the juvenile court as provided in Section 78A-6-902; and

136 (c) implementing and administering the Expedited Parent-time Enforcement Program
137 as provided in Section 30-3-38.

138 (4) The following withheld fees shall be allocated only to the Children's Legal Defense
139 Account and used only for the purposes provided in Subsections (3)(a) through (c):

140 (a) the additional \$10 fee withheld on every marriage license issued in the state of Utah
141 as provided in Section 17-16-21; and

142 (b) a fee of \$4 shall be withheld from the existing civil filing fee collected on any
143 complaint, affidavit, or petition in a civil, probate, or adoption matter in every court of record.

144 (5) The Division of Finance shall allocate the money described in Subsection (4) from
145 the General Fund to the Children's Legal Defense Account.

146 (6) Any funds in excess of \$200,000 remaining in the restricted account as of June 30
147 of any fiscal year shall lapse into the General Fund.

147a **H→ Section 5. Section 78A-2-301 is amended to read:**

147b **78A-2-301. Civil fees of the courts of record -- Courts complex design.**

147c (1) (a) **The fee for filing any civil complaint or petition invoking the jurisdiction of a court of**
147d **record not governed by another subsection is \$360.**

147e (b) **The fee for filing a complaint or petition is:**

147f (i) **\$75 if the claim for damages or amount in interpleader exclusive of court costs, interest,**
147g **and attorney fees is \$2,000 or less;**

147h (ii) **\$185 if the claim for damages or amount in interpleader exclusive of court costs,**

- 147i **H→interest, and attorney fees is greater than \$2,000 and less than \$10,000;**
- 147j **(iii) \$360 if the claim for damages or amount in interpleader is \$10,000 or more;**
- 147k **(iv) ~~310~~ \$350 if the petition is filed under Title 30, Chapter 3, Divorce, or Title 30, Chapter**
- 147l **4, Separate Maintenance; and**
- 147m **(v) \$35 for a motion for temporary separation order filed under Section 30-3-4.5.**
- 147n **(c) The fee for filing a small claims affidavit is:**
- 147o **(i) \$60 if the claim for damages or amount in interpleader exclusive of court costs, interest,**
- 147p **and attorney fees is \$2,000 or less;**
- 147q **(ii) \$100 if the claim for damages or amount in interpleader exclusive of court costs, interest,**
- 147r **and attorney fees is greater than \$2,000, but less than \$7,500; and**
- 147s **(iii) \$185 if the claim for damages or amount in interpleader exclusive of court costs, interest,**
- 147t **and attorney fees is \$7,500 or more.**
- 147u **(d) The fee for filing a counter claim, cross claim, complaint in intervention, third party**
- 147v **complaint, or other claim for relief against an existing or joined party other than the original**
- 147w **complaint or petition is:**
- 147x **(i) \$55 if the claim for relief exclusive of court costs, interest, and attorney fees is \$2,000 or**
- 147y **less;**
- 147z **(ii) \$150 if the claim for relief exclusive of court costs, interest, and attorney fees is greater**
- 147aa **than \$2,000 and less than \$10,000;**
- 147ab **(iii) \$155 if the original petition is filed under Subsection (1)(a), the claim for relief is \$10,000**
- 147ac **or more, or the party seeks relief other than monetary damages; and**
- 147ad **(iv) \$115 if the original petition is filed under Title 30, Chapter 3, Divorce, or Title 30, Chapter**
- 147ae **4, Separate Maintenance.**
- 147af **(e) The fee for filing a small claims counter affidavit is:**
- 147ag **(i) \$50 if the claim for relief exclusive of court costs, interest, and attorney fees is \$2,000 or**
- 147ah **less;**
- 147ai **(ii) \$70 if the claim for relief exclusive of court costs, interest, and attorney fees is greater than**
- 147aj **\$2,000, but less than \$7,500; and**
- 147ak **(iii) \$120 if the claim for relief exclusive of court costs, interest, and attorney fees is \$7,500 or**
- 147al **more.**
- 147am **(f) The fee for depositing funds under Section 57-1-29 when not associated with an action**
- 147an **already before the court is determined under Subsection (1)(b) based on the amount deposited.**
- 147ao **(g) The fee for filing a petition is:**
- 147ap **(i) \$225 for trial de novo of an adjudication of the justice court or of the small claims**
- 147aq **department; and**
- 147ar **(ii) \$65 for an appeal of a municipal administrative determination in accordance with Section**
- 147as **10-3-703.7.←H**

147at **H→(h) The fee for filing a notice of appeal, petition for appeal of an interlocutory order, or**
 147au **petition for writ of certiorari is \$225.**

147av **(i) The fee for filing a petition for expungement is \$135.**

147aw **(j) (i) Fifteen dollars of the fees established by Subsections (1)(a) through (i) shall be allocated**
 147ax **to and between the Judges' Contributory Retirement Trust Fund and the Judges' Noncontributory**
 147ay **Retirement Trust Fund, as provided in Title 49, Chapter 17, Judges' Contributory Retirement Act,**
 147az **and Title 49, Chapter 18, Judges' Noncontributory Retirement Act.**

147ba **(ii) Four dollars of the fees established by Subsections (1)(a) through (i) shall be allocated by**
 147bb **the state treasurer to be deposited in the restricted account, Children's Legal Defense Account, as**
 147bc **provided in Section 51-9-408.**

147bd **(iii) Three dollars of the fees established under Subsections (1)(a) through (e), (1)(g), and (1)(s)**
 147be **shall be allocated to and deposited with the Dispute Resolution Account as provided in Section**
 147bf **78B-6-209.**

147bg **(iv) Fifteen dollars of the fees established by Subsections (1)(a), (1)(b)(iii) and (iv), (1)(d)(iii)**
 147bh **and (iv), (1)(g)(ii), (1)(h), and (1)(i) shall be allocated by the state treasurer to be deposited in the**
 147bi **restricted account, Court Security Account, as provided in Section 78A-2-602.**

147bj **(v) Five dollars of the fees established by Subsections (1)(b)(i) and (ii), (1)(d)(ii) and (1)(g)(i)**
 147bk **shall be allocated by the state treasurer to be deposited in the restricted account, Court Security**
 147bl **Account, as provided in Section 78A-2-602.**

147bm **(k) The fee for filing a judgment, order, or decree of a court of another state or of the United**
 147bn **States is \$35.**

147bo **(l) The fee for filing a renewal of judgment in accordance with Section 78B-6-1801 is 50% of**
 147bp **the fee for filing an original action seeking the same relief.**

147bq **(m) The fee for filing probate or child custody documents from another state is \$35.**

147br **(n) (i) The fee for filing an abstract or transcript of judgment, order, or decree of the Utah**
 147bs **State Tax Commission is \$30.**

147bt **(ii) The fee for filing an abstract or transcript of judgment of a court of law of this state or a**
 147bu **judgment, order, or decree of an administrative agency, commission, board, council, or hearing officer**
 147bv **of this state or of its political subdivisions other than the Utah State Tax Commission, is \$50.**

147bw **(o) The fee for filing a judgment by confession without action under Section 78B-5-205 is \$35.**

147bx **(p) The fee for filing an award of arbitration for confirmation, modification, or vacation under**
 147by **Title 78B, Chapter 11, Utah Uniform Arbitration Act, that is not part of an action before the court is**
 147bz **\$35.**

147ca **(q) The fee for filing a petition or counter-petition to modify a decree of divorce is \$100.**

147cb **(r) The fee for filing any accounting required by law is:**

147cc **(i) \$15 for an estate valued at \$50,000 or less;**

147cd **(ii) \$30 for an estate valued at \$75,000 or less but more than \$50,000;←H**

- 147ce **H→(iii) \$50 for an estate valued at \$112,000 or less but more than \$75,000;**
- 147cf **(iv) \$90 for an estate valued at \$168,000 or less but more than \$112,000; and**
- 147cg **(v) \$175 for an estate valued at more than \$168,000.**
- 147ch **(s) The fee for filing a demand for a civil jury is \$250.**
- 147ci **(t) The fee for filing a notice of deposition in this state concerning an action pending in another**
- 147cj **state under Utah Rule of Civil Procedure 26 is \$35.**
- 147ck **(u) The fee for filing documents that require judicial approval but are not part of an action**
- 147cl **before the court is \$35.**
- 147cm **(v) The fee for a petition to open a sealed record is \$35.**
- 147cn **(w) The fee for a writ of replevin, attachment, execution, or garnishment is \$50 in addition to**
- 147co **any fee for a complaint or petition.**
- 147cp **(x) (i) The fee for a petition for authorization for a minor to marry required by Section 30-1-9**
- 147cq **is \$5.**
- 147cr **(ii) The fee for a petition for emancipation of a minor provided in Title 78A, Chapter 6, Part 8,**
- 147cs **Emancipation, is \$50.**
- 147ct **(y) The fee for a certificate issued under Section 26-2-25 is \$8.**
- 147cu **(z) The fee for a certified copy of a document is \$4 per document plus 50 cents per page.**
- 147cv **(aa) The fee for an exemplified copy of a document is \$6 per document plus 50 cents per page.**
- 147cw **(bb) The Judicial Council shall by rule establish a schedule of fees for copies of documents and**
- 147cx **forms and for the search and retrieval of records under Title 63G, Chapter 2, Government Records**
- 147cy **Access and Management Act. Fees under this Subsection (1)(bb) shall be credited to the court as a**
- 147cz **reimbursement of expenditures.**
- 147da **(cc) There is no fee for services or the filing of documents not listed in this section or otherwise**
- 147db **provided by law.**
- 147dc **(dd) Except as provided in this section, all fees collected under this section are paid to the**
- 147dd **General Fund. Except as provided in this section, all fees shall be paid at the time the clerk accepts the**
- 147de **pleading for filing or performs the requested service.**
- 147df **(ee) The filing fees under this section may not be charged to the state, its agencies, or political**
- 147dg **subdivisions filing or defending any action. In judgments awarded in favor of the state, its agencies, or**
- 147dh **political subdivisions, except the Office of Recovery Services, the court shall order the filing fees and**
- 147di **collection costs to be paid by the judgment debtor. The sums collected under this Subsection (1)(ee)**
- 147dj **shall be applied to the fees after credit to the judgment, order, fine, tax, lien, or other penalty and costs**
- 147dk **permitted by law.**
- 147dl **(2) (a) (i) From March 17, 1994 until June 30, 1998, the administrator of the courts shall**
- 147dm **transfer all revenues representing the difference between the fees in effect after May 2, 1994, and the**
- 147dn **fees in effect before February 1, 1994, as dedicated credits to the Division of Facilities Construction**
- 147do **and Management Capital Projects Fund.←H**

147dp (ii) (A) Except as provided in Subsection (2)(a)(ii)(B), the Division of Facilities Construction
147dq and Management shall use up to \$3,750,000 of the revenue deposited in the Capital Projects Fund
147dr under this Subsection (2)(a) to design and take other actions necessary to initiate the development of a
147ds courts complex in Salt Lake City.

147dt (B) If the Legislature approves funding for construction of a courts complex in Salt Lake City
147du in the 1995 Annual General Session, the Division of Facilities Construction and Management shall use
147dv the revenue deposited in the Capital Projects Fund under this Subsection (2)(a)(ii) to construct a
147dw courts complex in Salt Lake City.

147dx (C) After the courts complex is completed and all bills connected with its construction have
147dy been paid, the Division of Facilities Construction and Management shall use any money remaining in
147dz the Capital Projects Fund under this Subsection (2)(a)(ii) to fund the Vernal District Court building.

147ea (iii) The Division of Facilities Construction and Management may enter into agreements and
147eb make expenditures related to this project before the receipt of revenues provided for under this
147ec Subsection (2)(a)(iii).

147ed (iv) The Division of Facilities Construction and Management shall:

147ee (A) make those expenditures from unexpended and unencumbered building funds already
147ef appropriated to the Capital Projects Fund; and

147eg (B) reimburse the Capital Projects Fund upon receipt of the revenues provided for under this
147eh Subsection (2).

147ei (b) After June 30, 1998, the administrator of the courts shall ensure that all revenues
147ej representing the difference between the fees in effect after May 2, 1994, and the fees in effect before
147ek February 1, 1994, are transferred to the Division of Finance for deposit in the restricted account.

147el (c) The Division of Finance shall deposit all revenues received from the court administrator
147em into the restricted account created by this section.

147en (d) (i) From May 1, 1995 until June 30, 1998, the administrator of the courts shall transfer \$7
147eo of the amount of a fine or bail forfeiture paid for a violation of Title 41, Motor Vehicles, in a court of
147ep record to the Division of Facilities Construction and Management Capital Projects Fund. The division
147eq of money pursuant to Section 78A-5-110 shall be calculated on the balance of the fine or bail forfeiture
147er paid.

147es (ii) After June 30, 1998, the administrator of the courts or a municipality shall transfer \$7 of
147et the amount of a fine or bail forfeiture paid for a violation of Title 41, Motor Vehicles, in a court of
147eu record to the Division of Finance for deposit in the restricted account created by this section. The
147ev division of money pursuant to Section 78A-5-110 shall be calculated on the balance of the fine or bail
147ew forfeiture paid.

147ex (3) (a) There is created within the General Fund a restricted account known as the State
147ey Courts Complex Account.

147ez (b) The Legislature may appropriate money from the restricted account to the ←Ĥ

147fa **H→ administrator of the courts for the following purposes only:**

147fb (i) to repay costs associated with the construction of the court complex that were funded from
147fc sources other than revenues provided for under this Subsection (3)(b)(i); and

147fd (ii) to cover operations and maintenance costs on the court complex.

147fe **78A-2-301. Civil fees of the courts of record -- Courts complex design.**

147ff (1) (a) The fee for filing any civil complaint or petition invoking the jurisdiction of a court of
147fg record not governed by another subsection is \$360.

147fh (b) The fee for filing a complaint or petition is:

147fi (i) \$75 if the claim for damages or amount in interpleader exclusive of court costs, interest,
147fj and attorney fees is \$2,000 or less;

147fk (ii) \$185 if the claim for damages or amount in interpleader exclusive of court costs, interest,
147fl and attorney fees is greater than \$2,000 and less than \$10,000;

147fm (iii) \$360 if the claim for damages or amount in interpleader is \$10,000 or more;

147fn (iv) ~~{\$310}~~ **\$350** if the petition is filed under Title 30, Chapter 3, Divorce, or Title 30, Chapter
147fo **4, Separate Maintenance; and**

147fp (v) \$35 for a motion for temporary separation order filed under Section 30-3-4.5.

147fq (c) The fee for filing a small claims affidavit is:

147fr (i) \$60 if the claim for damages or amount in interpleader exclusive of court costs, interest,
147fs and attorney fees is \$2,000 or less;

147ft (ii) \$100 if the claim for damages or amount in interpleader exclusive of court costs, interest,
147fu and attorney fees is greater than \$2,000, but less than \$7,500; and

147fv (iii) \$185 if the claim for damages or amount in interpleader exclusive of court costs, interest,
147fw and attorney fees is \$7,500 or more.

147fx (d) The fee for filing a counter claim, cross claim, complaint in intervention, third party
147fy complaint, or other claim for relief against an existing or joined party other than the original
147fz complaint or petition is:

147ga (i) \$55 if the claim for relief exclusive of court costs, interest, and attorney fees is \$2,000 or
147gb less;

147gc (ii) \$150 if the claim for relief exclusive of court costs, interest, and attorney fees is greater
147gd than \$2,000 and less than \$10,000;

147ge (iii) \$155 if the original petition is filed under Subsection (1)(a), the claim for relief is \$10,000
147gf or more, or the party seeks relief other than monetary damages; and

147gg (iv) \$115 if the original petition is filed under Title 30, Chapter 3, Divorce, or Title 30, Chapter
147gh **4, Separate Maintenance.**

147gi (e) The fee for filing a small claims counter affidavit is:

147gj (i) \$50 if the claim for relief exclusive of court costs, interest, and attorney fees is \$2,000 or
147gk less; ←H

- 147gl **Ĥ→ (ii) \$70 if the claim for relief exclusive of court costs, interest, and attorney fees is greater than**
 147gm **\$2,000, but less than \$7,500; and**
- 147gn **(iii) \$120 if the claim for relief exclusive of court costs, interest, and attorney fees is \$7,500 or**
 147go **more.**
- 147gp **(f) The fee for depositing funds under Section 57-1-29 when not associated with an action**
 147gq **already before the court is determined under Subsection (1)(b) based on the amount deposited.**
- 147gr **(g) The fee for filing a petition is:**
- 147gs **(i) \$225 for trial de novo of an adjudication of the justice court or of the small claims**
 147gt **department; and**
- 147gu **(ii) \$65 for an appeal of a municipal administrative determination in accordance with Section**
 147gv **10-3-703.7.**
- 147gw **(h) The fee for filing a notice of appeal, petition for appeal of an interlocutory order, or**
 147gx **petition for writ of certiorari is \$225.**
- 147gy **(i) The fee for filing a petition for expungement is \$135.**
- 147gz **(j) (i) Fifteen dollars of the fees established by Subsections (1)(a) through (i) shall be allocated**
 147ha **to and between the Judges' Contributory Retirement Trust Fund and the Judges' Noncontributory**
 147hb **Retirement Trust Fund, as provided in Title 49, Chapter 17, Judges' Contributory Retirement Act,**
 147hc **and Title 49, Chapter 18, Judges' Noncontributory Retirement Act.**
- 147hd **(ii) Four dollars of the fees established by Subsections (1)(a) through (i) shall be allocated by**
 147he **the state treasurer to be deposited in the restricted account, Children's Legal Defense Account, as**
 147hf **provided in Section 51-9-408.**
- 147hg **(iii) Three dollars of the fees established under Subsections (1)(a) through (e), (1)(g), and (1)(s)**
 147hh **shall be allocated to and deposited with the Dispute Resolution Account as provided in Section**
 147hi **78B-6-209.**
- 147hj **(iv) Fifteen dollars of the fees established by Subsections (1)(a), (1)(b)(iii) and (iv), (1)(d)(iii)**
 147hk **and (iv), (1)(g)(ii), (1)(h), and (1)(i) shall be allocated by the state treasurer to be deposited in the**
 147hl **restricted account, Court Security Account, as provided in Section 78A-2-602.**
- 147hm **(v) Five dollars of the fees established by Subsections (1)(b)(i) and (ii), (1)(d)(ii) and (1)(g)(i)**
 147hn **shall be allocated by the state treasurer to be deposited in the restricted account, Court Security**
 147ho **Account, as provided in Section 78A-2-602.**
- 147hp **(k) The fee for filing a judgment, order, or decree of a court of another state or of the United**
 147hq **States is \$35.**
- 147hr **(l) The fee for filing a renewal of judgment in accordance with Section 78B-6-1801 is 50% of**
 147hs **the fee for filing an original action seeking the same relief.**
- 147ht **(m) The fee for filing probate or child custody documents from another state is \$35.**
- 147hu **(n) (i) The fee for filing an abstract or transcript of judgment, order, or decree of the Utah**
 147hv **State Tax Commission is \$30. ←Ĥ**

- 147hw **H→ (ii) The fee for filing an abstract or transcript of judgment of a court of law of this state or a**
 147hx **judgment, order, or decree of an administrative agency, commission, board, council, or hearing officer**
 147hy **of this state or of its political subdivisions other than the Utah State Tax Commission, is \$50.**
- 147hz (o) The fee for filing a judgment by confession without action under Section 78B-5-205 is \$35.
- 147ia (p) The fee for filing an award of arbitration for confirmation, modification, or vacation under
 147ib Title 78B, Chapter 11, Utah Uniform Arbitration Act, that is not part of an action before the court is
 147ic \$35.
- 147id (q) The fee for filing a petition or counter-petition to modify a decree of divorce is \$100.
- 147ie (r) The fee for filing any accounting required by law is:
- 147if (i) \$15 for an estate valued at \$50,000 or less;
- 147ig (ii) \$30 for an estate valued at \$75,000 or less but more than \$50,000;
- 147ih (iii) \$50 for an estate valued at \$112,000 or less but more than \$75,000;
- 147ii (iv) \$90 for an estate valued at \$168,000 or less but more than \$112,000; and
- 147ij (v) \$175 for an estate valued at more than \$168,000.
- 147ik (s) The fee for filing a demand for a civil jury is \$250.
- 147il (t) The fee for filing a notice of deposition in this state concerning an action pending in another
 147im state under Utah Rule of Civil Procedure 26 is \$35.
- 147in (u) The fee for filing documents that require judicial approval but are not part of an action
 147io before the court is \$35.
- 147ip (v) The fee for a petition to open a sealed record is \$35.
- 147iq (w) The fee for a writ of replevin, attachment, execution, or garnishment is \$50 in addition to
 147ir any fee for a complaint or petition.
- 147is (x) (i) The fee for a petition for authorization for a minor to marry required by Section 30-1-9
 147it is \$5.
- 147iu (ii) The fee for a petition for emancipation of a minor provided in Title 78A, Chapter 6, Part 8,
 147iv Emancipation, is \$50.
- 147iw (y) The fee for a certificate issued under Section 26-2-25 is \$8.
- 147ix (z) The fee for a certified copy of a document is \$4 per document plus 50 cents per page.
- 147iy (aa) The fee for an exemplified copy of a document is \$6 per document plus 50 cents per page.
- 147iz (bb) The Judicial Council shall by rule establish a schedule of fees for copies of documents and
 147ja forms and for the search and retrieval of records under Title 63G, Chapter 2, Government Records
 147jb Access and Management Act. Fees under this Subsection (1)(bb) shall be credited to the court as a
 147jc reimbursement of expenditures.
- 147jd (cc) There is no fee for services or the filing of documents not listed in this section or otherwise
 147je provided by law.
- 147jf (dd) Except as provided in this section, all fees collected under this section are paid to the
 147jg General Fund. Except as provided in this section, all fees shall be paid at the time the clerk accepts ←H

147jh **H→ the pleading for filing or performs the requested service.**

147ji (ee) The filing fees under this section may not be charged to the state, its agencies, or political
 147jj subdivisions filing or defending any action. In judgments awarded in favor of the state, its agencies, or
 147jk political subdivisions, except the Office of Recovery Services, the court shall order the filing fees and
 147jl collection costs to be paid by the judgment debtor. The sums collected under this Subsection (1)(ee)
 147jm shall be applied to the fees after credit to the judgment, order, fine, tax, lien, or other penalty and costs
 147jn permitted by law.

147jo (2) (a) (i) From March 17, 1994 until June 30, 1998, the administrator of the courts shall
 147jp transfer all revenues representing the difference between the fees in effect after May 2, 1994, and the
 147jq fees in effect before February 1, 1994, as dedicated credits to the Division of Facilities Construction
 147jr and Management Capital Projects Fund.

147js (ii) (A) Except as provided in Subsection (2)(a)(ii)(B), the Division of Facilities Construction
 147jt and Management shall use up to \$3,750,000 of the revenue deposited in the Capital Projects Fund
 147ju under this Subsection (2)(a) to design and take other actions necessary to initiate the development of a
 147jv courts complex in Salt Lake City.

147jw (B) If the Legislature approves funding for construction of a courts complex in Salt Lake City
 147jx in the 1995 Annual General Session, the Division of Facilities Construction and Management shall use
 147jy the revenue deposited in the Capital Projects Fund under this Subsection (2)(a)(ii) to construct a
 147jz courts complex in Salt Lake City.

147ka (C) After the courts complex is completed and all bills connected with its construction have
 147kb been paid, the Division of Facilities Construction and Management shall use any money remaining in
 147kc the Capital Projects Fund under this Subsection (2)(a)(ii) to fund the Vernal District Court building.

147kd (iii) The Division of Facilities Construction and Management may enter into agreements and
 147ke make expenditures related to this project before the receipt of revenues provided for under this
 147kf Subsection (2)(a)(iii).

147kg (iv) The Division of Facilities Construction and Management shall:

147kh (A) make those expenditures from unexpended and unencumbered building funds already
 147ki appropriated to the Capital Projects Fund; and

147kj (B) reimburse the Capital Projects Fund upon receipt of the revenues provided for under this
 147kk Subsection (2).

147kl (b) After June 30, 1998, the administrator of the courts shall ensure that all revenues
 147km representing the difference between the fees in effect after May 2, 1994, and the fees in effect before
 147kn February 1, 1994, are transferred to the Division of Finance for deposit in the restricted account.

147ko (c) The Division of Finance shall deposit all revenues received from the court administrator
 147kp into the restricted account created by this section.

147kq (d) (i) From May 1, 1995 until June 30, 1998, the administrator of the courts shall transfer \$7
 147kr of the amount of a fine or bail forfeiture paid for a violation of Title 41, Motor Vehicles, in a court ←H

147ks **H→** of record to the Division of Facilities Construction and Management Capital Projects Fund. The
147kt **division of money pursuant to Section 78A-5-110 shall be calculated on the balance of the fine or bail**
147ku **forfeiture paid.**

147kv **(ii) After June 30, 1998, the administrator of the courts or a municipality shall transfer \$7 of**
147kw **the amount of a fine or bail forfeiture paid for a violation of Title 41, Motor Vehicles, in a court of**
147kx **record to the Division of Finance for deposit in the restricted account created by this section. The**
147ky **division of money pursuant to Section 78A-5-110 shall be calculated on the balance of the fine or bail**
147kz **forfeiture paid.**

147la **(3) (a) There is created within the General Fund a restricted account known as the State**
147lb **Courts Complex Account.**

147lc **(b) The Legislature may appropriate money from the restricted account to the administrator**
147ld **of the courts for the following purposes only:**

147le **(i) to repay costs associated with the construction of the court complex that were funded from**
147lf **sources other than revenues provided for under this Subsection (3)(b)(i); and**

147lg **(ii) to cover operations and maintenance costs on the court complex.←H**

Legislative Review Note
as of 1-23-12 3:04 PM

Office of Legislative Research and General Counsel