

Representative Rebecca P. Edwards proposes the following substitute bill:

**GUARDIANSHIP OF ADULT CHILDREN WITH
DISABILITIES**

2015 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Rebecca P. Edwards

Senate Sponsor: J. Stuart Adams

LONG TITLE

General Description:

This bill reduces the filing fee for guardianships under certain circumstances.

Highlighted Provisions:

This bill:

► reduces the filing fee for a guardianship when the prospective ward is under 22 years of age to \$35.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

78A-2-301, as last amended by Laws of Utah 2014, Chapters 189 and 263

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

Section 1. Section **78A-2-301** is amended to read:

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



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

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

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

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

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

34 (iv) \$310 if the petition is filed under Title 30, Chapter 3, Divorce, or Title 30, Chapter
35 4, Separate Maintenance;

36 (v) \$35 for a motion for temporary separation order filed under Section 30-3-4.5; [~~and~~]

37 (vi) \$125 if the petition is for removal from the Sex Offender and Kidnap Offender
38 Registry under Section 77-41-112[-]; and

39 (vii) \$35 if the petition is for guardianship and the prospective ward is under 22 years
40 of age.

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

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

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

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

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

51 (i) \$55 if the claim for relief exclusive of court costs, interest, and attorney fees is
52 \$2,000 or less;

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

55 (iii) \$155 if the original petition is filed under Subsection (1)(a), the claim for relief is
56 \$10,000 or more, or the party seeks relief other than monetary damages; and

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

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

60 (i) \$50 if the claim for relief exclusive of court costs, interest, and attorney fees is
61 \$2,000 or less;

62 (ii) \$70 if the claim for relief exclusive of court costs, interest, and attorney fees is
63 greater than \$2,000, but less than \$7,500; and

64 (iii) \$120 if the claim for relief exclusive of court costs, interest, and attorney fees is
65 \$7,500 or more.

66 (f) The fee for depositing funds under Section 57-1-29 when not associated with an
67 action already before the court is determined under Subsection (1)(b) based on the amount
68 deposited.

69 (g) The fee for filing a petition is:

70 (i) \$225 for trial de novo of an adjudication of the justice court or of the small claims
71 department; and

72 (ii) \$65 for an appeal of a municipal administrative determination in accordance with
73 Section 10-3-703.7.

74 (h) The fee for filing a notice of appeal, petition for appeal of an interlocutory order, or
75 petition for writ of certiorari is \$225.

76 (i) The fee for filing a petition for expungement is \$135.

77 (j) (i) Fifteen dollars of the fees established by Subsections (1)(a) through (i) shall be
78 allocated to and between the Judges' Contributory Retirement Trust Fund and the Judges'
79 Noncontributory Retirement Trust Fund, as provided in Title 49, Chapter 17, Judges'
80 Contributory Retirement Act, and Title 49, Chapter 18, Judges' Noncontributory Retirement
81 Act.

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

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

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

91 (v) Five dollars of the fees established by Subsections (1)(b)(i) and (ii), (1)(d)(ii) and
92 (1)(g)(i) shall be allocated by the state treasurer to be deposited in the restricted account, Court
93 Security Account, as provided in Section [78A-2-602](#).

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

96 (l) The fee for filing a renewal of judgment in accordance with Section [78B-6-1801](#) is
97 50% of the fee for filing an original action seeking the same relief.

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

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

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

105 (o) The fee for filing a judgment by confession without action under Section
106 [78B-5-205](#) is \$35.

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

110 (q) The fee for filing a petition or counter-petition to modify a domestic relations order
111 other than a protective order or stalking injunction is \$100.

112 (r) The fee for filing any accounting required by law is:

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

114 (ii) \$30 for an estate valued at \$75,000 or less but more than \$50,000;

115 (iii) \$50 for an estate valued at \$112,000 or less but more than \$75,000;

116 (iv) \$90 for an estate valued at \$168,000 or less but more than \$112,000; and

117 (v) \$175 for an estate valued at more than \$168,000.

118 (s) The fee for filing a demand for a civil jury is \$250.

119 (t) The fee for filing a notice of deposition in this state concerning an action pending in
120 another state under Utah Rule of Civil Procedure 26 is \$35.

121 (u) The fee for filing documents that require judicial approval but are not part of an
122 action before the court is \$35.

123 (v) The fee for a petition to open a sealed record is \$35.

124 (w) The fee for a writ of replevin, attachment, execution, or garnishment is \$50 in
125 addition to any fee for a complaint or petition.

126 (x) (i) The fee for a petition for authorization for a minor to marry required by Section
127 [30-1-9](#) is \$5.

128 (ii) The fee for a petition for emancipation of a minor provided in Title 78A, Chapter 6,
129 Part 8, Emancipation, is \$50.

130 (y) The fee for a certificate issued under Section [26-2-25](#) is \$8.

131 (z) The fee for a certified copy of a document is \$4 per document plus 50 cents per
132 page.

133 (aa) The fee for an exemplified copy of a document is \$6 per document plus 50 cents
134 per page.

135 (bb) The Judicial Council shall by rule establish a schedule of fees for copies of
136 documents and forms and for the search and retrieval of records under Title 63G, Chapter 2,
137 Government Records Access and Management Act. Fees under this Subsection (1)(bb) shall
138 be credited to the court as a reimbursement of expenditures.

139 (cc) There is no fee for services or the filing of documents not listed in this section or
140 otherwise provided by law.

141 (dd) Except as provided in this section, all fees collected under this section are paid to
142 the General Fund. Except as provided in this section, all fees shall be paid at the time the clerk
143 accepts the pleading for filing or performs the requested service.

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

150 (2) (a) (i) From March 17, 1994 until June 30, 1998, the administrator of the courts
151 shall transfer all revenues representing the difference between the fees in effect after May 2,
152 1994, and the fees in effect before February 1, 1994, as dedicated credits to the Division of
153 Facilities Construction and Management Capital Projects Fund.

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

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

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

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

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

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

172 (B) reimburse the Capital Projects Fund upon receipt of the revenues provided for
173 under this Subsection (2).

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

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

180 (d) (i) From May 1, 1995, until June 30, 1998, the administrator of the courts shall

181 transfer \$7 of the amount of a fine or bail forfeiture paid for a violation of Title 41, Motor
182 Vehicles, in a court of record to the Division of Facilities Construction and Management
183 Capital Projects Fund. The division of money pursuant to Section 78A-5-110 shall be
184 calculated on the balance of the fine or bail forfeiture paid.

185 (ii) After June 30, 1998, the administrator of the courts or a municipality shall transfer
186 \$7 of the amount of a fine or bail forfeiture paid for a violation of Title 41, Motor Vehicles, in
187 a court of record to the Division of Finance for deposit in the restricted account created by this
188 section. The division of money pursuant to Section 78A-5-110 shall be calculated on the
189 balance of the fine or bail forfeiture paid.

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

192 (b) The Legislature may appropriate money from the restricted account to the
193 administrator of the courts for the following purposes only:

- 194 (i) to repay costs associated with the construction of the court complex that were
195 funded from sources other than revenues provided for under this Subsection (3)(b)(i); and
196 (ii) to cover operations and maintenance costs on the court complex.