

**MINUTES OF THE  
SENATE JUDICIAL CONFIRMATION COMMITTEE**  
Wednesday, December 5, 2012 – 12:00 p.m. – Room 450 State Capitol

**Members Present:**

Sen. Scott K. Jenkins, Senate Chair  
Sen. Karen Mayne  
Sen. Daniel W. Thatcher  
Pres. Michael G. Waddoups

**Members Absent:**

Sen. Lyle W. Hillyard  
Sen. Mark B. Madsen

**Staff Present:**

Mr. Michael E. Christensen, Director  
Ms. Jennifer Christopherson, Legislative Secretary

**Note:** A list of others present, a copy of related materials, and an audio recording of the meeting can be found at [www.le.utah.gov](http://www.le.utah.gov).

**1. Committee Business**

Chair Jenkins called the meeting to order at 12:13 p.m.

**MOTION:** Pres. Waddoups moved to close the meeting for the purpose of discussing the character, professional competence, and physical or mental health of the judicial candidate. The motion passed unanimously.

**MOTION:** Pres. Waddoups moved to open the meeting. The motion passed unanimously.

**2. Interview of Mr. Franklin Richards Smith III**

Mr. Franklin Richards Smith III introduced his family and friends in attendance. He was placed under oath by Mr. Christensen. Mr. Smith provided a personal and professional background statement to the committee. He spoke about his family, professional experience, and the role of juvenile courts. He responded to questions from the committee concerning adoption, the office of Guardian ad Litem, the right to a speedy trial, and the rights of special interests.

**MOTION:** Pres. Waddoups moved to suspend the rule requiring anyone from the public wishing to speak to notify staff at least 24 hours before the meeting. The motion passed unanimously.

Ms. Darcy Van Orden, Executive Director, Utah Liberty Institute, spoke in opposition to Mr. Smith's confirmation as a judge for the Fourth District Juvenile Court. She stated that the office of Guardian ad Litem has hurt children and families during Mr. Smith's tenure as director.

Ms. Vanessa Summerfield, Utah Family Rights, spoke in opposition to Mr. Smith's confirmation as a judge for the Fourth District Juvenile Court. She stated that there would be a potential conflict of interest with any case where the Office of the Guardian ad Litem is involved.

Mr. Nicholas Hansen, citizen, formerly in the custody of the Division of Child and Family Services, spoke in opposition to Mr. Smith's confirmation as a judge for the Fourth District Juvenile Court and explained that he was moved around for 15 years to 16 different homes and never met with an attorney from the Office of the Guardian ad Litem.

Ms. Kathryn Gritton, citizen, spoke in opposition to Mr. Smith's confirmation as a judge for the Fourth District Juvenile Court stating that the costs for foster care, Guardian ad Litem, and case workers have all increased during Mr. Smith's tenure and that more children are being taken from their homes.

Ms. Lynne Skowranski, parent, citizen activist, spoke in opposition to Mr. Smith's confirmation as a judge for the Fourth District Juvenile Court and said that there is not enough investigation going on before pulling children out of their homes.

Ms. Kim Dahl, certified school counselor, spoke in opposition to Mr. Smith's confirmation as a judge for the Fourth District Juvenile Court and referenced previous cases. She stated that lying should not be justified by calling it lawyering.

Mr. Smith responded to questions from the committee by saying that the 2008 audit of the Office of the Guardian ad Litem showed that change was needed which was why he was appointed as director a few months prior to the audit. He explained that it does not create a conflict of interest for a person to go from one position in government to being a judge.

Mr. Ronald B. Gordon, Executive Director, Utah Commission on Criminal and Juvenile Justice, explained how the references are chosen for each candidate for judgeship.

Ms. Summerfield said that the Oversight Committee, during the 2010 Session, presented an audit that stated that the case loads have increased and that there are not enough Guardians ad Litem for the case load. Chair Jenkins requested reference information from Ms. Summerfield regarding her case examples.

**MOTION:** Sen. Thatcher moved to favorably recommend to the full Senate that Mr. Smith be confirmed as a judge for the Fourth District Juvenile Court. The motion passed unanimously.

### **3. Other Items / Adjourn**

Chair Jenkins informed Mr. Smith that his confirmation would be held on December 19, 2012.

**MOTION:** Sen. Mayne moved to adjourn the meeting. The motion passed unanimously.

Chair Jenkins adjourned the meeting at 2:07 p.m.