

**MINUTES OF THE  
JUDICIARY INTERIM COMMITTEE**

Wednesday, May 18, 2005 – 2:00 p.m. – Room W130 House Building

**Members Present:**

Sen. David L. Thomas, Senate Chair  
Rep. James A. Ferrin, House Chair  
Sen. Patrice M. Arent  
Sen. Gregory S. Bell  
Sen. Scott D. McCoy  
Sen. Darin G. Peterson  
Rep. Douglas C. Aagard  
Rep. Stephen D. Clark  
Rep. Ben C. Ferry  
Rep. Lorie D. Fowlke  
Rep. Ann W. Hardy  
Rep. Neal B. Hendrickson  
Rep. David L. Hogue

Rep. Ross I. Romero  
Rep. LaWanna Shurtliff  
Rep. Scott L Wyatt

**Members Absent:**

Sen. L. Alma Mansell  
Rep. Eric K. Hutchings  
Rep. Susan Lawrence

**Staff Present:**

Mr. Jerry D. Howe, Policy Analyst  
Ms. Esther Chelsea-McCarty, Associate General Counsel  
Ms. Cassandra N. Bauman, Legislative Secretary

**Note:** A list of others present and a copy of related materials can be found at [www.le.utah.gov](http://www.le.utah.gov) or by contacting the committee secretary, Cassandra Bauman, at 538-1032. A recording of the meeting is available from the committee secretary.

**1. Committee Business**

Chair Ferrin called the meeting to order at 2:17 p.m. Rep. Lawrence was excused from the meeting.

**MOTION:** Rep. Hogue moved to approve the minutes of the April 20, 2005 meeting. The motion passed unanimously with Sen. Bell, Sen. McCoy, Rep. Ferry, and Rep. Shurtliff absent for the vote.

**2. Audit Report - Continued**

Rep. LaVar Christensen expressed appreciation for the role and obligations of the Office of the Guardian ad Litem (GAL). He expressed concern for the issues and recommendations which arose in the legislative audit and expressed the opinion that the GAL needs supervision and accountability, including an oversight body other than the Judicial Council. He responded to questions.

**3. Protective Orders**

Mr. Howe distributed "Cohabitant Abuse Act: History of Amendments" and "Western States Protective Order Statute Comparison."

Ms. Chelsea-McCarty explained that Utah is unique because it has separate statutes dealing with cohabitant protective orders and child protective orders and it provides for criminal sections of protective orders.

Mr. Stewart Ralphs, Executive Director, and Ms. Joanna Sagers, Legal Aid Society of Salt Lake, explained the process for filing and obtaining a protective order. They discussed the possibility of obtaining a mutual protective order under Utah statute. They responded to questions.

Mr. Richard Schwermer, Administrative Office of the Courts, distributed and reviewed "Cohabitant Abuse Petitions for Protective Orders" and "Cohabitant Abuse Filings." He responded to questions.

Mr. Scott Sperry expressed concerns about the process for filing and obtaining a protective order.

Mr. Kurt Myers distributed and reviewed testimony expressing his concerns regarding protective orders.

#### **4. Other Items / Adjourn**

**MOTION:** Sen. Bell moved to adjourn the meeting. The motion passed unanimously with Sen. Peterson, Rep. Clark, Rep. Ferry, and Rep. Shurtliff absent for the vote.

Chair Ferrin adjourned the meeting at 4:32 p.m.