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**IN THE TAYLORSVILLE JUSTICE COURT  
SALT LAKE COUNTY, STATE OF UTAH**

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**IN THE TAYLORSVILLE  
CITY JUSTICE COURT**

**TEMPORARY ORDER: REQUESTS TO  
RESCHEDULE COURT DATES,  
LIMITING COURT ACCESS AND  
ADDRESSING FINANCIAL ISSUES**

Judge Michael W. Kwan

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In order to promote the fair and efficient administration of justice and in response to concerns related to the transmission of communicable diseases, the Court makes the following administrative order. This order supersedes any prior Temporary Order covering the following topics:

1. **Rescheduling Cases – General Orders**

- a. Court staff are authorized to reschedule cases.
- b. Jury trials are to be rescheduled no earlier than **June 1, 2020**.
- c. ***Absent exigent circumstances, all hearings*** shall be conducted on the pleadings and papers, or through remote transmission, such as by telephone or video conferencing.
- d. If an in-person hearing is necessary due to exigent circumstances, the Court shall conduct the hearing consistent with all applicable government and public health Orders, and the Court’s Pandemic Response Plan.
- e. A person who appears at the courthouse in response to a summons or pursuant to a promise to appear shall be given a new date to appear in court after June 1, 2020, and the court or clerk may address summary matters.
- f. Traffic cases not involving Driving Under the Influence (DUI) or reckless driving charges shall be rescheduled no earlier than **October 1, 2020**.
- g. **Individuals who show symptoms of COVID-19 or who have been exposed to someone with the symptoms of COVID-19 may not enter the courthouse.**
- h. To be seen by video conference, an individual must have access to:
  - i. A computer or mobile device with a camera, speakers and microphone;
  - ii. internet access; and,
  - iii. An email address.

2. **Rescheduling Cases – DUI & Reckless Driving Cases**

- a. DUI cases in which the prosecution is seeking pre-trial monitoring or conditions of release are considered exigent and should be scheduled to be heard by:
  - i. Video conference;
  - ii. If unable to appear by video, then by telephone; or
  - iii. If unable to be heard by phone, in person appearance if the conditions of paragraphs 1(c) [above] and 2 [below] are met.
  - iv. These cases shall be heard on the next available court calendar.

- b. Otherwise, hearings in these cases shall be scheduled not earlier than **June 1, 2020.**
- 3. **Rescheduling Cases – Domestic Violence Cases**
  - a. Individuals arrested for a Domestic Violence(s) offense shall be seen by video on the next available calendar.
  - b. An individual cited or charged by information or indictment with a Domestic Violence offense(s) shall be scheduled for a video hearing within fourteen (14) days from the:
    - i. date cited;
    - ii. date of filing of the information or
    - iii. date of return of the indictment.
  - c. Domestic Violence cases in which the prosecution is seeking pre-trial protective orders or other conditions of release are considered exigent and should be scheduled on the next available opportunity to be heard by:
    - i. Video conference;
    - ii. If unable to appear by video, then by telephone; or
    - iii. If unable to be heard by phone, in person appearance if the conditions of sections 1(c) [above] and 2 [below] are met.
- 4. **All Small Claims hearings** shall be rescheduled to no earlier than **June 1, 2020.**
- 5. **All other requests** are governed by other standing orders or may be referred to the judge for consideration.
- 6. **Stipulations**
  - a. Attorneys are encouraged to stipulate to continuances.
  - b. Attorneys are encouraged to stipulate to extensions of time.
  - c. Attorneys are encouraged to stipulate to the admission of documentary evidence consistent with their responsibilities under the Rules of Professional Conduct.
- 7. **Persons in Custody**
  - a. The Clerk of the Court shall cause to be produced a daily list of individuals being held in custody.
  - b. Individuals being held on warrants shall have custody reconsidered.
  - c. Individuals being held on warrants for failure to appear at post-judgement hearings may be released upon the filing of a promise to appear.
  - d. Individuals being held on traffic offenses other than DUI shall have their warrants recalled, be provided with a court date consistent with this order and released.
  - e. Except for DV cases, individuals not otherwise released may post bail by unsecured bond to be released.
  - f. Unless otherwise ordered, an individual charged with any domestic violence related offense may be released without bail if under the supervision of a pretrial services agency and a Jail Release Agreement.
    - i. Individuals released under this provision shall contact the Court within five (5) judicial days from release to arrange to appear by video.

- g. The purpose of this section is to minimize the number of persons held in custody to reduce the risk of infection balanced with ensuring public safety.

## 8. Courtroom Access

- a. The Court shall continue to accept filings and shall be available to answer phone calls, emails, and other communications.
- b. Individuals who do not have access to e-filing may file pleadings by email in any pending case.
- c. If any individual wishes to file a pleading to initiate a case or file a notice of appeal, the individual may deposit pleadings in the Court's drop box on the southeast median of Taylorsville Boulevard. Pleadings filed in the drop box will be filed on the date deposited.
- d. If an individual cannot file its pleading by email, mail or through e-filing, the individual should contact the court by telephone to make arrangements for filing.
- e. Court staff are encouraged to be diligent in observing individuals who exhibit physical symptoms of illness and shall require rescheduling of the individual's hearing in order to protect the public health and safety.
- f. Individuals who exhibit physical symptoms of illness may not enter the courthouse.
- g. If exigent circumstances exist, the Court may permit a personal appearance if:
  - i. the individual does not exhibit symptoms of illness and has had no exposure to anyone exposed to SARS-COV-2 or persons who have been infected by COVID-19; and,
  - ii. the individual consents to the use of personal protection equipment (PPE) (masks, tissues, hand sanitizer) during their hearing.
    - 1. PPE shall be safely disposed of after use.
- h. Public access to the courtroom is restricted.
- i. No more than ten (10) people may be in the courtroom at a time.
  - i. Priority will be given to litigants, their attorneys and witnesses.
- j. Individuals may be required to wear personal protection equipment when at the courthouse.
- k. Court staff shall be required to wear personal protection equipment consistent with recommendations from the Salt Lake County Health Department, Utah Department of Health and Centers for Disease Control and Prevention.
- l. Courtroom furniture, fixtures and equipment will be cleaned and disinfected between uses.

## 9. Payment Information

- a. *Payment of fines and fees is of **secondary importance** to preventing the spread the SARS-COV-2 virus.*
- b. Extensions of payment due dates shall be offered to anyone having symptoms of COVID-19 OR who has had any contact with a person with COVID-19 who cannot make an online payment.
- c. Payments of fines and fees may be made:

- i. online using Visa or Mastercard at:  
(<https://pubapps.utcourts.gov/ePayments/EPayment.jsp?>);
- ii. by depositing a check or cash (if no change is needed) in the Court's drop box (see Figure 1 Map to Court's Drop Box); or,
- iii. by mailing a check to the Court. (2600 W. Taylorsville Blvd., Taylorsville, UT 84129).
- iv. In-person cash payments may be made only if the individual does not demonstrate symptoms of COVID-19 and has not had any contact with any person who has COVID-19.
  1. Weather permitting, the Court may establish a drive up payment station.



*Figure 1 Map to Court's Drop Box*

## 10. **Financial Hardship**

- a. Individuals under financial hardship that is directly related to loss of employment, wages, or increased expenses related to COVID-19 isolation or natural disaster may ask the Court for relief.
- b. Relief may include:
  - i. Reduction in fine & fees payment amounts;
  - ii. Reduction in fine or fee balance;
  - iii. Conversion to Community Service;
  - iv. Credit for costs of assessment and treatment to fines and fees; and
  - v. Extensions for deadlines for probation and plea-in-abeyance terms.
- c. Requests for relief must be made in writing, by email or fax and must include the basis for the request.
- d. Clerks may suspend payments for up to ninety (90) days.

The Court recognizes that individuals appearing before the Court have multiple stressors imposed upon them and current circumstances have only added to that stress. It is the hope of this Court that this order eases a portion of your stress. We all must work together as cooperatively as possible in an adverse proceeding in order to ensure that the administration of justice persists in these trying time.

ORDERED THIS 22<sup>nd</sup> day of March 2020.



HONORABLE MICHAEL W. KWAN  
JUDGE