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# MINUTES

## Court Assistance Office Committee

March 18, 2016  
9:00 a.m. to 3:00 p.m.  
Idaho State Bar — Boise, Idaho

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### **Members Present:**

Chief Justice Hon. Jim Jones  
Jennifer Brumley  
Hon. Gregory K. Kalbfleisch  
Jessica Cafferty  
Hon. Roger Cockerille  
Jennifer Wilder

Sharee Sprague  
Hon. Michelle Mallard  
M. Scott Keim  
Jim Cook  
Deena Layne  
Imelda Ramirez

### **Guests Present:**

Hon. Judge R. Todd Garbett  
Cindy Eagle-Ervin

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### **Welcome and Introductions:**

Chief Justice Hon. Jim Jones welcomed everyone to the first meeting of the Court Assistance Office (CAO) Committee, and led the introductions.

### **1. CAO History and Statewide Services:**

Imelda provided a brief overview of the history of the CAO Project and explained how the current committee was a result of combining the Committee to Increase Access to the Courts and the Standard Forms Committee. State-wide services were also explained and the services and information available on the CAO website were reviewed.

A demo of the Guide & File draft eviction interview was given, and it was demonstrated how form decisions impact Guide & File interviews. Cindy Eagle-Irvin was present during the demo and she answered questions about how the Guide & File interviews are then accepted by the court for e-filing.

Statistical information about the people who visit the office statewide was presented as well as web reports statistics on how the CAO Website is used by the public.

### **2. Committee Roles and Responsibilities:**

Chief Justice Hon. Jim Jones provided a summary of the roles and responsibilities of the committee and explained some of the advantages and disadvantages of the past form approval process. There was brief discussion on the options to create a forms subcommittee versus form workgroups.

CHIEF JUSTICE HON. JIM JONES MOVED TO CREATE AND APPROVE THREE FORMS WORKGROUPS: FAMILY LAW, SMALL CLAIMS, AND OTHER CIVIL FORMS AND ACKNOWLEDGED THE EXISTENCE OF OTHER STANDING

COMMITTEES WHOSE FORMS WILL ALSO BE TREATED AS WORKGROUPS IN THE FORM APPROVAL PROCESS. SHAREE SPRAGUE SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.

**Action Item:** Imelda will re-draft the Order regarding the CAO form approval process and circulate it to the committee for approval.

### **3. Form Updates:**

Imelda provided an overview of the principles of plain language and how we use these principles in developing forms for self-represented litigants. A short review of the current CAO Forms Manual was also provided.

#### **A. Party Names in Family Law Forms**

There was a brief discussion on the need to update the family law forms for a gender-neutral way to reference the parties, to eliminate confusion caused by modifications, and due to the impact on branching and loops in the Guide & File interviews. Options discussed included mother/father; Petitioner/Respondent; full names; and first names.

JIM COOK MOVED TO UPDATE THE FAMILY LAW FORMS BY USING FIRST NAMES WHENEVER POSSIBLE. CHIEF JUSTICE HON. JIM JONES SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.

**Action Item:** Imelda will work with the family law forms workgroup to update the forms, and update the CAO Forms Manual.

#### **B. Oaths and Affirmations Clause vs. Notary Clause**

There was a brief discussion on whether we could replace all notary clauses in the forms with the Oaths and Affirmations clause in I.C. § 9-1406. The court's recent opinion in State of Idaho v Jason McClure 2016 Opinion No.11 (February 25, 2016) was circulated, and the impact on e-filing was explained. This change also addresses the concern with the notary clauses appearing on a separate page from the pleading.

HON. MICHELLE MALLARD MOVED TO REPLACE THE NOTARY CLAUSE IN CAO FORMS, WHERE ALLOWED, WITH THE OATHS AND AFFIRMATIONS CLAUSE. M. SCOTT KEIM SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.

**Action Item:** Imelda will update the forms, and make the changes to the CAO Forms Manual.

#### **C. Petition for Fee Waiver**

The fee waiver was presented for updates to shorten the form to work better with the Guide & File Interviews. There was lengthy discussion on various changes to the form, and those changes will be captured in the tracked changes to the final version of the form. We did not arrive at a final version of the form and further discussion was tabled for a later meeting.

**Action Item:** Schedule a time for the full committee to continue the discussion on the fee waiver forms.

#### **D. Judgments for Out of Pocket Medical, Daycare, and Debt Expenses**

There was a brief discussion on whether these forms should be pulled immediately from statewide distribution pending a review and decision by the forms workgroup. One of the districts is not accepting the forms and there have been a number of judges who question whether the forms comply with the court rules.

HON. MICHELLE MALLARD MOVED TO PULL THE FORMS IMMEDIATELY FROM STATEWIDE DISTRIBUTION, TO SEND THE FORMS TO THE FAMILY LAW WORKGROUP TO BE REVIEWED, AND ALSO TO REFER THE ISSUE TO THE CHILDREN AND FAMILIES IN THE COURT COMMITTEE (CFCC) FOR CONSIDERATION FOR A POTENTIAL RULE. JIM COOK SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.

**Action Item:** Send statewide email to CAOs to pull the form pending the committee's decision, add item to Family Law Forms Workgroup agenda for discussion, and ask Chair to submit to CFCC for consideration of a potential rule.

**Meeting Adjourned at 2:56 p.m.**