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# Utah Court System

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## 1 Territorial Period, 1850-1896

### 1.1 Territorial Courts

### 1.2 Local Courts

### 1.3 Federal intervention

## 2 Statehood Period, 1896-present

### 2.1 Supreme Court

### 2.2 Court of Appeals

### 2.3 District Courts

### 2.4 Juvenile Courts

### 2.5 Justice of the Peace Courts

### 2.6 City Courts

### 2.7 Circuit Courts

## Territorial Period, 1850-1896

### Territorial Courts

The 1850 Organic Act (9 Stat. 453) established Utah Territory on September 9, 1850 and organized the first official court system for the region. A three member territorial Supreme Court, three district courts with federally appointed judges, and local justices of the peace came as a result. Supreme Court justices were appointed for four year terms by the President of the United States and also served on the district courts. The territorial *Supreme Court* heard appeals from the district courts and constitutional cases. Jury trials were expressly forbidden. Members of the court were individually authorized to grant writs of habeas corpus under the same conditions and in the same circumstances as federal judges in the District of Columbia. Appeals from the Supreme Court were taken directly to the United States Supreme Court. *District Courts* held original jurisdiction in civil (including divorce) and criminal cases. Boundaries of the district courts were redefined frequently.

# Local Courts

The legislature of the proposed State of Deseret approved on January 9, 1850 county courts and justices of the peace. *County Probate Courts* were established by the legislature in January 1851 in each county to conduct matters relating to estates; guardianships of minors, idiots, and insane persons; and divorces. They could also hear appeals from justice of the peace courts. The territorial legislature in 1852 granted probate courts jurisdiction over all civil and criminal cases and over chancery matters and the drawing of jury lists (Utah Laws 1851: 43, § 30). The legislature in that same session (Utah Laws 1851: 56, §§ 1-3) also created the offices of territorial marshal and territorial attorney with powers paralleling those of their federal counterparts. In 1855, the territorial legislature passed an "Act in Relation to the Judiciary" which gave local probate courts the same original jurisdiction as the district courts. The clerk of the probate court, also known as the county clerk, attended all sessions of the court and kept records of the court. *Justice of the Peace Courts* handled local ordinance violations, small claims disputes, and inquests, and justices of the peace served as election officials until 1878.

# Federal intervention

Each county had a probate court presided over by an elected judge. No federal circuit court was ever established in Utah or with jurisdiction over Utah. Many litigants, especially Mormons, took their cases to the probate court rather than before the federally appointed judge of the district court. The effect was to displace the federally appointed courts with a system of local control. Congress reacted by placing the judiciary firmly under federal control. The Poland Act of 1874 (18 Stat. 253) restricted the probate courts to matters of estates and guardianship, removing all civil, chancery, and criminal jurisdiction. It gave the district courts exclusive jurisdiction for all suits over \$300, and it abolished the local offices of the territorial marshal and territorial attorney. Probate courts maintained concurrent jurisdiction with the district courts over suits of divorce until 1887. The Edmunds Act of 1882 (22 Stat. 30) created a five-man Utah Commission to oversee elections in the territory. The Edmunds-Tucker Act of 1887 (24 Stat. 636) reaffirmed the jurisdictional restrictions on the probate courts imposed by the Poland Act revoking all jurisdiction but in probate and guardianship matters and nullifying territorial laws providing for the election of probate judges. Probate judges then became appointed by the President of United States with the advice and consent of the Senate.

Civil and criminal cases were distributed as mandated by law to justice of the peace courts or district courts. Probate courts were abolished entirely at statehood in 1896, and thereafter probate matters were assumed by the appropriate district court.

## Statehood Period, 1896-present

The Enabling Act passed by Congress in 1894 (28 Stat. 107, § 17) provided for the transformation of the territorial courts into state courts. Utah was admitted as a state on January 4, 1896 with the courts transferred as state courts with authority specified by the Utah State Constitution.

## Supreme Court

The Utah Supreme Court has original jurisdiction in questions of state law certified from federal courts and to issue extraordinary writs. It has appellate jurisdiction to hear first degree and capital felony convictions from the district courts and civil judgments other than domestic cases. It also reviews formal administration proceedings of the Public Service Commission, State Tax Commission, Board of State Lands, State Engineer, and Board of Oil, Gas, and Mining. The Supreme Court has jurisdiction over judgments of the Utah Court of Appeals by writ of certiorari, proceedings of the Judicial Conduct Commission, and both constitutional and election questions. Since 1896, justices have no longer sat as judges in district courts. [More at Utah State Courts](#)

## Court of Appeals

The Utah Court of Appeals was created as an appellate court in 1987. The Court of Appeals hears all appeals from the juvenile and district courts, except those from the small claims department of a district court. It also determines appeals from district court involving domestic relations cases, including divorce, annulment, property division, child custody, support, visitation, adoption and paternity, and criminal matters of less than a first degree or capital felony. The court also reviews appeals of administrative proceedings by state agencies including the Utah Industrial Commission and the Department of Employment Security Career Service Review Board. It has jurisdiction to hear cases transferred to it by the Supreme Court. [More at Utah State Courts](#)

## District Courts

The district court is the state trial court of general jurisdiction. The district court has original jurisdiction for all civil cases; all criminal felonies, such as homicides, assaults, sex and drug offenses, forgery, arson, and robbery; and misdemeanors in certain circumstances. An important part of the district court caseload is domestic relations cases, such as divorces, child custody and support, adoption, and probate. District judges have the power to issue extraordinary writs. The court serves as an appellate court to review informal adjudicative proceedings from administrative agencies. Since statehood, district courts have been under state rather than federal control. Beginning in 1896, the records for each county were kept separately. There are now eight judicial districts, but it is important to consult the historical jurisdictional chart to know the districts that counties fell under in times past. Since 1997, the district courts have had a small claims department. A district judge may hear small claims cases, but more commonly, the Supreme Court either appoints a lawyer as a judge pro tempore to hear the cases or the district judge may transfer the case to a justice court. [More at Utah State Courts](#)

## Juvenile Courts

Juvenile courts were founded in 1905 to separate minors from adults in the legal system. They have original jurisdiction over youths who violate any federal, state, or municipal law, and have jurisdiction in cases of abuse, neglect, dependency, delinquency, and truancy of children. The courts administer probation departments that supervise youth who have been placed on probation. [More at Utah State Courts](#)

## Justice of the Peace Courts

Justice courts are established by both counties and municipalities. Justices conduct marriages and have the authority to deal with class B and C misdemeanors, violations of ordinances, small claims, and infractions committed within their territorial jurisdiction. Currently 128 judges serve in 147 county and municipal courts. [More at Utah State Courts](#)

## City Courts

These courts maintained original jurisdiction for cases involving municipal ordinance violations, small claims, misdemeanors, and preliminary hearings in felony cases. The city court judge acts as the justice of the peace for the precincts involved. Judgments

could be appealed to district courts. They were replaced by the circuit courts in 1978.

## Circuit Courts

From 1978 to 1996, a 12-court circuit court system existed to handle misdemeanors, criminal cases through the preliminary hearings, and civil small case claims. They could not handle such things as divorce cases, probate cases, or land title cases. Beginning in 1996 and completed in 1997, the circuit courts were consolidated into the district courts.

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