

1 **Rule 14. Reception of referral; preliminary determination.**

2 (a) Delinquency cases.

3 (a)(1) A law enforcement officer or any other person having knowledge of or reason to believe
4 facts that would bring a minor within the court's jurisdiction for delinquency may refer the minor
5 to the court by submitting a written report ~~and a request for a petition to the clerk~~, on forms
6 prescribed by the court. The report shall indicate whether the alleged offense is a felony,
7 misdemeanor, infraction, or status offense. An intake officer of the probation department shall
8 make a preliminary determination, with the assistance of the prosecuting attorney if necessary, as
9 to whether the minor qualifies for a nonjudicial adjustment. ~~facts reported are legally sufficient~~
10 ~~to give the court jurisdiction. If the facts appear legally sufficient such officer shall make a~~
11 ~~preliminary inquiry in accordance with standards prescribed by the court and Rule 15 to~~
12 ~~determine whether the interests of the public or the minor require further judicial action to be~~
13 ~~taken. If it is so determined, such officer may file a petition on behalf of the referring officer or~~
14 ~~person or may refer the matter to the prosecuting attorney for preparation of the petition. If the~~
15 referral does not establish that the minor qualifies for a nonjudicial adjustment, the intake officer
16 shall forward the referral to the prosecutor.

17 ~~(a)(2) If the intake officer refuses after a demand by the complainant to file a petition, the~~
18 ~~complainant shall be informed of the reasons for the refusal and advised that he may submit the~~
19 ~~facts of the alleged delinquency in writing to the prosecuting attorney who shall determine~~
20 ~~whether a petition shall be filed.~~

21 (b) Cases involving neglect, dependency or abuse. Pursuant to Utah Code, Title 62A, Chapter 4a,
22 complaints and reports involving the neglect, abuse or dependency of minors shall be directed to
23 the nearest office of the Division of Child and Family Services for investigation, which agency
24 may, with the assistance of the attorney general, file a petition with the court to initiate judicial
25 proceedings.

26 (c) Coordination of cases pending in district court and juvenile court.

27 (c)(1) Criminal and delinquency cases; Notice to the court.

28 (c)(1)(A) In a criminal case all parties have a continuing duty to notify the court of a delinquency
29 case pending in juvenile court in which the defendant is a party.

30 (c)(1)(B) In a delinquency case all parties have a continuing duty to notify the court:

31 (c)(1)(B)(i) of a criminal or delinquency case in which the respondent or the respondent's parent
32 is a party; and

33 (c)(1)(B)(ii) of an abuse, neglect or dependency case in which the respondent is the subject of the
34 petition or the respondent's parent is a party.

35 (c)(1)(C) The notice shall be filed with a party's initial pleading or as soon as practicable after the
36 party becomes aware of the other pending case. The notice shall include the case caption, file
37 number and name of the judge or commissioner in the other case.