Draft: May 17, 2020

2 Rule 17. The petition.

- 3 (a) Delinquency cases.
- 4 (a)(1) The petition shall allege the offense as it is designated by statute or ordinance, and 5 shall state: in concise terms, the definition of the offense together with a designation of the 6 section or provision of law allegedly violated; the name, age and date of birth of the minor; the 7 name and residence address of the minor's parents, guardian or custodian; the date and place of 8 the offense; and the name or identity of the victim, if known.
- 9 (a)(2) The petition shall be verified and filed by the prosecuting attorney upon information 10 and belief.
- 11 (b) Neglect, abuse, dependency, permanent termination and ungovernability cases.
 - (b)(1) The petition shall set forth in plain and concise language the jurisdictional basis as designated by statute, the facts supporting the court's jurisdiction, and the relief sought. The petition shall state: the name, age and residence of the minor; the name and residence of the minor's parent, guardian or custodian; and if the parent, guardian or custodian is unknown, the name and residence of the nearest known relative or the person or agency exercising physical or legal custody of the minor.
- 18 (b)(2) The petition must be verified and statements made therein may be made on information and belief.
 - (b)(3) A petition filed by a state human services agency shall either be prepared or approved by the office of the attorney general. When the petitioner is an employee or agent of a state agency acting in his or her official capacity, the name of the agency shall be set forth and the petitioner shall designate his or her title.
- (c) Other cases.

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(c)(1) Protective orders. Petitions may be filed on forms available from the court clerk and must conform to the format and arrangement of such forms.

- (c)(2) Petitions for adjudication Eexpungements must meet all of the criteria of Utah Code § 78A-6-1503 and The petition shall state: the name, age, and residence of the minor petitioner. The petition shall state the date and nature of each adjudication which the petitioner wishes to expunge. Petitions for expungement must be accompanied by an original criminal history report obtained from the Bureau of Criminal Identification and proof of service upon the County Attorney, or within a prosecution district, the District Attorney for each jurisdiction in which an adjudication occurred prior to being filed with the Clerk of Court. Petitions for expungement must meet all of the criteria of Utah Code § 78A-6-1105
 - (c)(3) Petitions for expungement of nonjudicial adjustments must meet all of the criteria of Utah Code § 78A-6-1504 and shall state: the name, age, and residence of the petitioner. Petition for nonjudicial expungement must be served upon the County Attorney, or within a prosecution district, the District Attorney for each jurisdiction in which a nonjudicial adjustment occurred.
 - (c)(4) Petitions for vacatur must meet all of the criteria of Utah Code § 78A-6-1114 and shall state any agency known or alleged to have documents related to the offense for which vacatur is sought. Petitions for vacatur must be accompanied by an original criminal history report obtained from the Bureau of Criminal Identification and proof of service upon the County Attorney, or within a prosecution district, the District Attorney for each jurisdiction in which an adjudication occurred prior.
- (c)(5)(3) Petitions in other proceedings shall conform to Utah Rule of Civil Procedure 10, except that in adoption proceedings, the petition must be accompanied by a certified copy of the Decree of Permanent Termination.