

**Rule 9. Detention hearings; scheduling; hearing procedure.**

(a) The officer in charge of the detention facility ~~shall~~must provide to the court a copy of the report required by Utah Code section 80-6-201.

(b) If a minor is admitted into a detention facility without a warrant, the court ~~shall~~will make a determination whether there is probable cause for the minor's arrest, within 24 hours of the minor's admission to detention including weekends and holidays.

(c) The court ~~shall~~will hold a detention hearing within 48 hours of the minor's admission to detention. A minor may not be held in a detention facility longer than 48 hours before a detention hearing, excluding weekends and holidays, unless the court has entered an order for continued detention. The officer in charge of the detention facility ~~shall~~must notify the minor, parent, guardian or custodian and attorney of the date, time, place and manner of such hearing.

(d) The court may at any time order the release of a minor whether a detention hearing is held or not.

(e) A probable cause determination and detention hearing may occur concurrently so long as the probable cause determination and the detention hearing occur pursuant to the time frames in paragraphs (b) and (c).

(f) The court may order a minor to be held in the detention facility or placed in another appropriate facility, subject to further order of the court, only if the court finds at the detention hearing that:

(1) releasing the minor to the minor's parents, guardian, or custodian presents an unreasonable risk to public safety;

(2) less restrictive nonresidential alternatives to detention have been considered and, where appropriate, attempted; and



(3) the minor is eligible for detention under the division guidelines for detention admission established by the Division of Juvenile Justice Services, under Utah Code sections 80-5-501 and 80-6-201.

(g) At the beginning of the detention hearing, the court ~~shall~~will advise all persons present as to the reasons or allegations giving rise to the minor's admission to detention and the limited scope and purpose of the hearing. If the minor is to be arraigned at the detention hearing, the provisions of Rules 24 and 26 ~~shall~~will apply.

(h) The court may receive any information, including hearsay and opinion, that is relevant to the decision whether to detain or release the minor. Privileged communications may be introduced only in accordance with the Utah Rules of Evidence.

(i) A detention hearing may be held without the presence of the minor's parent, guardian or custodian if they fail to appear after receiving notice. The court may delay the hearing for up to 48 hours to permit the parent, guardian or custodian to be present or may proceed subject to the rights of the parent, guardian or custodian. The court may appoint counsel for the minor with or without the minor's request.

(j) If the court determines that no probable cause exists for the arrest or the offense or condition alleged does not meet the requirements in Rule 6 as a basis for admission, it ~~shall~~will order the minor released immediately without restrictions.

(k) If the court determines that a less restrictive alternative to detention is appropriate it may place the minor on home detention, another alternative program, or order the minor's release upon compliance with certain conditions pending further proceedings. Such conditions may include:

(1) a requirement that the minor remain in the physical care and custody of a parent, guardian, custodian or other suitable person;

(2) a restriction on the minor's travel, associations or residence during the period of the minor's release; and



(3) other requirements deemed reasonably necessary and consistent with the criteria for detaining the minor.

(l) If the court determines that probable cause exists as to the offense or condition alleged as a basis for the minor's admission to detention but that the minor can be safely left in the care and custody of the parent, guardian or custodian present at the hearing, it may order release of the minor upon the promise of the minor and the parent, guardian or custodian to return to court for further proceedings when notified.

(m) If the court determines that the offense is one governed by Utah Code sections 80-6-502, 80-6-503, 80-6-504, or 80-6-505, the court may by issuance of a warrant of arrest order the minor committed to the county jail in accordance with Utah Code section 80-6-204.

(n) Except as provided in paragraph (o), Any predisposition order to detention ~~shall~~will be reviewed by the court once every seven days, unless the minor is ordered to home detention or an alternative detention program. Predisposition orders to home detention or an alternative detention program ~~shall~~will be reviewed by the court once every 15 days. The court may, on its own motion or on the motion of any party, schedule a detention review hearing at any time.

(o) When the district court and juvenile court have concurrent jurisdiction over a minor, or when an information has been filed pursuant to 80-6-503, any predisposition order to detention will be reviewed by the court once every 30 days. The court may, on its own motion, or on the motion of any party, schedule a detention review hearing at any time.