

Rule 34. Pre-trial hearing in non-delinquency cases.

(a) The court will schedule ~~P~~petitions in non-delinquency cases ~~shall be scheduled~~ for an initial pre-trial hearing.

(b) The court will schedule ~~T~~he pre-trial hearing ~~shall be scheduled~~ on the nearest court calendar date available ~~in all cases where the subject minor is in temporary shelter care custody~~ in accordance with Utah Code Title 80, Chapter 3~~section 80-3-401~~.

(c) Prior to adjudication of the petition~~In the pre-trial hearing~~, the court ~~shall~~will

(1) advise~~inform~~ the respondent parent, guardian, or custodian of the minor's rights and of the authority of the court in such cases;

(2) inform the respondent of the respondent's rights, including appellate rights;

(3) advise the respondent that a finding based on the respondent's answer may subject the respondent and the respondent's children to the court's jurisdiction; and

(4) advise the respondent of the potential for dispositional orders that may affect the respondent's parental rights. ~~In the hearing or in any continuance of the hearing, the parent, guardian or custodian shall answer the petition in open court.~~

(d) ~~Before answering, the respondent may move to dismiss the petition as insufficient to state a claim upon which relief can be granted. The court shall hear all parties and rule on said motion before requiring a party to answer.~~ After the court provides the information identified in paragraph (c), the respondent must answer the petition in open court.

(e) A respondent may answer the petition by admitting or denying ~~the~~ specific allegations ~~of the petition~~, or by proceeding with an uncontested answer by declining to admit or deny the allegations. Allegations not specifically denied by a respondent ~~shall~~will be deemed true.

(f) The court will specifically find that the respondent's admissions or uncontested answers and any waiver of the respondent's rights are knowing and voluntary.

(g~~f~~) An answer to a child welfare petition is civil in nature. A respondent seeking relief from admissions or uncontested answers must seek relief as provided in Rule 48. Relief sought under this rule will not toll any statutory timeframes.

(h) Except in cases where the petitioner is seeking a termination of parental rights, the court may enter the default of any respondent who fails to file an answer⁷, or who fails to appear either in person or by counsel after having been served with a summons or notice pursuant to [Rule 18](#). Allegations relating to any party in default ~~shall~~will be deemed admitted unless the court, on its own motion, or the motion of any party not in default, ~~shall~~ requires evidence in support of the petition. ~~Within the time limits set forth in Utah R. Civ. P. 60(b), upon the written motion of any party in default and a showing of good cause, the court may set aside an entry of default. On timely motion and for good cause shown, the court may set aside an entry of default and, if a judgment by default has been entered, may likewise set it aside in accordance with Rule 60(b) of the Utah Rules of Civil Procedure.~~