

**Rule 15. Preliminary inquiry; informal adjustment without petition.**

(a) If a minor qualifies for a nonjudicial adjustment pursuant to statute, the probation officer must offer a nonjudicial adjustment to the minor.

(b) If a minor does not qualify for a nonjudicial adjustment, the probation officer may conduct one or more interviews with the minor, ~~or if a child, then with the child and at least one of the child's parents, guardians, or custodians,~~ and may invite the referring party and the victim, if any, to attend or otherwise seek further information from them. Attendance at any such interview is voluntary, and the probation officer may not compel the disclosure of any information or the visiting of any place.

(c) In any such interview, the minor, ~~or if a child, then the child and the child's parent, guardian, or custodian,~~ must be advised that the interview is voluntary, that the minor has the right to have counsel present to represent the minor, that the minor has the right not to disclose any information, and that any information disclosed that could tend to incriminate the minor cannot be used against the minor in court to prove whether the minor committed the offense alleged in the referral.

(d) If, on the basis of the preliminary inquiry, the probation officer concludes that nonjudicial adjustment is appropriate and is authorized by law, the probation officer may seek agreement with the minor, ~~or if a child, then with the child and the child's parent, guardian, or custodian,~~ to a proposed nonjudicial adjustment. If a minor seeks to decline a nonjudicial adjustment, the probation officer must inform the minor of the minor's right to consult with counsel and the availability of resources with which to do so.

(e) If an agreement is reached and the terms and conditions agreed upon are satisfactorily complied with by the minor, ~~or if a child, then with the child and the child's parent, guardian, or custodian,~~ the case must be closed without petition. Such resolution of the case will not be deemed an adjudication of jurisdiction of the court and will not constitute an official record of juvenile court action or disposition. A nonjudicial adjustment may be considered by the probation officer in a subsequent preliminary inquiry and by the

28 court for purposes of disposition only, following adjudication of a subsequent  
29 delinquency involving the same minor.

30 (f) The initial time in which to complete a nonjudicial adjustment, and any extensions  
31 thereof, are governed by Utah Code section 80-6-304.

32 *Effective Date:*