

1 **Rule 20A. Discovery in non-delinquency and non-criminal proceedings.**

2 (a) **Scope of discovery.** The scope of discovery in non-delinquency and non-criminal
3 proceedings is governed by ~~Utah R. Civ. P.~~Rule 26(b)(1) of the Utah Rules of Civil
4 Procedure. Unless ordered by the court, no discovery obligation may be imposed upon a
5 minor.

6 (b) **Disclosures.** Within 14 days of the answer, a party ~~shall~~must, without awaiting a
7 discovery request, make reasonable efforts to provide to other parties all information and
8 documents necessary to support the party's~~its~~ claims or defenses. If a person is likely to
9 have discoverable information supporting a party's claim or defense, the party must
10 identify the person's name, the person's address and telephone number, if known, and
11 the subject of the information known to the party. A party need not provide information
12 to be used,~~unless~~ solely for impeachment, and a party need not identify a person whose
13 ~~or unless the~~ identity ~~of a person~~ is protected by statute, ~~identifying the subjects of the~~
14 ~~information. The party shall inform the other party of the existence of such records.~~

15 (c) **Depositions upon oral questions.** After the ~~filing of the~~ answer is filed, a party may
16 take the testimony of any person, including a party, by deposition upon oral question
17 without leave of the court. Depositions ~~shall~~must be conducted pursuant to ~~Utah R. Civ.~~
18 ~~P.~~Rule 30 of the Utah Rules of Civil Procedure. The record of the deposition ~~shall~~must be
19 prepared pursuant to ~~Utah R. Civ. P.~~Rule 30(f) of the Utah Rules of Civil Procedure except
20 the deponent will have seven days to review the transcript or recording under ~~Utah R.~~
21 ~~Civ. P.~~Rule 30(e) of the Utah Rules of Civil Procedure. The use of depositions in court
22 proceedings ~~shall be~~is governed by ~~Utah R. Civ. P.~~Rule 32 of the Utah Rules of Civil
23 Procedure.

24 (d) **Interrogatories.** After the ~~filing of the~~ answer is filed, interrogatories may be used
25 pursuant to ~~Utah R. Civ. P.~~Rule 33 of the Utah Rules of Civil Procedure except that all
26 answers ~~shall~~must be served within 14 days after service of the interrogatories.

(e) **Production of documents and things.** After the ~~filing of the~~ answer is filed, requests for production of documents and things may be used pursuant to ~~Utah R. Civ. P. Rule 34 of the Utah Rules of Civil Procedure~~ except that all responses ~~shall~~must be served within 14 days after service of the requests.

(f) **Physical and mental examination of persons.** Physical and mental examinations may be conducted pursuant to ~~Utah R. Civ. P. Rule 35 of the Utah Rules of Civil Procedure~~.

(g) **Requests for admission.** After the answer is filed,~~Except as modified in this paragraph,~~ requests for admission may be used pursuant to ~~Utah R. Civ. P. Rule 36 of the Utah Rules of Civil Procedure except that~~. ~~T~~ the matter ~~shall~~will be deemed admitted unless, within 14 days after service of the request, the party to whom the request is directed serves upon the requesting party a written answer or objection addressed to the matter, signed by the party or by ~~his~~the party's attorney. Upon a showing of good cause, any matter deemed admitted may be withdrawn or amended upon the court's own motion or the motion of any party. All requests for admission must include the following caution language at the top right corner of the first page of the document, in bold type: You must respond to these requests for admissions within 14 days or the court will consider you to have admitted the truth of the matter as set forth in these requests.
~~Requests for admission can be served anytime following the filing of the answer.~~

(h) **Experts.**

(1) **Adjudication trials.** Any person who has been identified as an expert whose opinions may be presented at the adjudication trial must be disclosed by the party intending to present the witness at least ten days prior to the trial or hearing unless that time period is modified by the court. If ordered by the court, a summary of the proposed testimony signed by the party or the party's attorney ~~shall~~must be filed at the same time.

(2) **Termination of parental rights trials.** Any person who has been identified as an expert whose opinions may be presented at the termination of parental rights trial

must be disclosed by the party intending to present the witness at least ~~thirty~~30 days prior to the trial or hearing unless that time period is modified by the court. Unless an expert report has been provided, a summary of the proposed testimony signed by the party or the party's attorney ~~shall~~must be filed at the same time.

(3) A party may not present the testimony of an expert witness without complying with this paragraph (h) unless the court determines that good cause existed for the failure to disclose or to provide the summary of proposed testimony.

(i) Protection from discovery.~~Protective orders.~~ Any party or person from whom discovery is sought may request an order protecting the party or person from discovery ~~protective order~~ pursuant to ~~Utah R. Civ. P. Rule 37(a)(b)~~ of the Utah Rules of Civil Procedure.

(j) ~~Supplemental~~tion of responses. Parties have a duty to supplement responses and disclosures pursuant to ~~Utah R. Civ. P. Rule 26(d)~~ of the Utah Rules of Civil Procedure.

(k) **Failure to cooperate in discovery.** ~~As applicable, f~~Failure to cooperate with discovery ~~shall be~~is governed by ~~Utah R. Civ. P. Rule 37~~ of the Utah Rules of Civil Procedure.

(l) No discovery ~~can~~may be taken that will interfere with the ~~statutorily imposed~~ time frames applicable to non-delinquency and non-criminal proceedings as imposed by statute.

(m) Subpoenas in non-delinquency and non-criminal proceedings are governed by ~~Utah R. Civ. P. Rule 45~~ of the Utah Rules of Civil Procedure.

(n) In substantiation cases, no later than 30 days before trial, a party must provide to the other parties all information necessary to support its claims or defenses unless otherwise ordered by the court.

(o) The court may, for good cause shown, order that the disclosure and discovery obligations in Rule 26.1 of the Utah Rules of Civil Procedure apply to non-delinquency and non-criminal proceedings.

80 [Effective Date:](#)