

1 **Rule 18. Summons; service of process; notice of further proceedings; additional parties.**

2 (a) **Summons.** Upon the filing of a petition, the clerk, unless otherwise directed by the  
3 court, will schedule an initial hearing in the case.

4 (1) A ~~S~~summons may be issued by the petitioning attorney. If the petitioning attorney  
5 does not issue a summons, a summons will be issued by the clerk in accordance with  
6 Utah Code section 78A-6-351. The summons must conform to the format prescribed  
7 by these rules.

8 (2) **Content of ~~the~~ summons.**

9 (A) **Abuse, neglect, and dependency cases.** The summons must contain the name  
10 and address of the court;~~;~~ the title of the proceeding;~~;~~ the type of hearing  
11 scheduled;~~;~~ and the date, place,~~,~~ and time of the hearing scheduled pursuant to  
12 paragraph (a). It must state the time within which the respondent is required to  
13 answer the petition, and it must notify the respondent that judgment by default  
14 may be entered against the respondent if the respondent~~in the case of the failure~~  
15 to timely do so,~~judgment by default may be rendered against the respondent.~~ It  
16 must contain an abbreviated reference to the substance of the petition. It must  
17 include the bilingual notice set forth in the juvenile form summons approved by  
18 the Utah Judicial Council.

19 (B) **Termination of parental rights cases.** The summons must contain the name  
20 and address of the court;~~;~~ the title of the proceeding;~~;~~ the type of hearing  
21 scheduled;~~;~~ and the date, place,~~,~~ and time of the hearing. It must state the time  
22 within which the respondent is required to answer the petition. It must contain an  
23 abbreviated reference to the substance of the petition. It must include the bilingual  
24 notice set forth in the juvenile form summons approved by the Utah Judicial  
25 Council.

26 (C) **Other cases.** The summons must contain the name and address of the court;~~;~~  
27 the title of the proceeding;~~;~~ the type of hearing scheduled;~~;~~ and the date, place, and

28 time of the hearing. It must also contain an abbreviated reference to the substance  
29 of the petition. In proceedings against an adult pursuant to Utah Code section 78A-  
30 6-450, the summons must conform to [Rule 6 of](#) the Utah Rules of Criminal  
31 Procedure and be issued by the prosecuting attorney.

32 (3) The summons must be directed to the person or persons who have physical care,  
33 control, or custody of the minor and require them to appear and bring the minor  
34 before the court. If the person so summoned is not the parent, guardian, or custodian  
35 of the minor, a summons must also be issued to the parent, guardian, or custodian. If  
36 the minor or person who is the subject of the petition has been emancipated by  
37 marriage or is 18 years of age or older at the time the petition is filed, the summons  
38 may require the appearance of the minor only, unless otherwise ordered by the court.  
39 In neglect, abuse, and dependency cases, unless otherwise directed by the court, the  
40 summons must not require the appearance of the subject minor.

41 (4) No summons is necessary as to any party who appears voluntarily or who files a  
42 written waiver of service with the clerk prior to or upon appearance at the hearing.

43 (b) **Service.**

44 (1) Except as otherwise provided by these rules or by statute, service of process and  
45 proof of service must be made by the methods provided in [Rule 4](#) of Utah Rules of  
46 Civil Procedure. Service of process must be made by the sheriff of the county where  
47 the service is to be made, by a deputy, by a process server, or by any other suitable  
48 person appointed by the court. However, when the court so directs, an agent of the  
49 Department of [Health and](#) Human Services may serve process in a case in which the  
50 Department is a party. A party or party's attorney may serve another party ~~at~~[during](#)  
51 a court hearing. The record of the proceeding will reflect the service of the document  
52 and will constitute the proof of service.

53 (2) Personal service may be made upon a parent, guardian, or custodian and upon a  
54 minor in that person's legal custody by delivering to a parent, guardian, or custodian

55 a copy of the summons with a copy of the petition attached. If a minor is in the legal  
56 custody or guardianship of an agency or person other than a parent, service must also  
57 be made by delivering to the legal custodian a copy of the summons with a copy of  
58 the petition attached and notice must be given to the parent as provided in paragraph  
59 (d). Service upon a minor who has attained majority by marriage as provided in Utah  
60 Code ~~§~~section 15-2-1 or upon court order must be made in the manner provided in  
61 [Rule 4 of](#) the Utah Rules of Civil Procedure.

62 (3) Service may be made by any form of mail requiring a signed receipt by the  
63 addressee. Service is complete upon return to court of the signed receipt. Service of  
64 process may be made by depositing a copy thereof in the United States mail addressed  
65 to the last known address of the person to be served. Any person who appears in court  
66 in response to mailed service is considered to have been legally served.

67 (4) In any proceeding where~~in~~ the parent, guardian, or custodian cannot~~z~~ after the  
68 exercise of reasonable diligence~~z~~ be located for personal service, the court may  
69 proceed to adjudicate the matter subject to the right of the parent, guardian, or  
70 custodian to a rehearing, except that in certification proceedings brought pursuant to  
71 Title 80, Chapter 6, Part 5, ~~Transfer to District Court~~ and in proceedings seeking  
72 permanent termination of parental rights, the court will order service upon the parent,  
73 guardian, or custodian by publication. Any rehearing must be requested by written  
74 motion.

75 (5) Service must be completed at least 48 hours prior to the adjudicatory hearing. If  
76 the summons is for the permanent termination of parental rights, service must be  
77 completed at least ten days before the adjudicatory hearing. If the summons is for a  
78 substantiation proceeding, service must be completed at least 45 days before the  
79 adjudicatory hearing.

80 (c) **Service by publication.** Service by publication must be authorized by the procedure  
81 and in the form provided by ~~the Utah Juvenile Code and~~ [Rule 4](#) of Utah Rules of Civil  
82 Procedure except that within the caption and the body of any published document,

83 children must be identified by their initials and respective birth dates, and not by their  
84 names. The parent, guardian, or custodian of each child must be identified as such using  
85 their full names within the caption of any published document.

86 (d) **Notice of further proceedings.**

87 (1) Notice to a party of the time, date, and place of any further proceedings, after an  
88 initial appearance or service of a summons, ~~may be~~ given in open court ~~or,~~  
89 ~~constitutes sufficient notice by mail to any party. Notice is sufficient if the clerk~~  
90 ~~deposits the notice in the United States mail, postage pre-paid, to the address~~  
91 ~~provided by the party in court or the address at which the party was initially served,~~  
92 ~~or, if the party has agreed to accept service by email, sends notice to the email address~~  
93 ~~provided by the party.~~

94 (2) A party must provide a current and active mailing address and email address to  
95 the court and parties either in writing or orally on the record for purposes of receiving  
96 service of notices under this paragraph.

97 (3) If notice is not given in open court, notice of further proceedings may be sent to  
98 any party by mail or email.

99 ~~(32)~~ Notice is sufficient if it is deposited in the United States mail, postage pre-paid,  
100 to the address provided by the party in court or the address at which the party was  
101 initially served or one provided by a party pursuant to paragraph (d)(2), or if notice  
102 is sent to the email address provided by a party pursuant to paragraph (d)(2). Notice  
103 must be provided in the method which will provide timely notification.

104 (4) Notice for any party represented by counsel must be given to counsel for the party  
105 through either mail, notice given in open court, or by email to the email address on  
106 file with the Utah State Bar.

107 (e) **Additional parties.** Whenever it appears to the court that a person who is not the  
108 parent, guardian, or custodian should be made subject to the jurisdiction and authority  
109 of the court in a minor's case, upon the motion of any party or the court's own motion,

110 the court may issue a summons ordering such person to appear. Upon the appearance of  
111 such person, the court may enter an order making ~~such~~the person a party to the  
112 proceeding and may order ~~such~~the person to comply with reasonable conditions as a part  
113 of the disposition in the minor's case. Upon the request of such person, the court will  
114 conduct a hearing upon the issue of whether ~~such~~the person should be made a party.

115 **(f) Service of pleadings and other papers.** -Except as otherwise provided by these rules  
116 or by statute, service of pleadings and other papers not requiring a summons must be  
117 made by the methods provided in [Rule 5](#) of [the](#) Utah Rules of Civil Procedure, ~~except~~  
118 ~~that service to the email address on file with the Utah State Bar is sufficient service to an~~  
119 ~~attorney under this rule, whether or not an attorney agrees to accept service by email.~~

120 ~~(g)~~ Access to the Juvenile Court's Court and Agency Records Exchange (C.A.R.E.) for  
121 eFiling documents does not constitute an electronic filing account as referenced in [Rule 5](#)  
122 [of the Utah](#) Rules of Civil Procedure. [Electronic filing \(eFiling\)](#) in C.A.R.E. does not  
123 constitute service upon a party.

124 *Effective date:*