

Rule 20. Discovery ~~generally~~ and subpoenas in delinquency and criminal proceedings.

(a) Discovery; disclosure obligation.

(1) Discovery involving adjudications of delinquency, offenses by adults against minors, and proceedings brought pursuant to Title 80, Chapter 6, Part 5, ~~Transfer to District Court shall~~ must be conducted in accordance with Rule 16 of the Utah Rules of Criminal Procedure, except where limited by these rules, the Code of Judicial Administration, or the Utah Juvenile Code.

(2) Before the arraignment, the prosecutor in the county of occurrence must disclose to the defense all discovery materials described in Rule 16 of the Utah Rules of Criminal Procedure.

(b) Subpoenas. Subpoenas used in adjudications of delinquency, offenses by adults against minors, and proceedings pursuant to Title 80, Chapter 6, Part 5 are governed by Rule 14 of the Utah Rules of Criminal Procedure. ~~In substantiation cases, no later than thirty days prior to trial, parties shall provide to each other information necessary to support its claims or defenses unless otherwise ordered by the court.~~

~~(c) Rule 26.1 of the Utah Rules of Civil Procedure does not apply in any juvenile proceedings unless there is a showing of good cause and it is ordered by the court.~~

~~(d) In all other cases, discovery shall be conducted pursuant to these rules unless modified by a showing of good cause and by order of the court.~~

(c) Expert testimony; notice requirements.

(1) If the prosecution or the minor intends to call an expert to testify in any delinquency matter, the party intending to call the expert must give notice to the opposing party as soon as practicable but not less than 30 days before the trial or hearing, or as otherwise ordered by the court. Notice must include the name and address of the expert, the expert's curriculum vitae, and:

(A) a copy of the expert's report, if one exists;

(B) a written explanation of the expert's anticipated testimony sufficient to give the party adequate notice of its content; or

(C) notice that the expert is available to cooperatively consult with the opposing party on reasonable notice.

(2) If an expert's anticipated testimony will be based in whole or part on the results of any tests or other specialized data, the party intending to call the witness must provide that information to the opposing party upon request.

(3) As soon as practicable after receiving notice under paragraph (c)(1), the recipient must provide to the other party notice of any witness whom the party anticipates calling to rebut the expert's testimony, including the information required under paragraph (c)(1).

(4) Failure to comply.

(A) If the minor or the prosecution does not substantially comply with the requirements of paragraph (c), the court will, if necessary to prevent substantial prejudice, grant a request to continue the trial or hearing so that the opposing party may prepare to meet the testimony.

(B) If the court finds that a party failed to comply with paragraph (c) without good cause, the court may impose an appropriate sanction including, but not limited to, exclusion of the expert's testimony.

(5) Paragraph (c) does not apply to the use of an expert who is an employee of the State or its political subdivisions, so long as the opposing party is on reasonable notice through general discovery that the expert may be called as a witness, and the witness is made available to cooperatively consult with the opposing party upon reasonable notice.

Effective date: