

Rule 7. Warrants in delinquency and criminal proceedings.

(a) Arrest warrants generally. The issuance and execution of an arrest warrant is governed by ~~Title 77, Chapter 7, Arrest;~~ Utah Code sections ~~78A-6-102, 78A-6-352, 80-2a-202,~~ and 80-6-202; and by Title 77, Chapter 7. ~~Rule 40 of the Utah Rules of Criminal Procedure~~An arrest warrant must be supported by facts set forth in a sworn petition or information filed under Utah Code section 80-6-305 or 80-6-503, respectively, or by a separate sworn statement filed or made in compliance with paragraph (b).

(b) Arrest warrant application. A probation officer, prosecutor, or other authorized person may request that the court issue an arrest warrant for a minor as follows:

(1) Except for warrants issued under paragraph (b)(2), every application for an arrest warrant under this rule must be made in writing, sworn under oath, and contain the following:

(A) the full name, date of birth, and last known address of the minor, together with the name, address, and contact information of the minor's parent, guardian, or custodian, if known;

(B) the minor's alleged offense and the classification of the alleged offense if committed by an adult, together with the date, time, and place of the alleged offense, to the extent known;

(C) the foundation and factual basis for the affiant's knowledge, including the source and reliability of any informant relied upon;

(D) a statement that the minor's arrest is authorized pursuant to Utah Code section 80-6-202(1)(a), including the specific statutory ground authorizing the arrest;

(E) certification that a petition or information has already been filed or is being filed contemporaneously with the warrant application;

(F) a statement of whether the minor is currently under the court's jurisdiction for any other pending or adjudicated delinquency petition; and

(G) whether the affiant requests that the court order the minor to be released to a parent or guardian, placed in a nonsecure facility, or admitted to a secure detention facility.

(2) Upon a sworn verbal request from a probation officer or other authorized person, the court may issue a pick-up order telephonically during nonbusiness hours or under exigent circumstances when it appears necessary for the protection of the community or the minor. The person requesting the pick-up order must file, by the next court business day, a sworn statement containing the information required by paragraph (b)(1).

~~(c)~~ **Content of an arrest warrant.** An arrest warrant under this rule will be signed by the court and contain the following~~After a petition is filed, a warrant for immediate temporary custody of a minor may be issued if the court finds from the facts set forth in an affidavit filed with the court or in the petition that there is probable cause to believe that:~~

(1) the name, date of birth, and last known address of the minor~~the minor has committed an act which would be a felony if committed by an adult;~~

(2) the factual basis for the court's probable cause determination justifying the arrest~~the minor has failed to appear after the minor or the parent, guardian or custodian has been legally served with a summons;~~

(3) the location or type of facility where the minor will be taken~~there is a substantial likelihood the minor will not respond to a summons;~~

(4) if the minor is to be taken to a secure detention facility, an order requiring the minor's immediate admission to the secure detention facility and prohibiting the minor's release without further court order~~the summons cannot be served and the minor's present whereabouts are unknown;~~

(5) the name and title of the person requesting the warrant unless the court orders the warrant on its own initiative~~the minor seriously endangers others and immediate removal appears to be necessary for the protection of others or the public; or~~

(6) the date, county, and court location where the warrant is being issued~~the minor is a runaway or has escaped from the minor's parent, guardian, or custodian; and~~

(7) any time limitation on the execution of the warrant in accordance with Utah Code section 77-7-5(5).

(de) Execution of an arrest warrant.~~A warrant for immediate temporary custody of a minor may be issued if the court finds from the affidavit that the minor is under the continuing jurisdiction of the court and probable cause to believe that the minor:~~

(1) An arrest warrant issued under this rule may be executed only by a peace officer authorized by law to make arrests.~~has left the custody of the person or agency vested by the court with legal custody and guardianship without permission; or~~

(2) The timing and manner of execution of the arrest warrant must comply with the terms of the warrant and the provisions of Utah Code section 77-7-5(5)~~has violated a court order.~~

(3) A peace officer who brings a minor to a detention facility pursuant to an arrest warrant must inform the person in charge of the facility of the existence of that order.

(4) Nothing in this rule should be construed to limit the statutory authority of a probation officer to take a minor into temporary custody under Utah Code section 80-6-201.

(ed) Warrant to arrest parent, guardian, or custodian. An applicant seeking a warrant to arrest a minor's parent, guardian, or custodian pursuant to Utah Code section 78A-6-352 must comply with paragraph (b).~~A warrant for immediate custody shall be signed by a court and shall contain or be supported by the following:~~

~~(1) an order that the minor be returned home, taken to the court, taken to a juvenile detention, shelter facility, other nonsecure facility or an adult detention facility, if appropriate, designated by the court at the address specified pending a hearing or further order of the court;~~

~~(2) the name, date of birth and last known address of the minor;~~

~~(3) the reasons why the minor is being taken into custody;~~

~~(4) a time limitation on the execution of the warrant;~~

~~(5) the name and title of the person requesting the warrant unless ordered by the court on its own initiative pursuant to these rules; and~~

~~(6) the date, county and court location where the warrant is being issued.~~

~~(f) Search warrants. Search warrants in juvenile delinquency cases are governed by Utah Code section 77-23-210 and Rule 40 of the Utah Rules of Criminal Procedure. A peace officer who brings a minor to a detention facility pursuant to a court order for immediate custody shall so inform the person in charge of the facility and the existence of such order shall require the minor's immediate admission. A minor so admitted may not be released without court order.~~

~~(g) Return of service. A return of service on an arrest or search warrant must be filed with the court within 72 hours of its execution unless the court orders otherwise. This rule shall not limit the statutory authority of a probation officer to take a minor who has violated a condition of probation into custody under Utah Code section 80-6-201.~~

~~(h) Sealing and retention of search warrant records. Return of service on a warrant shall be executed within 72 hours unless otherwise ordered by the Court.~~

~~(i) Prior to a peace officer or a child welfare worker executing a warrant issued pursuant to Utah Code section 80-2a-202 for a child who is missing, has been abducted, or has run away, counsel for the Division of Child and Family Services may file an ex parte motion to vacate the warrant.~~

~~(i) The juvenile court to retain and file copies—Documents sealed for twenty days—
Forwarding of record to court with jurisdiction.~~

(1) The juvenile court will seal all documents relating to a search warrant for a period of 20 days after the search warrant is issued unless the time period is extended or shortened by the court for good cause. After that time period expires, the documents will be available as part of the court record. ~~At the time of issuance, the juvenile court shall retain and seal a copy of the search warrant, the application and all affidavits or other recorded testimony on which the warrant is based and shall, within a reasonable time, file those sealed documents in court files which are secured against access by the public. Those documents shall remain sealed until twenty days following the issuance of the warrant unless that time is extended or reduced. Unsealed search warrant documents shall be filed in the court record.~~

(2) Sealing and retention of the records~~file~~ may be accomplished by:

(A) ~~placing paper documents or storage media in a sealed envelope and filing the sealed envelope in a court file not available to the public;~~

(B) ~~storing the documents by electronic or other means under the control of the court in a manner reasonably designed to preserve the integrity of the documents and protect them against disclosure to the public during the period in which they are sealed; or~~

(C) ~~filing through the use of an electronic filing system operated by the State of Utah which system is~~ designed to transmit accurate copies of the documents to the court file without allowing alteration to the documents after ~~issuance of the~~ warrant is issued~~by the juvenile court.~~

Effective Date: