

Utah Rules of Juvenile Procedure Committee- Meeting Minutes

February 7, 2014

Noon to 2:00 p.m.

Executive Dining Room

MEETING DATE				TIME				LOCATION					
MEMBERS:				Present	Absent	Excused	MEMBERS:				Present	Absent	Excused
Judge Elizabeth Lindsley (by phone)				<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Paul Wake				<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Brent Hall				<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Narda Beas-Nordell				<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Carol Verdoia				<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>					<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Alan Sevison				<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>					<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Pam Vickrey (by phone)				<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>					<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Joan Carroll				<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>					<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Maybell Romero (by phone)				<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>					<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
David Fureigh				<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>					<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
AOC STAFF:				Present	Absent	GUESTS:				Present	Absent		
Katie Gregory				<input checked="" type="checkbox"/>	<input type="checkbox"/>	Liza Jones				<input checked="" type="checkbox"/>	<input type="checkbox"/>		
Emily Iwasaki				<input checked="" type="checkbox"/>	<input type="checkbox"/>					<input type="checkbox"/>	<input type="checkbox"/>		
				<input type="checkbox"/>	<input type="checkbox"/>					<input type="checkbox"/>	<input type="checkbox"/>		

AGENDA TOPIC

I. Welcome & Approval of Minutes and Professional Practice Disclosures		CHAIR: CAROL VERDOIA	
Corrections to the Minutes: None.			
Committee members provided the yearly professional practice disclosures required by Rule 11-101(4) of the Supreme Court Rules of Professional Practice.			
Motion: To approve the minutes of September 27, 2013 as written	By: Paul Wake	Second: Brent Hall	
Approval	<input checked="" type="checkbox"/> Unanimous	<input type="checkbox"/> Vote:	In Favor _____ Opposed _____

AGENDA TOPIC

II. Rule 47-Reviews and Modification of Orders	CAROL VERDOIA
<p>The committee previously revised Rule 47 and sent the revisions out for comment. One comment was received from Judge Johansen. His question was as follows: if the motion is not filed as required or if a parent never responds or attends a hearing may the court assume stipulation and waiver as to the parents' rights being modified in the review hearing? The committee discussed the procedure for holding a paper review pursuant to Rule 47(a)(2) and how informing parties that the next review will be a paper review may satisfy the waiver requirement.</p> <p>The committee discussed but did not adopt the option of placing a provision in the rule giving the non-appearing/non-responding party a number of days to file an objection to the review hearing. The committee further discussed any impacts to review hearing provisions included in Rule 47(b)(3). Ultimately, the committee elected not to make any further revisions to the rule based on the comment received.</p>	

instructing parties they have a certain number of days to object.

Brent Hall reviewed the practice of filing URCP 7 motions. He also clarified that the language states "unless otherwise directed by the court." This requires the court to provide direction prior to the order being sent out. This would include direction to attorneys in the courtroom to review the order before the judge signs it from the bench.

Carol Verdoia addressed a second issue which relates to electronic filing of orders. Pursuant to URCP 7(f), the attorney should send the order to opposing counsel and then wait 5 days before submitting it to the court for signature. However, orders are being uploaded on the same day they are sent to opposing counsel. This causes problems with the 5 day objection period because the order is available to the judge in CARE prior to the conclusion of the objection period. Judge Lindsley explained the practice of labeling the order "unsigned" until signed by the judge when it is then designated as a "signed order" in CARE. In some districts the orders are being held for the appropriate objection period before making them available to the judge for signing. A short discussion followed on the "growing pains" of moving to eFiling and an electronic record.

AGENDA TOPIC

V. Old or New Business	ALL
<p>New Business: Carol received a letter from Chief Justice Durrant noting that the URJP does not have a recording secretary other than the staff attorney assigned to the committee. The letter encourages the committee to recruit a recording secretary pursuant to Rule 11-101(8). He further notes that while Supreme Court approval of the committee's selection is not required, he requests the committee notify him of its selection. The committee asked Katie Gregory to review the matter and clarify whether the recording secretary should be a member of the committee. Carol Verdoia and Katie Gregory will investigate the request further and the committee will address it at its next meeting.</p>	
<p>The committee set its next meetings on June 6, 2014 and August 1, 2014 from Noon to 2:00 p.m.</p>	