Utah Rules of Juvenile Procedure Committee- Meeting Minutes

June 6, 2014						Noon to 2:00 p.m.			Conference Room A				
					TIME		LOCA	LOCATION					
MEMBERS:	Pres	ent	Abs	ent	t Exc	use	ed	MEMBERS:	Pr	esent	Absent	Exc	used
Carol Verdoia		\overline{X}	Γ	T	Γ	\neg		Maybell Romero	T	\square			
Judge Elizabeth Lindsley		\overline{X}						Alan Sevison				$\overline{\triangleright}$	1
Judge Mary Manley		Ż	Ī	Ī		Ī		Pam Vickrey (by telephone)		X		Ť	Ī
Kristin Fadel	Ī	X	Ī	Ī		Ī		Paul Wake		X		Ī	
David Fureigh	Ī	Ħ	Ī	i		ī		Joan Carroll	+	Ħ		<u> </u>	- 1
Brent Hall	İ	Ħ		Ħ	Ť	Ħ			+	Ħ		Ė	1
Debra Jensen			Ė	T		Ħ			+	Ħ		F	
Narda Beas-Nordell				Ħ	5	$\overline{\mathbf{x}}$			+		H		
AOC STAFF:	Pres	ent	Exc	use	ed e			GUESTS:	F	Presen	t		
Katie Gregory		$\overline{\mathbf{X}}$	Г	$\overline{}$				Tim Shea	_				
Emily Iwasaki	Ī		<u> </u>					Thomas Gunter	+	M			
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AGENDA TOPIC													
I. Welcome, Introduct	ion of	Ne	ew M	len	nber	s 8	<u>&</u>	CHAIR: CAROL VERDOIA					
Approval of Minutes													
Carol Verdoia introduce	d thre	e n	ew n	ner	mbei	۲S ۱	who	were recently appointed	to th	e cor	nmittee	יון ב	dae
								GAL attorneys, Debra Jer					
								new and Sterling Corbett.					
								J					
Motion: To approve	By:	Pa	ul W	ak	e			Second: Judge L	inds	ley			
the minutes of	,							-		•			
February 7, 2014 as													
written													
Λημανισί		_						N/ 1					
Approval	Unanimous												
								In FavorO	opos	<u>ea _</u>			
AGENDA TOPIC													
II. Rule 23A-Hearing	on Co	ndit	tions	01	f Sec	ctic	on	JUDGE LINDSLEY					
78A-6-702; Bind Over	_	_											
•	•	•						ule 23A. Before the revis					it for
)2	for a	second time. The recen	t rev	'ISION	s to sta	itute	
require the committee t	to revi	SIU	Ruie	23	Α.								
Judge Lindsley propose	d that	ho	th Ri	مار	23 =	anc	1 234	A should be revised. After	a ch	ort c	liconeci	on c	hρ
, , ,	Judge Lindsley proposed that both Rule 23 and 23A should be revised. After a short discussion, she suggested that an additional subparagraph (f) be added to Rule 23 and an additional subparagraph												
(h) be added to Rule 23		Jub	puru	9,0	4P11 ((')	be u	adea to Naie 25 and an e	auici	oriai	Subpui	ugru	Pii
() 20 aaaaa to 1 aa													
MOTION: Judge Lindsle	y mac	le a	mot	ior	ı to	rev	ise F	Rule 23A by adding a nev	v sub	secti	on (h)	to re	ad
"Once the minor is bound over to district court a determination regarding where the minor is held													
shall be made pursuant to 78A-6-702." Paul Wake seconded the motion. Discussion followed and													
Pam Vickrey suggested that in Rule 23A the new language should be designated as (f)(2), and the													
existing subparagraphs $(f)(2)$ and $(f)(3)$ be renumbered as $(f)(3)$ and $(f)(4)$. In Rule 23, the													
additional language sho	ould be	ac	lded	at	(d)(2)	with	the remaining subparage	aphs	reni	umbere	d, ra	ther

r						
than adding a new paragraph (h).						
Judge Lindsley made the following amendment to her previous motion: to revise Rule 23A by adding a new subsection $(f)(2)$ to read "Once the minor is bound over to district court a determination regarding where the minor is held shall be made pursuant to 78A-6-702" and then renumbering the existing subparagraphs $(f)(2)$ and $(f)(3)$ as $(f)(3)$ and $(f)(4)$. Paul Wake seconded the motion and it passed unanimously.						
MOTION: Judge Lindsley moved to revise Rule 23 by adding a new subsection (d)(2) to read "Once the minor is bound over to district court a determination regarding where the minor is held shall be made pursuant to 78A-6-703" and then renumbering the existing subparagraphs (d)(2) and (d)(3) as (d)(3) and (d)(4). Paul Wake seconded the motion and it passed unanimously.						
Action Item:	Katie Gregory will make the approved revisions and send the rule out for comment.					

AGENDA TOPIC

III. Report from the Committee on Remote Hearings and Services	TIM SHEA
Tim Shea provided an overview of the work of the (Committee on Remote Hearings and Services and

Tim Shea provided an overview of the work of the Committee on Remote Hearings and Services and its Report to the Judicial Council. The committee focused on court hearings and did outreach to gain input from remote court sites. Members visited remote sites, met with local community leaders, and surveyed attorneys who appeared in remote court sites. Mr. Shea reviewed the committee's research on civil, criminal and juvenile rules in other jurisdictions. No examples of juvenile rules were found, so the committee modeled proposed juvenile rules after criminal rules.

He noted that initially, the court's technology capabilities will be limited. The proposed rules would allow remote proceedings as an option, but do not require that hearings be available by remote access. The judge would retain the discretion to allow remote access if the parties agreed and waived a personal appearance. The rules would give guidance, however, on how to hold remote hearings.

The committee discussed the many ways that parties in juvenile court may need to appear remotely such as parents who have been deported and want to appear from another country or delinquent youth out of state, etc. Page 25 of the report provides guidance on what the contemporaneous transmission must enable.

The courts received \$300,000 from the legislature for FY2015 for remote hearing equipment. The funding must be used by June 30, 2015 and Mr. Shea asked the committee to consider what type of progress toward developing rules can be made within the year.

progress toward developing i	uies c	an be made v	Midilli die year.			
Motion: Judge Lindsley made a motion that the URJP committee discuss proposed juvenile rules 29B and 37B at its August meeting and that	By:	Judge Linds		Secor	nd: Judge Manley	
members be prepared to discuss the proposed						
rules.						
Approval	×ι	Jnanimous	□ Vote:			
			# In Favo	r	# Opposed	

IV. New Business

BRENT HALL; CAROL VERDOIA

Brent Hall raised an issue regarding recent legislative revisions to 78A-6-1111 concerning representation of parents in juvenile court. Mr. Hall asked the committee to consider whether Rule 37(d) regarding child protective orders is in conflict with the new statute and if so, whether Rule 37(d) should be revised. Rule 37(d) states, "Counsel may be appointed by the court for an indigent respondent who is a parent, guardian or custodian of the child alleged to be abuse or threatened with abuse." Members acknowledged that a discussion is needed regarding whether child protective orders are outside the juvenile court statute and therefore, appointing counsel in a child protective order may not be precluded by the revised version of 78A-6-1111. Members agreed to add this item to the next meeting agenda to discuss the statute and rule further.

Carol Verdoia addressed an issue raised by one of the attorneys in the AG's office concerning discovery pursuant to URJP 20A(d). Rule 20A makes reference to the Rules of Civil Procedure, but the civil procedure rules have been revised to a tier system since the URJP Committee last considered the provisions of URJP 20A. Brent Hall proposed that when addressing scope, the committee add language after URJP 20A(a) stating that the limits on fact discovery should be governed by URCP 26(c)(5). Members agreed to consider the issue further and bring it back for discussion at the next meeting. Brent Hall also mentioned the need to revise URJP 2(a) to substitute the phrase "termination of parental rights" for "permanent deprivation of parental rights."

Katie Gregory announced that Joan Carroll, the committee's representative from the Juvenile Clerks of Court, will be retiring on June 30. Ms. Gregory will contact the Clerks of Court to solicit a volunteer to replace Ms. Carroll.

The next meeting was set for August 1, 2014 from noon to 2:00 p.m.