

# Utah Rules of Juvenile Procedure Committee- Meeting Minutes

June 6, 2014

Noon to 2:00 p.m.

Conference Room A

MEETING DATE

TIME

LOCATION

<b>MEMBERS:</b>	Present	Absent	Excused	<b>MEMBERS:</b>	Present	Absent	Excused
Carol Verdoia	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Maybell Romero	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Judge Elizabeth Lindsley	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Alan Sevison	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Judge Mary Manley	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Pam Vickrey (by telephone)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kristin Fadel	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Paul Wake	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
David Fureigh	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Joan Carroll	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Brent Hall	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Debra Jensen	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Narda Beas-Nordell	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>AOC STAFF:</b>	Present	Excused		<b>GUESTS:</b>	Present		
Katie Gregory	<input checked="" type="checkbox"/>	<input type="checkbox"/>		Tim Shea	<input checked="" type="checkbox"/>		
Emily Iwasaki	<input type="checkbox"/>	<input checked="" type="checkbox"/>		Thomas Gunter	<input checked="" type="checkbox"/>		
	<input type="checkbox"/>	<input type="checkbox"/>			<input type="checkbox"/>		

## AGENDA TOPIC

<b>I. Welcome, Introduction of New Members &amp; Approval of Minutes</b>		<b>CHAIR: CAROL VERDOIA</b>
<p>Carol Verdoia introduced three new members who were recently appointed to the committee. Judge Mary Manley is replacing Judge Larry Steele. New GAL attorneys, Debra Jensen and Kristin Fadel are completing the unexpired terms of Brent Bartholomew and Sterling Corbett.</p>		
Motion: To approve the minutes of February 7, 2014 as written	By: Paul Wake	Second: Judge Lindsley
Approval	<input checked="" type="checkbox"/> Unanimous	<input type="checkbox"/> Vote: In Favor _____ Opposed _____

## AGENDA TOPIC

<b>II. Rule 23A-Hearing on Conditions of Section 78A-6-702; Bind Over to District Court</b>	<b>JUDGE LINDSLEY</b>
<p>The committee previously completed revisions to Rule 23A. Before the revisions could be sent out for comment, the legislature amended 78A-6-702 for a second time. The recent revisions to statute require the committee to revisit Rule 23A.</p>	
<p>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 23A.</p>	
<p>MOTION: Judge Lindsley made a motion to revise Rule 23A by adding a new subsection (h) 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." 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 should be added at (d)(2) with the remaining subparagraphs renumbered, rather</p>	



## AGENDA TOPIC

IV. New Business	BRENT HALL; CAROL VERDOIA
<p>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.</p> <p>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."</p> <p>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.</p> <p>The next meeting was set for <b>August 1, 2014 from noon to 2:00 p.m.</b></p>	