

Katie Gregory - Re: URJP meeting

From: Claudia Page
To: Katie Gregory
Date: 1/5/07 9:26AM
Subject: Re: URJP meeting

Katie,

I really think my only reason for being on the committee is if anyone has questions about the clerical end of things. I don't think there is any reason for you to have to worry about hooking me up with a phone connection. If you run into something and you want clarification regarding the clerical end of things please feel free to call me at 435-259-1355. Otherwise I'll see you at the next meeting---weather permitting.

Thanks,
Claudia

>>> Katie Gregory 01/05/07 09:04AM >>>

It's pretty bad up here too. We totally understand. Would you like us to connect you by phone?---it's totally up to you since I know that can be really tedious to listen in by phone to a two hour meeting. If you want to join by phone, just email me a number that we can call you at about 12:10. Otherwise, we'll catch up with you at our next meeting.

Katie

>>> Claudia Page 01/05/07 07:43AM >>>

Katie,

It's a mess down here and I'm a chicken to drive on snow packed and icy roads. I won't be there today. Sorry.
Claudia

78-3a-106. Search warrants and subpoenas -- Authority to issue -- Protective custody -- Expedited hearing.

(1) The court has authority to issue search warrants, subpoenas, or investigative subpoenas in criminal cases, delinquency, and abuse, neglect, and dependency proceedings for the same purposes, in the same manner and pursuant to the same procedures set forth in the code of criminal procedure for the issuance of search warrants, subpoenas, or investigative subpoenas in other trial courts in the state.

(2) A peace officer or child welfare worker may not enter the home of a child who is not under the jurisdiction of the court, remove a child from the child's home or school, or take a child into protective custody unless:

(a) there exist exigent circumstances sufficient to relieve the peace officer or child welfare worker of the requirement to obtain a warrant;

(b) the peace officer or child welfare worker obtains a search warrant under Subsection (3);

(c) the peace officer or child welfare worker obtains a court order after the parent or guardian of the child is given notice and an opportunity to be heard; or

(d) the peace officer or child welfare worker obtains the consent of the child's parent or guardian.

(3) (a) The court may issue a warrant authorizing a child protective services worker or peace officer to search for a child and take the child into protective custody if it appears to the court upon a verified petition, recorded sworn testimony or an affidavit sworn to by a peace officer or any other person, and upon the examination of other witnesses, if required by the judge, that there is probable cause to believe that:

(i) there is a threat of substantial harm to the child's health or safety;

(ii) it is necessary to take the child into protective custody to avoid the harm described in Subsection (3)(a)(i); and

(iii) it is likely that the child will suffer substantial harm if the parent or guardian of the child is given notice and an opportunity to be heard before the child is taken into protective custody.

(b) Pursuant to Section **77-23-210**, a peace officer making the search may enter a house or premises by force, if necessary, in order to remove the child.

(c) The person executing the warrant shall then take the child to the place of shelter designated by the court or the division.

(4) (a) Consistent with Subsection (5), the court shall hold an expedited hearing to determine whether a child should be placed in protective custody if:

(i) a person files a petition under Section **78-3a-305**;

(ii) a party to the proceeding files a "Motion for Expedited Placement in Temporary Custody"; and

(iii) notice of the hearing described in this Subsection (4)(a) is served consistent with the requirements for notice of a shelter hearing under Section **78-3a-306**.

(b) The hearing described in Subsection (4)(a):

(i) shall be held within 72 hours, excluding weekends and holidays, of the filing of the motion described in Subsection (4)(a)(ii); and

(ii) shall be considered a shelter hearing under Section **78-3a-306** and Utah Rules of Juvenile Procedure, Rule 13.

(5) (a) The hearing and notice described in Subsection (4) are subject to:

(i) Section **78-3a-306**;

(ii) Section **78-3a-307**; and

(iii) the Utah Rules of Juvenile Procedure.

(b) After the hearing described in Subsection (4), a court may order a child placed in the temporary custody of the division.

(6) When notice to a parent or guardian is required by this section:

(a) the parent or guardian to be notified must be:

(i) the child's primary caregiver; or