

**SUMMARY MINUTES
SUPREME COURT=S ADVISORY COMMITTEE
ON THE
RULES OF JUVENILE PROCEDURE
Administrative Office of the Courts
450 South State Street, N31
Salt Lake City, Utah 84114-0241
February 6, 2004**

Present

Carol Verdoia
Judge Lindsley
Brent Bartholomew
Kristin Brewer
Jeff Noland
Pam Vickrey
Matty Branch
Judge Steele
Alan Sevision
Paul Wake
Alicia Davis

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I. Minutes and Welcome

Paul moved that the minutes be approved as written. Alan seconded the motion, and it was approved unanimously.

II. URJP 47

Adam expressed concerns with URJP 47 as published for comment. Because the underlying legislation will be amended this session, URJP 47 will be considered at the end of the session. Judge Lindsley said that whatever agency had custody would need to motion up to terminate court jurisdiction. Carol indicated that this provision matched word for word with the statute.

Does this go broadly to all probation kids, or just those in temporary custody? Judge Lindsley thought there had to be services in place. Paul thought it was limited to kids in custody. Judge Steele said we ought to look at that.

III. Expedited Appeals

Carol reported that the legislation matched CIP's proposal. The Third District had been concerned that a judge would have to inform a party of their rights in court at the termination trial, after having terminated the party's rights.

The committee discussed the best way to inform parties of their rights, like having the discussion prior to trial, or giving out a form. Judge Lindsley gives decisions on the record, but for those who provide written rulings, they will have to set another hearing to inform parents. Judge Lindsley indicated that it would be helpful to have a form. The key in Judge Steele's mind is to get them while they were in front of the judge because often parties disappear. If the initial timeframe isn't shortened, it could be placed in rules. Matty indicated that the Court of Appeals wondered if they had to cover things with a fine-tooth comb. Court of Appeals had lots of questions. Judge Greenwood talked to Tim Shea regarding concerns about legislating appellate procedures. Carol indicated that they would have proceeded by rule if possible, but the changes needed to occur in the legislation. Senator Hillyard is the sponsor.

The committee discussed Rule 53(b)(3). Judge Steele asked if (b)(3) applied just to delinquency matters. Carol stated that it applies to child welfare so that if counsel is withdrawing, counsel has to notify of right to appeal. Judge Steele moved to switch (a) and (b) to distinguish dependency appellate practice from delinquency appellate practice. The motion was seconded and approved unanimously.

Paul moved that "certificate of probable cause" language be stricken. The motion was seconded and approved.

Pam asked if no one could withdraw except the GAL. Kristin stated that 78-3a-912 provided that the GAL is on the case until jurisdiction terminates.

IV. Electronic Submission of Documents

The Committee discussed the CARE system, the Juvenile Court's developing management information system. CARE will enable parties to access CARE via internet, to view orders, and in some cases, to submit pleadings and filings in electronic format. These capabilities necessitate rule changes that allow for electronic submission of documents. The committee reviewed changes to URJP 44 and URJP 46, allowing for electronic submission of documents.

With regards to URJP 44, Judge Steele stated that this rule and amendment relates to electronic entries and paper documents, therefore made a motion that the rule read that the document is "submitted." Judge Lindsley seconded the motion, and it was approved.

The committee discussed what filing date the juvenile court would use for electronic entries. If digitally signed, that constitutes filing, to be the effective date for appeal. The digital signature is considered the signed and entered date.

The committee then discussed response times. Under 4-501, the rule was to give opposing counsel 10 days to object to a motion. 4-504(2) gives 5 days notice of objections plus 3 days for mailing. Carol reported that URJP does not contain a

computation of time rule. Alicia will look at what happened with that in the reorganization of the CJA. Jeff stated that Defense would like 10 days to review a proposed order with mailing included. Judge Lindsey said that a judge will amend an order if there is a discrepancy, regardless of 10 days. Motion for 10 days 2nd KGB, approved without objection.

V. Next Meeting and Adjourn

The next meeting was set for Friday, April 2 at 12:00. There being no further business, the meeting was adjourned.