## Utah Rules of Juvenile Procedure Committee- Meeting Minutes

February 7, 2014				Noon to 2:00 p.m.			Executive Dining Room							
MEETING DATE					TIME		i	LOCAT	ION					
MEMBERS:	Pre	esent	Abse	nt Ex	cus	ed	MEMBERS:		Pre	sent	Ab	sent	Excus	ed
Judge Elizabeth Lindsley (by phone)							Paul Wake			$\boxtimes$				
Brent Hall		$\boxtimes$		]			Narda Beas-Nordell							
Carol Verdoia		$\overline{\boxtimes}$												
Alan Sevison					X						Ĺ			
Pam Vickrey (by phone)		$\overline{\square}$							1					
Joan Carroll		$\overline{\boxtimes}$												
Maybell Romero (by phone)		$\overline{\boxtimes}$												
David Fureigh		团												
AOC STAFF:	Pre	esenț	Abse	nt .			GUESTS:		P	reser	it. A	bsent	t .	
Katie Gregory		$\boxtimes$		]		-	Liza Jones			X				
Emily Iwasaki		$\boxtimes$												
AGENDA TOPIC I, Welcome & Approva Professional Practice I				nd			CHAIR! CAROL VE	RDOTA						
Corrections to the Minu				4			[40] [4] [4] [4] [4] [4] [4] [4] [4] [4] [4	1785	1				7.5	
101(4) of the Supreme Motion: To approve the minutes of		Paul					Second: E	Brent H	all					
September 27, 2013 as written														
Approval	$\boxtimes$	Unar	nimo	us			Vote:							
··							In Favor	0	pose	ed _				
AL 4000 CHI CA O COMA AL HOUSE AND MINE TO AND														
AGENDA TOPIC  II. Rule 47-Reviews a	nd N	lodifi	icatio	on of	F		CAROL VERDOIA							
Orders	ilia r	iouiii	Cati	JII										
The committee previous was received from Jud- required or if a parent waiver as to the parent the procedure for hold that the next review w	ge Jo neve ts' rig ing a	ohans er res ghts n pape	sen. pond being er re	His or g moview	que at dif pu	estior tends ied ir ırsua	n was as follows: s a hearing may th n the review heari nt to Rule 47(a)(2	if the m he cour ing? Th 2) and h	notio t ass ne co now i	n is ume mm infoi	not e sti ittee	filed pulate dis	d as tion a cusse	and ed
The committee discuss non-appearing/non-res The committee further 47(b)(3). Ultimately, t on the comment receive	spond disc the c	ding   ussec	party d any	a ni imp	um ac	ber o	of days to file an or review hearing p	objectio rovision	n to s inc	the lude	revi ed ir	iew l n Rul	heari le	ng.

Action Item:	Carol Verdoia and Katie Gregory will present the revised version of Rule 47 to the Supreme Court, together with the comment received and a summary of the committee's recommendations.					
Motion: To leave the rule as drafted despite the comment received.	By: David Fureigh	Second: Brent Hall				
Approval	☑ Unanimous	☐ Vote: In Favor Opposed				
		In Favor Opposed				
IDA TOPIC						
III. Rule 23A-Hearing on c	onditions of Section	JUDGE LINDSLEY AND PAM VICKREY				
78A-6-702; bind over to di		JODGE LINDSLET AND FAM VICINET				
78A-6-702; bind over to dis In 2013 the Utah Legislatur factors to 78A-6-702(c). Jud Rule 23A incorporating the	re amended the Seriou dge Lindsley reviewed legislative changes. A e discussed grammatio	us Youth Offender statute and added additional the statute and drafted proposed revisions to copy of the proposed revisions is attached to cal considerations in Rule 23A(c)(3) and the				
78A-6-702; bind over to dis In 2013 the Utah Legislatur factors to 78A-6-702(c). Jud Rule 23A incorporating the the minutes. The committee	strict court  re amended the Seriou dge Lindsley reviewed legislative changes. A e discussed grammatic ltimately deciding to a	us Youth Offender statute and added additional the statute and drafted proposed revisions to copy of the proposed revisions is attached to cal considerations in Rule 23A(c)(3) and the				

## AGENDA TOPIC

**Approval** 

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IV. URCP 7(f)-Discussion regarding the impact of Rule 7(f) on juvenile court orders	CAROL VERDOIA

□ Vote:

# In Favor\_

# Opposed

× Unanimous

Judge Lindsley discussed a concern of the Board of Juvenile Court Judges regarding a complaint received in a case involving the use of "check-off" orders in the courtroom. Pursuant to URCP 7(f), when the prevailing party is to prepare an order, the order is to be circulated to parties with time to object before the judge signs the order. However, check off orders are often circulated to parties and signed by the judge in the courtroom at the conclusion of the hearing. After investigation, it appears practices may vary from courtroom to courtroom. Some judges have parties in the courtroom stipulate and acknowledge that they do not have an objection; other judges instruct the parties to let the court know if there is an objection within 15 days. Because the procedure in the rule is modified by the phrase "unless otherwise directed by the court," the Board determined that the practice of using check off orders was not a continuing concern.

The Board has advised judges statewide to either: 1) have parties stipulate to the order before the judge signs it by asking them to sign off on the order or by reading it into the record, or 2)

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

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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.

The committee set its next meetings on June 6, 2014 and August 1, 2014 from Noon to 2:00 p.m.