

Fiddling With the Language of Rule 19

Original Version:

(a) If the petition is not resolved at pretrial, an answer to abuse, neglect, and dependency petitions must be filed ten days after pretrial or twenty-five days after service of the petition whichever comes first. The answer may be made orally at a pretrial hearing but otherwise must comply with Utah R. Juv. P. 34. Default against a party who fails to appear in person or by counsel at pretrial, or who fails to file an answer may be entered pursuant to Utah R. Juv. P. 34.

Fiddle #1

(a) If the petition is not resolved at pretrial, an answer to all petitions, except for petitions for delinquency and for protective orders, ~~abuse, neglect, and dependency~~ petitions must be filed within ten days after the pretrial or within twenty-five days after service of the petition whichever comes first. The answer may be made orally at the pretrial hearing or other hearing¹ held within the above time limit and must otherwise ~~but otherwise must~~ comply with Utah R. Juv. P. 34. Default against a party who receives proper notice and who fails to appear in person or by counsel at pretrial, or who fails to file an answer may be entered pursuant to Utah R. Juv. P. 34.

Fiddle #2

(a) Except for petitions for delinquency and for protective orders, all ~~If the petitions is not~~ resolved at the pretrial hearing, ~~an answer to abuse, neglect, and dependency~~ petitions must be answered by filing a written answer with the court within ~~filed~~ ten days after the pretrial or within twenty-five days after service of the petition whichever comes first. The answer may be made orally at a the pretrial hearing ~~but otherwise must~~ or other hearing held within the above time limit and must otherwise comply with Utah R. Juv. P. 34. Default against a party who receives proper notice and who fails to appear in person or by counsel at pretrial, or who fails to file an answer may be entered pursuant to Utah R. Juv. P. 34.

Another approach:

Another approach could be to define the petitions in Rule 17. For example "Child Welfare Petition" means any petition relating to abuse, neglect, dependancy, ungovernability, termination of parental rights, change of custody or any other issue other than for delinquency or protective orders.

(a) If a child welfare petition is not resolved at the pretrial hearing, a written ~~an answer to abuse,~~ ~~neglect, and dependency~~ petitions must be filed within ten days after the pretrial or within twenty-five days after service of the child welfare petition whichever comes first. The answer may be made orally at a the pretrial hearing or other hearing held within the above time limit and

¹ We sometimes see oral answers as early as the Shelter hearing.

must otherwise ~~but otherwise must~~ comply with Utah R. Juv. P. 34. Default against a party who receives proper notice and who fails to appear in person or by counsel at pretrial, or who fails to file an answer may be entered pursuant to Utah R. Juv. P. 34.

Some Types of Petitions:

Delinquency,

Child welfare, abuse, neglect, dependancy, ungovernable, petitions to terminate

Change of Custody (903)

Protective orders

Other?

Supreme Court of Utah

450 South State Street
P.O. Box 140210
Salt Lake City, Utah 84114-0210

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Appellate Court Administrator

Pat H. Bartholomew
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Christine M. Durham
Chief Justice

Matthew B. Durrant
Associate Chief Justice

Richard C. Howe
Justice

Leonard H. Russon
Justice

Michael J. Wilkins
Justice

March 17, 2003

Brent H. Bartholomew, Esq.
Office of the Guardian Ad Litem
32 West Center Street, Suite 205
Provo, UT 84601

Dear Mr. Bartholomew:

The Supreme Court has voted to appoint you to the court's Advisory Committee on the Rules of Juvenile Procedure for a four year term. As you know, the committee makes recommendations to this court for amendments to the existing rules.

The committee is chaired by Carol Verdoia. Alicia Davis staffs the committee on behalf of the Administrative Office of the Courts. Alicia can be reached at 578-3800. Please feel free to call her if you would like further information as to the details of this assignment.

The contribution that the rules committees make to the bench and bar is invaluable, and the court is most appreciative of your willingness to assist in the rule-making process.

Sincerely yours,



Christine M. Durham
Chief Justice

cc: Carol Verdoia
Alicia Davis

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March 17, 2003

Nelson T. Abbott
43 West 300 North
Provo, UT 84601

Dear Mr. Abbott:

The Supreme Court has voted to appoint you to the court's Advisory Committee on the Rules of Juvenile Procedure for a four year term. As you know, the committee makes recommendations to this court for amendments to the existing rules.

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Chief Justice

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Alicia Davis

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March 17, 2003

Jeffrey J. Noland, Esq.
925 East 900 South, #42
Salt Lake City, UT 84105

Dear Mr. Noland:

The Supreme Court has voted to appoint you to the court's Advisory Committee on the Rules of Juvenile Procedure for a four year term. As you know, the committee makes recommendations to this court for amendments to the existing rules.

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Alicia Davis

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Narda Beas-Nordell
4211 South Mars Way
Salt Lake City, UT 84124-3217

Dear Ms. Beas-Nordell:

The Supreme Court has voted to appoint you to the court's Advisory Committee on the Rules of Juvenile Procedure for a four year term. As you know, the committee makes recommendations to this court for amendments to the existing rules.

The committee is chaired by Carol Verdoia. Alicia Davis staffs the committee on behalf of the Administrative Office of the Courts. Alicia can be reached at 578-3800. Please feel free to call her if you would like further information as to the details of this assignment.

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Sincerely yours,



Christine M. Durham
Chief Justice

cc: Carol Verdoia
Alicia Davis

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March 17, 2003

Alan B. Sevison, Esq.
28 East 145 North
Orem, UT 84057

Dear Mr. Sevison:

The Supreme Court has voted to appoint you to the court's Advisory Committee on the Rules of Juvenile Procedure for a four year term. As you know, the committee makes recommendations to this court for amendments to the existing rules.

The committee is chaired by Carol Verdoia. Alicia Davis staffs the committee on behalf of the Administrative Office of the Courts. Alicia can be reached at 578-3800. Please feel free to call her if you would like further information as to the details of this assignment.

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Sincerely yours,



Christine M. Durham
Chief Justice

cc: Carol Verdoia
Alicia Davis

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March 17, 2003

Kenneth L. Johnson, Esq.
4059 South 4000 West
West Valley City, UT 84120

Dear Mr. Johnson:

The Supreme Court is most appreciative of your interest in serving on its Advisory Committee on the Rules of Juvenile Procedure. More attorneys were willing to serve than we had vacancies. The contribution that the rules committees make to the bench and bar is invaluable, and the court hopes that you will consider future vacancies on the various rules committees as they are announced.

Again, thank you for your willingness to participate.

Sincerely,



Christine M. Durham
Chief Justice

cc: Alicia Davis