

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
Friday, April 4 from 12-2

Present

Carol Verdoia, Chair
Brent Bartholomew
Narda Beas-Nardell
Matty Branch
Kristin Brewer
Esther Chelsea McCarty
Jeanette Gibbons
Judge Lindsley
Jeff Noland
Ed Peterson
Judge Steele
Alan Sevison
Paul Wake

Staff

Alicia Davis

I. Welcome, Approval of Minutes

Carol Verdoia extended a welcome to all present, including new members Brent Bartholomew and Alan Sevison. Judge Lindsley moved to approve the minutes as written, Ms. Beas seconded the motion. The minutes were approved without objection.

II. URJP 19

Carol Verdoia identified the issue that URJP 19 is vague as to whether answers were required to termination petitions. Judge Steele further questioned whether answers were required to private petitions. Judge Steele presented his amendments to URJP 19. The committee identified the necessary exceptions as delinquencies, protective orders, substantiations, expungements, petitions for adoption, and ungovernability petitions.

The committee amended URJP 19(a) as follows:

(a) If the petition is not resolved at pretrial, an answer to abuse, neglect, and dependency petitions, petitions to terminate parental rights, or petitions for a change of custody must be filed ten days after pretrial or twenty-five days after service of the petition, whichever comes first.

The committee discussed child welfare timelines, and why they required a different answer time period than the URCP of 20 days. Judge Steele moved that the amended language be accepted, Ms. Brewer seconded, and it passed unanimously.

III. Protective Orders

The Board of Juvenile Judges reviewed the committee's amendment to URJP 37, Child Protective Orders, and recommended an amendment that DCFS provide verification that a referral was made, and what action taken. The committee discussed that this could be burdensome. The committee discussed that DCFS did not maintain referral numbers. The committee thought that the petitioner's actual sworn representation would be sufficient in most cases, and suggested that a line be added to petitions that a DCFS referral was made on _____ date. The committee discussed that petitions would be Verified Affidavits.

The committee discussed the prevention of forum shopping. After discussion, the committee suggested that petitions require 3 assertions: "1) are you divorced/divorcing/ or involved in a related custody matter, 2) Have you been involved in any other litigation involving the respondent? If so, list? 3) have you petitioned any other court for a protective order. Ms. Brewer moved that this be added to the petitions, Judge Steele seconded, and all approved.

The committee discussed whether the provision that the court order DCFS to investigate be included in the child protective order or ex parte child protective order. Ms. Davis questioned whether that was duplicative, as petitioner was first required to make a report with DCFS. The committee discussed that even if DCFS received a referral, and declined to take further action, the court may find it necessary to receive additional information by DCFS at the 20 day hearing. The committee discussed what sort of information should be provided by DCFS pursuant to a referral. Judge Steele indicated that some protective order hearings would result in a removal. After discussion, the committee agreed that this language should be in the ex parte petition. The committee discussed the fact that petitioner had to personally make referral, petitioner could not rely on someone else's referral. The committee instructed that the form instruct petitioner to make a referral and that lying makes them subject to criminal sanction. The legislation is in effect on May 5.

Revisions will be made, and sent out to committee via email for committee comments. Members are asked to reply to all.

IV. Withdrawal of Counsel Form

Ms. Vickrey had indicated that a form may not be necessary. The issue was tabled until further discussion becomes necessary.

V. URJP Next Meeting: June 6

There being no further business, the next meeting was scheduled for June 6, but if there are no agenda items, that meeting will be cancelled, and the committee will meet on August 1.