

two highlighted notes require action on a future agenda. April minutes

as made

~~motion to place the issue on the agenda for the committee's next meeting. Kristin seconded the motion and it passed unanimously.~~

Rule 10. Bail for non-resident minors.

Rule 10 makes reference to a nonresident minor in detention. The committee agreed that while generally, Utah does not take non-residents over 18 to detention, it could happen in rare occasions. ~~More likely they would be sent to jail instead.~~

**MOTION:** Alan made a motion to take no action on Rule 10. Paul seconded the motion and it passed with Brent voting against the motion based on his feeling that the word minor should be changed to child.

Rule 9. Detention hearings; scheduling; hearing procedures.

The committee ~~determined that it~~ had previously reviewed Rule 9 and determined that no action was necessary.

Rule 11. Time limits on detention orders.

**MOTION:** Kristin made a motion to leave Rule 11 as written.. Ed seconded the motion and all voted in favor.

Rule 15. Preliminary inquiry; informal adjustment without petition.

**MOTION:** Kristin made a motion to leave Rule 15(a) and (b) as "minor." No second followed and Kristin withdrew the motion. The committee proceeded to discussion.

**MOTION:** Ed made a motion as follows:

- leave Rule 15(a) as "minor";
- in Rule 15(b), leave the first reference to "minor" as written;
- in the second reference to "minor" in 15(b), change the language to read "with the minor, or the child and at least one parent, guardian or custodian,";
- in Rule 15(b), leave the third reference to minor as written.

Kristin seconded and all were in favor.

**MOTION:** Ed made a motion as follows:

- in Rule 15c), in the first reference to minor, change the language to read "In any such interview, the minor, or the child and the child's parent, guardian or custodian,";
- all remaining references to "minor in 15c) remain the same;
- in Rule 15(d) at the first reference to minor, change from "minor and the parent, guardian or custodian" to "minor, or if a child, then with the child and the child's parent, guardian, or custodian."
- the second reference to minor on (d), changed to "minor or the child's" parent, guardian or custodian.
- the final reference to minor in (d) remains the same.

**AMENDMENT:** Alan made a friendly amendment to the first sentence in Rule 15(d) to read "with the minor, or if a child, then with the child and the child's parents, guardian or

custodian...”

Ed accepts Alan’s friendly amendment.

Kristin seconded the motion and it passed unanimously.

Rule 16. Transfer of delinquency case for preliminary inquiry.

The committee noted that the numbering and lettering in Rule 16 is inconsistent.

**MOTION:** Alan made a motion that the numbering be changed to be consistent with other

Rules; Kristin seconded the motion. ~~Alan withdraw his motion and the committee agreed to refer the paragraph numbering issue to Tim Shea.~~

**MOTION:** Paul made a motion as follows:

–the first reference to minor in Rule 16(a) should remain as written;

–the subsections currently numbered Rule 16(a)(A) and 16(a)(B), should read “the minor, or if a child, the child and the child’s parent, guardian or custodian.”

–the final reference to minor in Rule 16(a)(D) will remain as written.

Kristin seconded the motion and it passed unanimously.

*refer to Tim*

[Kristin Brewer left the meeting following this discussion and the quorum was lost.]

Judge Steele recommended that committee go back to its earlier work today and change the Rules so that all include the phrase “or if a child, the child and the child’s parent, guardian or custodian” as appropriate.

The committee asked Katie to discuss this with Kristin and get her approval to this action. Alan went into the hall and conferred with Ed and Kristin who were in agreement with the recommendation.

The committee agreed that Katie will prepare a redline copy of all minor/child related changes to the rules and the committee would have a final discussion regarding minor and child. The draft will also be distributed to Susan Eisenman ~~as well.~~

Judge Steele discussed the <sup>to</sup>wisdom of having three separate categories in the URJP (child, minor under 18, minor over 18) define the subject population, even if the categories are not included in the statute. A discussion followed regarding the pros and cons of this approach and its impact on legislative intent.

The next meeting was scheduled for May 4, 2007 from noon until 2:00 p.m.