

IN THE SUPREME COURT OF THE STATE OF UTAH

AUG 30 2005

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In re: Proposed Amendments to
Rules 8, 29A and 37A of the
Utah Rules of Juvenile Procedure

Case No. 20050679-SC

ORDER

IT IS THEREBY ORDERED that the proposed amendments to Rules 8, 29A, and 37A of the Utah Rules of Juvenile Procedure are adopted and promulgated effective November 1, 2005.

FOR THE COURT:

August 30, 2005
Date

Christine M. Durham
Christine M. Durham,
Chief Justice

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STATE OF UTAH

OFFICE OF THE ATTORNEY GENERAL



MARK L. SHURTLEFF
ATTORNEY GENERAL

RAYMOND A. HINTZE
Chief Deputy

KIRK TORGENSEN
Chief Deputy

August 5, 2005

Chief Justice Christine M. Durham
Utah Supreme Court
450 S. State Street
PO Box 140210
Salt Lake City, UT 84111-0210

Re: Proposed Amendments to URJP 8; URJP 29A; URJP 37A

Dear Chief Justice Durham:

On behalf of the Utah Rules of Juvenile Procedure Committee, I am enclosing the revised versions of URJP 8, URJP 29A, and URJP 37A, which are now before the Court for your review and final action. The committee did not receive any comments on the revised rules.

The Committee made a technical revision to Rule 8 to reflect that the Division of Youth Corrections has been renamed the Division of Juvenile Justice Services. Rules 29A and 37A underwent technical reformatting changes to bring them into stylistic conformity with other portions of the URJP. In addition, the advisory committee notes were deleted from both Rule 29A and Rule 37A. The advisory committee notes referred to case law which has now changed significantly in light of the United States Supreme Court's decision in *Crawford v. Washington*. The Committee removed the notes pending further study of whether *Crawford* will be found applicable to civil juvenile court cases.

Please feel free to contact me if you have any questions or concerns regarding the revised rules or the work of the Utah Rules of Juvenile Procedure Committee.

Sincerely,

Carol L. C. Verdoia
Carol L.C. Verdoia
URJP Committee Chair

cc: Matty Branch
Katie Gregory

Rule 8. Rights of minor while in detention.

(a) A minor shall be advised of the right to telephone the minor's parent, guardian or custodian and an attorney immediately after being admitted to a detention facility.

(b) A minor has a right to confer in private at any time with an attorney, cleric, parent, guardian or custodian. After the initial visit, the minor may visit such persons at reasonably established visiting hours, or at other times when special circumstances so warrant.

(c) No person other than a probation officer or a staff member of a detention facility shall be permitted to interview a minor under 14 years of age held in the facility regarding an offense chargeable against the minor without the minor's parent, guardian or custodian present, unless:

(c)(1) the parent, guardian or custodian has given written permission for the interview to be held outside the presence of the minor's parent, guardian, or custodian;

(c)(2) the parent, guardian or custodian had been advised of the minor's constitutional rights as provided in Rule 26(6) and (7)(a) and has knowingly and voluntarily waived such rights; and

(c)(3) the minor had been advised of the minor's constitutional rights as provided in Rule 26(6) and (7)(a) and has knowingly and voluntarily waived such rights.

(d) No person other than a probation officer or a staff member of a detention facility shall be permitted to interview a minor 14 years of age or older in a detention facility regarding an offense chargeable against the minor without the consent of the minor and the minor's parent, guardian or custodian after first advising said minor of constitutional rights as described in Rule 26 and such rights having been knowingly and voluntarily waived by the minor.

(e) If the minor's parent, guardian or custodian is not available, the consent of the court shall be obtained before interviewing a minor in a detention facility.

Advisory Committee Note

The limitation on interviews is intended to extend to interviews regarding the charges for which the minor is being detained and any other charges under investigation.

This rule evolved from former rule 10 at a time when the court was responsible for admission to detention. That responsibility now belongs to the Division of ~~Youth Corrections~~ Juvenile Justice Services, which has established admission guidelines. Utah Administrative Rules R547-13-1 et seq. This rule and former rule 10 balance the important rights of the minor with those of the public. Because these provisions have historically been found in the juvenile court rules, they have not yet been incorporated into any other rule or statute. Until the Legislature or the Division

Draft: January 10, 2005

32 of ~~Youth Corrections~~ Juvenile Justice Services acts to restate these provisions, it is necessary that
33 they be stated here.

34

1 Rule 29A. Visual recording of statement or testimony of child victim or witness of sexual or
2 physical abuse - Conditions of admissibility.

3 ~~(1)(a)~~ In any delinquency proceeding or proceeding under Section 78-3a-602 or Section 78-
4 3a-603 concerning a charge of child abuse or of a sexual offense against a child, the oral
5 statement of a victim or witness younger than 14 years of age may be recorded prior to the filing
6 of a petition, and upon motion and for good cause shown is admissible as evidence in any court
7 proceeding regarding the offense if all of the following conditions are met:

8 ~~(a)(1)~~ no attorney for either party is in the child's presence when the statement is
9 recorded;

10 ~~(b)(2)~~ the recording is visual and aural and is recorded on film or videotape or by other
11 electronic means;

12 ~~(c)(3)~~ the recording equipment is capable of making an accurate recording, the operator of
13 the equipment is competent, and the recording is accurate and has not been altered;

14 ~~(d)(4)~~ each voice in the recording is identified;

15 ~~(e)(5)~~ the person conducting the interview of the child in the recording is present at the
16 proceeding and is available to testify and be cross-examined by either party;

17 ~~(f)(6)~~ the defendant and the defendant's attorney are provided an opportunity to view the
18 recording before it is shown to the court;

19 ~~(g)(7)~~ the court views the recording and determines that it is sufficiently reliable and
20 trustworthy and that the interest of justice will best be served by admission of the statement into
21 evidence; and

22 ~~(h)(8)~~ the child is available to testify and to be cross-examined at trial, either in person or
23 as provided by Subsection ~~(2) or (3)~~ (b) or (c), or the court determines that the child is
24 unavailable as a witness to testify at trial under the Utah Rules of Evidence. For purposes of this
25 subsection "unavailable" includes a determination, based on medical or psychological evidence
26 or expert testimony, that the child would suffer serious emotional or mental strain if required to
27 testify at trial.

28 ~~(2)(b)~~ In any proceeding concerning a charge of child abuse or of a sexual offense against a
29 child, the court may order, upon motion of the prosecution and for good cause shown, that the
30 testimony of any witness or victim younger than 14 years of age be taken in a room other than
31 the courtroom. All of the following conditions shall be observed:

32 ~~(a)-(b)(1)~~ Only the judge, attorneys for each party, persons necessary to operate equipment,
33 and a counselor or therapist whose presence contributes to the welfare and emotional well-being
34 of the child may be with the child during the testimony. The defendant may also be present
35 during the child's testimony unless the defendant consents to be hidden from the child's view, or
36 the court determines that the child will suffer serious emotional or mental strain if required to
37 testify in the defendant's presence, or that the child's testimony will be inherently unreliable if
38 required to testify in the defendant's presence. If the court makes that determination, or if the
39 defendant consents:

40 ~~(i)-(b)(1)(A)~~ the defendant may not be present during the child's testimony;

41 ~~(ii)-(b)(1)(B)~~ the court shall ensure that the child cannot hear or see the defendant;

42 ~~(iii)-(b)(1)(C)~~ the court shall advise the child prior to testifying that the defendant is present
43 at the trial and may listen to the child's testimony;

44 ~~(iv)-(b)(1)(D)~~ the defendant shall be permitted to observe and hear the child's testimony, and
45 the court shall ensure that the defendant has a means of two-way telephonic communication with
46 defense counsel during the child's testimony; and

47 ~~(v)-(b)(1)(E)~~ the conditions of a normal court proceeding shall be approximated as nearly as
48 possible.

49 ~~(b)-(b)(2)~~ Only the judge and attorneys may question the child.

50 ~~(e)-(b)(3)~~ As much as possible, persons operating equipment shall be confined to an adjacent
51 room or behind a screen or mirror so the child cannot see or hear them.

52 ~~(3)-(c)~~ In any case concerning a charge of child abuse or of a sexual offense against a child,
53 the court may order, upon motion of the prosecution and for good cause shown, that the
54 testimony of any witness or victim younger than 14 years of age be taken outside the courtroom
55 and be recorded. That testimony is admissible as evidence, for viewing in any court proceeding
56 regarding the charges if the provisions of Subsection ~~(2)-(b)~~ are observed, in addition to the
57 following provisions:

58 ~~(a)-(c)(1)~~ the recording is both visual and aural and recorded on film or videotape or by other
59 electronic means;

60 ~~(b)-(c)(2)~~ the recording equipment is capable of making an accurate recording, the operator is
61 competent, and the recording is accurate and is not altered;

62 ~~(e)-(c)(3)~~ each voice on the recording is identified; and

63 ~~(d)-(c)(4)~~ each party is given an opportunity to view the recording before it is shown in the
64 courtroom.

65 ~~(4)-(d)~~ If the court orders that the testimony of a child be taken under Subsection ~~(2) or (3)~~
66 ~~(b) or (c)~~, the child may not be required to testify in court at any proceeding where the recorded
67 testimony is used.

68 ~~Advisory Committee Note: This rule is based upon provisions governing admissibility of out-~~
69 ~~of court statements of child victims of sexual abuse in adult criminal proceedings. This rule is~~
70 ~~intended to be interpreted using the case law developed under Utah Code Section 76-5-411 and~~
71 ~~Rule of Criminal Procedure 15.5.~~

72

1 Rule 37A. Visual recording of statement or testimony of child in abuse, neglect and
2 dependency proceedings - Conditions of admissibility.

3 ~~(1)-(a)~~ In any abuse, neglect and dependency proceedings, the oral statement of a child may
4 be recorded, and upon motion and for good cause shown is admissible as evidence in any court
5 proceeding regarding the petition if all of the following conditions are met:

6 ~~(a)-(a)(1)~~ no attorney for any party is in the child's presence when the statement is recorded;

7 ~~(b)-(a)(2)~~ the recording is visual and aural and is recorded on film or videotape or by other
8 electronic means;

9 ~~(c)-(a)(3)~~ the recording equipment is capable of making an accurate recording, the operator of
10 the equipment is competent, and the recording is accurate and has not been altered;

11 ~~(d)-(a)(4)~~ each voice in the recording is identified;

12 ~~(e)-(a)(5)~~ the person conducting the interview of the child in the recording is present at the
13 proceeding and is available to testify and be cross-examined by either party;

14 ~~(f)-(a)(6)~~ the parties and the parties' attorneys are provided an opportunity to view the
15 recording before it is shown to the court;

16 ~~(g)-(a)(7)~~ the court views the recording and determines that it is sufficiently reliable and
17 trustworthy and that the interest of justice will best be served by admission of the statement into
18 evidence; and

19 ~~(h)-(a)(8)~~ the child is available to testify and to be cross-examined at trial, either in person or
20 as provided by Subsection ~~(2) or (3)~~ (b) or (c), or the court determines that the child is
21 unavailable as a witness to testify at trial under the Utah Rules of Evidence. For purposes of this
22 subsection "unavailable" includes a determination, based on medical or psychological evidence
23 or expert testimony, that the child would suffer serious emotional or mental strain if required to
24 testify at trial.

25 ~~(2)-(b)~~ In any abuse, neglect and dependency proceedings, the court may order that the
26 testimony of any child may be taken in a room other than the courtroom. All of the following
27 conditions shall be observed:

28 ~~(a)-(b)(1)~~ Only the judge, attorneys for each party, persons necessary to operate equipment,
29 and a counselor or therapist whose presence contributes to the welfare and emotional well-being
30 of the child may be with the child during the testimony. The parties may also be present during
31 the child's testimony unless a party consents to be hidden from the child's view, or the court

determines that the child will suffer serious emotional or mental strain if required to testify in the party's presence, or that the child's testimony will be unreliable if required to testify in the party's presence. If the court makes that determination, or if the party consents:

(i)-(b)(1)(A) the party may not be present during the child's testimony;

(ii)-(b)(1)(B) the court shall ensure that the child cannot hear or see the party;

(iii)-(b)(1)(C) the court shall advise the child prior to testifying that the party is present at the trial and may listen to the child's testimony;

(iv)-(b)(1)(D) the party shall be permitted to observe and hear the child's testimony, and the court shall ensure that the party has a means of two-way telephonic communication with counsel during the child's testimony;

(v)-(b)(1)(E) normal court procedures shall be approximated as nearly as possible;

(b)-(b)(2) Only the judge and attorneys may question the child unless otherwise approved by the judge;

(e)-(b)(3) As much as possible, persons operating equipment shall be confined to an adjacent room or behind a screen or mirror so the child cannot see or hear them.

(3)-(c) In any abuse, neglect and dependency proceedings, the court may order that the testimony of any child be taken outside the courtroom and be recorded. That testimony is admissible as evidence, for viewing in any court proceeding regarding the allegations if the provisions of Subsection (2)-(b) are observed, in addition to the following provisions:

(a)-(c)(1) the recording is both visual and aural and recorded on film or videotape or by other electronic means;

(b)-(c)(2) the recording equipment is capable of making an accurate recording, the operator is competent, and the recording is accurate and is not altered;

(e)-(c)(3) each voice on the recording is identified; and

(d)-(c)(4) each party is given an opportunity to view the recording before it is shown in the courtroom.

(4)-(d) If the court orders that the testimony of a child be taken under Subsection (2) or (3) (b) or (c), the child may not be required to testify in court at any proceeding where the recorded testimony is used.

~~Advisory Committee Note: This rule is based upon provisions governing admissibility of out-of-court statements of child victims of sexual abuse in adult criminal proceedings. This rule is~~

63 ~~intended to be interpreted using the case law developed under Utah Code Section 76-5-411 and~~
64 ~~Rule of Criminal Procedure 15.5.~~

65

Katie Gregory - Notice of Proposed Amendments to Utah Court Rules

From: Tim Shea
To: All Judicial; bobb@burtonlumber.com; bwalker@utahbar.org; communications@utahbar.org; cverdoia@utah.gov; echelsea@utah.gov; emaycock@klmlaw.com; fwikstrom@pblutah.com; gbell@utahsenate.org; gcurtis@utah.gov; gtaylor@utah.gov; jballdwin@utahbar.org; JChaffetz@utah.gov; jdhowe@utah.gov; Justice Court Judges; MICHELECHRISTIANSEN@utah.gov; MIKELEE@utah.gov; mwims@utah.gov; Senior Justice Court Judges; todd.uplaw@aros.net
Date: 4/5/05 4:51PM
Subject: Notice of Proposed Amendments to Utah Court Rules

The Utah Supreme Court and the Utah Judicial Council invite comments to proposed amendments to the following court rules. The comment period expires June 6, 2005.

How to view redline text of the proposed amendments

To see proposed rule amendments and submit comments, click on this link to:
<http://www.utcourts.gov/resources/rules/comments/>.

To view the text of the amendments from the web page, click on the rule number. You will need Adobe Acrobat Reader 6.0 or higher, which you can download for free by clicking on the link to Adobe. Proposed rule amendments are also published in the Pacific Reporter Advance Sheets.

Summary of amendments:

Rules of Professional Conduct

The Ethics 2000 Commission was created by the American Bar Association to review and amend the Model Rules of Professional Conduct. The Ethics 2000 Commission's revisions to the ABA Model Rules were completed in August 2003. The Utah Supreme Court requested its Advisory Committee on the Rules of Professional Conduct to consider the Ethics 2000 revisions and recommend which amendments, if any, should be made to the Utah Rules of Professional Conduct. The rules listed below include the Ethics 2000 revisions to the Utah Rules of Professional Conduct recommended by the court's advisory committee. The Ethics 2000 revisions to the ABA Model Rules and explanations regarding the changes can be found at www.abanet.org/cpr/ethics2k.html.

RPC 00.00. Preamble: A Lawyer's Responsibilities. Amend.

RPC 01.00. Terminology. Amend.

RPC 01.01. Competence. Amend.

RPC 01.02. Scope of Representation and Allocation of Authority Between Client and Lawyer. Amend.

RPC 01.03. Diligence. Amend.

RPC 01.04. Communication. Amend.

RPC 01.05. Fees. Amend.

RPC 01.06. Confidentiality of Information Amend.

URJP 08. Rights of minor while in detention. Amend. Technical changes.

URJP 29A. Visual recording of statement or testimony of child victim or witness of sexual or physical abuse - Conditions of admissibility. Amend. Deletes advisory committee note.

Conforms paragraph numbering to other Supreme Court rules.

URJP 37A. Visual recording of statement or testimony of child in abuse, neglect and dependency proceedings - Conditions of admissibility. Amend. Deletes advisory committee note. Conforms paragraph numbering to other Supreme Court rules.

Utah Rules of Small Claims Procedure

URSCP 09. Default judgment. Amend. Specifies that notice of the default judgment must be served immediately.

Code of Judicial Administration

CJA 01-201. Membership - Election. Amend. Prohibits more than 2 successive terms on the Judicial Council.

CJA 01-204. Executive committees. Amend. Requires new committee chairs at least every 2 years.

CJA 02-205. Emergency rulemaking procedures. Amend. Changes title to "expedited" rulemaking procedures.

CJA 03-102. Assumption of judicial office. Amend. Deletes requirement for inventory of personal property.

CJA 03-104. Presiding judges. Amend. Technical change to conform to other rules.

CJA 03-306. Court interpreters. Amend. Establishes the duties of the Court Interpreter Committee.

CJA 03-412. Procurement of goods and services. Amend. Changes references to statutes.

CJA 04-206. Exhibits. Amend. Changes requirements for record keeping and destruction.

CJA 04-408. Locations of trial courts of record. Amend. Recognizes West Jordan as a trial court location. Eliminates Sandy and West Valley.

CJA 04-408.01. Responsibility for administration of trial courts. Amend. Designate Kanab as a district court site for which the state contracts with the county.

CJA 07-304. Probation supervision. Amend. Adopts the probation risk assessment and restorative justice models for supervision of juveniles.

CJA 11-101. Supreme Court's rulemaking process. Amend. Changes title of subsection to "expedited" rulemaking procedures.

CJA 11-201. Senior judges. Amend. Permits senior judges to be active senior judges with an annual evaluation. Establishes a uniform reappointment date.

CJA 11-203. Senior justice court judges. Amend. Permits senior judges to be active senior judges with an annual evaluation. Establishes a uniform reappointment date.

CJA Appendix F. Records retention schedule Amend. Reduces retention period for civil judgments of money only. Treats alcohol related convictions the same as DUI conviction. Technical amendments.

How to submit comments

You can comment and view the comments of others by clicking on the "comments" link associated with each body of rules. It's more efficient for us if you submit comments through the website, and we encourage you to do so. After clicking on the comment link, you will be prompted for your name, which we request, and your email address and URL, which are optional. This is a public site and, if you do not want to disclose your email address, omit it. Time does not permit us to acknowledge comments, but all will be considered.

Katie Gregory - juvenile rules

From: Tim Shea
To: Katie Gregory
Date: 6/7/05 10:32AM
Subject: juvenile rules

Katie,

There were no comments to the juvenile rules.

The Judicial Rules Review Committee will meet on June 13 at 3:00. I've extended the comment period for them, and we should know then whether they have anything to say about these rules. Other than waiting for them, it would help if your committee could get their final recommendations to the Supreme Court by early August so I can get the approved text to the publishers by early September.

Thanks,
Tim

Katie Gregory - Rule 37

From: Tim Shea
To: Katie Gregory
Date: 6/14/05 2:33PM
Subject: Rule 37

Katie,
Judge Chamberlain asked that someone take a look at URJP 37 to make sure it conforms to the statute. Apparently there was a recent change to the statute.
Thanks,
Tim

adjudication or disposition, consider discovery issues, formulate or simplify trial issues or facilitate possible settlement negotiations.
(Amended effective April 1, 1997.)

Rule 36. Cases certified from district court.

(a) *Pleadings and hearings before juvenile court.*

(a)(1) When an issue of support, custody or visitation has been certified by the district court to the juvenile court pursuant to Section 78-3a-105, the juvenile court shall schedule the matter for a pre-trial hearing and notify all parties. At such hearing, the juvenile court shall consider issues relating to discovery, custody evaluations and interim orders and shall schedule a trial hearing on all issues to be tried.

(a)(2) All pleadings and orders prepared subsequent to the certification shall contain the caption for the case in both courts.

(a)(3) The rules concerning discovery, admissibility of evidence and standard of proof applicable to such proceedings in the district court shall be followed in the juvenile court.

(a)(4) The juvenile court may appoint a guardian ad litem for the child in such proceedings and assess the cost to one or both parties.

(b) *Modification of prior district court decrees and orders.*

(b)(1) Orders and decrees entered by the juvenile court in proceedings certified from the district court for a determination of issues regarding custody, support and visitation shall constitute a modification of any prior district court order or decree concerning such issues involving the same minor. Certified copies of such juvenile court orders and decrees shall contain the captions of both courts and be filed with the clerk of the district court for inclusion in the district court file.

(b)(2) In cases where a support, custody or visitation determination has been made by the district court and jurisdiction of the district court is continuing, and an order has been entered in a subsequent juvenile court proceeding that is inconsistent with the prior district court order, on motion of any party or upon the juvenile court's own motion, a certified copy of the juvenile court's order shall be filed with the clerk of the district court.
(Amended effective April 1, 1997.)

Rule 37. Child protective orders.

(a) Child protective order proceedings are governed by Section 78-3h-101 et seq. Protective order proceedings may be commenced as an independent action by filing a petition. Any interested person may file a petition for a protective order on behalf of a child who has been abused, sexually abused, neglected, or abandoned or is in imminent danger of being abused, sexually abused, neglected, or abandoned. The petitioner shall first make a referral to the division. If an immediate ex parte protective order is requested pending a hearing, the petition or an accompanying affidavit shall set forth the facts constituting good cause for issuance of the ex parte order.

(b) If the petitioner is the agent of a public or private agency, including a law enforcement agency, the petition shall set forth the agent's title and the name of the agency that the petitioner represents.

(c) Petitions for protective orders by a public agency shall not be accepted by the clerk unless reviewed and approved by the attorney for the public agency, whose office shall represent the petitioner in such cases.

(d) The petitioner, if a private person or agency, and the respondent may be represented by retained counsel. Counsel may be appointed by the court for an indigent respondent who is a parent, guardian or custodian of the child alleged to be abused or threatened with abuse. If the court finds in the hearing that the allegations of the petition have been established, the court may assess

petitioner's costs and attorney fees against the respondent. If the court finds that the petition is without merit, the respondent's costs and attorneys fees may be assessed against petitioner.

(e) If an ex parte order has been issued, the hearing must be held within 20 days excluding Saturdays, Sundays and legal holidays.
(Amended effective April 1, 1999; November 1, 2003.)

Amendment Notes. — The 2003 amendment added the first and fourth sentences and rewrote the third sentence in Subdivision (a)

and deleted "unless the respondent stipulates to a longer period of time" at the end of Subdivision (e).

Rule 37A. Visual recording of statement or testimony of child in abuse, neglect and dependency proceedings — Conditions of admissibility.

(1) In any abuse, neglect and dependency proceedings, the oral statement of a child may be recorded, and upon motion and for good cause shown is admissible as evidence in any court proceeding regarding the petition if all of the following conditions are met:

(1)(a) no attorney for any party is in the child's presence when the statement is recorded;

(1)(b) the recording is visual and aural and is recorded on film or videotape or by other electronic means;

(1)(c) the recording equipment is capable of making an accurate recording, the operator of the equipment is competent, and the recording is accurate and has not been altered;

(1)(d) each voice in the recording is identified;

(1)(e) the person conducting the interview of the child in the recording is present at the proceeding and is available to testify and be cross-examined by either party;

(1)(f) the parties and the parties' attorneys are provided an opportunity to view the recording before it is shown to the court;

(1)(g) the court views the recording and determines that it is sufficiently reliable and trustworthy and that the interest of justice will best be served by admission of the statement into evidence; and

(1)(h) the child is available to testify and to be cross-examined at trial, either in person or as provided by Subsection (2) or (3), or the court determines that the child is unavailable as a witness to testify at trial under the Utah Rules of Evidence. For purposes of this subsection "unavailable" includes a determination, based on medical or psychological evidence or expert testimony, that the child would suffer serious emotional or mental strain if required to testify at trial.

(2) In any abuse, neglect and dependency proceedings, the court may order that the testimony of any child may be taken in a room other than the courtroom. All of the following conditions shall be observed:

(2)(a) Only the judge, attorneys for each party, persons necessary to operate equipment, and a counselor or therapist whose presence contributes to the welfare and emotional well-being of the child may be with the child during the testimony. The parties may also be present during the child's testimony unless a party consents to be hidden from the child's view, or the court determines that the child will suffer serious emotional or mental strain if required to testify in the party's presence, or that the child's testimony will be unreliable if required to testify in the party's presence. If the court makes that determination, or if the party consents:

(2)(a)(i) the party may not be present during the child's testimony;

(2)(a)(ii) the court shall ensure that the child cannot hear or see the party;

(2)(a)(iii) the court shall advise the child prior to testifying that the party is present at the trial and may listen to the child's testimony;

Katie Gregory - RE: Meeting Schedule/Call for Agenda Items

From: "Nelson Abbott" <nelson@abbottwalker.com>
To: "Katie Gregory" <katieg@email.utcourts.gov>
Date: 7/15/05 5:10PM
Subject: RE: Meeting Schedule/Call for Agenda Items

I will be in trial on August 5 and unable to attend the meeting. I have calendared the November 4 meeting.

Nelson Abbott

----- Original Message -----

From: "Katie Gregory"
To: , , , "Brent Bartholomew" , "Judge Elizabeth Lindsley" , "Judge Larry Steele" , "Kristin Brewer" , "Matty Branch" , , , "Adam F. Trupp" , "Alan Sevison" , "Carol Verdoia" , "Esther Chelsea-McCarty" ,
Sent: 7/15/2005 3:31PM
Subject: Meeting Schedule/Call for Agenda Items

URJP Members:

At our June 3rd meeting, we set the following dates for future meetings:

August 5 (noon to 2:00 p.m.)
September 30 (to be cancelled and/or rescheduled)
November 4 (noon to 2:00 p.m.)

Since that time it has become necessary to cancel the September 30th meeting due to a scheduling conflict that Carol and I have. We will let you know if the meeting is rescheduled at a later date.

Please send me any agenda items you would like to have considered at the August 5th meeting no later than Tuesday July 26th. We currently have only one matter pending, which is a request to change Rule 37 (Protective Orders) to bring it into conformity with a statutory change on the scope of child protective orders. I welcome your suggestions for other agenda items.

Thanks!
Katie

Katie Gregory
Assistant Juvenile Court Administrator
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