



Chief Justice Richard C. Howe  
Chairman, Utah Judicial Council

Daniel J. Becker  
State Court Administrator  
Myron K. March  
Deputy Court Administrator

## MEMORANDUM

**To:** All Supreme Court Justices  
**From:** Supreme Court's Advisory Committee to the Rules of Juvenile Procedure  
**Date:** July 17, 2003  
**Re:** Approval of Rules of Juvenile Procedure

Having received no comments, the Supreme Court's Advisory Committee to the Rules of Juvenile Procedure recommends these rules for final approval:

**URJP 7, Warrants** was amended to comply with legislation. This bill was proposed to bring Utah statute into compliance with the Tenth Circuit's September, 2002 ruling in the *Roska* case. (*Roska v. Peterson*, 304 F.3d 982 (10th Cir. 2002)). The bill provides that a minor may not be removed from the minor's home or school, or be taken into protective custody, without parental consent or a warrant, unless exigent circumstances exist. The Committee deleted reference to 78-3a-112 in para. (h) because it did not provide a definition of "exigent circumstances" as defined by the new legislation. The Committee also incorporated Judge Oddone's amendment that return of service be executed "within 72 hours unless otherwise ordered by the court." The criminal code requires prompt return of service.

**URJP 14. Reception of referral; preliminary determination.** Incorporates 4-901, as part of the Reorganization of the Code of Judicial Administration.

**URJP 15. Preliminary inquiry; informal adjustment without petition** was amended to remove guilt or innocence language. Rule 15(c) is inconsistent with URJP 25 and Utah Code § 78-3a-117 because it mixes a criminal justice term in with juvenile justice terms. Rule 15(c) speaks of "guilt" but the rules and the statute speak of admissions or denials, of the court making an adjudication that the allegations in a petition are established, and of most juvenile delinquency proceedings being civil proceedings rather than criminal proceedings.

**URJP 19, Responsive pleadings and motions.** Incorporates 4-501, as part of the Reorganization of the Code of Judicial Administration. Judge Lindsley stated that perhaps a juvenile provision should address hearings, and courtesy copies, provisions that would apply primarily in dependency cases. The committee amended the rule to clarify that answers are required to TPR petitions.

**URJP 37, Child Protective Orders.** The rule amended to conform to statute, SB 128, Protective Orders (2003).

The mission of the Utah judiciary is to provide the people an open, fair,  
efficient, and independent system for the advancement of justice under the law.

**URJP 45. Pre-disposition reports and social studies.** Incorporates 4-203, as part of the Reorganization of the Code of Judicial Administration. All parties receive pre-dispositional reports and studies at least two days prior to the dispositional hearing. Such notice allows all parties to be prepared to address relevant disposition information. The intent is not to have clerks provide those copies.

**URJP 46. Disposition hearing.** Incorporates 7- as part of the Reorganization of the Code of Judicial Administration.

**URJP 47. Review and modifications of orders.** Incorporates 7-305, as part of the Reorganization of the Code of Judicial Administration. The section dealing with progress reports was amended to reflect that copies of progress reports “be submitted to the court and all parties by the agency which prepared the intervention plan at least two working days prior to the review hearing date.” Ed Peterson moved that the rule be approved as amended. Judge Steele seconded the motion, and it passed unanimously.

**URJP 52. Appeals.** Recommended by Expedited Child Welfare Appeals Subcommittee, as detailed in Annina Mitchell’s memo, attached.

**RULE 53. Appearance and Withdrawal of Counsel.** Recommended by Expedited Child Welfare Appeals Subcommittee, as detailed in Annina Mitchell’s memo, attached.

**URJP 54. Continuances.** Incorporates 4-105, as part of the Reorganization of the Code of Judicial Administration. The Juvenile Rules Committee also recommended that the Criminal Procedure Committee also incorporate provisions (d) and (e) into its rules.