

Utah Rules of Juvenile Procedure Committee- Meeting Minutes

August 6, 2010

Noon to 2:00 p.m.

Executive Dining Room

MEETING DATE			TIME			LOCATION		
MEMBERS:			Present	Absent	Excused	MEMBERS:		
Judge Elizabeth Lindsley	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Renee Jimenez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Judge Larry Steele	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	David Johnson	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Carol Verdoia	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Narda Beas-Nordell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Brent Bartholomew	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Alan Sevison	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Brent Hall	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Pam Vickrey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Joan Carroll	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Paul Wake	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Angela Fannesbeck	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
AOC STAFF:			Present	Absent	GUESTS:			
Katie Gregory	<input checked="" type="checkbox"/>	<input type="checkbox"/>		Susan Eisenman	<input checked="" type="checkbox"/>	<input type="checkbox"/>		
Whitney Kania	<input checked="" type="checkbox"/>	<input type="checkbox"/>			<input type="checkbox"/>	<input type="checkbox"/>		
	<input type="checkbox"/>	<input type="checkbox"/>			<input type="checkbox"/>	<input type="checkbox"/>		

AGENDA TOPIC

I. Welcome & Approval of minutes		CHAIR: CAROL VERDOIA	
Corrections to the Minutes: None			
Motion: To approve the minutes of July 9, 2010 as written	By: Judge Steele	Second: Judge Lindsley	
Approval	<input checked="" type="checkbox"/> Unanimous	<input type="checkbox"/> Vote:	In Favor _____ Opposed _____

AGENDA TOPIC

II. Consent by Parent/Guardian/Custodian Prior to Juvenile's Waiver of Constitutional Rights if Interrogated by Law Enforcement	[PRESENTER] CAROL VERDOIA AND SUSAN EISENMAN
<p>Discussion: Carol Verdoia outlined the differences between Rule 8, Rule 26 and Rule 27A. Rule 8: Relates to the rights of minors while in detention as pertains to interviews. Rule 26: General statement regarding at what age (14) the youth is presumed capable of waiving the right to counsel when a petition has been filed. Rule 27A: Relates to the admissibility of statements made during custodial interrogation.</p> <p>A lengthy discussion followed regarding the interplay between the three rules. An issue was raised as to whether the rule should be changed to include permission to interview by the GAL in foster care cases. The committee also considered the affect on admissibility if a waiver is not properly obtained.</p> <p>After discussion, the committee passed the three motions outlined below. Following their passage, Paul Wake made a motion that the language "or has given written permission for the child to be question" be inserted in Rule 27A(a)(1) after the clause "is present during waiver." The motion failed for lack of a second.</p>	

*Kids who represent themselves won't know that they are waiving the right to require presentation of chain of custody evidence.
 *Adding Rule 15A to the URJP will cause delay by require the defense to file a written request that the prosecution bring all witnesses necessary to prove the chain of custody.
 * It may become standard practice for defense counsel to make the request in every case in order to adequately represent their clients, which is occurring now in adult criminal cases.

Pam Vickrey made a motion to add language similar to URJCrP 15A to the juvenile rules, but designate that the provision will only apply to delinquency proceedings. The motion failed for lack of second. The committee will continue to monitor the issue and may reconsider it at a future time.

Action Item: None	
Motion:	By: _____ Second: _____
Approval	<input type="checkbox"/> Unanimous <input type="checkbox"/> Vote: # In Favor _____ # Opposed _____

AGENDA TOPIC

IV. Old or New Business	[PRESENTER]
Discussion:	
None. Next meeting October 1, 2010.	