Utah Rules of Juvenile Procedure Committee- Meeting Minutes

	er 2, 2012		on to 2:00 p.m.	Executive Dir	ning Koo	m
MEETING		TIN		LOCATION		
MEMBERS:	Present Al	bsent Excused	MEMBERS:	Present	Absent	Excus
Judge Elizabeth Lindsley			Brent Hall			
Judge Larry Steele			Narda Beas-Nordell			
Carol Verdoia			Alison Adams-Perlac			
Diane Abegglen			Alan Sevision			X
Brent Bartholomew			Pam Vickrey			
Joan Carroll			Paul Wake			
Sterling Corbett						
David Fureigh						
AOC STAFF:	Present Al	bsent	GUESTS:	Present	Absent	
Katie Gregory						
I. Welcome & Approx Corrections to the Mil			CHAIR: CAROL VERDO			
Corrections to the Mil Motion: To approve	nutes: None.	Bartholomew		Paul Wake		
Corrections to the Min	nutes: None.					
Motion: To approve the minutes of December 3, 2010 as written.	nutes: None. By: Brent	Bartholomew				
Corrections to the Min Motion: To approve the minutes of December 3, 2010	nutes: None.	Bartholomew	Second:		ed	
Corrections to the Min Motion: To approve the minutes of December 3, 2010 as written.	nutes: None. By: Brent	Bartholomew	Second:	Paul Wake	ed	
Corrections to the Min Motion: To approve the minutes of December 3, 2010 as written. Approval	nutes: None. By: Brent Unanir	Bartholomew mous	Second: J Vote: In Favor	Paul Wake Oppose	ed	
Corrections to the Min Motion: To approve the minutes of December 3, 2010 as written.	nutes: None. By: Brent Unanir	Bartholomew mous	Second:	Paul Wake Oppose	ed	
Motion: To approve the minutes of December 3, 2010 as written. Approval AGENDA TOPIC II. Professional Pract	nutes: None. By: Brent Unanir tice Disclosur introduced th	Bartholomew mous [res nemselves an	Second: J Vote: In Favor	Paul Wake Oppose EGORY al practice dis		es
Motion: To approve the minutes of December 3, 2010 as written. Approval AGENDA TOPIC II. Professional Pract	By: Brent Unanir tice Disclosur introduced the 101(4) of the	Bartholomew mous [res nemselves an Supreme Con	Second: Vote: In Favor [PRESENTER] KATIE GR d made the professions	Paul Wake Oppose EGORY al practice disal Practice.		25

Paul Wake discussed concerns regarding the following sentence in Rule 23A(f): "The court may order the minor held in a detention center or released in accordance with Rule 9." The committee discussed whether the sentence is incorrectly placed in a paragraph regarding serious youth offenders. The committee further discussed the confusion this sentence may cause regarding youth who are bound over to district court on a charge, but have prior charges for which the juvenile court still has jurisdiction. This allows youth to post bail when they have prior charges

on which they may still be held in detention. After discussion, a motion was passed to revise URJP 23 and 23A to reposition the language in question as detailed below.						
Action Item:	Katie Gregory to make the revisions and send them to Tim Shea to initiate the public comment period.					
A motion was made in the following two parts:	By: Judge Lindsley	Second: Paul Wake				
1) to remove the last sentence in URJP 23(d)(1) and insert it at the end of subparagraph 23(e); and						
2) to remove the second to the last sentence in URJP 23A(f)(1) and add the sentence to the end of 23A(g).						
Approval	× Unanimous □ Vo	ote:				
		# In Favor # Opposed				

AGENDA TOPIC

IV. Impact of Civil Discover URJP	y Rules on the	[PRESENTER] ALAN SEVISION			
Alan Sevision was unable to attend the meeting, but distributed a handout outlining changes to the Utah Rules of Civil Procedure and their potential affect on the URJP. The memo contained a table comparing the new URCP with proposed revisions to corresponding provisions of the URJP. The memo noted that many of the URCP changes were simply renumbering of rules or paragraphs.					
Judge Lindsley made a motion to incorporate the proposed changes in Alan Sevison's memo. After discussion the committee determined it would like additional time to review the proposed changes and Judge Lindsley withdrew her motion.					
Action Item:		the memo further and return at the next on on the proposed changes.			

AGENDA TOPIC

V. Rule 29A Concerns	[PRESENTER] PAM VICKREY

Pam Vickrey discussed an additional issue which arose after the committee revised Rule 29A last year. Rule 29A(1) was amended to bring it into compliance with the *Crawford* decision. However, Ms. Vickrey noted that in rare situations, the rule may still be applied in a manner that could be deemed unconstitutional by violating rights to confrontation of the witness.

The rule requires "the child is available to testify and to be cross-examined at trial, either in person or as provided by law, or the child is unavailable to testify at trial, but the minor had a previous opportunity to cross-examine the child concerning the recorded statement, such that the minor's rights of confrontation are not violated." In some juvenile court cases, the parties cannot comply with the rule because no method exists for prior cross examination of the child victim. After discussion, the committee agreed to continue monitoring the rule and any related cases or appellate rulings.

AGENDA TOPIC

VI. Old or New Business

[PRESENTER] BRENT HALL

Brent Hall discussed the ability of attorneys under URCP 75 to enter a limited appearance in a case. This practice often aids clients with limited resources who wish to retain an attorney for only a small portion of a case or a single hearing appearance. He noted that the juvenile rule on withdrawal of counsel may conflict with URJP 75. Committee members noted that revising URJP 53 to allow for a limited appearance without withdrawing as counsel could adversely impact the child welfare appeal process. Brent Hall asked the committee to consider this issue at a future meeting.

The next meeting of the committee was set for Friday, January 27, 2012 from Noon to 2:00 p.m.