

Utah Rules of Juvenile Procedure Committee- Meeting Minutes

December 3, 2010

Noon to 2:00 p.m.

Conference Room A

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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Narda Beas-Nordell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Carol Verdoia	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Alan Sevison	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Diane Abegglen	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Pam Vickrey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Brent Bartholomew	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Paul Wake	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Joan Carroll	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Brent Hall	<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"/>		Matthew Janzen	<input checked="" type="checkbox"/>	<input type="checkbox"/>		
Kiersty Loughmiller	<input checked="" type="checkbox"/>	<input type="checkbox"/>		Susan Eisenman	<input checked="" 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	
<p>Corrections to the Minutes: None. Katie Gregory introduced the new juvenile court law clerk, Kiersty Loughmiller.</p>			
Motion: To approve the minutes of October 1, 2010 as written.	By: Narda Beas-Nordell		Second: Judge Lindsley
Approval	<input checked="" type="checkbox"/> Unanimous <input type="checkbox"/> Vote: In Favor _____ Opposed _____		

AGENDA TOPIC

II. Continued Discussion of Proposed Revisions to URJP 29A and URJP 37A		[PRESENTER] MATTHEW JANZEN	
<p>Matthew Janzen distributed three handouts containing the following for discussion:</p>			
<ol style="list-style-type: none"> 1. Revisions to Rule 29A to mirror URCrP 15.5. 2. Revisions to Rule 29A to mirror URCrP 15.5 and eliminating the pretrial determination requirement through notice provisions. 3. Revisions to Rule 37A eliminating the pretrial determination requirement through notice provisions. 			
<p>Mr. Janzen explained the three handouts and the committee discussed the pros and cons of the various proposals.</p> <p>Judge Lindsley proposed that the committee look at handout number 1: "Version to Mirror Criminal Rule 15.5(2008 changes)" as an initial step and then continue discussions regarding notice issues. Mr. Janzen explained that the revisions in red are those that mirror the provisions of URCrP 15.5 and should be made at a minimum to address <i>Crawford</i> issues. The additional changes eliminate the mandatory pretrial motion requirement and allow it to be converted to a notice requirement.</p>			

Motion #1: To amend URJP 29A to mirror the 2008 changes to URCrP 15.5 and to comply with <i>Crawford</i> .	By: Judge Lindsley Second: Narda Beas-Nordell
Approval	<input checked="" type="checkbox"/> Unanimous <input type="checkbox"/> Vote: In Favor _____ Opposed _____
Motion #2: To amend Rule 29A further to incorporate the language marked in orange on lines 35-36 on page 1 and lines 30-31 on page 2 and restoring the word "allegations" to "changes" on line 35 of page 35.	By: Judge Lindsley Second: Narda Beas-Nordell
Approval	<input checked="" type="checkbox"/> Unanimous <input type="checkbox"/> Vote: # In Favor _____ # Opposed _____
Motion #3: To table discussion regarding Rule 37A for further discussion at a later meeting.	By: Narda Beas-Nordell Second: Judge Lindsley
Approval	<input checked="" type="checkbox"/> Unanimous <input type="checkbox"/> Vote: # In Favor _____ # Opposed _____
Action Item:	The committee instructed Katie Gregory to prepare the changes to be sent out for public comment in the form attached to these minutes.

AGENDA TOPIC

III. Consent by Parent/Guardian/Custodian Prior to Juvenile's Waiver of Constitutional Rights if Interrogated by Law Enforcement	[PRESENTER] SUSAN EISENMAN
<p>Discussion: Susan Eisenman provided three proposed forms to be used by Juvenile Justice Services. The directors of JJS secure facilities are ready to adopt the forms, but asked for the committee's comments first. Some of the committee's discussion and suggestions included:</p> <ol style="list-style-type: none"> 1. Include the name of the parent from whom the officer obtained consent. 2. Eliminate check boxes for a written versus a verbal order and instead ask "Is there an order." 3. SWAP and the GAL will meet with a legislator to discuss potential changes to the statute requiring consent of the GAL to the interview of a child in DCFS custody. The changes would impact children over 14 and those who were the victim or witness to a crime. 4. Interpretations vary regarding whether DCFS must also consent after the GAL has given consent. Some feel that once the GAL has consented, DCFS is also required to consent. A law clerk in the AGs office reviewed the Legislative history and it was not instructive. 5. The use of terms "child" and "minor" should be used consistently. 6. Some youth in DCFS custody may not have a GAL, especially if they came into DCFS custody under delinquency. <p>The next meeting was set for Friday March 4, 2011 from Noon until 2:00 p.m.</p>	