



Utah Supreme Court's

Advisory Committee on the Rules of Juvenile Procedure

Approved Meeting Minutes

March 5, 2021

Webex Meeting:

<https://utcourts.webex.com/utcourts/j.php?MTID=m60614e94398c691ccac151892d1f861d>

12:00 pm – 2:00 pm

David Fureigh, Chair

<p><u>Attendees:</u> David Fureigh, Chair Monica Diaz Kristin Fadel Michelle Jeffs Matthew Johnson Judge Mary Manley Sophia Moore Mikelle Ostler Jordan Putnam Janette White Chris Yannelli Carol Verdoia, Emeritus Member</p>	<p><u>Excused Members:</u> Judge Elizabeth Lindsley Arek Butler</p>
<p><u>Staff:</u> Bridget Koza Meg Sternitzky, Juvenile Court Law Clerk Xen Fedison, Juvenile Court Law Clerk Nick Stiles, Appellate Court Administrator</p>	

1. Welcome and approval of the January 8, 2021 meeting minutes: (David Fureigh)

David welcomed everyone to the meeting and asked for approval of the minutes. *Mikelle Ostler moved to approve the January 8, 2021 meeting minutes. Judge Mary Manley seconded the motion, and it passed unanimously.*

David reminded committee members that in light of the Utah Supreme Court and Utah Court of Appeals extending the October 27, 2020 order on February 19, 2021, we will continue to hold our meetings remotely through June 30, 2021.

Bridget Koza introduced Nick Stiles the new Appellate Court Administrator to the committee.

2. Discussion – Rule 45 – Disposition Reports: (Bridget Koza)

Bridget Koza discussed with the committee feedback she received from the probation chiefs about possibly changing the deadline for filing disposition reports per Rule 45 after discussing the rule at the January 8, 2021 meeting. Bridget discussed with the probation chiefs about whether the two-day deadline should be changed to two business days or five days which is the deadline used in child welfare proceedings. Most judicial districts interpret two days in Rule 45 to mean two business days and there are two districts that interpret two days as two calendar days but there would not be an issue to change the deadline to two business days. Bridget also informed the committee that the style guide for court rules does not recommend using business days, but other court rules use business days.

The committee then discussed whether Rule 45 applies to both child welfare and delinquency proceedings. There was confusion since some of the language is outdated, it might contradict a Court of Appeals decision about reports being received into evidence, and the deadline for filing court reports in child welfare cases is in Utah Code 78A-6-115. Sophia Moore and Matthew Johnson agreed to update the Rule and clarify what is applicable in delinquency and child welfare cases.

The committee agreed to discuss an updated version of Rule 45 at an upcoming meeting.

3. Discussion – Identification of Legislative Bills Requiring Rule Changes: (David Fureigh)

David discussed with the committee updating all the rules due to the juvenile recodification. Bridget provided a list of cross-references in the meeting packet that show the rules that need to be updated. David asked Bridget to make assignments to all committee members on which rules need to be updated and committee members will also review if there are language changes that need to be made to the rules assigned.

The committee also discussed other rules that may need to be updated to do legislative bills including:

- Rule 27A Admissibility of statements given by minors will need be updated due to HB158 Juvenile Interrogation Amendments. Monica Diaz agreed to update this rule.
- Rule 18 Summons; service of process; notice may need to be updated due to SB99 Child Welfare Amendments.
- Rule 56 Expungement may need to be updated due to SB99 Child Welfare Amendments.
- Bridget will include other bills consider in the assignments she will send out.

Judge Manley also discussed that we might need a rule regarding how to handle paternity matters and the juvenile court entering orders in paternity cases where the district court has concurrent jurisdiction along a rule to address criminal protective orders in delinquency cases. David will talk with an assistant attorney general in the Office of Recovery Services to find out more about paternity matters and Mikelle will reach out to the Office of Vital Records and Statistics to find out more about making changes to birth certificates outside of adoption cases.

The committee agreed to discuss rules that need updating due to legislative bills at the April 2, 2021 meeting.

4. Old business/new business: (All)

The Committee had no further items for potential future agenda items. The meeting adjourned at 1:00 pm. The next meeting will be held on April 2, 2021, at 12:00 pm via Webex.