

Utah Supreme Court's Advisory Committee on the Rules of Juvenile Procedure

Meeting Agenda

David W. Fureigh, Chair

Location: Webex Meeting:

https://utcourts.webex.com/utcourts/j.php?MTID=m60614e94398c691

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Date: April 2, 2021

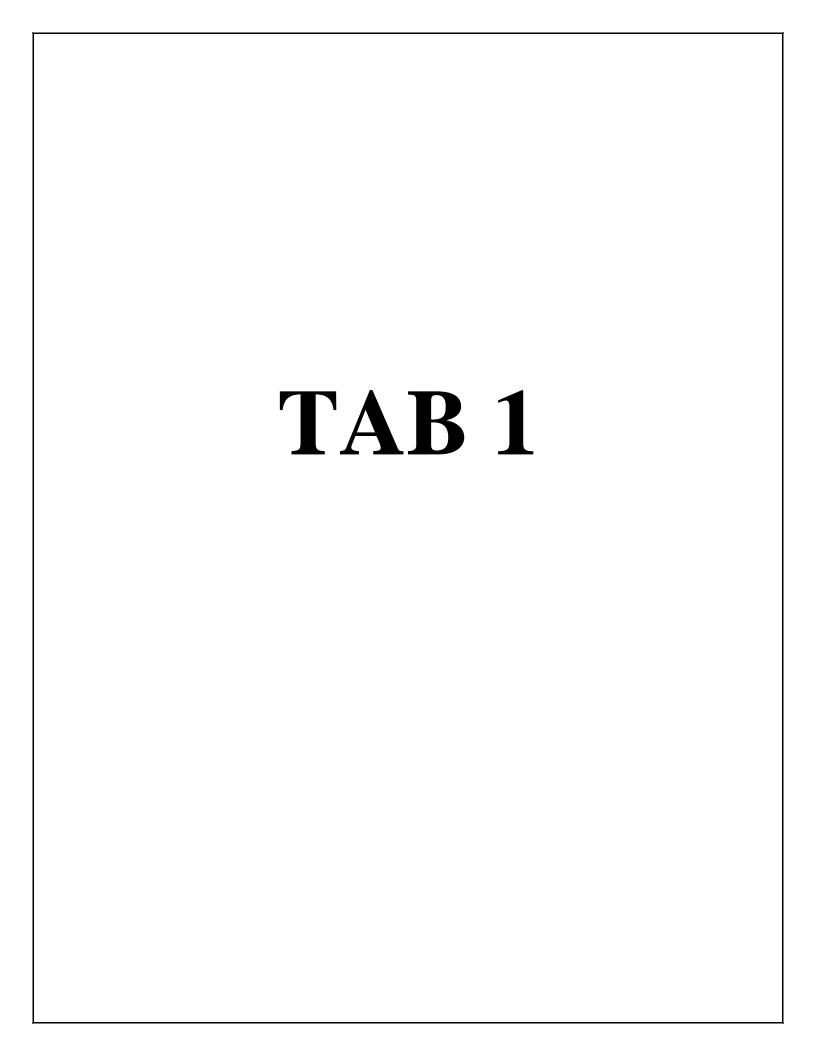
Time: 12:00 pm - 2:00 pm

12:00 - 12:10	Action : Welcome and approve March 5, 2021 Meeting minutes	Tab 1	David Fureigh
12:10 - 12:20	Action: Rule 26: Rights of minors in delinquency proceedings.	Tab 2	Bridget Koza
12:20 - 1:30	Discussion & Action:		
	Rule 8: Rights of minors while in detention		Monica Diaz
	Rule 11: Time limits on detention orders.		Monica Diaz
	Rule 27: Fingerprinting, photographing, and		Monica Diaz
	regulating discovery; HIV testing.		
	Rule 27A: Admissibility of statements given by		Monica Diaz
	minors.		
	Rule 51: Violation of probation and contempt by a	Tab 3	Judge Elizabeth
	minor.		Lindsley
	Rule 55: Transfer of minors who present a danger		Judge Mary Manley
	in detention.		
	Rule 13: Shelter hearings.		Jordan Putnam
	Rule 34: Pre-trial hearing in non-delinquency		Jordan Putnam
	cases.		
	Rule 44: Findings and conclusions		Carol Verdoia
	Rule 12: Admission to shelter care		Janette White
1:30 – 1:50	Discussion & Action : Rule 3: Style of pleadings and forms.	Tab 4	Bridget Koza
1:50 - 2:00	Discussion : Old business/new business		All

https://www.utcourts.gov/utc/juvenile-procedure/

Meeting Schedule: May 7, 2021 June 4, 2021 September 3, 2021 October 1, 2021 December 3, 2021

August 6, 2021 November 5, 2021





Utah Supreme Court's

Advisory Committee on the Rules of Juvenile Procedure

Draft Meeting Minutes

March 5, 2021

Webex Meeting:

https://utcourts.webex.com/utcourts/j.php?MTID=m60614e94398c691ccac151892d1f8

61d

12:00 pm - 2:00 pm

David Fureigh, Chair

Attendees:	Excused Members:
David Fureigh, Chair	Judge Elizabeth Lindsley
Monica Diaz	Arek Butler
Kristin Fadel	
Michelle Jeffs	
Matthew Johnson	
Judge Mary Manley	
Sophia Moore	
Mikelle Ostler	
Jordan Putnam	
Janette White	
Chris Yannelli	
Carol Verdoia, Emeritus Member	
Claff.	

Staff:

Bridget Koza

Meg Sternitzky, Juvenile Court Law Clerk

Xen Fedison, Juvenile Court Law Clerk

Nick Stiles, Appellate Court Administrator

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 committed 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:

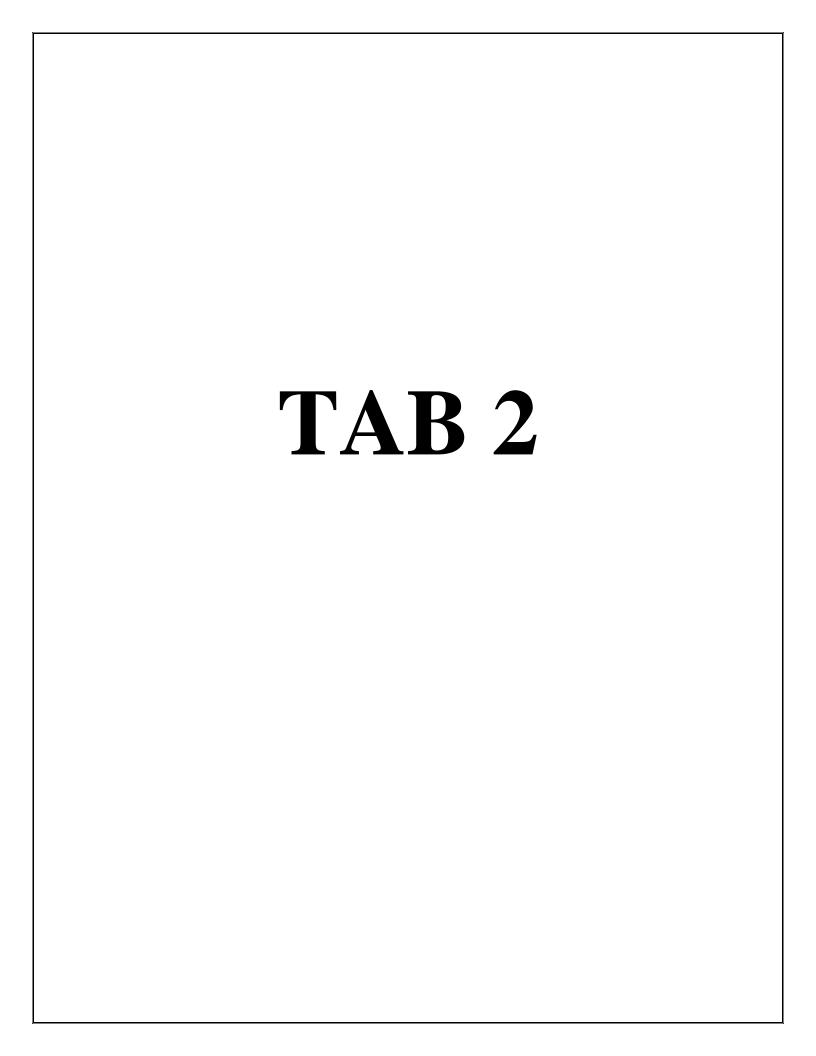
- Rule 27A Admissibility of statements given by minors will need be updated due to HB158 Juvenile Interrogation Amendments. Monica Diaz agreed to update this rule.
- Rule 18 Summons; service of process; notice may need to be updated due to SB99 Child Welfare Amendments.
- Rule 56 Expungement may need 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.



1 Rule 26. Rights of minors in delinquency proceedings.

2 (a) A minor who is the subject of a delinquency petition filed pursuant to Section 78A-6-

Draft: February 4, 2021

- 3 103 shall be advised of the following rights:
- 4 $\frac{\text{(a)}}{\text{(1)}}$ to appear in person and to defend in person or by counsel;
- $\frac{\text{(a)}}{\text{(2)}}$ to receive a copy of the petition which contains the allegations against the
- 6 minor;
- 7 $\frac{\text{(a)}}{\text{(3)}}$ to testify in the minor's own behalf;
- 8 $\frac{\text{(a)}}{\text{(4)}}$ to be confronted by the witnesses against the minor;
- 9 $\frac{\text{(a)}}{\text{(5)}}$ to have compulsory process to ensure the attendance of witnesses in the
- minor's behalf;
- 11 (a)(6) to be represented by <u>appointed</u> counsel at all stages of the proceedings and
- 12 if indigent, to have appointed counsel;
- $\frac{\text{(a)}}{\text{(7)}}$ to remain silent and to be advised that anything the minor says can and will
- be used against the minor in any court proceedings; and
- $\frac{\text{(a)}}{\text{(8)}}$ to appeal any adjudication against the minor in the manner provided by
- 16 law.
- 17 <u>(b) If the minor or the minor's parent, guardian or custodian is found to be indigent and</u>
- 18 request counsel, the court shall appoint counsel at public expense in the manner provided
- 19 by law. Where necessary to protect the interest of the minor, the court may appoint
- 20 counsel without the request of the minor or parent, guardian or custodian.
- 21 (c) If the parent, guardian or custodian of a minor is found not to be indigent, but does
- 22 not or will not retain counsel for the minor and the minor has no means to retain counsel,
- 23 the court may appoint counsel at public expense. However, the court may order, after
- 24 giving the parent, guardian or custodian reasonable opportunity to be heard, that the
- 25 parent, guardian or custodian reimburse the county for the cost of appointed counsel, in
- 26 whole or in part, depending on ability to pay.

39

27	(db) Parties other than the minor have the right to be represented by counsel retained by
28	them and to participate as provided in these rules.
29	(e) A minor 14 years of age and older is presumed capable of intelligently comprehending
30	and waiving the minor's right to counsel as above and may do so where the court finds
31	such waiver to be knowing and voluntary, whether the minor's parent, guardian or
32	custodian is present. A child under 14 years of age may not waive such rights outside of
33	the presence of the child's parent, guardian or custodian.
34	(c) A minor may not waive the right to counsel before:
35	(1) the minor has consulted with counsel; and
36	(2) the court is satisfied that in light of the minor's unique circumstances and
37	<u>attributes:</u>
38	(A) the minor's waiver is knowing and voluntary; and

(B) the minor understands the consequences of the waiver.

Draft: February 4, 2021

UTAH COURT RULES - PUBLISHED FOR COMMENT

The Supreme Court and Judicial Council invite comments about amending these rules. To view the proposed amendment, click on the rule number.

To submit a comment or view the comments of others, click on "Continue Reading." To submit a comment, scroll down to the "Leave a Reply" section, and type your comment in the "Comment" field. Type your name and email address in the designated fields and click "Post Comment."

Comments cannot be acknowledged, but all will be considered. Comments are saved to a buffer for review before publication.

HOME LINKS

Posted: February 5, 2021

Utah Courts

Rules of Juvenile Procedure - Comment Period Closes March 22, 2021

URJP026. Rights of minors in delinquency proceedings.

Amended. Make revisions to bring the rule in compliance with S.B. 32 Indigent Defense Act Amendments (2019); specifically Utah Code Sections 78B-22-102 and 78B-22-204.

This entry was posted in URJP026.

« Rules of Civil Procedure – Comment Period Closes March 22, 2021 Rules of Appellate Procedure
- Comment Period Closes
March 22, 2021 »

UTAH COURTS

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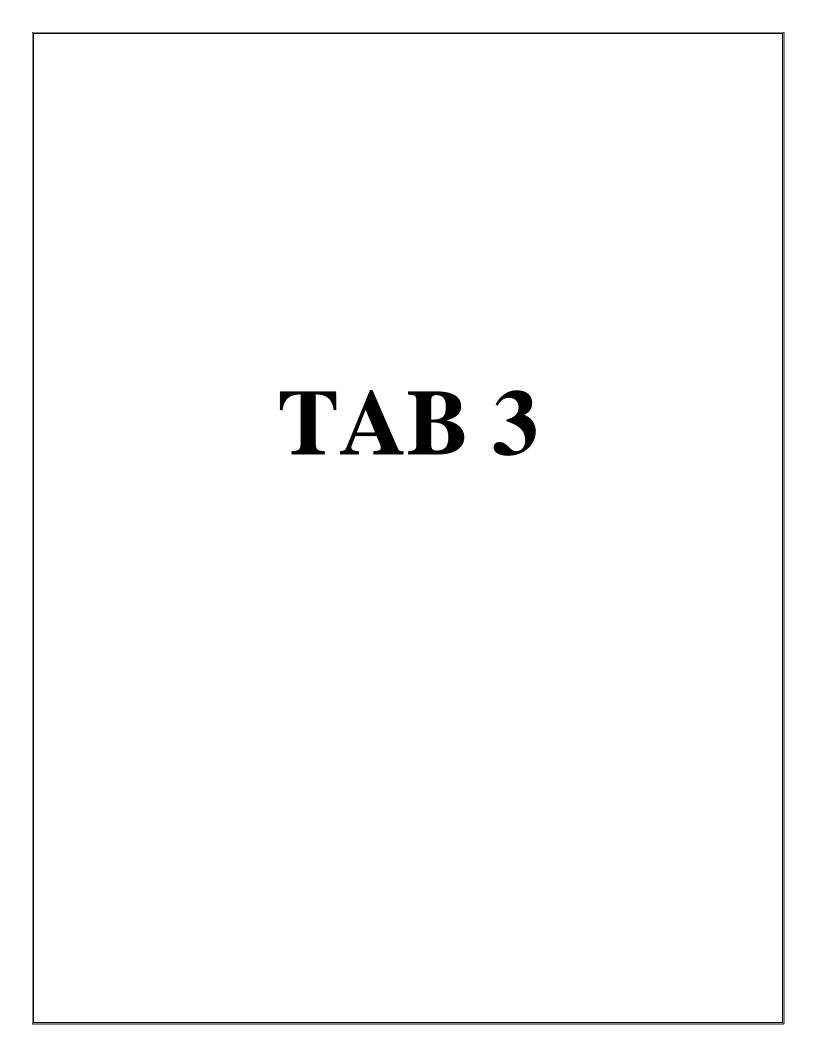
To view all comments submitted during a particular comment period, click on the comment deadline date. To view all comments to an amendment, click on the rule number.

CATEGORIES

- -Alternate Dispute Resolution
- -Code of Judicial Administration
- -Code of Judicial Conduct
- -Fourth District Court Local Rules
- -Licensed Paralegal Practitioners Rules of Professional Conduct
- Rules Governing Licensed Paralegal Practitioner
- Rules Governing the State Bar

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- Rules of Appellate **Procedure**
- Rules of Civil Procedure
- Rules of Criminal Procedure
- Rules of Evidence
- -Rules of Juvenile Procedure
- Rules of Professional Conduct
- Rules of Professional **Practice**
- -Rules of Small Claims Procedure
- ADR101
- ADR103
- Appendix B
- Appendix F
- CJA Appendix F
- CJA01-0201
- CJA01-0204
- CJA01-0205
- CJA01-0205
- CJA01-0303
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Draft March 23, 2021

1

- 2 Rule 8. Rights of minor while in detention.
- 3 (a) A minor shall be advised of the right to telephone the minor's parent, guardian or custodian and
- 4 an attorney immediately after being admitted to a detention facility.
- 5 (b) A minor has a right to confer in private at any time with an attorney, cleric, parent, guardian or
- 6 custodian. After the initial visit, the minor may visit such persons at reasonably established visiting
- 7 hours, or at other times when special circumstances so warrant.
- 8 (c) No person other than a probation officer or a staff member of a detention facility, unless the
- 9 <u>juvenile probation officer or the staff member is interrogating the minor on behalf of a peace officer</u>
- or a law enforcement agency, shall be permitted to interview a minor child under 14 years of age
- 11 held in the facility regarding an offense chargeable against the child without the child's parent,
- 12 guardian or custodian present, unless:
- 13 (c)(1) the minor has had a meaningful opportunity to consult with the minor's appointed or retained
- 14 <u>attorney;</u>
- 15 (c)(2) the minor waives the minor's constitutional rights after consultation with the minor's
- appointed or retained attorney; and
- 17 (c)(3) the minor's appointed or retained attorney is present for the interrogation.
- 18 (1) the parent, guardian or custodian has given written permission for the interview to be
- 19 held outside the presence of the child's parent, guardian, or custodian;
- 20 (2) the parent, guardian or custodian had been advised of the child's constitutional rights
- 21 as provided in Rule 26(a) and has knowingly and voluntarily waived such rights; and
- 22 (3) the child had been advised of the child's constitutional rights as provided in Rule 26(a)
- 23 and has knowingly and voluntarily waived such rights.
- 24 (d) No person other than a probation officer or a staff member of a detention facility shall be
- 25 permitted to interview a child 14 years of age or older in a detention facility regarding an offense

- 26 chargeable against the child without the consent of the child and the child's parent, guardian or
- 27 custodian after first advising said child of constitutional rights as described in Rule 26 and such
- 28 rights having been knowingly and voluntarily waived by the child.
- 29 (e) If the child's parent, guardian or custodian is not available, the consent of the court shall be
- 30 obtained before interviewing a child in a detention facility.

1 Draft March 23, 2021

2 Rule 11. Time limits on detention orders.

- 3 (a) Preliminary inquiries and investigations shall be promptly conducted in cases
- 4 involving minors ordered held in detention. Orders for detention are not of indefinite
- 5 duration and shall be limited as follows.
- 6 (1) Minors held in detention. Unless the time period for filing a petition or holding an
- 7 arraignment is extended by court order, a minor shall be released from detention if a
- 8 petition is not filed within 5 working days of the date the minor was admitted to
- 9 detention or an arraignment is not held within 10 days of the date the petition is filed.
- 10 (2) Minors placed on home detention or released with conditions. Unless extended by
- 11 court order, if a petition is not filed within 30 days of the placement on home detention
- or the date of release from detention with conditions, the order shall terminate.
- 13 (3) Minors held in detention pending disposition or placement are governed by Section
- 14 <u>80-6-207</u> 78A-6-113.
- 15 (b) Requests for extensions of the time period for filing a petition shall be made by means
- of a motion and order.

1 Draft March 23, 2021

- 2 Rule 27. Fingerprinting, photographing, and regulating discovery; HIV testing.
- 3 (a) Minors in Custody. A motion to photograph or fingerprint a child under the age of 14
- 4 who is taken into custody for the alleged commission of an offense that would be a felony
- 5 if committed by an adult, may be granted upon such terms as the court shall order. The
- 6 court may make any further order it deems necessary as to the disposition of any
- 7 fingerprints and limitations regarding their disclosure or distribution pursuant to Section
- 8 80-6-608 78\Lambda -6-1104 and Section 78\Lambda -6-1105.
- 9 (b) Discovery Procedures with Minors. Upon motion and notice to the minor's counsel,
- or to the minor's parent, guardian or custodian in the absence of counsel, and upon a
- showing that the discovery sought will be of material aid in determining whether the
- minor committed the alleged offense, the court may order a minor to submit to one or
- more of the investigative procedures listed in Utah Rule of Criminal Procedure 16.
- 14 Whenever the personal appearance of the minor is required for any ordered discovery
- 15 procedure, the prosecuting attorney shall inform the minor's parent, guardian or
- custodian and counsel of the time and place of the procedure.
- 17 (c) Medical Supervision. Blood tests shall be conducted under medical supervision. The
- 18 court may require medical supervision for any other test ordered pursuant to this rule
- 19 when the court deems such supervision necessary. Upon motion, the court may order the
- 20 minor's appearance delayed for a reasonable time or may order that tests take place at
- 21 the minor's residence or some other convenient place.
- 22 (d) Notice of Results of Disclosure. The prosecuting attorney shall make the results of the
- 23 discovery procedures provided by this rule available within 5 days from the date the
- results become known to the minor, unless otherwise ordered by the court.
- 25 (e) HIV Testing. HIV testing shall be conducted as provided in Section 80-6-608 78A-6-
- 26 1104.

- 1 Draft March 23, 2021
- 2 Rule 27A. Admissibility of statements given by minors.
- 3 (a) If a minor child is in custody for the alleged commission of an offense that would be
- 4 a crime if committed by an adult, any statement given by a minor child in response to
- 5 questions asked interrogation by a police officer is inadmissible unless: the police officer
- 6 informed the minor of the minor's rights before questioning begins.
- 7 (a)(1) the child is advised of the child's constitutional rights;
- 8 (a)(2) the child is advised of the child's right to have a parent, guardian, or friendly adult
- 9 <u>if applicable under Section 80-6-206(2)(b)</u>, present during interrogation;
- 10 (a)(2) the child has knowingly, intelligently, and voluntarily waived the child's
- 11 <u>constitutional rights;</u>
- 12 (a)(3) the child's parent, guardian, or friendly adult if applicable under Section 80-6-
- 13 <u>206(2)(b)</u>, was present during the child's waiver of rights;
- 14 (a)(4) the child's parent, guardian, or friendly adult if applicable under Section 80-6-
- 206(2)(b), has given permission for the child to be interrogated; and
- 16 (a)(5) if the child is in the custody of the Division of Child and Family Services and a
- 17 guardian ad litem has been appointed for the child, the child's guardian ad litem has
- given consent to an interview of the child as described in Section 62A-4a-415.
- 19 (b) a child's parent, guardian, or friendly adult if applicable under Section 80-6-206(2)(b),
- 20 is not required to be present during a child's waiver of rights or to give permission to the
- interrogation of a child if any of the exceptions listed in Section 80-6-206(4) have been
- 22 met.
- 23 (b) If the child is under 14 years of age, the child is presumed not adequately mature and
- 24 experienced to knowingly and voluntarily waive or understand a child's rights unless a
- 25 parent, guardian, or legal custodian is present during waiver.

- 26 (c) The presumption outlined in paragraph (b) may be overcome by a preponderance of
- 27 the evidence showing the ability of a child to comprehend and waive the child's rights.
- 28 (cd) The state shall retain the burden of proving that the waiver of the minor's rights was
- 29 knowing and voluntary regardless of the age of the child or minor.

- 1 Draft March 26, 2021
- 2 Rule 51. Violation of probation and contempt by a minor.
- 3 (a) Any minor may be found in contempt of court for an act committed in the presence
- 4 of the court.
- 5 (b) Contempt proceedings for actions alleged to have been committed by a minor
- 6 outside of the presence of the court may be commenced by either of the following
- 7 methods:
- 8 (b)(1) Affidavit and order to show cause. An affidavit setting forth the facts of the
- 9 alleged contempt shall be filed with the court. Based upon the affidavit, the court may
- 10 execute an order to show cause ordering the minor's parent, guardian or custodian to
- produce the minor in court at a date, place, and time certain. A copy of the affidavit and
- the order to show cause shall be personally served upon the minor's parent, guardian or
- custodian if they fail to appear in response to service by mail.
- 14 (b)(2) Petition. A separate petition may be filed and may include an allegation of
- 15 contempt or an allegation that the minor has violated a term of probation.
- 16 (c) Sanctions for contempt shall be as provided by Section 78A 6 1101 78A 6 353 and
- 17 Title 78B Chapter 6, Part 3, Contempt.

- 1 Draft March 25, 2021
- 2 Rule 55. Transfer of minors who present a danger in detention. between detention
- 3 and correction facilities.
- 4 (a) The court may order the transfer of any minor age 16 years or older held in any
- 5 detention center for minors to another place of confinement, including a jail or adult
- 6 confinement facility which is certified pursuant to Utah Code Ann. § 62A-7-201 80-6-
- 7 <u>204</u>, upon a showing that the minor's conduct or condition endangers the safety or
- 8 welfare of others in the detention center. Prior to the transfer, notice shall be given to
- 9 the minor's counsel or the minor's parent, guardian or custodian in the absence of
- 10 counsel, and a hearing shall be held concerning the proposed transfer. The minor shall
- be present at the hearing except when the transfer is held under exigent circumstances
- or during the non-working hours of the court. Under those circumstances, a hearing on
- the transfer shall be held within 48 hours after the transfer.
- 14 (b) Except as otherwise provided, if an individual who is, or appears to be, under 18
- 15 years of age is received at a correctional facility, the sheriff, warden or other official in
- 16 <u>charge of the correctional facility shall:</u>
- 17 (1) immediately notify the juvenile court of the individual; and
- 18 (2) make arrangements for the transfer of the individual to a detention facility,
- unless otherwise ordered by the court.
- 20 **or:**
- 21 (b) Upon notification to the juvenile court by a sheriff, warden, or other official in
- charge of a correctional facility that an individual who is, or appears to be, under 18
- years of age has been received at the correctional facility, arrangements shall be made
- 24 for the transfer of the individual to a detention facility, unless otherwise ordered by the
- 25 juvenile court.

1 Draft March 26, 2021

2 Rule 13. Shelter hearings.

- 3 (a) Shelter hearings shall be conducted in accordance with Section 78A-6-306 <u>80-3-301</u> and
- 4 Section 78A 6-307 80-3-302.
- 5 (b) The Division of Child and Family Services shall file with the court at or before the
- 6 shelter hearing a copy of the notice form required by Section 62A-4a-202.2 and the notice
- 7 required by Section 78A 6 306 <u>80-3-301</u>.
- 8 (c) At the beginning of the shelter hearing, the court shall advise all persons present of
- 9 the information submitted to the court as a basis for the admission of the minor into
- shelter care and of the scope and purpose of the hearing.
- 11 (d) The court may receive any information, including hearsay and opinions, that is
- relevant to the issue of whether it is safe to release the minor to the parent, guardian or
- custodian. Privileged communications may be admitted only in accordance with the rules
- 14 of evidence.
- 15 (e) If the parent, guardian, or custodian of the minor cannot be notified as provided in
- Section 78A-6-306 80-3-301, a shelter hearing may be held without the minor's parent,
- 17 guardian or custodian. Upon a finding that a continuance is necessary for the protection
- of the minor, for the accumulation or presentation of necessary evidence, to protect the
- 19 rights of a party, or for other good cause, the court may continue the hearing in
- 20 accordance with Section 78A-6-306 80-3-301.
- 21 (f) If the minor is not released, the order for continued shelter shall be furnished to the
- agency responsible for shelter care of minors in the county. Orders for continued shelter
- care shall be of definite duration and may be extended upon review at a hearing in
- conformity with Section 78A 6 306 <u>80-3-301</u> and this rule.
- 25 (g) The release of the minor from shelter care may be requested by the court, a party, or
- any person interested in the minor at any time on the grounds that the conditions giving
- 27 rise to the placement no longer exist or no longer justify continuing shelter. Such request

- shall be considered by the court at a hearing in conformity with Section $\frac{78A-6-306}{80-3-6}$
- 29 <u>301</u> and this rule.

1 Draft March 26, 2021

- 2 Rule 34. Pre-trial hearing in non-delinquency cases.
- 3 (a) Petitions in non-delinquency cases shall be scheduled for an initial pre-trial hearing.
- 4 (b) The pre-trial hearing shall be scheduled on the nearest court calendar date available
- 5 in all cases where the subject minor is in temporary shelter care custody in accordance
- 6 with Section 78A-6-309 <u>80-3-401</u>.
- 7 (c) In the pre-trial hearing, the court shall advise the parent, guardian or custodian of the
- 8 minor's rights and of the authority of the court in such cases. In the hearing or in any
- 9 continuance of the hearing, the parent, guardian or custodian shall answer the petition in
- 10 open court.
- 11 (d) Before answering, the respondent may move to dismiss the petition as insufficient to
- state a claim upon which relief can be granted. The court shall hear all parties and rule
- on said motion before requiring a party to answer.
- 14 (e) A respondent may answer by admitting or denying the specific allegations of the
- 15 petition, or by declining to admit or deny the allegations. Allegations not specifically
- denied by a respondent shall be deemed true.
- 17 (f) Except in cases where the petitioner is seeking a termination of parental rights, the
- 18 court may enter the default of any respondent who fails to file an answer, or who fails to
- appear either in person or by counsel after having been served with a summons or notice
- 20 pursuant to Rule 18. Allegations relating to any party in default shall be deemed admitted
- 21 unless the court, on its own motion, or the motion of any party not in default, shall require
- evidence in support of the petition. Within the time limits set forth in Utah R. Civ. P.
- 23 60(b), upon the written motion of any party in default and a showing of good cause, the
- 24 court may set aside an entry of default.

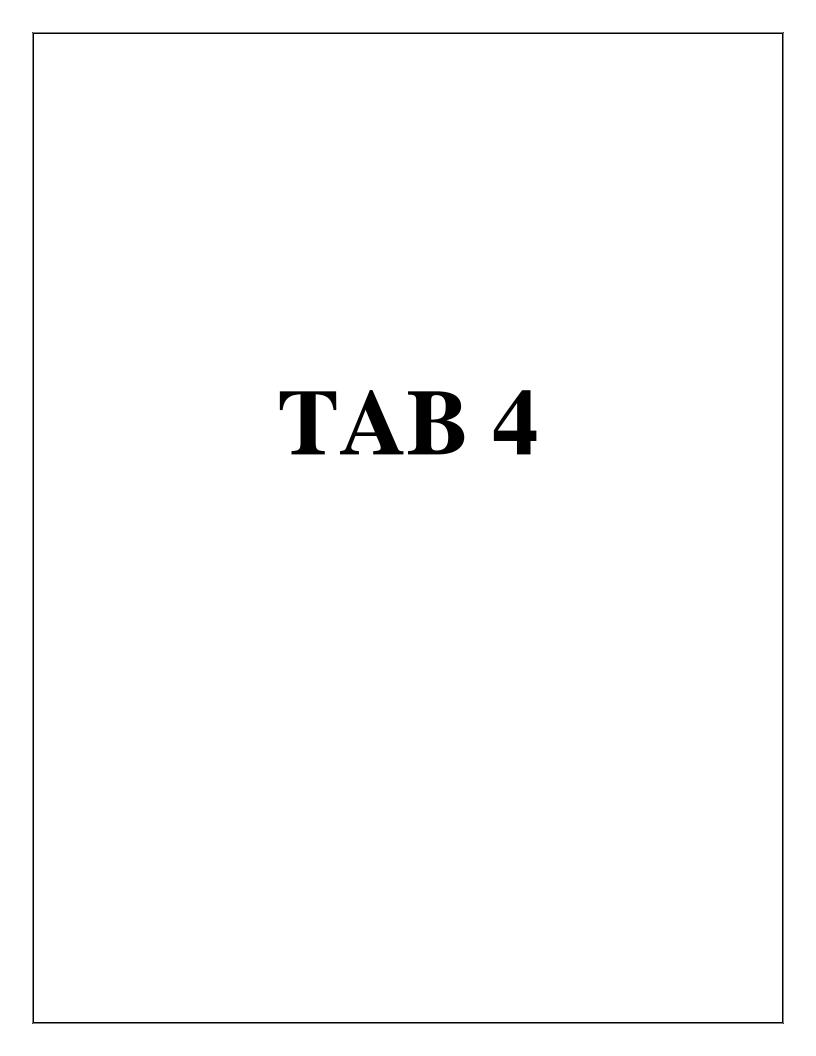
1 Draft March 26, 2021

2 Rule 44. Findings and conclusions.

- 3 (a) If, upon the conclusion of an adjudicatory hearing, the court determines that the
- 4 material allegations of the petition are established, it shall announce its ruling. The
- 5 findings of fact upon which it bases its determination may also be announced or reserved
- 6 for entry by the court in an order as provided in these Rules. In cases concerning any
- 7 minor who has violated any federal, state, or local law or municipal ordinance, or any
- 8 person under 21 years of age who has violated any such law or ordinance before
- 9 becoming 18 years of age, findings of fact shall not be necessary. If, after such a
- determination, the dispositional hearing is not held immediately and the minor is in
- detention or shelter care, the court shall determine whether the minor shall be released
- or continued in detention, shelter care or the least restrictive alternative available.
- 13 (b) In proceedings under Utah Code sections 78A 6 703.3 <u>80-6-503</u> and 703.5 <u>504</u> and
- 14 permanent deprivation cases, the court shall enter findings of fact and conclusions of law
- 15 with specific reference to each statutory requirement considered, setting forth the
- complete basis for its determination. Such findings and conclusions may be prepared by
- 17 counsel at the direction of the court, but shall be reviewed and modified as deemed
- appropriate by the court prior to the court's acceptance and signing of the documents
- 19 submitted by counsel.
- 20 (c) The court may at any time during or at the conclusion of any hearing, dismiss a
- 21 petition and terminate the proceedings relating to the minor if such action is in
- 22 the interest of justice and the welfare of the minor. The court shall dismiss any petition
- 23 which has not been proven.
- 24 (d) After the dispositional hearing, the court shall enter an appropriate order or decree of
- 25 disposition.

- 26 (e) Adjudication of a petition alleging abuse, neglect, or dependency of a child shall be
- 27 conducted also in accordance with Utah Code section 78A-6-309 80-3-401 and section
- 28 78A 6 310 <u>80-3-201</u>.
- 29 (f) Adjudication of a petition to review the removal of a child from foster care shall be
- 30 conducted also in accordance with Utah Code section 78A 6-318 80-3-502.

- 1 Draft March 26, 2021
- 2 Rule 12. Admission to shelter care.
- 3 Admission to shelter care is governed by Utah Code Annotated Title 62A, Chapter 4a,
- 4 Part 2, Child Welfare Services and by Title 78A, Chapter 6, Part 3, Abuse, Neglect, and
- 5 Dependency Proceedings Title 80, Chapter 3, Part 1, Abuse, Neglect, and Dependency
- 6 <u>Proceedings</u>.



- 1 Draft: March 24, 2021
- 2 Rule 3. Style of pleadings and forms.

RespondentDefendant."

- 3 (a) Pleadings in the juvenile court include, but are not limited to, petitions, motions, and
- 4 responsive pleadings. Pleadings and other papers filed with the juvenile court shall
- 5 comply with Utah R. Civ. P 10. Pleadings and other papers in cases transferred from the
- 6 district court shall show the juvenile court case number and the district court case
- 7 number.

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8 (b) Matters filed in the court shall be captioned as follows:

9	_(b)(1) In minors' cases or private petition cases: "State of Utah, in the interest of
10	, a minor under years of age."
11	<u>(b)</u> (2) In cases of adults charged with any crime: "State of Utah, Plaintiff, vs.
12	, Defendant."
13	<u>(b)</u> (3) In cases requesting protective orders: ",
14	PlaintiffPetitioner, vs, DefendantRespondent."
15	<u>(b)</u> (4) In adoptions: "In the matter of the adoption of"
16	(b)(5) In cases transferred from district court involving issues of custody, support

(c) Forms used in the juvenile court shall be those standardized and adopted by the Board of Juvenile Court Judges or the Judicial Council, and may be single spaced when so authorized.

and parent time: "State of Utah, in the interest of _____. In the

matter of ______, PlaintiffPetitioner, vs. ______,