

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=m60614e94398c691ccac151892d1f861d>

Date: August 6, 2021

Time: 12:00 pm – 2:00 pm

Action: Welcome and approval of June 4, 2021 Meeting minutes	Tab 1	David Fureigh
Discussion & Action: <ul style="list-style-type: none">• Rule 8: Rights of minors while in detention (SC sent back to Committee)• Rule 27A: Admissibility of statements given by minors. (SC sent back to Committee)• Rule 55: Transfer of minors who present a danger in detention. (SC sent back to Committee)	Tab 2	David Fureigh
Discussion & Action: Rule 44: Findings and conclusions	Tab 3	Carol Verdoia
Discussion & Action: Rule 45: Pre-disposition reports and social studies.	Tab 4	Sophia Moore Matthew Johnson
Discussion: Rule 25: Pleas and Rule 25A: Withdrawal of Plea <i>Discuss any changes needed since language will be incorporated in to Juvenile Code due to H.B. 285 Juvenile Recodification.</i>	Tab 5	Bridget Koza
Discussion: Changes to Civil Rules 5, 7A, 7B, and 10 <ul style="list-style-type: none">• Civil Rules 7A: Motion to Enforce Order and for Sanctions and 7B: Motion to Enforce Order and for Sanctions in Domestic Law Matters (<i>effective May 1, 2021</i>)• Civil Rule 5: Service and Filing of Pleading and Other Papers (<i>Out for comment</i>)	Tab 6	Bridget Koza

<ul style="list-style-type: none"> • Civil Rule 10: Form of Pleadings and Other Papers (effective May 1, 2022) <p><i>Discuss Impact to Juvenile Rules as well as if specific Civil Rules should be applicable in juvenile court as to change Juvenile Rule 2.</i></p>		
<p>Action: Rule 3: Style of pleadings and forms</p> <p><i>Back from public comment; no comments</i></p>	Tab 7	Bridget Koza
<p>Action: Rule 21: Warrant of arrest or summons in cases under Utah Code section 78A-6-703.3 and Rule 37: Child Protective Orders</p> <p><i>Back from public comment; no comments</i></p>	Tab 8	Bridget Koza
<p>Discussion: Amending Rule 7: Warrants to allow for ex parte motions to vacate runaway E-warrants for youth in DCFS custody who have active warrants and have either returned to placement, aged out and DFCS custody is terminated, court jurisdiction is terminated, or a new E-warrant is needed for a different return location.</p>	Tab 9	David Fureigh
<p>Discussion: Old business or new business</p>		All

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

Meeting Schedule:

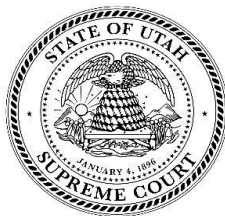
September 3, 2021

October 1, 2021

November 5, 2021

December 3, 2021

TAB 1



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

Draft Meeting Minutes

David W. Fureigh, Chair

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

Date: June 4, 2021

Time: 12:00 pm – 2:00 pm

<u>Attendees:</u> David Fureigh, Chair Michelle Jeffs Matthew Johnson Judge Elizabeth Lindsley Judge Mary Manley Mikelle Ostler Jordan Putnam Janette White	<u>Excused Members:</u> Arek Butler Kristin Fadel Sophia Moore Chris Yannelli Carol Verdoia, Emeritus Member
<u>Staff:</u> Bridget Koza Meg Sternitzky, Juvenile Court Law Clerk	<u>Guests:</u> Jacqueline Carlton, Office of Legislative Research and General Counsel

1. Welcome and approval of the May 7, 2021 minutes: (David Fureigh)

David Fureigh welcomed everyone to the meeting and asked for approval of the minutes.

David informed the committee that Monica Diaz resigned from the committee in May as she had been confirmed as a juvenile court judge. Today's meeting is Judge

Lindsley's and Judge Manley's last meeting. David acknowledged their contributions to the committee and thanked them for their service. David also informed the committee that the next meeting will be August 6, 2021 and may be meeting in person.

Michelle Jeffs moved to approve the May 7, 2021 meeting minutes. Judge Lindsley seconded the motion, and it passed unanimously.

2. Discussion & Action: Rule 22: Initial Appearance and Preliminary Examination in Cases Under Utah Code Section 78A-6-703.3 (Bridget Koza)

Bridget Koza discussed with the committee that at the May 7, 2021 meeting the committee reviewed the proposed changes due to the juvenile code recodification and she worked with Chris Yanelli to have the rule conform to the style guide. Bridget reviewed the stylistic changes and the committee discussed the changes.

Judge Lindsley moved to present revised Rule 22 (Draft May 10, 2021) to the Supreme Court for approval on expedited basis to go into effect September 1, 2021. Judge Manley seconded the motion, and it passed unanimously.

3. Discussion & Action: Rule 43: Evidence (Judge Elizabeth Lindsley)

Judge Lindsley discussed with the committee impacts to Rule 43 from the 2021 Legislative Session and the proposed changes. Judge Lindsley noted the statutory code changes due to the juvenile recodification. The committee discussed the update references.

Matthew Johnson moved to present the revised Rule 43 (Draft May 5, 2021) to the Supreme Court for approval on expedited basis to go into effect September 1, 2021. Judge Lindsley seconded the motion, and it passed unanimously.

4. Discussion & Action: Rule 20: Discovery generally (Bridget Koza)

Bridget Koza discussed with the committee impacts to Rule 20 from the 2021 Legislative Session and the proposed changes. Bridget noted the statutory code changes due to the juvenile recodification, changing "Juvenile Court Act" to "Utah Juvenile Code," and changes to the numbering to conform with the style guide. The committee discussed the proposed changes.

Judge Lindsley moved to present the revised Rule 20 (Draft May 28, 2021) to the Supreme Court for approval on expedited basis to go into effect September 1, 2021. Michelle Jeffs seconded the motion, and it passed unanimously.

5. Discussion & Action: Rule 46: Disposition hearing (Bridget Koza)

Bridget Koza discussed with the committee impacts to Rule 46 from the 2021 Legislative Session and the proposed changes. Bridget noted the statutory code changes due to the juvenile recodification. The committee discussed the proposed changes.

Judge Lindsley moved to present the revised Rule 46 (Draft May 28, 2021) to the Supreme Court for approval on expedited basis to go into effect September 1, 2021. Matthew Johnson seconded the motion, and it passed unanimously.

6. Discussion & Action: Rule 50: Presence at hearings (David Fureigh)

David Fureigh discussed with the committee impacts to Rule 50 from the 2021 Legislative Session and the proposed changes. David noted the statutory code changes due to the juvenile recodification along with stylistic changes to paragraph f to conform to changes the Civil Rules Committee made when incorporating this paragraph into Civil Rule 26. The committee discussed the proposed changes.

Judge Manley moved to present the revised Rule 50 (Draft May 28, 2021) to the Supreme Court for approval on expedited basis to go into effect September 1, 2021. Judge Lindsley seconded the motion, and it passed unanimously.

7. Discussion & Action: Rule 56: Expungement (David Fureigh)

David Fureigh discussed with the committee impacts to Rule 56 from the 2021 Legislative Session and the proposed changes. David noted the statutory code changes due to the juvenile recodification with updating paragraph a to conform with the statutory language so it is clear that expungement does not apply in abuse, neglect, dependency, or termination of parental rights proceedings. The committee discussed the proposed changes and suggested adding the word “delinquent” after “adjudicated” in paragraph a. Bridget will also made changes to paragraphs b and c to conform to the style guide.

Judge Lindsley moved to present the revised Rule 56 (Draft June 4, 2021) to the Supreme Court for approval to publish for public comment. Michelle Jeffs seconded the motion, and it passed unanimously.

8. Discussion & Action: Rule 5: Definitions: (Mikelle Ostler)

Mikelle Ostler discussed with the committee that they had reviewed the proposed changes to Rule 5 at the May 7, 2021. The committee had agreed on the proposed changes to the statutory references but did not consider that the definition of ungovernability changed with the juvenile code recodification and no longer includes a

child who has run away. The committee discussed and approved removing “or has run away from home” in paragraph k.

Judge Lindsley moved to present the revised Rule 5 (Draft June 4, 2021) to the Supreme Court for approval to publish for public comment. Mikelle Ostler seconded the motion, and it passed unanimously.

9. Discussion & Action: Rule 30: Citations; Applicable Offenses and Procedures; Bail: (Mikelle Ostler)

Mikelle Ostler discussed with the committee impacts to Rule 30 from the 2021 Legislative Session and the proposed changes. Mikelle noted the statutory code changes due to the recodification as well as clarifying that court is “juvenile court” and clarifying in paragraph c that bail applies when a minor is cited under Utah Code section 80-6-302. The committee discussed bail is only allowed in certain circumstances for minors in juvenile court. The committee discussed and agreed to adding another paragraph to address when minors have a right to bail while in detention pursuant to 80-6-207.

Judge Lindsley moved to present the revised Rule 5 (Draft June 4, 2021) to the Supreme Court for approval to publish for public comment. Mikelle Ostler seconded the motion, and it passed unanimously.

10. Discussion & Action: Rule 7: Warrants: (Michelle Jeffs)

Michelle Jeffs discussed with the committee impacts to Rule 7 from the 2021 Legislative Session and the proposed changes. Michelle noted the statutory code changes and language changes due to the recodification. The committee discussed the updated references as well as removing a reference to Utah Code section 80-6-201 in paragraph since that no longer deals with warrants. The committee also agreed to update the statutory references and language due to the legislative changes but will continue discussing at future meetings what statutory language needs to be included in the Juvenile Rules and what language does not.

Michelle Jeffs moved to present the revised Rule 7 (Draft June 4, 2021) to the Supreme Court for approval to publish for public comment. Janette White seconded the motion, and it passed unanimously.

11. Discussion & Action: 18: Summons; Service of Process; Notice: (Matthew Johnson)

Matthew Johnson discussed with the committee impacts to Rule 18 from the 2021 Legislative Session and the proposed changes. Matt noted the statutory code changes due to the recodification as well as discussed if line 80 should reference “parent,

guardian, or custodian” instead of “parent, parents, or guardian” since that would conform the language to other references in the Rule. The committee discussed the update references and proposed change to line 80. The Committee agreed to update the reference to “parent, parents, or guardian” in line 80 to “parent, guardian, or custodian.” Bridget also noted that “Juvenile Court Act” in line 77 needs to be updated to “Utah Juvenile Code” and update the references to Civil Rules to conform with the style guide.

Janette White moved to present the revised Rule 18 (Draft June 4, 2021) to the Supreme Court for approval on expedited basis to go into effect September 1, 2021. Judge Lindsley seconded the motion, and it passed unanimously.

12. Discussion & Action: Rule 60: Judicial Bypass Procedure to Authorize Minor to Consent to an Abortion: (Matthew Johnson)

Matthew Johnson discussed with the committee impacts to Rule 60 from the 2021 Legislative Session and the proposed changes. Matt noted the statutory code changes due to the recodification as well as grammar change in paragraph h. Judge Lindsley had received feedback from another juvenile court judge about the time frames in paragraph d and they were update to say business day since under the current rule the time frame would include weekends and holidays. The committee discussed the proposed changes.

Matthew Johnson moved to present the revised Rule 60 (Draft May 26, 2021) to the Supreme Court for approval to publish for public comment. Judge Lindsley seconded the motion, and it passed unanimously.

13. Discussion & Action: Rule 47: Reviews and modifications of orders: (Bridget Koza)

Bridget Koza discussed with the committee impacts to Rule 47 from the 2021 Legislative Session and the proposed changes. Bridget noted the statutory code changes due to the recodification, updates to the formatting to conform with the style guide, updating the language regarding terminating parental rights in lines 62-63, and comments from Carol Verdoia about certain terms in Rule 47 including “intervention plan,” “progress reports,” and “disposition reviews.” The committee agreed to leave those terms in the rule because they are generic terms with definitions and the specific terms that DCFS, JJS, or Probation uses for terms in the rule changes a lot.

Judge Lindsley moved to present the revised Rule 47 (Draft April 29, 2021) to the Supreme Court for approval on expedited basis to go into effect September 1, 2021. Matthew Johnson seconded the motion, and it passed unanimously.

14. Discussion & Action: Supreme Court Conference Update – Rules 8, 27A, and 55:
(David Fureigh)

The committee decided to place this agenda on the August 6, 2021 meeting so that we have a full committee in attendance and time to discuss what statutory language should be included in the rules and what language should not be included.

15. Discussion & Action: Rule 11: Time limits on detention orders: (Judge Elizabeth Lindsley)

Judge Lindsley discussed proposed changes with Rule 11 due to the 2021 Legislative Session and the updated statutory code changes due to the recodification. She also discussed changes involving minors who are diverted from detention after the Detention Risk Assessment Tool is completed. She explained that the diversion agreement entered into by the minor and parent/guardian when the minor is diverted from detention terminates 30 days after the agreement is entered into if a petition is not filed. The committee discussed the proposed changes and agreed that the diversion agreement must specify that it terminates after 30 days if a petition is not filed.

Judge Lindsley moved to present the revised Rule 11 (Draft June 4, 2021) to the Supreme Court for approval to publish for public comment. Judge Manley seconded the motion, and it passed unanimously.

16. Action: Rule 44: Findings and conclusions: (David Fureigh)

David Fureigh discussed with the committee impacts to Rule 44 from the 2021 Legislative Session and the proposed changes. David noted the statutory code changes due to the recodification as well as Carol Verdoia's comments about if there needs to be clarity that abuse, neglect, and dependency proceedings require writing findings of fact at adjudication.

The committee did finish discussing this agenda item and agreed that the agenda item will be put on the June 4, 2021 meeting.

17. Discussion & Action: Rule 45: Pre-disposition reports and social studies:
(Matthew Johnson)

The committee did not have time to discuss this agenda item and agreed that the agenda item will be put on the August 6, 2021 meeting.

18. Discussion: Rule 25: Pleas and Rule 25A: Withdrawal of Plea: (Bridget Koza)

The committee did not have time to discuss this agenda item and agreed that the agenda item will be put on the August 6, 2021 meeting.

19. Discussion: Changes to Civil Rules 5, 7A, 7B, and 10 and Impact on Juvenile Rules: (Bridget Koza)

The committee did not have time to discuss this agenda item and agreed that the agenda item will be put on the August 6, 2021 meeting.

The meeting adjourned at 2:00 pm. The next meeting will be held on August 6, 2021 at 12:00 pm via Webex.

TAB 2

1 **Draft April 2, 2021**

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 juvenile probation officer or the staff member is interrogating the minor on behalf of a peace officer
10 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 (1) the minor has had a meaningful opportunity to consult with the minor's appointed or
14 retained attorney;

15 (2) the minor waives the minor's constitutional rights after consultation with the minor's
16 appointed or retained attorney; and

17 (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.~~

Draft April 2, 2021

Rule 27A. Admissibility of statements given by minors.

(a) If a ~~minor child~~ is in custody for the alleged commission of an offense ~~that would be a crime if committed by an adult~~, any statement given by a ~~minor child~~ in response to ~~questions asked~~ interrogation by a police officer is inadmissible unless: ~~the police officer informed the minor of the minor's rights before questioning begins.~~

(1) the child is advised of the child's constitutional rights;

(2) the child is advised of the child's right to have a parent, guardian, or friendly adult if applicable under Utah Code section 80-6-206, present during interrogation;

(3) the child has knowingly, intelligently, and voluntarily waived the child's constitutional rights;

(4) the child's parent, guardian, or friendly adult if applicable under Utah Code section 80-6-206, was present during the child's waiver of rights;

(5) the child's parent, guardian, or friendly adult if applicable under Utah Code section 80-6-206, has given permission for the child to be interrogated; and

(6) if the child is in the custody of the Division of Child and Family Services and a 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 Utah Code section 62A-4a-415.

(b) a child's parent, guardian, or friendly adult if applicable under Utah Code section 80-6-206, 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 Utah Code section 80-6-206 have been met.

~~(b) If the child is under 14 years of age, the child is presumed not adequately mature and experienced to knowingly and voluntarily waive or understand a child's rights unless a parent, guardian, or legal custodian is present during waiver.~~

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

1 Draft April 2, 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. §section 62A-7-201~~
7 80-6-204, 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
11 be present at the hearing except when the transfer is held under exigent circumstances
12 or during the non-working hours of the court. Under those circumstances, a hearing on
13 the transfer shall be held within 48 hours after the transfer.

14 (b) Upon notification to the juvenile court by a sheriff, warden, or other official in
15 charge of a correctional facility that an individual who is, or appears to be, under 18
16 years of age has been received at the correctional facility, arrangements shall be made
17 for the transfer of the individual to a detention facility, unless otherwise ordered by the
18 juvenile court.

TAB 3

1 **Draft July 30, 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
10 determination, the dispositional hearing is not held immediately and the minor is in
11 detention or shelter care, the court shall determine whether the minor shall be released
12 or continued in detention, shelter care or the least restrictive alternative available.

13 (b) In proceedings under Utah Code sections ~~78A-6-703.3~~80-6-503 and ~~703.5-504~~, and in
14 abuse, neglect, dependency, and ~~permanent deprivation-termination of parental rights,~~
15 and contested adoption cases, the court shall enter findings of fact and conclusions of law
16 with specific reference to each statutory requirement considered, setting forth the
17 complete basis for its determination. Such findings and conclusions may be prepared by
18 counsel at the direction of the court, but shall be reviewed and modified as deemed
19 appropriate by the court prior to the court's acceptance and signing of the documents
20 submitted by counsel.

21 (c) The court may at any time during or at the conclusion of any hearing, dismiss a
22 petition and terminate the proceedings relating to the minor if such action is in
23 the interest of justice and the welfare of the minor. The court shall dismiss any petition
24 which has not been proven.

25 (d) After the dispositional hearing, the court shall enter an appropriate order or decree of
26 disposition.

27 (e) Adjudication of a petition alleging abuse, neglect, or dependency of a child shall be
28 conducted also in accordance with Utah Code sections ~~78A-6-309~~ 80-3-401 and ~~section~~
29 ~~78A-6-310~~ 80-3-201.

30 (f) Adjudication of a petition to review the removal of a child from foster care shall be
31 conducted also in accordance with Utah Code section ~~78A-6-318~~ 80-3-502.

TAB 4

Draft April 21, 2021

Rule 45. ~~Pre-disposition reports and social studies~~ Dispositional Reports.

(a) Delinquency cases.

(a~~1~~) Unless waived by the court, a ~~pre-dispositional~~ report shall be prepared in all proceedings which result in the filing of a petition. The ~~pre-dispositional~~ report shall be deemed waived, unless otherwise ordered, in all traffic, fish and game and boating cases, and other bailable offenses. The report shall conform to the requirements in the Code of Judicial Administration.

(b~~2~~) ~~In delinquency cases, i~~Investigation of the minor and family for the purpose of preparing the ~~pre-dispositional~~ report shall not be commenced before the allegations have been proven without the consent of the parties.

(c~~3~~) The ~~pre-dispositional~~ report shall not be submitted to or considered by the judge before the adjudication of the charges or allegations to which it pertains. If no ~~pre-dispositional~~ report has been prepared or completed before the dispositional hearing, or if the judge wishes additional information not contained in the report, the dispositional hearing may be continued for a reasonable time to a date certain.

(4) The dispositional report shall be provided to the minor's counsel, the prosecuting attorney, the guardian ad litem, if applicable, and counsel for the parent, guardian, or custodian of the minor, if applicable, at least two business days prior to the dispositional hearing. When the minor or the minor's parent, guardian, or custodian are not represented by counsel, the court may limit inspection of reports by the minor or the minor's parent, guardian, or custodian if the court determines it is in the best interest of the minor to do so.

(b) Neglect, abuse, and dependency cases.

(d~~1~~) For the purpose of determining proper disposition of the minor ~~and for the purpose of establishing the fact of neglect or dependency~~, written reports and

28 other material relating to the minor's mental, physical, and social history and
29 condition may be received in evidence and may be considered by the court along
30 with other evidence. The court may require that the person who wrote the report
31 or prepared the material appear as a witness if the person is reasonably available.

32 (2) The juvenile court shall review and receive each dispositional report submitted
33 by the Division of Child and Family Services in the same manner as the juvenile
34 court receives and receives a report described in Utah Code section 80-6-307.

35 (3) If the dispositional report is determined to be an ex parte communication with
36 a judge, the report is considered a communication authorized by law.

37 ~~(e) The pre-dispositional report and social studies shall be provided by the author to the~~
38 ~~minor's counsel, the prosecuting attorney, the guardian ad litem, and counsel for the~~
39 ~~parent, guardian or custodian of the minor at least two days prior to the dispositional~~
40 ~~hearing. When the minor or the minor's parent, guardian or custodian are not represented~~
41 ~~by counsel, the court may limit inspection of reports by the minor or the minor's parent,~~
42 ~~guardian or custodian if the court determines it is in the best interest of the minor to do~~
43 ~~so.~~

TAB 5

West's Utah Code Annotated
State Court Rules
Rules of Juvenile Procedure (Refs & Annos)
Section VII. Proceedings Relating to Delinquency Matters

Utah R. Juv. P. Rule 25

Rule 25. Pleas

Effective: May 1, 2019

[Currentness](#)

(a) A minor may tender a denial of the alleged offense, may tender an admission of the alleged offense, or may, with the consent of the court, tender a plea of no contest which shall have the effect set forth in [Utah Code Section 77-13-2](#). If the minor declines to plead, the court shall enter a denial. Counsel for the minor may enter a denial in the absence of the minor, parent, guardian or custodian.

(b) When denial is entered, the court shall set the matter for a trial hearing or for a pre-trial conference.

(c) The court may refuse to accept an admission or a plea of no contest and may not accept such plea until the court has found:

(1) that the right to counsel has been knowingly waived if the minor is not represented by counsel;

(2) that the plea is voluntarily made;

(3) that the minor and, if present, the minor's parent, guardian, or custodian, have been advised of, and the minor understands and has knowingly waived, the right against compulsory self-incrimination, the right to be presumed innocent, the right to a speedy trial, the right to confront and cross-examine opposing witnesses, the right to testify and to have process for the attendance of witnesses;

(4) that the minor and, if present, the minor's parent, guardian, or custodian have been advised of the consequences which may be imposed after acceptance of the admission of the alleged offense or plea of no contest;

(5) that the minor understands the nature and elements of the offense to which the plea is entered, that upon trial the prosecution would have the burden of proving each of those elements beyond a reasonable doubt, and that the plea is an admission of all those elements;

(6) that there is a factual basis for the plea; and

(7) where applicable, the provisions of paragraph (c) have been met.

(d) The minor may be allowed to tender an admission to a lesser included offense, or an offense of a lesser degree or a different offense which the court may enter, after amending the petition.

(e) Plea discussions and agreements are authorized in conformity with the provisions of Utah Rule of Criminal Procedure 11. The prosecuting attorney may enter into discussions and reach a proposed plea agreement with the minor through the minor's counsel, or if the minor is not represented by counsel, directly with the minor. However, the prosecuting attorney may not enter into settlement discussions with a minor not represented by counsel unless the parent, guardian or custodian is advised of the discussion and given the opportunity to be present.

(f) A minor may tender an admission which is not entered by the court for a stated period of time. Conditions may be imposed upon the minor in that period of time and successful completion of the conditions set shall result in dismissal upon motion. If the minor fails to complete the conditions set, the admission shall be entered and the court shall proceed to order appropriate dispositions.

Credits

[Adopted effective January 1, 1995. Amended effective November 1, 2002; April 1, 2009. Advisory committee notes deleted effective May 1, 2019.]

[Notes of Decisions \(11\)](#)

Utah Rules of Juvenile Procedure Rule 25, UT R JUV Rule 25
Current with amendments received through May 1, 2021

West's Utah Code Annotated
State Court Rules
Rules of Juvenile Procedure (Refs & Annos)
Section VII. Proceedings Relating to Delinquency Matters

Utah R. Juv. P. Rule 25A

Rule 25A. Withdrawal of Plea

Currentness

- (a) A denial of an offense may be withdrawn at any time prior to adjudication.
- (b)(1) An admission or a plea of no contest may be withdrawn only upon leave of the court and a showing that it was not knowingly and voluntarily made.
- (2) A request to withdraw an admission or a plea of no contest, including a plea held in abeyance, shall be made within 30 days after entering the plea, even if the court has imposed disposition. If the court has not imposed dispositional orders then disposition shall not be announced unless the motion to withdraw is denied.

Credits

[Adopted effective November 1, 2010.]

Utah Rules of Juvenile Procedure Rule 25A, UT R JUV Rule 25A
Current with amendments received through May 1, 2021

End of Document

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TAB 6

West's Utah Code Annotated
State Court Rules
Rules of Civil Procedure (Refs & Annos)
Part III. Pleadings, Motions, and Orders

UT Rules Civ. Proc., Rule 7A

Rule 7A. Motion to Enforce Order and for Sanctions

Effective: May 1, 2021

[Currentness](#)

(a) Motion. To enforce a court order or to obtain a sanctions order for violation of an order, including in supplemental proceedings under Rule 64, a party must file an ex parte motion to enforce order and for sanctions (if requested), pursuant to this rule and Rule 7. The motion must be filed in the same case in which that order was entered. The timeframes set forth in this rule, rather than those set forth in Rule 7, govern motions to enforce orders and for sanctions.

(b) Affidavit. The motion must state the title and date of entry of the order that the moving party seeks to enforce. The motion must be verified, or must be accompanied by at least one supporting affidavit or declaration that is based on personal knowledge and shows that the affiant or declarant is competent to testify on the matters set forth. The verified motion, affidavit, or declaration must set forth facts that would be admissible in evidence and that would support a finding that the party has violated the order.

(c) Proposed Order. The motion must be accompanied by a request to submit for decision and a proposed order to attend hearing, which must:

- (1) state the title and date of entry of the order that the motion seeks to enforce;
- (2) state the relief sought in the motion;
- (3) state whether the motion is requesting that the other party be held in contempt and, if so, state that the penalties for contempt may include, but are not limited to, a fine of up to \$1000 and confinement in jail for up to 30 days;
- (4) order the other party to appear personally or through counsel at a specific place (the court's address) and date and time (left blank for the court clerk to fill in) to explain whether the nonmoving party has violated the order; and
- (5) state that no written response to the motion is required but is permitted if filed within 14 days of service of the order, unless the court sets a different time, and that any written response must follow the requirements of Rule 7.

(d) Service of the Order. If the court issues an order to attend a hearing, the moving party must have the order, motion, and all supporting affidavits served on the nonmoving party at least 28 days before the hearing. Service must be in a manner provided

in Rule 4 if the nonmoving party is not represented by counsel in the case. If the nonmoving party is represented by counsel in the case, service must be made on the nonmoving party's counsel of record in a manner provided in Rule 5. For purposes of this rule, a party is represented by counsel if, within the last 120 days, counsel for that party has served or filed any documents in the case and has not withdrawn. The court may shorten the 28 day period if:

(1) the motion requests an earlier date; and

(2) it clearly appears from specific facts shown by affidavit that immediate and irreparable injury, loss, or damage will result to the moving party if the hearing is not held sooner.

(e) Opposition. A written opposition is not required, but if filed, must be filed within 14 days of service of the order, unless the court sets a different time, and must follow the requirements of Rule 7.

(f) Reply. If the nonmoving party files a written opposition, the moving party may file a reply within 7 days of the filing of the opposition to the motion, unless the court sets a different time. Any reply must follow the requirements of Rule 7.

(g) Hearing. At the hearing the court may receive evidence, hear argument, and rule upon the motion, or may request additional briefing or hearings. The moving party bears the burden of proof on all claims made in the motion. At the court's discretion, the court may convene a telephone conference before the hearing to preliminarily address any issues related to the motion, including whether the court would like to order a briefing schedule other than as set forth in this rule.

(h) Limitations. This rule does not apply to an order that is issued by the court on its own initiative. This rule does not apply in criminal cases or motions filed under Rule 37. Nothing in this rule is intended to limit or alter the inherent power of the court to initiate order to show cause proceedings to assess whether cases should be dismissed for failure to prosecute or to otherwise manage the court's docket, or to limit the authority of the court to hold a party in contempt for failure to appear pursuant to a court order.

(i) Orders to Show Cause. The process set forth in this rule replaces and supersedes the prior order to show cause procedure. An order to attend hearing serves as an order to show cause as that term is used in Utah law.

Credits

[Adopted December 11, 2020, effective May 1, 2021.]

Utah Rules of Civil Procedure, Rule 7A, UT R RCP Rule 7A
Current with amendments received through May 1, 2021

West's Utah Code Annotated
State Court Rules
Rules of Civil Procedure (Refs & Annos)
Part III. Pleadings, Motions, and Orders

UT Rules Civ. Proc., Rule 7B

Rule 7B. Motion to Enforce Order and for Sanctions in Domestic Law Matters

Effective: May 1, 2021

[Currentness](#)

(a) Motion. To enforce a court order or to obtain a sanctions order for violation of an order, a party must file an ex parte motion to enforce order and for sanctions (if requested), pursuant to this rule and Rule 7. The motion must be filed in the same case in which that order was entered. The timeframes set forth in this rule, rather than those set forth in Rule 7, govern motions to enforce orders and for sanctions. If the motion is to be heard by a commissioner, the motion must also follow the procedures of Rule 101. For purpose of this rule, an order includes a decree.

(b) Affidavit. The motion must state the title and date of entry of the order that the moving party seeks to enforce. The motion must be verified, or must be accompanied by at least one supporting affidavit that is based on personal knowledge and shows that the affiant is competent to testify on the matters set forth. The verified motion or affidavit must set forth facts that would be admissible in evidence and that would support a finding that the party has violated the order.

(c) Proposed Order. The motion must be accompanied by a request to submit for decision and a proposed order to attend hearing, which must:

- (1) state the title and date of entry of the order that the motion seeks to enforce;
- (2) state the relief sought in the motion;
- (3) state whether the motion is requesting that the other party be held in contempt and, if so, state that the penalties for contempt may include, but are not limited to, a fine of up to \$1000 and confinement in jail for up to 30 days;
- (4) order the other party to appear personally or through counsel at a specific place (the court's address) and date and time (left blank for the court clerk to fill in) to explain whether the nonmoving party has violated the order; and
- (5) state that no written response to the motion is required, but is permitted if filed at least 14 days before the hearing, unless the court sets a different time, and that any written response must follow the requirements of Rule 7, and Rule 101 if the hearing will be before a commissioner.

(d) Service of the Order. If the court issues an order to attend a hearing, the moving party must have the order, motion, and all supporting affidavits served on the nonmoving party at least 28 days before the hearing. Service must be in a manner provided in Rule 4 if the nonmoving party is not represented by counsel in the case. If the nonmoving party is represented by counsel in the case, service must be made on the nonmoving party's counsel of record in a manner provided in Rule 5. For purposes of this rule, a party is represented by counsel if, within the last 120 days, counsel for that party has served or filed any documents in the case and has not withdrawn. The court may shorten the 28 day period if:

(1) the motion requests an earlier date; and

(2) it clearly appears from specific facts shown by affidavit that immediate and irreparable injury, loss, or damage will result to the moving party if the hearing is not held sooner.

(e) Opposition. A written opposition is not required, but if filed, must be filed at least 14 days before the hearing, unless the court sets a different time, and must follow the requirements of Rule 7, and Rule 101 if the hearing will be before a commissioner.

(f) Reply. If the nonmoving party files a written opposition, the moving party may file a reply at least 7 days before the hearing, unless the court sets a different time. Any reply must follow the requirements of Rule 7, and Rule 101 if the hearing will be before a commissioner.

(g) Hearing. At the hearing the court may receive evidence, hear argument, and rule upon the motion, or may request additional briefing or hearings. The moving party bears the burden of proof on all claims made in the motion. At the court's discretion, the court may convene a telephone conference before the hearing to preliminarily address any issues related to the motion, including whether the court would like to order a briefing schedule other than as set forth in this rule.

(h) Counter Motions. A responding party may request affirmative relief only by filing a counter motion, to be heard at the same hearing. A counter motion need not be limited to the subject matter of the original motion. All of the provisions of this rule apply to counter motions except that a counter motion must be filed and served with the opposition. Any opposition to the counter motion must be filed and served no later than the reply to the motion. Any reply to the opposition to the counter motion must be filed and served at least 3 business days before the hearing in a manner that will cause the reply to be actually received by the party responding to the counter motion (i.e. hand-delivery, fax or other electronic delivery as allowed by rule or agreed by the parties). The party who filed the counter motion bears the burden of proof on all claims made in the counter motion. A separate proposed order is required only for counter motions to enforce a court order or to obtain a sanctions order for violation of an order, in which case the proposed order for the counter motion must:

(1) state the title and date of entry of the order that the counter motion seeks to enforce;

(2) state the relief sought in the counter motion;

(3) state whether the counter motion is requesting that the other party be held in contempt and, if so, state that the penalties for contempt may include, but are not limited to, a fine of up to \$1000 and confinement in jail for up to 30 days;

(4) order the other party to appear personally or through counsel at the scheduled hearing to explain whether that party has violated the order; and

(5) state that no written response to the countermotion is required, but that a written response is permitted if filed at least 7 days before the hearing, unless the court sets a different time, and that any written response must follow the requirements of Rule 7, and Rule 101 if the hearing will be before a commissioner.

(i) Limitations. This rule does not apply to an order that is issued by the court on its own initiative. This rule applies only to domestic relations actions, including divorce; temporary separation; separate maintenance; parentage; custody; child support; adoptions; cohabitant abuse protective orders; child protective orders; civil stalking injunctions; grandparent visitation; and modification actions. Nothing in this rule is intended to limit or alter the inherent power of the court to initiate order to show cause proceedings to assess whether cases should be dismissed for failure to prosecute or to otherwise manage the court's docket, or to limit the authority of the court to hold a party in contempt for failure to appear pursuant to a court order.

(j) Orders to Show Cause. The process set forth in this rule replaces and supersedes the prior order to show cause procedure. An order to attend hearing serves as an order to show cause as that term is used in Utah law.

Credits

[Adopted December 11, 2020, effective May 1, 2021.]

Utah Rules of Civil Procedure, Rule 7B, UT R RCP Rule 7B
Current with amendments received through May 1, 2021

Rule 5. Service and filing of pleadings and other papers.

(a) When service is required.

(1) Papers that must be served. Except as otherwise provided in these rules or as otherwise directed by the court, the following papers must be served on every party:

(A) a judgment;

(B) an order that states it must be served;

(C) a pleading after the original complaint;

(D) a paper relating to disclosure or discovery;

(E) a paper filed with the court other than a motion that may be heard ex parte; and

(F) a written notice, appearance, demand, offer of judgment, or similar paper.

(2) Serving parties in default. No service is required on a party who is in default except that:

(A) a party in default must be served as ordered by the court;

(B) a party in default for any reason other than for failure to appear must be served as provided in paragraph (a)(1);

(C) a party in default for any reason must be served with notice of any hearing to determine the amount of damages to be entered against the defaulting party;

(D) a party in default for any reason must be served with notice of entry of judgment under Rule [58A\(g\)](#); and

(E) a party in default for any reason must be served under Rule [4](#) with pleadings asserting new or additional claims for relief against the party.

(3) Service in actions begun by seizing property. If an action is begun by seizing property and no person is or need be named as defendant, any service required before the filing of an answer, claim or appearance must be made upon the person who had custody or possession of the property when it was seized.

(b) How service is made.

(1) Whom to serve. If a party is represented by an attorney, a paper served under this rule must be served upon the attorney unless the court orders service upon the party. Service must be made upon the attorney and the party if:

(A) an attorney has filed a Notice of Limited Appearance under Rule 75 and the papers being served relate to a matter within the scope of the Notice; or

(B) a final judgment has been entered in the action and more than 90 days has elapsed from the date a paper was last served on the attorney.

(2) When to serve. If a hearing is scheduled 7 days or less from the date of service, a party must serve a paper related to the hearing by the method most likely to be promptly received. Otherwise, a paper that is filed with the court must be served before or on the same day that it is filed.

(3) Methods of service. A paper is served under this rule by:

(A) except in the juvenile court, submitting it for electronic filing, or the court submitting it to the electronic filing service provider, if the person being served has an electronic filing account;

(B) emailing it to

(i) the most recent email address provided by the person to the court under Rule 10(a)(3) or Rule 76, or

(ii) to the email address on file with the Utah State Bar;

(C) mailing it to the person's last known address;

(D) handing it to the person;

(E) leaving it at the person's office with a person in charge or, if no one is in charge, leaving it in a receptacle intended for receiving deliveries or in a conspicuous place;

(F) leaving it at the person's dwelling house or usual place of abode with a person of suitable age and discretion who resides there; or

(G) any other method agreed to in writing by the parties.

(4) When service is effective. Service by mail or electronic means is complete upon sending.

(5) Who serves. Unless otherwise directed by the court or these rules:

(A) every paper required to be served must be served by the party preparing it; and

(B) every paper prepared by the court will be served by the court.

(c) Serving numerous defendants. If an action involves an unusually large number of defendants, the court, upon motion or its own initiative, may order that:

(1) a defendant's pleadings and replies to them do not need to be served on the other defendants;

(2) any cross-claim, counterclaim avoidance or affirmative defense in a defendant's pleadings and replies to them are deemed denied or avoided by all other parties;

(3) filing a defendant's pleadings and serving them on the plaintiff constitutes notice of them to all other parties; and

(4) a copy of the order must be served upon the parties.

(d) Certificate of service. No certificate of service is required when a paper is served by filing it with the court's electronic-filing system under paragraph (b)(3)(A). When a paper that is required to be served is served by other means:

(1) if the paper is filed, a certificate of service showing the date and manner of service must be filed with it or within a reasonable time after service; and

(2) if the paper is not filed, a certificate of service need not be filed unless filing is required by rule or court order.

~~A paper required by this rule to be served, including electronically filed papers, must include a signed certificate of service showing the name of the document served, the date and manner of service and on whom it was served. Except in the juvenile court, this paragraph does not apply to papers required to be served under paragraph (b)(5)(B) when service to all parties is made under paragraph (b)(3)(A).~~

(e) Filing. Except as provided in Rule [7\(j\)](#) and Rule [26\(f\)](#), all papers after the complaint that are required to be served must be filed with the court. Parties with an electronic filing account must file a paper electronically. A party without an electronic filing account may file a paper by delivering it to the clerk of the court or to a judge of the court. Filing is complete upon the earliest of acceptance by the electronic filing system, the clerk of court or the judge.

(f) Filing an affidavit or declaration. If a person files an affidavit or declaration, the filer may:

(1) electronically file the original affidavit with a notary acknowledgment as provided by Utah Code Section [46-1-16\(7\)](#);

(2) electronically file a scanned image of the affidavit or declaration;

(3) electronically file the affidavit or declaration with a conformed signature; or

(4) if the filer does not have an electronic filing account, present the original affidavit or declaration to the clerk of the court, and the clerk will electronically file a scanned image and return the original to the filer.

The filer must keep an original affidavit or declaration of anyone other than the filer safe and available for inspection upon request until the action is concluded, including any appeal or until the time in which to appeal has expired.

Advisory Committee Notes

Note adopted 2015

Under paragraph (b)(3)(A), electronically filing a document has the effect of serving the document on lawyers who have an e-filing account. (Lawyers representing parties in the district court are required to have an account and electronically file documents. Code of Judicial Administration Rule 4-503.) The 2015 amendment excepts from this provision documents electronically filed in juvenile court.

Although electronic filing in the juvenile court presents to the parties the documents that have been filed, the juvenile court e-filing application (CARE), unlike that in the district court, does not deliver an email alerting the party to that fact. The Board of Juvenile Court Judges and the Advisory Committee on the Rules of Juvenile Procedure believe this difference renders electronic filing alone insufficient notice of a document having been filed. So in the juvenile court, a party electronically filing a document must serve that document by one of the other permitted methods.

Effective January 1, 2021

Rule 10. Form of pleadings and other papers.**(a) Caption; names of parties; other necessary information.**

(1) General caption requirements. All pleadings and other papers filed with the court must contain a caption setting forth the name of the court, the title of the action, the file number, if known, the name of the pleading or other paper, and the name, if known, of the judge (and commissioner if applicable) to whom the case is assigned. A party filing a claim for relief, whether by original claim, counterclaim, cross-claim or third-party claim, must include in the caption the discovery tier for the case as determined under Rule 26.

(2) Names of the parties.

(A) Actions other than domestic relations. In the complaint, the title of the action must include the names of all the parties, but other pleadings and papers need only state the name of the first party on each side with an indication that there are other parties. A party whose name is not known must be designated by any name and the words "whose true name is unknown." In an action in rem, unknown parties must be designated as "all unknown persons who claim any interest in the subject matter of the action."

(B) Domestic relations actions. Domestic relations actions, as defined in Rule 26.1, must be captioned as follows:

(i) In petitions for divorce, annulment, separate maintenance, and temporary separation: "In the matter of the marriage of [Party A and Party B]."

(ii) In petitions to establish parentage: "In the matter of the parentage of [Child(ren)'s Initials], a child."

(iii) In petitions to otherwise establish custody and parent-time: "In the matter of [Child(ren)'s Initials], a child."

(3) **Contact information.** Every pleading and other paper filed with the court must state in the top left hand corner of the first page the name, address, email address, telephone number and bar number of the attorney or party filing the paper, and, if filed by an attorney, the party for whom it is filed.

(4) **Cover sheet.** A party filing a claim for relief, whether by original claim, counterclaim, cross-claim or third-party claim, must also file a completed cover sheet substantially similar in form and content to the cover sheet approved by the Judicial Council. The clerk may destroy the coversheet after recording the information it contains.

(b) Paragraphs; separate statements. All statements of claim or defense must be made in numbered paragraphs. Each paragraph must be limited as far as practicable to a single set of circumstances; and a paragraph may be adopted by reference in all succeeding pleadings. Each claim founded upon a separate transaction or occurrence and each defense other than denials must be stated in a separate count or defense whenever a separation facilitates the clear presentation of the matters set forth.

40 **(c) Adoption by reference; exhibits.** Statements in a paper may be adopted by reference
41 in a different part of the same or another paper. An exhibit to a paper is a part thereof
42 for all purposes.

43 **(d) Paper format.** All pleadings and other papers, other than exhibits and court-
44 approved forms, must be 8½ inches wide x 11 inches long, on white background, with a
45 top margin of not less than 1½ inches and a right, left and bottom margin of not less
46 than 1 inch . All text or images must be clearly legible, must be double spaced, except
47 for matters customarily single spaced, must be on one side only and must not be
48 smaller than 12-point size.

49 **(e) Signature line.** The name of the person signing must be typed or printed under that
50 person's signature. If a proposed document ready for signature by a court official is
51 electronically filed, the order must not include the official's signature line and must, at
52 the end of the document, indicate that the signature appears at the top of the first page.

53 **(f) Non-conforming papers.** The clerk of the court may examine the pleadings and
54 other papers filed with the court. If they are not prepared in conformity with
55 paragraphs (a) - (e), the clerk must accept the filing but may require counsel to
56 substitute properly prepared papers for nonconforming papers. The clerk or the court
57 may waive the requirements of this rule for parties appearing pro se. For good cause
58 shown, the court may relieve any party of any requirement of this rule.

59 **(g) Replacing lost pleadings or papers.** If an original pleading or paper filed in any
60 action or proceeding is lost, the court may, upon motion, with or without notice,
61 authorize a copy thereof to be filed and used in lieu of the original.

62 **(h) No improper content.** The court may strike and disregard all or any part of a
63 pleading or other paper that contains redundant, immaterial, impertinent or scandalous
64 matter.

65 **(i) Electronic papers.**

66 (1) Any reference in these rules to a writing, recording or image includes the
67 electronic version thereof.

68 (2) A paper electronically signed and filed is the original.

69 (3) An electronic copy of a paper, recording or image may be filed as though it were
70 the original. Proof of the original, if necessary, is governed by the Utah Rules of
71 Evidence.

72 (4) An electronic copy of a paper must conform to the format of the original.

73 (5) An electronically filed paper may contain links to other papers filed
74 simultaneously or already on file with the court and to electronically published
75 authority.

Draft: March 24, 2021

Rule 3. Style of pleadings and forms.

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

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

~~(b)~~(1) In minors' cases or private petition cases: "State of Utah, in the interest of _____, a minor under _____ years of age."

~~(b)~~(2) In cases of adults charged with any crime: "State of Utah, Plaintiff, vs. _____, Defendant."

~~(b)~~(3) In cases requesting protective orders: "_____, ~~Plaintiff~~Petitioner, vs. _____, ~~Defendant~~Respondent."

~~(b)~~(4) In adoptions: "In the matter of the adoption of _____."

~~(b)~~(5) In cases transferred from district court involving issues of custody, support and parent time: "State of Utah, in the interest of _____. In the matter of _____, ~~Plaintiff~~Petitioner, vs. _____, ~~Respondent~~Defendant."

(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.

West's Utah Code Annotated
State Court Rules
Rules of Juvenile Procedure (Refs & Annos)
Section V. Petition; Service; Pre-Trial Pleadings; Discovery

Utah R. Juv. P. Rule 19A

Rule 19A. Motions and Orders

Currentness

(a) Motions. A request for an order must be made by motion. The motion must be in writing unless made during a hearing or trial, must state the relief requested, and must state the grounds for the relief requested. A written motion, other than one which may be heard ex parte, and notice of the hearing shall be served not later than seven days before the time specified for hearing, unless a different period is fixed by these rules or by court order.

(b) Name and Content of Motion.

(1) The rules governing captions and other matters of form in pleadings apply to motions and other papers. The moving party must title the motion substantially as: "Motion [short phrase describing the relief requested]." The motion must include the supporting memorandum. The motion must include under appropriate headings and in the following order:

(A) A concise statement of the relief requested and the grounds for the relief requested and

(B) One or more sections that include a concise statement of the relevant facts claimed by the moving party and argument citing authority for the relief requested.

(2) If the moving party cites documents or materials of any kind, relevant portions of those documents or materials must be attached to or submitted with the motion.

(3) The motion may not exceed 25 pages, not counting attachments unless a longer motion is permitted by the court.

(c) Name and Content of Memorandum Opposing the Motion.

(1) A nonmoving party may file a memorandum opposing the motion within 14 days after the motion is filed unless otherwise ordered by the Court. The nonmoving party must title the memorandum substantially as "Memorandum opposing motion [short phrase describing the relief requested]." The memorandum must include under appropriate headings and in the following order:

(A) A concise statement of the party's preferred disposition of the motion and the grounds supporting that disposition;

(B) One or more sections that include a concise statement of the relevant facts claimed by the nonmoving party and argument citing authority for that disposition; and

(C) Objections to evidence in the motion, citing authority for the objection.

(2) If the nonmoving party cites documents or materials of any kind, relevant portions of those documents or materials must be attached to or submitted with the memorandum.

(3) The memorandum may not exceed 25 pages, not counting attachments, unless a longer memorandum is permitted by the court.

(d) Name and Content of Reply Memorandum.

(1) Within 7 days after the memorandum opposing the motion is filed, unless otherwise ordered by the Court, the moving party may file a reply memorandum, which must be limited to rebuttal of new matters raised in the memorandum opposing the motion. The moving party must title the memorandum substantially as “Reply memorandum supporting motion [short phrase describing the relief requested].” The memorandum must include under appropriate headings and in the following order:

(A) A concise statement of the new matter raised in the memorandum opposing the motion;

(B) One or more sections that include a concise statement of the relevant facts claimed by the moving party not previously set forth that respond to the opposing party's statement of facts and argument citing authority rebutting the new matter

(C) Objections to evidence in the memorandum opposing the motion, citing authority for the objection; and

(D) Response to objections made in the memorandum opposing the motion, citing authority for the response.

(2) If the moving party cites any documents or materials, relevant portions of those documents or materials must be attached to or submitted with the memorandum.

(3) The reply memorandum may not exceed 15 pages, not counting attachments, unless a longer reply memorandum is permitted by the court.

(e) Objection to Evidence in the Reply Memorandum; Response. If the reply memorandum includes an objection to evidence, the nonmoving party may file a response to the objection no later than 7 days after the reply memorandum is filed, unless otherwise ordered by the court. If the reply memorandum includes evidence not previously set forth, the nonmoving party may file an objection to the evidence no later than 7 days after the reply memorandum is filed, and the moving party may file a response to the objection no later than 7 days after the objection is filed, unless otherwise ordered by the court. The objection or response may not be more than 3 pages.

(f) Request to Submit for Decision. When briefing is complete or the time for briefing has expired, either party may file a “Request to Submit for Decision” but if no party files a request, the motion will not be submitted for decision. The request to submit for decision must state whether a hearing has been requested.

(g) Hearings. The court may hold a hearing on any motion. A party may request a hearing in the motion, in a memorandum or in the request to submit for decision. A request for hearing must be separately identified in the caption of the document containing the request.

(h) The court may decide any motion at a hearing without a Request to Submit for Decision.

(i) Notice of Supplemental Authority. A party may file notice of citation to significant authority that comes to the party's attention after the party's motion or memorandum has been filed or after oral argument but before decision. The notice must state the citation to the authority, the page of the motion or memorandum or the point orally argued to which the authority applies, and the reason the authority is relevant. Any other party may promptly file a response, but the court may act on the motion without waiting for a response.

(j) All dispositive motions shall be heard at least fourteen days before the scheduled trial date unless otherwise ordered by the court. No dispositive motions shall be heard after that date without leave of the court.

(k) Stipulated Motions. A party seeking relief that has been agreed to by the other parties may file a stipulated motion which must

(1) Be titled substantially as: “Stipulated Motion [short phrase describing the relief requested]”

(2) Include a concise statement of the relief requested and the grounds for the relief requested

(3) Include language indicating the name of the parties that stipulated to the motion or a signed stipulation in or attached to the motion and

(4) Be accompanied by a proposed order that has been approved by the other parties.

(l) Ex Parte Motions. If a statute or rule permits a motion to be filed without serving the motion on the other parties, the party seeking relief may file an ex parte motion which must:

(1) Be titled substantially as: “Ex parte motion [short phrase describing relief requested]”

(2) Include a concise statement of the relief requested and the grounds for the relief requested

(3) Cite the statute or rule authorizing the ex parte motion

(4) Be accompanied by a proposed order

(m) Orders.

(1) *Verbal Orders.* A verbal order of the juvenile court is effective and enforceable when delivered from the bench and entered on the record in the presence of the party against whom enforcement is sought. Unless otherwise required by law or rule, a verbal order is deemed entered when recorded and may or may not be later memorialized in writing.

(2) *Written Orders.* A written order of the juvenile court is effective and enforceable when signed by the court and served on the party against whom enforcement is sought. A written order is deemed entered when filed.

(3) *Preparing, Serving, and Filing Proposed Orders.*

(A) *Orders Prepared in Open Court.* At a hearing, the court may (1) prepare a written order or (2) direct a party to prepare a written order while the parties or counsel are present. An order prepared by the court or a party in open court is effective and enforceable when signed by the court and filed. The court may permit review of the written order by the parties or counsel prior to signing. A party may object to a written order prepared in open court within 7 days of the entry of the order.

(B) *Orders Prepared Outside Court.* Following a hearing, the court may (1) prepare a written order or (2) direct a party to prepare a proposed order. Within 14 days of being directed to prepare a proposed order, a party must serve the proposed order on the other parties for review and approval as to form. If the party directed to prepare a proposed order fails to timely serve the order, any other party may prepare a proposed order and serve the proposed order on the other parties for review and approval as to form.

(C)(i) A party's approval as to form of a proposed order certifies the proposed order accurately reflects the court's decision. Approval as to form does not waive objections to the substance of the order.

(ii) A party may object to the form of the proposed order by filing an objection within 7 days after the order is served.

(4) The party preparing a proposed order must file it:

(A) after all other parties have approved the form of the order, in which case the party preparing the proposed order must indicate the means by which approval was received: in person; by telephone; by signature; by email; etc.

(B) after the time to object to the form of the order has expired, in which case the party preparing the proposed order must also file a certificate of service of the proposed order; or

(C) within 7 days after a party has objected to the form of the order, in which case the party preparing the proposed order may also file a response to the objection.

(5) *Proposed Order Before Decision Prohibited; Exceptions.* A party may not file a proposed order concurrently with a motion or a memorandum or a request to submit for decision, except that a proposed order must be filed with:

(A) a stipulated motion;

(B) a motion that can be acted on without waiting for a response;

(C) an ex parte motion;

(D) the request to submit for decision a motion in which a memorandum opposing the motion has not been filed.

(6) *Orders Entered Without a Response; Ex Parte Orders.* An order entered on a motion where no response was filed or required may be vacated or modified by the judge who made it with or without notice.

(7) *Order to Pay Money.* An order to pay money may be enforced in the same manner as if it were a judgment.

Credits

[Adopted effective November 1, 2017.]

Utah Rules of Juvenile Procedure Rule 19A, UT R JUV Rule 19A
Current with amendments received through May 1, 2021

West's Utah Code Annotated
State Court Rules
Rules of Juvenile Procedure (Refs & Annos)
Section X. Proceedings Relating to Adults

Utah R. Juv. P. Rule 39

Rule 39. Contempt of Court

Currentness

(a) Any parent, guardian, or custodian of a minor who willfully fails or refuses to produce the minor in court in response to a summons or order of the court may be proceeded against for contempt of court pursuant to Title 78B, Chapter 6 Contempt. Any person made the subject of a court order who willfully fails or refuses to comply with the order may be proceeded against for contempt of court.

(b) Contempt proceedings involving conduct occurring out of the presence of the court shall be initiated by a motion for an order by the court that the person alleged to be in contempt be ordered to appear and show cause why he should not be found in contempt and punished as provided by law. Such motion must be accompanied by an affidavit setting forth the conduct alleged to constitute the contempt. Such motion may be filed by any party to the proceeding or by an officer of the court.

(c) The court may issue a warrant for the arrest of any person who has failed to appear in response to a summons. Upon appearance, the court may find such person in contempt of court unless it appears that there was reasonable cause for the failure to obey the summons.

Credits

[Adopted effective January 1, 1995. Amended effective January 1, 2009.]

Utah Rules of Juvenile Procedure Rule 39, UT R JUV Rule 39

Current with amendments received through May 1, 2021

End of Document

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TAB 7

1 **Rule 3. Style of pleadings and forms.**

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

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

8 ~~.(b)~~(1) In minors' cases or private petition cases: "State of Utah, in the interest of
9 _____, a minor under _____ years of age."

10 ~~.(b)~~(2) In cases of adults charged with any crime: "State of Utah, Plaintiff, vs.
11 _____, Defendant."

12 ~~.(b)~~(3) In cases requesting protective orders: "_____,
13 Plaintiff~~Petitioner~~, vs. _____, Defendant~~Respondent~~."

14 ~~.(b)~~(4) In adoptions: "In the matter of the adoption of _____."

15 ~~.(b)~~(5) In cases transferred from district court involving issues of custody, support
16 and parent time: "State of Utah, in the interest of _____. In the
17 matter of _____, Plaintiff~~Petitioner~~, vs. _____,
18 Respondent~~Defendant~~."

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

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Rules of Juvenile Procedure – Comment Period Closed June 21, 2021

URJP003. Style of pleadings and forms. Amend. Makes revisions to align the captions in protective order cases and cases transferred from District Court involving custody, child support, and parent time with Title 30, Chapters 3 and 4, Divorce and Separate Maintenance, respectively, Title 78B, Chapter 7, Child Protective Orders, and court forms.

This entry was posted in [-Rules of Juvenile Procedure, URJP003.](#)

« [Code of Judicial Administration – Comment Period Closes July 17, 2021](#)

[Code of Judicial Administration – Comment Period Closed June 11, 2021](#) »

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- CJA010-1-020
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- CJA02-0104
- CJA02-0106.01
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- CJA03-0111.03

TAB 8

**Rule 21. Warrant of arrest or summons in cases under Utah Code section ~~78A-6-703.380-~~
6-503.**

(a) Upon the return of an indictment alleging the commission of a felony governed by Utah Code section ~~78A-6-703.380-~~6-503, the court shall ~~cause to~~ issue either a warrant for the arrest or a summons for the appearance of the minor.

(b) Upon the filing of an information alleging the commission of a felony governed by Utah Code section ~~78A-6-703.380-~~6-503, if it appears from the information, or from any affidavit filed with the information, that there is probable cause to believe that an offense governed by this section has been committed and that the minor has committed it, the court shall ~~cause to~~ issue either a warrant for the arrest or a summons for the appearance of the minor.

(c) If it appears to the court that the minor will appear on a summons and there is no substantial danger of a breach of the peace, or injury to persons or property, or danger to the community, a summons may issue in lieu of a warrant of arrest to require the appearance of the minor. A warrant of arrest may issue in cases where the minor has failed to appear in response to a summons or citation or thereafter when required by the court. If a warrant of arrest is issued, the court shall state on the warrant:

~~(c)~~(1) the name of the law enforcement agency in the county or municipality with jurisdiction over the offense charged; and

~~(c)~~(2) whether the minor is to be taken to court, ~~jail, or a juvenile detention facility~~a detention facility, or a correctional facility.

(d)~~(1)~~ The warrant shall be executed by a peace officer. The summons may be served by a peace officer or any person authorized to serve a summons in a civil action.

~~(d)~~~~(2)~~ The warrant may be executed or the summons may be served at any place within the state.

~~(d)~~~~(3)~~ The warrant shall be executed by the arrest of the minor. The officer need not possess the warrant at the time of the arrest, but upon request shall show the

warrant to the minor as soon as practicable. If the officer does not possess the warrant at the time of the arrest, the officer shall inform the minor of the offense charged and of the fact that the warrant has been issued. The summons shall be served as in civil actions, or by mailing it to the minor's last known address.

~~(d)~~(43) The person executing a warrant or serving a summons shall make return thereof to the juvenile court as soon as practicable. At the request of the prosecuting attorney, any unexecuted warrant shall be returned to the court for cancellation.

1 **Rule 37. Child protective orders.**

2 (a) Child protective order proceedings are governed by ~~Section~~ Utah Code section 78B-7-
3 201 et seq. Protective order proceedings may be commenced as an independent action by
4 filing a petition. Any interested person may file a petition for a protective order on behalf
5 of a child as provided by statute. The petitioner shall first make a referral to the division.
6 If an immediate ex parte protective order is requested pending a hearing, the petition or
7 an accompanying affidavit shall set forth the facts constituting good cause for issuance of
8 the ex parte order.

9 (b) If the petitioner is the agent of a public or private agency, including a law enforcement
10 agency, the petition shall set forth the agent's title and the name of the agency that the
11 petitioner represents.

12 (c) Petitions for protective orders by a public agency shall not be accepted by the clerk
13 unless reviewed and approved by the attorney for the public agency, whose office shall
14 represent the petitioner in such cases.

15 (d) The petitioner, if a private person or agency, and the respondent may be represented
16 by retained counsel. Subject to the limitations ~~in Section 78A-6-1111~~ under the law, the
17 Court may appoint counsel for an indigent respondent who is a parent, guardian or
18 custodian of the child alleged to be abused or threatened with abuse. If the court finds in
19 the hearing that the allegations of the petition have been established, the court may assess
20 petitioner's costs and attorney fees against the respondent. If the court finds that the
21 petition is without merit, the respondent's costs and attorney fees may be assessed against
22 petitioner.

23 (e) If an ex parte order has been issued, the hearing must be held within 21 ~~10~~ days
24 ~~excluding Saturdays, Sundays and legal holidays.~~

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Rules of Juvenile Procedure – Comment Period Closed July 31, 2021

URJP021. Warrant of arrest or summons in cases under Utah Code section 78A-6-703.3. Amend. Updates statutory references affected by H.B. 285 Juvenile Code Recodification (2021) and changes terminology regarding detention and correctional facilities to align with statutory language.

URJP037. Child protective orders. Amend. Updates statutory references affected by H.B. 285 Juvenile Code Recodification (2021) and changes the time frame for holding a hearing after granting an ex party child protective order to align with statutory changes in H.B. 255 Protective Order Revisions (2021).

This entry was posted in [-Rules of Juvenile Procedure, URJP021, URJP037.](#)

« [Rules of Civil Procedure – Comment Period Closes August 5, 2021](#)

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TAB 9

Rule 7. Warrants.

(a) The issuance and execution of a warrant is governed by Title 77, Chapter 7, Arrest~~7~~
Utah Code sections Section 78A-6-106, 78A-6-102, Section 78A-6-106.5, Section 78A-6-
111, 80-6-202, and Section 78A-6-112, 78A-6-352~~7~~; and Rule 40 of the Utah Rules of Criminal
Procedure~~40~~.

(b) After a petition is filed, a warrant for immediate temporary custody of a minor may
be issued if the court finds from the facts set forth in an affidavit filed with the court or
in the petition that there is probable cause to believe that:

~~(b)~~(1) the minor has committed an act which would be a felony if committed by
an adult;

~~(b)~~(2) the minor has failed to appear after the minor or the parent, guardian or
custodian has been legally served with a summons;

~~(b)~~(3) there is a substantial likelihood the minor will not respond to a summons;

~~(b)~~(4) the summons cannot be served and the minor's present whereabouts are
unknown;

~~(b)~~(5) the minor seriously endangers others and immediate removal appears to be
necessary for the protection of others or the public; or

~~(b)~~(6) ~~there are reasonable grounds to believe that the minor has run away or~~
~~escaped from the minor's parent, guardian or custodian~~ the minor is a runaway or
has escaped from the minor's parent, guardian, or custodian.

(c) A warrant for immediate temporary custody of a minor may be issued if the court
finds from the affidavit that the minor is under the continuing jurisdiction of the court
and probable cause to believe that the minor:

~~(c)~~(1) has left the custody of the person or agency vested by the court with legal
custody and guardianship without permission; or

~~(c)~~(2) has violated a court order.

(d) A warrant for immediate custody shall be signed by a court and shall contain or be supported by the following:

~~(d)~~(1) an order that the minor be returned home, taken to the court, taken to a juvenile detention, shelter facility, other nonsecure facility or an adult detention facility, if appropriate, designated by the court at the address specified pending a hearing or further order of the court;

~~(d)~~(2) the name, date of birth and last known address of the minor;

~~(d)~~(3) the reasons why the minor is being taken into custody;

~~(d)~~(4) a time limitation on the execution of the warrant;

~~(d)~~(5) the name and title of the person requesting the warrant unless ordered by the court on its own initiative pursuant to these rules; and

~~(d)~~(6) the date, county and court location where the warrant is being issued.

(e) A peace officer who brings a minor to a detention facility pursuant to a court order for immediate custody shall so inform the person in charge of the facility and the existence of such order shall require the minor's immediate admission. A minor so admitted may not be released without court order.

(f) This rule shall not limit the statutory authority of a probation officer to take a minor who has violated a condition of probation into custody under Utah Code section 80-6-201.

(g) Return of service on a warrant shall be executed within 72 hours unless otherwise ordered by the Court.

(h) The juvenile court to retain and file copies - Documents sealed for twenty days - Forwarding of record to court with jurisdiction.

~~(h)~~(1) At the time of issuance, the juvenile court shall retain and seal a copy of the search warrant, the application and all affidavits or other recorded testimony on which the warrant is based and shall, within a reasonable time, file those sealed

documents in court files which are secured against access by the public. Those documents shall remain sealed until twenty days following the issuance of the warrant unless that time is extended or reduced. Unsealed search warrant documents shall be filed in the court record.

~~(h)~~(2) Sealing and retention of the file may be accomplished by:

~~(h)~~(2)(A) placing paper documents or storage media in a sealed envelope and filing the sealed envelope in a court file not available to the public;

~~(h)~~(2)(B) storing the documents by electronic or other means under the control of the court in a manner reasonably designed to preserve the integrity of the documents and protect them against disclosure to the public during the period in which they are sealed; or

~~(h)~~(2)(C) filing through the use of an electronic filing system operated by the State of Utah which system is designed to transmit accurate copies of the documents to the court file without allowing alteration to the documents after issuance of the warrant by the juvenile court.

West's Utah Code Annotated
State Court Rules
Rules of Juvenile Procedure (Refs & Annos)
Section V. Petition; Service; Pre-Trial Pleadings; Discovery

Utah R. Juv. P. Rule 19A

Rule 19A. Motions and Orders

Currentness

(a) Motions. A request for an order must be made by motion. The motion must be in writing unless made during a hearing or trial, must state the relief requested, and must state the grounds for the relief requested. A written motion, other than one which may be heard ex parte, and notice of the hearing shall be served not later than seven days before the time specified for hearing, unless a different period is fixed by these rules or by court order.

(b) Name and Content of Motion.

(1) The rules governing captions and other matters of form in pleadings apply to motions and other papers. The moving party must title the motion substantially as: "Motion [short phrase describing the relief requested]." The motion must include the supporting memorandum. The motion must include under appropriate headings and in the following order:

(A) A concise statement of the relief requested and the grounds for the relief requested and

(B) One or more sections that include a concise statement of the relevant facts claimed by the moving party and argument citing authority for the relief requested.

(2) If the moving party cites documents or materials of any kind, relevant portions of those documents or materials must be attached to or submitted with the motion.

(3) The motion may not exceed 25 pages, not counting attachments unless a longer motion is permitted by the court.

(c) Name and Content of Memorandum Opposing the Motion.

(1) A nonmoving party may file a memorandum opposing the motion within 14 days after the motion is filed unless otherwise ordered by the Court. The nonmoving party must title the memorandum substantially as "Memorandum opposing motion [short phrase describing the relief requested]." The memorandum must include under appropriate headings and in the following order:

(A) A concise statement of the party's preferred disposition of the motion and the grounds supporting that disposition;

(B) One or more sections that include a concise statement of the relevant facts claimed by the nonmoving party and argument citing authority for that disposition; and

(C) Objections to evidence in the motion, citing authority for the objection.

(2) If the nonmoving party cites documents or materials of any kind, relevant portions of those documents or materials must be attached to or submitted with the memorandum.

(3) The memorandum may not exceed 25 pages, not counting attachments, unless a longer memorandum is permitted by the court.

(d) Name and Content of Reply Memorandum.

(1) Within 7 days after the memorandum opposing the motion is filed, unless otherwise ordered by the Court, the moving party may file a reply memorandum, which must be limited to rebuttal of new matters raised in the memorandum opposing the motion. The moving party must title the memorandum substantially as “Reply memorandum supporting motion [short phrase describing the relief requested].” The memorandum must include under appropriate headings and in the following order:

(A) A concise statement of the new matter raised in the memorandum opposing the motion;

(B) One or more sections that include a concise statement of the relevant facts claimed by the moving party not previously set forth that respond to the opposing party's statement of facts and argument citing authority rebutting the new matter

(C) Objections to evidence in the memorandum opposing the motion, citing authority for the objection; and

(D) Response to objections made in the memorandum opposing the motion, citing authority for the response.

(2) If the moving party cites any documents or materials, relevant portions of those documents or materials must be attached to or submitted with the memorandum.

(3) The reply memorandum may not exceed 15 pages, not counting attachments, unless a longer reply memorandum is permitted by the court.

(e) Objection to Evidence in the Reply Memorandum; Response. If the reply memorandum includes an objection to evidence, the nonmoving party may file a response to the objection no later than 7 days after the reply memorandum is filed, unless otherwise ordered by the court. If the reply memorandum includes evidence not previously set forth, the nonmoving party may file an objection to the evidence no later than 7 days after the reply memorandum is filed, and the moving party may file a response to the objection no later than 7 days after the objection is filed, unless otherwise ordered by the court. The objection or response may not be more than 3 pages.

(f) Request to Submit for Decision. When briefing is complete or the time for briefing has expired, either party may file a “Request to Submit for Decision” but if no party files a request, the motion will not be submitted for decision. The request to submit for decision must state whether a hearing has been requested.

(g) Hearings. The court may hold a hearing on any motion. A party may request a hearing in the motion, in a memorandum or in the request to submit for decision. A request for hearing must be separately identified in the caption of the document containing the request.

(h) The court may decide any motion at a hearing without a Request to Submit for Decision.

(i) Notice of Supplemental Authority. A party may file notice of citation to significant authority that comes to the party's attention after the party's motion or memorandum has been filed or after oral argument but before decision. The notice must state the citation to the authority, the page of the motion or memorandum or the point orally argued to which the authority applies, and the reason the authority is relevant. Any other party may promptly file a response, but the court may act on the motion without waiting for a response.

(j) All dispositive motions shall be heard at least fourteen days before the scheduled trial date unless otherwise ordered by the court. No dispositive motions shall be heard after that date without leave of the court.

(k) Stipulated Motions. A party seeking relief that has been agreed to by the other parties may file a stipulated motion which must

(1) Be titled substantially as: “Stipulated Motion [short phrase describing the relief requested]”

(2) Include a concise statement of the relief requested and the grounds for the relief requested

(3) Include language indicating the name of the parties that stipulated to the motion or a signed stipulation in or attached to the motion and

(4) Be accompanied by a proposed order that has been approved by the other parties.

(l) Ex Parte Motions. If a statute or rule permits a motion to be filed without serving the motion on the other parties, the party seeking relief may file an ex parte motion which must:

(1) Be titled substantially as: “Ex parte motion [short phrase describing relief requested]”

(2) Include a concise statement of the relief requested and the grounds for the relief requested

(3) Cite the statute or rule authorizing the ex parte motion

(4) Be accompanied by a proposed order

(m) Orders.

(1) *Verbal Orders.* A verbal order of the juvenile court is effective and enforceable when delivered from the bench and entered on the record in the presence of the party against whom enforcement is sought. Unless otherwise required by law or rule, a verbal order is deemed entered when recorded and may or may not be later memorialized in writing.

(2) *Written Orders.* A written order of the juvenile court is effective and enforceable when signed by the court and served on the party against whom enforcement is sought. A written order is deemed entered when filed.

(3) *Preparing, Serving, and Filing Proposed Orders.*

(A) *Orders Prepared in Open Court.* At a hearing, the court may (1) prepare a written order or (2) direct a party to prepare a written order while the parties or counsel are present. An order prepared by the court or a party in open court is effective and enforceable when signed by the court and filed. The court may permit review of the written order by the parties or counsel prior to signing. A party may object to a written order prepared in open court within 7 days of the entry of the order.

(B) *Orders Prepared Outside Court.* Following a hearing, the court may (1) prepare a written order or (2) direct a party to prepare a proposed order. Within 14 days of being directed to prepare a proposed order, a party must serve the proposed order on the other parties for review and approval as to form. If the party directed to prepare a proposed order fails to timely serve the order, any other party may prepare a proposed order and serve the proposed order on the other parties for review and approval as to form.

(C)(i) A party's approval as to form of a proposed order certifies the proposed order accurately reflects the court's decision. Approval as to form does not waive objections to the substance of the order.

(ii) A party may object to the form of the proposed order by filing an objection within 7 days after the order is served.

(4) The party preparing a proposed order must file it:

(A) after all other parties have approved the form of the order, in which case the party preparing the proposed order must indicate the means by which approval was received: in person; by telephone; by signature; by email; etc.

(B) after the time to object to the form of the order has expired, in which case the party preparing the proposed order must also file a certificate of service of the proposed order; or

(C) within 7 days after a party has objected to the form of the order, in which case the party preparing the proposed order may also file a response to the objection.

(5) *Proposed Order Before Decision Prohibited; Exceptions.* A party may not file a proposed order concurrently with a motion or a memorandum or a request to submit for decision, except that a proposed order must be filed with:

(A) a stipulated motion;

(B) a motion that can be acted on without waiting for a response;

(C) an ex parte motion;

(D) the request to submit for decision a motion in which a memorandum opposing the motion has not been filed.

(6) *Orders Entered Without a Response; Ex Parte Orders.* An order entered on a motion where no response was filed or required may be vacated or modified by the judge who made it with or without notice.

(7) *Order to Pay Money.* An order to pay money may be enforced in the same manner as if it were a judgment.

Credits

[Adopted effective November 1, 2017.]

Utah Rules of Juvenile Procedure Rule 19A, UT R JUV Rule 19A
Current with amendments received through July 15, 2021.