

Utah Rules of Juvenile Procedure Committee- Meeting Minutes

April 7, 2017

12:30 p.m. to 2:30 p.m.

Education Room

MEETING DATE

TIME

LOCATION

MEMBERS:	Present	Absent	Excused	MEMBERS:	Present	Absent	Excused
Carol Verdoia	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Maybell Romero	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Judge Elizabeth Lindsley	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Alan Sevison	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Judge Mary Manley	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Pam Vickrey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kristin Fadel	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Mikelle Ostler	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
David Fureigh	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Chris Yannelli	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Brent Hall	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Debra Jensen	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Trish Cassell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
AOC STAFF:	Present	Excused		GUESTS:	Present	Absent	
Katie Gregory	<input checked="" type="checkbox"/>	<input type="checkbox"/>		Krista Airam	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Adrienne Nash	<input type="checkbox"/>	<input checked="" type="checkbox"/>			<input type="checkbox"/>	<input type="checkbox"/>	
James Ishida	<input type="checkbox"/>	<input checked="" type="checkbox"/>			<input type="checkbox"/>	<input type="checkbox"/>	

AGENDA TOPIC

I. Welcome & Approval of Minutes		CHAIR: CAROL VERDOIA	
Corrections to the Minutes: Carol Verdoia welcomed members and called for approval of the minutes of March 3, 2017.			
Motion: To approve the minutes of March 3, 2017 as written.	By: Alan Sevison	Second: David Fureigh	
Approval	<input checked="" type="checkbox"/> Unanimous	<input type="checkbox"/> Vote:	In Favor _____ Opposed _____

AGENDA TOPIC

II. Continued Discussion of Rules 19, 19A, 19B and 19C	JUDGE ELIZABETH LINDSLEY
The committee reviewed the latest versions of Rules 19 through 19C, which had been previously distributed by email. Judge Lindsley reviewed two revisions suggested by Chris Yannelli to Rule 19C at lines 12 and 37-41.	
Rule 19A Carol Verdoia addressed a concern that line 95 of Rule 19A suggests that a verbal order does not need to be memorialized in writing in any circumstance, which may causes issues on appeal. After discussion,	
Motion #1 Judge Lindsley moved to amend Rule 19A, lines 95-98 to read: "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 may or may not be later memorialized in writing. A verbal order is deemed entered when recorded." She further moved to strike "whether or not the order is later	

memorialized in writing." Alan Sevison seconded the motion and it passed unanimously.

Motion #2

Discussion followed and Judge Lindsley amended her motion to revise Rule 19A, lines 95-98, as follows: "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." Alan Sevison seconded the amended motion and it passed unanimously.

The committee had a lengthy discussion regarding whether a list should be added of orders which must be in writing, but ultimately decided not to add this to the rule.

David Fureigh addressed numbering issues in Rule 19A at line 136, which should be designated "(m)(6)" and at line 137, which should be designated "(m)(7)."

Motion #3

Alan Sevison made a motion to revise Rule 19A at line 136 to designate the paragraph marked "(m)" as "(m)(6)" and revise line 139 to designate the paragraph marked "(n)" as "(m)(7)". Maybell Romero seconded the motion and it passed unanimously.

David Fureigh discussed his concerns regarding when the judge modifies an order submitted in CARE. Krista Airam clarified that CARE sends notice to the party submitting an order when the court modifies the order. The notice says either "signed as is" or "signed with changes made." It is the responsibility of the preparer of the order to send the revised and signed order to other parties. The parties need to know of any change to the order in the event they wish to file a motion to set aside the order. The committee discussed adding a paragraph (m)(4)(D) to Rule 19A to read "The party who prepared the order must notify all parties that the proposed order was modified by the court if the proposed order was modified by the court" or similar language.

Members noted that URCP 5 requires all orders and judgments to be served by the party preparing them. URJP 18, which is currently out for comment, references that service shall be made by the methods described in URCP 5, unless otherwise provided. Based on the reference to URCP 5, the committee tabled the discussion of adding a paragraph regarding service of the order. The Advisory Committee on the Rules of Civil Procedure is discussing revisions to URCP 5, and the URJP Committee may need to take up related issues at a future meeting.

Rule 19B

The committee reviewed proposed Rule 19B, but did not make any changes to the proposed language.

Rule 19C

The committee considered Rule 19C. In addition to the revisions proposed by Chris Yannelli at lines 12 and 37-41, Pam Vickrey proposed changes in paragraph (a) and requested the committee add a new paragraph (e).

Motion #4

After discussion, Judge Lindsley made a motion to revise paragraph (a) by adding the following two sentences from URCrP 12 to the exiting language of paragraph (a): "A motion shall state succinctly and with particularity the grounds upon which it is made and the relief sought. A motion need not be accompanied by a memorandum unless required by the court." Judge Lindsley further moved to insert a new paragraph (e) as follows: "When the facts in a petition, information or indictment fail to inform a minor of the nature and cause of the offense alleged so as to enable the minor to prepare his or her defense, the minor may file a written motion for a bill of particulars. The motion shall be filed at arraignment or within 14 days thereafter, or at such later time as the court may permit." The remaining paragraphs will be re-designated as (f)

through (i). Pam Vickrey seconded the motion and it passed unanimously.

Motion #5

Judge Lindsley made a final motion to approve the final versions of URJP 19, 19A, 19B, and 19C including the changes made during the meeting to Rule 19A and 19C. Trish Cassell seconded the motion and it passed unanimously.

AGENDA TOPIC

III. Continued Discussion of Revisions to URJP 4	PAM VICKREY
Juvenile court is the only state court which still excludes weekends and holidays in the calculation of time for a period under 11 days. The other courts have adopted the federal rule, which includes weekends and holidays in time computation. Alan Sevison asked Pam Vickrey to send out a brief paragraph explaining the issues involved. Brent Hall will draft proposed changes to Rule 4 for discussion at the next meeting.	
Action Item:	Pam Vickrey will email members a brief summary of the issues and Brent Hall will draft proposed changes to Rule 4 for discussion at the May 5, 2017 meeting.

AGENDA TOPIC

IV. URJP 3-Style of Pleadings and Forms URJP 36(a)(3)-Cases Transferred from District Court	KATIE GREGORY AND KRISTA AIRAM.
Krista Airam briefly addressed concerns with the style of pleadings set forth in URJP 3 and CARE programming for eFiling of pleadings. She asked committee members to review the headings listed in the rule and consider if they are still correct. Judge Lindsley and Krista Airam will discuss the headings and bring suggestions to the May 5, 2017 meeting. The committee should also consider removing the existing language of Rule 3(c) pertaining to the creation of forms since this function has been delegated to a new Judicial Council Forms Committee.	
Action Item:	Judge Lindsley and Krista Airam will propose suggested heading to the next meeting.