

# Utah Rules of Juvenile Procedure Committee- Meeting Minutes

August 19, 2016

Noon to 2:00 p.m.

Executive Dining Room

MEETING DATE

TIME

LOCATION

<b>MEMBERS:</b>	Present	Absent	Excused	<b>MEMBERS:</b>	Present	Absent	Excused
Carol Verdoia	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Maybell Romero	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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"/>
<b>AOC STAFF:</b>	Present	Excused		<b>GUESTS:</b>	Present	Absent	
Katie Gregory	<input checked="" type="checkbox"/>	<input type="checkbox"/>		Lauren Howell (observer)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Emily Iwasaki	<input checked="" type="checkbox"/>	<input type="checkbox"/>			<input type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>			<input type="checkbox"/>	<input type="checkbox"/>	

## AGENDA TOPIC

<b>I. Welcome &amp; Approval of Minutes</b>		<b>CHAIR: CAROL VERDOIA</b>	
Corrections to the Minutes: None			
Motion: To approve the minutes of June 3, 2016 as written.	By: Alan Sevison	Second: Brent Hall	
Approval	<input checked="" type="checkbox"/> Unanimous	<input type="checkbox"/> Vote: In Favor _____ Opposed _____	

## AGENDA TOPIC

<b>II. Committee Updates</b>	<b>KATIE GREGORY</b>
<p>Katie Gregory informed the committee that the Supreme Court will now review all proposed rules and rule changes before the rules are sent out for comment. The committee also briefly discussed that neither the rules nor statutes contain guidance regarding who may represent a tribe at court hearings. With the promulgation of the remote access rules effective November 1, 2016, this issue may need to be addressed at a future meeting.</p> <p>Carol Verdoia and Katie Gregory acknowledged that Emily Iwasaki will be leaving the Juvenile Court to take a position at the Attorney General's Office. The committee thanked Emily for her hard work and dedication to the URJP Committee.</p>	

## AGENDA TOPIC

### III. Discussion of Proposals for Juvenile Rules related to Rule 5 and Rule 7 of the Utah Rules of Civil Procedure and Rule 18 of the Rules of Juvenile Procedure

JUDGE LINDSLEY, ALAN SEVISION AND BRENT HALL

Brent Hall reviewed proposed changes to URJP 18: Summons; service of process; notice. The committee had a lengthy discussion about the differences between both eFiling and service in district court versus juvenile court. Numerous revisions were suggested and discussed.

**Brent Hall made the following motion with the addition of several friendly amendments: Motion to revise URJP 18 as follows:**

**(d) Notice.**

- (1) Notice of the time, date and place of any further proceedings, after an initial appearance or service of summons, may be given in open court or by mail to any party. Notice shall be sufficient if the clerk deposits the notice in the United States mail, postage pre-paid, to the address provided by the party in court or the address at which the party was initially served, or if the party has agreed to accept service by email, emailing notice to the email address provided by the party.**
- (2) Notice for any party represented by counsel shall be given to counsel for the party through either mail; notice given in open court; or by emailing it to the email address on file with the Utah State Bar.**

**And by adding the following new paragraph:**

**(f) Service of pleadings and other papers.**

**Except as otherwise provided by these rules or by statute, service of pleadings and other papers not requiring a summons shall be made by the methods provided in Utah Rule of Civil Procedure 5, except that service to the email address on file with the Utah State Bar is sufficient service to an attorney under this rule with the following addition:**

**(f)(1) Methods of Service. A paper is served under this rule by:**

**(f)(1)(A): Upon an attorney for a party: by emailing it to the email address on file with the Utah State Bar.**

Judge Lindsley seconded the motion of Brent Hall and the motion passed unanimously. The committee also discussed the need to create an Advisory Committee Note explaining that C.A.R.E. does not constitute an electronic filing account.

**Motion to Add Advisory Note:**

Brent Hall proposed adding the following Advisory Note to URJP 18: "Access to the Juvenile Court's Court and Agency Records Exchange (C.A.R.E.) for eFiling documents does not constitute an electronic filing account as referenced in the Rules of Civil Procedure. eFiling in C.A.R.E. does not constitute service upon a party." After discussion, Judge Lindsley made a motion to add the language proposed by Brent Hall as an Advisory Note to Rule 18. Alan Sevison seconded the motion and it passed unanimously.

**Additional Motion to Add Advisory Note:**

Alan Sevison made a motion to add another advisory note to Rule 18 as follows: "Unlike URCP 5(b)(3)(B), Subsection (f) of this rule does not require an attorney to agree to receive pleadings and other papers via email. Service under this rule is effective with or without an agreement. Judge Lindsley seconded the motion and it passed unanimously.

The committee agreed that the proposed advisory notes will be listed as two separate notes to follow the existing Advisory Committee Note to Rule 18.

**AGENDA TOPIC**

<b>IV. Proposal Related to Rule 7 of the Utah Rules of Civil Procedure</b>	<b>JUDGE ELIZABETH LINDSLEY</b>
<p>Judge Lindsley introduced issues related to URCP 7 and corresponding revisions to be placed in the Rules of Juvenile Procedure. She presented an overview of the revisions she will propose at the next meeting and ask members to consider them in the interim. The committee also considered whether the revisions should be placed in URJP 19, which is the juvenile rule on responsive pleadings and motions, or it a new and separate rule. Judge Lindsley asked members to think about whether we should omit courtesy copies from the rule. Members may need to consider additional impacts on URJP 12 related to notices to submit in delinquency proceedings. Alan Sevison addressed concerns regarding whether including provisions in the juvenile rules is sufficient to show intent to supersede the application of URCP 7.</p>	
Action Item:	The committee will review the proposals further and renew the discussions at the next meeting.

**AGENDA TOPIC**

<b>V. Revisions to URJP 4</b>	<b>PAM VICKREY</b>
<p>URJP 4 includes weekends and holidays in the computation of time, but the criminal and civil rules now exclude weekends and holidays. Pam Vickrey asked the committee to consider for the next meeting if the juvenile rules should be made consistent with the other rules.</p> <p>The next meeting was set for Friday, November 18 from Noon to 2:00 p.m.</p>	