

# Utah Rules of Juvenile Procedure Committee- Meeting Minutes

August 4, 2017

Noon to 2:00 p.m.

Conference Room A

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"/>	Mikelle Ostler	<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"/>	Chris Yannelli	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
David Fureigh	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Brent Hall	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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"/>		Briana Allen	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Adrienne Nash	<input checked="" type="checkbox"/>	<input 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

<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 2, 2017 as written	By: Pam Vickrey	Second: Trish Cassell	
Approval	<input checked="" type="checkbox"/> Unanimous	<input type="checkbox"/> Vote:	In Favor _____ Opposed _____

## AGENDA TOPIC

<b>II. Rules 19A and 19C: Discussion of Public Comments</b>	<b>CAROL VERDOIA</b>
<p>Carol Verdoia reported that Rules 19, 19A, 19B and 19C were sent out to members of the bar for comment. The committee received and discussed three comments. The first comment pertained to the requirement in Rule 19A to file written motions at least seven days prior to a calendared hearing. It was noted that the language mentioned in the comment is contained in URCP 7, which practitioners should already be following. The committee had added the seven day requirement to Rule 19A prior to sending it out for comment to deter a party from filing a number of motions immediately before a hearing. The comment noted that the seven day timeframe did not work with the 14 day timeframe for filing motions in opposition. The committee determined that if a motion is filed close to the date of a hearing, the juvenile court, both historically and under the new rule, still has discretion to allow responses depending on the type of motion filed.</p> <p>The committee discussed the second comment which requested the addition of a comma in rule 19C.</p> <p><b>MOTION:</b> Judge Lindsley made a motion to add a comma in the first line of Rule 19C(a) after the word "objection." Alan Sevison seconded the motion and it passed unanimously.</p> <p>The committee discussed the third comment which addressed Rule 19A(m)(7) regarding the</p>	



language of URCP 6(a)(3) and 6(a)(3)(A) to the end of section (a) of Rule 4.	
Approval	<input checked="" type="checkbox"/> Unanimous <input type="checkbox"/> Vote: # In Favor _____ # Opposed _____

**AGENDA TOPIC**

<b>IV. Continued Review of Child Welfare Expedited Appeals Rules</b>	CAROL VERDOIA
The committee continued its review of Rules of Appellate Procedure 52 through 59. After reviewing each rule, members ultimately decided not to recommend changes to the Rules of Appellate Procedure Committee. Rule 1 of the Rules of Appellate Procedure also applies to child welfare matters in juvenile court and references Rules 52 through 59.	
Action Item:	Katie Gregory will notify James Ishida that the Committee had no additional recommendations or concerns with the rules in question.

**AGENDA TOPIC**

<b>V. Begin Review of Rules Impacted by H.B. 239</b>	KATIE GREGORY
Katie Gregory provided background on HB 239 and referred committee members to drafts of URJP 14 through 17, which were prepared by the AOC legal department for initial discussion.	
<p><b><u>Rule 14: Reception of referral; preliminary determination.</u></b></p> The committee began its review with the April 19, 2017 draft of Rule 14. Members first discussed that if probation is unclear as to the level of offense, then probation must consult with the prosecutor regarding the referral. The committee also discussed line 4441 of HB 239, which indicates that a peace officer shall file a formal referral with the juvenile court within 10 days of a minor’s arrest. If the arrested minor is taken to a detention facility, the formal referral shall be filed with the juvenile court within 72 hours, excluding weekends and holidays. Ultimately the committee did not make any additional revisions based on the requirements at line 4441.	
<p><b>MOTION #1:</b> Mikelle Ostler made a motion to approve the April 19, 2017 draft of Rule 14 as written. Trish Cassell seconded the motion and it passed unanimously.</p>	
<p><b><u>Rule 15: Preliminary inquiry; informal adjustment without petition.</u></b></p> The Committee reviewed proposed Rule 15(a) dated April 19, 2017, but did not feel the revisions accurately reflected the new statutory provisions beginning at line 4459 of the enrolled bill. The statutory section is 78A-6-602. Judge Lindsley agreed to work with Pam Vickrey and Trish Cassell to review the Rule 15 proposal and rework problematic sections and consider what should be stated in Rule 15 versus what is already contained in the new statute.	
<p><b><u>Rule 16: Transfer of delinquency case for preliminary inquiry.</u></b></p> The Committee reviewed the proposed draft of Rule 16 dated April 19, 2017. A discussion followed regarding the use of the terms “minor” and “child” at lines 11, 13 and 16. Ultimately the committee deferred further discussion to the next meeting.	
<p><b><u>Rule 17: The petition.</u></b></p> The Committee reviewed the proposed draft of Rule 17 dated April 7, 2017.	
<p><b>MOTION #2:</b> Mikelle Ostler made a motion to approve the April 17, 2017 draft of Rule 17 as written. Trish Cassell seconded the motion and it passed unanimously.</p>	

**Rule 31: Initiation of truancy proceedings.**

The committee briefly discussed Rule 31. Line 2521 of HB 239 strikes the juvenile court’s jurisdiction for “a minor who is a habitual truant from school” from 78A-6-103. Katie Gregory will strike out the language of Rule 31 and bring it back to next meeting for discussion.

Judge Lindsley, Pam Vickrey, and Trish Cassell will discuss additional rules related to H.B. 239 which may be presented to the committee at a future meeting.

Action Item: Katie Gregory and Carol Verdoia will present revised Rules 14 and 17 to Supreme Court. Rules 15, 16 and 31 will be placed on the committee’s September agenda for further discussion.

Motion #1: to approve the April 19, 2017 draft of Rule 14 as written. By: Mikelle Ostler Second: Trish Cassell

Approval  Unanimous  Vote: # In Favor\_\_\_\_\_ # Opposed \_\_\_\_\_

Motion #2: to approve the April 17, 2017 draft of Rule 17 as written. By: Mikelle Ostler Second: Trish Cassell

Approval  Unanimous  Vote: # In Favor\_\_\_\_\_ # Opposed \_\_\_\_\_