Utah Rules of Juvenile Procedure Committee- Meeting Minutes

017 Noor	to 2:00 p.m.	Conference Room A
ATE TIME		LOCATION
Present Absent Excused	MEMBERS:	Present Absent Excused
	Mikelle Ostler	
	Alan Sevison	
	Pam Vickrey	
	Chris Yannelli	
Present Excused	GUESTS:	Present Absent
	Briana Allen	
	ATE TIME Present Absent Excused	ATE TIME Present Absent Excused MEMBERS: Mikelle Ostler Alan Sevison Pam Vickrey Chris Yannelli Present Excused GUESTS: Briana Allen

I. Welcome & Approva	of Minutes	CHAIR: CAROL VERDO	IA
Corrections to the Min	utes: None.		
Motion: To approve the minutes of June 2, 2017 as written	By: Pam Vickrey	Second: Tris	h Cassell
Approval	□ Unanimous	☐ Vote: In Favor	Opposed

AGENDA TOPIC

II. Rules 19A and 19C: Discussion of Public	CAROL VERDOIA
Comments	

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.

The committee discussed the second comment which requested the addition of a comma in rule 19C.

MOTION: 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.

The committee discussed the third comment which addressed Rule 19A(m)(7) regarding the

into effect until July 1, 2018 judgment can no longer be leave the language in Rule 1	y money. Members noted that portions of HB 239, which do not go b, may impact the enforcement of judgments. After July 1, 2018, a sent to State Debt Collection. Ultimately the committee decided to 19A as written until July 1, 2018 and to notify the Supreme Court that age may be necessary when the July 1, 2018 portion of HB 239 goes
Action Item:	Judge Lindsley will share the committee's concerns with Judge Leavitt regarding his comment to Rule 19A. Katie Gregory and Carol Verdoia will address Rules 19 through 19C with the Supreme Court for final consideration.
Motion: to add a comma in the first line of Rule 19C(a) after the word "objection."	By: Judge Lindsley Second: Alan Sevison
Approval	☐ Unanimous ☐ Vote: In Favor ☐ Opposed

AGENDA TOPIC

III. Rules 4 and 48: Update on Meeting with	CAROL VERDOIA
the Utah Supreme Court	

Carol provided an update on her discussion with the Supreme Court regarding proposed revisions to Rule 4 (computation of time) and Rule 48 (post-judgment motions). The Supreme Court requested that the committee add a paragraph to Rule 4 from the language of URCP 6(a)(3), which provides for time requirements when the clerk's office is inaccessible.

Motion #1:

Judge Lindsley made a motion to add the language of URCP 6(a)(3) and 6(a)(3)(A) to the end of section (a) of Rule 4. Alan Sevison seconded the motion and it passed unanimously. The language of these sections reads as follows:

Rule 6(a)(3): Unless the court orders otherwise, if the clerk's office is inaccessible: (a)(3)(A): on the last day for filing under Rule 6(a)(1), then the time for filing is extended to the first accessible day that is not a Saturday, Sunday or legal holiday.

[Secretary's Note: When inserting the reference to URCP 6(a)(1) into the juvenile rule, the reference will need to be changed to either URJP 4(a)(1) or 4(b). The committee should also address whether the insertion is more appropriate at the end of URJP 4(a) or as a new paragraph 4(b)(4). These matters will be placed on the agenda and discussed at the next meeting of the committee.]

Carol explained the Supreme Court's additional concern regarding the preamble to revised Rule 4, which states "The following rules apply in computing any time period specified in these rules, any local rule or court order, or in any statute that does not specify a method of computing time." Specifically, the Court objected to the addition of the phrase "or any statute," as inappropriate since a statute should not dictate procedural timeframes in court rule. The Supreme Court discussed the need to adopt into rule the many procedural references contained in the Juvenile Court Act. The Court asked James Ishida to discuss the matter with both the Civil and Criminal Rules Committees since their respective rules on time computation contain the same language. Mr. Ishida will inform the Juvenile Rules Committee on his discussion and next steps.

The Supreme Court took no action on Rule 48 and it will be brought back to the Supreme Court for action at a later date.

Action Item:	Katie Gregory will revise Rule 4 and bring the draft rule back to the committee for additional review.	
Motion: to add the	By: Judge Lindsley	Second: Alan Sevison

language of URCP 6(a)(3) and 6(a)(3)(A) to the end of section (a) of Rule 4.			
Approval	× Unanimous	□ Vote: # In Favor	# Opposed

AGENDA TOPIC

IV. Continued Review of Chi Expedited Appeals Rules	ld Welfare	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:		otify James Ishida that the Committee had no ndations or concerns with the rules in question.

AGENDA TOPIC

V. Begin Review of Rules Impacted by H.B. 239 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.

Rule 14: Reception of referral; preliminary determination.

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.

MOTION #1: 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.

Rule 15: Preliminary inquiry; informal adjustment without petition.

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.

Rule 16: Transfer of delinguency case for preliminary inquiry.

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.

Rule 17: The petition.

The Committee reviewed the proposed draft of Rule 17 dated April 7, 2017.

MOTION #2: 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.

Rule 31: Initiation of true	ancy 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.		
	, and Trish Cassell will discuss additional rules related to H.B. 239 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	