

Utah Rules of Juvenile Procedure Committee- Meeting Minutes

December 4, 2015

Noon to 2:00 p.m.

Conference Rooms B & C

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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Kristin Fadel	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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"/>			<input 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

I. Welcome & Approval of minutes		CHAIR: CAROL VERDOIA	
Chris Yannelli joined the committee for the first time and committee members introduced themselves and made the disclosures required by Rule 11-1-1(4) of the Supreme Court Rules of Professional Practice. The committee reviewed and approved the minutes of September 18, 2015.			
Motion: To approve the minutes of September 18, 2015	By: Judge Lindsley	Second: Maybell Romero	
Approval	<input checked="" type="checkbox"/> Unanimous	<input type="checkbox"/> Vote:	In Favor _____ Opposed _____

AGENDA TOPIC

II. Remote Access Rules: Rule 29B and Rule 37B	CAROL VERDOIA
<p>Carol Verdoia reviewed the history of the committee's work on Rule 29B and Rule 37B. She also reviewed a draft of Rule 4-106 of the Code of Judicial Administration, which is under consideration by the Policy & Planning committee of the Judicial Council. Members discussed the interplay between the draft rules.</p> <p>Members were previously asked to discuss the proposed rules with others in their offices or agencies. Generally there were few concerns provided that the person appearing remotely files a motion, is allowed to appear by telephone and the judge is given discretion. Concern was expressed regarding deported parents and members agreed that the party should not appear remotely unless they have been served, appeared and submitted to the jurisdiction of the court. The rule is also not intended to preclude parties requesting to appear by telephone at the last minute. The moving party may be required by the court to provide the technology necessary to appear remotely. This may alleviate potential appeal concerns regarding whether the equipment was available and working correctly for the party appearing remotely. Following the discussion,</p>	

Judge Lindsley and Alan Sevison made a series of motions regarding Rules 29B and 37B.

MOTION #1

Judge Lindsley made a motion to amend Rule 29B as follows: in paragraphs (a), (b) and (c) strike "contemporaneous transmission" and insert "remote conferencing" and in the title of the rule change the wording to read Hearings with "remote hearings" rather than "contemporaneous transmission" and insert "Pursuant to Rule 4-106 of the Utah Code of Judicial Administration:" immediately after the title and before paragraph (a).

Alan Sevison seconded the motion and it passed unanimously.

MOTION #2

Judge Lindsley made a motion to amend Rule 37B to substitute "remote conferencing" for "contemporaneous transmission" in the title, to replace "contemporaneous transmission" with "remote conferencing in paragraphs (a) and (b), and to insert as a preamble to the rule and immediately below the title the phrase "Pursuant to Rule 4-106 of the Code of Judicial Administration."

Maybell Romero seconded the motion and it passed unanimously.

MOTION #3

Alan Sevison made a motion to strike the phrase in "of a party" in paragraph (b) of Rule 29B

Brent Hall seconded the motion and it passed unanimously.

MOTION #4

Alan Sevison made a motion Rule 37B paragraph (a) strike "of a party"

Brent Hall seconded the motion and it passed unanimously.

MOTION #5

Judge Lindsley made a motion to add a new subparagraph (d) to Rule 29B stating, "If the court permits remote conferencing, the court may require a party to make the arrangements for the remote conferencing."

David Fureigh seconded the motion and it passed unanimously.

MOTION #6

Judge Lindsley made a motion to add to Rule 37B a new paragraph (c) "If the court permits remote conferencing, the court may require a party to make the arrangements for the remote conferencing."

Alan Sevison seconded the motion and it passed unanimously.

Action Item:	Katie Gregory will obtain the final version of CJS 4-106 and send it to committee members with updated drafts of URJP 29B and URJP 37B so that committee members may decide whether the rules are ready to be sent out for comment. Ms. Gregory will also let members know if URJP 29B and URJP 37B will be sent out for comment again.
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AGENDA TOPIC

III. SB 167-Juvenile Offender Amendments	JUDGE LINDSLEY
Judge Lindsley provided an update regarding the committee' previous discussions regarding SB 167 and the appointment of counsel in juvenile court proceedings. She surveyed the juvenile judges and most do not feel a rule is necessary based on the new statutory language. Judges are appointing counsel on felonies at detention hearings, when the petition is filed or at arraignment, although arraignment is the latest time that counsel is being appointed. On misdemeanor offenses the judges look at indigence, but also consider whether the youth understands with the judge erring on the side of appointing if there is any question.	

Counties holding contracts have concerns about paying for representation and the Utah Association of Counties is meeting to discuss the issue. Following the recent issuance of the 6th Amendment report on Utah, statutory changes may also impact the need for a rule. Based on these reflections, Judge Lindsley and Pam Vickrey recommended that the committee wait and not take action on a rule at this time. Appointment of counsel in private termination cases may also be in the works.

Next Meeting: March 18, 2016 from Noon to 2:00 p.m.