

# Utah Rules of Juvenile Procedure Committee- Meeting Minutes

February 1, 2019

Noon to 2:00 p.m.

Education 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"/>	Daniel Gubler	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Judge Elizabeth Lindsley	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Sophia Moore (by phone)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Judge Mary Manley	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Mikelle Ostler	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Arek Butler	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Jordan Putnam	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Trish Cassell	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Chris Yannelli	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Monica Diaz	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kristin Fadel	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
David Fureigh	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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"/>			<input type="checkbox"/>	<input type="checkbox"/>	
Jean Pierce	<input checked="" type="checkbox"/>	<input type="checkbox"/>			<input type="checkbox"/>	<input type="checkbox"/>	
Keegan Rank	<input checked="" 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 January 4, 2019	By: Judge Lindsley	Second: Mikelle Ostler	
Approval	<input checked="" type="checkbox"/> Unanimous	<input type="checkbox"/> Vote:	In Favor _____ Opposed _____

## AGENDA TOPIC

<b>II. Review of Public Comments to Rule 9 and Rule 27A</b>	<b>CAROL VERDOIA</b>
<p>The Committee reviewed public comments submitted on Rules 9 and 27A.</p> <p><u>Rule 9. Detention hearings; scheduling; hearing procedures.</u>            Judge Leavitt submitted an additional comment on Rule 9. He requested further amendments to the rule to clarify that the findings made when a young person will be held in detention are not require to place a young people on home detention or imposing other conditions upon release. The Committee discussed options to accomplish the spirit of the requested amendments, including splitting the sentence at lines 50-52 into two parts.</p> <p>The Committee further discussed the distinction between "reasonable basis" and "reasonable cause" as used in subsection (h) and whether "reasonable basis" should be changed to "probable cause." Sophie Moore provided material from the National Juvenile Defense Center and Katie Gregory forwarded the materials to all members during the meeting. Judge Lindsley asked the juvenile law clerks to review the detention admission guidelines, the relevant statutes and any past legal research and to consider the question "Does booking in detention require a reasonable basis or probable cause determination?" If Judge Lindsley receives the research and materials by February 20, she will attempt to draft proposed revisions to Rule 9 for discussion at the March 1 meeting.</p>	



Utah State Bar, whether or not the person has agreed to accept email service. The Committee noted that URJP 18 already contains a similar provision requiring a party to accept email service at the address on file with the Bar.

The Committee agreed that it would like the Rules of Civil Procedure Committee to keep the 2015 amendments to the Advisory Committee Note because of its importance of providing guidance to pro se parties and attorneys who do not regularly practice in juvenile court. However, members agreed to delete the first sentence of the 2015 amendments which is no longer accurate. Katie Gregory will convey this recommendation to the Rules of Civil Procedure Committee, and she and Carol Verdoia may ultimately need to address the committee's concerns with the Supreme Court.

Action Item:

Katie Gregory will share the committee's comments to staff for the Advisory Committee on the Rules of Civil Procedure.

### **AGENDA TOPIC**

#### **V. Plans for Next Meeting**

ALL

The committee will continue its discussion of tribal participation at the next meeting on March 1. Invited guests include Alisa Lee from DCFS, Rupert Steele, the Chairman of the Confederated Tribe of the Goshutes, and tribal attorney, Paul Tsosie.

Other agenda items will include a continued discussion of Rule 9 and a report from Katie Gregory regarding discussion with the Rules of Civil Procedure Committee.

Mikelle Ostler raised an issue concerning Rule 37 and the appointment of counsel in Child Protective Order proceedings. The committee may need to revisit this issue after the legislative session because a bill is pending that may impact this area of practice.