Utah Rules of Juvenile Procedure Committee- Meeting Minutes

February			on to 2:00 p.m.	Education Room
MEETING		TIM		LOCATION
MEMBERS:	Present Abse	nt Excused	MEMBERS:	Present Absent Excused
Carol Verdoia			Daniel Gubler	
Judge Elizabeth Lindsley			Sophia Moore (by phone)	
Judge Mary Manley			Mikelle Ostler	
Arek Butler			Jordan Putnam	
Trish Cassell			Chris Yannelli	
Monica Diaz				
Kristin Fadel				
David Fureigh				
AOC STAFF:	Present Excus	sed	GUESTS:	Present Absent
Katie Gregory				
Jean Pierce				
Keegan Rank				
I. Welcome & Approva			CHAIR: CAROL VERDOIA	
Corrections to the Min	utes: None			
Corrections to the rim	acesi mone			
Motion: To approve	By: Judge Lin	dsley	Second: Mikelle	Ostler
the minutes of				
January 4, 2019				
Approval	Unanimo	ıc [☐ Vote:	
прргочаг		u3 _		Opposed
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AGENDA TOPIC			1	
II. Review of Public C Rule 27A	omments to Ru	ıle 9 and	CAROL VERDOIA	
The Committee review	ed public comr	nents subn	nitted on Rules 9 and 27	A.
Rule 9. Detention hear	rings; schedulir	ng; hearing	procedures.	
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				
			tion or imposing other co	
			the spirit of the request	ed amendments,
including splitting the	sentence at im	ES 3U-3∠ IN	ito two parts.	
The Committee furthe	r discussed the	distinction	between "reasonable ba	asis" and "reasonable
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.				

Rule 27A. Admissibility of statements given by minors Monica Diaz submitted a comment regarding Rule 27A, but declined to reopen discussion on the Rule since the issue contained in her comment was discussed at an earlier meeting. If no further comments to Rule 27A are received by February 4, 2019, Carol Verdoia will request that the Supreme Court approve Rule 27A for final publication.		
Action Item:	Juvenile Court Law Clerks will forward research to Judge Lindsley, who will prepare a new draft of Rule 9 for discussion at the March meeting or a future meeting. Monitor Rules 9 and 27A for any additional public comment.	

AGENDA TOPIC

III. Rule 58-Victim's Rights and URCP 58A-	KATIE GREGORY	
Satisfaction of Judgment		

The Advisory Committee on the Rules of Civil Procedure requested that revisions to Rule 58 be placed on the agenda. Following statutory changes from recent juvenile justice reform, the juvenile court no longer holds open jurisdiction for the collection of restitution. The juvenile court reduces unpaid restitution to a civil judgment which is abstracted to district court. Cases can no longer be sent to the office of state debt collection. AOC legal counsel proposed that the committee add the following new paragraph to Rule 58:

(c) If the juvenile court enters an unpaid restitution order as a civil judgement, the juvenile court will abstract the judgment to the district court. The victim is entitled to enforce the judgment in the district court and the judgment shall be treated in all respects as if the judgment was originally entered in the district court.

The committee discussed procedures to notify victims and confidentiality issues. The Rules of Civil Procedures Committee voted to amend URCP 58B by adding a sentence stating "If the judgment was entered in juvenile court and abstracted to the district court, the satisfaction of judgement must be filed in the district court and the juvenile court." This alleviated concerns that the juvenile court be notified of satisfaction, which could impact expungement. In addition, Code of Judicial Administration Rule 4-202.02 has been amended to state that private records include cases initiated in the district court by filing an abstract of a juvenile court restitution judgment.

Action Item:	Request that the public comment.	Supreme Court send Rule 58, as amended, out for
Motion: to amend Rule 58 by adding the new language in paragraph (c) as proposed by AOC legal counsel.	By: Judge Lindsl	ey Second: Arek Butler
Approval	× Unanimous	□ Vote: # In Favor # Opposed

AGENDA TOPIC

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IV. Impact of URCP 5 Revisions on URJP 18	KATIE GREGORY	

The Rules of Civil Procedure Committee discussed removing the Advisory Committee Note to URCP 5-Service and filing of pleadings and other papers. The 2015 amendments to the Note include language which explains the difference between serving papers in District Court and Juvenile Court. Revisions to Rule 5 also pertain to service by email to the address on file with the

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.

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

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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.