





the U. S. or Utah Constitutions.	
Approval	<input checked="" type="checkbox"/> Unanimous <input type="checkbox"/> Vote: # In Favor _____ # Opposed _____

**AGENDA TOPIC**

<b>IV. Impact of 78A-6-1111 on Appointment of Counsel and Rule 37(d)</b>	<b>BRENT HALL</b>
<p>Prior to the 2014 legislative session, Section 78A-6-1111 provided that in all proceeding a parent, guardian or custodian had the right to appointed counsel if indigent. This language was stricken last year and the right to counsel was removed for respondents in private cases. Rule 37(d) which addresses counsel for child protective orders now conflicts with Section 1111(2) to the extent the petitioner is a private party. Rule 37(d) states in part "Counsel may be appointed by the court for an indigent respondent who is a parent, guardian or custodian of the child alleged to be abused or threatened with abuse." The provisions of Section 1111(1)(c) that discuss the appointment of counsel for an indigent parent or guardian also appear to omit child protective order proceedings.</p> <p>Brent Hall suggested the committee poll the juvenile bench statewide to see if the conflict and the prohibition on appointing counsel in child protective order proceedings is an issue that needs to be addressed. Brent agreed to draft an inquiry to be sent to the bench by Judge Manley.</p>	

**AGENDA TOPIC**

<b>V. Scope of Discovery Issues: URJP 20A(d) and URCP 26(c)</b>	<b>CAROL VERDOIA</b>
<p>Carol Verdoia reviewed the three tiers of discovery contained in the Rules of Civil Procedure and noted that child welfare discovery is generally in the non-monetary, Tier II category. The Interrogatory portion of URJP 20A(d) refers to the URCP 26 tiers and discovery limits. However, other sections of Rule 20A do not refer to the Rule 26 tier structure. After discussing the issue, the committee determined that no further change to Rule 20A is needed.</p>	

**AGENDA TOPIC**

<b>VI. Old or New Business</b>	<b>ALL</b>
<p>Carol Verdoia addressed issues arising out of the application of Rule 7 of the URCP to juvenile court practice and juvenile court eFiling.</p> <p>Carol Verdoia mentioned a recent issue pertaining to URCP 7(f) regarding whether the attorney preparing an order must hold it for the objection period before submitting it to the court per 7(f), or file the order and have the court staff hold the order for the objection period as is done in some juvenile courts. Katie Gregory also discussed issues which have arisen in the application of URCP 7(d) regarding whether a notice to submit must be filed with motions. In some cases, such as truancy, pro se youth file letters or motions, attendance information, and requests for extension of time to complete hours. Juvenile courts currently vary on whether the Notice to Submit for Decision requirements should be followed in these situations. The committee discussed the need to consider alternatives to applying URCP 7 in juvenile court by creating a separate juvenile rule to address these concerns. Brent Hall suggested that the committee compare how Rules 100-108 of the URCP modify civil practice in cases involving court commissioners as a starting place for a new rule.</p> <p>The committee agreed to place URCP 7 and the creation of a separate juvenile rule on the next agenda and to consider if additional parties should be present for the discussion.</p> <p>The next meeting was set for March 27, 2015 from Noon to 2:00 p.m.</p>	