# Utah Rules of Juvenile Procedure Committee- Meeting Minutes

TIME

Present Absent Excused

Noon to 2:00 p.m.

**MEMBERS:** 

Mikelle Ostler

Conference Rooms B & C

Present Absent Excused

LOCATION

January 5, 2018

MEETING DATE

**MEMBERS:** 

Carol Verdoia

Judge Elizabeth Lindsley		Alan Sevison	
Judge Mary Manley (by telephone)		Pam Vickrey	
Kristin Fadel		Chris Yannelli	
David Fureigh		Sophia Moore	
Brent Hall			
Debra Jensen			
Trish Cassell			
AOC STAFF:	Present Excused	GUESTS:	Present Absent
Katie Gregory			
Briana Allen			
Jean Pierce			
AGENDA TOPIC  I. Welcome & Approval of Minutes  CHAIR: CAROL VERDOIA			
Katie Gregory introduc	ed the new juvenile court	law clerk Jean Pierce Ri	riana Allen will he
,	inuary 12, 2018 and Ms. G	•	
	oval of the minutes of Dec		Si Servicer Caron
Motion: To approve	By: Alan Sevison	Second: Debra Jo	ensen
the minutes of	·		
December 1, 2017			
as written.			
Approval		Vote:	
		In Favor Op	posed
<b>AGENDA TOPIC</b>			
II. Review of Comments to Rules 7, 15, 16, 23A, 31, and 33			
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	eriod for Rules 7, 15, 16, 2		
	d one comment that was i see determined that the pr		
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a young person qualifies for a nonjudicial adjustment, then a petition would not be filed. If a nonjudicial adjustment is appropriate, then there is not a need to return the referral to the county			
of occurrence and the county in which the minor lives can address the incident.			he referral to the county ${ t I}$
of occurrence and the			-
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Rule 16 addresses the	county in which the minor filing of petitions and is no	lives can address the income in conflict with Rule 15	ident.  Committee members
Rule 16 addresses the also clarified that all su	county in which the minor filing of petitions and is no ubparts of Rule 16, (a)(1)	lives can address the inc ot in conflict with Rule 15 through (a)(5), address th	ident.  Committee members ne young person against
Rule 16 addresses the also clarified that all su whom the petition wou	county in which the minor filing of petitions and is no abparts of Rule 16, (a)(1) ald be filed. Alan Sevison	lives can address the inc ot in conflict with Rule 15 through (a)(5), address th will email Chris Yannelli re	ident.  Committee members ne young person against egarding the comment
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### **AGENDA TOPIC**

III. Review of Rules 7A and 39	JUDGE LINDSLEY AND BRIANA ALLEN

## Rule 7A:

The committee discussed historical issues with the creation of Rule 7A-Pick up orders. The committee reviewed the difference between pick up orders and warrants, which was outlined by a former juvenile court law clerk in 2007. They also reviewed the rule drafting history provided by Briana Allen, current juvenile court law clerk. Ms. Allen updated the law clerk's 2007 memo and noted that there have been no significant legal changes on the issue since 2007.

The committee discussed law enforcement procedures for placing a warrant on NCIC as required by federal law. DCFS is mandated to place runaways on NCIC within 24 hours of determining the child is missing. Judge Lindsley explained overnight pick up orders are not placed on NCIC because they are verbal and are not reduced to paper until the next business day. A discussion followed regarding whether or not AG and DCFS request verbal pick up orders for kids in foster care who run from placement after hours. H.B. 239 has created additional confusion in this area and related court forms now use the term "warrant." Ultimately, committee members agreed to table further discussion until the March 2018 meeting to allow time to determine whether any related legislative changes will pass this year.

#### **Rule 39:**

Katie Gregory reported that she is waiting to see if this year's judicial housekeeping bill will include revisions to 78B-5-705. The committee would like to add the Rules of Juvenile Procedure to the list of rules in section 705 for which unsworn written declaration may be used when the rules requires or permits a written declaration upon oath. After discussion the committee agreed to table the issue until after the legislative session.

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Action Item:	Continue to track legislation related to Rules 7A and 39.		
Motion: Motion to table Rule 7A until after the legislative session	By: Judge Linds	ley Second: Alan	Sevison
Approval	× Unanimous	□ Vote: # In Favor# Oppo	osed

#### **AGENDA TOPIC**

IV. Rule 3-Style of Pleadings and Forms		JUDGE LINDSLEY
The committee received a request to revise the language of Rule 3 to allow changes to the pleading templates in CARE. However, 78A-6-108 contains requirements for titling petitions and other court documents, so the requirements cannot be changed by rule.		
Action Item:	Judge Lindsley agreed to discuss this challenge with Krista Airam.	

#### **AGENDA TOPIC**

AGENDA 1011C	
V. Old or New Business	ALL

The Committee discussed issues for the February meeting agenda based on the list of items that Carol Verdoia and Katie Gregory have been maintaining. One issue is whether a rule is needed to allow tribal participation in a hearing when the tribe is not represented by counsel. Related questions include whether the analysis is different if the tribe has intervened and who may speak for a tribe. Other agenda items on the list include: Rule 4 pertaining to computation of time, Rule 8 interviews of youth in detention, a private citizen's proposal pertaining to permanency and

termination of parental rights time frames.	
Carol Verdoia and Katie Gregory will put the remaining items from the list on the agenda for prioritization at the February meeting and will include the original requests received by staff.	
Action Item:	Carol Verdoia and Katie Gregory will compile a list of possible agenda items to prioritize at the next meeting.