Utah Supreme Court's
Advisory Committee on the Rules of Juvenile Procedure

Meeting Minutes

Matthew Johnson, Chair

Location: Webex Meeting

Date: January 5, 2024

Time: 12:00 p.m. – 2:00 p.m.

Attendees: Matthew Johnson, Chair William Russell Elizabeth Ferrin Thomas Luchs Dawn Hautamaki Adrianna Davis Judge Paul Dame Janette White Jordan Putnam Arek Butler James Smith Judge Debra Jensen Michelle Jeffs David Fureigh, Emeritus Member Carol Verdoia, Emeritus Member	**Excused Members**: Sophia Moore **Guests:**
Staff: Randi Von Bose, Juvenile Law Clerk Lisa McQuarrie, Juvenile Law Clerk Raymundo Gallardo Kiley Tilby, Recording Secretary	

1. **Welcome and approval of the December 1, 2023 Meeting Minutes:** (Matthew Johnson)

   Mr. Gallardo announced that Carol Verdoia is retiring. Mr. Gallardo stated that 2005 is the earliest roster he could find from this committee, and Ms. Verdoia was in attendance. According to that roster, Ms. Verdoia was appointed in 1996 to this committee, and Mr. Gallardo expressed gratitude to her for her service to this committee and the AG's office. The committee will miss Ms. Verdoia and her knowledge.

   Mr. Johnson welcomed everyone to the meeting. Mr. Johnson asked the committee for approval of the December 1, 2023, meeting minutes. Ms. White moved to approve the minutes. Ms. Hautamaki seconded the motion, and it passed unanimously.

2. **Discussion & Action: Rule 17. The petition:** (All)

   Mr. Johnson stated Rule 17 went out for public comment and no comments were received. Mr. Johnson requested a motion to send the final version for publication. Jude Dame moved to send Rule 17 for publication, Mr. Russell seconded, and it passed unanimously. Mr. Gallardo inquired of the committee if there was any reason to request an earlier publication date and no comments were received.

3. **Discussion & Action: Rule 52. Appeals:** (All)

   Mr. Johnson stated Rule 52 went out for public comment and no comments were received. Mr. Johnson requested a motion to send the final version for publication. Jude Dame moved to send Rule 52 for publication, Mr. Russell seconded, and it passed unanimously. Mr. Gallardo inquired of the committee if there was any reason to request an earlier publication date and no comments were received.

4. **Discussion & Action: Rule 56. Expungement:** (All)

   Mr. Johnson stated Rule 56 went out for public comment and no comments were received. Mr. Johnson requested a motion to send the final version for publication. Jude Dame moved to send Rule 56 for publication, Mr. Russell seconded, and it passed unanimously. Mr. Gallardo inquired of the committee if there was any reason to request an earlier publication date and no comments were received.

5. **Discussion & Action: Remote vs. In-Person Hearings:** (All)

   Mr. Johnson stated the Supreme Court inquired if this committee wanted to create a rule for remote versus in-person hearings. Mr. Johnston stated this issue came up in

the Spring of 2023, and the committee provided some feedback. Mr. Gallardo stated the Supreme Court posed the following question to this committee: Should there be a rule of procedure that provides a presumption regarding certain hearing types? (Example: non-evidentiary, status hearings, etc.) To the extent the advisory committee recommends that there should not be a rule of procedure that provides a presumption regarding certain hearing types, please still identify the types of hearings that would best be presumed to be conducted remotely and which should be in-person.

Mr. Fureigh stated there are two rules currently, one for delinquency and one for non-delinquency cases, and indicated he was on this committee at the time those were passed. Mr. Fureigh outlined that at that time, this committee discussed that question, and it was determined that the judge is the one that should make that decision because they are the trier of fact and law, so they should determine the types of cases that should be in-person or if they will allow Webex. Mr. Fureigh stated that in non-delinquency cases, this committee left it entirely at the discretion of the judge, including termination trials. For delinquency cases, this committee determined that the confrontation clause applies in delinquency matters so the committee listed the delinquency hearings in Rule 29B that can be held virtually. Mr. Fureigh also pointed out that the rule also provides the court with discretion in allowing a witness to testify virtually, so long as there is a waiver of the confrontation clause by the accused. Mr. Fureigh wanted to provide some history from this committee on those rules and the decision that was made at the time those rules were created.

Judge Dame stated there was a Green Phase Working Group that has now been renamed as Virtual Hearings Working Group that they are trying to get started now. Judge Dame believes the Virtual Hearings Working Group will be looking at this exact issue and they will hopefully have everyone participate that needs to give input. Judge Dame suspects there is obviously someone that is not satisfied with the status quo, which is why the issue continues to be discussed. Mr. Johnson indicated he will ask the Supreme Court what the reasoning is. Mr. Johnson stated that by looking at the existing rules, it does already address that, and he knows each court and each judge is going to be different. Mr. Johnson stated each judge he appears in front of does it differently as one judge wants everything in-person and requires a party to file a motion if they want to appear virtually, and another judge does the morning calendar virtually and the afternoon calendar in-person. Judge Dame guesses that part of the frustration by the Bar is that there isn't consistency in how each judge does it, but he doesn't know for sure.

Mr. Johnson stated he can go back to the Supreme Court and let them know that there are already two rules that address it (Rule 29B and Rule 37B), and that there is a Virtual Hearing Working Group that is also looking at this issue. Mr. Johnson will inquire if the Supreme Court is requesting that this committee do something different. Judge Dame indicated he doesn't mind discussing it, but he is concerned he may be stepping outside of his lane to present what he thinks should be the presumption for the entire State of Utah because each judge is different. Judge Dame noted he can see the reasoning for the differences in how each judge handles in-person versus remote

hearings. As far as the rule committee goes, Judge Dame would like to be responsive to the Supreme Court's request but does feel weird having this committee come up with a rule when there is currently a working group.

Judge Jensen stated the judges have their procedure and they are getting feedback from the judges' point of view. Judge Jensen inquired if it would be helpful for people on this committee to reach out to the attorneys they work with in their area to get feedback if there needs to be changes. Judge Jensen proposed that this committee could then take all that information, compile it, and send it back to the Supreme Court.

Mr. Fureigh stated he hasn't heard from anyone in the First or Second District that they were upset with how it currently is. Mr. Fureigh indicated the rule allows any party to request to appear virtually and, in his experience, even if it's not a great excuse, the judge will allow it. Mr. Fureigh noted he has also seen quite a bit of hybrid hearings, and the judges in the First and Second District are pretty lenient on this issue. At the time Rule 29B and 37B were created, Mr. Fureigh stated this committee felt like it should be up to the judges to have that discretion, instead of a blanket rule that applies to all judges.

Ms. Davis stated there are a lot of victims that prefer to appear remotely. Ms. Davis indicated it puts the prosecutor in an odd position to be filing motions on their behalf to allow virtual appearances. Ms. Davis doesn't know if there is a mechanism that could address this issue, or if this is even the appropriate place to consider how to go about that.

Mr. Russell stated that before this committee goes back to the Supreme Court, he does see language in the current rules that may be a little bit too restrictive and not inclusive enough. For example, his reading of Rule 29B is that it applies to a party, a minor or the minor's parent. Mr. Russell noted that rule doesn't specifically say attorneys, Guardian ad litem, the victim, probation officers, or even the court. Mr. Russell indicated the rule assumes there is a courthouse with a judge and their judicial assistant sitting in it and that's where the hearing is going to be held, but many judges in the Third District appear virtually as well. Mr. Russell inquired if the rule was inclusive enough.

Mr. Fureigh agreed with Mr. Russell. Mr. Fureigh stated the rules were pre-COVID and this committee assumed there would still be in-person hearings and just the parties would be allowed to appear virtually and not the whole hearing being virtual, which didn't happen until COVID. Mr. Fureigh doesn't think the rule as written necessarily precludes it, but it is not clear. Judge Dame agreed that it is a good point, and stated this committee can look at changing Rule 29B and 37B to address those issues. Mr. Russell stated that if a word like "participant" is adopted, that could get us pretty close.

Mr. Russell agreed with what has been stated that he doesn't see this as a big problem, and he hasn't heard a big roar of complaint. Mr. Russell indicated he appears in front

of eight judges and they each run their courtroom in different ways. Mr. Russell outlined that he likes flexibility, but he does wish each judge would speak with their counsel or other stakeholders in their courtroom and get a consensus to avoid scheduling problems.

Mr. Johnson stated that from his perspective, in the First and Second District, all the judges have been more than willing to be accommodating to all parties, even with trials. Mr. Johnson agreed that this is something this committee should look at to modify the rules to be more inclusive because it is kind of limiting. Mr. Johnson inquired if there was someone that would be willing to work on proposed changes to the rules. Judge Jensen stated that in looking at what this committee has been tasked to do, the Supreme Court is asking us to come up with hearings that should be in-person versus virtual. Judge Jensen believes this committee should do that, in addition to making changes to the rules. Mr. Johnson stated that is where Judge Dame is having some issues because there is already a Virtual Hearing Working Group and there is concern with making a rule that encompasses the entire state. Mr. Johnson indicated he doesn't have an issue going back to the Supreme Court, identifying the applicable rules that already exist, and requesting further clarification.

Judge Dame stated he has concerns with how the rule is currently written, as it doesn't differentiate between evidentiary versus non-evidentiary hearing. For example, in a contempt hearing, it could be an initial hearing where the court goes through the rights and gets a response, but there could also be a trial or evidence presented on whether the factors have been met. Judge Dame believes that is an important distinction. Additionally, on a Motion to Suppress, if the court is going to be hearing testimony, he doesn't believe it should be presumptively remote. Mr. Russell also noted that the rule also says warrant hearing, and he doesn't know what that is. Judge Dame doesn't know either. Mr. Russell agreed this committee should rework the rule and make meaningful distinctions. Ms. Hautamaki stated that warrant hearings, from the court's perspective, are when youth are going to turn 18 and the court needs to change the warrant for detention versus warrant for jail.

Judge Dame stated this committee should start with the obvious – that there is a presumption that the hearing be in-person if it is an evidentiary hearing, subject to appropriate modifications under Rules 29B and 37B. Beyond that, Judge Dame believes there are going to be a lot of different views throughout the state and even on this committee as to what the presumption should be. Mr. Johnson agreed that is the issue, and he doesn't necessarily feel comfortable telling a judge how they have to do something. If the Supreme Court wants this committee to do that, it is something we can look at, but a starting point would be to rephrase Rule 29B and 37B.

Ms. White stated the Supreme Court is seeking information from this committee, not asking this committee to amend the rules. Ms. White stated if anyone were to ask her what she thought, she would say it should be left up to the judges. Ms. White indicated the judges have been appointed and given this responsibility. Ms. White noted each judge runs their courtroom differently, but they are still flexible with this

issue and are willing to work with people. Ms. White believes judges should be given the respect and ability to manage their own courtrooms how they see fit. Mr. Luchs stated for evidentiary hearings and trials, notice should be given if someone needs to appear virtually, but for all other types of hearings, judges should have discretion because that is how it has been working.

Judge Dame stated if this committee did its best to comply with Supreme Court's request, we could have a debate amongst ourselves, but he anticipates the result would be having to go back to the Supreme Court and say there are divergent views within the committee. Judge Dame indicated the only thing this committee could likely agree on is that evidentiary hearings are presumed in-person and there is not a consensus on everything else. Judge Dame is interested to see what the Board of Juvenile Judges and the Virtual Hearing Working Group comes up with. Judge Dame stated he would feel better going back with something rather than just saying the committee doesn't have anything for you. Mr. Johnson stated the justices are very open and appreciative, so even if he goes back empty handed and just has more questions for them, they would be more than professional and willing to work with this committee.

Ms. Verdoia stated she likes what Judge Dame had to say. Ms. Verdoia indicated what she has realized over the years is that all of us working in these systems forget that the Supreme Court justices and others don't really understand exactly what we are dealing with. Ms. Verdoia believes that if we explain the way Judge Dame suggested and throw in some of the challenges that we face in juvenile court in practice, such as trying to get participation from the parents with their challenges, then they will be understanding of the day-to-day issues.

Judge Dame agreed with Ms. Verdoia and stated he was speaking with another judge about this issue recently and his colleague was saying that juvenile courts are sort of like problem-solving courts, particularly in child welfare, because they operate differently than district court. Judge Dame indicated the juvenile court is working with families over and over again, acting collaboratively, etc. Judge Dame stated the juvenile court is a unique system more akin to problem-solving courts and Ms. Verdoia's point is well-taken because we can't make this stuff up that we see every day. Judge Dame noted the juvenile court deals with bizarre scenarios and sometimes really difficult people. When dealing with difficult people, it's better to say the hearing should be in-person because they are too hard to control virtually. Judge Dame believes the court should have discretion, but stated the Supreme Court is just asking for presumptions and then the judges can still have discretion to deviate from those presumptions.

Ms. Ferrin stated it may also be advantageous to appeal to the overarching role of juvenile court to act in the best interest of the children, which is based on a case-by-case basis. Ms. Ferrin believes the best interest standard probably extends even to the way in which each judge conducts hearings in his or her courtroom. Ms. Ferrin indicated she is not saying it should be a 100% judicial discretion model because she

believes there is a need for uniformity and consistency to preserve due process rights, so people have a good idea of what to expect from the system if they are involved. Ms. Ferrin noted Ms. Verdoia's point is well taken because if you are not "boots on the ground" on a regular basis, you don't have a sense of how much variety is within a case and even party to party within each case. Ms. Ferrin stated that while it may appear this committee could put in some straightforward presumptions, it is more nuanced and maybe that nuance is that discretion should be allowed for what works for a particular hearing or in a particular case.

Mr. Johnson stated he thinks everyone is spot on with their comments. Judge Dame stated he believes the plan moving forward should be that there are some existing rules of procedure that partially addresses the issue, but the committee identified some concerns within the rule now in a post-COVID era, so the committee will look at amending rules 29B and 37B. Judge Dame indicated this is going to be a work in progress for a while as this committee tries to amend these rules, including looking at the presumptive language there. As far as coming up with a complete list of hearings that should be presumed in-person or presumed remote, this committee had a consensus that evidentiary hearings should be presumed in-person. Judge Dame stated as far as the other hearings, the committee agrees the decision should be left to the discretion of each judge due to the unique nature of the cases they deal with and the unique nature of juvenile court. Judge Dame indicated he believed this committee would likely not come to a consensus on the other types of hearings.

Mr. Russell stated Judge Dame has done a good job at narrowing the issues and to give something Mr. Gallardo and Mr. Johnson can take back to the Supreme Court. Mr. Russell indicated this committee can agree that evidentiary hearings should be presumed in-person. Mr. Russell noted that a delinquency trial is different from all the rest because it invokes the constitutional right under the 6th Amendment to confrontation. Mr. Russell believes those must also be in-person unless the confrontation clause is waived under the rules. Judge Dame stated there is an argument to be made that due process rights for termination of parental rights also invokes the right to confrontation, so that is something this committee may want to look at more carefully. Mr. Fureigh stated this committee discussed the confrontation clause as it relates to the termination of parental rights and there was some research done on that issue, but it may be outdated. Mr. Fureigh indicated it might be worth looking at the old research and updating that to see if anything has changed that might change this committee's mind as to whether that applies to termination of parental rights cases.

Judge Dame stated he received an e-mail that the Virtual Hearing Working Group has been tasked to reconsider the standards for virtual versus in-person hearings. Ms. Von Bose stated she e-mailed her administration for clarity, and she received a response that the working group is being put together to address the same issues. Mr. Russell requested that Mr. Johnson and Mr. Gallardo go back to the Supreme Court and at least get the scope and major issues that the working group is going to address so this committee knows what they don't need to do to duplicate their work. Mr. Russell

would also like to know if the working group is going to involve the juvenile court process and hearings.

Mr. Johnson stated he will go back to the Supreme Court, let them know about the committee's discussions, and request further clarification. Judge Dame and Mr. Russell will work with Mr. Gallardo to look at changes needed regarding Rule 29B and 37B.

6. **Discussion & Action: F.R. v. State of Utah, 2023 UT App 157:** (All)

Mr. Johnson stated this agenda item was recently added as the decision came out a week or two ago. In one of the footnotes in the decision, the Court of Appeals inquired if this committee should come up with a rule regarding interventions.

Judge Dame provided the committee with a summary of the case. Judge Dame stated this is a child welfare case where the children were removed. The grandmother had a guardianship petition in the district court, and she then asked the juvenile court to intervene so she could exercise her statutory based right to be granted a presumption regarding placement of the children. Judge Dame stated the juvenile court denied her motion to intervene. The appellate court addressed two bases to intervene and agreed with the juvenile court that the grandmother did not have a right to intervene as of right, but then relied on three different appellate court cases that allowed a limited purpose status intervention. Judge Dame stated the appellate court then used those three previous cases to reverse the juvenile court and its denial of the grandmother's motion to intervene on her third basis to intervene which is a rule based right to have the presumption of placement applied. Judge Dame indicated he doesn't understand footnote nine because he doesn't think it makes sense for this committee to create their own intervention rule. Judge Dame stated this is not an issue unique to juvenile court and it applies to district court civil and criminal cases as well. Judge Dame believes it makes more sense to amend Rule 24 to codify those cases that the court relied on to decide this case so the issue will be addressed in all types of cases.

Judge Jensen stated she read this case and reached out to the judges in her district if they had any thoughts regarding this, and the consensus was that there was support for a separate rule for limited intervention status. Judge Jensen indicated this is an issue that comes up fairly often where the court has to address how to handle a party that wants placement but that the court wants to restrict the party from having full intervention status. Judge Jensen stated some of the things the judges in the Second District indicated was that they would be careful with this rule to ensure it is for limited intervention on the right to placement considerations, and that it doesn't give intervenor access to the child welfare file. Judge Jensen indicated there should also be discussion about who would have the burden of proof, etc. Despite there being some things that need to be addressed, the judges in the Second District were mainly in favor of a rule.

Mr. Johnson stated he had a three day in person evidentiary hearing on this issue alone, but stated instead of a rule, the individual could file under 80-3-302 with regard to placement. Judge Dame stated there is a statutory right so if there is a rule or statute based right to assert something, then they should be granted limited purpose intervenor status. Judge Dame indicated it would be nice to have a rule, but he doesn't think there needs to be a rule separate from the existing one because it is not unique to juvenile court. Judge Dame believes it makes more sense and would be more efficient to have the rule of civil procedure amended to codify the concept that was established by the court of appeals in the three prior cases. Judge Jensen agreed that something is needed for other cases as well, but indicated there are some questions regarding the unique things in juvenile court as far as whether they would have access to the child welfare file that needs to be looked at.

Ms. Verdoia agreed with Judge Dame that in an ideal world the civil rule would be amended, but she also agreed with Judge Jensen that there are some unique things in juvenile court. Ms. Verdoia indicated the thing that comes to mind first is the timeliness issue regarding placement versus leaving the child in a foster home where a relative wants placement. Specifically, if the issue is not adjudicated or appealed for months, there needs to be expedition with this. Ms. Verdoia stated that may be covered by other rules, but it's unclear, and limited intervention based on 80-3-302 should be made expeditiously. Ms. Verdoia indicated this issue is raised often enough that there needs to be some clarification to put a stop to all the litigation that leads up to whether there is a right to intervention. However, the current civil rule doesn't answer the question about how timely it must be made and whether they need access to the file, which are unique factors that won't take place in a district court proceeding.

Mr. Fureigh stated he had the same thoughts as Judge Dame did. Mr. Fureigh indicated his experience has been that the rule has worked just fine, and if this committee came up with a rule for intervention, he thinks it would be almost identical to what is already there in the Rules of Civil Procedure. Mr. Fureigh agrees with the Court of Appeals that there is a statutory interest already granted to anyone (grandparents, relatives, friends of the family, etc.), and the court has treated them as a limited purpose party in these actions even though its not titled that. Mr. Fureigh outlined that when placement is not made with a relative, and they still desire placement, they come forward and the court can have an evidentiary hearing to decide appropriate placement. Mr. Fureigh doesn't believe these individuals should be allowed access to the file or to otherwise insert themselves into the case, so that is why he objects to these types of motions to intervene to become a party. Mr. Fureigh stated the Court of Appeals pointed out that all interests can be protected without having to intervene in the case so that has been his argument in these motions. Mr. Fureigh does have concerns about there not being any clear procedure on how they go about doing that or timeframes associated with that. If this committee is going to be looking at a rule, Mr. Fureigh believes it should be a procedural rule as to how they can preserve that interest in juvenile court.

Ms. Verdoia stated if a party files a request and gets an order, they don't have a right to appeal which is likely why the attorney filed a Motion to Intervene, so the grandmother had a right to appeal. Ms. Verdoia indicated this case is now interpreted to mean that they have a right as a limited purpose party, so they have to file a Motion to Intervene. If the intervention is denied, they have a right to appeal. On the other hand, if the placement is denied, that is not an appealable issue. Judge Jensen stated it is very confusing on what status the party has in the case, and how to proceed in practice. Judge Jensen thinks some clarification would be helpful in these situations. Judge Dame believes there should be a rule that addresses and codifies the concept of statutory rule-based intervenor status. Judge Dame stated he Initially thought Rule 24 of the Utah Rules of Civil Procedure should be amended, but Judge Jensen and Ms. Verdoia brought up some good points regarding timeframes and access.

Judge Dame stated he would like to hear from Ms. Verdoia and Judge Jensen on whether the two factors raised, timeframes and access to CARE, are unique enough to have own rule on this issue. Ms. Verdoia stated you may be able to do it in the Code of Judicial Administration in terms of access to the child welfare case because there are already existing rules regarding that. Ms. Verdoia also stated the timeliness issue is dependent on expedited motions and whether this committee could tie the expedited nature to the existing rule of civil procedure and cross reference it. Ms. Verdoia's only concern is that this issue has been litigated a lot over the years and has been litigated enough that it finally went up to the Court of Appeals. Ms. Verdoia indicated people are unclear on whether there is a limited party intervention right and they don't always do the research. If individuals are more inclined to look at a rule to understand what they are allowed to do in juvenile court, Ms. Verdoia thinks it might be helpful to do a rule that cross-references Rule 24 rather than recreate the wheel. Ms. Verdoia indicated the rule could say that juvenile court statutes create limited party intervention rights, and the court will proceed until Rule 24 of the Utah Rules of Civil Procedure with a possibility for expedited treatment of it.

Judge Jensen agreed with Ms. Verdoia and stated she has had several cases of this nature. Judge Jensen indicated these cases are confusing for many of the parties that it would be helpful to have some sort of clarification through a rule. Judge Jensen doesn't think this committee needs to revise Rule 24, but just referencing that and putting specifics as to this issue would be sufficient.

Judge Dame stated he thinks this committee agrees that there needs to be a rule, but the question is whether we need a juvenile rule or if this committee can see if the Rules of Civil Procedure are going to be amended. Ms. Verdoia stated she has seen that happen with other rules, but this committee would be waiting for their whole process to play out, which sometimes takes months. If the civil rules committee says they are going to address it, this committee can wait and see, but it wouldn't address the unique issues that have already been discussed. Mr. Fureigh stated even if the Rules of Civil Procedure are amended to address this limited purpose party status, this committee should still probably have a rule, at least in child welfare cases, that

explains what it means and what they are entitled to under that status because that's not clear.

Mr. Johnson inquired if under Utah Code section 80-3-302, the party would be given a permissive intervention, which would allow a conditional right to intervene by statute. Judge Jensen stated that's one of the issues is because we don't want them to have full access to the file, so if the court grants permissive intervention, they would have full access to the file and all the child welfare findings. Ms. White stated she just had a case like that, and she objected to the grandparents intervening and used that as an argument. The court granted their motion to intervene, and the first thing they did was request discovery and all psychological assessments that are very personal in nature. Ms. White is supportive of a rule that allows a party to bring things before the court but restricts their access to the documents they can have. Ms. Verdoia stated none of those documents are relevant to whether they should receive placement of a child. Mr. Fureigh stated that's the way he has practiced it and understood it is they don't have to file a motion for limited purpose party status because it is already given to them by statute.

Mr. Johnson inquired if the judges saw any other reasons for intervention besides placement, because all he has seen recently is to request placement of the children. Judge Jensen stated it has mostly been the placement issue, but there is some confusion as to whether they can even file a motion or if they must file a petition for custody and guardianship. Judge Jensen stated the question becomes if they don't have intervenor status, can they file a motion in the child welfare matter? Mr. Fureigh stated he thinks they can, and this opinion has now said that they can and that they have a statutory interest so they can file a motion or request with regard to that interest. Judge Jensen stated this opinion clarified that issue, but it wasn't clear before then.

The committee then discussed access to CARE, and whether a new incident would have to be created in CARE to limit counsel's ability to access all the documents. Judge Dame believes it would be problematic to have multiple case numbers. Mr. Fureigh stated it gets confusing because a Petition for Custody and Guardianship is different than a request for placement, and the courts treat that differently and assigns a different case. Judge Dame indicated the court would then be invoking the court's jurisdiction on a different proceeding but believes that would still fall under the same case number, except for adoptions. Ms. White stated in the case she previously discussed, the grandparents did file a petition for custody, and the court assigned a separate case number because they weren't a party to our proceeding until the judge heard the issue of intervention, and then they combine everything. Ms. Hautamaki stated the Court does create different cases, especially for private petitions. Ms. Hautamaki stated there are times when they are directed to create different case numbers depending on what it is. If there are competing petitions from other people, a new case would be created and then the cases would be linked.

Ms. Verdoia stated one of the things that would have to be addressed is in the Code of Judicial Administration when it talks about access to different records, there is not currently a distinction between a limited purpose party and just a party. Ms. Hautamaki indicated she was looking at that as well. Ms. Verdoia pointed out that under the rule a limited purpose party would have access to everything in the case. Ms. Verdoia guesses that the Administration Office of the Courts would prefer to address it in the same rule that deals with access, but it is a related issue to what this committee is discussing. Mr. Gallardo stated one of their general counsels is on the staff of both the civil procedure committee and the Code of Judicial Administration so he can reach out to her regarding this issue. Ms. Verdoia stated this committee should determine what a limited purpose party should have access to in terms of records or what their rights are beyond that. Mr. Fureigh stated he agrees with Judge Dame that it belongs in the civil rules, but it has such a broad interpretation that it could trickle down because now we have added a new status.

Mr. Johnson asked Mr. Gallardo to see if we can reach out to the committee of the Utah Rules of Civil Procedure and the Code of Judicial Administration and table this discussion at this time. Judge Dame proposed forming a work group to start working on a rule of juvenile procedure and while that is taking place, have Mr. Gallardo reach out to the committees letting them know we are working on a rule, but wondered if they are going to do anything. Judge Jensen, Elizabeth Ferrin and Mr. Fureigh indicated they are willing to be part of the working group.

7. **Old business/new business:** (All)

Mr. Gallardo updated the committee regarding Rule 19C. Mr. Gallardo stated this committee proposed two versions of Rule 19C to the Supreme Court. The Supreme Court added paragraph (a) to provide a scope for the rule which they thought was important to add. Mr. Gallardo indicated they let the Supreme Court know there was a robust discussion as to what version should be presented, and the collapsed now paragraph (f) regarding those motions was the one that the Supreme Court preferred. Mr. Gallardo stated that is out for public comment now.

No additional old or new business was discussed.

The meeting adjourned at 1:57 PM. The next meeting will be held on February 2, 2024 via Webex.