

Utah Rules of Juvenile Procedure Committee- Meeting Minutes

January 6, 2017

Noon to 2:00 p.m.

Room N106

MEETING DATE

TIME

LOCATION

MEMBERS:	Present	Absent	Excused	MEMBERS:	Present	Absent	Excused
Carol Verdoia	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Maybell Romero	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Judge Elizabeth Lindsley	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Alan Sevison	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Judge Mary Manley (by telephone)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Pam Vickrey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kristin Fadel	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Mikelle Ostler	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
David Fureigh	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Chris Yannelli	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Brent Hall	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Debra Jensen	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Trish Cassell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
AOC STAFF:	Present	Excused		GUESTS:	Present	Absent	
Katie Gregory	<input checked="" type="checkbox"/>	<input type="checkbox"/>		James Ishida	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Adrienne Nash	<input checked="" type="checkbox"/>	<input type="checkbox"/>			<input type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>			<input type="checkbox"/>	<input type="checkbox"/>	

AGENDA TOPIC

I. Welcome & Professional Practice Disclosures

CHAIR: CAROL VERDOIA

Committee members completed the yearly professional practice disclosures required by Rule 11-101 of the Supreme Court Rules of Professional Practice.

AGENDA TOPIC

II. Approval of Minutes

CAROL VERDOIA

Corrections to the Minutes: None

Motion: To approve the minutes of November 18, 2016 as written.

By: Trish Cassell

Second: Debra Jensen

Approval

Unanimous

Vote:

In Favor _____ Opposed _____

AGENDA TOPIC

III. Continued Discussion of Proposals for Juvenile Rules Related to Rule 7 of the URCP and URJP 12 and 19

JUDGE LINDSLEY AND ALAN SEVISON

Judge Lindsley reviewed the document at Tab 2, which contains the proposed rule discussed at the last meeting with the committee's revisions incorporated. Tab 3 incorporates the Tab 2 language into URJP 19. The committee engaged in a lengthy discussion of the pros and cons of including provisions requiring a Request to Submit for Decision. Currently, Requests to Submit are required in the civil rules, but are optional in criminal cases. These requirements are inconsistently applied in juvenile court. Judge Lindsley agreed to send an email to all juvenile judges asking for their input prior to the February 3rd meeting. She will ask them if they require

Requests to Submit for Decision, and if so, in what instances are they used and at what point does the judge review the motion. She will also ask what procedure is used in districts that do not require Requests to Submit. Committee members discussed whether a request for a hearing is also required or if the motion may be heard at the next regularly scheduled review hearing if no party objects pursuant to URJP 47. During the last meeting, committee members asked that stipulated motions be exempted from the requirement to file a Request to Submit.

For the February 3 meeting, Judge Lindsley asked members to look over Rule 19 with the new information included. Consider whether the rule should have a separate section for delinquency and whether motions for expedited hearing should also apply in delinquency. Any suggestions may be forwarded to Judge Lindsley by email in advance of the February 3 meeting.

Carol Verdoia raised a number of questions for the committee to consider regarding the section of the rule pertaining to orders. While most orders on motions are not final, some may be final if they address custody, for example. In these situations, a verbal order should be followed by a written order. She asked members to consider both content and placement of the orders section for the next meeting. Judge Lindsley will gather committee feedback and attempt to break Rule 19 into three rules involving motions, responsive pleadings and motions for expedited hearings.

Carol noted that the committee has a number of items on its list for future meetings, including a review of the child welfare expedited appeals rules. One issue involves the interplay between timeframes for child welfare appeals and URCP 52 and 59, which govern the time for filing post judgment motions after the entry of a final order. The time for filing such motions was extended to 28 days. In light of expedited child welfare appeals rules, the 28 day timeframe is lengthy and may need to be reviewed by the committee.

Other items on the committee’s list include clarifying in rule how and when tribes may participate in hearings.

Action Items:

1. Judge Lindsley will email all juvenile judges for input on how they handle Requests to Submit for Decisions.
2. Committee members will review Judge Lindsley draft of URJP 19 prior to the next meeting and email Judge Lindsley or Katie Gregory with any feedback.
3. Judge Lindsley will consider ways to divide Rule 19 into three parts involving motions, responsive pleadings and motions for expedited hearings.

AGENDA TOPIC

IV. Continued Discussion of Revisions to URJP 4 Pertaining to Computation of Time

PAM VICKREY

Pam Vickrey explained that URJP 4 excludes weekends and holidays in the computation of time for a period that is less than 11 days. However, URCP 6 includes weekends and holidays. URCP 2 also includes weekends and holidays. The committee considered whether similar language should also be applied in the juvenile court. The committee will give additional consideration to whether some of the time provisions are unique to motion practice and should be placed in the motion rule. The committee decided to wait and consider computation of time provisions together with proposed changes to URJP 19 when Rule 19 has been divided into the three subparts discussed above.

The committee previously set meetings on February 3 and March 3. In addition to these meetings the committee set meetings on April 7, May 5 and June 2. All meetings will take place from noon to 2:00 p.m.