Utah Rules of Juvenile Procedure Committee- Meeting Minutes

June 26, 20	15 <u>Noo</u>	n to 2:00 p.m.	Conference Rooms B & C
MEETING D	ATE TIM	E	LOCATION
MEMBERS:	Present Absent Excused	MEMBERS:	Present Absent Excused
Carol Verdoia		Maybell Romero	
Judge Elizabeth Lindsley		Alan Sevison	
Judge Mary Manley		Pam Vickrey	
Kristin Fadel		Paul Wake	
David Fureigh		Mikelle Ostler	
Brent Hall			
Debra Jensen			
Narda Beas-Nordell			
AOC STAFF:	Present Excused	GUESTS:	Present Absent
Katie Gregory		Krista Airam	
Emily Iwasaki			
Tim Shea			

AGENDA TOPIC

I. Welcome & Approva	al of minutes	CHAIR: CAROL VERDOIA
The minutes of May 1, 2015 were approved as written.		
-		her 12 years of service to the committee and upreme Court. Ms. Beas-Nardell's term ends on
Motion: To approve the minutes of May 1, 2015 as written	By: Alan Sevison	Second: Judge Manley
Approval	🛛 Unanimous 🗌] Vote: In Favor Opposed

AGENDA TOPIC

II. Update: Discussion of Proposed Revisions to URCP 5(b)(3)(A) Regarding Methods of Service	KATIE GREGORY
At its May meeting, the committee made a recom Committee to revised URCP 5(b)(3)(A) to indicate considered service. The URCP Committee accept Utah Supreme Court will consider the revision in 2 effective as of November 1, 2015.	e that in juvenile court, efiling a document is not ed the recommendation and the Justices of the

AGENDA TOPIC

III. Proposed New Rule 58A: Redaction of	JUDGE LINDSLEY
Victim Information	

Judge Lindsley reviewed the requirements to redact victim information. Currently, practices regarding redaction vary around the state, especially as to the filing of police reports in CARE. At

the last meeting, committee members discussed concerns regarding the impact of the proposed rule on child welfare cases. Allison Adams-Perlac recommended carving out an exception in CJA rule 4-202.02(8)E for information contained in a child welfare petition. The committee agreed instead to place the exception in proposed Rule 58A and to begin the proposed language with "Except as required by law in child welfare proceedings,"...

Judge Lindsley suggested adding the new language into an existing rule rather than creating a new Rule 58A. The committee then voted to add the proposed language to existing Rule 58 as a second paragraph "(b)" and to designate the existing paragraph of Rule 58 as "(a)."

Action Item:	Katie Gregory will prepare the proposed revisions to Rule 58 and send them out for comment.		
Motion #1: To amend proposed Rule 58A by beginning the first sentence with the phrase "Except as required by law in child welfare proceedings,"	By: Judge Lindsley	ς Ξ	Second: David Fureigh
Approval	× Unanimous	□ Vote:	
		# In Favor	# Opposed
Motion #2: To amend Rule 58 to designate the existing language as paragraph (a) and add the proposed language of Rule 58A as a second paragraph (b) to Rule 58.	By: Judge Lindsley	Υ Se	econd: Alan Sevision
Approval	× Unanimous	□ Vote:	
		# In Favor	# Opposed

AGENDA TOPIC

IV. SB 167-Juvenile Offender Amendments: Impact of Legislation on Juvenile Rules	PAM VICKREY
Pam Vickrey prepared a proposed rule for consideration by the committee entitled "Rule 24A	
Appointment and Waiver of Counsel." Ms. Vickre	y reviewed the history of S.B. 167 and its impact

Appointment and Waiver of Counsel." Ms. Vickrey reviewed the history of S.B. 167 and its impact on the appointment of counsel for juveniles. The committee also discussed differing interpretations of "facing charges" in the new statute and whether facing charges means that a petition has been filed. The committee also discussed whether the new rule should more appropriately be placed within Rule 26 or be designated as a new Rule 24A.

The committee agreed to revise paragraph (a) of the proposed rule as follows:

(a) When a petition is filed that alleges the minor has committed at least one an offense that would be a felony if committed by an adult, the court shall immediately appoint counsel. to Counsel shall represent the minor in all further proceedings directly related to the matter, unless and until privately retained delinquency defense counsel of choice enters an appearance of counsel, or until the minor is found to have waived counsel under subsection (d) of this Rule. Upon appointment or at arraignment, the court shall further order that the parent or guardian of the minor complete a sworn Affidavit Declaration of Financial Condition to be filed with the court.

The committee agreed to continue discussion regarding the rule at its next meeting.

AGENDA TOPIC	
V. Proposed Revision to Rule 37(d)	
Due to time constraints the committee did not reach this issue. There being no old or new business, the next meeting was set for August 14, 2015 from Noon to 2:00 p.m.	
Note: August meeting was later rescheduled to September 18, 2015.	