## Utah Rules of Juvenile Procedure Committee- Meeting Minutes

March 18, 2016			Noon to 2:00 p.m.		Education Room		
MEETING D	ATE		TIME		LOCATION		
MEMBERS:	Present	Absent	Excused	MEMBERS:	Present	Absent	Excused
Carol Verdoia				Maybell Romero			
Judge Elizabeth Lindsley	$\boxtimes$			Alan Sevison			
Judge Mary Manley	$\boxtimes$			Pam Vickrey			
Kristin Fadel	$\boxtimes$			Mikelle Ostler			
David Fureigh	$\boxtimes$			Chris Yannelli			$\boxtimes$
Brent Hall	$\boxtimes$						
Debra Jensen	$\boxtimes$						
Trish Cassell	$\boxtimes$						
AOC STAFF:	Present	Excused		GUESTS:	Presen	t Absen	it
Katie Gregory							
Emily Iwasaki		$\square$					
Tim Shea		$\boxtimes$					
AGENDA TOPIC	4111			CHAYD. CADOL WERDOYA			
I. Welcome & Approval	of Minu	tes		CHAIR: CAROL VERDOIA			
Corrections to the Minutes: None							
Motion: To approve the minutes of December 4, 2015 as written	Зу: Juc	lge Lind	sley	Second: Maybel	l Romero		
Approval	⊠ Una	nimous		Vote:			
				In FavorO	oposed _		
AGENDA TOPIC							
II. Remote Access Rules: Rule 29B and 37B- Final Review of Comments  CAROL VERDOIA AND KATIE GREGORY							
The comment period for Rule 29B and 37B closed on March 14, 2016 and no formal comments were received. Brent Hall discussed two comments he received informally from parental defense attorneys regarding the use of the phrase "good cause" and whether the rules could potentially impact due process. Katie Gregory discussed a concern expressed by child welfare mediators that the term "hearing" should be used rather than "proceeding." Committee members noted that there are proceedings in juvenile court in which telephonic attendance may be necessary such as scheduling conferences and the rule does not bind the court in either circumstance. Ultimately, the committee took no further action on the comments and asked that the rules be forwarded to the Supreme Court for final consideration.  Katie Gregory will schedule a time to present the final rules to the							
Action Item.		_	•	consideration.	11 UIC 11110	ii iuics	w uic

## **AGENDA TOPIC**

III. Corrections to statutory references in Rule 43(c) and Rule 51(c)  CAROL VERDOIA AND ALAN SEVISON					
Both Rule 43 (c) and Rule 51(c) contain statutory references which are not accurate. In Rule 43(c) the reference to 78A-6-115(5) is incorrect and should be 78A-6-115(6). Rule 51(c) contains an incorrect reference to "Title 78B, Chapter 6, Part 30, Contempt" as there is no "Part 30" in the referenced chapter. The committee discussed what was intended, either "Part 3" or "Section 310." The committee asked Katie Gregory to discuss the appropriate correction with Tim Shea and/or AOC Legal Counsel and make a decision on how the reference should be worded.					
Action Item:	Katie Gregory to discuss revisions to both rules with AOC staff.				
Motion: To amend Rule 43(c) to read "78A-6-115(6)."	By: Judge Lindsley Second: Alan Sevison				
Approval	× Unanimous □ Vote: # In Favor # Opposed				
AGENDA TOPIC					
IV. Rule 37(d): Appointment of Counsel in Child Protective Orders  BRENT HALL					
The committee discussed any potential conflicts between the wording of Rule 37(d) and 78A-6-1111. Rule 37(d) states "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 statute prohibits the appointment in private actions. The committee determined that it would be appropriate to add an Advisory Committee Note to the rule referencing the statute rather than revising the rule itself.					
Motion: to add an Advisory Committee Note to Rule 37 stating, "For limitations involving the appointment of counsel see 78A-6- 1111."	By: Judge Lindsley Second: Brent Hall				
Approval	× Unanimous □ Vote: # In Favor # Opposed				
AGENDA TOPIC					
V. Application of URCP 7(g) in Juvenile Court:  Motions to Submit for Decision  KATIE GREGORY					

V. Application of URCP 7(g) in Juvenile Court: Motions to Submit for Decision	KATIE GREGORY

The committee discussed the impact of URCP 7 on the Rules of Juvenile Procedure and whether the juvenile rules should carve out juvenile practice from URCP 7. The committee discussed the impact of the civil rule on both the filing of motions to submit for decision and on the new, longer 28-day time frames provided in URCP 52 and 59, which rules are referenced in URJP 48. The extended time frames may no longer be workable in juvenile court proceedings. Carol Verdoia asked members to consider for the next meeting whether URCP 7 works in juvenile court proceedings generally and in an eFiling world.

The committee also discussed motion practice in delinquency cases in which the Utah Rules of

the court or the prevailing p	ly. An additional issue is the interpretation of the rule on whether arty should serve orders. Judge Lindsley will take these issues to the and committee members were asked to do the same with their
Action Item:	Members to gather feedback on the applicability of civil and criminal rules in juvenile court and report at the next meeting.

## **AGENDA TOPIC**

VI. Old or New Business	ALL

The committee had a brief discussion on whether recent legislation impacted any of the Rules of Juvenile Procedure. The committee will discuss this further if needed after bills are signed by the Governor.

The next meeting was set for June 3, 2016 from Noon to 2:00 p.m.