Utah Rules of Juvenile Procedure Committee- Meeting Minutes

March 2, 20	018 Noc	on 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		Mikelle Ostler	
Judge Elizabeth Lindsley		Alan Sevison	
Judge Mary Manley		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			
Jean Pierce			

AGENDA TOPIC

I. Welcome & Approva	al of Minutes	CHAIR: CAROL VERDOIA	
Corrections to the Min	utes: None		
Motion: to approve the minutes of February 2, 2018 as written.	By: Judge Lindsley	Second: Judge N	1anley
Approval	Unanimous	Vote: In Favor Op	posed

AGENDA TOPIC

II. Rule Related to Detention: Rules 8, 9 and	PAM VICKREY AND CAROL VERDOIA
11	

Rule 8: Rights of Minor While in Detention.

Pam Vickrey explained the concerns regarding Rule 8 as expressed to her by representatives of Juvenile Justice Services (JJS). JJS wants the rule to clarify the role of JJS when law enforcement comes to a detention center and requests to speak to a detained juvenile. Previously, a form was created for JJS for this purpose and the committee discussed the role of JJS in implementing the form. Discussion followed regarding whether it was necessary to change Rule 8 or whether the issue should be addressed administratively and with training within JJS. Ms. Vickrey will follow up with counsel for JJS and determine whether further action is needed on Rule 8.

Rule 9: Detention Hearings; Scheduling; Hearing Procedure

Members noted that a bill is pending in the legislature that could impact Rule 9 and agreed to address Rule 9 at a later date.

Rule 11: Time Limits on Detention Orders.

The committee reviewed the language of section (b) which states "on forms supplied by the clerk." After feedback from the Clerks of Court, it was noted that the clerks do not supply forms. Judge Lindsley made a motion to revise the section, striking language related to the form.

Action Item:	Katie Gregory will prepare a revised version of Rule 11 to be presented to the Supreme Court.		
Motion: to revise Rule 11(b) to strike "a separate written request," insert "a motion" then strike the remainder of section (b), inserting a period after the word "order."	By: Judge Lindsley	Second: Chris Yannelli	
Approval	Unanimous	Vote: In Favor Opposed	

AGENDA TOPIC

III. Rule 53-Request to Streamline Withdrawal	PAM VICKREY
of Counsel.	

Pam Vickrey explained a request she received from a defense attorney to revise Rule 53. The request was to revise Rule 53 to make it similar to the provisions of URCrP 36(a)(2), which allow for motions for withdrawal of counsel to be made orally as well as in writing when the juvenile is present in the courtroom. Discussion took place on whether oral withdrawals would apply in both delinquency and child welfare proceedings and whether allowing an attorney to withdraw orally could place delinquent youth at risk of losing their counsel while the case is still on-going. The discussion was tabled to the next meeting and Brent Hall agreed to prepare draft language that could be adopted in Rule 53 for oral motions.

Action Item: Katie Gregory will email copies of Rule 53 in Word format to Brent Hall and Alan Sevison.	t

AGENDA TOPIC

IV. Rules Prioritized at the February 2, 2018	JUDGE LINDSLEY
Meeting.	

Rule 58-Victim Rights.

Judge Lindsley made a motion to add a reference to Chapter 37 to Rule 58, so that paragraph (a) reads "The court shall honor the rights and procedures accorded to victims pursuant to Title 77, Chapters 37 and 38, Victim Rights." Debra Jensen seconded the motion and it passed unanimously.

Rule 5-Definitions.

The committee discussed the need to change the definition of "ungovernability" in paragraph 5(j) to mirror the definition used in the portion of H.B. 239 that becomes effective on July 1, 2018. Judge Lindsley made a motion to revise paragraph 5(j) to read as follows, "Ungovernability" means the condition of a minor who is beyond the control of the parent/guardian, <u>or lawful</u> custodian or school authorities, to the extent that the minor's behavior or condition endangers the minor's own welfare or the welfare of others <u>or has run away from home</u>." Brent Hall seconded the motion. Alan Sevison made a friendly amendment to change the term "minor" to "child" in all three references to "minor" contained in section (j). Judge Lindsley accepted the amendment and the motion passed unanimously. The committee agreed to hold Rule 5 until after the legislative session to assess whether additional revisions are needed.

Rule 18-Summons; Service of Process; Notice

The committee reviewed the February 28, 2018 draft of Rule 18 prepared by Judge Lindsley. She suggested adding the word "parents" in addition to the existing reference to "parent" in several sections of the rule in order to make the rule consistent with Utah Code Section 78A-6-109. The insertion of "parents" was proposed in paragraphs (a)(3), (b)(2) and (b)(4). Discussion took place as to whether such a change would be grammatically correct and if alternative changes should be made instead. The issue was tabled to the next meeting. Katie Gregory will include a copy of 78A-6-109 in the next meeting packet.

A T.		
Action Item:	Return Rule 18 to the nex	t agenda with a copy of 78A-6-109.
Motion #1: to add a reference to Chapter 37 to Rule 58, so that paragraph (a) reads "The court shall honor the rights and procedures accorded to victims pursuant to Title 77, Chapters 37 and 38, Victim Rights."	By: Judge Lindsley	Second: Debra Jensen
Approval	× Unanimous □ Vote #	-
Motion #2: to revise Rule 5(j) to read as follows: , "Ungovernability" means the condition of a minor <u>child</u> who is beyond the control of the parent/guardian, <u>or lawful</u> custodian-or school authorities , to the extent that the minor's child's behavior or condition endangers the minor's <u>child's</u> own welfare or the welfare of others <u>or has</u> <u>run away from home</u> ."		
Approval	× Unanimous 🗆 Vote #	:: # In Favor # Opposed

AGENDA TOPIC		
V. Plans for Next Meeting	ALL	
The committee will meet on May 4, 2018 and discuss Rules 5, 9, 18 and 53, as well as tribal		
participation in juvenile court.		