# Utah Rules of Juvenile Procedure Committee- Meeting Minutes

May 1, 201		Noon	to 2:00 p.m.	Education Room
MEETING D	ATE	TIME		LOCATION
MEMBERS:	Present Absent E	xcused	MEMBERS:	Present Absent Excused
Carol Verdoia			Maybell Romero	
Judge Elizabeth Lindsley			Alan Sevison	
Judge Mary Manley			Pam Vickrey	
Kristin Fadel		一	Paul Wake	
David Fureigh		$\overline{\Box}$	Mikelle Ostler	
Brent Hall		Ħ		
Debra Jensen				
Narda Beas-Nordell				
AOC STAFF:	Present Excused		GUESTS:	Present Absent
Katie Gregory			Krista Airam	
Emily Iwasaki			Alison Adams Perlac	
			Tim Shea	
AGENDA TOPIC  I. Welcome & Approval of Minutes			CHAIR: CAROL VERDOIA	
The minutes of March 27, 2015 were approved as written.  Carol Verdoia recognized Paul Wake for his 16 years of service to the committee and presented him with a certificate from the Utah Supreme Court. Mr. Wake's term ends on June 30, 2015.				
Motion: To approve the minutes of March 27, 2015 as written.	By: Alan Sevison	1	Second: Paul V	Vake
Approval	Unanimous	$\boxtimes$	Vote:	
		<u> </u>		pposed
ACENDA TODIC				
AGENDA TOPIC  II. Discussion of Proposed Revisions to URCP CAROL VERDOIA AND KATIE GREGORY				
5(b)(3)(A) Regarding Methods of Service				
Carol Verdoia and Katie Gregory explained the impact of juvenile court efiling on the application of URCP 5(b)(3)(A), which provides that a paper is served if it is submitted for electronic filing and the person served has an electronic filing account. Currently, in District Court, the person being served receives an electronic notice from the court that a document has been filed. However, in juvenile court proceedings, CARE will not send email notice to the parties. In order to clarify that efiling does not constitute a method of service in juvenile court, Tim Shea proposed adding the words "except in juvenile court" to URCP 5(b)(3)(A).  The committee discussed various concerns including: 1) whether an email from the serving party				
to other persons constitutes service pursuant to Rule 5(b)(3)(B); 2) any impact on appellate				

timelines; and 3) the ability of counsel to receive email notifications from the court when an

order is signed. The committee also discussed that for the purpose of Rule 5, CARE will act as an electronic filing account as the term is used in the rule. Carol Verdoia suggested that the

committee may need to create a short juvenile rule that references URCP 5 while it continues to consider whether a more extensive juvenile rule is needed.					
Action Item:	Tim Shea will forward the committee's comments and recommendations to the Advisory Committee on the Rules of Civil Procedure.				
Motion to recommend to the Rules of Civil Procedure Committee that the Rules of Juvenile Procedure Committee supports adding the language "except in juvenile court," to the beginning of URCP 5(b)(3)(A) and adding Tim Shea's proposed Advisory Committee Note to the rule.	By: Judge Linds	sley S	econd: Brent Hall		
Approval	Unanimous	☐ Vote: In Favor_	Opposed		

#### **AGENDA TOPIC**

III. Proposed Rules 29B and 37B: Remote	CAROL VERDOIA
Access To Court Hearings	

Proposed Rules 29B and 37B were previously sent out to bar members for comment. Following the comment period, the committee proposed additional revisions to Rule 37B. After discussion, the committee determined that a separate rule may be needed to address telephonic participation in hearings. The committee further discussed whether the changes made to Rule 37B(b) required a second publication of the rule, but ultimately decided against it. The proposed rules will be forwarded to the Supreme Court when all the rules committees have completed work on their respective remote access rules. The URJP committee may consider at a later date whether an advisory note would be beneficial on either rule to explain the difference between telephonic hearings and contemporaneous transmission.

## **AGENDA TOPIC**

AGENDA 10120				
IV. SB 167 Juvenile Offende Impact of Legislation on UR		PAM VICKREY		
Pam Vickrey reviewed provisions of S.B 167, Lines 474-483: Juvenile Offender Amendments regarding the appointment of counsel for youth in delinquency proceedings. The provisions go into effect on May 12, 2015. She asked committee members to consider whether the legislation required revisions to URJP 22 or 25. The committee discussed whether language of the statute should be added to rule and whether a colloquy is required when a youth waives his or her right to an attorney. Ms. Vickrey noted that the Utah Board of Juvenile Justice (UBJJ) has a subcommittee that will do outreach to the counties to assist counties in understanding the impact of the legislation. Ultimately, the chair requested that Ms. Vickrey draft proposed language she considers important for inclusion in the rules and place the matter on a future agenda for discussion.				
Action Item:	Pam Vickrey will dra future meeting.	ft proposed rule changes for discussion at a		

#### **AGENDA TOPIC**

# V. Proposed New Rule 58A: Redaction of Victim Information

JUDGE ELIZABETH LINDSLEY ALISON ADAMS PERLAC

By statute, the juvenile court may not release victim identifying information. An issue has arisen in CARE with the uploading of police reports without redacting the victim identifying information. A similar issue occurs with victim information in petitions, case reports and other documents. Alison Adams Perlac drafted proposed Rule 58A to remedy the issue by requiring that prior to filing a document for review by a judge; the filing party must redact any safeguarded victim information.

The committee discussed how to define "victim" as the term relates to a child welfare proceeding and had a lengthy discussion regarding how the rule would apply, if at all, in child welfare matters. Members agreed to put proposed Rule 58A on the next agenda for further discussion. Members were asked to review Code of Judicial Administration Rule 4-202.02(8)(E) prior to the meeting and consider how Rule 58A will apply to their respective agencies and/or law practices.

Action Item:

Committee members to review Rule 58A and CJA 4-202.02(8)E and consider application of rules in child welfare proceedings.

### **AGENDA TOPIC**

ALL

There being no old or new business items, the next meeting was set for June 26, 2015 from Noon to 2:00 p.m.