

In addition, the Supreme Court would like Advisory Committees to consider the potential impact of new rules and rule revisions on court resources such as IT programming needs and let affected departments know of anticipated impacts.

AGENDA TOPIC

III. Rule 9 and Rule 32 (Discussion Following Public Comment Period)	CAROL VERDOIA
<p>Both Rule 9 and Rule 32 were sent out for public comment. The comment period closed on April 28, 2019. One comment was received on Rule 9 and no comments were received on Rule 32. Carol Verdoia addressed the comment received. Katie Gregory also informed the Committee that a subcommittee of the Board of Juvenile Court Judges is reviewing issues pertaining to Rule 9. The Committee will begin its review of the comment at the June 7 meeting when all members can be present.</p> <p>The Committee discussed options for moving forward including requesting the Juvenile Law Clerks provide research on why the statute and rule chose to use the term “reasonable basis” rather than probable cause. A member asked that the law clerks consider whether probable cause fits in juvenile court since there is no right to a preliminary hearing and why probable cause is used in 3rd District and not in other areas of the state. Members gave feedback to the law clerks on current practice in their respective areas. The law clerks will review these questions for discussion at the June 7, 2019 meeting of the Committee.</p> <p>The Committee also reviewed Section 78A-6-113 and the need to hold a hearing and make findings if the court determines that the youth should be detained. This issue will be placed on the agenda for the Committee’s August meeting. A discussion followed regarding the number of youth who are actually detained following the implementation of H.B 239.</p>	
Action Item:	Present Rule 32 to Supreme Court for final action. Place Rule 9 comments on the agenda for the June 7, 2019 meeting.

AGENDA TOPIC

IV. Discussion of Tribal Participation in Juvenile Court	CAROL VERDOIA AND BRIDGET KOZA
<p>Bridget Koza reviewed the memo she provided to the Committee, which contained research on what other states have done on the issue of creating rules pertaining to tribal participation in juvenile court. She reviewed the various ways that tribes can participate in hearings by formal intervention or informally because the court hearings are presumed open to the public in some jurisdictions such as Utah. A number of states are also waiving <i>pro hac vice</i> requirements by either waiving the fee for an out-of-state attorney or the overall duty to request <i>pro hac vice</i> status for attorneys representing tribal participants. California is discussing legislation to provide counsel to tribes. While <i>pro hac vice fees</i> are not the purview of the Juvenile Rules Committee, the Committee could send recommendations to the State Bar that fees be waived for an attorney representing a tribe.</p> <p>Members discussed how often tribes engage out-of-state attorneys. Several committee members supported recommending that <i>pro hac vice</i> fees be waived for these attorneys. Discussion took place on whether the term “participation” needs to be defined and whether or not defining the term invites litigation.</p> <p>Kristin Fadel made a motion to send the following recommendation to the committee overseeing the Rules Governing the Utah State Bar: “In order to encourage tribal participation through counsel in cases involving the Indian Child Welfare Act in juvenile court and to meet the purposes of the Indian Child Welfare Act, the Rules of Juvenile Procedure Committee recommends that the Rules Governing the Utah</p>	

State Bar Committee waive *pro hac vice* fees and the requirement that such attorneys associate with "local counsel" (Rule 14-806) for attorneys representing tribes and appearing in cases pertaining to the Indian Child Welfare Act in the juvenile court." Daniel Gubler seconded the motion, and the motion passed unanimously.

The Committee discussed the second issue of whether it should create a simple rule encouraging tribes to participate in juvenile court. Arek Butler agreed to draft a simple rule for discussion at the June 7 meeting, which rule will encourage/allowed tribal participation and memorialize current practice.

The Committee discussed the possibility of creating a Motion to Intervene form that could be used by tribes. The form would need to be filed by clerical staff rather than eFiled. Bridget Koza agreed to look for form examples from other states and either email these out to members or bring them to the next meeting.

Action Item:	Arek Butler to draft a rule encouraging tribal participation in juvenile court. Bridget Koza will distribute sample form motions to intervene. Katie Gregory to prepare draft letter to Utah State Bar regarding waiving <i>pro hac vice</i> fees.
Motion: to send the following recommendation to the committee overseeing the Rules Governing the Utah State Bar: "In order to encourage tribal participation through counsel in cases involving the Indian Child Welfare Act in juvenile court and to meet the purposes of the Indian Child Welfare Act, the Rules of Juvenile Procedure Committee recommends that the Rules Governing the Utah State Bar Committee waive <i>pro hac vice</i> fees and the requirement that such attorneys associate with "local counsel" (Rule 14-806) for attorneys representing tribes and appearing in cases pertaining to the Indian Child Welfare Act in the juvenile court."	By: Kristin Fadel Second: Daniel Gubler
Approval	<input checked="" type="checkbox"/> Unanimous <input type="checkbox"/> Vote: # In Favor _____ # Opposed _____

AGENDA TOPIC

V. Old or New Business	ALL
<p>Old Business: The Supreme Court reviewed the proposed changes to Rule 27A, but declined to approve the revisions as submitted. The Supreme Court reread the <i>In re RG</i> case in which the Court recommended in a footnote that Rule 27A be reviewed. The Supreme Courts directed the Committee to discuss the policy issue of having an adult present for waivers of children over the age of 14 after reading the literature cited in the R.G. case. (<i>In re R.G.</i>, 416 P.3d 478 f. 6(Utah 2017)).</p> <p>New Business: The Committee set the following meeting dates for the remainder of 2019: August 2, September 6, October 4, November 1 and December 6. All meetings will be held from Noon to 2:00 p.m.</p>	
Action Item:	Place Rule 27A on the June 7 agenda. Katie Gregory will send the <i>In re RG</i> case out to entire committee to review literature cited in footnote 6. The Committee will report back to the Supreme Court regarding its opinion on the policy issue of setting an age for a young person's ability to waive rights without an adult present.