

AGENDA TOPIC

III. Continued Discussion of Proposals for Juvenile Rules Related to Rule 7 of the Utah Rules of Civil Procedure and URJP 12 and 19

JUDGE LINDSLEY AND ALAN SEVISON

Judge Lindsley reviewed draft language pertaining to URCP 7, with the goal of incorporating the draft into URJP 19 once the committee is satisfied with the proposal. Depending on the outcome, the committee may need to rename Rule 19 to reflect the broader scope of the added provisions. The committee first discussed the applicability of various provisions of URCP 7(b) pertaining to motions. A discussion followed regarding whether the juvenile rule should contain a page limit on motions and memoranda similar to the 15 and 25 page limitations contained in URCP 7(c)(3). After discussion, Judge Lindsley agreed to add page limiting language to her proposal in section (b)(3) similar to "The motion may not exceed 25 pages not counting the attachments unless a longer motion is permitted by the court." Language limiting the length of memoranda to 15 days will also be added in sections (c)(3) and (d)(3).

The committee reserved for a later discussion the issue of how to address the delinquency provisions of Rule 19 (l) which incorporate the Utah Rules of Criminal Procedure, including URCP 12 pertaining to motions in criminal proceedings.

Judge Lindsley also added the phrase "unless otherwise ordered by the court" in sections (c)(1), (d)(1) and (e) to provide the flexibility necessary to meet child welfare timelines. In subsection (e) pertaining to objections to evidence in the reply memorandum and response, Judge Lindsley will add "The objection or response may not be more than 3 pages" which mirrors the language in URCP 7(f).

Districts have different interpretation of the rule requiring the use of requests to submit for decision. Some districts do not send motions to the judge to review until a request to submit for decision is filed. Other districts interpret the rule to mean the judge may read the motion, but should not act on the motion until the request to submit for decision is filed. The committee discussed these variations and also differences between child welfare and delinquency practice, especially related to motions to suppress. The current draft does not require requests to submit for decision for either stipulated or ex parte motions and Judge Lindsley will add language to that affect in both paragraphs (i)(5) and (j)(5). The committee also discussed 78A-6-106 regarding motions for expedited placement in temporary custody, which directs the court to hold a shelter hearing.

Judge Lindsley added two paragraphs to section (k) pertaining to orders. This includes direction on verbal orders and sets forth that a verbal order is deemed entered when recorded. Carol Verdoia will compare this language with language in the appellate rules. The draft also includes language pertaining to preparing, serving and filing proposed orders.

Carol Verdoia addressed a concern with paragraph (k)(5)(4) of the draft mandating the filing of a proposed order with a statement of discovery issues under URCP 37(a). The language in (4) is not consistent with other juvenile rules pertaining to discovery. She also addressed the requirements in Rule 7 pertaining to when an order is determined to be final and recommended that Judge Lindsley consider how to incorporate the new provisions of Rule 7 and the related Advisory Committee Note analysis into the draft.

Judge Lindsley will also review URCP 12 and seek the assistance of Pam Vickrey and Chris Yannelli. The committee will then consider how to incorporate its draft into URJP 19. Carol Verdoia thanked Judge Lindsley and Alan Sevison for the substantial work they did to prepare the draft for committee review.

Action Item:	Judge Lindsley will revise the draft rule for the next meeting and will include the changes recommended by the committee. Carol Verdoia and Katie Gregory will meet to prioritize the list of new issues for committee discussion.
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AGENDA TOPIC

IV. Set Next Meeting Dates	KATIE GREGORY AND CAROL VERDOIA
The Committee will meet from Noon to 2:00 p.m. on January 6, 2017, February 3, 2017 and March 3, 2017.	