

(b)(4) and (b)(4)(A).	
Approval	<input checked="" type="checkbox"/> Unanimous <input type="checkbox"/> Vote: In Favor _____ Opposed _____

AGENDA TOPIC

III. Continue Review of Rules Impacted by HB 239 (Rules 15, 16 and 31)	KATIE GREGORY AND CAROL VERDOIA
<p>Rule 15: September 18, 2017 version: Judge Lindsley made revisions to the prior draft of Rule 15, which was prepared by AOC legal staff in April 2017. Judge Lindsley noted that the proposed rule is not as detailed as its statutory counterpart. Individuals should look to the statute instead of Rule 15 for further guidance because the statute is so detailed and contains many variables. Judge Lindsley explained the statute may undergo subsequent changes, so Rule 15 should remain less detailed to avoid the need for future revision. The committee left out cross references to the statute at the request of the Utah Supreme Court.</p> <p>Judge Lindsley explained that in Rule 15, line 26 she removed the phrase “and if it was in the best interest of the minor,” and replaced it with “is authorized by law,” because the best interest inquiry is not statutorily required in this scenario. Finally, Judge Lindsley clarified that the specific qualifiers for non-judicial adjustments are mentioned in statute, but not in the Rule for the aforementioned reasons.</p> <p>Chris Yannelli inquired about the difference between the words minor and child in lines 8-9 of Rule 15. Judge Lindsley said she used those words because some youth of minor age will qualify for a non-judicial adjustment under Rule 15. Specifically, no parental permission is required for non-judicial adjustment when a minor is over 18. Therefore, Rule 15 must use both child and minor to capture all of the youths affected by the rule. The committee members mentioned they expect some Utah Supreme Court discussion on this phrasing because it reads oddly. Judge Lindsley pointed out the reading is consistent with the committee’s past minor versus child discussions, and suggested the committee wait to make changes until hearing concerns from the Utah Supreme Court. Judge Lindsley moved to approve the version of Rule 15 dated September 18, 2017. Chris Yannelli seconded the motion and it passed unanimously.</p> <p>Rule 16 September 18, 2017 version: Judge Lindsley introduced the proposed revisions to Rule 16, with some alterations. First, on lines 11 and 13, she proposed changing the phrase “minor, the minor or the minor’s parent, guardian, or custodian,” to the new phrase “minor, the child, or the child’s parent, guardian, or custodian.” Judge Lindsley pointed out the custodian language addresses the many youths in the custody of the state who are in out-of-county placements.</p> <p>Second, on line 15, Judge Lindsley proposed adding an “s” to the word decline, so that it reads “declines.” Finally, the committee decided to change line 4 to add “pursuant to statute,” after “non-judicial adjustment.”</p> <p>Judge Lindsley moved to approve the September 18, 2017 version of Rule 16 with the above noted corrections. Judge Manley seconded the motion and it passed unanimously.</p> <p>Rule 31: The committee decided to eliminate all of Rule 31 because House Bill 239 eliminated truancy as a basis for juvenile court jurisdiction. Brent Hall made a motion to repeal Rule 31. Judge Lindsley seconded the motion and it passed unanimously.</p> <p>Other Action: The committee delegated revisions to additional rules affected by House Bill 239. Pam Vickrey will review Rules 7, 7A, 9, 11 and Judge Lindsley will review Rules 21, 22, 23, and 23A pertaining to serious youth offenders. Chris Yannelli will review Rules 33, 39, and 45. Katie</p>	

Gregory will send copies of the existing rules to Pam Vickrey, Judge Lindsley, Chris Yannelli, Trish Cassell and Debra Jensen.		
Motions: Rule 15-motion to approve draft of September 18, 2017. Rule 16-motion to approve draft of September 18, 2017 with changes stated above. Rule 31-motion to repeal Rule 31.	By: Judge Lindsley	Second: Chris Yannelli
	Judge Lindsley	Judge Manley
	Brent Hall	Judge Lindsley
Approval Rule 15	<input checked="" type="checkbox"/> Unanimous	<input type="checkbox"/> Vote: # In Favor _____ # Opposed _____
Rule 16	<input checked="" type="checkbox"/> Unanimous	<input type="checkbox"/> Vote: # In Favor _____ # Opposed _____
Rule 31	<input checked="" type="checkbox"/> Unanimous	<input type="checkbox"/> Vote: # In Favor _____ # Opposed _____

AGENDA TOPIC

IV. Updates: Application of URCP 5 in Juvenile Court Regarding Duty to Serve Orders Signed by the Court	CAROL VERDOIA
<p>Judge Manley updated the committee on discussions in her district pertaining to service of orders. She has invited the Seventh District AGs and their Section Director to meet and discuss the matter. A discussion followed on practice in other districts, which varies. Generally, the attorney preparing a proposed order serves it on other parties at the time the attorney files the proposed order with the court. The attorney who files the proposed orders receives an email from CARE that the order has been signed. Some court staff also sends the signed order to everyone. The committee will wait for discussion to take place in Seventh District before considering any changes to the rule.</p> <p>The committee set the following meetings dates for the first half of 2018: January 5, February 2, March 2, May 4, and June 1. All meetings will be held from Noon to 2:00 p.m.</p>	
Action Item:	Katie Gregory will send calendar appointments to committee members for the new meeting dates.