



Utah Supreme Court's Advisory Committee on the Rules of Juvenile Procedure

Meeting Agenda

Matthew Johnson, Chair

Location: Webex Meeting
Date: August 2, 2024
Time: 12:00 pm – 2:00 pm

Action: Welcome and approval of June 7, 2024, meeting minutes.	Tab 1	Matthew Johnson
Discussion: Expungement order copies and fees. <ul style="list-style-type: none">Recent amendments to Rule 56 removed language that prevented a court clerk from imposing a fee when providing certified copies of the expungement order to a petitioner. The Committee has been asked to revisit this issue.	Tab 2	Daniel Meza Rincon
Discussion & Action: Rule 14 . Reception of referral; preliminary determination. <ul style="list-style-type: none">The Board of Juvenile Court Judges and the AOC's Office of the General Counsel have submitted a petition to amend Rule 14. The proposed amendment clarifies when a juvenile probation officer may send a referral to the prosecuting office in their district for prosecutorial review. The change aligns with current statutes. See Utah Code sections 80-6-303.5 and 80-6-304.5.	Tab 3	All
Discussion & Action: Rule 5 . Definitions. <ul style="list-style-type: none">Comment period closed on June 10, 2024, and there were no comments.	Tab 4	All

<p>Discussion & Action: Rule 13A. Limited-purpose intervention.</p> <ul style="list-style-type: none"> • Comment period closed on June 10, 2024, and there were no comments. 	Tab 5	All
<p>Discussion & Action: Rule 15. Preliminary inquiry; informal adjustment without petition.</p> <ul style="list-style-type: none"> • Comment period closed on June 10, 2024, and there were no comments. 	Tab 6	All
<p>Discussion & Action: Rule 19C. Delinquency, traffic and adult criminal matters.</p> <ul style="list-style-type: none"> • Comment period closed on June 30, 2024, and there were no comments. 	Tab 7	All
<p>Discussion & Action: Rule 22. Initial appearance and preliminary hearing in cases under Utah Code sections 80-6-503 and 80-6-504.</p> <ul style="list-style-type: none"> • Comment period closed on June 10, 2024, and there were no comments. 	Tab 8	All
<p>Discussion & Action: Rule 31. Initiation of truancy proceedings.</p> <ul style="list-style-type: none"> • Comment period closed on June 10, 2024, and there were no comments. 	Tab 9	All
<p>Discussion: Old business or new business.</p>		All

[URJP Committee Site](#)

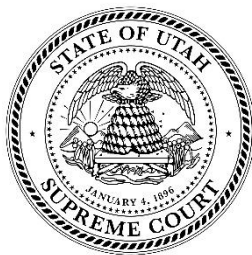
Meeting Schedule:

September 6, 2024
December 6, 2024

October 4, 2024 (in-person)

November 1, 2024

TAB 1



1
2
3 **Utah Supreme Court's**
4 **Advisory Committee on the Rules of Juvenile Procedure**

5 **Draft Meeting Minutes**

6
7 *Matthew Johnson, Chair*

8
9 Location: Webex Meeting

10
11 Date: June 7, 2024

12
13 Time: 12:00 p.m. – 2:00 p.m.

14
Attendees:

Matthew Johnson, Chair
William Russell, Co-Chair
Thomas Luchs
Dawn Hautamaki
Judge Paul Dame
James Smith
Michelle Jeffs
Elizabeth Ferrin
Adrianna Davis
Arek Butler
Janette White
David Fureigh, Emeritus Member

Excused Members:

Judge Debra Jensen
Sophia Moore
Jordan Putnam

Guests:

Staff:

Randi Von Bose, Juvenile Law Clerk
Raymundo Gallardo
Kiley Tilby, Recording Secretary

18 **1. Welcome and approval of the May 3, 2024 Meeting Minutes:** (Matthew Johnson)

19

20 Mr. Johnson expressed his appreciation for those who attended the meeting. Mr.
21 Johnson asked the committee for approval of the May 3, 2024, meeting minutes.
22 Dawn Hautamaki moved to approve the minutes. Ms. Davis seconded the motion,
23 and it passed unanimously.

24

25 **2. Discussion & Action: Rule 50. Presence at hearings: (All)**

26

27 Mr. Johnson stated there was one comment received regarding Rule 50. Mr. Johnson
28 reminded the committee that some of the changes that were made were changing
29 “shall” to “will” and many of the other changes were grammatical changes. Mr.
30 Johnson indicated the only substantial change was regarding the statute and the
31 ability to exclude a person from a hearing. Mr. Johnson requested a motion to send it
32 to the Supreme Court for publishing. Judge Dame made the motion, William Russell
33 seconded the motion, and it passed unanimously.

34

35 **3. Old business/new business: (All)**

36

37 Mr. Johnson inquired if there was any old or new business. Mr. Gallardo stated Rule
38 61 is the new rule on in person, remote and hybrid hearings and he encouraged the
39 committee members to make a public comment or send any comments to him via e-
40 mail. Mr. Gallardo stated Rule 56 was brought to his attention again. Mr. Gallardo
41 indicated the last time the committee amended this rule they removed a lot of the
42 language and separated the categories. Mr. Gallardo stated some of the language that
43 was removed was regarding the “no cost” language because it instructed the clerks
44 not to charge on any of the expungement orders. Mr. Gallardo indicated he wanted
45 to put it out there again for the committee to consider and determine if it should be
46 placed back on the agenda.

47

48 Mr. Johnson stated he doesn’t know if this committee needs to create a rule regarding
49 that, or if that needs to come from the court itself. Mr. Russell stated his recollection
50 on their discussion was that the new statute puts the signed orders on the court, so
51 the setting of those fees should be within the providence of the Code of Judicial
52 Administration or from the committee that determines those fees generally. Mr.
53 Russell indicated his preference is that the copies provided to the petitioner’s counsel
54 and to the petitioner be provided without cost because they are often done pro bono
55 or low bono, and they qualify for a fee waiver due to being indigent. However, he
56 does not believe it is within the providence of the juvenile rules committee to
57 determine that and the better forum would be a different committee. Mr. Russell
58 stated if there are other committee members who feel like they should place it on the
59 agenda, he is open to that discussion.

60

61 Ms. White inquired if any of the current rules talk about fees. Mr. Johnson does not
62 believe they do as the fees are determined by the Administrative Office of the Courts.
63 Mr. Gallardo stated he hasn’t done a full search of the rules, but Rule 50 talks about

64 a fee payment when there is a request for a copy, but it could be because it is in the
65 statute, so that language was transferred over. Mr. Johnson believes that is in
66 conjunction with the statute.

67
68 Ms. Von Bose indicates she has done a quick search and there are a few rules that
69 discuss fees. Specifically, Rule 22 talks about no fee being charged, Rule 60 says no
70 filing fee will be charged on consent to abortion, Rule 50 as outlined by Mr. Gallardo,
71 and Rule 37 in reference to attorney fees. Ms. Von Bose stated she could not see any
72 reference to fees in the section related to the juvenile rules in the judicial code.

73
74 Ms. Hautamaki stated the certification fee and expungement fee is in the fee rule
75 under Utah Code section 78A-2-301, but those are just the court fees and waiver. Ms.
76 Hautamaki indicated that was one code they looked at and the information the clerks
77 received was that because the certification was by statute, the waiver in CJA would
78 not apply but she does not know if that is correct. Mr. Fureigh stated he didn't know
79 this would come up today, so he doesn't have the specific rule, but he knows there is
80 a rule in place. Mr. Fureigh indicated there was a statute passed recently that has
81 caused the Administrative Office of the Courts ("AOC") to look at the fees they are
82 charging. Mr. Fureigh stated the AOC came to the AG's office and let them know
83 they are going to start charging their office fees for orders and other things. If this
84 committee was going to decide that these expungement orders should not have a fee
85 attached to them and it should be in the rule, Mr. Fureigh believes that would need
86 to go through the AOC or other committees to see if they are okay with that. Mr.
87 Fureigh stated he knows the current rule does allow for no fees for indigent
88 individuals. Ms. Von Bose stated the AOC is very aware of all of those, so if this was
89 placed on the agenda for the next meeting, she would suggest inviting Deputy
90 Juvenile Court Administrator Daniel Meza Rincon.

91
92 Mr. Johnson suggested this be tabled until the next meeting.

93
94 Mr. Gallardo stated this was Judge Dame's last meeting. Mr. Johnson expressed
95 appreciation to Judge Dame for his service on the committee and the work he has put
96 in. The committee indicated Judge Dame will be missed. Judge Dame expressed
97 appreciation to the committee for their patience and their service.

98
99 No additional old or new business was discussed.

100
101
102 The meeting adjourned at 12:21 PM. The next meeting will be held on August 2, 2024
103 via Webex. There will be no meeting in July.

TAB 2

1 **Rule 56. Expungement.**

2 (a) Any individual who has been adjudicated delinquent by a juvenile court may petition
3 the court for an order expunging and sealing the records pursuant to Utah Code sections
4 80-6-1001 ~~- 1007, et. seq.~~

5 (b) **Adjudication expungement.** A person whose juvenile record includes an
6 adjudication, as provided for in Utah Code section 80-6-701, may petition the court for
7 expungement as provided for in Utah Code section 80-6-1004.1.

8 ~~(1) Upon filing the petition, the clerk shall calendar the matter for hearing and~~
9 ~~give at least 30 days' notice to the prosecuting attorney, the Juvenile Probation~~
10 ~~Department, the agency with custody of the records, and any victim or victim's~~
11 ~~representative of record on each adjudication identified by petitioner as being~~
12 ~~subject to expungement who have requested in writing notice of further~~
13 ~~proceedings. The petitioner may be required to obtain and file verifications from~~
14 ~~local law enforcement agencies in every community in which the petitioner has~~
15 ~~resided stating whether petitioner has a criminal record.~~

16 ~~(2) If the court finds, upon hearing, that the conditions for expungement under~~
17 ~~Utah Code section 80-6-1004 have been satisfied, the court shall order the records~~
18 ~~of the case sealed as provided in Utah Code section 80-6-1004.~~

19 (c) **Nonjudicial expungement.** A person whose juvenile record consists solely
20 of nonjudicial adjustments, as provided for in Utah Code section 80-6-304, may petition
21 the court for expungement as provided for in Utah Code section 80-6-1004.25.

22 ~~The clerk shall provide certified copies of the executed order of expungement, at no~~
23 ~~cost, to the petitioner and the petitioner shall deliver a copy of the order to each agency~~
24 ~~in the State of Utah identified in the order.~~ **Delinquency-records expungement.** A person
25 whose juvenile record consists solely of records of arrest, investigation, detention, or
26 petitions that did not result in adjudication may petition the court for expungement as
27 provided for in Utah Code section 80-6-1004.3.

28 (e) **Petition-not-found-to-be-true expungement.** A person whose record contains
29 allegations found not to be true by the juvenile court may petition the court for an
30 expungement as provided for in Utah Code section 80-6-1004.4.

31 (f) **Automatic expungement.** A person whose record consists solely of successfully
32 completed nonjudicial adjustments is eligible for an automatic expungement as provided
33 for in Utah Code section 80-6-1004.5.

34 *Effective May 1, 2024*

TAB 3

1 **Rule 14. Reception of referral; preliminary determination.**

2 (a) **Delinquency Cases.**

3 (1) A law enforcement officer or any other person having knowledge of or reason
4 to believe facts that would bring a minor within the court's jurisdiction for
5 delinquency may refer the minor to the court by submitting a written report, on
6 forms prescribed by the court. The report ~~must~~shall indicate whether the alleged
7 offense is a felony, misdemeanor, infraction, or status offense. A juvenile
8 probation officer must~~An intake officer of the probation department shall~~ make a
9 preliminary determination, ~~with the assistance of the prosecuting attorney if~~
10 ~~necessary,~~ as to whether the minor qualifies for a nonjudicial adjustment. If the
11 referral does not establish that the minor qualifies for a nonjudicial adjustment,
12 the intake officer ~~must~~shall forward the referral to the prosecutor.

13 (b) **Cases Involving Neglect, Dependency or Abuse.** Pursuant to Utah Code, Title 80,
14 Chapter 2, Child Welfare Services, complaints and reports involving the neglect, abuse,
15 or dependency of minors ~~must~~shall be directed to the nearest office of the Division of
16 Child and Family Services for investigation, which agency may, with the assistance of
17 the attorney general, file a petition with the court to initiate judicial proceedings.

18 (c) **Coordination of Cases Pending in District Court and Juvenile Court.**

19 (1) Criminal and delinquency cases; Notice to the court.

20 (A) In a criminal case all parties have a continuing duty to notify the court
21 of a delinquency case pending in juvenile court in which the defendant is
22 a party.

23 (B) In a delinquency case all parties have a continuing duty to notify the
24 court:

25 (i) of a criminal or delinquency case in which the respondent or the
26 respondent's parent is a party; and

27 (ii) of an abuse, neglect, or dependency case in which the
28 respondent is the subject of the petition or the respondent's parent
29 is a party.

30 (C) The notice ~~must~~ shall be filed with a party's initial pleading or as soon
31 as practicable after the party becomes aware of the other pending case.

32 The notice ~~must~~ shall include the case caption, file number, and name of
33 the judge or commissioner in the other case.

34

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8 officer must make a preliminary determination as to whether the minor qualifies
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29 practicable after the party becomes aware of the other pending case. The
30 notice must include the case caption, file number, and name of the judge or
31 commissioner in the other case.

32

TAB 4

1 **Rule 5. Definitions.**

2 Terms in these rules have the same definitions as provided in Utah Code sections 80-1-
3 102 and 80-3-102 unless a different definition is given here. As used in these rules:

4 (a) "Abuse, neglect, and dependency" refers to proceedings under Title 80, Chapter 3,
5 Abuse, Neglect and Dependency Proceedings and Title 80, Chapter 4, Termination and
6 Restoration of Parental Rights

7 ~~(b) "Adjudication" means a finding by the court, incorporated in a judgment or decree,
8 that the facts alleged in the petition have been proved.~~

9 (be) "Adult" means an individual who is 18 years old or older. "Adult" does not include
10 an individual who is 18 years old or older and whose case is under the continuing
11 jurisdiction of the juvenile court in accordance with Utah Code section 78A-6-120.

12 ~~(ce)~~ "Arraignment" means the hearing at which a minor is informed of the allegations
13 and the minor's rights, and is given an opportunity to admit or deny the allegations.

14 (de) "Court records" means all juvenile court legal records, all juvenile court social and
15 probation records, and all other juvenile court records prepared, owned, received, or
16 maintained by the court.

17 (ef) "Disposition" means any order of the court, after adjudication, as defined in Utah
18 Code section 80-1-102.

19 (fg) "Minor" means:

20 (1) For the purpose of juvenile delinquency: a child, or an individual who is at least
21 18 years old and younger than 25 years old and whose case is under the
22 jurisdiction of the juvenile court; and

23 (2) For all other purposes in these rules: a child, or an individual who is at least 18
24 years old and younger than 21 years old and whose case is under the jurisdiction
25 of the juvenile court.

26 (g~~h~~) "Petition" means the document containing the material facts and allegations upon
27 which the court's jurisdiction is based.

28 (h~~i~~) "Preliminary inquiry" means an investigation and study conducted by the probation
29 department upon the receipt of a referral to determine whether the interests of the public
30 or of the minor require that further action be taken.

31 (i~~j~~) "Substantiation proceedings" means juvenile court proceedings in which an
32 individual or the Division of Child and Family Services seeks a judicial finding of a claim
33 of substantiated, unsubstantiated or without merit with regards to a DCFS finding of
34 severe child abuse or neglect for purposes of the Division's Licensing Information System.

35 (j~~k~~) "Ungovernability" means the condition of a child who is beyond the control of the
36 parent, guardian, or lawful custodian, to the extent that the child's behavior or condition
37 endangers the child's own welfare or the welfare of others.

38

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4 (a) "Abuse, neglect, and dependency" refers to proceedings under Title 80, Chapter 3,
5 Abuse, Neglect and Dependency Proceedings and Title 80, Chapter 4, Termination and
6 Restoration of Parental Rights

7 (b) "Adult" means an individual who is 18 years old or older. "Adult" does not include
8 an individual who is 18 years old or older and whose case is under the continuing
9 jurisdiction of the juvenile court in accordance with Utah Code section 78A-6-120.

10 (c) "Arrest" means the hearing at which a minor is informed of the allegations and
11 the minor's rights, and is given an opportunity to admit or deny the allegations.

12 (d) "Court records" means all juvenile court legal records, all juvenile court social and
13 probation records, and all other juvenile court records prepared, owned, received, or
14 maintained by the court.

15 (e) "Disposition" means any order of the court, after adjudication, as defined in Utah Code
16 section 80-1-102.

17 (f) "Minor" means:

18 (1) For the purpose of juvenile delinquency: a child, or an individual who is at least
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28 or of the minor require that further action be taken.

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33 (j) "Ungovernability" means the condition of a child who is beyond the control of the
34 parent, guardian, or lawful custodian, to the extent that the child's behavior or condition
35 endangers the child's own welfare or the welfare of others.

36

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Posted: April 26, 2024

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Rules of Juvenile Procedure – Comment Period Closed June 10, 2024

URJP005.Definitions. Amend. Rule 5 is being amended to remove the definition of “adjudication.” Senate Bill 88 of the 2024 Legislative Session amends the definition of “adjudication” as found in Utah Code section 80-1-102. “Adjudication” as defined in statute is also a better fit for the Rules of Juvenile Procedure. As a result of the removal of “adjudication,” the remaining paragraphs are renumbered.

URJP013A.Limited-purpose intervention. New. In response to *In re J.T.*, 2023 UT App 157, Rule 13A guides intervention in the juvenile court.

URJP015.Preliminary inquiry; informal adjustment without petition. Amend. The proposed revision to Rule 15 amends paragraph (f) to refer to statute as the guiding criteria for non-judicial extensions. Additional grammatical and stylistic changes were also made for clarity.

URJP022.Initial appearance and preliminary hearing in cases under Utah Code sections 80-6-503 and 80-6-504. Amend. House Joint Resolution 13 of the 2024 Legislative Session made

To view all comments submitted during a particular comment period, click on the comment deadline date. To view all comments to an amendment, click on the rule number.

CATEGORIES

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changes to Rule 7B of the Rules of Criminal Procedure related to hearsay. Paragraph (k) of Rule 22 is amended to mirror those changes. Paragraph (k) is further amended to provide clearer direction regarding the raising of objections at the preliminary hearing. Additional grammatical and stylistic changes were also made for clarity.

URJP031.Initiation of truancy proceedings. Repeal. It is proposed that Rule 31 be repealed based on amendments to statute brought by House Bill 362 of the 2024 Legislative Session. Habitual truancy may be referred to the juvenile court for a non-judicial adjustment, but it may not be petitioned.

This entry was posted in [-Rules of Juvenile Procedure, URJP005, URJP013A, URJP015, URJP022, URJP031.](#)

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UTAH COURTS

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TAB 5

1 **Rule 13A. Limited-purpose intervention.**

2 (a) **Scope.** This rule applies to the intervention of a friend or relative in a child welfare
3 matter for the limited purpose of determining the placement of a child. It supersedes Rule
4 24 of the Utah Rules of Civil Procedure for this limited purpose.

5 (b) **Limited-purpose intervenor.** On timely motion, the court will permit a relative or
6 friend to intervene in a child welfare matter for the limited purpose of being considered
7 for a child placement under 80-3-302(6).

8 (c) **Record access.** A limited-purpose intervenor will not have access to court records
9 unless the court determines, after providing the parties with notice and an opportunity
10 to be heard, that certain court records are relevant to the issue of a child's placement with
11 the limited-purpose intervenor.

12 (d) **Burden of proof.** A limited-purpose intervenor has the burden to prove by a
13 preponderance of evidence that it is in the child's best interest to grant the limited-
14 purpose intervenor's request for placement of the child with the limited-purpose
15 intervenor.

TAB 6

1 **Rule 15. Preliminary inquiry; informal adjustment without petition.**

2 (a) If ~~a~~~~the~~ minor qualifies for a nonjudicial adjustment pursuant to statute, the probation
3 intake officer ~~must~~~~shall~~ offer a nonjudicial adjustment to the minor.

4 (b) If a minor does not qualify for a nonjudicial adjustment, the probation intake officer
5 may conduct one or more interviews with the minor, or if a child, then with the child and
6 at least one of the child's parents~~s~~, guardians~~s~~, or custodians~~s~~, and may invite the referring
7 party and the victim, if any, to attend or otherwise seek further information from them.
8 Attendance at any such interview ~~is~~~~shall be~~ voluntary~~s~~, and the probation intake officer
9 may not compel the disclosure of any information or the visiting of any place.

10 (c) In any such interview, the minor, or if a child, then the child and the child's parent,
11 guardian~~s~~, or custodian~~s~~, must be advised that the interview is voluntary, that they ~~they~~ minor
12 ~~has~~~~ve~~ ~~the~~~~a~~ right to have counsel present to represent the minor, that the minor has the
13 right not to disclose any information, and that any information disclosed that could tend
14 to incriminate the minor cannot be used against the minor in court to prove whether the
15 minor committed the offense alleged in the referral.

16 (d) If ~~the probation intake officer concludes~~ on the basis of the preliminary inquiry, the
17 probation intake officer concludes that nonjudicial adjustment is appropriate and is
18 authorized by law, the officer may seek agreement with the minor, or if a child, then with
19 the child and the child's parent, guardian~~s~~, or custodian~~s~~, to a proposed nonjudicial
20 adjustment.

21 (e) If an agreement is reached and the terms and conditions agreed upon are satisfactorily
22 complied with by the minor, or if a child, then with the child and the child's parent,
23 guardian~~s~~, or custodian~~s~~, the case ~~must~~~~shall~~ be closed without petition. Such resolution of
24 the case ~~will~~~~shall~~ not be deemed an adjudication of jurisdiction of the court and ~~will~~~~shall~~
25 not constitute an official record of juvenile court action or disposition. A nonjudicial
26 adjustment may be considered by the probation intake officer in a subsequent

27 preliminary inquiry and by the court for purposes of disposition only, following
28 adjudication of a subsequent delinquency involving the same minor.

29 (f) The initial time in which to complete a nonjudicial adjustment, and any extensions
30 thereof, are governed by Utah Code section 80-6-304.~~Attempts to effect nonjudicial~~
31 ~~adjustment of a case shall not extend beyond 90 days without authorization by the court,~~
32 ~~and then for no more than an additional 90 days.~~

33

1 **Rule 15. Preliminary inquiry; informal adjustment without petition.**

2 (a) If a minor qualifies for a nonjudicial adjustment pursuant to statute, the probation
3 intake officer must offer a nonjudicial adjustment to the minor.

4 (b) If a minor does not qualify for a nonjudicial adjustment, the probation intake officer
5 may conduct one or more interviews with the minor, or if a child, then with the child and
6 at least one of the child's parents, guardians, or custodians, and may invite the referring
7 party and the victim, if any, to attend or otherwise seek further information from them.
8 Attendance at any such interview is voluntary, and the probation intake officer may not
9 compel the disclosure of any information or the visiting of any place.

10 (c) In any such interview, the minor, or if a child, then the child and the child's parent,
11 guardian, or custodian, must be advised that the interview is voluntary, that the minor
12 has the right to have counsel present to represent the minor, that the minor has the right
13 not to disclose any information, and that any information disclosed that could tend to
14 incriminate the minor cannot be used against the minor in court to prove whether the
15 minor committed the offense alleged in the referral.

16 (d) If, on the basis of the preliminary inquiry, the probation intake officer concludes that
17 nonjudicial adjustment is appropriate and is authorized by law, the officer may seek
18 agreement with the minor, or if a child, then with the child and the child's parent,
19 guardian, or custodian, to a proposed nonjudicial adjustment.

20 (e) If an agreement is reached and the terms and conditions agreed upon are satisfactorily
21 complied with by the minor, or if a child, then with the child and the child's parent,
22 guardian, or custodian, the case must be closed without petition. Such resolution of the
23 case will not be deemed an adjudication of jurisdiction of the court and will not constitute
24 an official record of juvenile court action or disposition. A nonjudicial adjustment may
25 be considered by the probation intake officer in a subsequent preliminary inquiry and by
26 the court for purposes of disposition only, following adjudication of a subsequent
27 delinquency involving the same minor.

28 (f) The initial time in which to complete a nonjudicial adjustment, and any extensions
29 thereof, are governed by Utah Code section 80-6-304.

30

TAB 7

1 **Rule 19C. Motion practice for delinquency, traffic, and adult criminal matters.**

2 (a) This rule applies to motion practice for delinquency, traffic, and adult criminal
3 matters.

4 (b) Any defense, objection, or request, including request for rulings on the admissibility
5 of evidence, which is capable of determination without the trial of the general issue may
6 be raised prior to trial by written motion. A motion must state succinctly and with
7 particularity the grounds upon which it is made and the relief sought. A motion need not
8 be accompanied by a memorandum unless required by the court.

9 (c) The following must be raised at least seven days prior to the trial unless otherwise
10 ordered by the court:

11 (1) defenses and objections based on defects in the petition, indictment, or
12 information;

13 (2) motions to suppress evidence;

14 (3) requests for discovery where allowed;

15 (4) requests for severance of allegations, charges, minors, or defendants;

16 (5) motions to dismiss on the ground of double jeopardy; or

17 (6) motions challenging jurisdiction, unless good cause is shown why the issue
18 could not have been raised at least seven days prior to trial.

19 (d) Motions for a reduction of criminal offense pursuant to Utah Code section 76-3-402(2)
20 may be raised at any time after disposition upon proper service of the motion on the
21 appropriate prosecuting entity.

22 (e) Motions to suppress. A motion to suppress evidence must:

23 (1) describe the evidence sought to be suppressed;

24 (2) set forth the standing of the movant to make the application; and

25 (3) specify sufficient legal and factual grounds for the motion to give the opposing
26 party reasonable notice of the issues and to enable the court to determine what
27 proceedings are appropriate to address them.

28 If an evidentiary hearing is requested, no written response to the motion by the non-
29 moving party is required, unless the court orders otherwise. At the conclusion of the
30 evidentiary hearing, the court may provide a reasonable time for all parties to respond to
31 the issues of fact and law raised in the motion and at the hearing.

32 (f) Motions on the justification of the use of force pursuant to Utah Code section 76-2-309
33 must be filed in accordance with Rule 12(c)(3) of the Rules of Criminal Procedure. Rule
34 12(c)(3) of the Rules of Criminal Procedure is hereby adopted by the Rules of Juvenile
35 Procedure. ~~at least 28 days before trial, unless there is good cause shown as to why the~~
36 ~~issue could not have been raised at least 28 days before trial.~~

37 (g) When the facts in a petition, information, or indictment fail to inform a minor of the
38 nature and cause of the offense alleged so as to enable the minor to prepare a defense, the
39 minor may file a written motion for a bill of particulars. The motion must be filed at
40 arraignment or within 14 days thereafter, or at such later time as the court may permit.

41 (h) A motion made before trial must be determined before trial unless the court for good
42 cause orders that the ruling be deferred for later determination. Where factual issues are
43 involved in determining a motion, the court will state its findings on the record.

44 (i) Failure of the minor or defendant to timely raise defenses or objections or to make
45 requests which must be made prior to trial or at the time set by the court will constitute
46 waiver thereof, but the court for cause shown may grant relief from such waiver.

47 (j) A verbatim record will be made of all proceedings at the hearing on motions, including
48 such findings of fact and conclusions of law as are made orally.

49 (k) If the court grants a motion based on a defect in the institution of the prosecution or
50 in the petition or information, it may order that the minor or defendant be held in custody
51 for a reasonable and specified time pending the filing of a new petition or information.

52 Nothing in this rule will be deemed to affect provisions of law relating to a statute of
53 limitations.

1 **Rule 19C. Motion practice for delinquency, traffic, and adult criminal matters.**

2 (a) This rule applies to motion practice for delinquency, traffic, and adult criminal
3 matters.

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35 Procedure.

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41 cause orders that the ruling be deferred for later determination. Where factual issues are
42 involved in determining a motion, the court will state its findings on the record.

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50 for a reasonable and specified time pending the filing of a new petition or information.

51 Nothing in this rule will be deemed to affect provisions of law relating to a statute of
52 limitations.

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<p>Rules of Juvenile Procedure – Comment Period Closes June 30, 2024</p> <p>URJP019C.Amend. Regarding motions on the justification of the use of force, the proposed amendment to Rule 19C specifically adopts Rule 12(c)(3) of the Rules of Criminal Procedure. This amendment intends to clarify the relationship between statute, the Rules of Criminal Procedure, and the Rules of Juvenile Procedure as outlined in Rule 2 of the Rules of Juvenile Procedure.</p> <hr/> <p>This entry was posted in -Rules of Juvenile Procedure, URJP019C.</p>	
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TAB 8

1 **Rule 22. Initial appearance and preliminary hearing in cases under Utah Code sections**
2 **80-6-503 and 80-6-504.**

3 (a) When a summons is issued in lieu of a warrant of arrest, the minor must appear before
4 the court as directed in the summons.

5 (b) When any peace officer or other person makes an arrest of a minor without a warrant,
6 the minor must be taken to a juvenile detention facility pending a detention hearing,
7 which must be held as provided by these rules. When any peace officer makes an arrest
8 of a minor with a warrant, the minor must be taken to the place designated on the
9 warrant. If an information has not been filed, one must be filed without delay in the court
10 with jurisdiction over the offense.

11 (c) If a minor is arrested in a county other than where the offense was committed the
12 minor must without unnecessary delay be returned to the county where the crime was
13 committed and must be taken before a judge of the juvenile court.

14 (d) The court will, upon the minor's first appearance, inform the minor:

15 (1) of the charge in the information or indictment and furnish the minor with a
16 copy;

17 (2) of any affidavit or recorded testimony given in support of the information and
18 how to obtain them;

19 (3) of the right to retain counsel or have counsel appointed by the court;

20 (4) of rights concerning detention, pretrial release, and bail in the event the minor
21 is bound over to stand trial in district court; and

22 (5) that the minor is not required to make any statement, and that any statements
23 made may be used against the minor in a court of law.

24 (e) The court will, after providing the information under paragraph (d) and before
25 proceeding further, allow the minor reasonable time and opportunity to consult counsel

26 and will allow the minor to contact any attorney by any reasonable means, without delay
27 and without fee.

28 (f) The minor may not be called on to enter a plea. During the initial appearance, the
29 minor will be advised of the right to a preliminary hearing. If the minor waives the right
30 to a preliminary hearing, the court will proceed in accordance with Rule 23A to hear
31 evidence regarding the factors contained in Utah Code section 80-6-504(3).

32 (g) If the minor does not waive a preliminary hearing, the court will schedule the
33 preliminary hearing. The preliminary hearing will be held within a reasonable time, but
34 not later than ~~ten~~10 days after the initial appearance if the minor is in custody for the
35 offense charged. The preliminary hearing will be held within a reasonable time, but not
36 later than 30 days after the initial appearance if the minor is not in custody. The time
37 periods of this rule may be extended by the court for good cause shown.

38 (h) If a grand jury indicts a minor for a qualifying offense listed in Utah Code section 80-
39 6-503, the court will proceed in accordance with Utah Code section 80-6-504(11).

40 (i) A preliminary hearing will be held under the rules and laws applicable to criminal
41 cases tried before a court. The state has the burden of proof and will proceed first with its
42 case. At the conclusion of the state's case, the minor may testify under oath, call witnesses,
43 and present evidence. The minor may cross-examine adverse witnesses.

44 (j) If from the evidence the court finds probable cause under Utah Code section 80-6-
45 504(2)(a), the court will proceed in accordance with Rule 23A to hear evidence regarding
46 the factors contained in Utah Code section 80-6-504(3).

47 (k) The finding of probable cause may be based, in whole or in part, on reliable hearsay.
48 ~~, but may not be based solely on reliable hearsay evidence admitted under Rule 1102(b)(8)~~
49 ~~of the Utah Rules of Evidence.~~ Objections to evidence on the ground that it was acquired
50 by unlawful means ~~may~~are not ~~be~~properly raised at the preliminary hearing.

51 (l) If the court does not find probable cause to believe that the crime charged has been
52 committed or that the minor committed it, the court will dismiss the information and

53 discharge the minor. The court may enter findings of fact, conclusions of law, and an
54 order of dismissal. The dismissal and discharge do not preclude the state from instituting
55 a subsequent prosecution for the same offense.

56 (m) At a preliminary hearing, upon request of either party, and subject to Title 77, Chapter
57 38, Rights of Crime Victims Act, the court may:

58 (1) exclude witnesses from the courtroom;

59 (2) require witnesses not to converse with each other until the preliminary hearing
60 is concluded; and

61 (3) exclude spectators from the courtroom.

1 **Rule 22. Initial appearance and preliminary hearing in cases under Utah Code sections**
2 **80-6-503 and 80-6-504.**

3 (a) When a summons is issued in lieu of a warrant of arrest, the minor must appear before
4 the court as directed in the summons.

5 (b) When any peace officer or other person makes an arrest of a minor without a warrant,
6 the minor must be taken to a juvenile detention facility pending a detention hearing,
7 which must be held as provided by these rules. When any peace officer makes an arrest
8 of a minor with a warrant, the minor must be taken to the place designated on the
9 warrant. If an information has not been filed, one must be filed without delay in the court
10 with jurisdiction over the offense.

11 (c) If a minor is arrested in a county other than where the offense was committed the
12 minor must without unnecessary delay be returned to the county where the crime was
13 committed and must be taken before a judge of the juvenile court.

14 (d) The court will, upon the minor's first appearance, inform the minor:

15 (1) of the charge in the information or indictment and furnish the minor with a
16 copy;

17 (2) of any affidavit or recorded testimony given in support of the information and
18 how to obtain them;

19 (3) of the right to retain counsel or have counsel appointed by the court;

20 (4) of rights concerning detention, pretrial release, and bail in the event the minor
21 is bound over to stand trial in district court; and

22 (5) that the minor is not required to make any statement, and that any statements
23 made may be used against the minor in a court of law.

24 (e) The court will, after providing the information under paragraph (d) and before
25 proceeding further, allow the minor reasonable time and opportunity to consult counsel

26 and will allow the minor to contact any attorney by any reasonable means, without delay
27 and without fee.

28 (f) The minor may not be called on to enter a plea. During the initial appearance, the
29 minor will be advised of the right to a preliminary hearing. If the minor waives the right
30 to a preliminary hearing, the court will proceed in accordance with Rule 23A to hear
31 evidence regarding the factors contained in Utah Code section 80-6-504(3).

32 (g) If the minor does not waive a preliminary hearing, the court will schedule the
33 preliminary hearing. The preliminary hearing will be held within a reasonable time, but
34 not later than ten days after the initial appearance if the minor is in custody for the offense
35 charged. The preliminary hearing will be held within a reasonable time, but no later than
36 30 days after the initial appearance if the minor is not in custody. The time periods of this
37 rule may be extended by the court for good cause shown.

38 (h) If a grand jury indicts a minor for a qualifying offense listed in Utah Code section 80-
39 6-503, the court will proceed in accordance with Utah Code section 80-6-504(11).

40 (i) A preliminary hearing will be held under the rules and laws applicable to criminal
41 cases tried before a court. The state has the burden of proof and will proceed first with its
42 case. At the conclusion of the state's case, the minor may testify under oath, call witnesses,
43 and present evidence. The minor may cross-examine adverse witnesses.

44 (j) If from the evidence the court finds probable cause under Utah Code section 80-6-
45 504(2)(a), the court will proceed in accordance with Rule 23A to hear evidence regarding
46 the factors contained in Utah Code section 80-6-504(3).

47 (k) The finding of probable cause may be based, in whole or in part, on reliable hearsay.
48 Objections to evidence on the ground that it was acquired by unlawful means may not
49 be raised at the preliminary hearing.

50 (l) If the court does not find probable cause to believe that the crime charged has been
51 committed or that the minor committed it, the court will dismiss the information and
52 discharge the minor. The court may enter findings of fact, conclusions of law, and an

53 order of dismissal. The dismissal and discharge do not preclude the state from instituting
54 a subsequent prosecution for the same offense.

55 (m) At a preliminary hearing, upon request of either party, and subject to Title 77, Chapter
56 38, Rights of Crime Victims Act, the court may:

57 (1) exclude witnesses from the courtroom;

58 (2) require witnesses not to converse with each other until the preliminary hearing
59 is concluded; and

60 (3) exclude spectators from the courtroom.

TAB 9

1 **Rule 31. Initiation of truancy proceedings.**

2 ~~(a) The referral of a child alleged to come within the jurisdiction of the court as habitually~~
3 ~~truant shall be accompanied by a statement setting forth all actions taken and efforts~~
4 ~~made, if required, by school personnel and officials in compliance with Utah Code~~
5 ~~section 53G-6-206. A preliminary inquiry shall be conducted by an intake officer. At the~~
6 ~~preliminary inquiry a determination shall be made as to whether the school has made~~
7 ~~efforts under Utah Code section 53G-6-206.~~

8 ~~(b) Except as otherwise provided by law, when a petition is filed following a preliminary~~
9 ~~inquiry, the petition shall allege what efforts have been made by the school under Utah~~
10 ~~Code section 53G-6-206.~~