



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

### Meeting Minutes

*Matthew Johnson, Chair*

Location: Webex Meeting

Date: June 7, 2024

Time: 12:00 p.m. – 2:00 p.m.

<p><b><u>Attendees:</u></b> Matthew Johnson, Chair William Russell, Vice Chair Thomas Luchs Dawn Hautamaki Judge Paul Dame James Smith Michelle Jeffs Elizabeth Ferrin Adrianna Davis Arek Butler Janette White David Fureigh, Emeritus Member</p>	<p><b><u>Excused Members:</u></b> Judge Debra Jensen Sophia Moore Jordan Putnam</p>
	<p><b><u>Guests:</u></b></p>
<p><b><u>Staff:</u></b> Randi Von Bose, Juvenile Law Clerk Raymundo Gallardo Kiley Tilby, Recording Secretary</p>	

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

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

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

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

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

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

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

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

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

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

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

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

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

No additional old or new business was discussed.

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