

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

Meeting Agenda

Matthew Johnson, Chair

Location: Webex Meeting

Date: September 5, 2025

Time: 12:00 pm – 2:00 pm

Action: Welcome and approval of the August 1, 2025 meeting minutes.	Tab 1	Matt Johnson
Discussion & Action: Rule 34 . Pre-trial hearing in non-delinquency cases. <ul style="list-style-type: none"><i>Rule 34 was posted for public comment on July 11, 2025. The comment period closed on August 25, 2025, and there were no comments.</i>	Tab 2	All
Discussion: Rule 20 . Discovery generally. <ul style="list-style-type: none"><i>Judge Johnson proposes that Rule 20 be limited to discovery in delinquency and criminal proceedings and that all non-delinquency discovery provisions be moved to Rule 20A. He also proposes that Rule 20 specifically adopt Rule 14 of the Utah Rules of Criminal Procedure to govern subpoenas in those matters.</i>	Tab 3	Judge Johnson All
Discussion: Rule 20A . Discovery in non-delinquency proceedings.	Tab 4	Judge Johnson All

<ul style="list-style-type: none"> • <i>As a result of the proposed changes to Rule 20, current paragraphs (b) and (c) of Rule 20 have been moved to Rule 20A as new paragraphs (n) and (o).</i> 		
<p>Discussion: Old business or new business.</p> <ul style="list-style-type: none"> • <i>October Meeting</i> • <i>Update on Workgroup on Defense Counsel Qualifications and Transfer Cases.</i> 		All

[URJP Committee Site](#)

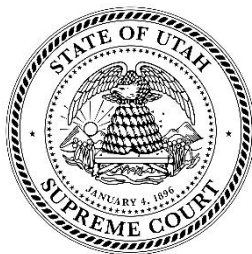
Meeting Schedule:

October 3, 2025

November 7, 2025

December 5, 2025

TAB 1



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

Draft Meeting Minutes

Matthew Johnson, Chair

Location: Webex Meeting

Date: August 1, 2025

Time: 12:00 p.m. – 2:00 p.m.

Attendees:

Matthew Johnson, Chair
William Russell, Vice Chair
Adrianna Davis
Alan Sevison, Emeritus Member
Alexa Arndt
Carolyn Perkins
David Fureigh, Emeritus Member
Dawn Hautamaki
Elizabeth Ferrin
James Smith
Janette White
Judge David Johnson
Judge Debra Jensen
Stephen Starr
Thomas Luchs

Excused Members:

Michelle Jeffs

Guests:

Stacy Haacke, AOC Deputy General
Counsel
Paige Nelson, LRGC

Staff:

Blake Murdoch, Deputy Juvenile Court Administrator
Daniel Meza-Rincon, Deputy Juvenile Court Administrator
Erika Larsen, Juvenile Court Law Clerk
Joe Mitchell, Juvenile Court Law Clerk
Lisa McQuarrie, Juvenile Court Law Clerk
Tyler Ulrich, Recording Secretary
Raymundo Gallardo

1. Welcome and approval of the June 6, 2025, Meeting Minutes. (William Russell)

Committee Vice-chair William Russell informed the Committee that Chair Matthew Johnson was in a Court hearing and would be joining shortly. Vice-Chair Russell welcomed everyone to the meeting and invited each member of the Committee to introduce themselves for the benefit of the new members. Vice-Chair Russell then asked the Committee for approval of the June 6, 2025, meeting minutes. Judge David Johnson moved to approve the proposed minutes. Thomas Luchs seconded the motion, and it passed unanimously.

2. Discussion & Action: Rule 15. Preliminary inquiry; informal adjustment without petition. (Stacy Haacke, All)

Vice-Chair Russell reported that he has worked on some revisions to Rule 15 to better reflect the statutory changes, then turned the time over to Stacy Haacke from the Administrative Office of the Courts. Ms. Haacke reported that the Board of Juvenile Court Judges has met multiple times to review this issue and has drafted a template standing order regarding the release of police reports when a youth seeks to decline the offer of a nonjudicial adjustment. That template has been provided to the Committee and is being distributed to each judicial district to make sure the program is moving forward.

Raymundo Gallardo presented the current draft of Rule 15, and Blake Murdoch directed the Committee's attention to subparagraph (d). Mr. Murdoch suggested making a few minor changes to better reflect the statutory language, and Vice-Chair Russell suggested changing the word "advise" to "inform". After making those changes, Vice-Chair Russell presented the current draft to the Committee for comments. David Fureigh asked a clarifying question about whether the minor must initially decline the non-judicial adjustment before an attorney becomes available to advise the minor. Vice-Chair Russell explained the process when a nonjudicial adjustment is offered to a minor, including that the youth and parent meet with juvenile probation who explains the nonjudicial adjustment process and that the minor qualifies for that option to avoid filing a formal petition in the juvenile court.

Vice-Chair Russell stated that if the youth and/or parent seek to decline the nonjudicial adjustment, it triggers the requirement that probation explain that there is an attorney on-call that can speak with them and advise them concerning the potential benefits and impacts of the NJA option versus formal court proceedings. That attorney has the option to refer a case to a prosecutor to be reviewed for questions regarding legal sufficiency. Mr. Murdoch added that there is a standard form that has been developed to explain the process for youth and parents, including that they must be willing to share their information with the on-call attorney. Vice-Chair Russell then explained that the youth and parent can make their decision independent of the attorney's advice and choose to accept or decline the offer of a nonjudicial adjustment.

Mr. Murdoch posed a question regarding subparagraph (1) and is concerned about the use of the word "must" in that there is a lack of discretion from probation that does not mirror the statutory language to allow a case to be screened with a prosecuting attorney before the offer of a nonjudicial adjustment. Vice-Chair Russell approved of the language as it reflects the use of the word "shall" in Utah Code Ann 80-6-303.5(4), thus making the offer of a nonjudicial to a youth who qualifies for such a mandatory offer. Mr. Murdoch reported that probation officers have been informed by the AOC that cases can still be screened with prosecutors, but Vice-Chair Russell clarified that discretion applies only when not all the statutory criteria are met.

There was no further discussion or comment, and Dawn Hautamaki moved to adopt the current version of Rule 15 for submission to the Supreme Court. Elizabeth Ferrin seconded the motion, and it passed unanimously. The final draft will be submitted to the Supreme Court for presentation and public comment.

3. Discussion & Action: Rule 34. Pretrial hearing in non-delinquency cases. (All)

Vice-Chair Russell explained the recent history of revisions to Rule 34 and reported that the Supreme Court is very committed to making sure the final version is the best possible version of the rule. The Supreme Court recently suggested minor substantive changes that were presented to the Committee, and it has been offered for public comment. The Supreme Court had more suggestions to present to the Committee while the current version of the rule is available for public comment.

Mr. Gallardo presented the version of the rule that was submitted for public comment and explained that the Supreme Court focused on subparagraph (g), specifically suggesting removing references to the Utah Rules of Civil Procedure and simply leaving the reference to Rule 48, as it specifically refers to the related Rules of Civil Procedure.

Judge Johnson recalled some of the history that the Committee and subcommittees have gone through related to that specific subparagraph and reported that the

93 references to those civil rules were included to make sure the proposed rule was
94 sufficiently thorough. Judge Johnson did not foresee any issues, however, in
95 removing the specific references and simply referring to Rule 48. Judge Johnson then
96 expressed his gratitude to Chair Johnson, Vice-Chair Russell, and Mr. Gallardo for all
97 the work they have done in presenting various drafts of the rule to the Supreme Court.

98
99 Mr. Gallardo mentioned a video that was made by the AOC a few years ago to help
100 families understand this specific rule and child welfare proceedings, and that it may
101 need to be updated. Daniel Meza-Rincon reported that the link to that specific video
102 has already been removed and is no longer available.

103
104 There were no further comments or discussion, and because the latest version is
105 currently presented for public comments, the Committee will wait to vote on adopting
106 the rule until the public comment period has closed.

107
108 **4. Discussion: Defense Counsel Qualifications When Youth Face Risk of Adult**
109 **Prosecution.** (All)

110
111 Chair Johnson gave background to the new Committee members regarding the
112 proposal of a new Rule 23B regarding qualifications for defense counsel when youth
113 face adult prosecution. The Committee received some preliminary comments, mainly
114 regarding whether or not there were enough attorneys that could meet the proposed
115 requirements, especially in rural areas of the state.

116
117 Mr. Fureigh recognized that there are certain cases that do require higher levels of
118 qualifications and asked what happens in adult cases in rural areas. Vice-Chair
119 Russell referenced Rule 8 of the Utah Rules of Criminal Procedure and the
120 requirements for appointed counsel in capital offense cases. Vice-Chair Russell
121 explained that there were few attorneys who met the qualifications of Rule 8 of the
122 URCP when it was first adopted, but since its effective date, more attorneys have
123 sought to meet those requirements. Vice-Chair Russell stated that, in the interim,
124 many counties had to contract with qualified defense counsel from outside of their
125 jurisdiction and touched on the importance of having the same protections for youth
126 in transfer cases to protect their rights and reduce the likelihood of a claim of
127 ineffective assistance of counsel.

128
129 Judge Debra Jensen reported that she reached out to all the juvenile court judges
130 statewide seeking feedback on this issue. Those judges in more urban areas were very
131 much in favor of such a rule, while those in rural areas expressed concerns that it
132 would be too restrictive and disqualify many of their usual practitioners. Judge Jensen
133 suggested having a small group look more closely at this issue and include
134 representatives from those rural areas.

Chair Johnson reported that there are some transfer cases where a Guardian ad Litem is appointed for the youth, but because the Guardian is simply appointed to represent best interests, Chair Johnson does not think these qualifications would extend to those attorneys. Vice-Chair Russell stated that he has never had a transfer case with a Guardian ad Litem, while Judge Jensen reported that it is fairly standard to have the Guardian appointed in the Second District.

Carolyn Perkins spoke of her own experience in representing youths facing adult prosecution in rural areas, and that she would often reach out to the Utah Juvenile Defender Attorneys (UJDA) in Salt Lake when she needed guidance or had questions. Ms. Perkins stated that she does feel qualified to represent youth in such cases now and worries that she would not meet the requirements in the proposed rule.

Vice-Chair Russell shared that UJDA and the Indigent Defense Commission (IDC) are working together to create more training opportunities to help practitioners meet the proposed requirements. Judge Johnson spoke about the differences in urban and rural areas and hoped that there could be a team approach that would help spread out the necessary experience. Judge Johnson feels that this is a due process concern for these minors and spoke of his own experience while at UJDA in helping rural districts when these cases are filed there.

Vice-Chair Russell suggested forming a work group and volunteered to join such a group. Mr. Gallardo suggested that the Committee inform the IDC that a working version of a rule has been drafted and invite them to join the discussion and formation of the rule. Chair Johnson supported inviting further participation from the IDC.

Judge Johnson made a motion to form a workgroup on the rule, and the motion was seconded by Judge Jensen. The motion passed unanimously, and a work group will be created. Judge Jensen stated that she will reach out again to the juvenile judges statewide to see if any are interested in joining the work group.

5. Discussion: Rule 20A. Discovery in non-delinquency proceedings. (All)

Mr. Gallardo shared some of the changes that have been made to conform to the style guide. Mr. Gallardo referred to subparagraph (i) regarding protection from discovery and noted that the current rule refers to a civil rule that no longer exists.

A discussion was had regarding the language “protective order” in subparagraph (i), and Judge Johnson expressed that he prefers to keep that language as it is used in practice when a judge makes certain protections regarding the dissemination of specific discovery. Mr. Fureigh expressed his preference for keeping the language in subparagraph (i) regarding protective orders. Stephen Starr suggested that the word “discovery” could be added before “protective order” as it is a narrow issue.

179
180 Lisa McQuarrie pointed out that several other sections refer to specific subparagraphs
181 of other rules and suggested that the Committee may want to look at those in order
182 to be consisted throughout all of the rules. Chair Johnson expressed a desire to be
183 consistent among the rules, but Mr. Fureigh pointed out that some rules are very
184 specific in referring to other rules for a reason, and thinks that changing the reference
185 to Rule 37 only at this time is the best option.

186
187 Mr. Gallardo made the changes to the draft of the rule that were agreed upon by the
188 Committee. Janette White motioned to present this draft of Rule 20A to the Supreme
189 Court. The motion was seconded by Stephen Starr, and the motion passed
190 unanimously.

191
192 **6. Discussion: Rule 18. Summons; service of process; notice.** (Daniel Meza Rincon,
193 Dawn Hautamaki)

194
195 Mr. Meza Rincon and Ms. Hautamaki sought the Committees guidance on the
196 interplay between Rule 18 of the Utah Rules of Juvenile Procedure and Rule 5 of the
197 Utah Rules of Civil procedure regarding service. Mr. Meza Rincon explained that
198 CARE is being enhanced to allow judicial support teams to serve documents signed
199 by the court directly to attorneys and other parties to a case directly from CARE via
200 email. Teams statewide are working under the assumption that parents or non-
201 attorney parties must stipulate to receive service by email. Ms. Hautamaki found,
202 after reviewing the rules, that such stipulations are only required for unrepresented
203 parties. Rule 18 has only one brief reference about such stipulations in subparagraph
204 (d). Because subparagraph (f) refers to Rule 5 of the Civil Rules of Procedure, which
205 includes email as an option for service, they asked if service can be done by email
206 without a stipulation as explained in Rule 5 of the Civil Rules, and that service for
207 represented parties can simply be sent to counsel.

208
209 Ms. Hautamaki has sought input from several districts and suggested courtesy copies
210 be sent to parties even when it is being sent to their attorneys. Ms. Hautamaki
211 explained that the new system upgrades will make this very simple and not require
212 much extra time from court staff.

213
214 Mr. Fureigh asked for clarification on how this is done in delinquency matters, and
215 does not think that a stipulation is necessary for everything, such as sending a Webex
216 link. Mr. Fureigh stated that orders are already sent to all parties in child welfare
217 matters by the assistant attorney general who prepares the proposed order. Chair
218 Johnson asked what else is being sent by the court to the parties other than filings that
219 already must be served on every party. Ms. Hautamaki clarified that the inquiry is
220 specifically related to legal documents that are already sent to attorneys, and that the
221 inquiry is related to whether court system should also send those directly to a party.

Judge Johnson suggested that this issue be taken to counsel for the AOC as it is not this Committee's responsibility to advise the AOC on how to interpret rules. Mr. Fureigh agreed that AOC counsel would be the appropriate venue to seek interpretation of the rule, and that if further clarification or amendments are needed, the issue could be brought back to the Committee.

Mr. Meza Rincon brought the discussion back to unrepresented parties receiving notice by email under Rule 5 of the Rules of Civil Procedure. Mr. Fureigh again believed that this was an interpretation issue that should be taken to counsel for the AOC.

Vice-Chair Russell asked for clarification on what is being sent out by the upgraded system and explained that outside of an initial summons, there are not many notices or orders in delinquency cases that need to be served on parties. Judge Johnson explained that orders, findings, and other rulings are often served in child welfare matters, and that those are generally served on counsel by email. Judge Jensen added that child protective orders are usually the only documents served by the court itself, and that those are sent to a local sheriff's office for personal service.

Mr. Meza Rincon expressed gratitude for the Committee's input and reported that he will reach out to the AOC general counsel for guidance on interpretation of specific rules.

7. Discussion: old business or new business. (All)

Mr. Gallardo addressed the Committee regarding the scheduled in-person meeting in October and reported that the room where the meeting is usually held is no longer available. Mr. Gallardo has explored other options and there are no other rooms at the Matheson court available that day. Mr. Gallardo suggested that the meeting could either be held virtually, that another month's meeting could be held in-person, or the scheduled meeting could be moved to October 10, 2025. Mr. Gallardo said that the Committee could revisit this question at the September Committee meeting, and that he will send out an email poll to gauge each member's preference.

Judge Johnson stated that he received an email from Judge Leavitt regarding subpoenas. Judge Leavitt noted that there does not appear to be a Juvenile Rule regarding subpoenas as Rule 14 of the Utah Rules of Criminal Procedure is not specifically referenced or adopted in the Juvenile Rules. Judge Leavitt suggested adding a reference to Criminal Rule 14 in Rule 20 of the Utah Rules of Juvenile Procedure so that there is a clear reference to subpoena powers. Judge Johnson offered to draft such a proposal and share it with Mr. Gallardo to be added to the September agenda.

265
266 The meeting adjourned at 1:48 p.m. The next meeting will be held on September 5,
267 2025, via Webex.

TAB 2

Rule 34. Pre-trial hearing in non-delinquency cases.

(a) The court will schedule ~~P~~petitions in non-delinquency cases ~~shall be scheduled~~ for an initial pre-trial hearing.

(b) The court will schedule ~~T~~he pre-trial hearing ~~shall be scheduled~~ on the nearest court calendar date available ~~in all cases where the subject minor is in temporary shelter care custody~~ in accordance with Utah Code Title 80, Chapter 3~~section 80-3-401~~.

(c) Prior to adjudication of the petition~~In the pre-trial hearing~~, the court ~~shall~~will

(1) advise~~inform~~ the respondent parent, guardian, or custodian of the minor's rights and of the authority of the court in such cases;

(2) inform the respondent of the respondent's rights, including appellate rights;

(3) advise the respondent that a finding based on the respondent's answer may subject the respondent and the respondent's children to the court's jurisdiction; and

(4) advise the respondent of the potential for dispositional orders that may affect the respondent's parental rights. ~~In the hearing or in any continuance of the hearing, the parent, guardian or custodian shall answer the petition in open court.~~

(d) ~~Before answering, the respondent may move to dismiss the petition as insufficient to state a claim upon which relief can be granted. The court shall hear all parties and rule on said motion before requiring a party to answer.~~ After the court provides the information identified in paragraph (c), the respondent must answer the petition in open court.

(e) A respondent may answer the petition by admitting or denying ~~the~~ specific allegations ~~of the petition~~, or by proceeding with an uncontested answer by declining to admit or deny the allegations. Allegations not specifically denied by a respondent ~~shall~~will be deemed true.

(f) The court will specifically find that the respondent's admissions or uncontested answers and any waiver of the respondent's rights are knowing and voluntary.

(g~~f~~) An answer to a child welfare petition is civil in nature. A respondent seeking relief from admissions or uncontested answers must seek relief as provided in Rule 48. Relief sought under this rule will not toll any statutory timeframes.

(h) Except in cases where the petitioner is seeking a termination of parental rights, the court may enter the default of any respondent who fails to file an answer~~7~~, or who fails to appear either in person or by counsel after having been served with a summons or notice pursuant to Rule 18. Allegations relating to any party in default ~~shall~~will be deemed admitted unless the court, on its own motion, or the motion of any party not in default, ~~shall~~ requires evidence in support of the petition. ~~Within the time limits set forth in Utah R. Civ. P. 60(b), upon the written motion of any party in default and a showing of good cause, the court may set aside an entry of default. On timely motion and for good cause shown, the court may set aside an entry of default and, if a judgment by default has been entered, may likewise set it aside in accordance with Rule 60(b) of the Utah Rules of Civil Procedure.~~

Rule 34. Pre-trial hearing in non-delinquency cases.

(a) The court will schedule petitions in non-delinquency cases for an initial pretrial hearing.

(b) The court will schedule the pretrial hearing on the nearest court calendar date available in accordance with Utah Code Title 80, Chapter 3.

(c) Prior to adjudication of the petition, the court will

(1) inform the respondent parent, guardian, or custodian of the minor's rights and of the authority of the court in such cases;

(2) inform the respondent of the respondent's rights, including appellate rights;

(3) advise the respondent that a finding based on the respondent's answer may subject the respondent and the respondent's children to the court's jurisdiction; and

(4) advise the respondent of the potential for dispositional orders that may affect the respondent's parental rights.

(d) After the court provides the information identified in paragraph (c), the respondent must answer the petition in open court.

(e) A respondent may answer the petition by admitting or denying specific allegations or by proceeding with an uncontested answer by declining to admit or deny the allegations. Allegations not specifically denied by a respondent will be deemed true.

(f) The court will specifically find that the respondent's admissions or uncontested answers and any waiver of the respondent's rights are knowing and voluntary.

(g) An answer to a child welfare petition is civil in nature. A respondent seeking relief from admissions or uncontested answers must seek relief as provided in [Rule 48](#). Relief sought under this rule will not toll any statutory timeframes.

(h) Except in cases where the petitioner is seeking a termination of parental rights, the court may enter the default of any respondent who fails to file an answer or who fails to appear either in person or by counsel after having been served with a summons or notice

27 pursuant to [Rule 18](#). Allegations relating to any party in default will be deemed admitted
28 unless the court, on its own motion, or the motion of any party not in default, requires
29 evidence in support of the petition. On timely motion and for good cause shown, the
30 court may set aside an entry of default and, if a judgment by default has been entered,
31 may likewise set it aside in accordance with [Rule 60\(b\)](#) of the Utah Rules of Civil
32 Procedure.

TAB 3

Rule 20. Discovery ~~generally~~in delinquency and criminal proceedings.

(a) Discovery involving adjudications of delinquency, offenses by adults against minors, and proceedings brought pursuant to Title 80, Chapter 6, Part 5, Transfer to District Court ~~shall~~must be conducted in accordance with Rule 16 of the Utah Rules of Criminal Procedure, except where limited by these rules, the Code of Judicial Administration, or the Utah Juvenile Code.

(b) Subpoenas are governed by Rule 14 of the Utah Rules of Criminal Procedure.~~In substantiation cases, no later than thirty days prior to trial, parties shall provide to each other information necessary to support its claims or defenses unless otherwise ordered by the court.~~

~~(c) Rule 26.1 of the Utah Rules of Civil Procedure does not apply in any juvenile proceedings unless there is a showing of good cause and it is ordered by the court.~~

~~(d) In all other cases, discovery shall be conducted pursuant to these rules unless modified by a showing of good cause and by order of the court.~~

Rule 20. Discovery in delinquency and criminal proceedings.

(a) Discovery involving adjudications of delinquency, offenses by adults against minors, and proceedings brought pursuant to Title 80, Chapter 6, Part 5, Transfer to District Court must be conducted in accordance with Rule 16 of the Utah Rules of Criminal Procedure, except where limited by these rules, the Code of Judicial Administration, or the Utah Juvenile Code.

(b) Subpoenas are governed by Rule 14 of the Utah Rules of Criminal Procedure.

TAB 4

Rule 20A. Discovery in non-delinquency proceedings.

(a) **Scope of discovery.** The scope of discovery is governed by ~~Utah R. Civ. P. Rule~~ 26(b)(1) of the Utah Rules of Civil Procedure. Unless ordered by the court, no discovery obligation may be imposed upon a minor.

(b) **Disclosures.** Within 14 days of the answer, a party ~~shall~~must, without awaiting a discovery request, make reasonable efforts to provide to other parties information necessary to support its claims or defenses, unless solely for impeachment or unless the identity of a person is protected by statute, identifying the subjects of the information. The party ~~shall~~must inform the other party of the existence of such records.

(c) **Depositions upon oral questions.** After the filing of the answer, a party may take the testimony of any person, including a party, by deposition upon oral question without leave of the court. Depositions ~~shall~~must be conducted pursuant to ~~Utah R. Civ. P. Rule~~ 30 of the Utah Rules of Civil Procedure. The record of the deposition ~~shall~~must be prepared pursuant to ~~Utah R. Civ. P. Rule~~ 30(f) of the Utah Rules of Civil Procedure except the deponent will have seven days to review the transcript or recording under ~~Utah R. Civ. P. Rule~~ 30(e) of the Utah Rules of Civil Procedure. The use of depositions in court proceedings ~~shall be~~is governed by ~~Utah R. Civ. P. Rule~~ 32 of the Utah Rules of Civil Procedure.

(d) **Interrogatories.** After the filing of the answer, interrogatories may be used pursuant to ~~Utah R. Civ. P. Rule~~ 33 of the Utah Rules of Civil Procedure except all answers ~~shall~~must be served within 14 days after service of the interrogatories.

(e) **Production of documents and things.** After the filing of the answer, requests for production of documents may be used pursuant to ~~Utah R. Civ. P. Rule~~ 34 of the Utah Rules of Civil Procedure except all responses ~~shall~~must be served within 14 days after service of the requests.

(f) **Physical and mental examination of persons.** Physical and mental examinations may be conducted pursuant to ~~Utah R. Civ. P. Rule~~ 35 of the Utah Rules of Civil Procedure.

(g) **Requests for admission.** Except as modified in this paragraph, requests for admission may be used pursuant to ~~Utah R. Civ. P. Rule~~ 36 of the Utah Rules of Civil Procedure. The matter ~~shall~~will be deemed admitted unless, within 14 days after service of the request, the party to whom the request is directed serves upon the requesting party a written answer or objection addressed to the matter, signed by the party or by his attorney. Upon a showing of good cause, any matter deemed admitted may be withdrawn or amended upon the court's own motion or the motion of any party. Requests for admission can be served anytime following the filing of the answer.

(h) **Experts.**

(1) **Adjudication trials.** Any person who has been identified as an expert whose opinions may be presented at the adjudication trial must be disclosed by the party intending to present the witness at least ten days prior to the trial or hearing unless modified by the court. If ordered by the court, a summary of the proposed testimony signed by the party or the party's attorney ~~shall~~must be filed at the same time.

(2) **Termination of parental rights trials.** Any person who has been identified as an expert whose opinions may be presented at the termination of parental rights trial must be disclosed by the party intending to present the witness at least thirty days prior to the trial or hearing unless modified by the court. Unless an expert report has been provided, a summary of the proposed testimony signed by the party or the party's attorney ~~shall~~must be filed at the same time.

(3) A party may not present the testimony of an expert witness without complying with this paragraph (h) unless the court determines that good cause existed for the failure to disclose or to provide the summary of proposed testimony.

(i) Discovery ~~P~~**protective orders.** Any party or person from whom discovery is sought may request a protective order pursuant to ~~Utah R. Civ. P. Rule~~ 37 ~~(a)(b)~~ of the Utah Rules of Civil Procedure.

54 (j) **Supplementation of responses.** Parties have a duty to supplement responses and
55 disclosures pursuant to ~~Utah R. Civ. P. Rule~~ 26(d) of the Utah Rules of Civil Procedure.

56 (k) **Failure to cooperate in discovery.** As applicable, failure to cooperate with discovery
57 ~~shall be~~is governed by ~~Utah R. Civ. P. Rule~~ 37 of the Utah Rules of Civil Procedure.

58 (l) No discovery can be taken that will interfere with the statutorily imposed time frames.

59 (m) Subpoenas are governed by ~~Utah R. Civ. P. Rule~~ 45 of the Utah Rules of Civil
60 Procedure.

61 (n) In substantiation cases, no later than 30 days prior to trial, parties must provide to
62 each other information necessary to support its claims or defenses unless otherwise
63 ordered by the court.

64 (o) Rule 26.1 of the Utah Rules of Civil Procedure does not apply in any juvenile
65 proceedings unless there is a showing of good cause and it is ordered by the court.

66

Rule 20A. Discovery in non-delinquency proceedings.

(a) **Scope of discovery.** The scope of discovery is governed by Rule 26(b)(1) of the Utah Rules of Civil Procedure. Unless ordered by the court, no discovery obligation may be imposed upon a minor.

(b) **Disclosures.** Within 14 days of the answer, a party must, without awaiting a discovery request, make reasonable efforts to provide to other parties information necessary to support its claims or defenses, unless solely for impeachment or unless the identity of a person is protected by statute, identifying the subjects of the information. The party must inform the other party of the existence of such records.

(c) **Depositions upon oral questions.** After the filing of the answer, a party may take the testimony of any person, including a party, by deposition upon oral question without leave of the court. Depositions must be conducted pursuant to Rule 30 of the Utah Rules of Civil Procedure. The record of the deposition must be prepared pursuant to Rule 30(f) of the Utah Rules of Civil Procedure except the deponent will have seven days to review the transcript or recording under Rule 30(e) of the Utah Rules of Civil Procedure. The use of depositions in court proceedings is governed by Rule 32 of the Utah Rules of Civil Procedure.

(d) **Interrogatories.** After the filing of the answer, interrogatories may be used pursuant to Rule 33 of the Utah Rules of Civil Procedure except all answers must be served within 14 days after service of the interrogatories.

(e) **Production of documents and things.** After the filing of the answer, requests for production of documents may be used pursuant to Rule 34 of the Utah Rules of Civil Procedure except all responses must be served within 14 days after service of the requests.

(f) **Physical and mental examination of persons.** Physical and mental examinations may be conducted pursuant to Rule 35 of the Utah Rules of Civil Procedure.

(g) **Requests for admission.** Except as modified in this paragraph, requests for admission may be used pursuant to Rule 36 of the Utah Rules of Civil Procedure. The matter will be

deemed admitted unless, within 14 days after service of the request, the party to whom the request is directed serves upon the requesting party a written answer or objection addressed to the matter, signed by the party or by his attorney. Upon a showing of good cause, any matter deemed admitted may be withdrawn or amended upon the court's own motion or the motion of any party. Requests for admission can be served anytime following the filing of the answer.

(h) Experts.

(1) **Adjudication trials.** Any person who has been identified as an expert whose opinions may be presented at the adjudication trial must be disclosed by the party intending to present the witness at least ten days prior to the trial or hearing unless modified by the court. If ordered by the court, a summary of the proposed testimony signed by the party or the party's attorney must be filed at the same time.

(2) **Termination of parental rights trials.** Any person who has been identified as an expert whose opinions may be presented at the termination of parental rights trial must be disclosed by the party intending to present the witness at least thirty days prior to the trial or hearing unless modified by the court. Unless an expert report has been provided, a summary of the proposed testimony signed by the party or the party's attorney must be filed at the same time.

(3) A party may not present the testimony of an expert witness without complying with this paragraph (h) unless the court determines that good cause existed for the failure to disclose or to provide the summary of proposed testimony.

(i) **Discovery protective orders.** Any party or person from whom discovery is sought may request a protective order pursuant to Rule 37(a) of the Utah Rules of Civil Procedure.

(j) **Supplementation of responses.** Parties have a duty to supplement responses and disclosures pursuant to Rule 26(d) of the Utah Rules of Civil Procedure.

(k) **Failure to cooperate in discovery.** As applicable, failure to cooperate with discovery is governed by Rule 37 of the Utah Rules of Civil Procedure.

(l) No discovery can be taken that will interfere with the statutorily imposed time frames.

(m) Subpoenas are governed by Rule 45 of the Utah Rules of Civil Procedure.

(n) In substantiation cases, no later than 30 days prior to trial, parties must provide to each other information necessary to support its claims or defenses unless otherwise ordered by the court.

(o) Rule 26.1 of the Utah Rules of Civil Procedure does not apply in any juvenile proceedings unless there is a showing of good cause and it is ordered by the court.