

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

Meeting Agenda

Matthew Johnson, Chair

Location: Webex Meeting

Date: November 7, 2025

Time: 12:00 pm – 2:00 pm

Action: Welcome and approval of the October 10, 2025 meeting minutes.	Tab 1	Matthew Johnson
Discussion & Action: Rule 16 . Transfer of delinquency case and venue. <ul style="list-style-type: none"><i>Judge Jeffry Ross proposes amending Rule 16(b)(2) to add further direction regarding the timely disclosure of discovery.</i>	Tab 2	Judge Jeffry Ross
Discussion & Action: Rule 20A . Discovery in non-delinquency proceedings. <ul style="list-style-type: none"><i>The Utah Supreme Court has suggested several changes, and the Committee has reviewed and discussed all suggested changes.</i><i>The Committee will further review and discuss the need for subheadings.</i>	Tab 3	All
Discussion & Action: Rule 15 . Preliminary inquiry; informal adjustment without petition.	Tab 4	All

<ul style="list-style-type: none"> • Rule 15 was posted for public comment on August 20, 2025. The comment period closed on October 6, 2025, and one comment was received. • The Courts' Office of the General Counsel has also suggested further amendments to paragraphs (d) and (e). Utah Code section 80-6-303.5 no longer requires parental participation or agreement when a minor enters a nonjudicial adjustment. 		
<p>Discussion & Action: Rule 18. Summons; service of process; notice.</p> <ul style="list-style-type: none"> • The AOC's Juvenile Court Team proposes amending paragraph (d) of Rule 18 to allow for notice to parties by email when an email address has been provided to the court. Several other changes were made to improve clarity and style. 	Tab 5	Erika Larsen Dawn Hautamaki
<p>Discussion & Action: Rule 7. Warrants.</p> <ul style="list-style-type: none"> • The AOC's Juvenile Court Team proposes adding the seventh factor a court may consider when issuing a warrant to paragraph (b). This change brings Rule 7 in conformity with Utah Code section 80-6-202. 	Tab 6	All
<p>Discussion & Action: Rule 22. Initial appearance and preliminary examination in cases under Utah Code section 80-6-503 and 80-6-504.</p> <ul style="list-style-type: none"> • Judge Johnson proposes amending the timeframes in paragraph (g) from ten days for youth in custody and 30 days for youth out of custody to 14 and 28 days respectively. This change promotes alignment with Rule 7 of the Utah Rules of Criminal Procedure. 	Tab 7	Judge Johnson
<p>Discussion & Action: New Rule 23B Workgroup Update.</p> <ul style="list-style-type: none"> • The Workgroup on defense counsel qualifications met on October 7, 2025 to review and discuss new Rule 23B. Mr. William Russell will provide an update and the latest draft of the rule. 	Tab 8	William Russell
<p>Discussion & Action: 2026 Meeting Schedule</p>		All

<ul style="list-style-type: none"> <i>The Committee will discuss and approve the 2026 meeting schedule. See below.</i> 		
Discussion: Old business or new business.		All

[URJP Committee Site](#)

Meeting Schedule:
December 5, 2025

Proposed 2026 Meeting Schedule:

January 2, 2026

February 6, 2026

March 6, 2026

April 3, 2026

May 1, 2026

June 5, 2026

August 7, 2026

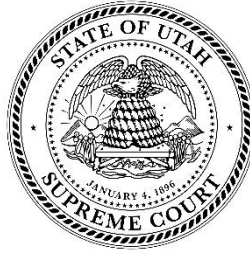
September 4, 2026

October 2, 2026 – Hybrid Meeting

November 6, 2026

December 4, 2026

TAB 1



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

5 **Draft Meeting Minutes**

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7 *Matthew Johnson, Chair*
8

9 Location: Matheson Courthouse and Webex
10

11 Date: October 10, 2025
12

13 Time: 12:00 p.m. – 2:00 p.m.
14

Attendees:

Matthew Johnson, Chair
William Russell, Vice Chair
David Fureigh, Emeritus Member
Dawn Hautamaki
Elizabeth Ferrin
Janette White
Thomas Luchs
Alexa Arndt
Alan Sevison, Emeritus Member
Carolyn Perkins
Judge Debra Jensen
Judge David Johnson
Michelle Jeffs

Excused Members:

Stephen Starr
James Smith
Adrianna Davis

Guests:

Pleasy Wayas

Staff:

Joe Mitchell, Juvenile Court Law Clerk
Lisa McQuarrie, Juvenile Court Law Clerk

Erika Larson, Juvenile Court Law Clerk Daniel Meza-Rincon, AOC Tyler Ulrich, Recording Secretary Raymundo Gallardo, AOC
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17 **1. Welcome and approval of the September 5, 2025, Meeting Minutes.** (Matthew
18 Johnson)

19
20 Committee Chair Matthew Johnson welcomed everyone to the meeting and asked
21 each member to introduce themselves. Chair Johnson then presented the proposed
22 minutes from the September 5, 2025, Committee meeting and asked if there were any
23 comments or corrections that needed to be made. There were no comments from the
24 Committee, and no proposed corrections were presented. Elizabeth Ferrin made a
25 motion to approve the proposed minutes. Vice-Chair William Russell seconded the
26 motion, and it passed unanimously.

27
28 **2. Discussion & Action: Rule 3. Style of pleadings and forms.** (Pleasy Wayas)
29

30 Ms. Pleasy Wayas from the Committee on Court Forms and the Self-Help Center/Law
31 Library brought a request from a subcommittee for juvenile court forms. The
32 subcommittee is especially looking at forms and how they can benefit pro se parties.
33 The subcommittee has noticed certain areas of concern and are working with the
34 Administrative Office of the Courts on those high-need areas. In looking at Rule 3 of
35 the Utah Rules of Juvenile Procedure, the subcommittee proposes adding an
36 additional caption option to those listed in subparagraph (b). The additional option
37 would be a more generic caption to be used across more than on type of case.

38
39 Chair Johnson asked if Judge Debra Jensen and Judge David Johnson had any input
40 as they often see filings from pro se parties. Judge Jensen stated that, as judges, they
41 try to give more flexibility and leeway to pro se litigants, such as accepting emails or
42 handwritten documents as formal motions. Judge Jensen reported that she will look
43 at a filing and work to see what the specific document is trying to do, then categorize
44 it as such. Judge Jensen noted that pro se litigants are often not familiar with the
45 procedural rules, so she tries to be more accommodating.

46
47 Ms. Wayas acknowledged that pro se parties are often not familiar with procedural
48 rules, but as a committee they are trying to conform to the rules and have captions
49 and options that are available for each type of case that may occur in juvenile court
50 proceedings. David Fureigh asked if there are some forms that are specific to certain
51 types of cases, such as substantiation cases. Ms. Wayas noted that the subcommittee
52 is not looking to replace any forms that are used for other cases, but only to give a
53 generic option for Rule 3 in how to caption a case. Thomas Luchs asked if the generic

caption would be styled as “State of Utah in the interest of...” and then have a blank line to write a child’s name.

Ms. Wayas also informed the Committee that they are working on other specific forms, such as a form for proof of service. Daniel Meza-Rincon clarified that the Forms Committee is looking for guidance from this Committee, and it would make their work better to have the flexibility of a generic form and caption.

Mr. Fureigh asked for clarification on whether the Forms Committee cannot create a form that does not conform with one of the current captioned options in Rule 3. Alan Sevison added that he does not see a reason to object to adding a sixth caption option to Rule 3 but is worried that we are getting hung up on something that is not necessary. Mr. Fureigh talked about making forms more generic and having a miscellaneous option in Rule 3. Mr. Fureigh noted that there are cases in juvenile court that do not fit into the current fine options in Rule 3, creating a potential need for a more generic sixth option.

Vice-Chair Russell and Mr. Luchs proposed using the phrase “In all other matters and for court approved forms used across more than one case type” to guide when to use the proposed generic caption. Chair Johnson noted that the language in the rule is trying to help practitioners as well as pro se parties, and it helps them to know what captions should look like. Chair Johnson noted Judge Jensen’s remarks and that clerks and judges can still review a pleading and determine what type of case it refers to.

Mr. Meza-Rincon noted that, in practice, the specific captions allow court employees to create orders that will have consistent captions, translating to orders that are generated throughout a case. Mr. Sevison pondered if this was a CARE issue and asked if there are instances where orders are made that do not properly reflect the type of case. Mr. Meza-Rincon clarified that court staff can still create draft orders with correct captions regardless of how a pleading is filed.

Mr. Sevison asked if this addition is meant to help and educate the public, as well as court staff. Mr. Meza-Rincon reported that they are looking for more guidance in creating forms, and that the Forms Committee wants the public to know there are resources for litigants so they do not have to worry about things such as how to caption a document. Ms. Pleasy added that the Forms Committee is trying diligently to follow the Juvenile Rules of Procedure and feels they are bound by those Rules.

Mr. Meza-Rincon added that court staff cannot reject a filing, and only a judge may reject it. Judge Johnson stated there is caselaw that requires a court to determine and interpret what a specific filing is asking for and to respond accordingly. Michelle Jeffs said that adding a generic sixth option seems simple and will help both court staff and litigants.

Vice-Chair Russell stated that he likes the language proposed by Mr. Luchs and others, and such language would still allow court staff to ascertain what a specific pleading is asking. Vice-Chair Russell noted that the current version of Rule 3 does not cover all types of cases in juvenile court, and the language “all other matters” gives appropriate flexibility to cover as much as possible.

Raymundo Gallardo drafted proposed language to the current version of Rule 3 and made other stylistic changes to comply with the appropriate style guides. Janette White asked if Rule 3 should cite to other rules regarding pleadings, such as Rules 17 and 19. Vice-Chair Russell clarified that Rule 3 incorporates Rule 10 of the Utah Rules of Civil Procedure, whereas Rules 17 and 19 already apply to juvenile court proceedings as they are part of the Utah Rules of Juvenile Procedure.

There was no further discussion regarding the added language to Rule 3. Ms. Jeffs made a motion to take the proposed change to the Supreme Court to be approved for public comment. Alexa Arndt seconded the motion, and it passed unanimously. The proposed language will be presented to the Supreme Court for review.

3. Discussion and Action: Rule 20. Discovery generally. (All)

Chair Johnson reported that the proposed changes to Rule 20 were presented to the Supreme Court for review, and the Justices had some suggestions and comments. Judge Johnson has reviewed the edits and comments and noted that they appear to be mostly stylistic and not substantive. Judge Johnson noted that the suggestions and edits are helpful in clarifying the language of Rule 20A.

Vice-Chair Russell agreed with Judge Johnson and specifically pointed out the suggestion to change “transfer to district court” to “minor tried as an adult.” Vice-Chair Russell believed it would be appropriate to adopt that change.

Mr. Gallardo made and presented the proposed changes to the Committee for review. There was no further discussion. Ms. Jeffs made a motion to adopt the changes and the current version of Rule 20 to be presented for public comment. Vice-Chair Russell seconded the motion, and it passed unanimously.

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

Chair Johnson reported on the presentation of the proposed changes to Rule 20A to the Supreme Court and noted that, again, most of the comments and changes were stylistic in nature. Chair Johnson noted that the Justices asked for clarification in subparagraph (b) and presented those comments to the Committee.

The Supreme Court suggested using the word “the” instead of “all” when referring to “information necessary to support the party’s claims or defenses.” Ms. Jeffs and Mr. Sevison agreed that “the” would be preferable. Erika Larson noted that Rule 26 of the Utah Rules of Civil Procedure uses the word “all”, and Mr. Fureigh noted his preference to remain consistent with Rule 26.

The Committee went through the other suggestions and comments made by the Supreme Court and made several stylistic changes to conform to those suggestions. Chair Johnson discussed one of the comments from the Supreme Court regarding either deleting the last sentence of subparagraph (b) or adding language to it is clear what records are being referred to. Mr. Sevison suggested that the word “records” equated to the phrase “necessary information” used previously the subparagraph and is therefore repetitive, and the sentence could be removed. Chair Johnson and Mr. Fureigh agreed that the sentence was not necessary.

Ms. Larson noted that Rule 26 of the Rules of Civil Procedure uses the word “records” and asked if Rule 20A should conform and reflect that same language. The Committee discussed the differences in Rule 26 of the Civil Rules and Rule 20A of the Juvenile Rules, including that Rule 26 is more expansive than the Juvenile Rule. Mr. Fureigh clarified that we are not excluding Civil Rule 26 but want to clarify some of the differences between the two rules. Mr. Sevison noted that Civil Rule 26 is very specific and that it appears Rule 20A tries to streamline discovery as juvenile cases have shorter timelines that must be followed.

Chair Johnson noted that Rule 20A relates to initial disclosures and that discovery obligations are ongoing throughout a case and can be supplemented if necessary. Mr. Gallardo made the changes suggested by the Committee in the draft of Rule 20A.

The Committee continued to review other suggestions made by the Supreme Court. The Committee revised the first sentence of subparagraph (g) to match subparagraphs (c), (d), and (e). After further discussion, the Committee changed the other subparagraphs to match subparagraph (g) as they preferred the phrase “After the answer is filed...” over “After the filing of the answer...”

The Supreme Court also suggested adding language similar to Rule 36 of the Rules of Civil Procedure that requires cautionary language at the top right corner of the first page of a request for admission. The Committee agreed that such cautionary language should be added, but with the shorter 14-day time frame required under the Rules of Juvenile Procedure.

The Supreme Court suggested changing the caption of subparagraph (i) to “Protection from discovery” in lieu of “Protective orders”. The Committee agreed and Mr. Gallardo made that change.

The Committee then discussed the style and headings in Rule 20A and noted that some subparagraphs have short headings prior to the body of the rule, while others do not have a heading sentence. It was then discussed that other rules in the Rules of Juvenile Procedure and the Rules of Civil Procedure have headings, and some of those headings include bold font, while others do not have bold font. Vice-Chair Russell pointed out that some of the subparagraphs are very short and having a heading would be redundant.

Mr. Gallardo will work on making the suggested edits and stylistic changes prior to next month's meeting and will distribute it to the members of the Committee. Further discussion is tabled until the next meeting.

5. Discussion and Action: Rule 7. Warrants. (All)

This matter is tabled until the next meeting.

6. Discussion and Action: Rule 15. Preliminary inquiry; informal adjustment without petition. (All)

This matter is tabled until the next meeting.

7. Discussion and Action: Rule 18. Summons; service of process; notice. (All)

This matter is tabled until the next meeting.

8. Discussion and Action: Rule 22. Initial appearance and preliminary examination in cases under Utah Code section 80-6-503 and 80-6-504. (Judge Johnson)

This matter is tabled until the next meeting.

9. Discussion and Action: New Rule 23B Workgroup update. (Vice-Chair Russell)

This matter is tabled until the next meeting.

10. Old and new Business. (All)

There was no discussion of old or new business. Chair Johnson thanked the members of the Committee and expressed the appreciation of the Supreme Court for the work done by this Committee.

The meeting adjourned at 2:00 p.m. The next meeting will be held on November 7, 2025, via Webex.

TAB 2

Rule 16. Transfer of delinquency case and venue.

(a) Transfer of delinquency case for preliminary inquiry.

(1) When a minor resides in a county other than the county where the alleged delinquency occurred and the minor initially qualifies for a nonjudicial adjustment pursuant to statute, the probation officer of the county of occurrence must transfer the referral to the minor's county of residence for a preliminary inquiry to be conducted in accordance with [Rule 15](#).

(2) If the minor or the minor's parent, guardian, or custodian cannot be located or fails to appear after notice of the preliminary inquiry, or the minor declines an offer for a nonjudicial adjustment, the probation officer must transfer the referral back to the county of occurrence to determine whether to file a petition.

(b) Arraignment and pretrial proceedings.

(1) Upon the filing of a petition, the arraignment and initial pretrial conference will be held in the minor's county of residence. If the petition is resolved without a trial, venue will remain in the minor's county of residence.

(2) Prosecutors [in the county of residence must work with the prosecutors in the county of occurrence to obtain discovery](#), ~~and defense counsel in both the county of occurrence and the county of residence must cooperate with each other both to~~ provide discovery to defense counsel [in the county of residence](#), and ~~to~~ assist in the resolution or litigation of each case. [Discovery must be provided to defense counsel in the minor's county of residence within XX days.](#)

(3) The prosecutor in the minor's county of residence has the authority to resolve any out-of-county charge after consultation with the prosecutor in the county or counties where the alleged offenses occurred.

(4) A prosecutor attempting to resolve a petition must respect the rights of any alleged victim in the county or counties of occurrence.

27 (c) **Transfer of venue.**

28 (1) Once the court in the county of residence determines that the matter cannot be
29 resolved, venue will be transferred to the county of occurrence for trial proceedings
30 and scheduling.

31 (2) Any motion related to the admission, exclusion, or suppression of evidence at trial
32 will be filed in and ruled upon by the trial court.

33 (3) Motions for inquiry into competency may be raised and ruled upon in either court.
34 The court in the county of residence and the court in the county of occurrence will
35 communicate and consult regarding the motion. The objective of that communication
36 is to consider the appropriate venue for a competency ruling and attainment
37 proceedings.

38 (4) If the petition is adjudicated, the case will be transferred back to the court in the
39 minor's county of residence for disposition and continuing jurisdiction.

40 (d) **Notice to and proceedings in the receiving court.** With each transfer, the transferring
41 court will provide notice to the receiving court of any petition or adjudication subject to
42 transfer. The receiving court will proceed with the case as though the petition was filed
43 or the adjudication was made in the receiving court.

44 (e) **Dismissal of petition.** The dismissal of a petition in one district where the dismissal
45 is without prejudice and where there has been no adjudication upon the merits does not
46 preclude refiling within the same district or another district where venue is proper.

47 *Effective Date:*

Rule 16. Transfer of delinquency case and venue.**(a) Transfer of delinquency case for preliminary inquiry.**

(1) When a minor resides in a county other than the county where the alleged delinquency occurred and the minor initially qualifies for a nonjudicial adjustment pursuant to statute, the probation officer of the county of occurrence must transfer the referral to the minor's county of residence for a preliminary inquiry to be conducted in accordance with [Rule 15](#).

(2) If the minor or the minor's parent, guardian, or custodian cannot be located or fails to appear after notice of the preliminary inquiry, or the minor declines an offer for a nonjudicial adjustment, the probation officer must transfer the referral back to the county of occurrence to determine whether to file a petition.

(b) Arraignment and pretrial proceedings.

(1) Upon the filing of a petition, the arraignment and initial pretrial conference will be held in the minor's county of residence. If the petition is resolved without a trial, venue will remain in the minor's county of residence.

(2) Prosecutors in the county of residence must work with the prosecutors in the county of occurrence to obtain discovery, provide discovery to defense counsel in the county of residence, and assist in the resolution or litigation of each case. Discovery must be provided to defense counsel in the minor's county of residence within XX days.

(3) The prosecutor in the minor's county of residence has the authority to resolve any out-of-county charge after consultation with the prosecutor in the county or counties where the alleged offenses occurred.

(4) A prosecutor attempting to resolve a petition must respect the rights of any alleged victim in the county or counties of occurrence.

(c) Transfer of venue.

(1) Once the court in the county of residence determines that the matter cannot be resolved, venue will be transferred to the county of occurrence for trial proceedings and scheduling.

(2) Any motion related to the admission, exclusion, or suppression of evidence at trial will be filed in and ruled upon by the trial court.

(3) Motions for inquiry into competency may be raised and ruled upon in either court. The court in the county of residence and the court in the county of occurrence will communicate and consult regarding the motion. The objective of that communication is to consider the appropriate venue for a competency ruling and attainment proceedings.

(4) If the petition is adjudicated, the case will be transferred back to the court in the minor's county of residence for disposition and continuing jurisdiction.

(d) Notice to and proceedings in the receiving court. With each transfer, the transferring court will provide notice to the receiving court of any petition or adjudication subject to transfer. The receiving court will proceed with the case as though the petition was filed or the adjudication was made in the receiving court.

(e) Dismissal of petition. The dismissal of a petition in one district where the dismissal is without prejudice and where there has been no adjudication upon the merits does not preclude refiling within the same district or another district where venue is proper.

Effective Date:

TAB 3

1 **Rule 20A. Discovery in non-delinquency and non-criminal proceedings.**

2 (a) **Scope of discovery.** The scope of discovery in non-delinquency and non-criminal
3 proceedings is governed by ~~Utah R. Civ. P.~~Rule 26(b)(1) of the Utah Rules of Civil
4 Procedure. Unless ordered by the court, no discovery obligation may be imposed upon a
5 minor.

6 (b) **Disclosures.** Within 14 days of the answer, a party ~~shall~~must, without awaiting a
7 discovery request, make reasonable efforts to provide to other parties all information and
8 documents necessary to support the party's~~its~~ claims or defenses. If a person is likely to
9 have discoverable information supporting a party's claim or defense, the party must
10 identify the person's name, the person's address and telephone number, if known, and
11 the subject of the information known to the party. A party need not provide information
12 to be used,~~unless~~ solely for impeachment, and a party need not identify a person whose
13 ~~or unless the~~ identity ~~of a person~~ is protected by statute, ~~identifying the subjects of the~~
14 ~~information. The party shall inform the other party of the existence of such records.~~

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

24 (d) **Interrogatories.** After the ~~filing of the~~ answer is filed, interrogatories may be used
25 pursuant to ~~Utah R. Civ. P.~~Rule 33 of the Utah Rules of Civil Procedure except that all
26 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 is filed, requests for production of documents and things may be used pursuant to ~~Utah R. Civ. P. Rule 34 of the Utah Rules of Civil Procedure~~ except that 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.** After the answer is filed,~~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 except that,~~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~~the party's 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. All requests for admission must include the following caution language at the top right corner of the first page of the document, in bold type: You must respond to these requests for admissions within 14 days or the court will consider you to have admitted the truth of the matter as set forth in these requests.
~~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 that time period is 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

54 must be disclosed by the party intending to present the witness at least ~~thirty~~30 days
55 prior to the trial or hearing unless that time period is modified by the court. Unless an
56 expert report has been provided, a summary of the proposed testimony signed by the
57 party or the party's attorney ~~shall~~must be filed at the same time.

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

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

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

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

68 (l) No discovery ~~can~~may be taken that will interfere with the ~~statutorily imposed~~-time
69 frames applicable to non-delinquency and non-criminal proceedings as imposed by
70 statute.

71 (m) Subpoenas in non-delinquency and non-criminal proceedings are governed by ~~Utah~~
72 ~~R. Civ. P.~~Rule 45 of the Utah Rules of Civil Procedure.

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

76 (o) The court may, for good cause shown, order that the disclosure and discovery
77 obligations in Rule 26.1 apply to non-delinquency and non-criminal proceedings.

Rule 20A. Discovery in non-delinquency and non-criminal proceedings.

(a) **Scope of discovery.** The scope of discovery in non-delinquency and non-criminal proceedings 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 all information and documents necessary to support the party's claims or defenses. If a person is likely to have discoverable information supporting a party's claim or defense, the party must identify the person's name, the person's address and telephone number, if known, and the subject of the information known to the party. A party need not provide information to be used solely for impeachment, and a party need not identify a person whose identity is protected by statute.

(c) **Depositions upon oral questions.** After the answer is filed, 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 answer is filed, interrogatories may be used pursuant to [Rule 33](#) of the Utah Rules of Civil Procedure except that all answers must be served within 14 days after service of the interrogatories.

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

(f) Physical and mental examinations may be conducted pursuant to [Rule 35](#) of the Utah Rules of Civil Procedure.

(g) **Requests for admission.** After the answer is filed, requests for admission may be used pursuant to [Rule 36](#) of the Utah Rules of Civil Procedure except that 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 the party's 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. All requests for admission must include the following caution language at the top right corner of the first page of the document, in bold type: **You must respond to these requests for admissions within 14 days or the court will consider you to have admitted the truth of the matter as set forth in these requests.**

(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 that time period is 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 30 days prior to the trial or hearing unless that time period is 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) Any party or person from whom discovery is sought may request an order protecting the party or person from discovery pursuant to [Rule 37\(a\)](#) of the Utah Rules of Civil Procedure.

(j) 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 with discovery is governed by [Rule 37](#) of the Utah Rules of Civil Procedure.

(l) No discovery may be taken that will interfere with the time frames applicable to non-delinquency and non-criminal proceedings as imposed by statute.

(m) Subpoenas in non-delinquency and non-criminal proceedings are governed by [Rule 45](#) of the Utah Rules of Civil Procedure.

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

(o) The court may, for good cause shown, order that the disclosure and discovery obligations in Rule 26.1 apply to non-delinquency and non-criminal proceedings.

TAB 4

Rule 15. Preliminary inquiry; informal adjustment without petition.

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

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

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

(d) If, on the basis of the preliminary inquiry, the probation officer concludes that nonjudicial adjustment is appropriate and is authorized by law, the probation officer may seek agreement with the minor, ~~or if a child, then with the child and the child's parent, guardian, or custodian,~~ to a proposed nonjudicial adjustment. If a minor seeks to decline a nonjudicial adjustment, the probation officer must inform the minor of the minor's right to consult with counsel and the availability of resources with which to do so.

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

28 court for purposes of disposition only, following adjudication of a subsequent
29 delinquency involving the same minor.

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

Rule 15. Preliminary inquiry; informal adjustment without petition.

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(c) In any such interview, the minor must be advised that the interview is voluntary, that the minor has the right to have counsel present to represent the minor, that the minor has the right not to disclose any information, and that any information disclosed that could tend to incriminate the minor cannot be used against the minor in court to prove whether the minor committed the offense alleged in the referral.

(d) If, on the basis of the preliminary inquiry, the probation officer concludes that nonjudicial adjustment is appropriate and is authorized by law, the probation officer may seek agreement with the minor to a proposed nonjudicial adjustment. If a minor seeks to decline a nonjudicial adjustment, the probation officer must inform the minor of the minor's right to consult with counsel and the availability of resources with which to do so.

(e) If an agreement is reached and the terms and conditions agreed upon are satisfactorily complied with by the minor, the case must be closed without petition. Such resolution of the case will not be deemed an adjudication of jurisdiction of the court and will not constitute an official record of juvenile court action or disposition. A nonjudicial adjustment may be considered by the probation officer in a subsequent preliminary inquiry and by the court for purposes of disposition only, following adjudication of a subsequent delinquency involving the same minor.

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

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Rules of Juvenile Procedure – Comment Period Closes October 6, 2025

URJP015. Preliminary inquiry; informal adjustment without petition. Amend. The proposed change to Rule 15(d) is in response to Senate Bill 157 (2025), which amended Utah Code section 80-6-304 to require probation officers to inform minors of their right to consult counsel and how to access counsel before declining a nonjudicial adjustment.

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

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One thought on “Rules of Juvenile Procedure – Comment Period Closes October 6, 2025”

Kimberly Heywood
August 20, 2025 at 12:36 pm

Could this rule define the term “preliminary inquiry” or note where the definition of preliminary inquiry may be found?

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- [CJA03-0105](#)

TAB 5

Rule 18. Summons; service of process; notice.

(a) **Summons.** Upon the filing of a petition, the clerk, unless otherwise directed by the court, will schedule an initial hearing in the case.

(1) A ~~S~~ummons may be issued by the petitioning attorney. If the petitioning attorney does not issue a summons, a summons will be issued by the clerk in accordance with Utah Code section 78A-6-351. The summons must conform to the format prescribed by these rules.

(2) **Content of ~~the~~ summons.**

(A) **Abuse, neglect, and dependency cases.** The summons must contain the name and address of the court; ~~the~~ the title of the proceeding; ~~the~~ the type of hearing scheduled; ~~and~~ and the date, place, and time of the hearing scheduled pursuant to subparagraph (a). It must state the time within which the respondent is required to answer the petition, and must notify the respondent that judgment by default may be rendered against the respondent if the respondent ~~in the case of the~~ fail ~~sure~~ to timely do so, ~~judgment by default may be rendered against the respondent~~. It must contain an abbreviated reference to the substance of the petition. It must include the bilingual notice set forth in the juvenile form summons approved by the Utah Judicial Council.

(B) **Termination of parental rights cases.** The summons must contain the name and address of the court; ~~the~~ the title of the proceeding; ~~the~~ the type of hearing scheduled; ~~and~~ and the date, place, and time of the hearing. It must state the time within which the respondent is required to answer the petition. It must contain an abbreviated reference to the substance of the petition. It must include the bilingual notice set forth in the juvenile form summons approved by the Utah Judicial Council.

(C) **Other cases.** The summons must contain the name and address of the court, the title of the proceeding, the type of hearing scheduled, and the date, place, and

time of the hearing. It must also contain an abbreviated reference to the substance of the petition. In proceedings against an adult pursuant to Utah Code section 78A-6-450, the summons must conform to [Rule 6 of](#) the Utah Rules of Criminal Procedure and be issued by the prosecuting attorney.

(3) The summons must be directed to the person or persons who have physical care, control, or custody of the minor and require them to appear and bring the minor before the court. If the person so summoned is not the parent, guardian, or custodian of the minor, a summons must also be issued to the parent, guardian, or custodian. If the minor or person who is the subject of the petition has been emancipated by marriage or is 18 years of age or older at the time the petition is filed, the summons may require the appearance of the minor only, unless otherwise ordered by the court. In neglect, abuse, and dependency cases, unless otherwise directed by the court, the summons must not require the appearance of the subject minor.

(4) No summons is necessary as to any party who appears voluntarily or who files a written waiver of service with the clerk prior to or upon appearance at the hearing.

(b) Service.

(1) Except as otherwise provided by these rules or by statute, service of process and proof of service must be made by the methods provided in [Rule 4](#) of Utah Rules of Civil Procedure. Service of process must be made by the sheriff of the county where the service is to be made, by a deputy, by a process server, or by any other suitable person appointed by the court. However, when the court so directs, an agent of the Department of [Health and](#) Human Services may serve process in a case in which the Department is a party. A party or party's attorney may serve another party at a court hearing. The record of the proceeding will reflect the service of the document and will constitute the proof of service.

(2) Personal service may be made upon a parent, guardian, or custodian and upon a minor in that person's legal custody by delivering to a parent, guardian, or custodian

a copy of the summons with a copy of the petition attached. If a minor is in the legal custody or guardianship of an agency or person other than a parent, service must also be made by delivering to the legal custodian a copy of the summons with a copy of the petition attached and notice must be given to the parent as provided in paragraph (d). Service upon a minor who has attained majority by marriage as provided in Utah Code ~~S~~[section 15-2-1](#) or upon court order must be made in the manner provided in [Rule 4 of](#) the Utah Rules of Civil Procedure.

(3) Service may be made by any form of mail requiring a signed receipt by the addressee. Service is complete upon return to court of the signed receipt. Service of process may be made by depositing a copy thereof in the United States mail addressed to the last known address of the person to be served. Any person who appears in court in response to mailed service is considered to have been legally served.

(4) In any proceeding wherein the parent, guardian, or custodian cannot after the exercise of reasonable diligence be located for personal service, the court may proceed to adjudicate the matter subject to the right of the parent, guardian, or custodian to a rehearing, except that in certification proceedings brought pursuant to Title 80, Chapter 6, Part 5, Transfer to District Court and in proceedings seeking permanent termination of parental rights, the court will order service upon the parent, guardian, or custodian by publication. Any rehearing must be requested by written motion.

(5) Service must be completed at least 48 hours prior to the adjudicatory hearing. If the summons is for the permanent termination of parental rights, service must be completed at least ten days before the adjudicatory hearing. If the summons is for a substantiation proceeding, service must be completed at least 45 days before the adjudicatory hearing.

(c) **Service by publication.** Service by publication must be authorized by the procedure and in the form provided by ~~the Utah Juvenile~~ Code [section 78B-6-1206](#) and [Rule 4](#) of Utah Rules of Civil Procedure except that within the caption and the body of any published document, children must be identified by their initials and respective birth

83 dates, and not by their names. The parent, guardian, or custodian of each child must be
84 identified as such using their full names within the caption of any published document.

85 (d) **Notice of further proceedings.**

86 (1) Notice of the time, date, and place of any further proceedings, after an initial
87 appearance or service of a summons, may be given in open court ~~or~~, by mail, or by
88 email to any party. Notice is sufficient if the clerk deposits the notice in the United
89 States mail, postage pre-paid, to the address provided by the party in court or the
90 address at which the party was initially served, or, sends notice to the email address
91 provided by the party in court ~~if the~~ or to the email address provided pursuant to
92 Rule 10 or Rule 76 of the Utah Rules of Civil Procedure ~~party has agreed to accept~~
93 ~~service by email, sends notice to the email address provided by the party.~~ Service
94 should be effectuated by the method most likely to be promptly received.

95 (2) Notice for any party represented by counsel must be given to counsel for the party
96 through either mail, notice given in open court, or by email to the email address on
97 file with the Utah State Bar.

98 (e) **Additional parties.** Whenever it appears to the court that a person who is not the
99 parent, guardian, or custodian should be made subject to the jurisdiction and authority
100 of the court in a minor's case, upon the motion of any party or the court's own motion,
101 the court may issue a summons ordering such person to appear. Upon the appearance of
102 such person, the court may enter an order making ~~such~~the person a party to the
103 proceeding and may order ~~such~~the person to comply with reasonable conditions as a part
104 of the disposition in the minor's case. Upon the request of such person, the court will
105 conduct a hearing upon the issue of whether ~~such~~the person should be made a party.

106 (f) **Service of pleadings and other papers.** Except as otherwise provided by these rules
107 or by statute, service of pleadings and other papers not requiring a summons must be
108 made by the methods provided in Rule 5 of Utah Rules of Civil Procedure, ~~except that~~

~~service to the email address on file with the Utah State Bar is sufficient service to an attorney under this rule, whether or not an attorney agrees to accept service by email.~~

~~(g)~~ Access to the Juvenile Court's Court and Agency Records Exchange (C.A.R.E.) for eFiling documents does not constitute an electronic filing account as referenced in [Rule 5 of](#) the Rules of Civil Procedure. eFiling in C.A.R.E. does not constitute service upon a party.

Rule 18. Summons; service of process; notice.

(a) **Summons.** Upon the filing of a petition, the clerk, unless otherwise directed by the court, will schedule an initial hearing in the case.

(1) A summons may be issued by the petitioning attorney. If the petitioning attorney does not issue a summons, a summons will be issued by the clerk in accordance with Utah Code section 78A-6-351. The summons must conform to the format prescribed by these rules.

(2) Content of summons.

(A) **Abuse, neglect, and dependency cases.** The summons must contain the name and address of the court; the title of the proceeding; the type of hearing scheduled; and the date, place, and time of the hearing scheduled pursuant to subparagraph (a). It must state the time within which the respondent is required to answer the petition, and must notify the respondent that judgment by default may be rendered against the respondent if the respondent fails to timely do so. It must contain an abbreviated reference to the substance of the petition. It must include the bilingual notice set forth in the juvenile form summons approved by the Utah Judicial Council.

(B) **Termination of parental rights cases.** The summons must contain the name and address of the court; the title of the proceeding; the type of hearing scheduled; and the date, place, and time of the hearing. It must state the time within which the respondent is required to answer the petition. It must contain an abbreviated reference to the substance of the petition. It must include the bilingual notice set forth in the juvenile form summons approved by the Utah Judicial Council.

(C) **Other cases.** The summons must contain the name and address of the court, the title of the proceeding, the type of hearing scheduled, and the date, place, and time of the hearing. It must also contain an abbreviated reference to the substance of the petition. In proceedings against an adult pursuant to Utah Code section 78A-

6-450, the summons must conform to [Rule 6](#) of the Utah Rules of Criminal Procedure and be issued by the prosecuting attorney.

(3) The summons must be directed to the person or persons who have physical care, control, or custody of the minor and require them to appear and bring the minor before the court. If the person so summoned is not the parent, guardian, or custodian of the minor, a summons must also be issued to the parent, guardian, or custodian. If the minor or person who is the subject of the petition has been emancipated by marriage or is 18 years of age or older at the time the petition is filed, the summons may require the appearance of the minor only, unless otherwise ordered by the court. In neglect, abuse, and dependency cases, unless otherwise directed by the court, the summons must not require the appearance of the subject minor.

(4) No summons is necessary as to any party who appears voluntarily or who files a written waiver of service with the clerk prior to or upon appearance at the hearing.

(b) Service.

(1) Except as otherwise provided by these rules or by statute, service of process and proof of service must be made by the methods provided in [Rule 4](#) of Utah Rules of Civil Procedure. Service of process must be made by the sheriff of the county where the service is to be made, by a deputy, by a process server, or by any other suitable person appointed by the court. However, when the court so directs, an agent of the Department of Health and Human Services may serve process in a case in which the Department is a party. A party or party's attorney may serve another party at a court hearing. The record of the proceeding will reflect the service of the document and will constitute the proof of service.

(2) Personal service may be made upon a parent, guardian, or custodian and upon a minor in that person's legal custody by delivering to a parent, guardian, or custodian a copy of the summons with a copy of the petition attached. If a minor is in the legal custody or guardianship of an agency or person other than a parent, service must also

be made by delivering to the legal custodian a copy of the summons with a copy of the petition attached and notice must be given to the parent as provided in paragraph (d). Service upon a minor who has attained majority by marriage as provided in Utah Code section 15-2-1 or upon court order must be made in the manner provided in [Rule 4](#) of the Utah Rules of Civil Procedure.

(3) Service may be made by any form of mail requiring a signed receipt by the addressee. Service is complete upon return to court of the signed receipt. Service of process may be made by depositing a copy thereof in the United States mail addressed to the last known address of the person to be served. Any person who appears in court in response to mailed service is considered to have been legally served.

(4) In any proceeding wherein the parent, guardian, or custodian cannot after the exercise of reasonable diligence be located for personal service, the court may proceed to adjudicate the matter subject to the right of the parent, guardian, or custodian to a rehearing, except that in certification proceedings brought pursuant to Title 80, Chapter 6, Part 5, Transfer to District Court and in proceedings seeking permanent termination of parental rights, the court will order service upon the parent, guardian, or custodian by publication. Any rehearing must be requested by written motion.

(5) Service must be completed at least 48 hours prior to the adjudicatory hearing. If the summons is for the permanent termination of parental rights, service must be completed at least ten days before the adjudicatory hearing. If the summons is for a substantiation proceeding, service must be completed at least 45 days before the adjudicatory hearing.

(c) **Service by publication.** Service by publication must be authorized by the procedure and in the form provided by Utah Code section 78B-6-1206 and [Rule 4](#) of Utah Rules of Civil Procedure except that within the caption and the body of any published document, children must be identified by their initials and respective birth dates, and not by their names. The parent, guardian, or custodian of each child must be identified as such using their full names within the caption of any published document.

83 (d) **Notice of further proceedings.**

84 (1) Notice of the time, date, and place of any further proceedings, after an initial
85 appearance or service of a summons, may be given in open court, by mail, or by email
86 to any party. Notice is sufficient if the clerk deposits the notice in the United States
87 mail, postage pre-paid, to the address provided by the party in court or the address
88 at which the party was initially served, or sends notice to the email address provided
89 by the party in court or to the email address provided pursuant to [Rule 10](#) or [Rule 76](#)
90 of the Utah Rules of Civil Procedure. Service should be effectuated by the method
91 most likely to be promptly received.

92 (2) Notice for any party represented by counsel must be given to counsel for the party
93 through either mail, notice given in open court, or by email to the email address on
94 file with the Utah State Bar.

95 (e) **Additional parties.** Whenever it appears to the court that a person who is not the
96 parent, guardian, or custodian should be made subject to the jurisdiction and authority
97 of the court in a minor's case, upon the motion of any party or the court's own motion,
98 the court may issue a summons ordering such person to appear. Upon the appearance of
99 such person, the court may enter an order making the person a party to the proceeding
100 and may order the person to comply with reasonable conditions as a part of the
101 disposition in the minor's case. Upon the request of such person, the court will conduct
102 a hearing upon the issue of whether the person should be made a party.

103 (f) **Service of pleadings and other papers.** Except as otherwise provided by these rules
104 or by statute, service of pleadings and other papers not requiring a summons must be
105 made by the methods provided in [Rule 5](#) of Utah Rules of Civil Procedure. Access to the
106 Juvenile Court's Court and Agency Records Exchange (C.A.R.E.) for eFiling documents
107 does not constitute an electronic filing account as referenced in [Rule 5](#) of the Rules of Civil
108 Procedure. eFiling in C.A.R.E. does not constitute service upon a party.

TAB 6

Rule 7. Warrants.

(a) The issuance and execution of a warrant is governed by Title 77, Chapter 7, Arrest; Utah Code sections 78A-6-102, 78A-6-352, 80-2a-202, and 80-6-202; and Rule 40 of the Utah Rules of Criminal Procedure.

(b) After a petition is filed, a warrant for immediate temporary custody of a minor may be issued if the court finds from the facts set forth in an affidavit filed with the court or in the petition that there is probable cause to believe that:

(1) the minor has committed an act which would be a felony if committed by an adult;

(2) the minor has failed to appear after the minor or the parent, guardian or custodian has been legally served with a summons;

(3) there is a substantial likelihood the minor will not respond to a summons;

(4) the summons cannot be served and the minor's present whereabouts are unknown;

(5) serving a summons for the minor will be ineffectual;

~~(6)~~ (5) the minor seriously endangers others and immediate removal appears to be necessary for the protection of others or the public; or

~~(7)~~ (6) the minor is a runaway or has escaped from the minor's parent, guardian, or custodian.

(c) A warrant for immediate temporary custody of a minor may be issued if the court finds from the affidavit that the minor is under the continuing jurisdiction of the court and probable cause to believe that the minor:

(1) has left the custody of the person or agency vested by the court with legal custody and guardianship without permission; or

(2) has violated a court order.

(d) A warrant for immediate custody ~~shall~~must be signed by a court and ~~shall~~must contain or be supported by the following:

(1) an order that the minor be returned home, taken to the court, taken to a juvenile detention, shelter facility, other nonsecure facility or an adult detention facility, if appropriate, designated by the court at the address specified pending a hearing or further order of the court;

(2) the name, date of birth, and last known address of the minor;

(3) the reasons why the minor is being taken into custody;

(4) a time limitation on the execution of the warrant;

(5) the name and title of the person requesting the warrant unless ordered by the court on its own initiative pursuant to these rules; and

(6) the date, county, and court location where the warrant is being issued.

(e) A peace officer who brings a minor to a detention facility pursuant to a court order for immediate custody ~~shall~~must so inform the person in charge of the facility and the existence of such order ~~shall~~must require the minor's immediate admission. A minor so admitted may not be released without court order.

(f) This rule ~~shall~~will not limit the statutory authority of a probation officer to take a minor who has violated a condition of probation into custody under Utah Code section 80-6-201.

(g) Return of service on a warrant ~~shall~~must be executed within 72 hours unless otherwise ordered by the ~~C~~ccourt.

(h) Prior to a peace officer or a child welfare worker executing a warrant issued pursuant to Utah Code section 80-2a-202 for a child who is missing, has been abducted, or has run away, counsel for the Division of Child and Family Services may file an ex parte motion to vacate the warrant.

(i) The juvenile court to retain and file copies—Documents sealed for twenty days—Forwarding of record to court with jurisdiction.

(1) At the time of issuance, the juvenile court ~~shall~~will retain and seal a copy of the search warrant, the application and all affidavits or other recorded testimony on which the warrant is based and ~~shall~~will, within a reasonable time, file those sealed documents in court files which are secured against access by the public. Those documents ~~shall~~will remain sealed until twenty days following the issuance of the warrant unless that time is extended or reduced. Unsealed search warrant documents ~~shall~~must be filed in the court record.

(2) Sealing and retention of the file may be accomplished by:

(A) placing paper documents or storage media in a sealed envelope and filing the sealed envelope in a court file not available to the public;

(B) storing the documents by electronic or other means under the control of the court in a manner reasonably designed to preserve the integrity of the documents and protect them against disclosure to the public during the period in which they are sealed; or

(C) filing through the use of an electronic filing system operated by the State of Utah, which system is designed to transmit accurate copies of the documents to the court file without allowing alteration to the documents after issuance of the warrant by the juvenile court.

Rule 7. Warrants.

(a) The issuance and execution of a warrant is governed by Title 77, Chapter 7, Arrest; Utah Code sections 78A-6-102, 78A-6-352, 80-2a-202, and 80-6-202; and Rule 40 of the Utah Rules of Criminal Procedure.

(b) After a petition is filed, a warrant for immediate temporary custody of a minor may be issued if the court finds from the facts set forth in an affidavit filed with the court or in the petition that there is probable cause to believe that:

(1) the minor has committed an act which would be a felony if committed by an adult;

(2) the minor has failed to appear after the minor or the parent, guardian or custodian has been legally served with a summons;

(3) there is a substantial likelihood the minor will not respond to a summons;

(4) the summons cannot be served and the minor's present whereabouts are unknown;

(5) serving a summons for the minor will be ineffectual;

(6) the minor seriously endangers others and immediate removal appears to be necessary for the protection of others or the public; or

(7) the minor is a runaway or has escaped from the minor's parent, guardian, or custodian.

(c) A warrant for immediate temporary custody of a minor may be issued if the court finds from the affidavit that the minor is under the continuing jurisdiction of the court and probable cause to believe that the minor:

(1) has left the custody of the person or agency vested by the court with legal custody and guardianship without permission; or

(2) has violated a court order.

(d) A warrant for immediate custody must be signed by a court and must contain or be supported by the following:

(1) an order that the minor be returned home, taken to the court, taken to a juvenile detention, shelter facility, other nonsecure facility or an adult detention facility, if appropriate, designated by the court at the address specified pending a hearing or further order of the court;

(2) the name, date of birth, and last known address of the minor;

(3) the reasons why the minor is being taken into custody;

(4) a time limitation on the execution of the warrant;

(5) the name and title of the person requesting the warrant unless ordered by the court on its own initiative pursuant to these rules; and

(6) the date, county, and court location where the warrant is being issued.

(e) A peace officer who brings a minor to a detention facility pursuant to a court order for immediate custody must so inform the person in charge of the facility and the existence of such order must require the minor's immediate admission. A minor so admitted may not be released without court order.

(f) This rule will not limit the statutory authority of a probation officer to take a minor who has violated a condition of probation into custody under Utah Code section 80-6-201.

(g) Return of service on a warrant must be executed within 72 hours unless otherwise ordered by the court.

(h) Prior to a peace officer or a child welfare worker executing a warrant issued pursuant to Utah Code section 80-2a-202 for a child who is missing, has been abducted, or has run away, counsel for the Division of Child and Family Services may file an ex parte motion to vacate the warrant.

(i) The juvenile court to retain and file copies—Documents sealed for twenty days—Forwarding of record to court with jurisdiction.

(1) At the time of issuance, the juvenile court will retain and seal a copy of the search warrant, the application and all affidavits or other recorded testimony on which the warrant is based and will, within a reasonable time, file those sealed documents in court files which are secured against access by the public. Those documents will remain sealed until twenty days following the issuance of the warrant unless that time is extended or reduced. Unsealed search warrant documents must be filed in the court record.

(2) Sealing and retention of the file may be accomplished by:

(A) placing paper documents or storage media in a sealed envelope and filing the sealed envelope in a court file not available to the public;

(B) storing the documents by electronic or other means under the control of the court in a manner reasonably designed to preserve the integrity of the documents and protect them against disclosure to the public during the period in which they are sealed; or

(C) filing through the use of an electronic filing system operated by the State Utah, which system is designed to transmit accurate copies of the documents to the court file without allowing alteration to the documents after issuance of the warrant by the juvenile court.

TAB 7

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

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

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

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

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

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

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

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

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

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

(e) The court will, after providing the information under paragraph (d) and before proceeding further, allow the minor reasonable time and opportunity to consult counsel and will allow the minor to contact any attorney by any reasonable means, without delay and without fee.

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

(g) Preliminary Hearing; time for hearing. If the minor does not waive a preliminary hearing, the court will schedule the ~~preliminary~~ hearing. The preliminary hearing will be held within a reasonable time, but not later than ~~ten~~¹⁴ days after the initial appearance if the minor is in custody for the offense charged. If the minor is not in custody, Tthe preliminary hearing will be held within a reasonable time, but not¹ later than ~~30~~²⁸ days after the initial appearance ~~if the minor is not in custody~~. The time periods of this rule may be extended by the court for good cause shown.

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

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

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

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

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

60 (3) exclude spectators from the courtroom.

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

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

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

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

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

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

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

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

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

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

(e) The court will, after providing the information under paragraph (d) and before proceeding further, allow the minor reasonable time and opportunity to consult counsel and will allow the minor to contact any attorney by any reasonable means, without delay and without fee.

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

(g) **Preliminary Hearing; time for hearing.** If the minor does not waive a preliminary hearing, the court will schedule the hearing. The preliminary hearing will be held within a reasonable time, but not later than 14 days after the initial appearance if the minor is in custody for the offense charged. If the minor is not in custody, the preliminary hearing will be held within a reasonable time, but not later than 28 days after the initial appearance. The time periods of this rule may be extended by the court for good cause shown.

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

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

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

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

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

60 (3) exclude spectators from the courtroom.

TAB 8

Appointment of counsel in cases under Utah Code section 80-6-503.

(a) **Qualifications of defense counsel in cases subject to bind over.** In all cases in which counsel is appointed to represent a minor who is charged by information filed in the juvenile court under Utah Code section 80-6-503, the court will appoint one or more attorneys to represent the minor and will make a finding on the record that appointed defense counsel is competent under this rule to litigate the preliminary hearing. To be found competent to represent a minor charged in such a case, the experience of the appointed attorneys must meet the following requirements:

(1) within the last five years, at least one of the appointed attorneys must have completed or taught at least four hours of approved continuing legal education which dealt, in substantial part, with the representation of youth in such proceedings and including principles of adolescent brain development;

(2) at least one of the appointed attorneys must have appeared as counsel and tried to judgment after trial, or to ruling after evidentiary hearing, at least four juvenile or adult prosecutions in the past five years, with at least one of the four cases as defense counsel or defense co-counsel; or, have appeared as counsel and tried to judgment after trial, or to ruling after evidentiary hearing, at least eight juvenile or adult prosecutions in the past 10 years, with at least two of the eight cases as defense counsel or defense co-counsel;

(3) at least one of the appointed attorneys must have appeared as defense counsel or defense co-counsel before the juvenile court in a preliminary hearing where the minor is subject to bind over, on both the probable cause and retention/transfer phases of the preliminary hearing. In the event that no attorney with this qualification is available for such appointment, one of the appointed attorneys must consult with an attorney with such qualification from a roster of such attorneys maintained by the Utah Indigent Defense Commission; and

(4) at least one of the appointed attorneys must have at least two years of aggregate experience in the active practice of juvenile defense.

(b) Appointment considerations in preliminary hearings where the minor is subject to bind over. In making its selection of attorneys for appointment in a specific transfer case, the juvenile court will also consider the following factors:

(1) whether the attorneys under consideration for appointment under this rule are members in good standing with the Utah State Bar;

(2) whether the attorneys under consideration for appointment under this rule have ever been the subject of a disciplinary proceeding and if so, when the proceedings took place and for what reason;

(3) whether one or more of the attorneys under consideration have previously appeared as defense counsel or defense co-counsel in a bind over case in the past five years;

(4) the extent to which the attorneys under consideration have sufficient time and support and can dedicate those resources to the representation of the minor in the bind over case now pending before the court with undivided loyalty to the minor;

(5) the extent to which the attorneys under consideration have familiarity with the selection, engagement, and incorporation of both social work professionals and experts necessary to formulate and execute a comprehensive and adequate case plan for the retention phase of the preliminary hearing;

(6) the extent to which the attorneys under consideration have engaged in the active practice of juvenile defense in the past two years;

(7) the diligence, competency, total workload, and ability of the attorneys being considered; and

(8) any other factor which may be relevant to a determination that counsel for appointment will fairly, efficiently, and effectively provide representation to the minor.

(c) **Qualification of privately-retained counsel.** At the initial hearing where privately-retained defense counsel appears, the court will make inquiry on the record and enter findings related to defense counsel's qualifications to provide adequate representation of the minor in respect to each of the factors set forth in paragraph (b) above.

(d) **Appeals of bind over orders.** In all cases where a minor is bound over to the district court, if appellate review of the bind over order is sought, the court will appoint one or more attorneys to represent the minor on such appeal who are currently on the Appellate Roster under Rule 11-401 of the Utah Code of Judicial Administration.

Appointment of counsel in cases under Utah Code section 80-6-503.

(a) **Transfer case qualifications.** In all cases in which counsel is appointed to represent a minor who is charged by information filed in the juvenile court under Utah Code section 80-6-503, the court will appoint one or more attorneys to represent the minor and will make a finding on the record that appointed counsel is competent under this rule to litigate a transfer case. To be found competent to represent a minor charged in a transfer case, the experience of the appointed attorneys must meet the following requirements:

(1) within the last five years, at least one of the appointed attorneys must have completed or taught at least four hours of approved continuing legal education which dealt, in substantial part, with the representation of youth in transfer cases and including principles of adolescent brain development;

(2) at least one of the appointed attorneys must have appeared as counsel and tried to judgment after trial, or to ruling after evidentiary hearing, at least four juvenile or adult prosecutions in the past five years, with at least one of the four cases as defense counsel or defense co-counsel; or, have appeared as counsel and tried to judgment after trial, or to ruling after evidentiary hearing, at least eight juvenile or adult prosecutions in the past 10 years, with at least two of the eight cases as defense counsel or defense co-counsel;

(3) at least one of the appointed attorneys must have appeared as defense counsel or defense co-counsel in a transfer case before the juvenile court on both the probable cause and retention/transfer phases of the preliminary hearing; and

(4) at least one of the appointed attorneys must have at least two years of aggregate experience in the active practice of juvenile defense.

(b) **Transfer case appointment considerations.** In making its selection of attorneys for appointment in a specific transfer case, the juvenile court will also consider the following factors:

(1) whether the attorneys under consideration for appointment under this rule are members in good standing with the Utah State Bar;

(2) whether the attorneys under consideration for appointment under this rule have ever been the subject of a disciplinary proceeding and if so, when the proceedings took place and for what reason;

(3) whether one or more of the attorneys under consideration have previously appeared as defense counsel or defense co-counsel in a transfer case in the past five years;

(4) the extent to which the attorneys under consideration have sufficient time and support and can dedicate those resources to the representation of the minor in the transfer case now pending before the court with undivided loyalty to the minor;

(5) the extent to which the attorneys under consideration have familiarity with the selection, engagement, and incorporation of both social work professionals and experts necessary to formulate and execute a comprehensive and adequate case plan for the retention phase of the preliminary hearing;

(6) the extent to which the attorneys under consideration have engaged in the active practice of juvenile defense in the past two years;

(7) the diligence, competency, total workload, and ability of the attorneys being considered; and

(8) any other factor which may be relevant to a determination that counsel for appointment will fairly, efficiently, and effectively provide representation to the minor.

(c) **Qualification of privately-retained counsel.** At the initial hearing where privately-retained defense counsel appears, the court will make inquiry on the record and enter findings related to defense counsel's qualifications to provide adequate representation of the minor in respect to each of the factors set forth in paragraph (b) above.

55 (d) **Transfer case bindover appeals.** In all cases where a minor is bound over to the
56 district court in a transfer case, if appellate review of the bindover order is sought, the
57 court will appoint one or more attorneys to represent the minor on such appeal who
58 are currently on the Appellate Roster under Rule 11-401 of the Utah Code of Judicial
59 Administration.