



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

Meeting Minutes

Matthew Johnson, Chair

Location: Matheson Courthouse and Webex

Date: October 10, 2025

Time: 12:00 p.m. – 2:00 p.m.

<u>Attendees:</u> 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	<u>Excused Members:</u> Stephen Starr James Smith Adrianna Davis <u>Guests:</u> Pleasy Wayas
<u>Staff:</u> 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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1. Welcome and approval of the September 5, 2025, Meeting Minutes. (Matthew Johnson)

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

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

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

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

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