

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

Meeting Agenda

Matthew Johnson, Chair

Location: Matheson Courthouse, Salt Lake City, Utah

Date: October 10, 2025

Time: 12:00 pm – 2:00 pm

Action: Welcome and approval of the September 5, 2025 meeting minutes.	Tab 1	Matthew Johnson
Discussion & Action: Rule 3 . Style of pleadings and forms. <ul style="list-style-type: none"><i>Ms. Pleasy Wayas, the Committee on Court Forms, and the Self-Help Center/Law Library propose adding an additional caption option to those listed in Rule 3. The proposed caption is general and can benefit self-represented parties.</i>	Tab 2	Pleasy Wayas
Discussion & Action: Rule 20 . Discovery generally. <ul style="list-style-type: none"><i>Rule 20A was submitted to the Utah Supreme Court for review prior to requesting an initial public comment. The Court has made a few more changes and has asked that this Committee review and discuss those changes.</i>	Tab 3	All
Discussion & Action: Rule 20A . Discovery in non-delinquency proceedings. <ul style="list-style-type: none"><i>Rule 20A was submitted to the Utah Supreme Court for review prior to requesting an initial public comment. The Court has made several more changes and has asked that this Committee review and discuss those changes.</i>	Tab 4	All

<p>Discussion & Action: Rule 7. Warrants.</p> <ul style="list-style-type: none"> <i>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.</i> 	Tab 5	All
<p>Discussion & Action: Rule 15. Preliminary inquiry; informal adjustment without petition.</p> <ul style="list-style-type: none"> <i>Rule 15 was posted for public comment on August 20, 2025. The comment period closes on October 6, 2025. So far, one comment has been received.</i> <i>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.</i> 	Tab 6	All
<p>Discussion & Action: Rule 18. Summons; service of process; notice.</p> <ul style="list-style-type: none"> <i>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.</i> 	Tab 7	Daniel Meza Rincón Erika Larsen
<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"> <i>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.</i> 	Tab 8	Judge Johnson
<p>Discussion & Action: New Rule 23B Workgroup Update.</p> <ul style="list-style-type: none"> <i>The Workgroup on defense counsel qualifications will meet on October 7, 2025 to review and discuss new Rule 23B. Mr. William Russell will provide an update.</i> 		William Russell

Discussion: Old business or new business.		All
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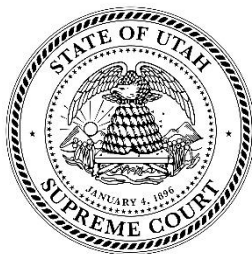
[URJP Committee Site](#)

Meeting Schedule:

November 7, 2025

December 5, 2025

TAB 1



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

5 **Draft Meeting Minutes**

6
7 *Matthew Johnson, Chair*
8

9 Location: Webex Meeting
10

11 Date: September 5, 2025
12

13 Time: 12:00 p.m. – 2:00 p.m.
14

Attendees:

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

Excused Members:

Matthew Johnson, Chair
Stephen Starr
James Smith

Guests:

Sonia Sweeney

Staff:

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

15
16
17 **1. Welcome and approval of the August 1, 2025, Meeting Minutes.** (William Russell)
18

19 Committee Vice-Chair William Russell welcomed everyone to the meeting and
20 informed the Committee that Chair Matthew Johnson would be unable to attend
21 today. Vice-Chair Russell then presented the proposed minutes from the August 1,
22 2025, Committee meeting and asked if there were any comments or corrections that
23 needed to be made. There were no comments from the Committee, and no proposed
24 corrections were presented. Judge David Johnson moved to approve the proposed
25 minutes. Michelle Jeffs seconded the motion, and it passed unanimously.
26

27 **2. Discussion & Action: Rule 34. Pre-trial hearing in non-delinquency cases.** (All)
28

29 Vice-Chair Russell reported that Rule 34 was posted for public comment. The
30 comment period has closed and there were no comments submitted. Vice-Chair
31 Russell presented the proposed Rule 34 to submit to the Supreme Court for
32 publication with an effective date of November 1, 2025. Janette White moved that the
33 proposed Rule 34 be presented to the Supreme Court. Thomas Luchs seconded the
34 motion, and it passed unanimously. The proposed Rule 34 is ready for final
35 publication with an anticipated effective date of November 1, 2025.
36

37 **3. Discussion: Rule 20. Discovery generally.** (Judge David Johnson; All)
38

39 Judge Johnson proposed to the Committee that Rule 20 be limited to discovery in
40 delinquency and criminal proceedings, and that all non-delinquency discovery
41 provisions be moved to Rule 20A. Judge Johnson reported that one of the issues that
42 has led to this proposal is that there is no direct rule governing subpoenas in
43 delinquency cases in the Rules of Juvenile Procedure. Rule 14 of the Utah Rules of
44 Criminal Procedure has not been specifically adopted in the Juvenile Rules and
45 therefore does not apply in juvenile proceedings. Judge Johnson suggested that Rule
46 14 of the Utah Rules of Criminal Procedure should be specifically adopted in the Rules
47 of Juvenile Procedure.
48

49 Vice-Chair Russell noted that, in practice, Rule 14 of the Utah Rules of Criminal
50 Procedure has been used when subpoenas are needed, even though that rule is not
51 specifically adopted, and he is pleased that this issue is being addressed now.
52

53 David Fureigh reported that he has reviewed Rules 20 and 20A and has no issues with
54 the proposed changes. Mr. Fureigh suggested that it would also make sense to change
55 the title of Rule 20A to reflect "Non-Delinquency and Non-Criminal Proceedings". It

was also recommended that the word “generally” be removed from the title of Rule 20 and add that it relates only to delinquency and criminal proceedings.

Judge Johnson suggested using the term “all other proceedings” in the title of Rule 20A in lieu of “non-delinquency and non-criminal” and Vice-Chair Russell thought it sounded more succinct. Alan Severson agreed that “all other proceedings” was more succinct, but worried that the term required an independent reading and understanding of Rule 20 to make sense. Vice-Chair Russell agreed that it made sense not to use a term in the title that required a reliance on a separate rule.

Raymundo Gallardo indicated that subparagraphs (b) and (c) from the current Rule 20 would need to be moved to the new proposed Rule 20A as subparagraphs (n) and (o). Lisa McQuarrie asked about whether the word “its” should be changed to “their” to reflect the plural “parties” in the new subparagraph (n). Judge Johnson asked whether “its” or “their” is used in other rules and subparagraphs when referring to multiple parties. Mr. Gallardo noted that the style guide prefers the use of singular pronouns. Judge Johnson referred to Rule 26 of the Utah Rules of Civil Procedure and noted that it uses the singular “party” and the pronoun “its” and suggested that Rule 20A mirror the Civil Rules’ style. Mr. Fureigh suggested further stylistic editing by changing “each other” to “the other parties”.

Mr. Gallardo made the stylistic and grammatical changes to the proposed Rules 20 and 20A. There were no further comments or discussion regarding the proposed changes. Ms. White made a motion to present the proposed changes to Rule 20 to the Supreme Court for public comment. Elizabeth Ferrin seconded the motion, and it passed unanimously.

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

This matter was addressed in the previous discussion regarding Rule 20. There was no further discussion at this time. Ms. White made a motion to present the proposed changes to Rule 20A to the Supreme Court for public comment. Adrianna Davis seconded the motion, and it passed unanimously.

5. Discussion: Old business or new business. (All)

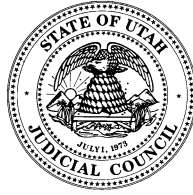
Mr. Gallardo shared that the October Committee meeting will be a hybrid meeting, with the option to attend in person at the Matheson Courthouse or to attend by Webex. Mr. Gallardo is working to get a count of how many people plan to attend in person.

98 Vice-Chair Russell updated the Committee on the workgroup that has been formed
99 to work on the potential new Rule 23B. Vice-Chair Russell shared that the workgroup
100 had its first meeting and included members from this Committee, the Indigent
101 Defense Commission, and Judge Alex Goble from the 6th Judicial District Juvenile
102 Court. Vice-Chair Russell reported that it was a very productive meeting, and the
103 workgroup found a lot of common ground while also identifying multiple issues that
104 will require more work. After the meeting, Vice-Chair Russell and Alexa Arndt
105 worked together to create a new draft of the proposed rule and shared it with the
106 other members of the work group, with a goal of meeting again before this
107 Committee's October meeting.
108

109 Ms. White asked if there have been any suggestions to create a similar rule for
110 qualifications of parental defense counsel in cases relating to termination of parental
111 rights. Vice-Chair Russell responded that the current Rule 23B was in direct response
112 to a request from the Indigent Defense Commission and relates only to transfer cases
113 in delinquency matters. Vice-Chair Russell suggested that, if there is a need for a
114 similar rule for petitions to terminate parental rights, it be brought to the attention of
115 the Indigent Defense Commission.
116

117 The meeting adjourned at 12:32 p.m. The next meeting will be held on October 10,
118 2025, both in person and via Webex.

TAB 2



Administrative Office of the Courts

Chief Justice Matthew B. Durrant
Utah Supreme Court
Chair, Utah Judicial Council

September 11, 2025

Ronald B. Gordon, Jr.
State Court Administrator
Neira Siaperas
Deputy State Court Administrator

MEMORANDUM

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

FROM: Pleasy Wayas on behalf of Committee on Court Forms and Self-Help Center/Law Library

RE: Request to add general caption option under URJP 3

We propose adding an additional caption option to those listed in [Rule 3 of the Rules of Juvenile Procedure](#). See redline version of rule below.

The Committee on Court Forms uses the caption options outlined in Rule 3 when creating or revising court forms. The options are specific to the different case types. However, the Committee has a need for a general option for forms used across case types.

Currently our options are to provide a form but only with one caption type or to make different versions of the form for each of the five case types under the rule. There are problems with both options that lead to confusion, especially by self-represented parties.

If we only use one caption type it makes the form look like it cannot be used for other case types. The pdf and fillable form versions cannot easily be changed by a self-represented party to reflect the right case type. And they may not have the understanding to make such a change. Judicial assistants may be confused by the caption if it does not match the case type. And there is some concern JA's may not understand the form limitations and reject filings that have the wrong caption.

If we make a version of the form for each of the five case types it means creating and maintaining multiple forms that are essentially the same save for the caption. This is an administrative burden. But more importantly, having so many forms to choose from will make it difficult for self-represented parties to find the correct form. When there are many versions of a form it makes the web pages more complicated and searching for form by name more difficult.

The mission of the Utah judiciary is to provide the people an open, fair, efficient, and independent system for the advancement of justice under the law.

A good example are the new forms to request audio from a juvenile court proceeding. There are now three forms (a request, a motion, and a petition). These may be used in any juvenile case so there is not one clear default caption to use. If we must create versions for each that would mean 15 forms. There is already a concern about helping people distinguish between a request versus a motion or petition. Having forms for the different case types only adds a level of complexity.

Under [UCJA Rule 3-117](#), the Forms Committee is charged with making forms that expand access to justice and eliminate redundancy and unnecessary steps. We believe having a general caption option would help us further these goals.

We recommend this change be specific to court approved forms and not hinder what an attorney may do in drafting their own pleadings. The general caption would only be for forms used across two or more case types. We anticipate this would apply to forms such as audio requests, record requests, proof of completed service, summons, generic motion forms, etc.

Rule 3. Style of pleadings and forms.

Effective: 11/1/2021

(a) Pleadings in the juvenile court include, but are not limited to, petitions, motions, and responsive pleadings. Pleadings and other papers filed with the juvenile court shall comply with Utah R. Civ. P 10. Pleadings and other papers in cases transferred from the district court shall show the juvenile court case number and the district court case number.

(b) Matters filed in the court shall be captioned as follows:

(1) In minors' cases or private petition cases: "State of Utah, in the interest of _____, a minor under _____ years of age."

(2) In cases of adults charged with any crime: "State of Utah, Plaintiff, vs. _____, Defendant."

(3) In cases requesting protective orders: "_____, Petitioner, vs. _____, Respondent."

(4) In adoptions: "In the matter of the adoption of _____."

(5) In cases transferred from district court involving issues of custody, support and parent time: "State of Utah, in the interest of _____. In the matter of _____, Petitioner, vs. _____, Respondent."

(6) For court approved forms that are used across more than one case type: "In the matter of: _____. (case name)"

(c) Forms used in the juvenile court shall be those standardized and adopted by the Board of Juvenile Court Judges or the Judicial Council, and may be single spaced when so authorized.

1 **Rule 3. Style of pleadings and forms.**

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3 and responsive pleadings. Pleadings and other papers filed with the juvenile court
4 ~~shall~~must comply with ~~Utah R. Civ. P.~~Rule 10 of the Utah Rules of Civil Procedure.
5 Pleadings and other papers in cases transferred from the district court ~~shall~~must show
6 the juvenile court case number and the district court case number.

7 (b) Matters filed in the court ~~shall~~must be captioned as follows:

8 (1) In minors' cases or private petition cases: "State of Utah, in the interest of
9 _____, a minor under _____ years of age."

10 (2) In cases of adults charged with any crime: "State of Utah, Plaintiff, vs.
11 _____, Defendant."

12 (3) In cases requesting protective orders: "_____, Petitioner, vs.
13 _____, Respondent."

14 (4) In adoptions: "In the matter of the adoption of _____."

15 (5) In cases transferred from district court involving issues of custody, support and
16 parent time: "State of Utah, in the interest of _____. In the matter of
17 _____, Petitioner, vs. _____, Respondent."

18 (6) For court approved forms that are used across more than once case type: "In the
19 matter of: _____ . (case name)"

20 (c) Forms used in the juvenile court ~~shall~~must be those standardized and adopted by
21 the Board of Juvenile Court Judges or the Judicial Council, and may be single spaced
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19 matter of: _____. (case name)"

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21 Board of Juvenile Court Judges or the Judicial Council, and may be single spaced
22 when so authorized.

TAB 3

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

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

(b) Subpoenas used in adjudications of delinquency, offenses by adults against minors, and proceedings pursuant to Title 80, Chapter 6, Part 5 are governed by Rule 14 of the Utah Rules of Criminal Procedure. ~~In substantiation cases, no later than thirty days prior to trial, parties shall provide to each other information necessary to support its claims or defenses unless otherwise ordered by the court.~~

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

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

Commented [RG1]: Justice Pohlman added “and subpoenas” to the title.

Formatted: Numbering: Continuous

Commented [RG2]: Justice Pohlman asks: Is “Transfer to District Court” the right reference here? Part 5 is titled “Minor Tried as an Adult.” Could we even delete it?

Commented [RG3]: Added language by Justice Pohlman. She also suggests: If we keep “Transfer to District Court” or add “Minor Tried as an Adult” in (a), we should do the same here.

1 **Rule 20. Discovery and subpoenas in delinquency and criminal proceedings.**

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

6 (b) Subpoenas used in adjudications of delinquency, offenses by adults against minors,
7 and proceedings pursuant to Title 80, Chapter 6, Part 5 are governed by [Rule 14](#) of the
8 Utah Rules of Criminal Procedure.

TAB 4

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.

Commented [RG1]: Justice Pohlman added, "in non-delinquency and non-criminal proceedings"

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 the [or all?]
8 information necessary to support the party's 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~~must inform the other party of the existence of such records.

Commented [RG2]: Justice Pohlman added, "the" or asks if "all" is better.

Commented [RG3]: Justice Pohlman replaced "its" with "the party's"

15 (c) **Depositions upon oral questions.** After the filing of the answer, a party may take the
16 testimony of any person, including a party, by deposition upon oral question without
17 leave of the court. Depositions ~~shall~~must be conducted pursuant to Utah R. Civ. P. Rule
18 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.

Commented [RG4]: Justice Pohlman amended for clarity and because it tracks Civil Rule 26.

Commented [RG5]: Justice Pohlman suggests either deleting this sentence or adding some language so it's clear what records we're intending to refer to.

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

Commented [RG6]: Justice Pohlman added "that"

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

Commented [RG7]: Justice Pohlman added "that"

(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~~T~~ 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.~~Requests for admission can be served anytime following the filing of the answer.~~

Commented [RG8]: Justice Pohlman's suggested revision to match paragraphs (c), (d), and (e).

Commented [RG9]: Justice Pohlman asks: Should we include the notice language that Rule 36 requires, modified to require the answers within 14 days instead of 28?

(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.

Commented [RG10]: Justice Pohlman added "that time period is"

(2) **Termination of parental rights trials.** Any person who has been identified as an expert whose opinions may be presented at the termination of parental rights trial must be disclosed by the party intending to present the witness at least thirty days prior to the trial or hearing unless that time period is modified by the court. Unless an

Commented [RG11]: Justice Pohlman added "that time period is"

expert report has been provided, a summary of the proposed testimony signed by the party or the party's attorney ~~shall~~must be filed at the same time.

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

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

Commented [RG12]: Justice Pohlman's suggested language to distinguish from protective orders generally and to more closely mirror the rule 26 language.

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

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

Commented [RG13]: Justice Pohlman edit deleting "As applicable"

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

Commented [RG14]: Justice Pohlman suggests this change for clarity. I pulled these categories from the title, but maybe there's something else that would be a better fit

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

Commented [RG15]: Justice Pohlman suggests as a way to distinguish from subpoenas in Rule 20.

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

Commented [RG16]: Justice Pohlman edit.

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

Commented [RG17]: Justice Pohlman suggests we frame this in positive language. How about: "The court may, for good cause shown, order that the disclosure and discovery obligations in Rule 26.1 apply to X proceedings."

(o) The court may, for good cause shown, order that the disclosure and discovery obligations in Rule 26.1 apply to juvenile 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 the [or all?] information 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. The party must inform the other party of the existence of such records.

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

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

(e) **Production of documents and things.** After the filing of the answer, requests for production of documents may be used pursuant to [Rule 34](#) of the Utah Rules of Civil

27 Procedure except that all responses must be served within 14 days after service of the
28 requests.

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

31 (g) **Requests for admission.** After the answer is filed, requests for admission may be used
32 pursuant to [Rule 36](#) of the Utah Rules of Civil Procedure except that the matter will be
33 deemed admitted unless, within 14 days after service of the request, the party to whom
34 the request is directed serves upon the requesting party a written answer or objection
35 addressed to the matter, signed by the party or by the party's attorney. Upon a showing
36 of good cause, any matter deemed admitted may be withdrawn or amended upon the
37 court's own motion or the motion of any party.

38 (h) **Experts.**

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

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

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

(i) **Protection from discovery.** 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) **Supplementation of responses.** Parties have a duty to supplement responses and disclosures pursuant to [Rule 26\(d\)](#) of the Utah Rules of Civil Procedure.

(k) **Failure to cooperate in discovery.** 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 [the or all?] information necessary to support its claims or defenses unless otherwise ordered by the court.

(o) [Rule 26.1](#) of the Utah Rules of Civil Procedure does not apply in juvenile proceedings unless there is a showing of good cause and it is 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 juvenile proceedings.

TAB 5

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.

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(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

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(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.

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(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 6

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.

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- 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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UTAH COURTS

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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 7

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 8

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, ~~T~~the 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

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