



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

Meeting Minutes

Matthew Johnson, Chair

Location: Webex Meeting

Date: September 5, 2025

Time: 12:00 p.m. – 2:00 p.m.

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| <u>Attendees:</u> 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 | <u>Excused Members:</u> Matthew Johnson, Chair Stephen Starr James Smith |
| | <u>Guests:</u> Sonia Sweeney |
| <u>Staff:</u> Joe Mitchell, Juvenile Court Law Clerk Lisa McQuarrie, Juvenile Court Law Clerk Erika Larsen, Juvenile Court Law Clerk | |

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

Committee Vice-Chair William Russell welcomed everyone to the meeting and informed the Committee that Chair Matthew Johnson would be unable to attend today. Vice-Chair Russell then presented the proposed minutes from the August 1, 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. Judge David Johnson moved to approve the proposed minutes. Michelle Jeffs seconded the motion, and it passed unanimously.

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

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

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

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

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

David Fureigh reported that he has reviewed Rules 20 and 20A and has no issues with the proposed changes. Mr. Fureigh suggested that it would also make sense to change 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.

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

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

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