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

Meeting Minutes

Matthew Johnson, Chair

Location: Webex Meeting

Date: November 7, 2025

Time: 12:00 p.m. – 2:00 p.m.

Attendees: Matthew Johnson, Chair William Russell, Vice Chair Adrianna Davis Alexa Arndt Carolyn Perkins David Fureigh, Emeritus Member Dawn Hautamaki Elizabeth Ferrin Janette White Judge David Johnson Judge Debra Jensen Michelle Jeffs	**Excused Members**: Alan Sevison, Emeritus Member James Smith Stephen Starr Thomas Luchs **Guests:** Jacqueline Carlton Judge Jeffry Ross
Staff: Raymundo Gallardo, Administrative Office of the Courts Tyler Ulrich, Recording Secretary	

1. **Welcome and approval of the October 10, 2025, Meeting Minutes**. (Matthew Johnson)

   Committee Chair Matthew Johnson welcomed everyone to the meeting and introduced today's guests. Chair Johnson then presented the proposed minutes from the October 10, 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 made a motion to approve the proposed minutes. Judge Debra Jensen seconded the motion, and it passed unanimously.

2. **Discussion & Action: Rule 16. Transfer of delinquency case and venue.** (Judge Jeffry Ross)

   Judge Jeffry Ross addressed Rule 16 and reported on how some parties are addressing subparagraph (b)(2). Judge Ross has presided over hearings that have become contentious when addressing cooperation between prosecutors in different counties, where the current language in the rule supposes cooperation between the two prosecuting agencies. Judge Ross suggested the Committee consider alternative language to clarify various parties' responsibilities.

   Vice-Chair William Russell drafted proposed language that was presented to the Committee, and he reported that several jurisdictions have faced similar issues to what Judge Ross is reporting. Vice-Chair Russell's proposed language would require prosecutors in a minor's county of residence work with not only prosecutors, but also law enforcement agencies in the county of occurrence to obtain discovery. Vice-Chair Russell stated that the proposed language also clarifies that it is the prosecutor in the county of residence that must obtain and provide discovery, as well as authorizes prosecutors in the county of residence to facilitate potential resolutions.

   Judge Jensen reported that Second District has faced the same issue, and local prosecutors have had difficulty in communicating with prosecutors in the county of occurrence. Judge Jensen stated that prosecutors have had difficulty with Salt Lake County specifically and noted reports that there may not be assigned prosecutors there to authorize potential resolutions.

   Judge Johnson liked the proposed changes and added that including language such as "if available" when referring to communicating with prosecutors in the county of occurrence, thus requiring reasonable efforts on the part of the prosecutor in the county of residence to communicate with outside prosecuting agencies. Chair Johnson was concerned with using the term "reasonable efforts" as that language has specific references to the Child Welfare code and may require specific findings on the part of

a judge. Judge Johnson agreed and suggested that the language be modified but include the same intent.

Vice-Chair Russell reported that he has personally had difficulty at times in reaching out to prosecutors in other counties when trying to resolve a case. The proposed language would allow a prosecutor in the county of residence to report to a court what specific efforts they have made, thus allowing a judge to make a finding of compliance with Rule 16.

Alexa Arndt expressed concern that the proposal still leaves ambiguity in what prosecutor has the final say in making offers to resolve cases. Vice-Chair Russell shared that he believes the prior subparagraph makes it clear that the prosecutor in the county of residence has the authority to resolve a case.

Janette White suggested language be added that would require the prosecutor in the county of residence to put on the record what attempts were made to communicate with the outside prosecuting agency and proposed the term "reasonable attempts" in lieu of "reasonable efforts." Ms. White compared such attempts as those required in Rule 53 for appointed defense counsel to be released or a moving party making a record of what attempts for service have been made. Judge Johnson made specific language suggestions that were added to the current draft of the subparagraph.

Michelle Jeffs share that, as a former prosecutor, she would be nervous to override another county prosecutor's offer to resolve a matter. Adrianna Davis agreed with Ms. Jeffs and noted that each prosecutor has their own prosecutorial discretion. Ms. Davis shared that if a trial is going to occur in the county where a crime is alleged to have been committed, she would not feel comfortable changing that prosecutor's offer. Ms. Davis added that, in Salt Lake County, the prosecuting agency often does not know what judge or prosecutor will be assigned a case, especially if the minor does not have prior history with a specific judge.

Vice-Chair Russell believed the current draft of the rule makes everyone's responsibility more clear and noted that if a case arises where the two county prosecutors disagree on a potential resolution, a judge could hold a hearing with both prosecutors present to address the issue.

Judge Ross agreed with Ms. Jeffs and Ms. Davis that a home county prosecutor would likely be more deferential to the prosecutor in the county of occurrence, but the rule does still allow for proper prosecutorial discretion. Judge Ross thought it would be a rare occurrence to see the need to hold a hearing with both prosecutors present to resolve this issue.

Raymundo Gallardo presented the current draft of the rule with the proposed language and changes made by the Committee. There were no further comments from Committee members. Dawn Hautamaki made a motion to adopt the changes as currently presented. Elizabeth Ferrin seconded the motion, and it passed unanimously. Mr. Gallardo explained that, under the standard timelines, such changes would not take effect until May 2026 and asked if the Committee sees a need to expedite the process. Chair Johnson believed this should be addressed sooner than the standard timeline allowed as several jurisdictions are seeing this issue arise. The Committee was unanimous that this issue should be expedited.

3. **Discussion and Action: Rule 20A. Discovery in non-delinquency proceedings**. (All)

The Committed began by discussing the issue of subheadings that began at the last meeting. Chair Johnson reminded the Committee that it was suggested to remove subheadings from shorted subparagraphs that merely repeated the language of that subparagraph. Chair Johnson stated that he was not sure how the Supreme Court would view this issue and thought that it may suggest keeping them on all subparagraphs or removing them from all subparagraphs.

Judge Johnson stated that subheadings are helpful, especially during hearings when attorneys are citing to specific rules. Vice-Chair Russell acknowledged that subheadings do make it easier to locate specific subparagraphs, especially in longer rules, and suggested keeping subheadings throughout the rules, even when it appears redundant. Ms. White agreed that having subheadings throughout the rules is helpful and should be kept. Ms. Ferrin shared her concern that requiring a subheading may become overbearing and does not think it needs to be included or excluded on all subparagraphs.

Mr. Gallardo added back the subheadings that had previously been removed. Mr. Gallardo also noted that, when presented to the Supreme Court, the justices had not made specific suggestions to remove them. Mr. Gallardo shared that, in one specific instance, the Supreme Court had even amended the language of a subheading.

Ms. White made a motion to adopt the current draft of Rule 20A to be presented to the Supreme Court. Judge Johnson seconded the motion, and it passed unanimously.

4. **Discussion: Rule 15. Preliminary inquiry; informal adjustment without petition.** (All)

Chair Johnson reported that Rule 15 was posted for public comment and one comment was received. The comment was regarding the definition or preliminary inquiry and whether this Committee should include such a definition in Rule 15. Vice-

Chair Russell stated that it is already defined in Rule 5 and does not see the need to cite back to that rule or repeat the definition in Rule 15.

Mr. Gallardo shared that the general counsel from the Administrative Office of the Court has also given input to this rule regarding whether a parent is required to participate in the preliminary inquiry. Vice-Chair Russell pointed out that it is the legislature that defines and decides policies such as preliminary inquiries. Vice-Chair Russell stated that, under current law, a youth gets to make the final decision whether to accept or reject the offer of a nonjudicial adjustment after being informed of their right to counsel. A parent cannot override or veto the youth's decision, and the general counsel is correct that the law no longer requires that a parent participate in the process.

Chair Johnson inquired about the level of participation from parents in the nonjudicial adjustment process. Vice-Chair Russell clarified that parents are still involved and help with the screening process to determine a minor's risk level. Parents still receive letters informing them to bring the minor to a meeting with probation. However, if the statutory criteria are met, probation must offer a nonjudicial adjustment. Only the minor has the right to make the final decision whether to accept or decline the nonjudicial adjustment. Vice-Chair Russell shared that there have been instances of a parent having their own agenda and pushing a minor to decline a nonjudicial adjustment, so this clarifies that it is the minor that makes the final decision.

Judge Johnson shared that he had experiences as delinquency defense counsel of parents asking how a minor can make such a decision as a child. Judge Johnson explained that it is the child that faces the ultimate consequences of a case and whether a nonjudicial adjustment is accepted.

There was no further discussion regarding the current draft of Rule 15. Vice-Chair Russell made a motion to adopt the proposed language and send it back to the Supreme Court, and to be posted for further public comment. The motion was seconded by Judge Jensen and passed unanimously.

5. **Discussion and Action: Rule 18. Summons; service of process; notice.** (Erika Larsen, Dawn Hautamaki)

Ms. Hautamaki reported that the AOC would like to remove the language in Rule 18 that requires prior consent to receive notice of further hearings by email. This would allow a court to send notice by email to parents who have provided an email address to the court.

Judge Johnson supported such a change and pointed out that it does not change how an initial summons must be served. Chair Johnson asked if this was already being

done, and Ms. Hautamaki explained that it is only done when a party has given prior consent on the record.

David Fureigh explained that the Attorney General's Office sends out a lot of notices and orders and asked if the rule could be clarified to allow such documents to also be sent by email.

Carolyn Perkins expressed concern that her clients in Child Welfare matters often lose access to their email accounts, such as if they are incarcerated or lose access to their phone. Ms. Perkins expressed concern about removing the requirement that a party consent to receive notices by email. Ms. Hautamaki noted that Rule 5 of the Utah Rules of Civil Procedure already recognizes email as an acceptable form of service.

Ms. White shared Ms. Perkins' concerns, especially when the consequence of not appearing for a hearing could be that a warrant is issued. Parents often lose access to their email, or notices could end up being marked as junk or spam.

Judge Johnson noted that an incarcerated parent would not be held in contempt for missing a hearing due to their incarceration. Judge Johnson pointed out that this is the only form of service that requires prior consent, and Ms. Hautamaki reported that email is the fastest way to provide notice to a party. Judge Johnson reiterated that Civil Rule 5 already authorizes notice by email, and it appears that this is an effort to bring this rule in conformity with the other rules. Ms. Davis shared that in her experience, email is far more effective than traditional mail and phone numbers.

Mr. Fureigh pointed out that while the juvenile rules adopt the civil rules, the district court electronic filing system is very different than the juvenile court's CARE system. Ms. Hautamaki shared that they are working on creating automatic notifications in CARE. Mr. Fureigh further noted that a parent is not required to share an email address, and this would only apply to those that have provided one. Ms. Perkins was concerned that judges do not always warn parents about consenting to receiving notices by email.

Judge Jensen did not see a difference in requiring a party to keep their physical address updated and keeping an updated email address on file with the court, and was in favor of adopting the same processes allowed in the civil rules. Ms. Hautamaki also clarified that this would not take the place of a parent's responsibility to communicate with their attorney but would simply give them a prompter notice.

Mr. Gallardo recommended that this matter be tabled until the next meeting as law clerk staff Erika Larsen helped draft this change and was not able to attend today's meeting. Judge Johnson agreed and made a motion to table the discussion until the next meeting. Vice-Chair Russell seconded that motion, and it passed unanimously.

6. **Discussion and Action: Rule 7. Warrants.** (All)

The AOC Juvenile Court team has proposed adding a seventh factor in Rule 7(b) that brings it in line with Utah Code 80-6-202. The proposed language would add that a warrant may be issued if there is probable cause to believe that a summons for the minor would be ineffectual. Vice-Chair Russell stated that the rule should be in line with the statute and thinks that the additional language should be adopted.

There was no further discussion regarding the proposed language. Ms. Jeffs made a motion to adopt the change as proposed. The motion was seconded by Ms. White and passed unanimously. The proposed change will be presented to the Supreme Court.

7. **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)

Judge Johnson explained that there is a discrepancy in the criminal rules and Rule 22 for the timeframe before a preliminary hearing. Judge Johnson explained that this change would only be applicable to transfer cases, and that the juvenile rule had not been updated since there has been a shift away from counting "business days." Judge Jensen noted that it is nearly impossible to hold a preliminary hearing within 10 days, so changing it to 14 days makes sense. Ms. Davis shared that this is an important change to make from a prosecutor's standpoint. Vice-Chair Russell and Ms. Perkins had no concerns over making this change from a defense perspective.

Mr. Fureigh shared that he was a member of this Committee when this issue was presented in the past, and that there was some pushback from defense counsel. Ms. Perkins noted that every party usually needs more time to prepare for transfer case preliminary hearings, including defense counsel. Vice-Chair Russell added that the timeframe is often waived by defense to allow for time to prepare for such important hearings. Ms. White noted that, if there is concern from practitioners, they can express such concerns during a public comment period.

Judge Johnson made a motion to present the proposed changes to Rule 22 to the Supreme Court. Ms. Jeffs seconded the motion, and it passed unanimously. Mr. Gallardo pointed out some stylistic changes that may need to be changed, and shared that he, Chair Johnson, and Vice-Chair Russell can discuss those issues when they meet with the Supreme Court.

8. **Discussion and Action: New Rule 23B Workgroup Update.** (William Russell)

Vice-Chair Russell updated the Committee on the progress being made by the workgroup on the new proposed Rule 23B. Vice-Chair Russell reported that the meetings have been productive and that he, Alexa Arndt, and staff have created a new

draft of the proposed rule regarding qualifications of counsel in transfer cases. Vice-Chair Russell noted that the prior Rule 23 has been repealed and thought it would make sense to change the new proposal from Rule 23B to simply Rule 23.

Vice-Chair Russell did not believe the proposed rule is ready for a vote today but wanted to share the changes with this Committee in the hope that it could be ready for a vote at the next meeting. Vice-Chair Russell pointed out a few stylistic changes that were made to bring the proposed language in line with other rules and appellate opinions.

From a substantive standpoint, Vice-Chair Russell reported that the requirements have been dialed back to allow more practitioners to qualify to act as appointed counsel in these cases. Chair Johnson asked if the requirements would also apply to attorneys Guardian ad Litem, and Vice-Chair Russell clarified that they would only apply to delinquency defense counsel. Vice-Chair Russell went through the substantive changes and explained the reasoning behind each of those changes. Specifically, Vice-Chair Russell shared that some of the most substantive changes occurred in looking at requirements for privately retained counsel in transfer cases. Vice-Chair Russell shared concern over the constitutional right to counsel of choice and balancing that with the qualifications of privately retained counsel. Judge Johnson asked if the requirements in the criminal rules regarding death penalty cases also applied to privately retained counsel. Vice-Chair Russell shared that the criminal rule does not apply to privately retained counsel, and that is why it was originally left out of the draft of this rule.

9. **Discussion: Old business or new business.** (All)

Judge Johnson asked if Rule 20 has been presented to the Supreme Court yet as he noticed an issue in regard to expert notice in delinquency cases. Judge Johnson stated that as of now, there is no governing rule regarding expert notice in delinquency cases, and that adult cases have a statute that covers those requirements. Judge Johnson asked that this issue be discussed when Rule 20 is presented to the Supreme Court.

Ms. Ferrin thanked Vice-Chair Russell for the presentation he gave earlier this week in the Juvenile Law Section CLE presented by the Utah State Bar.

The meeting adjourned at 2:00 p.m. The next meeting will be held on December 5, 2025, via Webex.