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

Meeting Minutes

Matthew Johnson, Chair

Location: Webex Meeting

Date: January 9, 2026

Time: 12:00 p.m. – 2:00 p.m.

<table>
<tr>
<td rowspan="2"><u>Attendees:</u>
Matthew Johnson, Chair
William Russell, Vice-Chair
Adrianna Davis
Alan Sevison, Emeritus Member
Carolyn Perkins
David Fureigh, Emeritus Member
Dawn Hautamaki
Elizabeth Ferrin
Janette White
Judge David Johnson
Michelle Jeffs
Stephen Starr
Thomas Luchs</td>
<td><u>Excused Members</u>:
Alexa Arndt
James Smith
Judge Debra Jensen
Tyler Ulrich, Recording Secretary</td>
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<tr>
<td><u>Guests:</u>
Stacy Haacke, AOC Deputy General Counsel
Zerina Ocanovic, AOC Deputy Juvenile Court Administrator</td>
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<tr>
<td colspan="2"><u>Staff</u>:
Erika Larsen, Juvenile Court Law Clerk
Raymundo Gallardo, Administrative Office of the Courts</td>
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1. **Welcome and approval of the December 5, 2025, Meeting Minutes**. (William Russell)

   Committee Vice-chair William Russell welcomed everyone to the meeting. Zerina Ocanovic introduced herself to the group as the new Deputy Juvenile Court Administrator. Vice-chair Russell presented the prepared minutes from the December 5, 2025, Committee meeting and asked for comments or corrections. There were no comments from the Committee and no proposed corrections were presented. Elizabeth Ferrin made a motion to approve the minutes. Michelle Jeffs seconded the motion, and it passed unanimously.

2. **Discussion & Action**: **Rule 3**. **Style of pleadings and forms**. (All)

   Rule 3 was posted for public comment on November 20, 2025, and the rule received one comment from Kimberly Heywood, AOC Program Coordinator. Ms. Heywood suggested adding a checkbox system to subparagraph (b)(1) to indicate that a minor may be a person under or over 18 years of age. Mr. Russell and Emeritus Member David Fureigh agreed with the suggestion. Mr. Fureigh, however, suggested a simpler approach than the one recommended. He recommended deleting the current blank space and ending the caption at "minor." The caption in subparagraph (b)(1) was amended to "*State of Utah, in the interest of* _____*, a minor*." Mr. Fureigh believes this approach comports with the many definitions of "minor" throughout statute. Moreover, because the current language in subparagraph (b)(1) does not align with statute, Mr. Fureigh argued that the proposed amendment, which does align with statute, may not need a second public comment period. Mr. Russell concurred.

   Thomas Luchs made a motion to present Rule 3 to the Supreme Court for adoption, effective May 1, 2026. Stephen Starr seconded the motion, and it passed unanimously.

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

   Rule 15 was posted for public comment on November 20, 2025, and the rule received one comment from past member Chris Yannelli, Deputy County Attorney at the Utah County Attorney's Office. The comment was well received as a friendly jest toward Vice-chair Russell. Mr. Gallardo asked the Committee to consider asking the Supreme Court for adoption of the rule effective immediately. The process that is being proposed in paragraph (d) is currently being practiced by probation officers. Ms. Ocanovic confirmed that the process is already in practice. Vice-chair Russell confirms that the practice described in paragraph (d) matches the current process used by probation officers and his firm, Utah Juvenile Defender Attorneys. Dawn Hautamaki reported that the process has been adopted by probation officers statewide.

Judge David Johnson made a motion to present Rule 15 to the Supreme Court for immediate adoption. Ms. Hautamaki seconded the motion, and it passed unanimously.

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

Rule 20A was posted for public comment on November 20, 2025, and the rule received one comment from attorney Jason Richards. From the Office of the Attorney General's perspective, counsel for DCFS, Emeritus Member Alan Sevison advocated for clear procedures that define when an answer to a petition has occurred, because an answer then triggers the initial disclosures. Mr. Sevison suggested that the key issue is whether the court accepts general answers or specific answers to the allegations contained in a petition. Judge Johnson agreed with Mr. Richards's comment and argued that oral answers should be accepted, including general denials of the petition in its entirety.

Mr. Fureigh explained that the rule addresses two separate issues: (1) initial disclosures, and (2) the discovery process. Although Mr. Fureigh does see defense counsel enter general denials of the petition, his office generally does not object to that practice and will typically provide initial disclosures within the 14-day timeframe required by the rule. Mr. Fureigh does argue that Rule 34 of the Utah Rules of Juvenile Procedure does require an answer to the specific allegations contained in the petition. Furthermore, initial disclosures have been already provided to defense counsel before the discovery process is undertaken. The intent behind the discovery process is to help narrow down discovery to the specifics of the denial, so that the AG's Office understands what needs to be proven at trial and provide the discovery related to the specific allegations denied. Mr. Fureigh then suggested adding the phrase "*pursuant to Rule 19*" at the end of each introductory dependent clause in paragraphs (c), (d), (e), and (g), and this change was made to the draft. Mr. Fureigh acknowledged Mr. Richards's concern that there are Assistant AG's who resist providing initial disclosures because a formal written answer was not "filed." To address this confusion, Mr. Fureigh will remind all Assistant AG's that Rule 19 of the Utah Rules of Juvenile Procedure allows for an oral answer.

Chair Matt Johnson joined the meeting during discussion on Rule 20A and resumed chair responsibilities.

Janette White made a motion to present Rule 20A to the Supreme Court for adoption, effective May 1, 2026. Mr. Starr seconded the motion, and it passed unanimously. The Committee understands that the Court may prefer to post the rule for a second public comment period due to the additional changes to paragraphs (c), (d), (e), and (g).

5. **Discussion and Action**: **Rule 22**. **Initial appearance and preliminary hearing in cases under Utah Code section 80-6-503 and 80-6-504**. (All)

Rule 22 was posted for public comment on November 20, 2025, and no comments were received. Mr. Gallardo asked the Committee for their thoughts on changing the title to the rule. The specific references to statute were deleted, and the title was amended to "*Initial appearance and preliminary hearing in cases under Title 80, Chapter 6, Part 5*."

Vice-chair Russell made a motion to present Rule 22 to the Supreme Court for adoption, effective May 1, 2026. Ms. White seconded the motion, and it passed unanimously.

6. **Rule 18**. **Summons**; **service of process**; **notice**. (Erika Larsen, Dawn Hautamaki)

Rule 18 is back on the agenda for ongoing discussion on changes proposed by Erika Larsen and Ms. Hautamaki to paragraph (d) regarding email notice. Ms. Larsen has been hard at work addressing members' concerns while moving forward with a solution that allows for email notice of further proceedings. Mr. Fureigh has also proposed an alternative solution. The Committee viewed both Ms. Larsen's and Mr. Fureigh's drafts side-by-side.

Mr. Fureigh explained that in his proposal, language has been added that places on an unrepresented party the burden to provide current and active mailing address, email address, and phone number to the court. Mr. Fureigh borrowed this language from Rule 76 of the Utah Rules of Civil Procedure. Moreover, Mr. Fureigh added that if the party is represented, the party has the burden to provide to counsel their current and active contact information. This will ensure that the court or, if represented, counsel will be able to provide notice of the hearing, including changes in hearing date and time, to the party. Current Rule 18(d) has been interpreted two ways: either notice must be sent to an unrepresented party or, if represented, to the party through their attorney; or notice must be given to both the party and their attorney. Carolyn Perkins prefers to leave out the proposed language regarding what an unrepresented party must do because there are some parties who are homeless, in jail, or may end up in jail. The parties may not have a way to notify the court of their current address.

Mr. Fureigh also expressed concern over allowing a party to choose their preferred method of service, but if the Committee thinks this is appropriate, Mr. Fureigh suggests limiting the methods to the only two options available outside of notice during open court: mail or email. Ms. Hautamaki also shared her concern with this. Currently, CARE does not have the programming to track a party's preferred method of service. Child welfare cases can involve many parties, and keeping track of the parties' preferences may require that judicial assistants spend time searching court

orders, especially if a party joins the case or changes their preference at a later date. Tracking a party's preferred method of service will be burdensome on judicial assistants. Mr. Fureigh added that the AG's Office is often responsible for sending notice to parties. Because paragraph (d) establishes the method for legal notice, if a party indicates a preferred method of service but the AG's Office uses a different method, the court may not hold the party accountable when the party does not appear. Despite allowing a party to indicate their preferred method of service, Chair Johnson believes that paragraph (d) does not limit the court or the AG's Office to effectuating notice only by the party's preferred method.

Ms. Perkins recommended tabling Rule 18 to allow members more time to review and compare and contrast the drafts presented by Ms. Larsen and Mr. Fureigh. Judge Johnson made a motion to table Rule 18. Ms. Perkins seconded the motion, and it passed unanimously. Rule 18 will be discussed at the February 6, 2026 meeting.

7. **Discussion and Action**: **Rule 16**. **Transfer of delinquency case and venue**. (All)

Chair Johnson and Vice-chair Russell shared a summary of the Rule 16 Workgroup Meeting that took place on December 30, 2025. The consensus of the majority of workgroup members was that the current rule needs changes. The rule is not practical. The majority of workgroup members agreed that all hearings prior to and including adjudication should be held in the county of occurrence. The case would only be transferred back to the county of residence for disposition and reviews. Judge Leavitt joined the workgroup, and he volunteered to draft a rule that outlines the majority of the members' preferred procedure. In his draft, Judge Leavitt addresses pre-adjudication detention hearings and competency. Vice-chair Russell suggests that the Committee take its time examining Judge Leavitt's proposed draft before taking any action.

Rule 16 will be discussed at the February 6, 2026 meeting.

8. **Discussion**: **New Rule 103 of the Utah Rules of Civil Procedure**. (Stacy Haacke)

Stacy Haacke joined the meeting and provided an update on new Civil Rule 103. Ms. Haacke shared that the rule received a slew of comments after going through an initial public comment period. The comments came from the directors of various Children's Justice Centers (CJC) across the state. The directors were concerned about two issues related to the recorded CJC interviews of children. First, they questioned who would need to testify to authenticate the recordings for admission as evidence. Second, they were uncertain whether allowing parties to view the recordings would require releasing copies of the recordings to those parties. Mr. Fureigh recently joined Ms. Haacke at a meeting with prosecutors and the CJC directors to help answer their questions.

Chair Johnson shared that when he calls witnesses, he calls the interviewer to lay the foundation of the recording. There is also a criminal rule that governs the viewing of CJC recordings.

Judge Johnson noted that the CJC recording is a protected record, and the court will place protective orders that include the manner in which the recording can be viewed. Mr. Fureigh added that parents are already entitled in statute to make a request to the court to view the CJC recording. The juvenile court is aware of the statutory safeguards when ordering the release of the recorded interview, but the district court may not be aware. Moreover, litigation in district court may not be as efficient as in juvenile court due to the nature of the case types, i.e., child welfare proceedings in juvenile court versus divorce proceedings in district court, which may be more litigious. Directors also expressed concern with the courts releasing the recording while the criminal or DCFS investigation is ongoing. The AG's Office may file an objection to the order releasing the video, but since the AG's Office is not always assigned to these cases in district court, they are not always aware of the order.

Chair Johnson shared that Jennifer Spangenberg, Guardian ad Litem, may be helpful to this discussion. Ms. Spangenberg handles protective orders heard in district court. Judge Johnson volunteered to work with Ms. Haacke and the civil rules committee to help resolve the concerns. Judge Johnson also shared that GAL Mike McDonald would be a helpful resource. Ms. Haacke shared her appreciation to the Committee, and indicated she would work with Judge Johnson, Judge Jensen, GAL Jennifer Spangenberg, and GAL Mike McDonald to help revise the language in the new rule that addresses the CJC directors' concerns while demonstrating to the Supreme Court that the concerns were properly addressed.

9. **Rule 20**. **Discovery**. (Judge Johnson)

   Rule 20 is tabled until the next meeting.

10. **Discussion and Action**: **Section VI Proceedings under Utah Code section 80-6-503**; **Rule 21**; **and Rule 23**. (All)

    These matters are tabled until the next meeting.

The meeting adjourned at 1:58 p.m. The next meeting will be held on February 6, 2026, via Webex.