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

Meeting Agenda

Matthew Johnson, Chair

Location: Webex Meeting

Date: January 9, 2026

Time: 12:00 pm – 2:00 pm

Action: Welcome and approval of the December 5, 2025 meeting minutes.	Tab 1	Matthew Johnson
Discussion & Action. Rule 3. Style of pleadings and forms. • *Rule 3 was posted for public comment on November 20, 2025, and one comment was received.*	Tab 2	All
Discussion & Action. Rule 15. Preliminary inquiry; informal adjustment without petition. • *Rule 15 was posted for public comment on November 20, 2025, and one comment was received.*	Tab 3	All
Discussion & Action. Rule 20A. Discovery in non-delinquency proceedings. • *Rule 20A was posted for public comment on November 20, 2025, and one comment was received.*	Tab 4	All
Discussion & Action. Rule 22. Initial appearance and preliminary inquiry hearing in cases under Utah Code sections 80-6-503 and 80-6-504.	Tab 5	All

• *Rule 22 was posted for public comment on November 20, 2025, and there were no comments.*		
Discussion & Action: Rule 18. Summons; service of process; notice. • *Law Clerk Erika Larsen has drafted and proposes additional amendments to Rule 18 following the December 2025 discussion with this Committee.*	Tab 6	Erika Larsen Dawn Hautamaki
Discussion: Rule 16. Transfer of delinquency case and venue. • *After receiving feedback from practitioners across the state that the current procedures are not practical and create delays, a workgroup was created to amend Rule 16.* • *Judge Michael Leavitt joined the workgroup and has generously volunteered to draft proposed amendments. An update will be provided.*		All
Discussion & Action: Rule 20. Discovery. • *Judge Johnson proposes further amendments to Rule 20 to address expert notice. Three options are proposed: (1) adoption of provisions found in Utah Code section 77-17-13; (2) borrow language found in Rule 20A(h); or (3) cross reference to Utah Code section 77-17-13.*	Tab 7	Judge D. Johnson
Discussion & Action: Section VI Proceedings under Utah Code section 80-6-503. • *Committee staff propose amending the section title to "Section VI Proceedings under Title 80, Chapter 6, Part 5.* • *Specific references to statute in the titles of Rule 21 and Rule 23A are also removed.*	Tab 8	All
Discussion: New URCP 103. Child protective orders. • *The Supreme Court's Advisory Committee on the Rules of Civil Procedure seeks this Committee's feedback regarding proposed new Rule 103 addressing child protective orders in the district court. Rule 103 has been through a public comment period and received several comments from Children Justice Centers (CJC).*	Tab 9	Stacy Haacke

Discussion: Old business or new business.		All

URJP Committee Site

Meeting Schedule:

January 9, 2026

February 6, 2026

March 6, 2026

April 3, 2026

May 1, 2026

June 5, 2026

August 7, 2026

September 4, 2026

October 2, 2026 - Hybrid

November 6, 2026

December 4, 2026

TAB 1

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

Draft Meeting Minutes

Matthew Johnson, Chair

Location: Webex Meeting

Date: December 5, 2025

Time: 12:00 p.m. – 2:00 p.m.

Attendees: Matthew Johnson, Chair 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 Stephen Star Thomas Luchs	**Excused Members**: James Smith Tyler Ulrich, Recording Secretary **Guests:**
Staff: Erika Larsen, Juvenile Court Law Clerk	

Raymundo Gallardo, Administrative Office of the Courts

1. **Welcome and approval of the November 7, 2025, Meeting Minutes**. (Matthew Johnson)

Committee Chair Matthew Johnson welcomed everyone to the meeting. Chair Johnson then presented the prepared minutes from the November 7, 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. Dawn Hautamaki made a motion to approve the minutes. Michelle Jeffs seconded the motion, and it passed unanimously.

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

Chair Johnson and Vice-chair Bill Russell met with the Supreme Court on November 19, 2025 to present the proposed changes to Rule 16 that were approved by this Committee on November 7th. The Court had concern with a rule that allows the juvenile court to direct prosecutors on what to do outside of proceedings. The Court also had concern with a rule that gives prosecutors authority to do something.

In regards to the procedures in the rule that direct prosecutors in the county of residence to facilitate discovery disclosure between the prosecutor in the county of occurrence and defense counsel in the county of residence, Chair Johnson reported that he's received feedback from prosecutors in the district he practices. As prosecutors in the county of residence, those attorneys indicate they prefer to stay out of that process. Additionally, those attorneys prefer that the charged offenses be heard where they occurred, especially given the advantage of remote hearing capabilities.

Vice-chair Russell added that the Court supports the intent behind the recently approved rule, effective September 1, 2025, and the more recently proposed changes from the November 7, 2025 meeting that include more specific time periods related to discovery as well as the addition of the cross reference to Rule 16 of the Utah Rules of Criminal Procedure. The Court, however, asks that the Committee reframe the current language in Rule 16 to be more "court-facing" language.

Stephen Starr acknowledged the intent behind the rule, but reported frustration with the practicality of it. Mr. Starr argued that the former process of transferring charges after arraignment to the county of occurrence, where the evidence resides, was more efficient. Mr. Starr indicates many attorneys feel this way.

Alexa Arndt shared similar frustrations. In Ms. Arndt's experience, the current process is burdensome and adds unnecessary court hearings and more work.

Carolyn Perkins agreed with Mr. Starr's and Ms. Arndt's expressed concerns. Additionally, Ms. Perkins has found that the process creates more work as she attempts to work with out-of-county prosecutors. Ms. Perkins also prefers the former process of resolving out-of-county offenses in the county of occurrence.

After hearing from members, Judge Johnson recommended that the Committee take a broader approach than simply reframing some of the language as suggested by the Utah Supreme Court. Judge Johnson suggests that the Committee may need to overhaul the entire rule.

The Committee then reviewed the previous version of Rule 16 adopted September 1, 2021 that was replaced by the 2025 amendment. Many stakeholders expressed they would prefer returning to that former process instead of continuing with the newly adopted version of Rule 16.

On the other hand, Janette White shared the minor's perspective. In particular, Ms. White described situations for youth that are in court-ordered placements outside their county of residence for whom there is a lack of effort to communicate with the youth, guardians, and interested parties, and a lack of effort to resolve charges in the county of residence. This can be chaotic for the kids. David Fureigh reminded the Committee that the initial changes that provide for resolution of charges in the county of residence were triggered by a desire to better support minors, improve communication regarding discovery, and create in rule a consistent practice in the handling of out-of-county charges.

Judge Jensen also reminded the Committee that the Board of Juvenile Court Judges supported the version of the rule adopted September 1, 2025, because the Board believed it would help improve the former process. Judge Jensen has also received feedback from colleagues, and one particular suggestion was to include an initial offer right on the petition. Mr. Starr thinks this is a good idea, but it does not solve the problem. In order to ensure that the offer is a good offer, defense counsel would need to review discovery before reviewing the offer with their client.

Judge Jensen agreed that the currently experienced frustrations are also evident in her courtroom. There's a lack of communication between prosecutors in the county of residence and prosecutors in the county of occurrence, mainly due to prosecutors not getting appointed in the county of occurrence. The rule requires that prosecutors cooperate, but there is no cooperation.

Mr. Starr and Ms. Perkins contend that an offense should be adjudicated where the offense is committed. Ms. Jeffs also agrees that it is best to resolve petitions in the county of occurrence, where the people who know what happened reside. Ms. Jeffs adds that including an offer on the petition undermines the role of the defense

attorney, who may have a perspective and arguments that are helpful for the prosecutor to hear. Similarly, juvenile delinquency proceedings are more collaborative in nature, and an offer on the petition would undermine this approach.

Chair Johnson proposed creating a workgroup to remedy the concerns expressed regarding the current procedure in Rule 16. Vice-chair Russell agreed with the creation of a workgroup, and summarized two possible solutions: (1) the county of occurrence holds the arraignment and all subsequent hearings, but this may be unrealistic given the youth will be supervised in the county of residence; and (2) the county of residence arraigns the minor and then transfers, which was the former but inconsistent process.

Mr. Starr made a motion to table Rule 16 and to create a workgroup to further amend Rule 16. Ms. Arndt seconded the motion. The motion passed unanimously. Chair Johnson volunteered to participate. The Committee asked Erika Larsen to participate in the workgroup and research what other states are doing in this area of delinquency proceedings.

3. **Discussion and Action: New Rule 23**. **Appointment of counsel**. (Vice-chair Bill Russell)

Vice-chair Russell presented and reviewed the proposed new rule regarding the appointment of counsel in bindover cases. This rule has been drafted with the help of a workgroup, and this is the seventh iteration. Vice-chair Russell pointed to several notable changes or additions, including: numbering the rule as Rule 23, which is currently available; changing the term "transfer" to "bindover" as it is used throughout statute; the experience standards now include both adult court and juvenile court experience; the experience standards can also now include experience as both prosecution and defense attorneys; the removal of an exemption to the rule that favored defense organizations; education is required and remains at the very top of the standards list; and prior bindover experience or the ability to consult with an experienced bindover attorney is also a requirement. The Utah Indigent Defense Commission has agreed to maintain a roster of qualified attorneys.

Vice-chair Russell then shared that privately-retained counsel is also addressed by the rule in paragraph (c), albeit with some reluctance on Vice-chair Russell's part. There were members of the workgroup that suggested including an inquiry into the qualifications of private counsel. Vice-chair Russell is concerned about this because the 6th Amendment grants the right to counsel of choice. That said, Vice-chair Russell believes the trial court has the authority and the duty to ensure that counsel is competent. Additionally, paragraph (c) not only allows a court to inquire into private counsel's qualifications, but it also requires that the court make findings on the record regarding private counsel's qualifications.

Chair Johnson believes that the inquiry into private counsel's qualifications as allowed by paragraphs (c) adds a somber reminder to the youth and the family that the case is very serious; hence, competent counsel is necessary.

As a way to address privately-retained counsel, Ms. Larsen suggested drafting language into the rule that allows a court to enter findings that a youth waived their right to properly qualified counsel as outlined in the new rule instead of questioning a youth's and their family's decision to hire and proceed with an unqualified attorney. Mr. Russell believes this type of solution continues to imply that the youth and family made a poor choice in counsel.

Chair Johnson recommended presenting to the Utah Supreme Court two versions of the rule: one version that includes paragraph (c) regarding privately-retained counsel, and another without it.

Judge Jensen is aware that the court cannot tell a youth that their attorney is not qualified. Instead, the court may inquire into the attorney's understanding of all juvenile court procedures regarding bindover cases.

The Committee then had a brief discussion on appeals related to unqualified counsel. Judge Johnson is not aware of a case where there have been claims and decisions that counsel was unqualified. There may be claims of *ineffective assistance of counsel* and those are common throughout the legal system. Vice-chair Russell is also not aware of an appellate case where a finding of *ineffective assistance* has been made by any trial or appellate court.

Regarding the education requirements listed in subparagraph (a)(1), Judge Johnson has received feedback from colleagues indicating that the education requirements were quite minimal. Some think the education requirements could be more robust. Vice-chair Russell agrees that four hours of education is light, but the workgroup arrived at this amount through compromise.

Vice-chair Russell made a motion to present a version of new Rule 23 with paragraph (c) and a second version without it to the Utah Supreme Court and request a public comment period. Judge Johnson seconded the motion. The motion passed unanimously.

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

Ms. Larsen explained to the Committee that the proposed changes to Rule 18 intend to strike a balance between those things that require formal service of process and

those that are less formal and can be served via email. Ms. Larsen adds that Rule 4 and Rule 5 of the Utah Rules of Civil Procedure were analyzed in order to sort out that distinction, i.e., case initiating documents, or petitions, requiring formal service of process versus case-ongoing documents that may be served via email.

Ms. Hautamaki added that Rule 5 of the Utah Rules of Civil Procedure was amended in November 2024 to include email as a method of service. This change may have unintentionally failed to consider the juvenile court, which is now only required to obtain written consent from a party for email service of notice of further proceedings as required by Rule 18. The hope is to remove the requirement for written consent in order to align Rule 18 with Rule 5 of the civil rules. Ms. Larsen further expounded that even Rule 5 of the civil rules does not require service via email, but it allows it if an email address is provided.

Ms. White shared concern with the assumption that clients and attorneys will maintain communication. In her experience, both parents and attorneys fail to properly and timely communicate with each other, and as a result, parents don't show-up to hearings. Ms. White suggested additional requirements in the rule that ensure that parents understand that if an email address is provided for future service, the parent understands the court will send documents to their email and that the parent is expected to check their email. Ms. Larsen will work on adding clarifying this expectation in the rule, because Rule 5 of the civil rules allows service via email when the person being served has provided an email address.

Ms. Perkins agreed that the assumption that clients are in constant communication with their attorneys may not be true. Furthermore, this may not be due to bad communication, but due to a parent's current success with a reunification plan or because the attorney is not the person helping that parent at a particular point in the case. Ms. Perkins is also concerned that if parents do not receive notice, the consequences of missing a hearing can be serious.

Ms. Larsen suggested adding reference to all methods of service that are included in Rule 5 of the Utah Rules of Civil Procedure and an instruction in the rule that directs a court to identify a party's preferred method of service. Ms. Perkins and Ms. White support the idea of having the court ask and identify a parent's preferred method of service.

Judge Johnson reiterated a concern that has been shared in the past related to due process. If a hearing has been changed and the parent is not checking their email or communicating with their attorney and they miss the hearing, warrants may be issued. If the written consent to receive service by email is removed from Rule 18, Judge Johnson believes this raises due process concerns.

Ms. Larsen and Ms. White suggested adding the following language to paragraph (d), line 94, "At the initial hearing when a party appears, the court will inquire regarding the party's preferred method of notice."

Mr. Fureigh clarified that Rule 18 creates a legal process by which a party can be legally notified of a hearing, so that if a party is notified of the hearing in accordance with the rule and the party fails to appear, the other party can request the missing party be held in contempt. Mr. Fureigh also suggested more permissive language, e.g., "service may be effectuated by…", because there is concern that if a parent chooses the method of service, the court or the AG's Office may be limited to only the method of service chosen by the parent. Moreover, Mr. Fureigh questions the need for the inquiry into a party's preferred method of service because judges are already asking parties this question during proceedings.

Mr. Starr made a motion to table Rule 18. Vice-chair Russell seconded the motion, and the motion passed unanimously.

5. **Discussion and Action: Rule 20**. **Discovery**. (Judge Johnson)

Rule 20 is tabled until the next meeting.

6. **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.

7. **Discussion and Action: 2026 Meeting Schedule**. (All)

The Committee approved the 2026 meeting schedule with two minor adjustments. The January meeting will be held on the second Friday of the month, on January 9th. Mr. Starr made the motion to meet on January 9, 2026. Ms. Jeffs seconded the motion. The motion passed unanimously.

The Committee will hold a hybrid meeting in the fall. Vice-chair Russell made a motion to hold a hybrid meeting on October 2, 2026. Mr. Starr seconded the motion. The motion passed unanimously.

The meeting adjourned at 2:03 p.m. The next meeting will be held on January 9, 2026, via Webex.

TAB 2

Rule 3. Style of pleadings and forms.

(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~~must comply with ~~Utah R. Civ. P~~Rule 10 of the Utah Rules of Civil Procedure. Pleadings and other papers in cases transferred from the district court ~~shall~~must show the juvenile court case number and the district court case number.

(b) Matters filed in the court ~~shall~~must 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) In all other matters and for court-approved forms used across more than one case type: "In the matter of: _____ (case name)."

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

Effective Date:

Rule 3. Style of pleadings and forms.

(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 must comply with Rule 10 of the Utah Rules of Civil Procedure. Pleadings and other papers in cases transferred from the district court must show the juvenile court case number and the district court case number.

(b) Matters filed in the court must 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) In all other matters and for court-approved forms used across more than one case type: "In the matter of: _____ (case name)."

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

Effective Date:

UTAH COURT RULES – PUBLISHED FOR COMMENT

The Supreme Court and Judicial Council invite comments about amending these rules. To view the proposed amendment, click on the rule number.

To submit a comment or view the comments of others, click on "Continue Reading." To submit a comment, scroll down to the "Leave a Reply" section, and type your comment in the "Comment" field. Type your name and email address in the designated fields and click "Post Comment."

Comments cannot be acknowledged, but all will be considered. Comments are saved to a buffer for review before publication.

Posted: November 20, 2025

Utah Courts

Rules of Juvenile Procedure – Comment Period Closes January 5, 2026

URJP003. Style of pleadings and forms. Amend. The proposed change to Rule 3(b) permits a generic caption for court-approved forms that the Self-Help Center can provide to self-represented parties for use across multiple case types, expanding access to justice.

URJP020A. Discovery in non-delinquency proceedings. Amend. The proposed changes to Rule 20A clarify that the rule applies to discovery in non-delinquency and non-criminal proceedings in juvenile court. The changes also refine language and update cross-references throughout the rule. Specifically, paragraph (b) is revised to more closely align with Rule 26 of the Utah Rules of Civil Procedure. Paragraph (g) now incorporates the caution language from Rule 36 of the Utah Rules of Civil Procedure, with a shortened timeframe. Finally, new paragraphs (n) and (o) relocate provisions currently found in Rule 20 of the Utah Rules of Juvenile Procedure. (Changes to Rule 20 are forthcoming.)

URJP022. Initial appearance and preliminary hearing in cases under Utah Code sections 80-6-503 and 80-6-504. Amend. The proposed change to Rule 22(g) amends the preliminary hearing

To view all comments submitted during a particular comment period, click on the comment deadline date. To view all comments to an amendment, click on the rule number.

CATEGORIES

timeframes. For youth in custody, a hearing will be held no later than 14 days after the initial appearance. For youth not in custody, the preliminary hearing will be held no later than 28 days after the initial appearance. These timeframes are consistent with those in Rule 7 of the Utah Rules of Criminal Procedure.

Second Comment Period

URJP015. Preliminary inquiry; informal adjustment without petition. Amend. Rule 15 is being posted for a second public comment period. The added language to paragraph (d) is a 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 change remains part of the proposal. Additional proposed changes remove references to "parent, guardian, or custodian" from paragraphs (b), (c), (d), and (e). These revisions reflect that Utah Code section 80-6-303.5 does not require parental participation or agreement for a minor to enter a nonjudicial adjustment.

This entry was posted in URJP003, URJP015, URJP020A, URJP022.

« Code of Judicial Administration – Comment Period Closes January 12, 2026

Rules of Appellate Procedure – Comment Period Closes January 5, 2026 »

UTAH COURTS

View more posts from this author

3 thoughts on "Rules of Juvenile Procedure – Comment Period Closes January 5, 2026"

- -Rules of Appellate Procedure
- -Rules of Civil Procedure
- -Rules of Criminal Procedure
- -Rules of Evidence
- -Rules of Juvenile Procedure
- -Rules of Professional Conduct
- -Rules of Professional Practice
- -Rules of Small Claims Procedure
- ADR101
- ADR103
- Appendix A
- Appendix B
- Appendix F
- CJA 1-101
- CJA Appendix F
- CJA01-0201
- CJA01-0204
- CJA01-0205
- CJA01-0205
- CJA01-0302
- CJA01-0303
- CJA01-0304
- CJA01-0305
- CJA010-01-0404
- CJA010-1-020
- CJA014-0701
- CJA014-0704
- CJA014-0705
- CJA014-0719
- CJA02-0101
- CJA02-0102
- CJA02-0103
- CJA02-0104
- CJA02-0106.01
- CJA02-0106.02
- CJA02-0106.03
- CJA02-0106.04
- CJA02-0106.05
- CJA02-0204
- CJA02-0206
- CJA02-0208
- CJA02-0208
- CJA02-0211
- CJA02-0212
- CJA03-0101
- CJA03-0102
- CJA03-0103
- CJA03-0103
- CJA03-0104
- CJA03-0105

Jason Richards
November 21, 2025 at 6:46 am

Rule 20A(b) requires the parties to share initial disclosures "within 14-days of the answer." Most "answers" in child welfare proceedings are given orally at the first pre-trial hearing. It would be good if this rule clarified "within 14-days from the first pre-trial hearing." Some AAG's resist providing initial discovery because an answer is not formally 'filed' with the court. Therefore, I suggest the rule state that initial discovery be provided within 14-days "of the first pre-trial hearing."

Additionally Rule 20A(c), (d), and (e) should not state "after the answer is filed." As stated, most "answers" are given orally pursuant to URJP 19(a). Therefore, the discovery rules should be consistent with Rule 19(a). Stating that parties can make interrogatories or take depositions after the "answer is filed" is confusing. Either change to "after the answer is submitted" or "after the answer is made."

It would be less confusing in Rule 20A(c), (d), and (e) to just state "After the first pre-trial hearing…" in stead of "After the answer is filed…"

Also- it would be great if Rule 20A offered more clarity on the filing of pre-trial disclosures. The only pre-trial disclosure that is even required is expert notices.

Thank you

Reply

Chris Yannelli
November 25, 2025 at 3:02 pm

Parents, Guardians, and custodians are out on URJP015. I understand this because the NJ statutory scheme has abandoned parents, guardians, and custodians from being involved. I also understand that parents may not be considered trusted adults in some scenarios where and when they want their children to accept responsibility for misdeeds. There is an old adage that Bill Russell likely recalls "Mother Knows Best". Well, no mas…

I am not suggesting Bill is old, he is simply wise…

Reply

Kimberly Heywood

- CJA03-0106
- CJA03-0106
- CJA03-0107
- CJA03-0108
- CJA03-0109
- CJA03-0111
- CJA03-0111.01
- CJA03-0111.02
- CJA03-0111.03
- CJA03-0111.04
- CJA03-0111.05
- CJA03-0111.06
- CJA03-0112
- CJA03-0113
- CJA03-0114
- CJA03-0115
- CJA03-0116
- CJA03-0117
- CJA03-0201
- CJA03-0201.02
- CJA03-0202
- CJA03-0301
- CJA03-0301.01
- CJA03-0302
- CJA03-0303
- CJA03-0304
- CJA03-0304.01
- CJA03-0305
- CJA03-0306
- CJA03-0306.01
- CJA03-0306.02
- CJA03-0306.03
- CJA03-0306.04
- CJA03-0306.05
- CJA03-0401
- CJA03-0402
- CJA03-0403
- CJA03-0404
- CJA03-0406
- CJA03-0407
- CJA03-0408
- CJA03-0410
- CJA03-0411
- CJA03-0412
- CJA03-0413
- CJA03-0414
- CJA03-0415
- CJA03-0418
- CJA03-0419
- CJA03-0420
- CJA03-0421
- CJA03-0422
- CJA03-0501
- CJA03-0501
- CJA04-0101
- CJA04-0103
- CJA04-0106

November 28, 2025 at 1:51 pm

URJP003. Style of pleadings and forms. Not all minors will be under a certain age. Instead of having a blank space to type an age in please consider a check box option of under or over with an age of 18 as the listed age. Example: "State of Utah, in the interest of _____, a minor ___ under / ___ over 18 years of age."

Reply

Leave a Reply

Your email address will not be published. Required fields are marked *

Comment *

Name *

Email *

Website

POST COMMENT

- CJA04-0110
- CJA04-0201
- CJA04-0202
- CJA04-0202.01
- CJA04-0202.02
- CJA04-0202.03
- CJA04-0202.04
- CJA04-0202.05
- CJA04-0202.06
- CJA04-0202.07
- CJA04-0202.08
- CJA04-0202.09
- CJA04-0202.10
- CJA04-0202.11
- CJA04-0202.12
- CJA04-0203
- CJA04-0205
- CJA04-0206
- CJA04-0208
- CJA04-0302
- CJA04-0401
- CJA04-0401.01
- CJA04-0401.02
- CJA04-0401.03
- CJA04-0402
- CJA04-0403
- CJA04-0404
- CJA04-0405
- CJA04-0408
- CJA04-0408.01
- CJA04-0409
- CJA04-0410
- CJA04-0411
- CJA04-0501
- CJA04-0502
- CJA04-0503
- CJA04-0508
- CJA04-0509
- CJA04-0510
- CJA04-0510.01
- CJA04-0510.02
- CJA04-0510.03
- CJA04-0510.04
- CJA04-0510.05
- CJA04-0510.06
- CJA04-0601
- CJA04-0602
- CJA04-0603
- CJA04-0609
- CJA04-0610
- CJA04-0613
- CJA04-0701
- CJA04-0702
- CJA04-0704
- CJA04-0801
- CJA04-0901
- CJA04-0902

TAB 3

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

court for purposes of disposition only, following adjudication of a subsequent delinquency involving the same minor.

(f) The initial time in which to complete a nonjudicial adjustment, and any extensions thereof, are governed by Utah Code section 80-6-304.

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 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 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 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, 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 court for purposes of disposition only, following adjudication of a subsequent delinquency involving the same minor.

(f) The initial time in which to complete a nonjudicial adjustment, and any extensions thereof, are governed by Utah Code section 80-6-304.

Effective Date:

TAB 4

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 ~~Utah R. Civ. P.~~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 ~~shall~~must, without awaiting a discovery request, make reasonable efforts to provide to other parties all information and documents necessary to support the party's~~its~~ 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~~, unless~~ solely for impeachment, and a party need not identify a person whose ~~or unless the~~ identity ~~of a person~~ is protected by statute~~, identifying the subjects of the information. The party shall inform the other party of the existence of such records.~~

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

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

(e) **Production of documents and things**. After the ~~filing of the~~ answer is filed, requests for production of documents and things 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.

(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. All requests for admission must include the following caution language at the top right corner of the first page of the document, in bold type: **You must respond to these requests for admissions within 14 days or the court will consider you to have admitted the truth of the matter as set forth in these requests.** ~~Requests for admission can be served anytime following the filing of the answer.~~

(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.

(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~~30 days prior to the trial or hearing unless that time period is modified by the court. Unless an 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 from discovery**.~~Protective 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.

(j) **Supplemental~~tion 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, f~~Failure to cooperate with discovery ~~shall be~~is governed by ~~Utah R. Civ. P.~~Rule 37 of the Utah Rules of Civil Procedure.

(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.

(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.

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

(o) The court may, for good cause shown, order that the disclosure and discovery obligations in Rule 26.1 of the Utah Rules of Civil Procedure apply to non-delinquency and non-criminal proceedings.

Effective Date:

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 all information and documents 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.

(c) **Depositions upon oral questions**. After the answer is filed, 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 answer is filed, 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 answer is filed, requests for production of documents and things may be used pursuant to Rule 34 of the Utah Rules of Civil Procedure except that all responses must be served within 14 days after service of the requests.

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

(g) **Requests for admission**. After the answer is filed, requests for admission may be used pursuant to Rule 36 of the Utah Rules of Civil Procedure except that the matter 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 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. All requests for admission must include the following caution language at the top right corner of the first page of the document, in bold type: **You must respond to these requests for admissions within 14 days or the court will consider you to have admitted the truth of the matter as set forth in these requests.**

(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 must be filed at the same time.

(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 30 days prior to the trial or hearing unless that time period is modified by the court. Unless an expert report has been provided, a summary of the proposed testimony signed by the party or the party's attorney 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 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) **Supplemental 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 before trial, a party must provide to the other parties all information necessary to support its claims or defenses unless otherwise ordered by the court.

(o) The court may, for good cause shown, order that the disclosure and discovery obligations in Rule 26.1 of the Utah Rules of Civil Procedure apply to non-delinquency and non-criminal proceedings.

Effective Date:

TAB 5

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 not 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

order of dismissal. The dismissal and discharge do not preclude the state from instituting a subsequent prosecution for the same offense.

(m) At a preliminary hearing, upon request of either party, and subject to Title 77, Chapter 38, Rights of Crime Victims Act, the court may:

(1) exclude witnesses from the courtroom;

(2) require witnesses not to converse with each other until the preliminary hearing is concluded; and

(3) exclude spectators from the courtroom.

Effective Date:

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

order of dismissal. The dismissal and discharge do not preclude the state from instituting a subsequent prosecution for the same offense.

(m) At a preliminary hearing, upon request of either party, and subject to Title 77, Chapter 38, Rights of Crime Victims Act, the court may:

(1) exclude witnesses from the courtroom;

(2) require witnesses not to converse with each other until the preliminary hearing is concluded; and

(3) exclude spectators from the courtroom.

Effective Date:

TAB 6

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~~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 ~~the~~ 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 ~~in the case of the~~ fail~~s~~ure 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 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 ~~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

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.

(d) **Notice of further proceedings**.

(1) Notice of the time, date, and place of any further proceedings, after an initial appearance or service of a summons, may be given in open court ~~or~~, by mail, or by email to any party. Notice is sufficient if ~~the clerk~~it is deposited~~s the notice~~ in the United States mail, postage pre-paid, to the address provided by the party in court or the address at which the party was initially served or one provided by a party pursuant to subparagraph (d)(2), or~~,~~ if ~~sends~~ notice is sent to ~~the~~an email address provided by ~~the~~a party pursuant to subparagraph (d)(2)~~in court if the or to the email address provided pursuant to Rule 10 or Rule 76 of the Utah Rules of Civil Procedure party has agreed to accept service by email, sends notice to the email address provided by the party~~.

(2) At an ~~the~~ initial hearing when a party first appears, the court ~~will inquire regarding~~ may obtain the party's preferred method to receive ~~of~~ notice. Service should be effectuated by the method most likely to be promptly received, presumptively the party's preferred method.

(3~~2~~) Notice for any party represented by counsel must be given to counsel for the party through either mail, notice given in open court, or by email to the email address on file with the Utah State Bar.

(e) **Additional parties**. Whenever it appears to the court that a person who is not the parent, guardian, or custodian should be made subject to the jurisdiction and authority of the court in a minor's case, upon the motion of any party or the court's own motion, the court may issue a summons ordering such person to appear. Upon the appearance of such person, the court may enter an order making ~~such~~the person a party to the proceeding and may order ~~such~~the person to comply with reasonable conditions as a part

of the disposition in the minor's case. Upon the request of such person, the court will conduct a hearing upon the issue of whether ~~such~~the person should be made a party.

(f) **Service of pleadings and other papers**. Except as otherwise provided by these rules or by statute, service of pleadings and other papers not requiring a summons must be 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.

(d) **Notice of further proceedings**.

(1) Notice of the time, date, and place of any further proceedings, after an initial appearance or service of a summons, may be given in open court, by mail, or by email to any party. Notice is sufficient if it is deposited in the United States mail, postage pre-paid, to the address provided by the party in court or the address at which the party was initially served or one provided by a party pursuant to subparagraph (d)(2), or if notice is sent to an email address provided by a party pursuant to subparagraph (d)(2).

(2) At an initial hearing when a party first appears, the court may obtain the party's preferred method to receive notice. Service should be effectuated by the method most likely to be promptly received, presumptively the party's preferred method.

(3) Notice for any party represented by counsel must be given to counsel for the party through either mail, notice given in open court, or by email to the email address on file with the Utah State Bar.

(e) **Additional parties**. Whenever it appears to the court that a person who is not the parent, guardian, or custodian should be made subject to the jurisdiction and authority of the court in a minor's case, upon the motion of any party or the court's own motion, the court may issue a summons ordering such person to appear. Upon the appearance of such person, the court may enter an order making the person a party to the proceeding and may order the person to comply with reasonable conditions as a part of the disposition in the minor's case. Upon the request of such person, the court will conduct a hearing upon the issue of whether the person should be made a party.

(f) **Service of pleadings and other papers**. Except as otherwise provided by these rules or by statute, service of pleadings and other papers not requiring a summons must be made by the methods provided in Rule 5 of Utah Rules of Civil Procedure. 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.

TAB 7

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.~~

Option 1 – Borrow language from 77-17-13.

(c) **Expert testimony; notice requirements**.

(1) If the prosecution or the minor intends to call any expert to testify in a felony case at trial or any hearing, the party intending to call the expert must give notice to the opposing party as soon as practicable but not less than 30 days before trial or 10 days before the hearing. Notice must include the name and address of the expert, the expert's curriculum vitae, and one of the following:

(A) a copy of the expert's report, if one exists; or

(B) a written explanation of the expert's proposed testimony sufficient to give the party adequate notice to prepare to meet the testimony; and

(C) a notice that the expert is available to cooperatively consult with the opposing party on a reasonable notice.

(2) If an expert's anticipated testimony will be based in whole or part on the results of any tests or other specialized data, the party intending to call the witness must provide to the opposing party the information upon request.

(3) As soon as practicable after receipt of the expert's report or the information concerning the expert's proposed testimony, the party receiving notice must provide to the other party notice of witnesses whom the party anticipates calling to rebut the expert's testimony, including the information required under subparagraph (c)(1).

(4) **Failure to comply**.

(A) If the minor or the prosecution fails to substantially comply with the requirements of this section, the opposing party must, if necessary to prevent substantial prejudice, be entitled to a continuance of the trial or hearing sufficient to allow preparation to meet the testimony.

(B) If the court finds that the failure to comply with this section is the result of bad faith on the part of any party or attorney, the court will impose appropriate sanctions. The remedy of the exclusion of the expert's testimony will only apply if the court finds that a party deliberately violated the provisions of this section.

(5) This section does not apply to the use of an expert who is an employee of the state or its political subdivisions, so long at the opposing party is on reasonable notice through general discovery that the expert may be called as a witness at trial, and the witness is the made available to cooperatively consult with the opposing party upon reasonable notice.

Option 2 – Borrow language from Rule 20A(h).

(c) **Experts**.

(A) **Adjudication trials and hearings pursuant to Title 80, Chapter 6, Part 5**. Any person who has been identified as an expert whose opinions may be presented at trial or at the preliminary hearing must be disclosed by the party intending to present the witness at least 30 days prior to the trial or hearing unless modified by the court. Unless an expert report has been provided, a summary of the proposed testimony signed by the party or the party's attorney must be filed at the same time.

(B) **Motions**. 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 14 days prior to the trial or hearing unless modified by the court. If ordered by the court, a summary of the proposed testimony signed by the party or the party's attorney must be filed at the same time.

Option 3 – Refer to 77-17-13.

(c) Expert notice in adjudications of delinquency, offenses by adults against minors, and proceedings pursuant to Title 80, Chapter 6, Part 5 must adhere to the provisions of Utah Code section 77-17-13.

TAB 8

Rule 21. Warrant of arrest or summons in cases subject to bindover~~under Utah Code section 80-6-503~~.

(a) Upon the return of an indictment alleging the commission of a felony governed by Utah Code section 80-6-503, the court ~~shall~~will issue either a warrant for the arrest or a summons for the appearance of the minor.

(b) Upon the filing of an information alleging the commission of a felony governed by Utah Code section 80-6-503, if it appears from the information, or from any affidavit filed with the information, that there is probable cause to believe that an offense governed by this section has been committed and that the minor has committed it, the court ~~shall~~will issue either a warrant for the arrest or a summons for the appearance of the minor.

(c) If it appears to the court that the minor will appear on a summons and there is no substantial danger of a breach of the peace, or injury to persons or property, or danger to the community, a summons may issue in lieu of a warrant of arrest to require the appearance of the minor. A warrant of arrest may issue in cases where the minor has failed to appear in response to a summons or citation or thereafter when required by the court. If a warrant of arrest is issued, the court ~~shall~~will state on the warrant:

(1) the name of the law enforcement agency in the county or municipality with jurisdiction over the offense charged; and

(2) whether the minor is to be taken to court, a detention facility, or a correctional facility.

(d) The warrant ~~shall~~must be executed by a peace officer. The summons may be served by a peace officer or any person authorized to serve a summons in a civil action.

(1) The warrant may be executed or the summons may be served at any place within the state.

(2) The warrant ~~shall~~must be executed by the arrest of the minor. The officer need not possess the warrant at the time of the arrest, but upon request ~~shall~~must show the warrant to the minor as soon as practicable. If the officer does not possess the warrant

at the time of the arrest, the officer ~~shall~~must inform the minor of the offense charged and of the fact that the warrant has been issued. The summons ~~shall~~must be served as in civil actions, or by mailing it to the minor's last known address.

(3) The person executing a warrant or serving a summons ~~shall~~must make return thereof to the juvenile court as soon as practicable. At the request of the prosecuting attorney, any unexecuted warrant ~~shall~~must be returned to the court for cancellation.

Effective Date:

Rule 23A. Hearing on factors ~~of Utah Code section 80-6-503~~; bind-over to district court.

(a) If a criminal indictment under Utah Code section 80-6-503 alleges the commission of a felony, the court ~~shall~~will, hear evidence and consider the factors in paragraph (b).

(b) If a criminal information under Utah Code section 80-6-503 alleges the commission of a felony, after a finding of probable cause in accordance with Rule 22, the court ~~shall~~will hear evidence and consider the factors and make findings on:

(1) the seriousness of the qualifying offense and whether the protection of the community requires that the minor be detained beyond the amount of time allowed under Utah Code section 80-6-~~601~~802, or beyond the age of continuing jurisdiction that the court may exercise under Utah Code section 80-6-605;

(2) the extent to which the minor's actions in the qualifying offense were committed in an aggressive, violent, premeditated, or willful manner;

(3) the minor's mental, physical, educational, trauma, and social history;

(4) the criminal record or history of the minor; and

(5) the likelihood of the minor's rehabilitation by the use of services and facilities that are available to the juvenile court.

(c) The court may consider any written report or other materials that relate to the minor's mental, physical, educational, trauma, and social history. Upon request by the minor, the minor's parent, guardian, or other interested party, the court ~~shall~~will require the person preparing the report, or other material, to appear and be subject to direct and cross-examination.

(d) At the preliminary ~~examination~~hearing the minor may testify under oath, call witnesses, cross examine witnesses, and present evidence on the factors described in paragraph (b).

(e) If the court ~~does not~~ finds by a preponderance of the evidence that it ~~would be~~is contrary to the best interests of the minor and the ~~best interests of the~~ public ~~to bind the~~

~~minor over to the jurisdiction of the district court~~for the juvenile court to retain jurisdiction over the offense, the court ~~shall~~will enter an order directing the minor to answer the charges in district court.

(f) Upon entry of an order directing the minor to answer the charges in district court, the court ~~shall~~will comply with the requirements of Title 77, Chapter 20, Bail. By issuance of a warrant of arrest or continuance of an existing warrant, the court ~~shall~~will make an initial determination on where the minor is held until the time of trial. The court ~~shall~~will enter the appropriate written order.

(1) Once the minor is bound over to district court, a determination regarding where the minor is held ~~shall~~will be made pursuant to Utah Code section 80-6-504.

(2) The clerk of the juvenile court ~~shall~~will transmit to the clerk of the district court all pleadings in and records made of the proceedings in the juvenile court.

(3) The jurisdiction of the court ~~shall~~will terminate as provided by statute.

(g) If the court finds probable cause to believe that a felony has been committed and that the minor committed it and also finds that it would be in the best interests of the minor and the public for the juvenile court to retain jurisdiction over the offense, the court ~~shall~~will proceed upon the information as if it were a petition. The court may order the minor held in a detention center or released in accordance with Rule 9.

Effective Date:

TAB 9

Rule 103. Child protective orders.

Effective: mm/dd/yyyy

(a) **Scope.** This rule applies when a juvenile court transfers a petition for a child protective order to the district court pursuant to statute.

(b) **Definition.** As used in this rule, "child" means an individual who is under 18 years old.

(c) **Hearing.** If the juvenile court issued an ex parte child protective order before transferring the petition, the district court will hold a hearing within 21 days of that protective order's issuance.

(d) **Child's Testimony**. No party may compel a child to testify unless the court finds that extenuating circumstances exist that would necessitate the testimony of the child be heard and there is no other reasonable method to present the child's testimony. A child's testimony may be presented in one or more of the following ways:

(1) **Recorded Statements.** A child's oral statement may be recorded and, upon motion and for good cause shown, a child's recorded statement is admissible as evidence in any court proceeding regarding the child protective order if the following conditions are met:

(A) no attorney for any party is in the child's presence when the statement is recorded;

(B) the recording is visual and aural and is recorded on film or videotape or by other electronic means;

(C) the recording equipment is capable of making an accurate recording, the operator of the equipment is competent, and the recording is accurate and has not been altered;

(D) each voice in the recording is identified;

(E) the person conducting the interview of the child in the recording is present at the proceeding and is available to testify and be cross-examined by either party;

(F) the parties and the parties' attorneys are provided an opportunity to view the recording before it is shown to the court;

(G) the court views the recording and determines that it is sufficiently reliable and trustworthy and that the interest of justice will best be served by admission of the statement into evidence; and

(H) the child is available to testify and to be cross-examined at trial, either in person or as provided in paragraph (d)(2) or (d)(3), or the court determines that the child is unavailable as a witness to testify at trial under the Utah Rules of Evidence. For purposes of this paragraph, "unavailable" includes a determination, based on medical or psychological evidence or expert testimony, that the child would suffer serious emotional or mental strain if required to testify at trial.

(2) **Recorded Testimony.** The court may order that a child's testimony be taken outside the courtroom and be recorded. That testimony is admissible as evidence, for viewing in any court proceeding regarding the allegations relating to the protective order, if the provisions of this paragraph and paragraph (d)(3) are observed:

(A) the recording is both visual and aural and recorded on film or videotape or by other electronic means;

(B) the recording equipment is capable of making an accurate recording, the operator is competent, and the recording is accurate and is not altered;

(C) each voice on the recording is identified; and

(D) each party is given an opportunity to view the recording before it is shown in the courtroom.

(3) **Live Testimony.** The court may order that a child's testimony may be taken in a room other than the courtroom if the following conditions are observed:

(A) Only the judge, domestic commissioner, attorneys for each party, persons necessary to operate equipment, and a counselor or therapist whose presence contributes to the child's welfare and emotional well-being may be with the child during the testimony. The parties may also be present during the child's testimony unless a party consents to be hidden from the child's view, or the court determines that the child will suffer serious emotional or mental strain if required to testify in the party's presence, or that the child's testimony will be unreliable if required to testify in the party's presence. If the court makes that determination, or if the party consents:

(i) the party may not be present during the child's testimony;

(ii) the court will ensure that the child cannot hear or see the party;

(iii) the court will advise the child prior to testifying that the party is present at the trial and may listen to the child's testimony;

(iv) the party must be permitted to observe and hear the child's testimony, and the court will ensure that the party has a means of two-way telephonic communication with counsel during the child's testimony;

(v) normal court procedures must be approximated as nearly as possible;

(B) Only the judge, domestic commissioner, and attorneys may question the child unless the court otherwise orders; and

(C) As much as possible, persons operating equipment must be confined to an adjacent room or behind a screen or mirror so the child cannot see or hear them.

(4) **Combining recorded and live testimony prohibited.** If the court orders that the testimony of a child be taken under paragraph (d)(2), the child may not be required to testify in court at any proceeding where the recorded testimony is used.

UTAH COURT RULES – PUBLISHED FOR COMMENT

The Supreme Court and Judicial Council invite comments about amending these rules. To view the proposed amendment, click on the rule number.

To submit a comment or view the comments of others, click on "Continue Reading." To submit a comment, scroll down to the "Leave a Reply" section, and type your comment in the "Comment" field. Type your name and email address in the designated fields and click "Post Comment."

Comments cannot be acknowledged, but all will be considered. Comments are saved to a buffer for review before publication.

Posted: September 3, 2025

Utah Courts

Rules of Civil Procedure – Comment Period Closed October 20, 2025

URCP005. Service and filing of pleadings and other papers.
AMEND. The proposed amendments to this rule are primarily to address when service is required on parties in default, to clarify when a party in default must be served. There is also a new subparagraph (a)(2)(D) after review of the Standards of Professionalism and Civility, particularly Standard 16, and Utah Supreme Court case, *Arbogast Family Trust ex rel. Arbogast v. River Crossings, LLC*, 2010 UT 40. There is also a proposed amendment to (b)(3)(C) regarding a mailing address.

URCP042. Consolidation; separate trials; venue transfer.
AMEND. The proposed amendments to this rule clarify the filings to be made in each action and by the parties when there are requests to consolidate cases. This includes clarification on motions to intervene, notices, orders, the assigned judge, and the use of a single case number. There is also new proposed language regarding severance of matters, and reassignment of cases where the cases to be consolidated may not be of the same case type.

To view all comments submitted during a particular comment period, click on the comment deadline date. To view all comments to an amendment, click on the rule number.

CATEGORIES

URCP103. Child protective orders. NEW. This new proposed rule will apply when child protective order cases are transferred from the juvenile court to the district court under Utah Code section 78A-6-104(5). This rule covers procedures for live child testimony, recorded statements, and recorded testimony, and follows generally the substance of Utah Rules of Juvenile Procedure Rule 37A.

This entry was posted in **Uncategorized**, **URCP005**, **URCP042**.

« Rules of Appellate Procedure – Comment Period Closes November 10, 2025

Mandatory Continuing Legal Education Rule Changes – Comment Period Closed October 20, 2025 »

UTAH COURTS

View more posts from this author

11 thoughts on "Rules of Civil Procedure – Comment Period Closed October 20, 2025"

Clancey Henderson
September 3, 2025 at 1:43 pm

Proposed Rule change 5(a)(2)(D) ("if represented by an attorney, with notice to the attorney, even if that attorney has not formally appeared in the action.") needs to make clear that service is required only when an attorney's representation of the party in default is known to the serving attorney. See Standards of Professionalism and Civility, ¶ 16 ("whose identity is known"); Arbogast Fam. Tr. v. River Crossings, LLC, 2010 UT 40, ¶ 41, 238 P.3d 1035 (emphasizing "known parties").

Jeremy Shorts

- -Rules of Appellate Procedure
- -Rules of Civil Procedure
- -Rules of Criminal Procedure
- -Rules of Evidence
- -Rules of Juvenile Procedure
- -Rules of Professional Conduct
- -Rules of Professional Practice
- -Rules of Small Claims Procedure
- ADR101
- ADR103
- Appendix A
- Appendix B
- Appendix F
- CJA 1-101
- CJA Appendix F
- CJA01-0201
- CJA01-0204
- CJA01-0205
- CJA01-0205
- CJA01-0302
- CJA01-0303
- CJA01-0304
- CJA01-0305
- CJA010-01-0404
- CJA010-1-020
- CJA014-0701
- CJA014-0704
- CJA014-0705
- CJA014-0719
- CJA02-0101
- CJA02-0102
- CJA02-0103
- CJA02-0104
- CJA02-0106.01
- CJA02-0106.02
- CJA02-0106.03
- CJA02-0106.04
- CJA02-0106.05
- CJA02-0204
- CJA02-0206
- CJA02-0208
- CJA02-0208
- CJA02-0211
- CJA02-0212
- CJA03-0101
- CJA03-0102
- CJA03-0103
- CJA03-0103
- CJA03-0104
- CJA03-0105

September 25, 2025 at 11:30 am

Proposed Rule 5(a)(2)(c) would require Rule 4 service for a motion to augment:

Rule 76 already requires parties to maintain updated contact information in a lawsuit. In certain cases (at least those involving unlawful detainer), this change would conflict with Utah Code 78B-6-811(6)(a) and (b). Is there any exception if the Motion to Augment occurs within a short period of time (i.e. within 180 days under 78B-6-811(5)(b))?Requiring a second round of Rule 4 service would also increase work load on the courts because motions for alternate service would increase under Rule 4(d)(5)(A).

As an alternate option, would it be possible to effectuate Rule 5 service via at least two separate methods (emailing a second copy on top ofmailing, or mailing to two potential addresses, etc.)?

See also: Bodell Constr. Co. v. Robbins, 2014 UT App 203, ¶ 13, 334 P.3d 1004, 1009-1010 (2014 Utah Ct. App.) stating:

…we note that the Utah Rules of Civil Procedure mandate that personal service of process occur only once, at the beginning of a case. Utah R. Civ. P. 4(d)(1). Once a defendant appears before the court, it is that defendant's responsibility to maintain contact with the court. Id. R. 76 ("An attorney and unrepresented party must promptly notify the court in writing of any change in that person's address, e-mail address, phone number or fax number."); Volostnykh v. Duncan, 2001 UT App 26, para. 4 (per curiam) (recognizing the parties' duties to inform the court of any address changes and to "keep themselves apprised of ongoing court proceedings"). We agree with the district court that Robbins's attempt to excuse his lack of diligence with his reliance on an adverse party for notice "plac[es] on Bodell and its counsel a duty not recognized in Utah law."

Heather Williams-Young

October 14, 2025 at 9:58 am

Proposed Rule 103

I appreciate that the proposed rule change reflects a thoughtful effort to address the real and lasting trauma that testifying in court can have on children. Prioritizing trauma-informed practices in civil proceedings, especially those involving child protective orders, is an important step forward. However, I have significant concerns regarding the potential unintended consequences of this rule, particularly for the Children's Justice Centers (CJCs) across the state and our multidisciplinary team (MDT) partners.

- CJA03-0106
- CJA03-0106
- CJA03-0107
- CJA03-0108
- CJA03-0109
- CJA03-0111
- CJA03-0111.01
- CJA03-0111.02
- CJA03-0111.03
- CJA03-0111.04
- CJA03-0111.05
- CJA03-0111.06
- CJA03-0112
- CJA03-0113
- CJA03-0114
- CJA03-0115
- CJA03-0116
- CJA03-0117
- CJA03-0201
- CJA03-0201.02
- CJA03-0202
- CJA03-0301
- CJA03-0301.01
- CJA03-0302
- CJA03-0303
- CJA03-0304
- CJA03-0304.01
- CJA03-0305
- CJA03-0306
- CJA03-0306.01
- CJA03-0306.02
- CJA03-0306.03
- CJA03-0306.04
- CJA03-0306.05
- CJA03-0401
- CJA03-0402
- CJA03-0403
- CJA03-0404
- CJA03-0406
- CJA03-0407
- CJA03-0408
- CJA03-0410
- CJA03-0411
- CJA03-0412
- CJA03-0413
- CJA03-0414
- CJA03-0415
- CJA03-0418
- CJA03-0419
- CJA03-0420
- CJA03-0421
- CJA03-0422
- CJA03-0501
- CJA03-0501
- CJA04-0101
- CJA04-0103
- CJA04-0106

One major concern involves the potential impact on forensic interview (FI) services provided by CJCs. If the rule change results in an increased demand for forensic interviews, or leads to more subpoenas for FI staff to testify, this could stretch our already limited resources. Forensic interviewers may be pulled away from their primary role of service provision at the CJC to attend civil court proceedings. In many cases, CJCs may need to hire additional interviewers to meet demand—without any corresponding increase in funding. Additionally, there is a risk that forensic interviews could be submitted as evidence in civil proceedings while parallel criminal investigations or prosecutions are still ongoing, potentially compromising those criminal cases.

An equally pressing concern lies in how the rule might be interpreted regarding who is permitted to conduct interviews with children. If the rule is read to allow individuals who are not trained forensic interviewers—such as attorneys, custody evaluators, or even parents—to conduct and record interviews with children for submission in court, this could have serious consequences. Interviews conducted without adherence to evidence-based, trauma-informed protocols risk re-traumatizing children, introducing suggestibility, and jeopardizing the integrity of ongoing criminal investigations. The proposed rule lacks clear guidance on the scope, qualifications, and standards for such interviews, which leaves room for practices that may ultimately harm the very children the rule aims to protect.

While I strongly support efforts to make civil court proceedings more trauma-informed for children, I respectfully urge that this proposed rule change be returned to the committee for further consideration. It is essential that all relevant stakeholders—including CJCs, MDT partners, prosecutors, victim advocates, and child welfare professionals—are included in these discussions to ensure a comprehensive understanding of the broader implications.

Thank you for your commitment to protecting children and for considering this feedback.

Julie Knaphus
October 20, 2025 at 3:10 pm

I also would like to see this proposed rule change be returned to the committee for further consideration.

Tracey Tabet, Utah CJC Program
October 15, 2025 at 12:22 pm

- CJA04-0110
- CJA04-0201
- CJA04-0202
- CJA04-0202.01
- CJA04-0202.02
- CJA04-0202.03
- CJA04-0202.04
- CJA04-0202.05
- CJA04-0202.06
- CJA04-0202.07
- CJA04-0202.08
- CJA04-0202.09
- CJA04-0202.10
- CJA04-0202.11
- CJA04-0202.12
- CJA04-0203
- CJA04-0205
- CJA04-0206
- CJA04-0208
- CJA04-0302
- CJA04-0401
- CJA04-0401.01
- CJA04-0401.02
- CJA04-0401.03
- CJA04-0402
- CJA04-0403
- CJA04-0404
- CJA04-0405
- CJA04-0408
- CJA04-0408.01
- CJA04-0409
- CJA04-0410
- CJA04-0411
- CJA04-0501
- CJA04-0502
- CJA04-0503
- CJA04-0508
- CJA04-0509
- CJA04-0510
- CJA04-0510.01
- CJA04-0510.02
- CJA04-0510.03
- CJA04-0510.04
- CJA04-0510.05
- CJA04-0510.06
- CJA04-0601
- CJA04-0602
- CJA04-0603
- CJA04-0609
- CJA04-0610
- CJA04-0613
- CJA04-0701
- CJA04-0702
- CJA04-0704
- CJA04-0801
- CJA04-0901
- CJA04-0902

At the State Advisory Board on Children's Justice meeting held on October 10, 2025, concerns were raised regarding the proposed Civil Procedure Rule 103 Child Protective Orders. Given these concerns, the Children's Justice Center/CJC Program requests that the proposed rule be returned to the Civil Rule Committee so that these concerns may be addressed.
The overarching concern is that the rule will have unintended negative consequences for children. First, the proposed civil rule does not require that the interviewer in subsection (1) Recorded Statements, or in subsection (2) Recorded Testimony be a trained forensic interviewer. In criminal investigations of sexual and physical abuse of children, trained forensic interviewers interview the child regarding the abuse. There are no such protections in the proposed rule for civil protective orders. The concern is even more acute under subsection (2) Recorded Testimony, where attorneys are permitted to question the child outside the protections of judicial watch or the neutral environment of a professional forensic interview. This could result in a deposition of the child by divorce attorneys that is not trauma-informed and would not provide reliable information.
In addition to the training or identity of the interviewer, there were concerns on the scope of the interview. There is nothing in either subsection Recorded Statements or Recorded Testimony that would limit the scope of the interview. Within the context of divorce actions, untrained interviewers with no limits provided by the civil rule could go far afield, resulting in interviews that are not trauma-informed and that provide unreliable information. Further, neither subsection would prevent an interviewer from asking questions drafted by one party's attorney, and could interfere with criminal and neglect investigations.
In addition to the above concerns regarding interviews conducted for the purpose of a child protective order, there are concerns about the use of existing Children Justice Center (CJC) or Department of Child and Family Services (DCFS) interviews conducted as part of criminal and neglect investigations. Under the proposed rule, targets of investigations could receive a copy of the child's CJC or DCFS interview as part of their divorce action discovery before police have completed their investigation. This could result in the target obstructing the investigation, destroying evidence, and increased danger of harm to the child.
Utah law acknowledges the importance of protecting the child and their recorded interviews in the Victim's Bill of Rights. Utah Code § 77-37-4 (5)(a) states
Child victims have the right, once an investigation has been initiated by law enforcement or the Division of Child and Family Services, to keep confidential their interviews that are conducted at a Children's Justice Center, including video and audio recordings, and transcripts of those recordings. Except as provided in Subsection (6), recordings and transcripts of interviews may not be distributed, released, or displayed to anyone without a court order.
This proposed rule could be used to obtain a court order to provide a CJC or DCFS recorded interview to the target parent as part of a protective order hearing.
Finally, a concern was raised was that the proposed rule adds

- CJA04-0903
- CJA04-0904
- CJA04-0905
- CJA04-0906
- CJA04-0907
- CJA05-0101
- CJA05-201
- CJA06-0101
- CJA06-0102
- CJA06-0104
- CJA06-0301
- CJA06-0303
- CJA06-0304
- CJA06-0401
- CJA06-0402
- CJA06-0501
- CJA06-0503
- CJA06-0504
- CJA06-0505
- CJA06-0506
- CJA06-0506
- CJA06-0507
- CJA06-0601
- CJA07-0101
- CJA07-0102
- CJA07-0301
- CJA07-0302
- CJA07-0302
- CJA07-0303
- CJA07-0304
- CJA07-0307
- CJA07-0308
- CJA09-0101
- CJA09-0103
- CJA09-0105
- CJA09-0107
- CJA09-0108
- CJA09-0109
- CJA09-0301
- CJA09-0302
- CJA09-109
- CJA10-1-203
- CJA10-1-602
- CJA11-0101
- CJA11-0102
- CJA11-0103
- CJA11-0104
- CJA11-0105
- CJA11-0106
- CJA11-0107
- CJA11-0201
- CJA11-0202
- CJA11-0203
- CJA11-0301
- CJA11-0302
- CJA11-0303
- CJA11-0401

another witness to the Court process not formerly required under criminal or juvenile court rules. The proposed rule requires an additional foundational showing that the recording equipment is "capable of making an accurate recording, the operator of the equipment is competent and the recording is accurate and has not been altered". Unlike Utah Rule of Criminal Procedure 15.5, which permits the interviewer to testify that the recording is accurate and not altered, the civil rule will require testimony or perhaps an affidavit from the person who pressed "play" on the recording device. If the interview is conducted at a Children's Justice Center, this requirement could increase the resource drain from the center because two employees would be waiting to testify in the civil child protection order process rather than one.
For the reasons discussed above, the Children's Justice Center/CJC Program respectfully requests that proposed Civil Rule 103 return to its committee so that these issues may be addressed.

Julie Knaphus
October 20, 2025 at 3:09 pm

I agree with this comment.

Karen Oldroyd, Director, Sevier County Children's Justice Center
October 15, 2025 at 3:00 pm

Formal Comment – Proposed Rule 103

I appreciate the thoughtful intent behind the proposed rule, particularly its aim to mitigate the
emotional trauma children experience when participating in court proceedings. The
commitment to trauma-informed practices in civil matters, especially those involving child
protective orders, represents meaningful progress toward more child-centered judicial
processes. However, I have significant concerns regarding the potential unintended
consequences this rule may have for Children's Justice Centers (CJCs) statewide and for the
multidisciplinary team (MDT) professionals who collaborate to ensure the safety and
well-being of children. Impact on Forensic Interview Services
If the proposed rule results in an increased demand for forensic interviews (FIs), or leads to
additional subpoenas requiring FI staff to testify in court, it could place an undue burden on
CJC resources. Forensic interviewers may be diverted from their primary duties at the CJC,

- CJA11-0501
- CJA11-0503
- CJA11-0510
- CJA11-0511
- CJA11-0513
- CJA11-0520
- CJA11-0521
- CJA11-0591
- CJA14-0515
- CJA14-0721
- CJA_Appx_F
- CJA_Appx_I
- CJA_Appx_J
- CJC Terminology
- CJC01
- CJC02
- CJC02.11
- CJC02.12
- CJC02.3
- CJC03
- CJC03.7
- CJC04
- CJC04.1
- CJC05
- CJCApplicability
- CR1008
- CR1101
- CR430
- CR432
- Fourth District Local Rule 10-1-407
- LPP1.00
- LPP1.01
- LPP1.010
- LPP1.011
- LPP1.012
- LPP1.013
- LPP1.014
- LPP1.015
- LPP1.016
- LPP1.017
- LPP1.018
- LPP1.02
- LPP1.03
- LPP1.04
- LPP1.05
- LPP1.06
- LPP1.07
- LPP1.08
- LPP1.09
- LPP15-0701
- LPP15-0702
- LPP15-0703
- LPP15-0704
- LPP15-0705
- LPP15-0706
- LPP15-0707

limiting service availability and delaying response times for other children in need. To meet increased demands, centers may be forced to hire additional interviewers without a corresponding increase in funding. ***Moreover, there is substantial concern that forensic interviews could be introduced as evidence in civil proceedings while related criminal investigations or prosecutions are still ongoing. Doing so risks compromising active criminal cases and the integrity of the investigative process. In addition, if individuals involved in civil proceedings—such as a parent or party to the case—are permitted to view a forensic interview while a related criminal matter remains pending, this may have unintended procedural consequences. Specifically, such individuals could be classified as witnesses in the criminal case, thereby rendering them ineligible to be present in the courtroom as support persons for their child during trial. This outcome would not only diminish the child's access to emotional support but also run counter to the trauma-informed intent of the proposed rule.***

Concerns Regarding Interview Protocol and Qualifications– There is also ambiguity in the proposed rule regarding who may conduct interviews with children. If the rule is interpreted to allow individuals who are not trained forensic interviewers—such as attorneys, custody evaluators, or parents—to conduct or record interviews for court submission, this poses significant risks. Interviews conducted outside of established, evidence-based, trauma-informed protocols may inadvertently re-traumatize children, introduce suggestibility, and jeopardize ongoing investigations. Recommendation

While I support the overarching goal of making civil court processes more trauma-informed for children, I respectfully urge that this proposed rule be remanded to the committee for further consideration. It is critical that all relevant stakeholders—including CJCs, MDT partners, prosecutors, victim advocates, and child welfare professionals—be consulted to ensure a full understanding of the potential legal and practical implications. Thank you for your continued commitment to child protection and for your consideration of this feedback.

Kristy Pike, Director, Washington County CJC
October 20, 2025 at 2:17 pm

- LPP15-0708
- LPP15-0709
- LPP15-0710
- LPP15-0711
- LPP15-0712
- LPP15-0713
- LPP15-0715
- LPP15-0716
- LPP15-0717
- LPP15-0718
- LPP15-0719
- LPP15-0720
- LPP15.01001
- LPP15.01101
- LPP15.01102
- LPP15.01103
- LPP15.01104
- LPP15.01105
- LPP15.01106
- LPP15.01107
- LPP15.01108
- LPP15.01109
- LPP15.01110
- LPP15.01111
- LPP15.01112
- LPP15.01113
- LPP15.01114
- LPP15.01115
- LPP15.01116
- LPP15.01117
- LPP15.01118
- LPP15.01119
- LPP15.01120
- LPP15.0301
- LPP15.0501
- LPP15.0502
- LPP15.0503
- LPP15.0505
- LPP15.0506
- LPP15.0508
- LPP15.0509
- LPP15.0510
- LPP15.0511
- LPP15.0512
- LPP15.0513
- LPP15.0514
- LPP15.0515
- LPP15.0516
- LPP15.0517
- LPP15.0518
- LPP15.0519
- LPP15.0520
- LPP15.0522
- LPP15.0523
- LPP15.0525
- LPP15.0526
- LPP15.0527

Thank you for your work on including children's voices in child protective orders. This has long been an area of concern for caregivers and the professionals tasked with keeping children safe. There are no easy answers; while to a lay person Rule 103 as proposed may sound reasonable, there are numerous issues with it that are alarming to those who work in this realm. I respectfully suggest that a group of those professionals, including but not limited to a Children's Justice Center Forensic Interviewer, a criminal prosecutor, a GAL, a CJC MDT specialist, a mental health professional trained in treating childhood trauma, a representative from Child Protective Services, a representative from the Attorney General's office, an attorney specializing in family law, and, perhaps most importantly, an individual with lived experience be convened to work through standardized ways of including children's input in CPO and high-conflict custody situations. Guiding principles of any solutions should:
• Put the well-being of the child first
• Be trauma informed
• Minimize the number of times a child is interviewed
• Ensure the integrity of a child's interview/testimony
• Not overburden current systems
• Not undermine criminal investigations/prosecutions
While the solution will doubtless be nuanced and require considerable good-faith efforts on the part of numerous experts, I am confident that in a state that values children, we can come to a reasonable conclusion.

Nik Hulet, Director, Iron County CJC
October 20, 2025 at 3:39 pm

I echo the concerns of other CJC Directors in regard to URCP103. While I understand and appreciate the intent of the Rule to protect children from having to testify in another court proceeding by mirroring existing rules, the rule, as it is written, creates more, potentially damaging concerns. Should URCP103 move forward without further consideration, the timing of the hearings affected by this rule may have an adverse effect on ongoing investigations, create undue burden on Forensic Interviewers requiring more time away from interviews to testify in cases, place an undue burden on children who might be asked questions outside the scope of the testimony, open the possibility for untrained interviewers to interrogate children, and create an undue burden requiring other CJC staff to testify regarding their involvement in recordings. I believe my colleagues have articulated clearly, and specifically the concerns listed above in detail. I add this to their statements in requesting that this Rule be returned to committee to address these concerns.

- LPP15.0528
- LPP15.0529
- LPP15.0530
- LPP15.0531
- LPP15.0532
- LPP15.0533
- LPP15.0601
- LPP15.0602
- LPP15.0603
- LPP15.0604
- LPP15.0605
- LPP15.0606
- LPP15.0607
- LPP15.0901
- LPP15.0901
- LPP15.0902
- LPP15.0903
- LPP15.0904
- LPP15.0904
- LPP15.0905
- LPP15.0906
- LPP15.0908
- LPP15.0909
- LPP15.0910
- LPP15.0911
- LPP15.0912
- LPP15.0913
- LPP15.0914
- LPP15.0915
- LPP15.0916
- LPP2.01
- LPP2.03
- LPP3.01
- LPP3.03
- LPP3.04
- LPP3.05
- LPP4.01
- LPP4.02
- LPP4.03
- LPP5.01
- LPP5.02
- LPP5.03
- LPP5.04
- LPP5.05
- LPP5.06
- LPP6.01
- LPP6.03
- LPP6.04
- LPP6.05
- LPP7.01
- LPP7.02
- LPP7.03
- LPP7.04
- LPP7.05
- LPP8.01
- LPP8.02
- LPP8.03

Robert Nieman San Juan CJC
October 20, 2025 at 3:56 pm

My comments pertain to the proposed rule change for the Civil Procedure Rule 103, and understand and appreciate the intent for its construction, However, this proposal is lacking critical information, which could create unintentional consequences and likely additional harm to a child when a case falls within this rule. There are three points to this proposal that are concerning The first point is the option to have a child interviewed by an untrained interviewer. Having a child interviewed by an untrained and uniformed of trauma-informed techniques could cause additional harm to a child. Having an interview conducted without appropriate forensic training leads to unreliability, and possibly one sided testimony. An untrained interviewer who is not trauma-informed, can easily lead to revictimization, victim blaming and coercion concerns. Untrained interviews typically guide a child to say what a child believes the interviewer would like to hear. As the courts require authentic, truthful, and reliable information, this proposal is lacking structure and clarification in how that may be accomplished.
The second point is the requirement is having the forensic interviewer (FI) testify but also have the person who oversaw, started or was in charge of the recording be present for the hearing. This creates a financial obligation that would burden the local CJC, not just by one person, but two. There must be better ways to verify this information without requiring the FI and the record button pusher to be present which would require taking those employees away from their assigned job duties.
The third concern surrounds the use of Children's Justice Center's (CJC) recorded forensic interviews. This could affect the overall purpose of the interview and the investigative process. As these interviews are protected information, the role of the investigative team is to complete the investigation prior to this information being shared. The use of these interviews prior to an investigation being complete, could jeopardize an investigation, allowing for evidence to become accessible to those being investigated. This process could allow the loss of evidence and jeopardizing a criminal case. This is one more way it could increase the possibility of harm and revictimization of the child.
These concerns highlight the issues as our CJC staff, forensic interviews, law enforcement, DCFS and others work to help protect and work to begin the healing process for children. Along with others who have commented, I also respectfully urge that the proposed rule be returned to the committee. Also, I respectfully recommend that all essential stakeholders be included in these discussions to help fully support the safety, healing and support the children of our state. I propose inviting those who would support further discussion, including the Children's Justice Center and MDT partners or investigative teams, prosecutors, victim advocates and DCFS. Please let me know if you have questions.

Thank you for the work you do and for taking the time to review my comments.

Eric K. Johnson
October 20, 2025 at 4:15 pm

This rule appears to be one of those solutions to a problem that does not exist.

One problems with the comments critical of child testimony in protective order matters is that they presume the child is abused and then assert that presumption as the reason to be so careful in questioning a trial that the child ends up never being questioned, out of an abundance of caution. This presumption of abuse is causing many innocent parents and children to be harmed unduly. The idea that we go soft on investigating and getting to the bottom of factual disputes for the sake of protecting children does far more harm than good.

The current draft of rule 103 is drafted in such a way that a court could site and construe it to justify or reject questioning a child witness.

One good thing about the discussion around this new proposed rule. 103, however, is that at least the courts are finally moving off. Off this idea that child testimony is anathema.

Family courts are far too differential to the mental health profession, which is already a highly subjective, soft, and frequently pseudoscientific field. New idea that competent judges and attorneys cannot question a child without a therapist standing by is embarrassing.

Making it harder to get reliable evidence from child witnesses, particularly when the children are the most recipient witnesses and have the greatest stake in the outcome of the action, is the antithesis of acting in the best interest of the child.