



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

## Meeting Minutes

*Matthew Johnson, Chair*

Location: Webex Meeting

Date: February 6, 2026

Time: 12:00 p.m. – 2:00 p.m.

<p><b><u>Attendees:</u></b> Matthew Johnson, Chair William Russell, Vice-Chair Adrianna Davis Alan Sevison, Emeritus Member Alexa Arndt Carolyn Perkins David Fureigh, Emeritus Member James Smith Janette White Judge David Johnson Judge Debra Jensen Michelle Jeffs Stephen Starr</p>	<p><b><u>Excused Members:</u></b> Dawn Hautamaki Elizabeth Ferrin Thomas Luchs Tyler Ulrich, Recording Secretary</p>
<p><b><u>Staff:</u></b> Erika Larsen, Juvenile Court Law Clerk Raymundo Gallardo, Administrative Office of the Courts</p>	<p><b><u>Guests:</u></b></p>

**1. Welcome and approval of the January 9, 2026, Meeting Minutes.** (Matthew Johnson)

Committee Chair Matthew Johnson called the meeting to order and welcomed everyone to the meeting. The Chair presented the minutes from the January 9, 2026, meeting for review. Member Alexa Arndt noted a correction regarding her attendance status in the previous minutes; she was listed as both “in attendance” and “excused,” and clarified she should be listed solely as excused. Michelle Jeffs made a motion to approve the January 9, 2026, minutes with the noted correction regarding Ms. Arndt’s attendance. Stephen Starr seconded the motion. The motion passed unanimously.

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

The Committee addressed the title of Section VI of the Utah Rules of Juvenile Procedure and proposed amendments to Rules 21 and 23A. Mr. Gallardo presented a proposal to amend the title of Section VI from “Proceedings under Utah Code section 80-6-503” to “Proceedings under Title 80, Chapter 6, Part 5.” Members Stephen Starr, Alexa Arndt, and Vice-Chair William Russell advocated for retaining the current title. Mr. Starr and Ms. Arndt noted that “80-6-503” allows for faster reference during legal practice. Mr. Russell clarified that while Part 5 contains multiple sections, the rules in question specifically pertain to the transfer proceedings under Utah Code section 80-6-503. The Committee reached a consensus to retain the current section title without amendment. The same decision was reached regarding Rule 21.

The Committee did make amendments to Rule 23A. Vice-Chair Russell pointed out that the factors listed in Rule 23A are derived from Utah Code section 80-6-504, not 503, and the title should reflect this accuracy. Additionally, in subparagraph (b)(1), line 9, the Committee agreed the correct statutory reference is 80-6-802 regarding secure care commitments.

A robust discussion ensued regarding the spelling of “bindover.” While dictionaries suggest “bind over” (verb) and “bind-over” (noun), Erika Larsen noted that the Supreme Court style guide and law clerks utilize the single word “bindover” as a noun. Judge Johnson supported the use of “bindover,” citing past Supreme Court decision, *State v. Clark* (2001). The Committee agreed to use the single-word spelling for consistency.

The Committee then reviewed the phrasing in paragraph (e) regarding the “best interest of the minor and the public.” Despite acknowledgments that the statutory language is convoluted and contains double negatives, the Committee determined that the rule must mirror the statute exactly to avoid legal ambiguity.

Mr. Starr made a motion to present Rule 23A to the Supreme Court for public comment, incorporating the corrections to the title (referencing Section 504), the “bindover” spelling, and the statutory language in paragraph (e). Ms. Arndt seconded the motion. The motion passed unanimously.

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

Judge David Johnson introduced the discussion on Rule 20, specifically regarding notice of expert witnesses in delinquency proceedings, noting the current lack of a governing rule.

Judge Johnson presented three drafting options: (1) adopting provisions from Utah Code section 77-17-13 (criminal procedure); (2) borrowing language from Rule 20A; or (3) cross-referencing Utah Code section 77-17-13. The Committee gravitated toward Option 1, a pared-down version of the criminal statute.

A significant policy discussion arose regarding the scope of the rule. The criminal statute (77-17-13) applies only to felonies. However, members Adrianna Davis, Janette White, and Vice-Chair Russell argued that due process suggests expert notice should also apply to misdemeanor delinquency cases, given the complexity of juvenile dispositions. The Committee tabled the matter for 30 days. Ms. Larsen will research the legislative history or intent behind why Utah Code section 77-17-13 is limited to felonies to inform whether the juvenile rule should expand that scope.

### **4. Discussion and Action: New Rule 23. Appointment of Counsel. (All)**

Chair Johnson reported on a recent conference with the Supreme Court Justices regarding the proposed rule for appointment of counsel. Chair Johnson conveyed that the Supreme Court was “emphatic” that the rule is not currently warranted, viewing it as a “solution in search of a problem.”

Vice-Chair Russell detailed the Court’s concern that restricting private counsel qualifications could infringe upon the Sixth Amendment right to counsel of choice. Ms. Arndt and Vice-Chair Russell argued that in juvenile proceedings, the minors do not choose their counsel; their parents do. Therefore, additional protections regarding counsel qualifications are necessary to protect the minor’s interests.

The Committee expressed a desire to continue refining the rule. It was noted that the draft must clarify it applies to aggravated felonies found under Utah Code section 80-6-503, not “any felony” as currently written in the Supreme Court’s proposed edits. Vice-Chair Russell will redraft the rule, incorporating Justice Pohlman’s suggestions and clarifying the scope to serious felonies, to be presented at a future meeting. The matter was tabled.

**5. Rule 18. Summons; service of process; notice. (All)**

The Committee resumed discussion on paragraph (d) of Rule 18 regarding notice of future hearings. Two drafts were reviewed: one by Emeritus Member David Fureigh and one by Ms. Larsen. The discussion centered on balancing court efficiency with the realities of indigent populations. Mr. Fureigh advocated for a rule requiring unrepresented parties to provide a stable email or mailing address to ensure accountability. He argued that without a mechanism to prove legal notice for rescheduled hearings, courts cannot issue warrants or hold parties accountable for failure to appear.

Carolyn Perkins raised concerns that mandatory contact information requirements (like email) ignore the reality of parents who may be homeless, incarcerated, or lack stable access. Judge Johnson raised a similar concern that serving notice of a hearing change solely to an attorney might not satisfy due process requirements for issuing a “failure to appear” warrant. He argued that if a party does not have *actual* notice of a hearing change (even if their attorney does), it is legally problematic for the court to issue a warrant or hold that party in contempt for non-attendance.

Jim Smith warned this could lead to “reasonable efforts” arguments by defense in Termination of Parental Rights (TPR) proceedings if notice is contested under this rule. Ms. Larsen suggested a hybrid approach where notice is sufficient if provided via a “preferred method” identified by the party in open court. Judge Johnson reminded the Committee that the original impetus for the Rule 18 amendment was the proposal to eliminate the requirement for a party to affirmatively acknowledge service by email. In this way, Rule 18 would mirror the civil rules. Due to the complexity of the debate and the loss of a quorum as members departed, Chair Johnson tabled the discussion.

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

Due to the expiration of the meeting time, this item was not discussed.

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

Chair Johnson thanked the members for the robust discussion. The meeting adjourned at approximately 2:03 p.m.