



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

Meeting Agenda

Matthew Johnson, Chair

Location: Webex Meeting
Date: March 6, 2026
Time: 12:00 pm – 2:00 pm

Action: Welcome and approval of the February 6, 2026 meeting minutes.	Tab 1	Matthew Johnson
Discussion & Action: Rule 20 . Discovery. <ul style="list-style-type: none"><i>The Committee has made three substantive amendments Rule 20: (1) limiting the rule to delinquency and criminal proceedings; (2) adopting Rule 14 of the Utah Rules of Criminal Procedure in paragraph (b); and (3) providing for expert testimony.</i><i>The Committee will now discuss if the provisions regarding expert testimony should also include misdemeanor cases. The Committee asked Juvenile Court Law Clerk Erika Larsen to research the matter.</i>	Tab 2	All
Discussion: Rule 16 . Transfer of delinquency case and venue. <ul style="list-style-type: none"><i>The Committee will resume discussion on proposed amendments to Rule 16.</i><i>Enclosed are two different proposals.</i>	Tab 3	All
Discussion & Action: New Rule 23. Appointment of counsel.	Tab 4	Bill Russell

<ul style="list-style-type: none"> • <i>After receiving the Utah Supreme Court's feedback and subsequent Committee feedback, Mr. Russell has reviewed and incorporated the Supreme Court's edits. The draft is now presented to this Committee for further consideration.</i> 		
<p>Discussion & Action: Rule 18. Summons; service of process; notice.</p> <ul style="list-style-type: none"> • <i>The Committee will again take-up discussion on proposed amendments to paragraph (d).</i> • <i>Enclosed are two different proposals.</i> 	Tab 5	All
<p>Discussion & Action: Proposal to add a Chief Probation Officer to the Committee's membership.</p> <ul style="list-style-type: none"> • <i>Deputy Juvenile Court Administrator Zerina Ocanovic proposes adding a Chief Probation Officer to the Committee's membership.</i> 	Tab 6	Zerina Ocanovic
<p>Discussion: Old business or new business.</p>		All

[URJP Committee Site](#)

Meeting Schedule:

March 6, 2026

September 4, 2026

April 3, 2026

October 2, 2026 - Hybrid

May 1, 2026

November 6, 2026

June 5, 2026

December 4, 2026

August 7, 2026

TAB 1



1
2
3 **Utah Supreme Court's**
4 **Advisory Committee on the Rules of Juvenile Procedure**

5 **Draft Meeting Minutes**

6
7 *Matthew Johnson, Chair*

8
9 Location: Webex Meeting

10
11 Date: February 6, 2026

12
13 Time: 12:00 p.m. – 2:00 p.m.

14
Attendees:

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

Excused Members:

Dawn Hautamaki
Elizabeth Ferrin
Thomas Luchs
Tyler Ulrich, Recording Secretary

Guests:

Staff:

Erika Larsen, Juvenile Court Law Clerk
Raymundo Gallardo, Administrative Office of the Courts

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

17
18 Committee Chair Matthew Johnson called the meeting to order and welcomed
19 everyone to the meeting. The Chair presented the minutes from the January 9, 2026,
20 meeting for review. Member Alexa Arndt noted a correction regarding her
21 attendance status in the previous minutes; she was listed as both “in attendance” and
22 “excused,” and clarified she should be listed solely as excused. Michelle Jeffs made a
23 motion to approve the January 9, 2026, minutes with the noted correction regarding
24 Ms. Arndt’s attendance. Stephen Starr seconded the motion. The motion passed
25 unanimously.

26
27 **2. Discussion & Action: Section VI Proceedings under Utah Code section 80-6-503;**
28 **Rule 21; and Rule 23A.** (All)

29
30 The Committee addressed the title of Section VI of the Utah Rules of Juvenile
31 Procedure and proposed amendments to Rules 21 and 23A. Mr. Gallardo presented a
32 proposal to amend the title of Section VI from “Proceedings under Utah Code section
33 80-6-503” to “Proceedings under Title 80, Chapter 6, Part 5.” Members Stephen Starr,
34 Alexa Arndt, and Vice-Chair William Russell advocated for retaining the current title.
35 Mr. Starr and Ms. Arndt noted that “80-6-503” allows for faster reference during legal
36 practice. Mr. Russell clarified that while Part 5 contains multiple sections, the rules in
37 question specifically pertain to the transfer proceedings under Utah Code section 80-
38 6-503. The Committee reached a consensus to retain the current section title without
39 amendment. The same decision was reached regarding Rule 21.

40
41 The Committee did make amendments to Rule 23A. Vice-Chair Russell pointed out
42 that the factors listed in Rule 23A are derived from Utah Code section 80-6-504, not
43 503, and the title should reflect this accuracy. Additionally, in subparagraph (b)(1),
44 line 9, the Committee agreed the correct statutory reference is 80-6-802 regarding
45 secure care commitments.

46
47 A robust discussion ensued regarding the spelling of “bindover.” While dictionaries
48 suggest “bind over” (verb) and “bind-over” (noun), Erika Larsen noted that the
49 Supreme Court style guide and law clerks utilize the single word “bindover” as a
50 noun. Judge Johnson supported the use of “bindover,” citing past Supreme Court
51 decision, *State v. Clark* (2001). The Committee agreed to use the single-word spelling
52 for consistency.

53
54 The Committee then reviewed the phrasing in paragraph (e) regarding the “best
55 interest of the minor and the public.” Despite acknowledgments that the statutory
56 language is convoluted and contains double negatives, the Committee determined
57 that the rule must mirror the statute exactly to avoid legal ambiguity.

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

63
64 **3. Discussion and Action: Rule 20. Discovery. (Judge Johnson)**

65
66 Judge David Johnson introduced the discussion on Rule 20, specifically regarding
67 notice of expert witnesses in delinquency proceedings, noting the current lack of a
68 governing rule.

69
70 Judge Johnson presented three drafting options: (1) adopting provisions from Utah
71 Code section 77-17-13 (criminal procedure); (2) borrowing language from Rule 20A;
72 or (3) cross-referencing Utah Code section 77-17-13. The Committee gravitated toward
73 Option 1, a pared-down version of the criminal statute.

74
75 A significant policy discussion arose regarding the scope of the rule. The criminal
76 statute (77-17-13) applies only to felonies. However, members Adrianna Davis, Janette
77 White, and Vice-Chair Russell argued that due process suggests expert notice should
78 also apply to misdemeanor delinquency cases, given the complexity of juvenile
79 dispositions. The Committee tabled the matter for 30 days. Ms. Larsen will research
80 the legislative history or intent behind why Utah Code section 77-17-13 is limited to
81 felonies to inform whether the juvenile rule should expand that scope.

82
83 **4. Discussion and Action: New Rule 23. Appointment of Counsel. (All)**

84
85 Chair Johnson reported on a recent conference with the Supreme Court Justices
86 regarding the proposed rule for appointment of counsel. Chair Johnson conveyed
87 that the Supreme Court was “emphatic” that the rule is not currently warranted,
88 viewing it as a “solution in search of a problem.”

89
90 Vice-Chair Russell detailed the Court’s concern that restricting private counsel
91 qualifications could infringe upon the Sixth Amendment right to counsel of choice.
92 Ms. Arndt and Vice-Chair Russell argued that in juvenile proceedings, the minors
93 do not choose their counsel; their parents do. Therefore, additional protections
94 regarding counsel qualifications are necessary to protect the minor’s interests.

95
96 The Committee expressed a desire to continue refining the rule. It was noted that the
97 draft must clarify it applies to aggravated felonies found under Utah Code section
98 80-6-503, not “any felony” as currently written in the Supreme Court’s proposed
99 edits. Vice-Chair Russell will redraft the rule, incorporating Justice Pohlman’s
100 suggestions and clarifying the scope to serious felonies, to be presented at a future
101 meeting. The matter was tabled.

102 **5. Rule 18. Summons; service of process; notice. (All)**
103

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

112
113 Carolyn Perkins raised concerns that mandatory contact information requirements
114 (like email) ignore the reality of parents who may be homeless, incarcerated, or lack
115 stable access. Judge Johnson raised a similar concern that serving notice of a hearing
116 change solely to an attorney might not satisfy due process requirements for issuing a
117 “failure to appear” warrant. He argued that if a party does not have *actual* notice of a
118 hearing change (even if their attorney does), it is legally problematic for the court to
119 issue a warrant or hold that party in contempt for non-attendance.

120
121 Jim Smith warned this could lead to “reasonable efforts” arguments by defense in
122 Termination of Parental Rights (TPR) proceedings if notice is contested under this
123 rule. Ms. Larsen suggested a hybrid approach where notice is sufficient if provided
124 via a “preferred method” identified by the party in open court. Judge Johnson
125 reminded the Committee that the original impetus for the Rule 18 amendment was
126 the proposal to eliminate the requirement for a party to affirmatively acknowledge
127 service by email. In this way, Rule 18 would mirror the civil rules. Due to the
128 complexity of the debate and the loss of a quorum as members departed, Chair
129 Johnson tabled the discussion.

130
131 **6. Discussion and Action: Rule 16. Transfer of delinquency case and venue. (All)**
132

133 Due to the expiration of the meeting time, this item was not discussed.
134

135 Rule 16 will be discussed at the March 6, 2026 meeting.
136

137
138 Chair Johnson thanked the members for the robust discussion. The meeting adjourned
139 at approximately 2:03 p.m.

TAB 2

1 **Rule 20. Discovery ~~generally~~ and subpoenas in delinquency and criminal proceedings.**

2 (a) Discovery involving adjudications of delinquency, offenses by adults against minors,
3 and proceedings brought pursuant to Title 80, Chapter 6, Part 5, ~~Transfer to District Court~~
4 ~~shall~~ must be conducted in accordance with Rule 16 of the Utah Rules of Criminal
5 Procedure, except where limited by these rules, the Code of Judicial Administration, or
6 the Utah Juvenile Code.

7 (b) Subpoenas used in adjudications of delinquency, offenses by adults against minors,
8 and proceedings pursuant to Title 80, Chapter 6, Part 5 are governed by Rule 14 of the
9 Utah Rules of Criminal Procedure. ~~In substantiation cases, no later than thirty days prior~~
10 ~~to trial, parties shall provide to each other information necessary to support its claims or~~
11 ~~defenses unless otherwise ordered by the court.~~

12 ~~(c) Rule 26.1 of the Utah Rules of Civil Procedure does not apply in any juvenile~~
13 ~~proceedings unless there is a showing of good cause and it is ordered by the court.~~

14 ~~(d) In all other cases, discovery shall be conducted pursuant to these rules unless~~
15 ~~modified by a showing of good cause and by order of the court.~~

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

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

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

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

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

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

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

34 **(4) Failure to comply.**

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

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

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

48 *Effective date:*

1 **Rule 20. Discovery and subpoenas in delinquency and criminal proceedings.**

2 (a) Discovery involving adjudications of delinquency, offenses by adults against minors,
3 and proceedings brought pursuant to Title 80, Chapter 6, Part 5 must be conducted in
4 accordance with [Rule 16](#) of the Utah Rules of Criminal Procedure, except where limited
5 by these rules, the Code of Judicial Administration, or the Utah Juvenile Code.

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26 expert's testimony, including the information required under subparagraph (c)(1).

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29 requirements of this section, the opposing party must, if necessary to prevent
30 substantial prejudice, be entitled to a continuance of the trial or hearing sufficient
31 to allow preparation to meet the testimony.

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33 faith on the part of any party or attorney, the court will impose appropriate
34 sanctions. The remedy of the exclusion of the expert's testimony will only apply if
35 the court finds that a party deliberately violated the provisions of this section.

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

41 *Effective date:*

TAB 3

1 **Rule 16. ~~Transfer of delinquency case and v~~Venue for delinquency cases.**

2 (a) ~~Transfer of delinquency case~~Venue for preliminary inquiry and nonjudicial
3 adjustment.

4 (1) A preliminary inquiry and any nonjudicial adjustment must be conducted and
5 facilitated by a probation officer in the minor's county of residence.

6 (2) When a minor resides in a county other than the county where the alleged
7 delinquency occurred and the minor initially qualifies for a nonjudicial adjustment
8 pursuant to statute, the probation officer of the county of occurrence must transfer the
9 referral to the minor's county of residence for a preliminary inquiry to be conducted
10 in accordance with Rule 15.

11 (23) If the minor or the minor's parent, guardian, or custodian cannot be located or
12 fails to appear after notice of the preliminary inquiry, or the minor declines an offer
13 for a nonjudicial adjustment, the probation officer must transfer the referral back to
14 the county of occurrence to determine whether to file a petition.

15 (b) ~~Arraignment and pretrial~~Venue for court proceedings.

16 (1) Detention hearing.

17 (A) Initial detention hearings and detention review hearings are heard by a court
18 in the minor's county of residence in accordance with Rule 9, including cases
19 where the minor is being held in a detention facility that is outside of the minor's
20 county of residence so long as the court can hear the matter remotely. If a remote
21 hearing is not possible, a court in the county where the minor is being held must
22 hold the detention hearing.

23 (B) Where a petition is filed in the county where the alleged delinquency occurred,
24 the court in the county of occurrence may hold a detention review hearing if held
25 in conjunction with an arraignment or other pretrial hearing after consultation
26 with the court in the minor's county of residence.

27 (2) Upon the filing of a petition, the arraignment and all other hearings prior to and
28 including adjudication~~initial pretrial conference~~ will be held in the ~~minor's~~ county of
29 ~~residence~~occurrence. If the petition is ~~resolved~~adjudicated, the matter will be
30 transferred to the~~without a trial, venue will remain in the~~ minor's county of residence
31 for disposition and further handling.

32 ~~(2) Prosecutors and defense counsel in both the county of occurrence and the county~~
33 ~~of residence must cooperate with each other both to provide discovery to defense~~
34 ~~counsel and to assist in the resolution or litigation of each case.~~

35 ~~(3) The prosecutor in the minor's county of residence has the authority to resolve any~~
36 ~~out-of-county charge after consultation with the prosecutor in the county or counties~~
37 ~~where the alleged offenses occurred.~~

38 ~~(4) A prosecutor attempting to resolve a petition must respect the rights of any alleged~~
39 ~~victim in the county or counties of occurrence.~~

40 ~~(c) Transfer of venue.~~

41 ~~(1) Once the court in the county of residence determines that the matter cannot be~~
42 ~~resolved, venue will be transferred to the county of occurrence for trial proceedings~~
43 ~~and scheduling.~~

44 ~~(2) Any motion related to the admission, exclusion, or suppression of evidence at trial~~
45 ~~will be filed in and ruled upon by the trial court.~~

46 (3) Motions for inquiry into competency ~~may be~~are raised in and ruled upon by the
47 court where the matter is pending~~in either court~~. ~~The court in the county of residence~~
48 ~~and~~†The court in the county of occurrence ~~will~~may determine that it is in the minor's
49 best interest for the court in the minor's county of residence to determine competency
50 and may transfer the case to the county of residence for competency proceedings. If a
51 minor is determined to not be competent but competency may be attained, the matter
52 will be transferred to the court in the minor's county of residence for attainment
53 proceedings and, if competency is attained, transferred back to the county of

54 occurrence for adjudication ~~communicate and consult regarding the motion. The~~
55 ~~objective of that communication is to consider the appropriate venue for a~~
56 ~~competency ruling and attainment proceedings.~~

57 ~~(4) If the petition is adjudicated, the case will be transferred back to the court in the~~
58 ~~minor's county of residence for disposition and continuing jurisdiction.~~

59 ~~(d)~~ **Notice to and proceedings in the receiving court.** With each transfer, the
60 transferring court will provide notice to the receiving court of any petition or adjudication
61 subject to transfer. The receiving court will proceed with the case as though the petition
62 was filed or the adjudication was made in the receiving court.

63 ~~(e)~~ **Dismissal of petition.** The dismissal of a petition in one district where the dismissal
64 is without prejudice and where there has been no adjudication upon the merits does not
65 preclude refiling within the same district or another district where venue is proper.

66 *Effective Date:*

1 **Rule 16. Transfer of delinquency case and venue.**

2 (a) **Transfer of delinquency case for preliminary inquiry.**

3 (1) When a minor resides in a county other than the county where the alleged
4 delinquency occurred and the minor initially qualifies for a nonjudicial adjustment
5 pursuant to statute, the probation officer of the county of occurrence must transfer the
6 referral to the minor's county of residence for a preliminary inquiry to be conducted
7 in accordance with [Rule 15](#).

8 (2) If the minor or the minor's parent, guardian, or custodian cannot be located or fails
9 to appear after notice of the preliminary inquiry, or the minor declines an offer for a
10 nonjudicial adjustment, the probation officer must transfer the referral back to the
11 county of occurrence to determine whether to file a petition.

12 (b) **Arraignment and pretrial proceedings.**

13 (1) Upon the filing of a petition, the arraignment and initial pretrial conference will be
14 held in the minor's county of residence. If the petition is resolved without a trial,
15 venue will remain in the minor's county of residence.

16 (2) ~~A P~~prosecutors in the minor's county of residence must work with the prosecutor
17 and law enforcement agency in the county of occurrence to obtain and ~~defense~~
18 ~~counsel in both the county of occurrence and the county of residence must cooperate~~
19 ~~with each other both to~~ provide discovery to defense counsel in the minor's county
20 of residence. ~~and to assist in the resolution or litigation of each case.~~ Discovery must
21 be provided to defense counsel in the minor's county of residence within the time
22 periods set forth in Rule 16 of the Utah Rules of Criminal Procedure. After discovery
23 is provided to defense counsel, the prosecutor in the minor's county of residence and
24 the prosecutor in the county of occurrence must consult to try to resolve the petition
25 in the minor's county of residence.

26 ***Alternate (b)(2)***:

27 (2) Upon request by defense counsel in the minor's county of residence, the prosecutor
28 in the county of occurrence must provide discovery to both the prosecutor and
29 defense counsel in the minor's county of residence within the time periods set forth
30 in Rule 16 of the Utah Rules of Criminal Procedure. Any motions related to discovery
31 must be served on the prosecutor in the county of occurrence but must be heard and
32 decided by the court in the minor's county of residence.

33 (3) Before the court in the minor's county of residence accepts an admission or plea of
34 no contest to resolve an out-of-county petition, the court will make a finding that ~~the~~
35 prosecutor in the minor's county of residence has ~~the authority to resolve any out-of-~~
36 ~~county charge after consultation~~ with ~~the~~ prosecutor in the county ~~or counties~~ of
37 occurrence or that reasonable efforts have been made to communicate with that
38 prosecutor ~~where the alleged offenses occurred.~~ If no communication results within a
39 reasonable time, the court in the minor's county of residence may approve and enter
40 a resolution of the petition after a statement on the record of all attempts to contact a
41 prosecutor in the county of occurrence including dates, methods of contact, and any
42 responses received.

43 (4) A prosecutor attempting to resolve a petition must respect the rights of any alleged
44 victim in the county or counties of occurrence.

45 (c) **Transfer of venue.**

46 (1) Once the court in the minor's county of residence determines that the matter
47 cannot be resolved, venue will be transferred to the county of occurrence for trial
48 proceedings and scheduling.

49 (2) Any motion related to the admission, exclusion, or suppression of evidence at trial
50 will be filed in and ruled upon by the trial court.

51 (3) Motions for inquiry into competency may be raised and ruled upon in either court.
52 The court in the minor's county of residence and the court in the county of occurrence
53 will communicate and consult regarding the motion. The objective of that

54 communication is to consider the appropriate venue for a competency ruling and
55 attainment proceedings.

56 (4) If the petition is adjudicated, the case will be transferred back to the court in the
57 minor's county of residence for disposition and continuing jurisdiction.

58 (d) **Notice to and proceedings in the receiving court.** With each transfer, the transferring
59 court will provide notice to the receiving court of any petition or adjudication subject to
60 transfer. The receiving court will proceed with the case as though the petition was filed
61 or the adjudication was made in the receiving court.

62 (e) **Dismissal of petition.** The dismissal of a petition in one district where the dismissal
63 is without prejudice and where there has been no adjudication upon the merits does not
64 preclude refiling within the same district or another district where venue is proper.

65 *Effective Date:*

TAB 4

1 **Rule 23A. Appointment of counsel.**

2 (a) **Qualification of defense counsel in cases ~~subject to bindover~~ where a minor may**
 3 **be bound over to district court.** In all cases in which counsel is appointed to represent
 4 a minor who is charged ~~by information filed in the juvenile court under Utah Code~~
 5 ~~section 80-6-503~~ **with a felony,** the court will appoint one or more attorneys to
 6 represent the minor and will make a finding on the record that the appointed defense
 7 counsel is competent under this rule to litigate the preliminary hearing. To be found
 8 competent under this rule ~~to represent a minor charged in such a case,~~ the ~~experience~~
 9 ~~of the~~ appointed attorney(s) must meet the following requirements:

10 (1) within the last five years, at least one of the appointed attorneys must have
 11 completed or taught at least four hours of approved continuing legal education
 12 ~~which dealt~~ **dealing,** in substantial part, with the representation of ~~youth~~ **minors** in
 13 such proceedings and ~~including the~~ principles of adolescent brain development;

14 (2) ~~within the last five years,~~ at least one of the appointed attorneys must have
 15 appeared as counsel and tried to a judgment after trial, or to a ruling after an
 16 evidentiary hearing ~~(s),~~ at least four juvenile or adult prosecutions ~~in the past five~~
 17 ~~years,~~ with at least one of the four cases as defense counsel ~~or defense co-counsel;~~
 18 ~~or, have appeared as counsel and tried to judgment after trial, or to ruling after~~
 19 ~~evidentiary hearing,~~ **within the last 10 years, at least one of the appointed**
 20 **attorneys must have appeared as counsel and tried to a judgment after trial, or to**
 21 **a ruling after an evidentiary hearing,** at least eight juvenile or adult prosecutions
 22 ~~in the past 10 years,~~ with at least two of the eight cases as defense counsel ~~or~~
 23 ~~defense co-counsel;~~

24 (3) at least one of the appointed attorneys must have appeared as defense counsel
 25 ~~or defense co-counsel~~ before ~~the~~ a juvenile court in a preliminary hearing where
 26 the minor ~~wa~~ is subject to a bindover to district court, on both the probable cause
 27 phase and the retention or ~~/~~ transfer phases of the preliminary hearing. ~~In the~~
 28 ~~event that~~ If no attorney with this qualification is available for ~~such~~ appointment,

Commented [MF1]: I changed this heading to match the statutory language used in Utah Code 806-6-504.

Commented [JP2]: This is odd given that not each must meet the requirements. What if we said here, "To be found competent under this rule, the appointed attorneys, either individually or in combination, must meet the following requirements:?"

Commented [MF3]: We moved this clause to match the structure of the preceding paragraph

Commented [JP4]: Maybe this is important, but it seems to me that all defense co-counsel are defense counsel. So I don't know that we need this.

29 one of the appointed attorneys must consult with an attorney on a roster of
30 attorneys maintained by the Utah Indigent Defense Commission who has ~~with~~
31 ~~such that~~ qualification ~~on a roster of such attorneys maintained by the Utah~~
32 ~~Indigent Defense Commission~~; and

33 (4) at least one of the appointed attorneys must have at least two total years of
34 ~~aggregate~~ experience in ~~the active practice of~~ juvenile defense.

35 (b) Factors to consider when appointing counsel ~~considerations in~~
36 ~~preliminary hearings where the minor is subject to bindover~~. In making its
37 selection ~~of~~ attorneys ~~for to~~ appointment under this rule, ~~in a specific transfer case,~~
38 the juvenile court will also consider the following factors:

39 (1) whether the attorneys ~~under consideration for appointment under this rule~~ are
40 members in good standing with the Utah State Bar;

41 (2) whether the attorneys ~~under consideration for appointment under this rule~~
42 have ever been the subject of a disciplinary proceeding and if so, when the
43 proceedings took place, ~~and~~ for what reason, ~~and the outcome~~;

44 (3) whether one or more of the attorneys ~~under consideration~~ have previously
45 appeared as defense counsel ~~or defense co-counsel~~ in a bindover case in juvenile
46 court in the past five years;

47 (4) the extent to which the attorneys ~~under consideration~~ have sufficient time and
48 support and can dedicate those resources to the representation of the minor ~~in the~~
49 ~~bindover case now pending before the court~~ with undivided loyalty to the minor;

50 (5) the extent to which the attorneys ~~under consideration have~~ are familiarity with
51 the selection, engagement, and incorporation of both social work professionals
52 and other experts necessary to formulate and execute a comprehensive and
53 adequate case plan for the retention phase of the preliminary hearing;

54 (6) the extent to which the attorneys ~~under consideration~~ have ~~engaged in the~~
55 actively practiced ~~of~~ juvenile defense in the past two years;

Commented [MF5]: When this comes back to the court: does this list already exist, or is this a new task for the commission to complete? Maybe discuss I any updated memo.

Commented [JP6]: Not sure what that means and how the court would assess it.

Commented [MF7]: This was flagged with a comment—it's not quite clear what is meant by this clause, namely "is a higher standard than the duties owed under the professional conduct rules?" See what you think.

56 (7) the diligence, competency, total workload, and ability of the attorneys ~~being~~
57 ~~considered~~; and

58 (8) any other factor which may be relevant to a determination that counsel for
59 appointment will fairly, efficiently, and effectively provide representation to the
60 minor.

61 (c) **Appeals of bindover orders.** In all cases where a minor is bound over to the district
62 court, if appellate review of the bindover order is sought, the court will appoint one
63 or more attorneys to represent the minor ~~on such appeal who are currently on from~~
64 the Appellate Roster under [Rule 11-401](#) of the Utah Code of Judicial Administration,
65 [unless private counsel is retained](#).

66 *Effective Date:*

1 **Rule 23. Appointment of counsel.**

2 (a) **Qualification of defense counsel in cases where a minor may be bound over to**
3 **the district court.** In all cases where counsel is appointed to represent a minor who is
4 charged by information under Utah Code section 80-6-503, the court will appoint one
5 or more attorneys to represent the minor and will make a finding on the record that
6 the appointed defense counsel is competent under this rule to litigate the preliminary
7 hearing. To be found competent under this rule, the appointed attorneys, either
8 individually or in combination, must meet the following requirements:

9 (1) within the last five years, at least one of the appointed attorneys must have
10 completed or taught at least four hours of approved continuing legal education
11 dealing, in substantial part, with the representation of minors in such proceedings
12 and the principles of adolescent brain development;

13 (2) within the last five years, at least one of the appointed attorneys must have
14 appeared as counsel and tried to a judgment after trial, or to a ruling after an
15 evidentiary hearing, at least four juvenile or adult prosecutions, with at least one
16 of the four cases as defense counsel; or, within the last 10 years, at least one of the
17 appointed attorneys must have appeared as counsel and tried to a judgment after
18 trial, or to a ruling after an evidentiary hearing, at least eight juvenile or adult
19 prosecutions, with at least two of the eight cases as defense counsel;

20 (3) at least one of the appointed attorneys must have appeared as defense counsel
21 before a juvenile court in a preliminary hearing where the minor was subject to a
22 bindover to the district court, on both the probable cause phase and the retention
23 or transfer phase of the preliminary hearing. If no attorney with this qualification
24 is available for appointment, one of the appointed attorneys must consult with an
25 attorney on a roster of attorneys maintained by the Utah Indigent Defense
26 Commission who has that qualification; and

27 (4) at least one of the appointed attorneys must have at least two total years of
28 experience in juvenile defense.

29 (b) **Factors to consider when appointing counsel.** In selecting attorneys to appoint
30 under this rule, the juvenile court will also consider the following factors:

31 (1) whether the attorneys are members in good standing with the Utah State Bar;

32 (2) whether the attorneys have ever been the subject of a disciplinary proceeding
33 and if so, when the proceedings took place, for what reason, and the outcome;

34 (3) whether one or more of the attorneys have previously appeared as defense
35 counsel in a bindover case in juvenile court the past five years;

36 (4) the extent to which the attorneys have sufficient time and administrative
37 support and can dedicate those resources to the representation of the minor;

38 (5) the extent to which the attorneys are familiar with the selection, engagement,
39 and incorporation of both social work professionals and other experts necessary
40 to formulate and execute a comprehensive and adequate case plan for the retention
41 phase of the preliminary hearing;

42 (6) the extent to which the attorneys have actively practiced juvenile defense in the
43 past two years;

44 (7) the diligence, competency, total workload, and ability of the attorneys; and

45 (8) any other factor which may be relevant to a determination that counsel for
46 appointment will fairly, efficiently, and effectively provide representation to the
47 minor.

48 (c) **Appeals of bindover orders.** In all cases where a minor is bound over to the district
49 court, if appellate review of the bindover order is sought, the court will appoint one
50 or more attorneys to represent the minor from the Appellate Roster maintained under
51 [Rule 11-401](#) of the Utah Code of Judicial Administration, unless private counsel is
52 retained.

TAB 5

1 **Rule 18. Summons; service of process; notice.**

2 (a) **Summons.** Upon the filing of a petition, the clerk, unless otherwise directed by the
3 court, will schedule an initial hearing in the case.

4 (1) A ~~S~~summons may be issued by the petitioning attorney. If the petitioning attorney
5 does not issue a summons, a summons will be issued by the clerk in accordance with
6 Utah Code section 78A-6-351. The summons must conform to the format prescribed
7 by these rules.

8 (2) **Content of ~~the~~ summons.**

9 (A) **Abuse, neglect, and dependency cases.** The summons must contain the name
10 and address of the court;~~;~~ the title of the proceeding;~~;~~ the type of hearing
11 scheduled;~~;~~ and the date, place,~~,~~ and time of the hearing scheduled pursuant to
12 subparagraph (a). It must state the time within which the respondent is required
13 to answer the petition, and must notify the respondent that judgment by default
14 may be rendered against the respondent if the respondent~~in the case of the failure~~
15 to timely do so, ~~judgment by default may be rendered against the respondent~~. It
16 must contain an abbreviated reference to the substance of the petition. It must
17 include the bilingual notice set forth in the juvenile form summons approved by
18 the Utah Judicial Council.

19 (B) **Termination of parental rights cases.** The summons must contain the name
20 and address of the court;~~;~~ the title of the proceeding;~~;~~ the type of hearing
21 scheduled;~~;~~ and the date, place,~~,~~ and time of the hearing. It must state the time
22 within which the respondent is required to answer the petition. It must contain an
23 abbreviated reference to the substance of the petition. It must include the bilingual
24 notice set forth in the juvenile form summons approved by the Utah Judicial
25 Council.

26 (C) **Other cases.** The summons must contain the name and address of the court;~~;~~
27 the title of the proceeding;~~;~~ the type of hearing scheduled;~~;~~ and the date, place, and

28 time of the hearing. It must also contain an abbreviated reference to the substance
29 of the petition. In proceedings against an adult pursuant to Utah Code section 78A-
30 6-450, the summons must conform to [Rule 6 of](#) the Utah Rules of Criminal
31 Procedure and be issued by the prosecuting attorney.

32 (3) The summons must be directed to the person or persons who have physical care,
33 control, or custody of the minor and require them to appear and bring the minor
34 before the court. If the person so summoned is not the parent, guardian, or custodian
35 of the minor, a summons must also be issued to the parent, guardian, or custodian. If
36 the minor or person who is the subject of the petition has been emancipated by
37 marriage or is 18 years of age or older at the time the petition is filed, the summons
38 may require the appearance of the minor only, unless otherwise ordered by the court.
39 In neglect, abuse, and dependency cases, unless otherwise directed by the court, the
40 summons must not require the appearance of the subject minor.

41 (4) No summons is necessary as to any party who appears voluntarily or who files a
42 written waiver of service with the clerk prior to or upon appearance at the hearing.

43 (b) **Service.**

44 (1) Except as otherwise provided by these rules or by statute, service of process and
45 proof of service must be made by the methods provided in [Rule 4](#) of Utah Rules of
46 Civil Procedure. Service of process must be made by the sheriff of the county where
47 the service is to be made, by a deputy, by a process server, or by any other suitable
48 person appointed by the court. However, when the court so directs, an agent of the
49 Department of [Health and](#) Human Services may serve process in a case in which the
50 Department is a party. A party or party's attorney may serve another party at a court
51 hearing. The record of the proceeding will reflect the service of the document and will
52 constitute the proof of service.

53 (2) Personal service may be made upon a parent, guardian, or custodian and upon a
54 minor in that person's legal custody by delivering to a parent, guardian, or custodian

55 a copy of the summons with a copy of the petition attached. If a minor is in the legal
56 custody or guardianship of an agency or person other than a parent, service must also
57 be made by delivering to the legal custodian a copy of the summons with a copy of
58 the petition attached and notice must be given to the parent as provided in paragraph
59 (d). Service upon a minor who has attained majority by marriage as provided in Utah
60 Code ~~§~~section 15-2-1 or upon court order must be made in the manner provided in
61 [Rule 4 of](#) the Utah Rules of Civil Procedure.

62 (3) Service may be made by any form of mail requiring a signed receipt by the
63 addressee. Service is complete upon return to court of the signed receipt. Service of
64 process may be made by depositing a copy thereof in the United States mail addressed
65 to the last known address of the person to be served. Any person who appears in court
66 in response to mailed service is considered to have been legally served.

67 (4) In any proceeding wherein the parent, guardian, or custodian cannot after the
68 exercise of reasonable diligence be located for personal service, the court may proceed
69 to adjudicate the matter subject to the right of the parent, guardian, or custodian to a
70 rehearing, except that in certification proceedings brought pursuant to Title 80,
71 Chapter 6, Part 5, ~~Transfer to District Court~~ and in proceedings seeking permanent
72 termination of parental rights, the court will order service upon the parent, guardian,
73 or custodian by publication. Any rehearing must be requested by written motion.

74 (5) Service must be completed at least 48 hours prior to the adjudicatory hearing. If
75 the summons is for the permanent termination of parental rights, service must be
76 completed at least ten days before the adjudicatory hearing. If the summons is for a
77 substantiation proceeding, service must be completed at least 45 days before the
78 adjudicatory hearing.

79 (c) **Service by publication.** Service by publication must be authorized by the procedure
80 and in the form provided by ~~the~~ Utah ~~Juvenile~~ Code [section 78B-6-1206](#) and [Rule 4](#) of
81 Utah Rules of Civil Procedure except that within the caption and the body of any
82 published document, children must be identified by their initials and respective birth

83 dates, and not by their names. The parent, guardian, or custodian of each child must be
84 identified as such using their full names within the caption of any published document.

85 (d) **Notice.**

86 (1) Notice of the time, date, and place of any further proceedings, after an initial
87 appearance or service of a summons, may be given orally to the party or the party's
88 counsel in open court or by mailing or emailing a written copy to ~~any~~the party. Notice
89 is sufficient if the written notice is ~~clerk~~ deposited ~~the notice~~ in the United States mail,
90 postage pre-paid, to the address or sent to the email address provided by the party
91 pursuant to this paragraph ~~in court or the address at which the party was initially~~
92 ~~served, or, if the party has agreed to accept service by email, sends notice to the email~~
93 ~~address provided by the party.~~

94 (2) An unrepresented party must provide a current and active mailing address, email
95 address, and phone number to the court and parties either in writing or orally on the
96 record for purposes of receiving service of notices under this paragraph.

97 (3) An unrepresented party must promptly notify the court and other parties in
98 writing of any change in the person's address, email address, and phone number for
99 purposes of receiving service of notices under this paragraph.

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

103 (5) A represented party must ensure counsel has their current and active contact
104 information for purposes of receiving service of notices under this paragraph.

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

110 proceeding and may order ~~such~~the person to comply with reasonable conditions as a part
111 of the disposition in the minor's case. Upon the request of such person, the court will
112 conduct a hearing upon the issue of whether ~~such~~the person should be made a party.

113 **(f) Service of pleadings and other papers.**

114 (1) Except as otherwise provided by these rules or by statute, service of pleadings and
115 other papers not requiring a summons must be made by the methods provided in
116 Rule 5 of Utah Rules of Civil Procedure, except that service to the email address on
117 file with the Utah State Bar is sufficient service to an attorney under this rule, whether
118 or not an attorney agrees to accept service by email.

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120 address, and phone number to the court and parties in writing or orally on the record
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7 by these rules.

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12 subparagraph (a). It must state the time within which the respondent is required
13 to answer the petition, and must notify the respondent that judgment by default
14 may be rendered against the respondent if the respondent~~in the case of the failure~~
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22 within which the respondent is required to answer the petition. It must contain an
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24 notice set forth in the juvenile form summons approved by the Utah Judicial
25 Council.

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34 before the court. If the person so summoned is not the parent, guardian, or custodian
35 of the minor, a summons must also be issued to the parent, guardian, or custodian. If
36 the minor or person who is the subject of the petition has been emancipated by
37 marriage or is 18 years of age or older at the time the petition is filed, the summons
38 may require the appearance of the minor only, unless otherwise ordered by the court.
39 In neglect, abuse, and dependency cases, unless otherwise directed by the court, the
40 summons must not require the appearance of the subject minor.

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42 written waiver of service with the clerk prior to or upon appearance at the hearing.

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63 addressee. Service is complete upon return to court of the signed receipt. Service of
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65 to the last known address of the person to be served. Any person who appears in court
66 in response to mailed service is considered to have been legally served.

67 (4) In any proceeding wherein the parent, guardian, or custodian cannot after the
68 exercise of reasonable diligence be located for personal service, the court may proceed
69 to adjudicate the matter subject to the right of the parent, guardian, or custodian to a
70 rehearing, except that in certification proceedings brought pursuant to Title 80,
71 Chapter 6, Part 5, ~~Transfer to District Court~~ and in proceedings seeking permanent
72 termination of parental rights, the court will order service upon the parent, guardian,
73 or custodian by publication. Any rehearing must be requested by written motion.

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81 Utah Rules of Civil Procedure except that within the caption and the body of any
82 published document, children must be identified by their initials and respective birth

83 dates, and not by their names. The parent, guardian, or custodian of each child must be
84 identified as such using their full names within the caption of any published document.

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

86 (1) Notice to a party of the time, date, and place of any further proceedings, after an
87 initial appearance or service of a summons, ~~may be~~if given in open court ~~or,~~
88 ~~constitutes sufficient notice by mail to any party. Notice is sufficient if the clerk~~
89 ~~deposits the notice in the United States mail, postage pre-paid, to the address~~
90 ~~provided by the party in court or the address at which the party was initially served,~~
91 ~~or, if the party has agreed to accept service by email, sends notice to the email address~~
92 ~~provided by the party.~~

93 (2) In the event notice is not given in open court, notice of further proceedings may be
94 sent to any party, by mail or by email, in the method most likely to be promptly
95 received by the party. At an initial hearing when a party first appears, the court may
96 obtain the party's preferred method to receive notice outside of open court.

97 (3) Notice is sufficient if it is deposited in the United States mail, postage pre-paid,
98 to the address provided by the party in court or the address at which the party was
99 initially served or one provided by a party pursuant to subparagraph (d)(2), or if
100 notice is sent to an email address provided by a party pursuant to subparagraph
101 (d)(2).

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

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

110 proceeding and may order ~~such~~the person to comply with reasonable conditions as a part
111 of the disposition in the minor's case. Upon the request of such person, the court will
112 conduct a hearing upon the issue of whether ~~such~~the person should be made a party.

113 (f) **Service of pleadings and other papers.** Except as otherwise provided by these rules
114 or by statute, service of pleadings and other papers not requiring a summons must be
115 made by the methods provided in [Rule 5](#) of Utah Rules of Civil Procedure, ~~except that~~
116 ~~service to the email address on file with the Utah State Bar is sufficient service to an~~
117 ~~attorney under this rule, whether or not an attorney agrees to accept service by email.~~

118 ~~(g)~~ Access to the Juvenile Court's Court and Agency Records Exchange (C.A.R.E.) for
119 eFiling documents does not constitute an electronic filing account as referenced in [Rule 5](#)
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121 a party.

TAB 6



Administrative Office of the Courts

Chief Justice Matthew B. Durrant
Utah Supreme Court
Chair, Utah Judicial Council

February 20, 2026

Ronald B. Gordon, Jr.
State Court Administrator
Neira Siaperas
Deputy State Court Administrator

MEMORANDUM

TO: Members of the Advisory Committee on the Rules of Juvenile Procedure (Committee)

FROM: Zerina Ocanovic, Deputy Juvenile Court Administrator

RE: Committee's Consideration of Probation Representation

Members of the Advisory Committee on the Rules of Juvenile Procedure (Committee),

The below proposal is intended to formally request the Committee's consideration of probation representation on the Supreme Court's Advisory Committee on the Rules of Juvenile Procedure.

As the Committee is aware, URJP policies and rule changes can have significant operational and practical impacts on our probation department statewide. While a Juvenile Judge, Deputy Juvenile Court Administrator, Juvenile Law Clerk Attorney, and other Juvenile Court staff routinely support the Committee's work by responding to questions and providing feedback regarding probation as needed, there is currently no consistent probation presence during Committee discussions.

[CJA Rule 11-101](#) limits formal membership on Supreme Court committees to judges, practicing attorneys, and academicians. However, the Committee has previously determined that including a Clerk of Court as a member was beneficial, and that position was added with approval. In light of that precedent, the following options are presented for the Committee's consideration:

1. Formal Membership Option

The Committee to consider requesting Supreme Court approval to add a Chief Probation Officer as a member of the Advisory Committee, recognizing the direct and ongoing role probation plays in implementing URJP-related decisions.

2. Non-Voting Participation Option

Alternatively, if the Committee prefers not to expand formal membership, the Committee

**The mission of the Utah judiciary is to provide the people an open, fair,
efficient, and independent system for the advancement of justice under the law.**

could allow a rotating Chief Probation Officer to attend meetings as a non-voting participant. This individual would attend in a listening capacity and be available to respond to probation-related questions during discussions.

Either approach would allow the Committee to benefit from operational insight while preserving the Committee's structure and decision-making authority. Additionally, providing probation leadership an opportunity to participate in this way may enhance transparency, collaboration, and shared ownership of policy outcomes.

This request is submitted respectfully and with full recognition of the Committee's discretion in determining its composition and procedures. The intent is not to disrupt existing processes, but to explore whether increased probation involvement could add value to the Committee's work.

Thank you for your consideration of this request.

Respectfully,
Zerina Ocanovic
Deputy Juvenile Court Administrator