

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

Meeting Agenda

Matthew Johnson, Chair

Location: Webex Meeting
Date: April 3, 2026
Time: 12:00 pm – 2:00 pm

Action: Welcome and approval of the March 6, 2026 meeting minutes.	Tab 1	Matthew Johnson
Discussion: Rule 16 . Transfer of delinquency case and venue. <ul style="list-style-type: none"><i>The Committee will resume discussion on amending Rule 16. In February 2026, the Committee expressed a desire to return to a version of the 2021 rule.</i><i>Two drafts are enclosed: a draft proposed by staff and Vice-chair Bill Russell dated March 12, 2026, and a draft proposed by Judge Jensen dated March 26, 2026.</i>	Tab 2	All
Discussion & Action: Rule 7 . Warrants. <ul style="list-style-type: none"><i>Rule 7 was amended by the Committee in November 2025. A seventh factor was added to paragraph (b) to bring the rule in conformity with Utah Code section 80-6-202.</i><i>Shortly after, Rule 7 was presented to the Supreme Court for review. The Court asked that staff and the Committee consider modernizing and using plain language throughout.</i><i>Juvenile Court Law Clerk Erika Larsen has been working on the goal set by the Court. Enclosed is a draft for the Committee's consideration.</i>	Tab 3	Erika Larsen

Discussion: Old business or new business.		All
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[URJP Committee Site](#)

Meeting Schedule:

May 1, 2026

October 2, 2026 - Hybrid

June 5, 2026

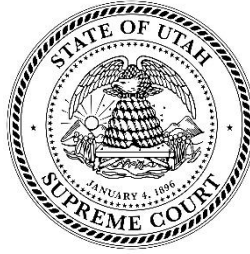
November 6, 2026

August 7, 2026

December 4, 2026

September 4, 2026

TAB 1



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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

10
11 Date: March 6, 2026

12
13 Time: 12:00 p.m. – 2:00 p.m.

14
Attendees:

William Russell, Vice Chair
Adrianna Davis
Alan Sevison, Emeritus Member
Alexa Arndt
Carolyn Perkins
David Fureigh, Emeritus Member
Dawn Hautamaki
James Smith
Janette White
Judge David Johnson
Judge Debra Jensen
Michelle Jeffs
Stephen Starr
Thomas Luchs

Excused Members:

Matthew Johnson, Chair
Elizabeth Ferrin

Guests:

Zerina Ocanovic

Staff:

Erika Larsen
Tyler Ulrich, Recording Secretary

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1. Welcome and approval of the February 6, 2026, Meeting Minutes. (William Russell)

Committee Vice-Chair William Russell welcomed everyone to the meeting and informed the Committee that Chair Matthew Johnson would be unable to attend today. Vice-Chair Russell then presented the proposed minutes from the February 6, 2026, 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. Alexa Arndt made a motion to approve the proposed minutes. Adrianna Davis seconded the motion, and it passed unanimously.

2. Discussion & Action: Rule 20. Discovery. (All)

Vice-Chair Russell reported a proposed rule regarding expert witnesses has been drafted to potentially be included in Rule 20. Erika Larsen has done extensive research regarding the history of Utah Code section 77-17-13 and shared that the statute has not really changed since its adoption, including that the language of the statute has always referred only to felonies. Ms. Larsen reported that there was a proposal to remove “felony” from the statute due to a reported instance where one party appeared with an expert witness on the day of trial in a misdemeanor case, resulting in a continuance of the trial after a jury had been called in. That proposal passed committee and the State House, but it does not appear any action was ever taken by the Senate, and the statute has remained unchanged.

Ms. Larsen further reported that other states are split on this issue, where some jurisdictions have the standards set by court orders while others are dependent on the severity of the offense. Given the current version of Utah Code section 77-17-13, there does not appear to be any notice requirement for experts in misdemeanor cases outside of court orders on a case-by-case basis.

Vice-Chair Russell invited discussion from the Committee members. David Fureigh asked that if this provision is included only in rule, if it a procedural matter rather than a substantive matter. Judge David Johnson noted that there is a requirement in the child welfare discovery rule, and he feels comfortable moving forward with adding such a requirement for delinquency matters as well.

Stephen Starr agreed and said that if there is an expert rule, it should apply to all cases to prevent any surprise expert witness called by either the prosecution or the defense. Vice-Chair Russell agreed as this would prevent any sort of disruption or delay in proceedings and noted that where discovery is already required to be exchanged, the current proposal would add only a couple of weeks extra for expert disclosures.

57 The Committee reviewed the current version of the proposal that was pulled directly
58 from Utah Code section 77-17-13, and Ms. Larsen suggested removing the word
59 “felony” in lieu of including both “felony” and “misdemeanor.” Mr. Fureigh said that
60 if the criminal statute refers only to felonies, the proposed rule should include both
61 levels of offense to make clear the intent to include both. Michelle Jeffs suggested
62 using the phrase “in any delinquency case” and Vice-Chair Russell and Mr. Fureigh
63 both concurred with her suggestion. Alan Severson suggested using the phrase
64 “delinquency matter” and to take out “case at trial” and “evidentiary hearing.” The
65 Committee also discussed whether the notice requirement should be 30 days or 10
66 days, and Judge Johnson supported a 30-day notice requirement as it would give an
67 opposing party more time to prepare. Mr. Fureigh noted that the child welfare rule
68 has a specific provision allowing a court to modify the notice requirement when
69 necessary. Ms. Davis preferred including language to allow modification by court
70 order as there are times that hearings are held on an expedited basis, making 30 days
71 impossible.

72
73 After including the suggested edits and changes, there were no further comments or
74 suggestions from the Committee. Judge Johnson made a motion to adopt the current
75 version of the rule to be presented to the Supreme Court. Ms. Davis seconded the
76 motion, and the motion passed unanimously.

77
78 **3. Discussion and Action: Rule 16. Transfer of delinquency case and venue. (All)**

79
80 The Committee revisited the suggested changes that have been proposed to Rule 16.
81 There is an existing Rule 16, but many parties have shared there have been struggles
82 with its implementation and communication among different jurisdictions. Vice-
83 Chair Russell reported that one proposed version that Judge Leavitt helped to draft
84 has been circulated and is before the Committee for consideration. Another proposal
85 has also been shared with the Committee for consideration, giving the Committee
86 three different versions of the Rule for consideration.

87
88 Judge Debra Jensen said that she has received feedback from judges in the Second
89 District and they prefer that arraignment occur in the county of occurrence, and asked
90 Dawn Hautamaki how the courts identify which county is which when there is no
91 prior history or current assigned judge. Ms. Hautamaki reported that the courts rely
92 on information contained in police reports about where a minor’s parents reside and
93 where the incident occurred to identify a home county and a county of occurrence.
94 Ms. Hautamaki shared that other issues arise when a youth is in a treatment center,
95 but the parents reside out of state and noted that the current rules do not address
96 where those matters should be handled. Raymundo Gallardo stated that probation
97 staff can also help determine county of residency when contacting youth and their
98 parents.

100 Vice-Chair Russell said that out of state youth generally have their cases heard in the
101 county of occurrence because they do not have a county of residence in the state. Vice-
102 Chair Russell shared several concerns with Judge Leavitt's proposed version of the
103 rule, including that he does not believe the county of occurrence should be the
104 arraigning jurisdiction. Vice-Chair Russell believes it would be more appropriate to
105 hold arraignments in the county of residence as it is a local judge that should be able
106 to make decisions to protect that community. This would also create more issues for
107 dual adjudicated children who have child welfare and delinquency matters and
108 would deprive a home judge of vital information on proceedings which they oversee.

109
110 Vice-Chair Russell admitted that trying to force prosecutors in different counties to
111 work together and cooperate in making offers to resolve cases is not working and does
112 not appear to have a good solution. Vice-Chair Russell shared his frustration in
113 getting discovery to the parties in a county of residence because even if a case is
114 summarily transferred to a county of occurrence, that information is important to
115 consider for eventual disposition.

116
117 Judge Jensen felt that while it was not perfect before, things seemed to be working
118 and that the Committee could consider not taking any action. Vice-Chair Russell
119 answered that short of a straight admission, a cursory arraignment in the county of
120 residence could still be done and then the matter could be transferred to the county
121 of occurrence. Judge Jensen felt that Vice-Chair Russell's suggestion is basically what
122 was being done before. Judge Johnson also brought up the possibility of reverting to
123 the old rule and then modifying it as needed. Mr. Gallardo presented the old rule to
124 the Committee and Vice-Chair Russell shared that one issue before was when there
125 were waivers of arraignment in the county of residence and cases were immediately
126 transferred to county of occurrence. Mr. Starr felt that the old rule seemed to be
127 working well enough and suggested tabling the conversions and looking at the old
128 rule for potential changes when needed. Vice-Chair Russell agreed and did not
129 believe that another work group was needed at this time.

130
131 There was no further discussion, and no motions were made regarding adopting any
132 of the proposed versions of Rule 16. No motions were made to put the matter on the
133 agenda for a future Committee meeting. The issue was tabled without further
134 discussion or agenda.

135
136 **4. Discussion and Action: New Rule 23. Appointment of counsel.** (William Russell)

137
138 Vice-Chair Russell reported that this issue was brought to the Supreme Court for
139 consideration and the Supreme Court had a lot of feedback. Justice Pohlman and her
140 staff did an extensive modification of the rule, and multiple justices suggested that
141 this was a solution in search of a problem. Overall, the Supreme Court seemed

142 reluctant to enact such a rule and was especially not inclined to impose such
143 restriction of privately retained counsel.

144
145 Vice-Chair Russell worked with staff to incorporate suggestions from the Supreme
146 Court into a newly proposed draft of the rule and presented that draft to the
147 Committee. Vice-Chair Russell asked the Committee to consider whether to take this
148 version back to the Supreme Court or whether the issue should be tabled indefinitely.

149
150 Mr. Sevison asked about the constitutional issue of counsel of choice. Vice-Chair
151 Russell addressed that concern and reported that appointed counsel is under contract
152 with local counties. Vice-Chair Russell stated that the current proposal would only
153 apply to contracted counsel and that, if the local contracted attorney did not meet the
154 minimum qualifications, the county must seek out and order the appointment of a
155 qualified attorney, including bearing that cost.

156
157 Ms. Davis asked if the Indigent Defense Commission, that originally made the request
158 to adopt such a rule, has weighed in again on this issue. Vice-Chair Russell said that
159 he could seek an update from the IDC to get more input about the specific need for
160 this rule and could take that information back to the Supreme Court. Vice-Chair
161 Russell felt that the Committee should try to bring the rule back to the Supreme Court
162 with the proposed changes.

163
164 Judge Jensen asked if there have been any documented transfer cases where claims
165 have been made regarding ineffective assistance of counsel. Vice-Chair Russell did
166 not know of any specific appellate cases but is aware of two instances with retained
167 private counsel where it appeared there were questions about the sufficiency of their
168 representation. Judge Jensen then suggested that if this rule would not apply to
169 privately retained counsel, there would not be any reason to create such a rule. Vice-
170 Chair Russell again acknowledged that the Supreme Court would not impose such
171 restrictions on private counsel.

172
173 No motions were made to ask the Supreme Court to consider the new proposal or to
174 consider the rule again at a later date. As such, the rule was tabled indefinitely.

175
176 **5. Discussion and Action: Rule 18. Summons; service of process; notice. (All)**

177
178 Vice-Chair Russell reported that additional drafts of Rule 18 have been prepared and
179 there are currently two proposals. Ms. Hautamaki expressed concern that a parent's
180 "preference" is going to be very difficult to track for court staff and would likely
181 require new programming. Ms. Hautamaki shared that court staff she has spoken
182 with did like the language about notice of further proceedings.

184 Mr. Sevison was concerned about the language “most likely to be promptly received”
185 as that could be subjective. The Committee discussed the different methods of service
186 and whether traditional mail could be considered a prompt method of service.
187

188 Ms. Larsen asked if there was a way for a court to track the information about a
189 parent’s email address. Ms. Hautamaki clarified that a court can track a party’s email
190 address, but there is no current way to identify a preferred method of notice.
191

192 The Committee added language to the January 6th draft that a party must provide an
193 address, email address, and phone number in writing or orally in open court where
194 they may receive notices under the proposed rule. Mr. Sevison was concerned about
195 the requirement of providing a phone number in this rule as it could lead to the
196 assumption that notice can be given by phone. Mr. Gallardo addressed the reference
197 to Rule 6 of the Utah Rules of Criminal Procedure and the end of section 2, and the
198 specific reference to Rule 4 of the Utah Rules of Civil Procedure. Stylistic changes and
199 edits were made, and no further comments were made by the Committee members.
200

201 Ms. Hautamaki made a motion to adopt the current draft before the Committee for
202 presentation to the Supreme Court. Judge Jensen seconded the motion, and it passed
203 unanimously.
204

205 **6. Discussion and Action: Proposal to add a Chief Probation Officer to the**
206 **Committee’s membership.** (Zerina Ocanovic)
207

208 Zerina Ocanovic, Deputy Juvenile Court Administrator, attended today’s meeting as
209 a guest and reported there has been interest from her division to add an employee of
210 the probation department to this Committee. Vice-Chair Russell noted that the
211 Committee could consider whether a member from probation would be a full voting
212 member, a permanent member, or a rotating representative.
213

214 Vice-Chair Russell was very much in support of the proposal to add a Chief Probation
215 Officer as a full voting member of the Committee. Mr. Fureigh wanted to ensure that
216 the rules allow for them to be a full voting member. Mr. Starr felt that allowing them
217 full voting capacity would be a good incentive for applicants.
218

219 Ms. Davis stated that probation is a crucial stakeholder in juvenile court and
220 supported adding a full voting member. Carolyn Perkins agreed that they should be
221 added with full voting rights.
222

223 Ms. Arndt made a motion to approach the Supreme Court for permission to add a full
224 voting member from probation to the Committee. Ms. Davis seconded the motion,
225 and it passed unanimously.
226

227 **7. Discussion: Old business or new business. (All)**

228

229 There was not any old or new business brought before the Committee. The meeting
230 adjourned at 2:00 p.m. The next meeting will be held on April 3, 2026, via Webex.

TAB 2

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~~ [Venue for court](#) proceedings.

13 (1) Upon the filing of a petition, the arraignment and [all further proceedings](#) ~~initial~~
14 ~~pretrial conference~~ will be held in the minor's county of residence [if the petition is](#)
15 [admitted](#). ~~If the petition is resolved without a trial, venue will remain in the minor's~~
16 ~~county of residence.~~

17 (2) [If the matter is not resolved at the arraignment, the court will transfer the matter](#)
18 [to the county of occurrence for pretrial conference and all other hearings prior to and](#)
19 [including adjudication. If the petition is adjudicated, the matter will be transferred to](#)
20 [the minor's county of residence for disposition and further handling. Prior to](#)
21 [arraignment, the prosecutor must disclose to the defense all discovery materials](#)
22 [described in Rule 16 of the Utah Rules of Criminal Procedure, as adopted by Rule](#)
23 [20.](#) ~~Prosecutors and defense counsel in both the county of occurrence and the county~~
24 ~~of residence must cooperate with each other both to provide discovery to defense~~
25 ~~counsel and to assist in the resolution or litigation of each case.~~

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

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

31 ~~(c) **Transfer of venue.**~~

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

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

37 (3) Motions for inquiry into competency may be raised and ruled upon in either court.
38 The court in the county of residence and the court in the county of occurrence will
39 communicate and consult regarding the motion. The objective of that communication
40 is to consider the appropriate venue for a competency ruling and attainment
41 proceedings.

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

44 **(dc) Notice to and proceedings in the receiving court.** With each transfer, the
45 transferring court will provide notice to the receiving court of any petition or adjudication
46 subject to transfer. The receiving court will proceed with the case as though the petition
47 was filed or the adjudication was made in the receiving court.

48 **(ed) Dismissal of petition.** The dismissal of a petition in one district where the dismissal
49 is without prejudice and where there has been no adjudication upon the merits does not
50 preclude refileing within the same district or another district where venue is proper.

51 *Effective Date:*

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

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

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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) **Venue for court proceedings.**

13 (1) Upon the filing of a petition, the arraignment and all further proceedings will be
14 held in the minor's county of residence if the petition is admitted.

15 (2) If the matter is not resolved at the arraignment, the court will transfer the matter
16 to the county of occurrence for pretrial conference and all other hearings prior to and
17 including adjudication. If the petition is adjudicated, the matter will be transferred to
18 the minor's county of residence for disposition and further handling. Prior to
19 arraignment, the prosecutor must disclose to the defense all discovery materials
20 described in [Rule 16](#) of the Utah Rules of Criminal Procedure, as adopted by [Rule 20](#).

21 (3) Motions for inquiry into competency may be raised and ruled upon in either court.
22 The court in the county of residence and the court in the county of occurrence will
23 communicate and consult regarding the motion. The objective of that communication
24 is to consider the appropriate venue for a competency ruling and attainment
25 proceedings.

26

27 (c) **Notice to and proceedings in the receiving court.** With each transfer, the transferring
28 court will provide notice to the receiving court of any petition or adjudication subject to
29 transfer. The receiving court will proceed with the case as though the petition was filed
30 or the adjudication was made in the receiving court.

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

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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) ~~Arrest and pretrial~~ [Venue for court](#) proceedings.

13 (1) [Detention hearing](#).

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

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

24 (2) [Arrest and pretrial proceedings](#).

25 [\(A\) Upon the filing of a petition, the court may transfer the case to the minor's](#)
26 [county of residence or the county of occurrence for adjudication. The court may,](#)

27 in its discretion, after adjudication certify the case for disposition to the court of
28 the district in which the minor resides. ~~arraignment and initial pretrial conference~~
29 ~~will be held in the minor's county of residence. If the petition is resolved without~~
30 ~~a trial, venue will remain in the minor's county of residence.~~

31 (B) The transferring or certifying court will notify the receiving court and transmit
32 all documents and legal and social records, or certified copies thereof, to the
33 receiving court. The receiving court will proceed with the case as if the petition
34 had been originally filed or the adjudication had been originally made in that
35 court.

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

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

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

44 ~~(c) **Transfer of venue.**~~

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

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

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

53 ~~is to consider the appropriate venue for a competency ruling and attainment~~
54 ~~proceedings.~~

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

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

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

64 *Effective Date:*

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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) **Venue for court proceedings.**

13 (1) **Detention hearing.**

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

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

24 (2) **Arraignment and pretrial proceedings.**

25 (A) Upon the filing of a petition, the court may transfer the case to the minor's
26 county of residence or the county of occurrence for adjudication. The court may,

27 in its discretion, after adjudication certify the case for disposition to the court of
28 the district in which the minor resides.

29 (B) The transferring or certifying court will notify the receiving court and transmit
30 all documents and legal and social records, or certified copies thereof, to the
31 receiving court. The receiving court will proceed with the case as if the petition
32 had been originally filed or the adjudication had been originally made in that
33 court.

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

37 *Effective Date:*

TAB 3

1 **Rule 7. Warrants.**

2 (a) Subject to the below paragraphs and limitations in Title 80, Chapter 6, Juvenile Justice,
3 the juvenile court has the authority to issue search warrants for its proceedings for the
4 same purposes and in the same manner as described in ~~The issuance and execution of a~~
5 warrant is governed by Title 77, Chapter 7, Arrest, by Whom, and How Made; Title 77,
6 Chapter 23, Search and Administrative Warrants; ~~Utah Code sections 78A-6-102, 78A-6-~~
7 352, 80-2a-202, and 80-6-202; and Rule 40 and Rule 6 of the Utah Rules of Criminal
8 Procedure.

9 (b) Warrants in delinquency proceedings. The issuance and execution of warrants in
10 delinquency proceedings is governed by Utah Code sections 80-6-201 and 80-6-202.

11 (1) Taking a minor into temporary custody. After a petition is filed under Utah Code
12 section 80-6-205 or criminal information under Utah Code section 80-6-503, a juvenile
13 court may issue a warrant for immediate temporary custody of a minor ~~may be issued~~
14 if ~~the court finds from the facts set forth in an affidavit filed with the court or in the~~
15 ~~petition that~~ there is probable cause to believe any one of the following that:

16 (A1) the minor has committed an act which would be a felony if committed by an
17 adult;

18 (B2) the minor has failed to appear after the minor or the parent, guardian or
19 custodian has been legally served with a summons;

20 (C3) there is a substantial likelihood the minor will not respond to a summons;

21 (D4) the summons cannot be served and the minor's present whereabouts are
22 unknown;

23 (E) serving a summons for the minor will be ineffectual;

24 (F5) the minor seriously endangers others and immediate removal appears to be
25 necessary for the protection of others or the public; ~~or~~

26 ~~(G6)~~ the minor is a runaway or has escaped from the minor's parent, guardian, or
27 custodian; ~~or;~~

28 ~~(He) A warrant for immediate temporary custody of a minor may be issued if the~~
29 ~~court finds from the affidavit that~~if the minor is under the continuing jurisdiction
30 of the court, ~~and probable cause to believe that~~the minor has:

31 ~~(i1) has~~ left the custody of the person or agency vested by the court with legal
32 custody and guardianship without permission; or

33 ~~(ii2) has~~violated a court order.

34 (2) Directing a minor to a nonsecure location. Notwithstanding paragraph (b)(1), a
35 juvenile court may issue a warrant to take a minor into temporary custody for status
36 offenses, infractions, or for being habitually truant if the warrant directs the minor be
37 taken to any of the following:

38 ____ (A) the minor's home;

39 ____ (B) the juvenile court; or

40 ____ (C) a shelter or other non-secure facility.

41 ~~(3d)~~ A warrant ~~for~~to take a minor into immediate temporary custody ~~shall~~must be
42 supported by facts set forth in the petition or information filed under Utah Code
43 sections 80-6-305 and 80-6-503 or by a separate affidavit or petition~~signed by a court~~
44 and ~~shall~~must contain ~~or be supported by~~the following:

45 ~~(A1)~~ the name, date of birth, and last known address of the minor;

46 (B) the factual basis upon which the court determined there is probable cause to
47 take the minor into temporary custody;

48 (C) the location where the minor is directed to be taken;~~an order that the minor be~~
49 ~~returned home, taken to the court, taken to a juvenile detention, shelter facility,~~
50 ~~other nonsecure facility or an adult detention facility, if appropriate, designated~~

51 ~~by the court at the address specified pending a hearing or further order of the~~
52 ~~court;~~

53 ~~(2) the name, date of birth and last known address of the minor;~~

54 ~~(3) the reasons why the minor is being taken into custody;~~

55 (D) if the minor is to be taken to a secure detention facility, an order requiring the
56 minor's immediate admission to the secure detention facility and prohibiting the
57 minor's release without further court order;

58 (E) the name and title of the person requesting the warrant unless ordered by the
59 court on its own initiative pursuant to these rules;

60 (F) the date, county, and court location where the warrant is being issued; and

61 (G4) a time limitation on the execution of the warrant.;

62 ~~(5) the name and title of the person requesting the warrant unless ordered by the~~
63 ~~court on its own initiative pursuant to these rules; and~~

64 ~~(6) the date, county and court location where the warrant is being issued.~~

65 ~~(e) A peace officer who brings a minor to a detention facility pursuant to a court~~
66 ~~order for immediate custody shall so inform the person in charge of the facility and the~~
67 ~~existence of such order shall require the minor's immediate admission. A minor so~~
68 ~~admitted may not be released without court order.~~

69 (4f) This rule ~~shall~~does not limit the statutory authority of a probation officer to take
70 a minor who has violated a condition of probation into custody under Utah Code
71 section 80-6-201.

72 (c) Warrants in child welfare proceedings. Th issuance and execution of warrants in
73 child welfare actions is governed by Utah Code sections 80-2a-202 and 80-3-204.

74 (1) Taking a minor into protective custody. The court may issue a warrant
75 authorizing a peace officer or a child welfare caseworker to search for and take a

76 juvenile into protective custody if, from facts set forth in a verified petition or from
77 sworn testimony, the court determines there is probable cause to believe that:

78 (A) there is a threat of substantial harm to the child's health or safety;

79 (B) it is necessary to take the child into protective custody to avoid that harm to
80 the child's health or safety; and

81 (C) it is likely that the child will suffer substantial harm if the child's parent or
82 guardian is given notice and an opportunity to be heard before the child is taken
83 into protective custody.

84 (2) Missing, abducted, or runaway children.

85 (A) The juvenile court must issue a warrant authorizing a peace officer or a child
86 welfare worker to search for a child who is missing, has been abducted, or has run
87 away, and take the child into physical custody if the juvenile court determines that
88 the child is missing, has been abducted, or has run away from the protective
89 custody, temporary custody, or custody of the Division of Child and Family
90 Services ("the division").

91 (B) The court must specify the location to which the peace officer or the child
92 welfare caseworker must transport the child after taking the child into physical
93 custody.

94 (C) A warrant issued under paragraph (c)(2)(A) must direct the division to notify
95 law enforcement of the warrant and order law enforcement to enter a record of the
96 warrant into the National Crime Information Center database within 24 hours of
97 receiving a copy of the warrant.

98 (D) Prior to a peace officer or a child welfare worker executing the warrant issued
99 under paragraph (c)(2)(A), counsel for the division may file an ex parte motion to
100 vacate the warrant.

101 (d) Warrants for the apprehension of parents, guardians, or custodians.

102 (1) A juvenile court may issue a warrant for a child's parent, guardian, or custodian
103 if:

104 (A) a summons is issued but cannot be served;

105 (B) it appears to the juvenile court that the person to be served will not obey the
106 summons; or

107 (C) serving the summons will be ineffectual.

108 (2) A juvenile court may issue a warrant for apprehension of a parent, guardian, or
109 custodian of a child if the parent, guardian, or custodian fails to appear and bring the
110 child pursuant to a promise to appear executed by the parent, guardian, or custodian
111 in accordance with Utah Code section 80-6-203.

112 ~~(g) Return of service on a~~ A warrant ~~shall~~must be executed within 72 hours unless
113 otherwise ordered by the ~~C~~court.

114 ~~(h) Prior to a peace officer or a child welfare worker executing a warrant issued pursuant~~
115 ~~to Utah Code section 80-2a-202 for a child who is missing, has been abducted, or has run~~
116 ~~away, counsel for the Division of Child and Family Services may file an ex parte motion~~
117 ~~to vacate the warrant.~~

118 ~~(i) Record sealing and retention. The juvenile court to retain and file copies—~~
119 ~~Documents sealed for twenty days—Forwarding of record to court with jurisdiction.~~

120 (1) ~~At the time of~~When a warrant is issued~~ance~~, the juvenile court ~~shall~~will retain and
121 seal a copy of the search warrant, the application, and all affidavits or other recorded
122 testimony on which the warrant is based and ~~shall~~will, within a reasonable time, file
123 those sealed documents in court files which are secured against access by the public.
124 Those documents ~~shall~~will remain sealed until twenty days ~~following~~after the
125 issuance of the warrant unless that time is extended or reduced. Unsealed search
126 warrant documents ~~shall~~must be filed in the court record.

127 (2) Sealing and retention of the file may be accomplished by:

128 (A) placing paper documents or storage media in a sealed envelope and filing the
129 sealed envelope in a court file not available to the public;

130 (B) storing the documents by electronic or other means under the control of the
131 court in a manner reasonably designed to preserve the integrity of the documents
132 and protect them against disclosure to the public during the period in which they
133 are sealed; or

134 (C) filing through the use of an electronic filing system operated by the State of
135 Utah ~~which system is~~ designed to transmit accurate copies of the documents to the
136 court file without allowing alteration to the documents after the warrant is issued
137 ~~issuance of the warrant by the juvenile court.~~

138 *Effective Date:*

1 **Rule 7. Warrants.**

2 (a) Subject to the below paragraphs and limitations in Title 80, Chapter 6, Juvenile Justice,
3 the juvenile court has the authority to issue search warrants for its proceedings for the
4 same purposes and in the same manner as described in Title 77, Chapter 7, Arrest, by
5 Whom, and How Made; Title 77, Chapter 23, Search and Administrative Warrants; and
6 [Rule 40](#) and [Rule 6](#) of the Utah Rules of Criminal Procedure.

7 (b) **Warrants in delinquency proceedings.** The issuance and execution of warrants in
8 delinquency proceedings is governed by Utah Code sections 80-6-201 and 80-6-202.

9 (1) **Taking a minor into temporary custody.** After a petition is filed under Utah Code
10 section 80-6-205 or criminal information under Utah Code section 80-6-503, a juvenile
11 court may issue a warrant for immediate temporary custody of a minor if there is
12 probable cause to believe any one of the following:

13 (A) the minor has committed an act which would be a felony if committed by an
14 adult;

15 (B) the minor has failed to appear after the minor or the parent, guardian or
16 custodian has been legally served with a summons;

17 (C) there is a substantial likelihood the minor will not respond to a summons;

18 (D) the summons cannot be served and the minor's present whereabouts are
19 unknown;

20 (E) serving a summons for the minor will be ineffectual;

21 (F) the minor seriously endangers others and immediate removal appears to be
22 necessary for the protection of others or the public;

23 (G) the minor is a runaway or has escaped from the minor's parent, guardian, or
24 custodian; or

25 (H) if the minor is under the continuing jurisdiction of the court, the minor has:

26 (i) left the custody of the person or agency vested by the court with legal
27 custody and guardianship without permission; or

28 (ii) violated a court order.

29 (2) **Directing a minor to a nonsecure location.** Notwithstanding paragraph (b)(1), a
30 juvenile court may issue a warrant to take a minor into temporary custody for status
31 offenses, infractions, or for being habitually truant if the warrant directs the minor be
32 taken to any of the following:

33 (A) the minor's home;

34 (B) the juvenile court; or

35 (C) a shelter or other non-secure facility.

36 (3) A warrant to take a minor into temporary custody must be supported by facts set
37 forth in the petition or information filed under Utah Code sections 80-6-305 and 80-6-
38 503 or by a separate affidavit or petition and must contain the following:

39 (A) the name, date of birth, and last known address of the minor;

40 (B) the factual basis upon which the court determined there is probable cause to
41 take the minor into temporary custody;

42 (C) the location where the minor is directed to be taken;

43 (D) if the minor is to be taken to a secure detention facility, an order requiring the
44 minor's immediate admission to the secure detention facility and prohibiting the
45 minor's release without further court order;

46 (E) the name and title of the person requesting the warrant unless ordered by the
47 court on its own initiative pursuant to these rules;

48 (F) the date, county, and court location where the warrant is being issued; and

49 (G) a time limitation on the execution of the warrant.

50 (4) This rule does not limit the statutory authority of a probation officer to take a minor
51 who has violated a condition of probation into custody under Utah Code section 80-
52 6-201.

53 (c) **Warrants in child welfare proceedings.** Th issuance and execution of warrants in
54 child welfare actions is governed by Utah Code sections 80-2a-202 and 80-3-204.

55 (1) **Taking a minor into protective custody.** The court may issue a warrant
56 authorizing a peace officer or a child welfare caseworker to search for and take a
57 juvenile into protective custody if, from facts set forth in a verified petition or from
58 sworn testimony, the court determines there is probable cause to believe that:

59 (A) there is a threat of substantial harm to the child’s health or safety;

60 (B) it is necessary to take the child into protective custody to avoid that harm to
61 the child’s health or safety; and

62 (C) it is likely that the child will suffer substantial harm if the child’s parent or
63 guardian is given notice and an opportunity to be heard before the child is taken
64 into protective custody.

65 (2) **Missing, abducted, or runaway children.**

66 (A) The juvenile court must issue a warrant authorizing a peace officer or a child
67 welfare worker to search for a child who is missing, has been abducted, or has run
68 away, and take the child into physical custody if the juvenile court determines that
69 the child is missing, has been abducted, or has run away from the protective
70 custody, temporary custody, or custody of the Division of Child and Family
71 Services (“the division”).

72 (B) The court must specify the location to which the peace officer or the child
73 welfare caseworker must transport the child after taking the child into physical
74 custody.

75 (C) A warrant issued under paragraph (c)(2)(A) must direct the division to notify
76 law enforcement of the warrant and order law enforcement to enter a record of the
77 warrant into the National Crime Information Center database within 24 hours of
78 receiving a copy of the warrant.

79 (D) Prior to a peace officer or a child welfare worker executing the warrant issued
80 under paragraph (c)(2)(A), counsel for the division may file an ex parte motion to
81 vacate the warrant.

82 **(d) Warrants for the apprehension of parents, guardians, or custodians.**

83 (1) A juvenile court may issue a warrant for a child's parent, guardian, or custodian
84 if:

85 (A) a summons is issued but cannot be served;

86 (B) it appears to the juvenile court that the person to be served will not obey the
87 summons; or

88 (C) serving the summons will be ineffectual.

89 (2) A juvenile court may issue a warrant for apprehension of a parent, guardian, or
90 custodian of a child if the parent, guardian, or custodian fails to appear and bring the
91 child pursuant to a promise to appear executed by the parent, guardian, or custodian
92 in accordance with Utah Code section 80-6-203.

93 (e) A warrant must be executed within 72 hours unless otherwise ordered by the court.

94 **(f) Record sealing and retention.**

95 (1) When a warrant is issued, the juvenile court will retain and seal a copy of the search
96 warrant, the application, and all affidavits or other recorded testimony on which the
97 warrant is based and will, within a reasonable time, file those sealed documents in
98 court files which are secured against access by the public. Those documents will
99 remain sealed until twenty days after the issuance of the warrant unless that time is

100 extended or reduced. Unsealed search warrant documents must be filed in the court
101 record.

102 (2) Sealing and retention of the file may be accomplished by:

103 (A) placing paper documents or storage media in a sealed envelope and filing the
104 sealed envelope in a court file not available to the public;

105 (B) storing the documents by electronic or other means under the control of the
106 court in a manner reasonably designed to preserve the integrity of the documents
107 and protect them against disclosure to the public during the period in which they
108 are sealed; or

109 (C) filing through the use of an electronic filing system operated by the State of
110 Utah designed to transmit accurate copies of the documents to the court file
111 without allowing alteration to the documents after the warrant is issued.

112 *Effective Date:*