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

Meeting Minutes

Matthew Johnson, Chair

Location: Webex

Date: April 3, 2026

Time: 12:00 p.m. – 2:00 p.m.

Attendees: Matthew Johnson, Chair William Russell, Vice Chair Alexa Arndt Carolyn Perkins David Fureigh, Emeritus Member Elizabeth Ferrin James Smith Janette White Judge Debra Jensen Michelle Jeffs Stephen Starr Thomas Luchs	**Excused Members**: Judge David Johnson Alan Sevison, Emeritus Member Dawn Hautamaki Adrianna Davis **Guests:** Zerina Ocanovic, Deputy Juvenile Court Administrator Judge Jeffry Ross Paige Nelson, OLRGC
Staff: Erika Larsen Tyler Ulrich, Recording Secretary Raymundo Gallardo, Administrative Office of the Courts	

1. **Welcome and approval of the March 6, 2026, Meeting Minutes**. (Matthew Johnson)

   Committee Chair Matthew Johnson welcomed everyone to the meeting and introduced the guests present. Chair Johnson then presented the proposed minutes from the March 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. Stephen Starr made a motion to approve the proposed minutes. Judge Debra Jensen seconded the motion, and it passed unanimously.

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

   Chair Johnson introduced the first item of business as further discussion on Rule 16, the transfer of delinquency cases between counties. Raymundo Gallardo has provided two different draft versions to consider dated March 26 and March 12. The March 12 version is based on the version of Rule 16 from 2021 that several Committee members have expressed they prefer. Mr. Gallardo also noted that Judge Jeffry Ross is present today to participate in this discussion as he brought these concerns to the Committee last fall. Judge Ross stated that he is also stepping in at the request of Committee member Dawn Hautamaki, who could not be present.

   Mr. Gallardo displayed the rule as it existed in 2021 before being amended last year and noted the requests to bring back subparagraphs (b) and (c) in some form from that previous iteration. Mr. Gallardo explained that the March 26 draft attempts to bring back some of that language and presented that draft. This draft also includes a subparagraph about detention hearings. Mr. Starr expressed some confusion about whether a judge can transfer a case on its own motion prior to any hearings taking place. Judge Jensen clarified the intent behind the language and that it is based on the 2021 version of the rule. Mr. Starr expressed some support for the March 26 version as it pertains to detention hearings but was still confused regarding when a case can be transferred.

   Chair Johnson asked for clarification about where hearings are being held currently and where the Committee feels they should be held. Mr. Starr reported that arraignment hearings are held in the county of the minor's residence, then can be transferred to the county where the allegations occurred if there is no resolution. Mr. Starr offered support for this practice to continue, specifically holding an initial detention hearing and arraignments in the county of residence. Mr. Starr expressed that issues are arising from language about prosecutors in different counties communicating and exchanging discovery prior to arraignment.

   Judge Jensen pointed out that the word "admitted" in the March 12 draft should be changed to "adjudicated". Judge Ross clarified that it should include language that it

will not transfer when adjudicated at arraignment. Judge Jensen expressed support for arraignments to continue to be held in the county of residence, especially because of the high number of cases that are filed due to failed nonjudicial agreements.

Chair Johnson said that it appears there is support for a hybrid version of the two drafts. Alexa Arndt asked for clarification about who is responsible for changing or amended orders made at an initial detention hearing, such as a no contact order, prior to adjudication of a petition. Vice-Chair William Russell stated that the rules allow for the judge in the county of occurrence to amend such orders in consultation with the judge in the county of residence at detention review hearings. Mr. Starr and Judge Ross agreed with Vice-Chair Russell's reading of the rule.

Mr. Starr pointed out that subparagraph (b)(2) regarding venue that, prior to arraignment, a prosecutor must disclose to the defense all discovery materials described by Rule 16 of the Utah Rules of Criminal Procedure. Mr. Starr noted that a prosecutor in the county of residence may not have control or possession of all the discovery and asked if that prosecutor would not be required to disclose that as they do not have control. Vice-Chair Russell stated that, under Rule 16, it would be the obligation of the prosecutor in the county of occurrence to share such material. Mr. Starr shared concerns about when that discovery has not been shared with defense prior to arraignment and a decision cannot be made at arraignment, thus moving the case to the county of occurrence. Vice-Chair Russell also noted that as a defense attorney, it could be malpractice to allow a minor to make admissions at arraignment without receiving discovery. Ms. Arndt said this is the exact reason why the Committee has been reviewing this rule. Judge Ross agreed and reported this is why he brought these concerns to the Committee in the past and stated that if arraignment is held in the county of occurrence, this problem could be avoided. Judge Ross did agree with Judge Jensen's concern about failed nonjudicial agreements and felt that it the best argument to hold arraignment in the county of residence.

Mr. Starr feels it is important for the judge in the county of residence to hold arraignment so that they are aware of what is happening with a minor in their court, even if it does add an extra procedural step. Judge Ross agreed that it is important for the home judge to be aware of what is happening, but this procedure results in cases not being resolved at arraignment. Mr. Starr asked if there is a way to draft the rule that clarifies cases would not be resolved at arraignment if the allegations occurred outside the county of residence, but Chair Johnson pointed out that a minor could come to arraignment at make admissions against the advice of defense counsel and that right cannot be taken away from them.

Chair Johnson asked for input from the judges present about how they feel when minors come to their court for disposition without prior knowledge. Judge Ross acknowledged that it is possible for a home judge to not be aware of pending

allegations if all proceedings are handled in the county of occurrence but also does not feel that it is a big enough problem to always hold arraignment in the county of residence. Judge Ross also pointed out that a home judge may get notice through the probation department or an order to show cause if the minor is already under court jurisdiction. Judge Jensen again pointed out that this does not solve the issue related to unsuccessful nonjudicial agreements and that those cases are better handled in the county of residence. Ms. Arndt asked if a minor could still resolve such cases in the county of occurrence, and Judge Jensen felt that it is important for a home judge to be aware of and handle those cases. Judge Ross agreed with Judge Jensen that the home judge should be made aware of these cases.

Mr. Starr suggested that the rule include language requiring the prosecutor in the county of occurrence to provide all discovery prior to arraignment. Mr. Starr also suggested language requiring a judge in the county of occurrence to inform the judge in the county of residence that a minor from their jurisdiction has proceedings in their court. Judge Ross agreed with the suggestion of requiring the judge in the county of residence to communicate with the judge in the county of residence. Vice-Chair Russell prefers the suggestion of requiring the prosecutor in the county of occurrence to provide discovery prior to arraignment.

Chair Johnson and Vice-Chair Russell shared that the Supreme Court did not like the idea of directing county prosecutors how to handle their cases, but Vice-Chair Russell pointed out that there is an affirmative duty of the prosecutor to provide discovery. Vice-Chair Russell believes this rule would just clarify which prosecutor is responsible for providing discovery and when that must be provided. Vice-Chair Russell also shared that prior discussions have been had about failed nonjudicial cases where the parents or minor could not be found and would like those cases to remain in the county of residence. Vice-Chair Russell also pointed out that arraignment for minors already on probation or with child welfare proceedings would be better handled in the county of residence. Judge Ross agreed with Vice-Chair Russell about those situations, especially for minors involved in child welfare proceedings.

Vice-Chair Russell reiterated his prior support for removing language requiring prosecutors in different counties to work together to make offers and lent his support to the current draft of the March 12 version of the rule.

Zerina Ocanovic asked for clarification on which judge should be reviewing probable cause statements as she has heard of some confusion from other judges about who should review those. Judge Ross reported that he has usually seen and reviewed such statements when they occur in his jurisdiction, and Judge Jensen agreed that judges in the county of occurrence should be reviewing probable cause statements. Vice-Chair Russell agreed that is how it occurs in the Third District among its three counties. Judge Ross does not feel that the current amendments to Rule 16 would

change that procedure. Mr. Starr asked for clarification about whether the judge in the county of residence could see a probable cause statement later, and Judge Jensen reported that those are filed and included in the court's CARE system.

Chair Johnson clarified that the detention language from the March 26 version has been added to the March 12 version, while the rest of the March 12 version has remained largely the same. Mr. Gallardo added that language and created a new April 3 version, changing the numbering as needed.

Mr. Gallardo asked if the Committee wanted to keep the language from the March 12 version about inquiries into competency. Vice-Chair Russell stated that he has previously supported that language to allow the arraignment court in the county of residence to oversee an inquiry into competency. Judge Jensen reported that attainment in competency cases is usually done in the county of residence, and Mr. Starr agreed that a minor's home judge might be more familiar with the minor and be better situated to oversee that process, and that competency can be raised at any time. Judge Ross suggested including language referring to subparagraph (b)(4) to clarify where competency proceedings should be held.

A few grammatical and stylistic changes were made, and Mr. Gallardo presented the current draft of the April 3 version. Mr. Starr made a motion to adopt the new April 3 version for presentation to the Supreme Court. The motion was seconded by Elizabeth Ferrin, and it passed unanimously.

3. **Discussion and Action: Rule 7. Warrants**. (Erika Larsen)

Erika Larsen reported that she put together and shared redlines in Rule 7. The Supreme Court was concerned that the language was archaic and not straightforward, and there were times where it was not clear what kind of warrant was being addressed by the language. Ms. Larsen has been working on the language and was trying to not just repeat the same language that is in statute, however the existing rule was largely a mirror of the statute.

David Fureigh stated that he did not like the way Rule 7 was written before and agreed that it was not clear whether the rule addressed warrants in delinquency matters or child welfare cases. Mr. Fureigh expressed appreciation for Ms. Larsen's work in cleaning up the language. Mr. Fureigh also suggested removing language referring to child welfare warrants from this section of the rules and adding it to Section III of the Rules so that Section II only addresses delinquency cases. Mr. Fureigh also found several items in Rule 7 that are not in the statute, including returns of service, motions to vacate warrants, and sealing of the record. Mr. Fureigh proposed language to address those and clarified some differences between delinquency and child welfare when it comes to sealing a warrant.

Ms. Larsen and Mr. Fureigh further discussed separating language relating to child welfare proceedings, and Mr. Fureigh reported that verbal warrant requests are not made in child welfare cases. Judge Jensen also pointed out that there are "runaway" warrants in child welfare cases, and these are not the types of warrants being addressed in this rule. Mr. Fureigh suggested changing the titles of some subparagraphs to clarify which types of warrants are being addressed by this rule. Judge Jensen also stated that verbal warrant requests are no longer used for pick up or runaway warrants and those types of cases are coming through the same system as other warrants. Ms. Larsen clarified where in the rule those types of warrants are covered. Mr. Fureigh stated that pick up orders in child welfare matters are covered by statute and are not done by verbal request and understood that some of that language was left for delinquency matters, but Rule 7A may not be needed anymore.

Mr. Gallardo suggested tabling the matter and considering two separate rules at a future date to address delinquency and child welfare warrants separately. Mr. Fureigh offered to work on language that would only address child welfare matters to distinguish from delinquency cases.

Vice-Chair Russell pointed out other language in the rule that mirrors statutory language and suggested removing that. Vice-Chair Russell offered to work on a draft to address solely delinquency matters. Chair Johnson suggested changing Rule 7A to address child welfare matters and moving pick up orders to Rule 7. Judge Jensen again clarified that the Second District is no longer using Rule 7A for verbal pick up orders and suggested tabling the issue so she can further investigate if other districts are still using Rule 7A.

Judge Jensen made a motion to table this matter until the next meeting. Vice-Chair Russell seconded the motion, and it passed unanimously.

4. **Old business or new business.** (All)

Mr. Gallardo reported that emails would soon be going out to Committee members who are coming to the end of their first term about serving a second term. Mr. Gallardo also stated that there are a few members that will be concluding their second term.

Mr. Gallardo further reported that there are a few Committee-approved rules that will be presented at the Supreme Court conference later this month, together with a suggestion that a probation chief be added to the Committee's membership.

Regarding the rules that will be presented, Mr. Gallardo stated that the Supreme Court and their staff provide significant feedback and suggestions prior to the

conference. Chair Johnson shared that minor grammatical or stylistic changes made by the Supreme Court are not always brought back to the Committee, but anything substantive is always brought back.

Mr. Gallardo shared some of the stylistic and grammatical comments that have already been made by the Supreme Court, and the Committee members had no concerns about adopting those changes.

There was no further old or new business discussed. The meeting adjourned at 1:43 p.m. The next meeting will be held on May 1, 2026, via Webex.