

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

## Meeting Agenda

*Matthew Johnson, Chair*

Location: Webex Meeting  
Date: May 1, 2026  
Time: 12:00 pm – 2:00 pm

<b>Action:</b> Welcome and approval of the April 3, 2026 meeting minutes.	Tab 1	Matthew Johnson
<b>Discussion &amp; Action:</b> <a href="#">Rule 16</a> . Transfer of delinquency case and venue. <ul style="list-style-type: none"><li><i>Rule 16 returns for further discussion following feedback from the Utah Supreme Court on the Committee's proposed amendments.</i></li></ul>	Tab 2	All
<b>Discussion &amp; Action:</b> <a href="#">Rule 20</a> . Discovery. <ul style="list-style-type: none"><li><i>Rule 20 returns for further discussion following feedback from the Utah Supreme Court on the Committee's proposed amendments.</i></li></ul>	Tab 3	All
<b>Discussion &amp; Action:</b> <a href="#">Rule 23A</a> . Hearing on factors of Utah Code section 80-6-503; bind over to district court. <ul style="list-style-type: none"><li><i>Rule 23A returns for further discussion following feedback from the Utah Supreme Court on the Committee's proposed amendments.</i></li></ul>	Tab 4	All

<p><b>Discussion &amp; Action:</b> <a href="#">Rule 7</a>. Warrants.</p> <ul style="list-style-type: none"> <li>• <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 <a href="#">80-6-202</a>.</i></li> <li>• <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></li> <li>• <i>Juvenile Court Law Clerk Erika Larsen and David Fureigh have been working on revisions to the rule. Enclosed are several drafts for the Committee's review.</i></li> </ul>	Tab 5	All
<p><b>Discussion &amp; Action:</b> <a href="#">Rule 29</a>. Multiple county offenses.</p> <ul style="list-style-type: none"> <li>• <i>In light of the proposed amendments to Rule 16, Rule 29 will also be discussed for conforming revisions.</i></li> </ul>	Tab 6	All
<p><b>Discussion:</b> Old business or new business.</p> <ul style="list-style-type: none"> <li>• <i>Update on Committee membership.</i></li> </ul>		All

[URJP Committee Site](#)

Meeting Schedule:

June 5, 2026

August 7, 2026

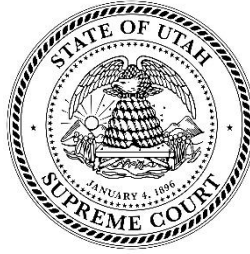
September 4, 2026

October 2, 2026 – In-person

November 6, 2026

December 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: April 3, 2026

12  
13 Time: 12:00 p.m. – 2:00 p.m.

14  
**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 Jeffrey Ross  
Paige Nelson, OLRGC

**Staff:**

Erika Larsen  
Tyler Ulrich, Recording Secretary  
Raymundo Gallardo, Administrative Office of the Courts

16 **1. Welcome and approval of the March 6, 2026, Meeting Minutes.** (Matthew Johnson)  
17

18 Committee Chair Matthew Johnson welcomed everyone to the meeting and  
19 introduced the guests present. Chair Johnson then presented the proposed minutes  
20 from the March 6, 2026, Committee meeting and asked if there were any comments  
21 or corrections that needed to be made. There were no comments from the Committee,  
22 and no proposed corrections were presented. Stephen Starr made a motion to  
23 approve the proposed minutes. Judge Debra Jensen seconded the motion, and it  
24 passed unanimously.  
25

26 **2. Discussion: Rule 16. Transfer of delinquency case and venue.** (All)  
27

28 Chair Johnson introduced the first item of business as further discussion on Rule 16,  
29 the transfer of delinquency cases between counties. Raymundo Gallardo has provided  
30 two different draft versions to consider dated March 26 and March 12. The March 12  
31 version is based on the version of Rule 16 from 2021 that several Committee members  
32 have expressed they prefer. Mr. Gallardo also noted that Judge Jeffry Ross is present  
33 today to participate in this discussion as he brought these concerns to the Committee  
34 last fall. Judge Ross stated that he is also stepping in at the request of Committee  
35 member Dawn Hautamaki, who could not be present.  
36

37 Mr. Gallardo displayed the rule as it existed in 2021 before being amended last year  
38 and noted the requests to bring back subparagraphs (b) and (c) in some form from  
39 that previous iteration. Mr. Gallardo explained that the March 26 draft attempts to  
40 bring back some of that language and presented that draft. This draft also includes a  
41 subparagraph about detention hearings. Mr. Starr expressed some confusion about  
42 whether a judge can transfer a case on its own motion prior to any hearings taking  
43 place. Judge Jensen clarified the intent behind the language and that it is based on the  
44 2021 version of the rule. Mr. Starr expressed some support for the March 26 version  
45 as it pertains to detention hearings but was still confused regarding when a case can  
46 be transferred.  
47

48 Chair Johnson asked for clarification about where hearings are being held currently  
49 and where the Committee feels they should be held. Mr. Starr reported that  
50 arraignment hearings are held in the county of the minor's residence, then can be  
51 transferred to the county where the allegations occurred if there is no resolution. Mr.  
52 Starr offered support for this practice to continue, specifically holding an initial  
53 detention hearing and arraignments in the county of residence. Mr. Starr expressed  
54 that issues are arising from language about prosecutors in different counties  
55 communicating and exchanging discovery prior to arraignment.  
56

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

59 will not transfer when adjudicated at arraignment. Judge Jensen expressed support  
60 for arraignments to continue to be held in the county of residence, especially because  
61 of the high number of cases that are filed due to failed nonjudicial agreements.  
62

63 Chair Johnson said that it appears there is support for a hybrid version of the two  
64 drafts. Alexa Arndt asked for clarification about who is responsible for changing or  
65 amended orders made at an initial detention hearing, such as a no contact order, prior  
66 to adjudication of a petition. Vice-Chair William Russell stated that the rules allow for  
67 the judge in the county of occurrence to amend such orders in consultation with the  
68 judge in the county of residence at detention review hearings. Mr. Starr and Judge  
69 Ross agreed with Vice-Chair Russell's reading of the rule.  
70

71 Mr. Starr pointed out that subparagraph (b)(2) regarding venue that, prior to  
72 arraignment, a prosecutor must disclose to the defense all discovery materials  
73 described by Rule 16 of the Utah Rules of Criminal Procedure. Mr. Starr noted that a  
74 prosecutor in the county of residence may not have control or possession of all the  
75 discovery and asked if that prosecutor would not be required to disclose that as they  
76 do not have control. Vice-Chair Russell stated that, under Rule 16, it would be the  
77 obligation of the prosecutor in the county of occurrence to share such material. Mr.  
78 Starr shared concerns about when that discovery has not been shared with defense  
79 prior to arraignment and a decision cannot be made at arraignment, thus moving the  
80 case to the county of occurrence. Vice-Chair Russell also noted that as a defense  
81 attorney, it could be malpractice to allow a minor to make admissions at arraignment  
82 without receiving discovery. Ms. Arndt said this is the exact reason why the  
83 Committee has been reviewing this rule. Judge Ross agreed and reported this is why  
84 he brought these concerns to the Committee in the past and stated that if arraignment  
85 is held in the county of occurrence, this problem could be avoided. Judge Ross did  
86 agree with Judge Jensen's concern about failed nonjudicial agreements and felt that it  
87 the best argument to hold arraignment in the county of residence.  
88

89 Mr. Starr feels it is important for the judge in the county of residence to hold  
90 arraignment so that they are aware of what is happening with a minor in their court,  
91 even if it does add an extra procedural step. Judge Ross agreed that it is important for  
92 the home judge to be aware of what is happening, but this procedure results in cases  
93 not being resolved at arraignment. Mr. Starr asked if there is a way to draft the rule  
94 that clarifies cases would not be resolved at arraignment if the allegations occurred  
95 outside the county of residence, but Chair Johnson pointed out that a minor could  
96 come to arraignment at make admissions against the advice of defense counsel and  
97 that right cannot be taken away from them.  
98

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

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

112  
113 Mr. Starr suggested that the rule include language requiring the prosecutor in the  
114 county of occurrence to provide all discovery prior to arraignment. Mr. Starr also  
115 suggested language requiring a judge in the county of occurrence to inform the judge  
116 in the county of residence that a minor from their jurisdiction has proceedings in their  
117 court. Judge Ross agreed with the suggestion of requiring the judge in the county of  
118 residence to communicate with the judge in the county of residence. Vice-Chair  
119 Russell prefers the suggestion of requiring the prosecutor in the county of occurrence  
120 to provide discovery prior to arraignment.

121  
122 Chair Johnson and Vice-Chair Russell shared that the Supreme Court did not like the  
123 idea of directing county prosecutors how to handle their cases, but Vice-Chair Russell  
124 pointed out that there is an affirmative duty of the prosecutor to provide discovery.  
125 Vice-Chair Russell believes this rule would just clarify which prosecutor is responsible  
126 for providing discovery and when that must be provided. Vice-Chair Russell also  
127 shared that prior discussions have been had about failed nonjudicial cases where the  
128 parents or minor could not be found and would like those cases to remain in the  
129 county of residence. Vice-Chair Russell also pointed out that arraignment for minors  
130 already on probation or with child welfare proceedings would be better handled in  
131 the county of residence. Judge Ross agreed with Vice-Chair Russell about those  
132 situations, especially for minors involved in child welfare proceedings.

133  
134 Vice-Chair Russell reiterated his prior support for removing language requiring  
135 prosecutors in different counties to work together to make offers and lent his support  
136 to the current draft of the March 12 version of the rule.

137  
138 Zerina Ocanovic asked for clarification on which judge should be reviewing probable  
139 cause statements as she has heard of some confusion from other judges about who  
140 should review those. Judge Ross reported that he has usually seen and reviewed such  
141 statements when they occur in his jurisdiction, and Judge Jensen agreed that judges  
142 in the county of occurrence should be reviewing probable cause statements. Vice-  
143 Chair Russell agreed that is how it occurs in the Third District among its three  
144 counties. Judge Ross does not feel that the current amendments to Rule 16 would

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

148  
149 Chair Johnson clarified that the detention language from the March 26 version has  
150 been added to the March 12 version, while the rest of the March 12 version has  
151 remained largely the same. Mr. Gallardo added that language and created a new April  
152 3 version, changing the numbering as needed.

153  
154 Mr. Gallardo asked if the Committee wanted to keep the language from the March 12  
155 version about inquiries into competency. Vice-Chair Russell stated that he has  
156 previously supported that language to allow the arraignment court in the county of  
157 residence to oversee an inquiry into competency. Judge Jensen reported that  
158 attainment in competency cases is usually done in the county of residence, and Mr.  
159 Starr agreed that a minor's home judge might be more familiar with the minor and be  
160 better situated to oversee that process, and that competency can be raised at any time.  
161 Judge Ross suggested including language referring to subparagraph (b)(4) to clarify  
162 where competency proceedings should be held.

163  
164 A few grammatical and stylistic changes were made, and Mr. Gallardo presented the  
165 current draft of the April 3 version. Mr. Starr made a motion to adopt the new April  
166 3 version for presentation to the Supreme Court. The motion was seconded by  
167 Elizabeth Ferrin, and it passed unanimously.

### 168 169 **3. Discussion and Action: Rule 7. Warrants.** (Erika Larsen)

170  
171 Erika Larsen reported that she put together and shared redlines in Rule 7. The  
172 Supreme Court was concerned that the language was archaic and not straightforward,  
173 and there were times where it was not clear what kind of warrant was being  
174 addressed by the language. Ms. Larsen has been working on the language and was  
175 trying to not just repeat the same language that is in statute, however the existing rule  
176 was largely a mirror of the statute.

177  
178 David Fureigh stated that he did not like the way Rule 7 was written before and  
179 agreed that it was not clear whether the rule addressed warrants in delinquency  
180 matters or child welfare cases. Mr. Fureigh expressed appreciation for Ms. Larsen's  
181 work in cleaning up the language. Mr. Fureigh also suggested removing language  
182 referring to child welfare warrants from this section of the rules and adding it to  
183 Section III of the Rules so that Section II only addresses delinquency cases. Mr.  
184 Fureigh also found several items in Rule 7 that are not in the statute, including returns  
185 of service, motions to vacate warrants, and sealing of the record. Mr. Fureigh  
186 proposed language to address those and clarified some differences between  
187 delinquency and child welfare when it comes to sealing a warrant.

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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

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

234  
235 Mr. Gallardo shared some of the stylistic and grammatical comments that have  
236 already been made by the Supreme Court, and the Committee members had no  
237 concerns about adopting those changes.

238  
239 There was no further old or new business discussed. The meeting adjourned at 1:43  
240 p.m. The next meeting will be held on May 1, 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) ~~Arrest and pretrial~~ [Venue proceedings](#).

13 (1) [Venue for detention hearings](#).

14 [\(A\) Except as provided in paragraphs \(b\)\(1\)\(B\) and \(b\)\(1\)\(C\), initial detention](#)  
15 [hearings and detention review hearings will be heard in a court in the minor's](#)  
16 [county of residence.](#)

17 [\(B\) In cases where the minor is being held in a detention facility outside of the](#)  
18 [minor's county of residence, a court in the minor's county of residence will hold](#)  
19 [the hearings if the court can hear the matter remotely. If a remote hearing is not](#)  
20 [available, a court in the county where the minor is being held will hold the](#)  
21 [detention hearings.](#)

22 [\(C\) If a petition is filed in the county where the alleged delinquency occurred, the](#)  
23 [court in the county of occurrence may hold a detention review hearing if that](#)  
24 [hearing is held in conjunction with an arraignment or other pretrial hearing and](#)  
25 [after consulting with the court in the minor's county of residence.](#)

26 (2) Venue for arraignment and further proceedings. Upon the filing of a petition, the  
27 arraignment and all further proceedings ~~initial pretrial conference~~ will be held in the  
28 minor's county of residence if the petition is adjudicated at arraignment. ~~If the petition~~  
29 ~~is resolved without a trial, venue will remain in the minor's county of residence.~~

30 ~~(3)~~ Transfer of venue for adjudication. Except as provided in paragraph (b)(4), if the  
31 matter is not resolved at the arraignment, the court will transfer the matter to the  
32 county of occurrence for pretrial conference and all other hearings up to and including  
33 adjudication. If the petition is adjudicated in the county of occurrence, the matter will  
34 be transferred to the minor's county of residence for disposition and further  
35 proceedings. ~~Prosecutors and defense counsel in both the county of occurrence and~~  
36 ~~the county of residence must cooperate with each other both to provide discovery to~~  
37 ~~defense counsel and to assist in the resolution or litigation of each case.~~

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

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

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

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

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

49 ~~(4)~~ Venue for competency motions. Motions for inquiry into competency may be  
50 raised in and ruled upon by a court in the minor's county of residence or by a court  
51 in the county of occurrence ~~in either court.~~ The court in the county of residence and  
52 the court in the county of occurrence will communicate and consult regarding the

53 motion. The objective of that communication is to consider the appropriate venue for  
54 a competency ruling and attainment 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  
58 transferring court will provide notice to the receiving court of any petition or adjudication  
59 subject to transfer. The receiving court will proceed with the case as though the petition  
60 was filed 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:*

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) **Venue.**

13 (1) **Venue for detention hearings.**

14 (A) Except as provided in paragraphs (b)(1)(B) and (b)(1)(C), initial detention  
15 hearings and detention review hearings will be heard in a court in the minor's  
16 county of residence.

17 (B) In cases where the minor is being held in a detention facility outside of the  
18 minor's county of residence, a court in the minor's county of residence will hold  
19 the hearings if the court can hear the matter remotely. If a remote hearing is not  
20 available, a court in the county where the minor is being held will hold the  
21 detention hearings.

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

26 (2) **Venue for arraignment and further proceedings.** Upon the filing of a petition, the  
27 arraignment and all further proceedings will be held in the minor's county of  
28 residence if the petition is adjudicated at arraignment.

29 (3) **Transfer of venue for adjudication.** Except as provided in paragraph (b)(4), if the  
30 matter is not resolved at the arraignment, the court will transfer the matter to the  
31 county of occurrence for pretrial conference and all other hearings up to and including  
32 adjudication. If the petition is adjudicated in the county of occurrence, the matter will  
33 be transferred to the minor's county of residence for disposition and further  
34 proceedings.

35 (4) **Venue for competency motions.** Motions for inquiry into competency may be  
36 raised in and ruled upon by a court in the minor's county of residence or by a court  
37 in the county of occurrence. The court in the county of residence and the court in the  
38 county of occurrence will communicate and consult regarding the motion. The  
39 objective of that communication is to consider the appropriate venue for a  
40 competency ruling and attainment proceedings.

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

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

48 *Effective Date:*

# TAB 3

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. Before the arraignment, the prosecutor in the county of  
7 occurrence must disclose to the defense all discovery materials described in Rule 16 of  
8 the Utah Rules of Criminal Procedure.

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

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

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

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

19 (1) If the prosecution or the minor intends to call an expert to testify in any  
20 delinquency matter, the party intending to call the expert must give notice to the  
21 opposing party as soon as practicable but not less than 30 days before the trial or  
22 hearing, or as otherwise ordered by the court. Notice must include the name and  
23 address of the expert, the expert's curriculum vitae, and:

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

25 (B) a written explanation of the expert's anticipated testimony sufficient to give  
26 the party adequate notice of its content; or

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

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

32 (3) As soon as practicable after receiving notice under paragraph (c)(1), the recipient  
33 must provide to the other party notice of any witness whom the party anticipates  
34 calling to rebut the expert's testimony, including the information required under  
35 paragraph (c)(1).

36 (4) Failure to comply.

37 (A) If the minor or the prosecution does not substantially comply with the  
38 requirements of paragraph (c), the court will, if necessary to prevent substantial  
39 prejudice, grant a request to continue the trial or hearing so that the opposing party  
40 may prepare to meet the testimony.

41 (B) If the court finds that a party fails to comply with paragraph (c) without good  
42 cause, the court may impose an appropriate sanction including, but not limited to,  
43 exclusion of the expert's testimony.

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

49 *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. Before the  
6 arraignment, the prosecutor in the county of occurrence must disclose to the defense all  
7 discovery materials described in [Rule 16](#) of the Utah Rules of Criminal Procedure.

8 (b) Subpoenas used in adjudications of delinquency, offenses by adults against minors,  
9 and proceedings pursuant to Title 80, Chapter 6, Part 5 are governed by [Rule 14](#) of the  
10 Utah Rules of Criminal Procedure.

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

12 (1) If the prosecution or the minor intends to call an expert to testify in any  
13 delinquency matter, the party intending to call the expert must give notice to the  
14 opposing party as soon as practicable but not less than 30 days before the trial or  
15 hearing, or as otherwise ordered by the court. Notice must include the name and  
16 address of the expert, the expert's curriculum vitae, and:

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

18 (B) a written explanation of the expert's anticipated testimony sufficient to give  
19 the party adequate notice of its content; or

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

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

25 (3) As soon as practicable after receiving notice under paragraph (c)(1), the recipient  
26 must provide to the other party notice of any witness whom the party anticipates

27 calling to rebut the expert's testimony, including the information required under  
28 paragraph (c)(1).

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

30 (A) If the minor or the prosecution does not substantially comply with the  
31 requirements of paragraph (c), the court will, if necessary to prevent substantial  
32 prejudice, grant a request to continue the trial or hearing so that the opposing party  
33 may prepare to meet the testimony.

34 (B) If the court finds that a party fails to comply with paragraph (c) without good  
35 cause, the court may impose an appropriate sanction including, but not limited to,  
36 exclusion of the expert's testimony.

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

42 *Effective date:*

# TAB 4

1 **Rule 23A. Hearing on factors of Utah Code section 80-6-504~~3~~; bind-over to district court.**

2 (a) If the court finds probable cause in accordance with Rule 22 on a criminal  
3 ~~indictment~~information filed under Utah Code section 80-6-503 or a minor is indicted  
4 pursuant to Utah Code section 80-6-504(11) ~~alleges the commission of a felony~~, the court  
5 ~~shall~~will, hear evidence and make findings as set forth in Utah Code section 80-6-  
6 504~~consider the factors in paragraph (b).~~

7 (b) If the juvenile court finds that the prosecuting attorney has met its burden of proof,  
8 the juvenile court will bind the minor over to the district court to be held for trial and  
9 enter interim orders regarding bail and continued detention status. The juvenile court  
10 clerk will transmit the filings and record of the preliminary hearing to the district court  
11 clerk.~~a criminal information under Utah Code section 80-6-503 alleges the commission of~~  
12 ~~a felony, after a finding of probable cause in accordance with , the court shall hear~~  
13 ~~evidence and consider the factors and make findings on:~~

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

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

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

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

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

24 ~~(c) The court may consider any written report or other materials that relate to the minor's~~  
25 ~~mental, physical, educational, trauma, and social history. Upon request by the minor, the~~  
26 ~~minor's parent, guardian, or other interested party, the court shall require the person~~

27 ~~preparing the report, or other material, to appear and be subject to direct and cross-~~  
28 ~~examination.~~

29 ~~(d) At the preliminary examination the minor may testify under oath, call witnesses, cross~~  
30 ~~examine witnesses, and present evidence.~~

31 ~~(e) If the court does not find by a preponderance of evidence that it would be contrary to~~  
32 ~~the best interest of the minor and the best interests of the public to bind the minor over~~  
33 ~~to the jurisdiction of the district court, the court shall enter an order directing the minor~~  
34 ~~to answer the charges in district court.~~

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

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

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

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

45 ~~(c)~~ If the court finds probable cause to believe that a felony has been committed and that  
46 the minor committed it ~~and also~~ but finds that the prosecuting attorney has not met its  
47 burden to bind the minor over to the district court, ~~it would be in the best interests of the~~  
48 ~~minor and the public for the juvenile court to retain jurisdiction over the offense,~~ the  
49 juvenile court ~~shall~~ will retain jurisdiction over the minor's case and arraign the minor on  
50 the allegations ~~proceed upon the information~~ as if it were a petition. The court may order  
51 the minor held in a detention center or released in accordance with Rule 9.

52 *Effective Date:*

1 **Rule 23A. Hearing on factors of Utah Code section 80-6-504; bindover to district court.**

2 (a) If the court finds probable cause in accordance with [Rule 22](#) on a criminal information  
3 filed under Utah Code section 80-6-503 or a minor is indicted pursuant to Utah Code  
4 section 80-6-504(11), the court will hear evidence and make findings as set forth in Utah  
5 Code section 80-6-504.

6 (b) If the juvenile court finds that the prosecuting attorney has met its burden of proof,  
7 the juvenile court will bind the minor over to the district court to be held for trial and  
8 enter interim orders regarding bail and continued detention status. The juvenile court  
9 clerk will transmit the filings and record of the preliminary hearing to the district court  
10 clerk.

11 (c) If the court finds probable cause to believe that a felony has been committed and that  
12 the minor committed it but finds that the prosecuting attorney has not met its burden to  
13 bind the minor over to the district court, the juvenile court will retain jurisdiction over  
14 the minor's case and arraign the minor on the allegations as if it were a petition. The court  
15 may order the minor held in a detention center or released in accordance with [Rule 9](#).

16 *Effective Date:*

# TAB 5

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. Arrest warrants.**

2 (a) **Warrant application.**

3 (1) Except for warrants issued under paragraph (a)(2), every application for an arrest  
4 warrant under this rule must be made in writing, sworn under oath, and contain the  
5 following:

6 (A) the full name, date of birth, and last known address of the minor, together with  
7 the name, address, and contact information of the minor's parent, guardian, or  
8 custodian, if known;

9 (B) the minor's alleged offense, the classification of the alleged offense if  
10 committed by an adult, together with the date, time, and place of the alleged  
11 offense, to the extent known;

12 (C) the foundation and factual basis for the affiant's knowledge, including the  
13 source and reliability of any informant relied upon;

14 (D) a statement that the minor's arrest is authorized pursuant to Utah Code section  
15 80-6-202(1)(a), including the specific statutory ground authorizing the arrest;

16 (E) certification that a petition or information has already been filed or is being  
17 filed contemporaneously with the warrant application;

18 (F) a statement of whether the minor is currently under the court's jurisdiction for  
19 any other pending or adjudicated delinquency petitions; and

20 (G) whether the affiant requests the court order the minor to be released to a parent  
21 or guardian, placed in a nonsecure facility, or admitted to a secure detention  
22 facility.

23 (2) On verbal request from a probation officer or other authorized individual, the  
24 court may issue a pick up order telephonically during nonbusiness hours or under  
25 exigent circumstances when it appears necessary for the protection of the community

26 or the minor and shall be supported by an affidavit from the requesting authority  
27 containing the information required by paragraph (a)(1) the next court business day.

28 (b) **Content and form of a warrant.** An arrest warrant under this rule must be supported  
29 by facts set forth in the petition or information filed under Utah Code sections 80-6-305  
30 and 80-6-503 or by a separate affidavit or petition filed pursuant to paragraph (a), signed  
31 by a court, and must contain the following:

32 (1) the name, date of birth, and last known address of the minor;

33 (2) the factual basis upon which the court determined there is probable cause to take  
34 the minor into temporary custody;

35 (3) the location where the minor is directed to be taken;

36 (4) if the minor is to be taken to a secure detention facility, an order requiring the  
37 minor's immediate admission to the secure detention facility and prohibiting the  
38 minor's release without further court order;

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

41 (6) the date, county, and court location where the warrant is being issued; and

42 (7) any time limitation on the execution of the warrant other than the default limitation  
43 in paragraph (c)(2).

44 (c) **Execution of warrant.**

45 (1) An arrest warrant issued under this rule may be executed only by a peace officer  
46 authorized by law to make arrests.

47 (2) Unless the court expressly limits the timing, an arrest warrant issued under these  
48 rules may be executed at any time and must be executed within 72 hours.

49 (3) A peace officer who brings a minor to a detention facility pursuant to a court order  
50 for immediate custody shall so inform the person in charge of the facility and the

51 existence of such order shall require the minor's immediate admission. A minor so  
52 admitted may not be released without court order.

53 (4) Nothing in this rule should be construed to limit the statutory authority of a  
54 probation officer to take a minor who has violated a condition of probation into  
55 custody under Utah Code section 80-6-201.

56 (d) **Warrant to arrest parent, guardian, or custodian.** An applicant seeking a warrant to  
57 arrest a minor's parent, guardian, or custodian pursuant to Utah Code section 78A-6-352  
58 must adhere to the requirements of this rule.

59 (e) **Search warrants.** Search warrants in juvenile delinquency cases are subject to the  
60 procedures and requirements in Utah Code section 77-23-210 and Rule 40 of the Utah  
61 Rules of Criminal Procedure.

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

63 (1) When a warrant is issued pursuant to this rule or Rule 7A, the juvenile court will  
64 retain and seal a copy of the warrant, the application, and all affidavits or other  
65 recorded testimony on which the warrant is based and will, within a reasonable time,  
66 file those sealed documents in court files which are secured against access by the  
67 public. Those documents will remain sealed until twenty days after the issuance of  
68 the warrant unless that time is extended or reduced. Unsealed search warrant  
69 documents must be filed in the court record.

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

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

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

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

80 *Effective Date:*

1 **Rule 7A. Warrants in child welfare proceedings.**

2 (a) **Warrant application.** Every application for a warrant under this rule must be made in  
3 writing, sworn under oath, and contain the following:

4 (1) the full name, date of birth, and last known address or location of the child,  
5 together with the name, address, and contact information of the child's parents,  
6 guardians, or custodians, including non-custodial parents, if known;

7 (2) the foundation and factual basis for the affiant's knowledge, including the source  
8 and reliability of any informant relied upon;

9 (3) a statement that the warrant is authorized pursuant to Utah Code section 80-2a-  
10 202(1), including the specific statutory ground authorizing the warrant and any  
11 foundation and factual basis for the affiant's knowledge supporting the application;

12 (4) a statement of whether the child is currently under the court's jurisdiction for any  
13 other pending or adjudicated abuse, neglect, or dependency petitions.

14 (b) **Content and form of child welfare warrant.** A warrant to search for a child and take  
15 the child into protective custody must be supported by facts set forth in a petition filed  
16 under Utah Code section 80-3-201 if it is a verified petition filed by the Division of Child  
17 and Family Services (Division), or by a separate affidavit or petition filed pursuant to  
18 paragraph (a), and must contain the following:

19 (1) the name, date of birth, and last known address or location of the child;

20 (2) the factual basis upon which the court determined there is probable cause to take  
21 the child into protective custody;

22 (3) a statement of whether the peace officer or child welfare worker is authorized to  
23 seize any personal property when taking protective custody of the child;

24 (4) an order requiring the peace officer or child welfare worker to immediately  
25 transport the child to the Division upon taking the child into protective custody;

26 (6) the date, county, and court location where the warrant is being issued; and

27 (7) any time limitation on the execution of the warrant other than the default limitation  
28 in paragraph (c)(2).

29 **(c) Execution of warrant.**

30 (1) A warrant issued under this rule may be executed by a peace officer or a child  
31 welfare worker employed by the Division of Child and Family Services.

32 (2) Unless the court expressly limits the timing, a warrant issued under these rules  
33 may be executed at any time and must be executed within 72 hours.

34 **(d) Warrants for a missing, abducted, or runaway child.**

35 (1) In addition to the requirements of paragraph (b), a warrant for a missing, abducted,  
36 or runaway child issued pursuant to Utah Code section 80-2a-202(6)(a) must also  
37 contain the following:

38 (A) the location where the peace officer or child welfare worker is directed to  
39 transport the child; and

40 (B) an order requiring law enforcement to enter the warrant into the National  
41 Crime Information Center pursuant to Utah Code section 80-2a-202(6)(b)(ii)(A).

42 (2) Prior to a peace officer or a child welfare worker executing a warrant for a missing,  
43 abducted, run away child, counsel for the Division of Child and Family Services may  
44 file an ex parte motion to vacate the warrant.

45 **(e) Exigent circumstances.** Nothing in this rule shall be construed to limit the statutory  
46 authority of a peace officer or child welfare worker to remove a child or take a child into  
47 protective custody without a warrant if there are exigent circumstances sufficient to  
48 relieve the peace officer or the child welfare caseworker of the requirement to obtain a  
49 warrant.

50 **(f) Record sealing and retention.** The court must adhere to Rule 7(f) with respect to  
51 record sealing and retention for warrants issued under this rule.

52 *Effective Date:*

1 c) **Child welfare proceedings.** The issuance and execution of warrants in child welfare  
2 matters are governed by Utah Code sections 78A-6-102, 78A-6-352, and 80-2a-202.

3 (1) Return of service notifying the juvenile court that a child welfare warrant has been  
4 executed must be filed with the court within 72 hours of the execution of the warrant.

5 (2) Prior to a child welfare warrant being executed, the juvenile court may vacate the  
6 warrant upon an ex parte motion.

7 (3) The juvenile court will seal from public access a copy of the child welfare warrant,  
8 the application, and all affidavits or other recorded testimony on which the warrant  
9 is based for a period of 20 days unless extended or reduced by the court for good  
10 cause. Once the warrant documents are unsealed by the court, the warrant documents  
11 must be made available in the juvenile court record.

# TAB 6

**Rule 29. Multiple county offenses.**

(a) ~~Arrestment and pretrial proceedings~~. When a minor is charged in a petition with the commission of offenses in more than one county, arrestment ~~and pretrial proceedings~~ must take place in the minor's county of residence. If the petition is admitted at arrestment~~resolved without trial~~, venue will remain in the minor's county of residence.

(b) **Transfer of venue.** If the matter is not resolved at the~~After~~ arrestment, the court in the minor's county of residence will transfer the matter to the counties of occurrence for adjudication~~and pretrial proceedings, all further proceedings in multiple county offenses~~. After adjudication, venue will be governed by the provisions of Rule 16.

*Effective date:*

**Rule 29. Multiple county offenses.**

(a) **Arraignment.** When a minor is charged in a petition with the commission of offenses in more than one county, arraignment must take place in the minor's county of residence. If the petition is admitted at arraignment, venue will remain in the minor's county of residence.

(b) **Transfer of venue.** If the matter is not resolved at the arraignment, the court in the minor's county of residence will transfer the matter to the counties of occurrence for adjudication. After adjudication, venue will be governed by the provisions of Rule 16.

*Effective date:*