



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

Meeting Minutes

Matthew Johnson, Chair

Location: Webex

Date: May 1, 2026

Time: 12:00 p.m. – 2:00 p.m.

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

1. Welcome and approval of the April 3, 2026, Meeting Minutes. (Matthew Johnson)

Committee Chair Matthew Johnson welcomed everyone to the meeting and presented the proposed minutes from the April 3, 2026, Committee meeting. Chair Johnson 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. Janette White seconded the motion, and it passed unanimously.

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

Chair Johnson reported that he and Vice-Chair William Russell presented several rules to the Supreme Court in the last month. The Supreme Court has expressed some frustration that many of the juvenile court procedures are already included in statute. The first rule that was presented was Rule 16 and Raymundo Gallardo presented the changes made between the April 3, 2026, version approved by this Committee with the current draft after meeting with the Supreme Court. Mr. Gallardo explained that the Supreme Court suggested changing the heading to subparagraph (b)(1) and breaking up subparagraph (b)(1)(A) into two sections. Vice-Chair Russell and Mr. Starr both expressed appreciation for the suggested edits and believe they make the proposed changes and the rule itself clearer.

Mr. Gallardo reported that there have been significant suggested changes to subparagraph (b)(2), including adding a subheading. One of the major changes was removing the requirement that the prosecutor in the county of occurrence share discovery because discovery is already addressed in Rule 20, and the suggested language was moved to that rule. Mr. Gallardo shared some of the grammatical and minor editing that was done for review by the Committee.

Mr. Starr expressed concern about the language in subparagraph (b)(2) about when a petition is adjudicated at arraignment. Vice-Chair Russell explained that the specific subparagraph is intended to ensure that cases that are adjudicated or otherwise resolved at arraignment do not ever need to be transferred to a county of occurrence. Vice-Chair Russell reiterated that the purpose of this rule is to clarify venue for arraignment once a petition is filed, and that if a petition is resolved, all proceedings will remain in the county of residence.

Alan Sevison suggested that the phrase “upon the filing of a petition” seems redundant because there would never be an arraignment absent the filing of a petition. Chair Johnson suggested striking that phrase so that the rule is more succinct and clarifies that arraignment will be held in the county of residence and that, if a petition is adjudicated at that time, all further proceedings will remain in the county of residence. Vice-Chair Russell preferred the suggested changes shared by Mr.

Severson and Chair Johnson. Mr. Gallardo made the suggested edits and presented them to the Committee members who agreed that it reads clearer now.

Mr. Gallardo presented subparagraph (b)(3) and the Supreme Court's suggested changes, including adding a subheading. David Fureigh suggested changing the subheading further to better match the subheadings in the other subparagraphs. Mr. Fureigh also suggested changing the phrase "not resolved" to "not adjudicated" to remain consistent with the language in the other subparagraphs. Mr. Severson further suggested using one subheading and combining the two subparagraphs into one section of the rule since both subparagraphs relate to venue for further proceedings. Mr. Starr agreed with Mr. Severson's suggestion to combine the two subparagraphs.

Mr. Fureigh asked for clarification on the procedures that are followed when a delinquency petition is filed, and Chair Johnson and Vice-Chair Russell clarified the procedures while Judge David Johnson shared the language used in orders to transfer cases.

Dawn Hautamaki asked for clarification on whether it is considered an adjudication if a petition is dismissed for a referral to a nonjudicial adjustment. Chair Johnson stated that it is not an adjudication, and Mr. Fureigh clarified that the petition is dismissed at that stage and there would be no further proceedings in court. Judge Johnson also shared that there are separate rules that govern nonjudicial adjustments.

Mr. Gallardo made the suggested changes and presented them to the Committee. Ms. Hautamaki made a motion to adopt the proposed changes and present them to the Supreme Court for a public comment period. Mr. Starr seconded the motion, and it passed unanimously.

3. Discussion and Action: Rule 20. Discovery. (All)

Mr. Gallardo presented the current draft of the proposed changes to Rule 20 after incorporating suggestions and changes from the Supreme Court, including the language that was moved from Rule 16 to Rule 20.

Judge Johnson expressed concern that there is a conflict between Rules 16 and 20 in the timelines to hold an arraignment after a petition is filed and the timeline to provide discovery. Vice-Chair Russell acknowledged that concern but believes there is a need for this rule in the hopes to possibly resolve matters at arraignment and this may encourage faster sharing of discovery by the prosecutor in the county of occurrence.

Mr. Starr explained that, upon filing a petition, his office usually has almost all of the discoverable information. Vice-Chair Russell reported that written reports and statements are often shared quickly in his experience, but there are often delays in

getting other discovery such as body camera recordings, CJC interviews, and medical reports. Vice-Chair Russell also stated that a continued arraignment could give more time to share discovery in the hopes of resolving a petition short of transferring venue to the county of occurrence.

Mr. Gallardo presented the Supreme Court's suggested changes to subparagraph (4)(b) including the language regarding failure to comply with expert witness disclosure and the sanctions that may be imposed. Vice-Chair Russell clarified the reasons why the Supreme Court made those changes, including a discussion whether "bad faith" and "deliberate" are the same thing. Erika Larsen suggested using the language "without good cause" as that is a common standard used by trial courts in assessing matters pending before them. Chair Johnson noted that using the phrase "may impose" instead of "must (or shall) impose" allows for the trial judge wide latitude and discretion in these determinations.

Janette White reported that she has dealt with issues directly relating to this rule and believes this new version follows the case law that she has researched as part of those issues.

Vice-Chair Russell stated that the language adding the expert notice requirement to misdemeanor as well as felony prosecutions was viewed favorably by the Supreme Court. Judge Johnson reported that it was previously included to mirror the requirements in adult criminal matters and asked if the Supreme Court considered that issue. Chair Johnson and Vice-chair Russell reported that the Supreme Court did not address that issue specifically but appeared comfortable applying the notice requirement to all juvenile delinquency prosecutions.

Mr. Gallardo presented the current draft of Rule 20. Elizabeth Ferrin made a motion to adopt the current version of the rule for presentation to the Supreme Court for public comment. Ms. White seconded that motion, and it passed unanimously.

4. Discussion and Action. Rule 23A. Hearing on factors of Utah Code section 80-6-503; bind over to District Court. (All)

Chair Johnson reported that the current draft of Rule 23A was presented to the Supreme Court. The Supreme Court noted that the current language of the Rule 23A is a near-verbatim recitation of the statute, which sets out a fairly detailed process for these cases. This Committee was encouraged to consider making the rule more concise and without this redundancy. Vice-Chair Russell stated that he shared those concerns with the Supreme Court about the blurring of the lines between statutes and rules. Vice-Chair Russell has drafted a very minimalistic version of Rule 23A to avoid a regurgitation of the statute but that is still clear what factors should be considered and where to find the statutory language.

Ms. White asked if this rule requires a petition to be refiled if a matter is retained in juvenile court and not bound over to district court, or if the information acts as a petition. Judge Johnson shared that there is a transition of the information to a petition and that the document may be changed to reflect that it is now a petition, but that sometimes a new document is filed with the exact language that was contained in the information.

Mr. Gallardo presented the draft of Rule 23A that Vice-Chair Russell has worked on, including the removal of the language mirrored directly from the statute. There were no other comments or changes made to this draft. Vice-Chair Russell made a motion to present this draft of the rule to the Supreme Court. Mr. Starr seconded the motion, and it passed unanimously.

5. Discussion and Action. Rule 7. Warrants. (All)

Mr. Gallardo reported that there are several changes to consider regarding Rule 7, including a proposal to divide the treatment of child welfare and delinquency warrants into two separate rules. Judge Debra Jensen was unable to attend today's meeting but did reach out and expressed support for the notion of two separate rules for these two types of cases. Judge Jensen also shared that verbal "pickup orders" are still able to be utilized. Judge Johnson confirmed that oral warrants are still used, usually after hours from the Division of Juvenile Justice and Youth Services. Ms. White shared that those can also be utilized when the digital systems are unavailable for updates or other reasons.

Vice-Chair Russell reported that he noticed, as he reviewed this rule, that it also addresses search warrants. Judge Johnson shared that a warrant to take a child into protective custody are referred to as search warrants. Mr. Fureigh stated that judges may also issue investigative subpoenas, even though recent legislation did not pass that would clarify the court's authority to issue investigative subpoenas and warrants and the procedures still refer to the criminal code.

Mr. Fureigh has drafted a proposal for language regarding child welfare warrants, and it was presented to the Committee. Mr. Fureigh also included an additional section to clarify that a judge may issue investigative subpoenas or warrants in child welfare matters as outlined in Utah Code 78A-6-102. Vice-Chair Russell expressed appreciation for Mr. Fureigh's work on this draft.

Ms. White asked how a court has authority to issue a warrant when it does not have jurisdiction over an ongoing case. Mr. Fureigh answered that it is likened to a judge issuing a search warrant in a criminal case before charges are filed and the authority is outlined in the statutes.

Mr. Fureigh addressed language of sealing warrants from public access, and he removed the language “from public access” as no parties have access to the warrants initially before it is unsealed. Judge Johnson also expressed that warrants are protected under the rules of judicial administration and are sealed for 20 days. Mr. Fureigh shared that the 20 days may be extended or reduced upon a showing of good cause.

Mr. Fureigh recommended moving language regarding child welfare warrants to a new Rule 12 titled “Child Welfare Warrants” and to keep delinquency warrants under Rule 7. Vice-Chair Russell clarified that with a new standalone rule governing child welfare warrants, there would need to be changes to Rule 7 that would omit reference to them. Mr. Gallardo will continue to work on cleaning up the language regarding child welfare warrants and present that at the next Committee meeting.

Referring to Rule 7, Mr. Gallardo shared a draft done by Ms. Larsen in March and a follow-up draft that she did in April. Ms. White asked if the heading should be changed to reflect that Rule 7 refers to non-child welfare warrants. Judge Johnson shared that the juvenile court can issue warrants for adults and that there are some cases governing adults in juvenile court. Mr. Gallardo also referred to the rules that govern proceedings relating to adults, including contempt of court.

Chair Johnson suggested tabling further discussion between Rules 7 and 12 to allow the Committee members to further review the drafts of the two rules. Vice-Chair Russell believes that the substance of the proposed Rule 12 is where it should be, but that further review of style and grammar would be helpful before presentation to the Supreme Court. Vice-Chair Russell asked that the drafts of Rule 7 be circulated for the Committee to have time to review those more closely.

Vice-Chair Russell made a motion to table further discussion and action on warrants until the next Committee meeting. Judge Johnson seconded that motion, and it passed unanimously.

6. Old business or new business. (All)

Chair Johnson reported that his term as chair of this committee is coming to an end and that the June Committee meeting will be his last meeting as chair. Chair Johnson stated that, pending approval, Vice-Chair Russell has agreed to fill the position as committee chair. Chair Johnson thanked the Committee members for their efforts and sacrifices to give of their time. Chair Johnson also shared that several members are concluding their terms and there will be five positions to be filled.

Vice-Chair Russell shared his personal view that Chair Johnson has done such an outstanding job as chair, that he would like to seek approval for Chair Johnson to

serve another term as chair of this Committee. Vice-Chair Russell stated that he is willing to ascend and serve as chair but would prefer to remain as vice-chair and allow Chair Johnson to continue in his current role. Mr. Starr expressed support for Chair Johnson to continue to serve as chair, as did Ms. White.

Chair Johnson expressed that he is willing to continue serving as chair if that is the consensus of the Committee but will defer to Vice-Chair Russell if he wants to present that suggestion to the Supreme Court.

The meeting adjourned at 1:51 p.m. The next meeting will be held on June 5, 2026, via Webex.