



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

Meeting Agenda

Matthew Johnson, Chair

Location: Webex Meeting
Date: August 7, 2026
Time: 12:00 pm – 2:00 pm

Action: Welcome and approval of the June 5, 2026 meeting minutes.	Tab 1	Matthew Johnson
Discussion & Action: Rule 37A . Visual recording of statement or testimony of child in abuse, neglect, dependency, substantiation, child protective order, or other related non-delinquency proceedings; conditions of admissibility. <i>The Utah Supreme Court has asked that this Committee consider simplifying the language in paragraphs (a)(3) and (c)(2) of Rule 37A related to the recording.</i>	Tab 2	All
Discussion: Senate Bill 283 and Rule 30 . <i>Senate Bill 283 removed an obsolete provision previously found in Utah Code section 76-3-301.5, which required the Judicial Council to create a separate uniform fine schedule for the juvenile court.</i> <i>The juvenile court now utilizes a sliding scale when assessing fines, fees, and restitution pursuant to Utah Code section 75E-2-207.</i> <i>Furthermore, the AOC asks this Committee to discuss the usefulness of the citation process described in Utah Code</i>	Tab 3	All

section 80-6-302. The citation process does not seem to support best practices for effectively working with minors and the process is unfamiliar to the juvenile court. This is a concern that has been raised before by a previous committee member. See the enclosed minutes from 2019.		
Discussion & Action: Rule 7. Warrants. The Utah Supreme Court returned Rule 7 to the Committee, requesting further discussion of several additional suggested revisions.	Tab 4	All
Discussion & Action: Rule 12. Admission to shelter care. The Utah Supreme Court returned Rule 12 to the Committee, requesting further discussion of several additional suggested revisions.	Tab 5	All
Discussion: Old business or new business. - October in-person meeting. - Rule 16 is out for public comment. Comment period closes on August 14, 2026. - Rule 20 and Rule 23A are out for public comment. Comment period closes on September 8, 2026.		All

[URJP Committee Site](#)

Meeting Schedule:

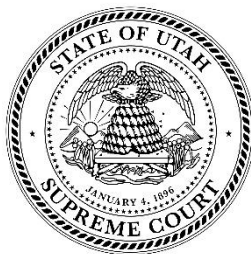
September 4, 2026

November 6, 2026

October 2, 2026 – In-person

December 4, 2026

TAB 1



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

5 **Draft Meeting Minutes**

6
7 *Matthew Johnson, Chair*
8

9 Location: Webex
10

11 Date: June 5, 2026
12

13 Time: 12:00 p.m. – 2:00 p.m.
14

Attendees:

Matthew Johnson, Chair
William Russell, Vice Chair
Adrianna Davis
Alan Sevison, Emeritus Member
Alexa Arndt
David Fureigh, Emeritus Member
Dawn Hautamaki
Elizabeth Ferrin
James Smith
Judge David Johnson
Judge Debra Jensen
Michelle Jeffs
Thomas Luchs

Excused Members:

Stephen Starr
Janette White
Carolyn Perkins

Guests:

Jacqueline Carlton, Office of Legislative
Research & General Counsel

Staff:

Tyler Ulrich, Recording Secretary
Erika Larsen, Juvenile Court Law Clerk Attorney
Raymundo Gallardo, Administrative Office of the Courts

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

16
17 Committee Chair Matthew Johnson welcomed everyone to the meeting and
18 presented the proposed minutes from the May 1, 2026, Committee meeting. Chair
19 Johnson asked if there were any comments or corrections that needed to be made.
20 Vice-Chair William Russell suggested adding the word “to” to line 160 of the
21 proposed minutes. There were no other comments or corrections. Dawn Hautamaki
22 made a motion to approve the proposed minutes as amended. Alexa Arndt seconded
23 the motion, and it passed unanimously.
24

25 **2. Discussion and Action: Rule 18. Summons; service of process; notice.** (All)

26
27 Chair Johnson reported that Rule 18 had been posted for comment, and no comments
28 have been submitted. Raymundo Gallardo stated that the comment period closes at
29 midnight tonight. Mr. Gallardo reported that, while it is not typical to approve a rule
30 prior to the comment period closing, the Committee could approve Rule 18 today for
31 presentation to the Utah Supreme Court and if a comment is submitted before
32 midnight, reconsider a motion based on such a comment. Mr. Gallardo also stated
33 that, if approved, Rule 18 would not take effect until November 1, 2026, so the
34 Committee could wait until the next scheduled meeting to consider a motion.
35

36 Vice-Chair Russell made a motion to approve Rule 18 as without comment, and to
37 check next week if a comment is submitted prior to the deadline. Vice-Chair Russell
38 suggested that if a significant comment is submitted prior to the deadline, the
39 Committee could reconsider the motion. Michelle Jeffs seconded the motion, and it
40 passed unanimously.
41

42 **3. Discussion and Action: Rule 7. Warrants.** (All)

43
44 Chair Johnson reported that Vice-Chair Russell and Erika Larsen have made some
45 revisions for the Committee to review and thanked them for their efforts. Vice-Chair
46 Russell shared that he and Ms. Larsen have had several discussions about Rule 7 after
47 Ms. Larsen did a major overhaul, and Vice-Chair Russell made some suggestions that
48 have been included. Vice-Chair Russell still had reservations about the current draft
49 of the rule that he wanted to present to the Committee for consideration.
50

51 Vice-Chair Russell stated that his first concern relates to subparagraph (a)(1)(D) that
52 states there must be statement about how the statute authorizes a warrant. That
53 statement covers the requirements listed in subparagraph (B), including the level of
54 offense and the foundation and factual basis. Vice-Chair Russell then shared concern
55 about subparagraph (C) regarding the foundation and factual basis for the affiant’s
56 knowledge and suspects that the Utah Supreme Court may push back on the
57 requirement to include the source and reliability of any informant relied upon. Vice-

58 Chair Russell's last concern relates to subparagraph (F) regarding whether a minor is
59 already under the court's jurisdiction as that requirement is also covered by the
60 statutory authority referred to in subparagraph (D) and may not be necessary to
61 include in its own subparagraph.

62
63 Adrianna Davis shared that, when reviewing warrant requests from law enforcement
64 officers, that they will include information regarding past dealings with confidential
65 informants and the reliability of the information they receive. Alan Severson stated that
66 for warrants related to child welfare cases, any information that may impact the
67 reliability of an informant should be addressed and included in the affidavit to
68 support such a warrant as it is important to put the reviewing judge on notice if there
69 are concerns about the reliability of the information presented. Vice-Chair Russell
70 withdrew his concerns regarding subparagraph (C) based on the input that has been
71 received.

72
73 Regarding subparagraph (B), Vice-Chair Russell further shared that he is not
74 accustomed to seeing as much detail as would be required under this subparagraph,
75 and Ms. Davis agreed that she does not see those details when reviewing warrant
76 requests. Erika Larsen asked if it was typical for officers to include such details as
77 what crime is being investigated and what level of offense that crime falls under. Ms.
78 Davis answered that there is generally a section regarding what offense has been
79 alleged to have been committed, but that the dates and locations are usually in
80 different sections. Ms. Larsen stated that her goal was to make sure that all
81 information about an offense for a court to consider before authorizing a warrant was
82 included, including the level of offense as arrest warrants for minors are only allowed
83 for certain classifications of offenses. Chair Johnson and Ms. Davis agreed that it
84 would be appropriate to include the level of offense for arrest warrants relating to
85 minors.

86
87 Regarding subparagraph (F), Ms. Larsen reported that there is another rule that
88 requires a statement when a case is filed about whether the minor is already under
89 court jurisdiction in the initiating document. Thus, if a warrant application is the first
90 document filed, this would fulfill that requirement.

91
92 Vice-Chair Russell had one further question regarding subparagraph (c)(3) and was
93 concerned that the language as written did not make sense. Ms. Larsen shared that
94 the language was pulled directly from the current version of the rule relating to
95 warrants for detention. Vice-Chair Russell made linguistic suggestions so the rule
96 would be easier to read and understand and to make it more concise.

97
98 No other comments or discussion relating to Rule 7 were shared, and Vice-Chair
99 Russell made a motion to adopt the current draft as amended for presentation to the

Utah Supreme Court. Elizabeth Ferrin seconded the motion, and it passed unanimously.

4. Discussion and Action. Rule 7A. Pick up orders. (All)

Chair Johnson shared that Rule 7A would need to be repealed if the current proposal relating to Rule 7 is adopted. The language in Rule 7A is included in the current draft of Rule 7.

Ms. Jeffs made a motion to repeal Rule 7A upon the adoption of the new Rule 7. Vice-Chair Russell seconded the motion, and it passed unanimously.

5. Discussion and Action. Rule 12. Admission to shelter care. (All)

Mr. Sevison reported that he met with a team of attorneys at the Office of the Attorney General to discuss this rule and feel that this rule would be appropriate to distinguish from warrants related to delinquency. David Fureigh shared the changes suggested from the team of attorneys with Mr. Gallardo, Chair Johnson, and Vice-Chair Russell prior to today's meeting, and Mr. Gallardo has incorporated those changes. Chair Johnson asked for input about whether the Utah Supreme Court prefers shorter titles for rules opposed to the longer title included in the current draft. Mr. Fureigh answered that it made sense to include the statutory authority for such warrants and subpoenas in the title so that a subparagraph would not need to be included to refer to those statutes. The suggested title would also clarify that this rule only applies to warrants and subpoenas related to those specific child welfare and other non-delinquency matters.

Mr. Sevison clarified that, if the Utah Supreme Court is concerned with the proposed length of the title, a subparagraph could be added to clarify that these warrants and subpoenas would be limited to certain cases. Mr. Gallardo added that there are a few existing rules that do cite statutes and have longer titles. Mr. Gallardo stated that the Utah Supreme Court will suggest changes to the titles if they do not like the current draft. Mr. Sevison added that he prefers the current version of the title as it clarifies that those statutes apply to the entire rule.

Vice-Chair Russell made a motion to adopt the current draft of Rule 12 for presentation to the Utah Supreme Court. Thomas Luchs seconded the motion, and it passed unanimously.

6. Discussion: Senate Bill 283 and Rule 30. (All)

Mr. Gallardo explained that Senate Bill 283 removed the requirement that the Judicial Council create a separate juvenile court fine schedule. Such a fine schedule has not

143 existed for some time, and the court uses a sliding scale pursuant to statutory
144 authority found in Utah Code section 63M-7-208(2)(f). (As of July 1, 2026, Utah Code
145 section 63M-7-208 has been recodified and is now found in Utah Code section 75E-2-
146 207.) That statute authorizes the Department of Criminal Justice to work with the
147 Administrative Office of the Courts to set the sliding scale. Rule 30 has a citation
148 process and refers to the Judicial Council's fine schedule, so at the very least, there
149 will need to be a change to amend that language referring to the Judicial Council.

150
151 Mr. Gallardo also asked if the Committee believed it would be beneficial to discuss
152 the citation process that is governed by Utah Code section 80-6-302. That citation
153 process is similar to the process used by justice courts where a fine may be paid in lieu
154 of appearing in court. Mr. Gallardo acknowledged that it is a good process for justice
155 courts but wanted input from the Committee if that is a preferred process for minors
156 in juvenile court for violations referred to in 80-6-302. Mr. Gallardo also shared that
157 most of those offenses are handled non-judicially, but some members of the AOC are
158 concerned about this process for juvenile court proceedings and whether the juvenile
159 courts are prepared to handle such a citation process. Mr. Gallardo also expressed
160 concern that Rule 30 uses the word "conviction" when referring to these offenses.

161
162 Judge David Johnson does not believe that the juvenile court has jurisdiction to handle
163 many of the citable offenses that are handled in justice courts unless it is coupled with
164 other allegations that gives the juvenile court jurisdiction. Vice-Chair Russell has
165 reviewed the statutory jurisdiction of justice courts and shared that justice courts have
166 jurisdiction over all traffic infractions for juveniles except for Driving Under the
167 Influence and Reckless Driving/Boating. Vice-Chair Russell also shared concern that
168 Rule 30 includes a reference to convictions and believes that language needs to be
169 stricken or amended to reflect proper dispositions. Vice-Chair Russell advocated that
170 the language be changed to reflect that these types of offenses be referred to and
171 treated as non-judicial adjustments.

172
173 Chair Johnson shared that, for traffic offenses, paying a fine is treated as a conviction.
174 Judge Johnson added that those are convictions even for minors, but acknowledged
175 that Rule 30 needs to be amended to properly reflect the law. Chair Johnson suggested
176 that the matter be tabled at this time and that, prior to the next meeting, the Committee
177 review Rule 30 for further discussion and action.

178 179 **7. Discussion: Senate Bill 304. (All)**

180
181 Mr. Gallardo shared that Ms. Larsen, Chair Johnson, and Vice-Chair Russell have
182 reviewed Senate Bill 304 and have reported that the procedures that take effect in May
183 2027 are already included in statute and a rule may not be needed. Ms. Larsen added
184 that she went through the amended statute to identify the key procedural issues and
185 found that the statute covers those procedures.

Mr. Fureigh also reviewed the amended statute and noted that the statute did not include the timing of a motion under the statute, but that would be governed under the Rules of Civil Procedure. Mr. Fureigh stated that the statute does not appear to have a requirement for the timing of a hearing on such a motion. Mr. Fureigh believes that these matters are generally handled expeditiously, but expressed concern that without guidance, hearings may be unnecessarily delayed. Mr. Fureigh also noted that the statute does not specify the relief if a court determines a false statement was made in a request for child protective order, though he also acknowledged that may be a statutory question and not a question of procedure.

Chair Johnson reported that hearings on child protective orders are held within 21 days of the ex parte order being issued. Chair Johnson expressed hope that judges would hold hearings under SB 304 quickly when it is alleged that the orders were made due to false statements. Ms. Larsen said that she has been researching this bill and has noticed some gaps but shared that the bill also relates to a statute that authorizes make-up parent-time as a form of relief if the protective order has been dismissed on the merits. Chair Johnson added that the parent must have lost parent-time due to the filing of the protective order.

Judge Johnson said that child protective orders are unique and that all the rules relating to evidence and procedure do not always apply, and each judge handles them differently. However, to prove falsification, Judge Johnson believes the Rules of Evidence would likely be more strictly adhered to if a judge is considering sanctions. Judge Johnson believes that judges would attempt to handle such matters as quickly as possible. Chair Johnson shared that he has only seen one instance of a judge issuing sanctions in a child protective order matter and it was due to very egregious behavior and repeated filings and allegations.

Based on the input and discussion, Mr. Fureigh did not see the need for a new procedural rule and would prefer to leave this to individual courts and practitioners to manage these hearings, to which Chair Johnson agreed. Judge Johnson added that many child protective orders filed in juvenile courts get transferred to district courts to be handled as part of custody and divorce proceedings.

After discussion, no motions were made relating to SB 304 and the potential for a new rule. Judge Johnson suggested that if issues arise when implemented, the Committee can revisit this issue.

8. Discussion and Action: Rule 29. Multiple county offenses. (All)

Mr. Gallardo noted that considering the proposed amendments related to Rule 16, Rule 29 may need to be revised. Vice-Chair Russell suggested that the Committee wait

229 until Rule 16 is resolved to make any amendments to Rule 29. Chair Johnson agreed
230 that it would be appropriate to table any further discussion until Rule 16 is resolved.
231

232 **9. Old business or new business. (All)**
233

234 Chair Johnson expressed appreciation to Ms. Jeffs and Janette White who have
235 completed their terms as a members of this Committee. Chair Johnson also reported
236 that the Utah Supreme Court has approved Vice-Chair Russell's suggestion to allow
237 Chair Johnson to serve as chair for another three-year term.
238

239 Mr. Gallardo added that Mr. Sevison is retiring in August and expressed appreciation
240 as this will likely be his last meeting as an emeritus member.
241

242 The meeting adjourned at 1:51 p.m. The next meeting will be held on August 7, 2026,
243 via Webex.

TAB 2

Rule 37A. Visual recording of statement or testimony of child in abuse, neglect, dependency, substantiation, child protective order, or other related non-delinquency proceedings; conditions of admissibility.

(a) In any abuse, neglect, dependency, substantiation, child protective order, or other related non-delinquency proceeding, the oral statement of a child may be recorded, and upon motion and for good cause shown is admissible as evidence in any court proceeding regarding the petition if all of the following conditions are met:

(1) no attorney for any party is in the child's presence when the statement is recorded;

(2) the recording is visual and aural and is recorded on film, videotape, or other electronic means;

~~(3) the recording equipment is capable of making an accurate recording; the operator of the equipment is competent; and~~ the recording is accurate and has not been altered;

(4) each voice in the recording is identified;

(5) the person conducting the interview of the child in the recording is present at the proceeding and is available to testify and be cross-examined by either party;

(6) the parties and the parties' attorneys are provided an opportunity to view the recording before it is shown to the court;

(7) the court views the recording and determines that it is sufficiently reliable and trustworthy and that the interest of justice will best be served by admission of the statement into evidence; and

(8) the child is available to testify and to be cross-examined at trial, either in person or as provided by paragraph (b) or (c), or the court determines that the child is unavailable as a witness to testify at trial under the Utah Rules of Evidence. For purposes of this paragraph "unavailable" includes a determination, based on medical or psychological evidence or expert testimony, that the child would suffer serious emotional or mental strain if required to testify at trial.

(b) In any abuse, neglect, dependency, substantiation, child protective order, or other related non-delinquency proceeding, the court may order that the testimony of any child may be taken in a room other than the courtroom. All of the following conditions must be observed:

(1) Only the judge, attorneys for each party, persons necessary to operate equipment, and a counselor or therapist whose presence contributes to the welfare and emotional well-being of the child may be with the child during the testimony. The parties may also be present during the child's testimony unless a party consents to be hidden from the child's view, or the court determines that the child will suffer serious emotional or mental strain if required to testify in the party's presence, or that the child's testimony will be unreliable if required to testify in the party's presence. If the court makes that determination, or if the party consents:

(A) the party may not be present during the child's testimony;

(B) the court will ensure that the child cannot hear or see the party;

(C) the court will advise the child prior to testifying that the party is present at the trial and may listen to the child's testimony;

(D) the party must be permitted to observe and hear the child's testimony, and the court will ensure that the party has a means of two-way telephonic communication with counsel during the child's testimony; and

(E) normal court procedures must be approximated as nearly as possible;

(2) Only the judge and attorneys may question the child unless otherwise approved by the judge; and

(3) As much as possible, persons operating equipment must be confined to an adjacent room or behind a screen or mirror so the child cannot see or hear them.

(c) In any abuse, neglect, dependency, substantiation, child protective order, or other related non-delinquency proceeding, the court may order that the testimony of any child

be taken outside the courtroom and be recorded. That testimony is admissible as evidence, for viewing in any court proceeding regarding the allegations if the provisions of paragraph (b) are observed, in addition to the following provisions:

(1) the recording is both visual and aural and recorded on film, videotape, or other electronic means;

(2) ~~the recording equipment is capable of making an accurate recording; the operator is competent; and~~ the recording is accurate and is not altered;

(3) each voice on the recording is identified; and

(4) each party is given an opportunity to view the recording before it is shown in the courtroom.

(d) If the court orders that the testimony of a child be taken under paragraph (b) or (c), the child may not be required to testify in court at any proceeding where the recorded testimony is used.

Effective November 1, 2025

TAB 3

1 Rule 30. Citations; Applicable Offenses and Procedures; Bail

2 (a) A citation issued pursuant to Utah Code section 80-6-302 ~~shall~~must be sufficient to
3 invoke the jurisdiction of the juvenile court in any offense listed in that section.

4 (b) **Procedure.** Whenever a citation is issued pursuant to Utah Code section 80-6-302, a
5 copy of the citation filed with the juvenile court may be used in lieu of a petition upon
6 which the minor may appear and admit the offense, upon which the court may make a
7 disposition, or upon which the court may accept bail in lieu of appearance. If the minor
8 fails to appear on a citation or fails to tender the fine as bail in cases where bail is
9 permitted in lieu of appearance, a petition or order to show cause may be filed and further
10 proceedings held as provided in these rules.

11 (c) Where a citation has been filed with the juvenile court for an offense, the minor cited,
12 pursuant to Utah Code section 80-6-302, ~~shall~~must be allowed to post bail without further
13 court appearance except as provided in this rule.

14 (d) The bail amount for each such offense ~~shall~~must be included in a written notice of
15 bailable offenses in accordance with the ~~bail/fine schedule approved by the Judicial~~
16 ~~Council~~statewide sliding scale. The bail amount may immediately be forfeited as a fine
17 and ~~shall~~will be deemed a conviction of the offense charged if the notice has been given
18 to the cited minor and the notice advises the minor and the minor's parent, guardian, or
19 custodian that payment of the fine constitutes an admission of guilt.

20 (e) A juvenile court district may, or where required by statute ~~shall~~will, designate repeat
21 offenses for which an appearance or additional bail is required.

22 (f) In other circumstances, a minor in a detention facility may have a right to bail pursuant
23 to Utah Code section 80-6-207.

24 *Effective date:*

Commented [RG1]: Does this language still make sense after removing the "bail/fine schedule..." language?

Utah Rules of Juvenile Procedure Committee- Meeting Minutes

January 4, 2019			Noon to 2:00 p.m.			Education Room		
MEETING DATE			TIME			LOCATION		
MEMBERS:	Present	Absent	Excused	MEMBERS:	Present	Absent	Excused	
Carol Verdoia	☒	☐	☐	Daniel Gubler	☒	☐	☐	
Judge Elizabeth Lindsley	☒	☐	☐	Sophia Moore	☒	☐	☐	
Judge Mary Manley	☒	☐	☐	Mikelle Ostler	☒	☐	☐	
Arek Butler	☒	☐	☐	Jordan Putnam	☒	☐	☐	
Trish Cassell	☒	☐	☐	Chris Yannelli	☒	☐	☐	
Monica Diaz	☒	☐	☐		☐	☐	☐	
Kristin Fadel	☒	☐	☐		☐	☐	☐	
David Fureigh	☒	☐	☐		☐	☐	☐	
AOC STAFF:	Present	Excused		GUESTS:	Present	Absent		
Katie Gregory	☒	☐		Alisa Lee	☒	☐		
Jean Pierce	☒	☐		Bridget Koza	☒	☐		
Keegan Rank	☒	☐		Joseph Wade	☒	☐		

AGENDA TOPIC

I. Welcome & Approval of Minutes		CHAIR: CAROL VERDOIA
The committee completed its annual Professional Practice Disclosures. Carol Verdoia introduced Joseph Wade, a policy analyst with the Office of Legislative Research and General Counsel and Alisa Lee, DCFS Indian Child Welfare Program Administrator. The committee reviewed and approved the minutes of November 2, 2018.		
Motion: to approve the minutes of November 2, 2018.	By: Judge Manley	Second: Judge Lindsley
Approval	☒ Unanimous ☐ Vote: In Favor _____ Opposed _____	

AGENDA TOPIC

II. Updates on Discussions with Utah Supreme Court Concerning Advisory Committee Notes, Rule 9 and Rule 27A	KATIE GREGORY
Katie Gregory reviewed the Supreme Court's actions on the removal of Advisory Committee Notes. The Court approved the removal of all notes to Rules 11, 18, 24, 25, 26, 27 and 30. The Court determined that the removal of the notes did not require a public comment period. The Court's order was posted on the website of the Utah State Courts in the Juvenile Rules section. It was also forwarded to the publishers. The Court approved Rules 9 and 27A for public comment with minor revisions. The comment period for both rules closes on February 4, 2019.	

AGENDA TOPIC

III. Rule 5-Definitions: Request of Utah Supreme Court for Additional Action on Proposed Revisions	CAROL VERDOIA
Carol Verdoia presented the revisions to Rule 5 to the Supreme Court in December. The Justices asked that the Committee add a cross reference to Rule 32 in the definition of ungovernability contained in paragraph (j). Judge Lindsley made a motion to add "See Rule 32 of the Utah Rules of Juvenile Procedure" to section (j) of Rule 32. Daniel Gubler seconded the motion and it passed unanimously.	
Monica Diaz addressed concerns that in Rule 32 the term "minor" or "minor's" should be changed to "child" or "child's" throughout the rule and made a motion to do so. Judge Lindsley seconded the motion. Arek Butler made two friendly amendments to the motion to remove "or school authorities" from paragraph (a) and add "lawful" before the word custodian in paragraph (a). Judge Lindsley seconded the motion as amended and it passed unanimously.	
Action Item:	Katie Gregory will email the revised version of Rule 5 to the Supreme Court for review and approval. Revisions to Rule 32 will be presented to the Court for comment.
Motion #1: to add "See Rule 32 of the Utah Rules of Juvenile Procedure." to the end of section (j) of Rule 5.	By: Judge Lindsley Second: Daniel Gubler
Approval	☒ Unanimous ☐ Vote: # In Favor _____ # Opposed _____
Motion #2: to revise Rule 32 by changing the term "minor" or "minor's" to "child" or "child's" respectively throughout the rule, to remove "or school authorities from paragraph (a), and to add "lawful" before the word custodian in paragraph (a).	By: Monica Diaz with friendly amendments by Arek Butler Second: Judge Lindsley
Approval	☒ Unanimous ☐ Vote: # In Favor _____ # Opposed _____

AGENDA TOPIC

IV. Continued Discussion of Tribal Participation in Juvenile Court	CAROL VERDOIA AND ALISA LEE
Carol Verdoia discussed the background of the committee's work on the issue of tribal participation and reviewed the handouts included in the meeting packet. Alisa Lee, DCFS Indian Child Welfare Program Administrator, was invited to the meeting as guest. Ms. Lee discussed that tribes are understaffed and lack resources, which makes participating in cases difficult. Tribes also feel that there is no set standard for their participation in court, but getting tribal participation is crucial. Enacting rules for tribal participation would be a good course of action and	

could facilitate more tribal participation in cases. Ms. Lee recommended that tribal engagement should be a focus from the onset of the case and that the committee would benefit from hearing from tribal attorneys to get their perspective and recommendations on tribal participation in juvenile court cases. Tribes are also pursuing the drafting and enactment of a state ICWA law to create a consistent approach in ICWA cases.

The committee discussed concerns of the Office of Guardian ad litem regarding whether creating rules or laws for tribal participation would invite more litigation and appeals, which may delay permanency for children. Committee members discussed ramifications of mandating that a tribe be treated as a party and whether a rule could encapsulate current practice. Concerns were raised on whether the rule would apply to delinquency proceedings and whether that is appropriate.

Further discussion took place on developing trust between the court and tribes. The committee also discussed concerns about tribes not intervening until late in a case and how long it takes to find out if a child qualifies as an enrolled member of a tribe.

The committee decided that they would like to invite tribal attorneys to a future meeting for further discussion.

Action Item:	Katie Gregory and Alisa Lee will discuss a plan to invite tribal attorneys to a future meeting
--------------	--

AGENDA TOPIC

V. Rule 30-Citations; applicable offenses and procedures; bail.	TRISH CASSELL
Trish Cassell discussed concerns with Rule 30, which is now inconsistent with statutory changes made in HB 239. Citations are eFiled, but juvenile court no longer utilizes bail in practice. Ms. Cassell will address her concerns with members of the Utah Board of Juvenile Justice to see if the issue needs to be addressed statutorily rather than by rule.	
Action Item:	Ms. Cassell will report back after discussions with UBJJ.

TAB 4

1 **Rule 7. Warrants in delinquency and criminal proceedings.**

2 (a) **Warrant application.** ~~The issuance and execution of a warrant is governed by Title 77,~~
3 ~~Chapter 7, Arrest; Utah Code sections 78A-6-102, 78A-6-352, 80-2a-202, and 80-6-202; and~~
4 ~~Rule 40 of the Utah Rules of Criminal Procedure.~~

Commented [JP1]: Should we label this Arrest warrant application?

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

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

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

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

Commented [JP2]: I think this is supposed to be "information"

16 (D) a statement that the minor's arrest is authorized pursuant to Utah Code section
17 80-6-202(1)(a), including the specific statutory ground authorizing the arrest;

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

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

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

25 (2) On verbal request from a probation officer or other authorized individual, the
26 court may issue a pick up order telephonically during nonbusiness hours or under

Commented [JP3]: I would think this should be hyphenated (pick-up) unless the norm is not to hyphenate it.

exigent circumstances when it appears necessary for the protection of the community or the minor and must be supported by an affidavit from the requesting authority containing the information required by paragraph (a)(1) the next court business day.

(b) **Content and form of a warrant.** An arrest warrant under this rule must be supported by facts set forth in the petition or information filed under Utah Code sections 80-6-305 and 80-6-503 or by a separate affidavit or petition filed pursuant to paragraph (a), signed by a court, and must contain the following: After a petition is filed, a warrant for immediate temporary custody of a minor may be issued if the court finds from the facts set forth in an affidavit filed with the court or in the petition that there is probable cause to believe that:

(1) the name, date of birth, and last known address of the minor; the minor has committed an act which would be a felony if committed by an adult;

(2) the factual basis upon which the court determined there is probable cause to take the minor into temporary custody; the minor has failed to appear after the minor or the parent, guardian or custodian has been legally served with a summons;

(3) the type of placement where the minor is directed to be taken; there is a substantial likelihood the minor will not respond to a summons;

(4) if the minor is to be taken to a secure detention facility, an order requiring the minor's immediate admission to the secure detention facility and prohibiting the minor's release without further court order; the summons cannot be served and the minor's present whereabouts are unknown;

(5) the name and title of the person requesting the warrant unless ordered by the court on its own initiative pursuant to these rules; the minor seriously endangers others and immediate removal appears to be necessary for the protection of others or the public; or

(6) the date, county, and court location where the warrant is being issued; the minor is a runaway or has escaped from the minor's parent, guardian, or custodian; and

Commented [JP4]: To make it clear who must file the affidavit, I'd suggest breaking this into two sentences:

"On verbal request from a probation officer or other authorized individual, the court may issue a pick-up order telephonically during nonbusiness hours or under exigent circumstances when it appears necessary for the protection of the community or the minor. The individual requesting the pick-up order must file, by the next court business day, a sworn statement containing the information required by paragraph (a)(1)."

Commented [JP4R2]: Another thought: Although this paragraph identifies a substitute for a warrant application, it also identifies what the court can do. I'm wondering if we still need a section labeled something like, "Issuance of an arrest warrant or pick up order," that identifies when the court may issue a warrant or a pick-up order. That also makes me wonder whether a "pick-up" is different than an arrest and whether a court needs probable cause for a pick-up order.

Commented [JP5]: Should we revise to say, **Content of an arrest warrant?**

I suggest adding "arrest" just to distinguish from search warrants.

I suggest removing "form" because the rule doesn't dictate a particular form - just content.

Commented [JP6]: If this intends to refer to (a)(2), let's change "affidavit" to "sworn statement"

Commented [JP7]: Should petition be "application"?

Commented [JP8]: This is a bit unclear. In para (b)(2), we say the court must have a factual basis for probable cause and that the factual basis must be included in the warrant. Is this intending to convey something more than that? I'm not sure what the highlighted part of the intro language is instructing the court to do relative to the content of the arrest warrant.

... [1]

Commented [JP9]: Must should be revised to "will" pursuant to the style guide as this provision instructs what the court will do.

Commented [JP10]: I'd revise to: "the factual basis for the court's probable cause determination justifying taking the minor into temporary custody" (or, mo ... [2]

Commented [JP11]: Or, "the location or type of facility where the minor will be taken"

Commented [JP12]: Or "individual"? We use individual above.

Commented [JP14]: Is this a reference to (a)(2) or something else?

(7) any time limitation on the execution of the warrant.

(c) **Execution of a warrant.** A warrant for immediate temporary custody of a minor may be issued if the court finds from the affidavit that the minor is under the continuing jurisdiction of the court and probable cause to believe that the minor:

(1) An arrest warrant issued under this rule may be executed only by a peace officer authorized by law to make arrests, has left the custody of the person or agency vested by the court with legal custody and guardianship without permission; or

(2) Unless the court expressly limits the timing, an arrest warrant issued under these rules may be executed at any time has violated a court order.

(3) A peace officer who brings a minor to a detention facility pursuant to a court order for immediate custody must inform the person in charge of the facility of the existence of that such order. A minor so admitted to detention pursuant to a court order may not be released without a court order.

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

(d) **Warrant to arrest parent, guardian, or custodian.** An applicant seeking a warrant to arrest a minor's parent, guardian, or custodian pursuant to Utah Code section 78A-6-352 must adhere to the requirements of this rule. A warrant for immediate custody shall be signed by a court and shall contain or be supported by the following:

(1) an order that the minor be returned home, taken to the court, taken to a juvenile detention, shelter facility, other nonsecure facility or an adult detention facility, if appropriate, designated by the court at the address specified pending a hearing or further order of the court;

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

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

Commented [JP15]: Should we revise to, "Execution of an arrest warrant"?

Commented [JP16]: Is this compliant with law? Don't warrants ordinarily need to have a basis for execution at night?

If this is compliant, I'd revise the language as follows: "Unless the court orders otherwise, an arrest warrant issued under this rule may be executed at any time of the day."

Commented [JP17]: Does "immediate custody" have special meaning different than just "custody"? Should it be "temporary custody"?

Commented [JP18]: I think it makes sense to have, as we do above, something saying this should be in the court's order. But it seems a bit odd to have it here. (And fwiw, this entire section gets a bit beyond rules of procedure.)

Commented [JP19]: I'd suggest replacing with "... comply with paragraph (a)."

~~(4) a time limitation on the execution of the warrant;~~

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

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

(e) **Search warrants.** Search warrants in juvenile delinquency cases are subject to the procedures and requirements in Utah Code section 77-23-210 and Rule 40 of the Utah Rules of Criminal Procedure. ~~A peace officer who brings a minor to a detention facility pursuant to a court order for immediate custody shall so inform the person in charge of the facility and the existence of such order shall require the minor's immediate admission. A minor so admitted may not be released without court order.~~

(f) **Return of service.** A return of service on a warrant must be filed within 72 hours, except as otherwise directed by the court. ~~This rule shall not limit the statutory authority of a probation officer to take a minor who has violated a condition of probation into custody under Utah Code section 80-6-201.~~

(g) Return of service on a warrant shall be executed within 72 hours unless otherwise ordered by the Court.

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

(i) **The juvenile court to retain and file copies—Documents sealed for twenty days—Forwarding of record to court with jurisdiction.**

(1) ~~When a~~ warrant ~~is issued pursuant to this rule, At the time of issuance,~~ the juvenile court will~~shall~~ retain and seal a copy of the ~~search~~ warrant, the application, and all affidavits or other recorded testimony on which the warrant is based and will~~shall~~, within a reasonable time, file those sealed documents in court files which are secured against access by the public. Those documents will~~shall~~ remain sealed until ~~20~~twenty

Commented [JP20]: I'd replace with "governed by"

Commented [JP21]: Arrest and search warrants? I'd be specific here. E.g., "A return of service on an arrest or search warrant must be filed ..."

Commented [JP22]: I'd revise to, "... must be filed with the court within 72 hours of its execution[?]" unless the court orders otherwise."

Commented [JP23]: It looks like this got left behind and was replaced by (f). Unless I'm missing something, it should be deleted.

Commented [JP24]: This is oddly worded. What if we change it to:

"Counsel for the Division of Child and Family Services may, before the warrant is executed, file an ex parte motion to vacate a warrant issued pursuant to Utah Code section 80-2a-202 for a child who is missing, has been abducted, or has run away."

Formatted: Font: Bold

Commented [JP25]: We could shorten this title to: "Retention and sealing of documents."

Commented [JP26]: Should we add "an arrest or search"?

Commented [JP27]: Why not replace this with, "any other evidence"

Commented [JP28]: Is this section an outdated relic? When would a court ever dispose of these documents/evidence, and does the court need to take additional steps once it designates the records as sealed? I think we may need to provide that the court will seal the record and then unseal it after 20 days, but the rest of (i)(1) seems a bit unnecessary.

107 days ~~after~~following the issuance of the warrant unless that time is extended or
108 reduced. Unsealed search warrant documents ~~will~~shall be filed in the court record.

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

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

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

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

120 *Effective Date:*

Commented [JP29]: I asked a similar question to that above last November re whether this is still necessary under current systems. If it is, I'm fine to leave it as is. I just want to make sure we've explored it.

This is a bit unclear. In para (b)(2), we say the court must have a factual basis for probable cause and that the factual basis must be included in the warrant. Is this intending to convey something more than that? I'm not sure what the highlighted part of the intro language is instructing the court to do relative to the content of the arrest warrant.

Also, does this mean that a court can issue a warrant without the application in (a)(1) or (a)(2) if it has a petition or information? I think the "or" in this sentence suggests as much, but I want to be sure of the intent.

I'd revise to: "the factual basis for the court's probable cause determination justifying taking the minor into temporary custody" (or, more simply, "the factual basis for the court's probable cause determination justifying the arrest")

Rule 7. Warrants in delinquency and criminal proceedings.

~~(a) Arrest warrants generally.~~ The issuance and execution of an arrest warrant is governed by ~~Title 77, Chapter 7, Arrest;~~ Utah Code sections ~~78A-6-102, 78A-6-352, 80-2a-202,~~ and 80-6-202; and by Title 77, Chapter 7. ~~Rule 40 of the Utah Rules of Criminal Procedure~~An arrest warrant must be supported by facts set forth in a sworn petition or information filed under Utah Code section 80-6-305 or 80-6-503, respectively, or by a separate sworn statement filed or made in compliance with paragraph (b).

(b) **Arrest warrant application.** A probation officer, prosecutor, or other authorized person may request that the court issue an arrest warrant for a minor as follows:

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

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

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

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

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

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

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

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

(2) Upon a sworn verbal request from a probation officer or other authorized person, the court may issue a pick-up order telephonically during nonbusiness hours or under exigent circumstances when it appears necessary for the protection of the community or the minor. The person requesting the pick-up order must file, by the next court business day, a sworn statement containing the information required by paragraph (b)(1).

~~(c)~~ **Content of an arrest warrant.** An arrest warrant under this rule must be signed by the court and must contain the following. ~~After a petition is filed, a warrant for immediate temporary custody of a minor may be issued if the court finds from the facts set forth in an affidavit filed with the court or in the petition that there is probable cause to believe that:~~

(1) the name, date of birth, and last known address of the minor ~~the minor has committed an act which would be a felony if committed by an adult;~~

(2) the factual basis for the court's probable cause determination justifying the arrest ~~the minor has failed to appear after the minor or the parent, guardian or custodian has been legally served with a summons;~~

(3) the location or type of facility where the minor will be taken ~~there is a substantial likelihood the minor will not respond to a summons;~~

(4) if the minor is to be taken to a secure detention facility, an order requiring the minor's immediate admission to the secure detention facility and prohibiting the minor's release without further court order ~~the summons cannot be served and the minor's present whereabouts are unknown;~~

(5) the name and title of the person requesting the warrant unless the court orders the warrant on its own initiative~~the minor seriously endangers others and immediate removal appears to be necessary for the protection of others or the public; or~~

(6) the date, county, and court location where the warrant is being issued~~the minor is a runaway or has escaped from the minor's parent, guardian, or custodian; and~~

(7) any time limitation on the execution of the warrant in accordance with Utah Code section 77-7-5(5).

(de) **Execution of an arrest warrant.**~~A warrant for immediate temporary custody of a minor may be issued if the court finds from the affidavit that the minor is under the continuing jurisdiction of the court and probable cause to believe that the minor:~~

(1) An arrest warrant issued under this rule may be executed only by a peace officer authorized by law to make arrests.~~has left the custody of the person or agency vested by the court with legal custody and guardianship without permission; or~~

(2) The timing and manner of execution of the arrest warrant must comply with the terms of the warrant and the provisions of Utah Code section 77-7-5(5)~~has violated a court order.~~

(3) A peace officer who brings a minor to a detention facility pursuant to an arrest warrant must inform the person in charge of the facility of the existence of that order.

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

(ed) **Warrant to arrest parent, guardian, or custodian.** An applicant seeking a warrant to arrest a minor's parent, guardian, or custodian pursuant to Utah Code section 78A-6-352 must comply with paragraph (b).~~A warrant for immediate custody shall be signed by a court and shall contain or be supported by the following:~~

~~(1) an order that the minor be returned home, taken to the court, taken to a juvenile detention, shelter facility, other nonsecure facility or an adult detention facility, if appropriate, designated by the court at the address specified pending a hearing or further order of the court;~~

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

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

~~(4) a time limitation on the execution of the warrant;~~

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

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

~~(f) Search warrants. Search warrants in juvenile delinquency cases are governed by Utah Code section 77-23-210 and Rule 40 of the Utah Rules of Criminal Procedure. A peace officer who brings a minor to a detention facility pursuant to a court order for immediate custody shall so inform the person in charge of the facility and the existence of such order shall require the minor's immediate admission. A minor so admitted may not be released without court order.~~

~~(g) Return of service. A return of service on an arrest or search warrant must be filed with the court within 72 hours of its execution unless the court orders otherwise. This rule shall not limit the statutory authority of a probation officer to take a minor who has violated a condition of probation into custody under Utah Code section 80-6-201.~~

~~(h) Record sealing and retention. Return of service on a warrant shall be executed within 72 hours unless otherwise ordered by the Court.~~

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

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

(1) When an arrest or search warrant is issued pursuant to this rule, ~~At the time of issuance,~~ the juvenile court will~~shall~~ retain and seal ~~a copy of the search~~ warrant, the application, and all verbal or written sworn statements upon~~affidavits or other recorded testimony on~~ which the warrant is based and will~~shall~~, within a reasonable time, file those sealed documents in court files which are secured against access by the public. Those documents will~~shall~~ remain sealed until 20~~twenty~~ days after~~following~~ the issuance of the warrant unless that time is extended or reduced. Unsealed search warrant documents will~~shall~~ be filed in the court record.

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

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

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

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

Effective Date:

TAB 5

Rule 12. Warrants and subpoenas in child welfare or other related non-delinquency proceedings issued pursuant to Utah Code sections 78A-6-102, 78A-6-352, and 80-2a-202 Admission to shelter care.

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

(b) Prior to a child welfare warrant or subpoena being executed, the juvenile court may vacate the warrant or subpoena upon an ex parte motion.

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

Admission to shelter care is governed by Utah Code Title 80, Chapter 2, Child Welfare Services; Chapter 2a, Removal and Protective Custody of a Child; and Chapter 3, Abuse, Neglect, and Dependency Proceedings.

Effective date:

Commented [JP1]: I suggest we delete this detail from the heading. I'd end the heading at proceedings. Also, does this just apply to search warrants? If so, I'd add that detail in (i.e., "Search warrants and subpoenas ...")

Commented [JP2]: To capture the detail I suggest removing from the heading, I suggest we add a new paragraph here called **Scope**. It could say:

a) **Scope.** This rule applies to [search?] warrants and subpoenas issued in child welfare and other related non-delinquency matters pursuant to Utah code sections 78A-6-102, 78A-6-352, and 80-2a-202.

Commented [JP3]: This would now be (b). I suggest we add a subheading and identify the actor. I'd revise as follows.

(b) **Return of service.** The person executing a [search?] warrant or subpoena must file a return of service with the court within 72 hours of the warrant or subpoena's execution.

Commented [JP4]: For consistency, we could add a subheading here. Also, I wasn't sure who would be asking for such relief and so I've added something in there. Finally, I'd prefer to use more ordinary language. If someone has an idea for replacing "ex parte," I'd love to hear it. I thought maybe: "without notice," but wasn't sure if that would be clear enough.

(c) **Vacatur.** A peace officer or child welfare caseworker may, before a [search?] warrant or subpoena is executed, move ex parte to vacate the warrant or subpoena.

Commented [JP5]: Another subheading idea with some revisions:

(d) **Sealing of records [or documents?].** The juvenile court will seal all records [or documents?] relating to a [search?] warrant or subpoena for a period of 20 days after the warrant or subpoena is issued unless the time period is extended or shortened by the court for good cause. After that time period expires, the records [or documents?] will be available as part of the court record.

Question: does the court need to actually unseal the documents or will they be deemed unsealed automatically after the time period expires? I wrote it the latter way, but we could revise to require a court order.