



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

### Meeting Minutes

*Matthew Johnson, Chair*

Location: Webex

Date: June 5, 2026

Time: 12:00 p.m. – 2:00 p.m.

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| <b><u>Attendees:</u></b><br>Matthew Johnson, Chair<br>William Russell, Vice Chair<br>Adrianna Davis<br>Alan Sevison, Emeritus Member<br>Alexa Arndt<br>David Fureigh, Emeritus Member<br>Dawn Hautamaki<br>Elizabeth Ferrin<br>James Smith<br>Judge David Johnson<br>Judge Debra Jensen<br>Michelle Jeffs<br>Thomas Luchs | <b><u>Excused Members:</u></b><br>Stephen Starr<br>Janette White<br>Carolyn Perkins |
| <b><u>Staff:</u></b><br>Tyler Ulrich, Recording Secretary<br>Erika Larsen, Juvenile Court Law Clerk Attorney<br>Raymundo Gallardo, Administrative Office of the Courts                                                                                                                                                    |                                                                                     |

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

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

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

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

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

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

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

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

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

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

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

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

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

No other comments or discussion relating to Rule 7 were shared, and Vice-Chair 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

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

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

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

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

## **7. Discussion: Senate Bill 304. (All)**

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

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

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

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

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

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