



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

Meeting Minutes

Matthew Johnson, Chair

Location: Webex

Date: August 7, 2026

Time: 12:00 p.m. – 2:00 p.m.

<u>Attendees:</u> Matthew Johnson, Chair William Russell, Vice Chair Adrianna Davis Carolyn Perkins David Fureigh, Emeritus Member Dawn Hautamaki James Smith Judge Debra Jensen Lorelei Naegle Rory Jones Stephen Starr Thomas Luchs Tyler Ulrich	<u>Excused Members:</u> Alexa Arndt Elizabeth Ferrin Judge David Johnson
<u>Staff:</u> Erika Larsen, Juvenile Court Law Clerk Attorney Raymundo Gallardo, Administrative Office of the Courts	

1. Welcome and approval of the June 5, 2026, Meeting Minutes. (William Russell)

Committee Vice Chair William Russell welcomed everyone to the meeting and noted that Chair Matthew Johnson would be joining late due to a conflicting meeting. Vice Chair Russell extended a warm and special welcome to the Committee's three newly appointed members: Lorelei Naegle, Rory Jones, and Tyler Ulrich. He then invited the new members to introduce themselves.

The proposed minutes from the June 5, 2026, Committee meeting were presented. Vice Chair Russell asked for comments or corrections. There were no comments or corrections. Stephen Starr made a motion to adopt the minutes from the June 5, 2026, meeting. Adrianna Davis seconded the motion, and it passed unanimously.

2. Discussion and 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. (All)

The Committee reviewed proposed amendments to Rule 37A, which was sent by the Supreme Court to consider simplifying the language in paragraphs (a)(3) and (c)(2). Vice Chair Russell noted that the Supreme Court's proposed revisions – suggested by Justice John Nielsen – were stylistic rather than substantive, designed to make the rule more concise and match the civil counterpart, Rule 103, which was recently approved. He noted that the delinquency counterpart, Rule 29A, had already incorporated this simplified language.

David Fureigh proposed an additional amendment to paragraph (a)(5). Paragraph (a)(5) currently requires that the person conducting the child's recorded interview be present at the proceeding and available to testify. Mr. Fureigh recommended adding "if requested by a party or the court" at the end of the sentence. He argued that in child welfare proceedings, parties frequently stipulate to admitting the visual recording without requiring the interviewer's physical presence. However, some judges resist accepting these stipulations because the current rule's language is mandatory. This proposed amendment would streamline proceedings and support judicial economy when no party wishes to cross-examine the interviewer.

Tyler Ulrich supported the amendment, noting that it is common practice to stipulate to the interviewer's absence when no questions are planned. Lorelei Naegle also supported the change, noting that Rule 37A is frequently applied in child protective order matters in the Fifth District, and the mandatory presence of the interviewer often becomes an unnecessary point of contention.

Mr. Starr raised a concern regarding whether this change would invite unnecessary written objections or create procedural delays. Vice Chair Russell clarified that under the amended rule, the burden would shift to the opposing party to subpoena the interviewer if they wanted them present, protecting due process without burdening the court. Carolyn Perkins strongly opposed the amendment, expressing concern that contract and public defenders in small, rural areas often lack the administrative staff to manage subpoenas. She argued that shifting the burden of ensuring the interviewer's presence from the presenter (the State or DCFS) to the defense is a substantive and disadvantageous change.

Mr. Starr initially voiced concern from a delinquency perspective but withdrew his objection after Vice Chair Russell clarified that Rule 37A applies strictly to child welfare and other non-delinquency proceedings, whereas delinquency proceedings are governed by Rule 29A.

Erika Larsen introduced an additional concern raised by a law clerk regarding paragraph (b), which restricts questioning of a child witness to the judge or attorneys. The clerk queried how the rule should handle *pro se* litigants who do not have an attorney to ask questions. Vice Chair Russell commented that barring a *pro se* parent from questioning a child witness raises severe due process concerns, which are highly substantive and should be addressed by the legislature rather than this Committee. Ms. Naegle noted that subparagraph (b)(2) already contains a safety valve allowing the judge to authorize others to question the child ("*unless otherwise approved by the judge*"). No motion was brought regarding paragraph (b).

Mr. Ulrich made a motion to amend paragraph (a)(5) by adding the phrase "if requested by a party or the court" at the end of the sentence. Thomas Luchs seconded the motion. The motion passed by a majority vote, with Ms. Perkins voting "nay." Mr. Starr withdrew his initial "nay" vote.

Mr. Starr made a motion to present Rule 37A, as amended by the Committee, to the Supreme Court for public comment. Mr. Ulrich seconded the motion. The motion passed with one dissenting vote from Ms. Perkins, who voted "nay" specifically because of the amendment to paragraph (a)(5).

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

Vice Chair Russell led a discussion on Senate Bill 283, which became effective July 1, 2026, and its implications for Rule 30. S.B. 283 eliminated an obsolete statutory provision in Utah Code section 76-3-301.5 that required the Judicial Council to

establish a separate uniform fine schedule for the juvenile court. The juvenile court now operates under a sliding scale that assesses fines, fees, and restitution based on a family's resources and ability to pay, pursuant to Utah Code section 75E-2-207. Furthermore, the AOC requested that the Committee evaluate the citation process in Utah Code section 80-6-302, which is unfamiliar to the juvenile court and may not align with best practices for working with minors.

Vice-Chair Russell reviewed his proposed overhaul of Rule 30. He explained that the draft cuts the rule's volume by half by removing obsolete and redundant statutory repetitions. A key change is the removal of all references to "bail," as bail is already thoroughly governed by statute (such as in district court direct files, post-bindover, and for out-of-state residents). The rule is now reframed to focus strictly on "fines" as described in Utah Code section 80-6-302.

The proposed draft outlines the sequential process of a citation:

1. Citations are referred to probation for a preliminary inquiry.
2. If the minor qualifies and enters into a non-judicial adjustment, and "substantially complies" with the terms, the matter is closed.
3. If the non-judicial adjustment is declined, the minor is ineligible, or the minor "does not substantially comply" the citation is referred to the prosecutor.
4. The prosecutor may then commence formal proceedings on the citation, at which point a fine may be assessed and the minor permitted to remit the fine without the necessity of personal appearance before the juvenile court.

During the review, Rory Jones made two recommendations: that "successfully complete" and "completes" be changed to "substantially complies" to match the statutory language of Utah Code section 80-6-304.5. The Committee accepted these as friendly corrections. Ms. Naegle recommended that the reference to "bail" be removed from the title of Rule 30, which was also accepted.

Mr. Starr raised a major concern regarding the legal effect of a minor paying a fine once a formal proceeding is commenced on a citation. He asked whether paying the fine constitutes an adjudication of guilt (similar to the adult traffic system), and whether the rule should require a formal notice advising minors of this consequence. Vice Chair Russell noted that while Utah Code section 80-6-302 allows a minor to remit a fine with parent and court consent without a personal appearance, the juvenile code is silent on whether payment constitutes an admission or adjudication. He cautioned that defining this in the rule might be a substantive policy decision that belongs to the legislature. Mr. Starr agreed, and the Committee determined that

further legal research is required. Mr. Starr and Vice Chair Russell indicated they would look in the criminal code for clues.

Due to the complexity of the issue and the need for further study on the impact of paying a fine, the Committee reached a consensus to table Rule 30 and carry it over to a future agenda.

4. Discussion and Action: Rule 7. Warrants. (All)

The Committee reviewed proposed amendments to Rule 7. Vice Chair Russell explained that the Utah Supreme Court had returned the rule to the Committee with extensive and highly detailed comments from Associate Chief Justice (ACJ) Jill M. Pohlman. In response, Vice Chair Russell meticulously reviewed the rule and drafted revisions to incorporate her suggestions.

A primary structural change in the revised draft is the restriction of Rule 7 to warrants in delinquency and criminal proceedings, while shifting non-delinquency warrants to Rule 12. The draft also folds the provisions of Rule 7A (verbal pick-up orders) directly into Rule 7. Vice Chair Russell explained that ACJ Pohlman had questioned why written warrants and telephonic pick-up orders were treated as separate entities when they are both arrest warrants requiring probable cause. The consolidated Rule 7 treats pick-up orders as telephonic warrants that must be supported by a verbal statement under oath and a supplemental written statement filed by the next business day.

The Committee discussed several specific elements of the draft:

- Use of “informant” in subparagraph (a)(1)(C). Mr. Starr noted that the subparagraph refers to the “factual basis for the applicant’s knowledge, including the source and reliability of any informant relied upon.” He advocated for keeping “informant” rather than changing it to “information,” noting that while uncommon in routine juvenile practice, warrants in cases involving gangs or drugs are occasionally predicated on confidential informants, and establishing credibility is a Fourth Amendment necessity. The Committee agreed to retain “informant.”
- Placement options. Mr. Jones and Ms. Naegle discussed whether the phrase “non-secure facility” in subparagraph (a)(1)(G) sufficiently covers JJYS or DCFS placements for youth who run away from group homes. Vice Chair Russell and Mr. Jones agreed that “non-secure facility” (e.g., group homes, shelter placements, youth services) is a well-understood term of art that covers

these placements, distinct from “secured detention facility,” which is locked detention.

Mr. Starr made a motion to table Rule 7 and set it over for further study at the next meeting, given the volume and complexity of the proposed changes. The motion was approved by consensus, and Rule 7 was tabled.

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

The Committee reviewed Rule 12, which was returned by the Supreme Court with revisions from ACJ Pohlman. Rule 12 has been restructured to govern warrants in child welfare and other non-delinquency proceedings. Vice Chair Russell praised Mr. Fureigh for his outstanding work on the draft.

Mr. Fureigh presented his review of ACJ Pohlman’s comments, highlighting two primary areas of disagreement and several areas of consensus:

- “Search warrants.” ACJ Pohlman questioned whether “search” should be added before “warrant.” Mr. Fureigh advised against this, as the rule covers removal warrants and failure-to-appear warrants, which are legally distinct from search warrants. The Committee agreed to retain the general term “warrant.”
- “*Ex parte* motion” vs. “without notice.” ACJ Pohlman suggested replacing “*ex parte* motion” with “without notice” to use more ordinary language. Mr. Fureigh strongly advocated for retaining “*ex parte* motion,” explaining that some juvenile judges refuse to hear motions without notice unless the rule explicitly authorizes an “*ex parte*” proceeding. Mr. Starr and Mr. Ulrich agreed that “*ex parte*” is the established legal term of art in practice and must be preserved. The Committee agreed to retain “*ex parte*.”

The Committee reviewed and approved several other additions suggested by ACJ Pohlman:

- For consistency, organization, and structure, a subheading was added to each paragraph.
- “Scope.” A new paragraph (a) was added to define the scope, listing the statutory provisions governing child welfare warrants and subpoenas—previously proposed to be included in the title—which will serve as a valuable reference for practitioners.

- “Vacatur.” Mr. Ulrich and Ms. Naegle noted that Guardians ad Litem occasionally request removal warrants, so the draft should not be limited strictly to “peace officers or child welfare caseworkers.” Mr. Starr suggested using the broader term “the applicant” (specifically “the applicant who requested the warrant or subpoena”), which the Committee approved. Mr. Fureigh and Mr. Starr noted that if a parent’s attorney moves to set aside a failure-to-appear warrant, they must provide notice to other parties, meaning the *ex parte* option is appropriately restricted to the original applicant.
- “Sealing of documents.” Mr. Fureigh pointed to ACJ Pohlman’s question on the process of unsealing documents. Raymundo Gallardo discussed the logistical implementation, noting that while judicial assistants previously tracked and unsealed these manually, the courts are developing (may have already developed) a CARE system enhancement to automate this process. Regardless of the CARE enhancement timeline, the language was approved.

Mr. Starr made a motion to approve Rule 12 as amended by the Committee and present it to the Utah Supreme Court for public comment. Mr. Ulrich seconded the motion, and it passed unanimously.

6. Discussion: Old business or new business. (All)

Mr. Gallardo reminded the Committee that the October 2, 2026, meeting will be held in-person at the Matheson Courthouse in Salt Lake City. The Judicial Council room is unavailable; the meeting will take place in one of the large conference rooms on the first floor.

The Committee noted the following closing dates for public comments on outstanding rules:

- Rule 16: Closes August 14, 2026.
- Rule 20 and Rule 23A: Closes September 8, 2026.

Chair Matthew Johnson reported on a recent meeting with the Supreme Court Justices. He shared that the Justices were highly complimentary of the Committee’s diligence, drafting efforts, and the high-quality product they consistently deliver. He expressed sincere thanks to all members for their dedication.

The meeting adjourned at approximately 1:45 p.m. The next meeting will be held on September 4, 2026, via Webex.