



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

Meeting Minutes

Matthew Johnson, Chair
William Russell, Vice Chair (Presiding)

Location: Webex

Date: September 4, 2026

Time: 12:00 p.m. – 2:00 p.m.

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

1. Welcome and approval of the August 7, 2026, Meeting Minutes. (William Russell)

Committee Vice Chair William Russell welcomed everyone to the meeting and noted that Chair Matthew Johnson was taking a well-deserved leave, so Vice Chair Russell would be presiding. The proposed minutes from the August 7, 2026, Committee meeting were presented. Vice Chair Russell invited comments or corrections from the members. There were no comments or corrections. Judge Debra Jensen made a motion to adopt the minutes from the August 7, 2026, meeting. Tyler Ulrich seconded the motion, and it passed unanimously.

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

Vice Chair Russell reported that Rule 16 was published for public comment on June 30, 2026, with the comment period closing on August 14, 2026. One public comment was received – submitted by a prosecutor in Utah County – praising the Committee’s work. Dawn Hautamaki made a motion to present Rule 16 to the Utah Supreme Court with a recommendation for early adoption. Tyler Ulrich seconded the motion. The motion passed unanimously.

Raymundo Gallardo requested that the Committee review Rule 29 (governing multiple county offenses) at a future meeting. Mr. Gallardo explained that Rule 29 is closely linked to Rule 16. Rory Jones and Vice Chair Russell agreed that examining Rule 29 was a good idea, and Vice Chair Russell asked Mr. Gallardo to add it to the upcoming meeting agenda.

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

The Committee resumed its line-by-line review of Rule 7, focusing on detailed suggestions submitted by Associate Chief Justice (ACJ) Jill M. Pohlman and draft edits prepared by Vice Chair Russell and Mr. Gallardo.

Key draft revisions included:

- Subparagraph (b)(1)(C) will retain the word “informant,” as opposed to “information.” This reaffirms Stephen Starr’s analysis from a prior meeting that confidential informants are occasionally used and relied upon.
- Subparagraph (b)(2) will retain the hyphenated term “pick-up order” to describe telephonic arrest warrants supported by a sworn verbal request and then a sworn statement by the next business day. Rule 7A will be formally repealed as its provisions are incorporated into Rule 7.

- Subparagraph (c)(5) will retain “on its own initiative,” referring to matters raised or noticed by a judge *sua sponte*.
- “Arrest warrant” was used throughout replacing “temporary custody,” to avoid legal ambiguity.
- To address warrant execution timing, subparagraph (c)(7) refers to Utah Code section 77-7-5(5).
- The Committee engaged in an extensive discussion regarding proposed paragraph (h) on the sealing of the records. Dawn Hautamaki and Judge Jensen clarified that delinquency arrest warrants are not sealed. Vice Chair Russell shared that arrest warrants and supporting affidavits are immediately accessible to defense counsel but search warrants are sealed for 20 days. The Committee agreed to remove “arrest warrant” from the sealing provision, retitling the subheading, “Sealing and retention of search warrant records.” The Committee then adopted concise sealing language as proposed by ACJ Pohlman for Rule 12 on warrants in child welfare proceedings.
- The Committee deleted obsolete provisions regarding physical paper or storage media, recognizing that modern practice relies entirely on mandatory electronic filing in the C.A.R.E. program.

Rory Jones made a motion to approve Rule 7 as revised and resubmit it to the Utah Supreme Court to post for public comment. Judge Jensen seconded the motion. The motion passed unanimously. Rule 7A (Pick up orders), approved for repeal by the Committee on June 5, 2026, will accompany the request for public comment.

4. Discussion and Action: Rule 30. Citations; applicable offenses and procedures; bail. (All)

The Committee resumed discussion on Vice Chair Russell’s comprehensive draft overhaul of Rule 30, intended to align the rule with the citation process authorized in Utah Code section 80-6-302. The primary point of concern remained the legal consequence of fine remittance—specifically, whether paying a fine constitutes an adjudication or conviction under juvenile law. Vice Chair Russell noted that while adult criminal statute Utah Code section 77-7-21 explicitly treats citation fine payment as a conviction, Title 80 of the Juvenile Code is entirely silent on the matter.

Vice Chair Russell then reviewed the sequential structure of the proposed draft:

1. Citations for eligible offenses (wildlife, boating, and traffic violations; tobacco, curfew; and the Board of Juvenile Court Judge’s list of citable offenses) are referred to probation for a preliminary inquiry.
2. If the minor is eligible and enters into a nonjudicial adjustment, successful compliance closes the matter.

3. If the minor declines, is ineligible, or fails to comply with a nonjudicial adjustment, the citation is referred to the prosecutor.
4. The prosecutor may commence formal proceedings on the citation or file a petition. In lieu of court appearance, the minor may then remit a fine determined by a sliding scale with parent and court consent.

Judge Jensen suggested that the juvenile court law clerk team research the legislative history and intent behind Utah Code section 80-6-302 to determine whether lawmakers intended fine remittance to operate as an adjudication or, as in the adult criminal realm, a conviction. Law Clerk Erika Larsen agreed to direct research into legislative history and relevant interpretations. Zerina Ocanovic added that the Juvenile Justice Oversight Committee (JJOC) had no historical records regarding the intent behind the citation fine provision.

Judge Jensen made a motion to table Rule 30 to allow the law clerk team time to conduct legislative intent research. Ms. Hautamaki seconded the motion. The motion passed unanimously.

5. Discussion and Action: Rule 17. The petition. (All)

Ms. Hautamaki and Mr. Gallardo introduced the critical operational issue regarding House Bill 540 (2026), effective January 1, 2027. HB 540 mandates that public juvenile delinquency records (for youth aged 14 and older charged with felonies or by criminal information) be made available online via xChange.

Currently, there is a conflict between Rule 17 and Rule 4-202.02 of the Code of Judicial Administration. CJA Rule 4-202.02 classifies certain information contained in delinquency petitions—such as parents’ names, addresses, phone numbers, and victim details—as private, or protected, records. Under Rule 17, filing a petition containing this information would force court clerks to manually redact every eligible petition prior to publishing it on xChange, imposing an insurmountable administrative burden on court staff.

Ms. Hautamaki proposed amending Rule 17 to remove protected information from the petition itself and mandate a separate, protected “cover sheet” or “cover page” at filing. The cover sheet would store private identifying information securely in C.A.R.E., allowing the delinquency petition to itself be published as a clean public document without clerical redaction.

Vice Chair Russell and Judge Jensen agreed that because HB 540 takes effect January 1, 2027, amending Rule 17 represents an urgent, high-priority project that must take precedence over other rule revisions. The Committee reached consensus to prioritize drafting amendments to Rule 17 for review at the October 2, 2026 meeting.

6. Discussion: Proposal to Add a Self-Help Center Attorney to Committee Membership. (Zerina Ocanovic)

Zerina Ocanovic presented a proposal to add a Self-Help Center attorney as a formal member of the URJP Committee. She explained that Self-Help Center attorneys manage court forms and resources and offer vital operational insights regarding *pro se* litigants. She noted that a Self-Help Center attorney currently serves on the Utah Rules of Civil Procedure Committee and recalled a previous instance where an attorney provided valuable guidance on bilingual notices required by Rule 18 of the Utah Rules of Juvenile Procedure.

During discussion, Vice Chair Russell requested a quorum check from Mr. Gallardo. Mr. Gallardo confirmed that due to scheduled member departures, the Committee had lost its quorum and could not take formal binding action.

Despite the loss of quorum, Vice Chair Russell voiced strong personal support for the proposal, praising Ms. Ocanovic's previous recommendation of adding a Chief Probation Officer, and stated that adding a Self-Help Center attorney would enhance the Committee's work.

The Committee deferred action due to lack of a quorum and scheduled the item for a vote at the beginning of the October 2, 2026 meeting.

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

Mr. Gallardo confirmed that the October 2, 2026, meeting will be held in-person at the Matheson Courthouse in Salt Lake City (First floor, Conference Room A), beginning at 12:00 p.m. Lunch will be provided, and a hybrid Webex option will be available.

Vice Chair Russell noted the following closing dates for public comments on outstanding rules:

- Rule 20 and Rule 23A: Closes September 8, 2026.
- Rule 12 and Rule 37A: Closes October 13, 2026.

Vice Chair Russell reported on the August 16, 2026 Supreme Court Conference, noting new Justices Jorgensen and Dent were in attendance. The Court warmly approved Rules 12 and 37A for public comment and commended the Committee's high-quality work. This conference session marked Chief Justice Matthew B. Durrant's final conference with the Committee prior to his retirement. Vice Chair Russell expressed deep personal gratitude and respect for Chief Justice Durrant's nearly 30 years of judicial leadership and dedication to the Utah judiciary.

Vice Chair Russell acknowledged the retirement of Committee member Judge David Johnson from the bench, expressing profound gratitude for his dedicated service, practical wisdom, and key contributions to juvenile rules workgroups.

The meeting adjourned at approximately 1:35 p.m. The next meeting will be held on October 2, 2026, in-person at the Matheson Courthouse and via Webex.