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

Meeting Agenda

Matthew Johnson, Chair

Location: Webex Meeting

Date: November 6, 2026

Time: 12:00 pm – 2:00 pm

Action: Welcome and approval of the October 2, 2026 meeting minutes.	Tab 1	Matthew Johnson
Discussion & Action: Rule 12. Admission to shelter care. • *Rule 12 was posted for public comment on August 27, 2026. The rule comment period closed on October 13, 2026, and no comments were received.*	Tab 2	All
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. • *Rule 37A was posted for public comment on August 27, 2026. The rule comment period closed on October 13, 2026, and no comments were received.*	Tab 3	All
Discussion & Action: Rule 16 and Rule 29 Consolidation. • *After receiving feedback from the Supreme Court, Chair Johnson and Vice-Chair Russell recommend consolidating Rule 16 and Rule 29 into a single rule. The Supreme Court has indicated its support for consolidation.*	Tab 4	All

Discussion: Rule 20A. Discovery in non-delinquency proceedings. • *The Committee will consider forming a subcommittee to review Rule 20A, gather feedback, and develop proposed language for a future meeting.*		Lorelei Naegle Jim Smith
Discussion & Action: New Rule 29B. Dismissal of allegations during or after trial. • *Vice Chair Bill Russell proposes a new rule to govern motions to dismiss made during trial proceedings.*	Tab 5	Bill Russell
Discussion & Action: New Rule 29C. Arrest of judgment. • *Vice Chair Bill Russell proposes a new rule to govern motions to arrest judgment.*	Tab 6	Bill Russell
Discussion & Action: Rule 17. The petition. • *HB0540 will require public juvenile court documents to be available via Xchange effective 1/1/2027, but Rule 17's petition requirements conflict with CJA Rule 4-202.02, which classifies certain information in those same petitions – such as parents' names, addresses, and potentially the offense location – as private for youth 14 or older whose petitions are otherwise public records.* • *The Committee will discuss whether to amend Rule 17 and require a separate filing (cover sheet) for private information to avoid redacting it from public documents each time they're filed.*	Tab 7	All
Discussion & Action: 2027 Meeting Schedule • *The Committee will discuss and approve the 2027 meeting schedule. See below.*		All
Discussion: Old business or new business. • *Rule 7 and Rule 7A are out for public comment. Comment period closes on November 9, 2026.* • *Rule 20 and Rule 23A were adopted and promulgated by the Utah Supreme Court effective November 1, 2026.*		All

URJP Committee Site

Meeting Schedule:

December 4, 2026

Proposed 2027 Meeting Schedule:

January 8, 2027

February 5, 2027

March 5, 2027 (Last day of 2027 Legislative Session)

April 2, 2027

May 7, 2027

June 4, 2027

August 6, 2027

September 3, 2027 (Labor Day Weekend) or September 10, 2027

October 1, 2027 (Hybrid)

November 5, 2027

December 3, 2027

TAB 1

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

Meeting Minutes

Matthew Johnson, Chair

Location: Webex
Date: October 2, 2026
Time: 12:00 p.m. – 2:00 p.m.

Attendees: Matthew Johnson, Chair William Russell, Vice Chair Adrianna Davis Alexa Arndt Carolyn Perkins David Fureigh, Emeritus Member Dawn Hautamaki Elizabeth Ferrin James Smith Judge Debra Jensen Lorelei Naegle Rory Jones Stephen Starr Thomas Luchs Tyler Ulrich	**Excused Members**: **Guests:** Zerina Ocanovic, Deputy Juvenile Court Administrator Daniel Meza Rincón, Juvenile Court Administrator
Staff: Erika Larsen, Juvenile Court Law Clerk Attorney Joe Mitchell, Juvenile Court Law Clerk Attorney Lisa McQuarrie, Juvenile Court Law Clerk Attorney Raymundo Gallardo, Administrative Office of the Courts	

1. **Welcome and approval of the September 4, 2026, Meeting Minutes**. (Matthew Johnson)

Committee Chair Matthew Johnson welcomed attendees and asked for formal introductions.

The proposed minutes from the September 4, 2026, meeting were presented. Chair Johnson invited comments or corrections from the members. There were no comments or corrections. Dawn Hautamaki made a motion to adopt the minutes. Elizabeth Ferrin seconded the motion, and it passed unanimously.

2. **Discussion and Action**: **Proposal to add a Self-Help Center Attorney**. (Zerina Ocanovic)

Deputy Juvenile Court Administrator Zerina Ocanovic presented a formal proposal requesting that a dedicated attorney from the Utah State Courts Self-Help Center be added to the Committee's membership. Ms. Ocanovic and Raymundo Gallardo highlighted that the Self-Help Center routinely assists court patrons, develops resources for self-represented litigants, and maintains public court forms. Mr. Gallardo recalled past instances where Self-Help Center attorneys provided valuable plain-language expertise to the Committee, including drafting the bilingual notice for Rule 18 and updating Rule 3 on court form captions.

Ms. Ocanovic noted that a Self-Help Center attorney currently serves on the Supreme Court's Advisory Committee on the Utah Rules of Civil Procedure, where their participation has significantly enhanced form coordination, procedural consistency, and operational implementation across districts.

Vice-Chair Russell voiced strong support, recalling his prior endorsement during the September meeting and comparing the proposal to the successful additions of a clerk of court and chief probation officer. Chair Johnson, Judge Debra Jensen, Ms. Hautamki, Lorelei Naegle, and Adrianna Davis also voiced strong support, emphasizing that self-represented parties represent a substantial portion of juvenile court filings.

Stephen Starr inquired whether the Self-Help Center attorney representative should serve as a voting or non-voting member, raising a question regarding attendance consistency if substitute attorneys attended. Ms. Ocanovic clarified that one attorney from the Self-Help Center would be the primary designated representative, noting the attorney in mind possesses extensive juvenile law experience and currently staffs the juvenile court forms subcommittee.

The Committee discussed the merits of full voting membership versus non-voting participation. Members agreed that granting full voting status establishes equal

standing with the Advisory Committee on the Rules of Civil Procedure, fosters long-term institutional commitment, and ensures consistent representation.

Judge Jensen made a motion to propose adding a Self-Help Center attorney to the Committee's membership. Ms. Hautamaki seconded the motion. The motion passed unanimously.

Alexa Arndt made a motion to recommend to the Utah Supreme Court that the Self-Help Center attorney be added as a formal voting member of the Committee. Ms. Davis seconded the motion. The motion passed unanimously.

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

The Committee engaged in an extensive discussion on proposed revisions to Rule 17, drafted by Erika Larsen, to address the impending operational impact of House Bill 540 (HB 540, 2026), effective January 1, 2027. HB 540 mandates that public juvenile delinquency records—specifically petitions, dispositional orders, and case history summaries for youth aged 14 and older charged with felony-level offenses—be made available online via xChange.

Ms. Larsen and Mr. Gallardo explained that Rule 17 currently requires delinquency petitions to include parents' names, home addresses, contact information, and victim details. However, Code of Judicial Administration (CJA) Rule 4-202.02 and Rule 58 classify this specific identifying information as private and protected records. If filed directly within delinquency petitions, court clerks or prosecuting attorneys would be forced to manually redact every public petition prior to xChange publication, creating an unmanageable administrative burden.

Ms. Larsen presented a draft creating a separate document—initially titled a "cover sheet"—to capture private demographic details upon filing. This mechanism stores private data securely in C.A.R.E., allowing the delinquency petition itself to remain a clean, public document for xChange publication without clerical redaction.

Juvenile Court Administrator Daniel Meza Rincón provided a crucial status update, reporting that court leadership is in active discussions with legislative sponsors regarding concerns raised by juvenile justice partners. Mr. Meza Rincón clarified that while implementation may be paused beyond January 1, 2027, the Committee should finalize rule revisions to ensure readiness whenever public access goes live.

Several members urged replacing the term "cover sheet" with "safeguarded document" or "safeguarded personal information sheet." They noted that "cover sheet" is an outdated relic of paper practice and that "safeguarded" aligns with modern terminology.

A brief discussion followed on whether clerks "may destroy" or "must destroy" the separate filing after C.A.R.E. data entry. A few members strongly advised against destroying the document, explaining that clerks and attorneys occasionally need to

re-examine original filings to resolve typographical errors or verify service details. Mr. Meza Rincón added that a document, once filed, is considered part of the court record, and it does not make sense to "destroy" the court record.

Several members expressed profound frustration regarding HB 540's broader policy impact. They warned that publishing felony petitions online publicly and permanently brands minors as felons on the internet—even if allegations are later dismissed or reduced to misdemeanors.

Members discussed whether private information could be captured via dedicated eFiling data fields in C.A.R.E. and eProsecutor rather than requiring an additional uploaded document.

Vice Chair Russell made a motion to table Rule 17 to allow staff and members to refine draft terminology, resolve document retention and eFiling data capture mechanics, and monitor legislative developments regarding HB 540 implementation. The motion passed unanimously (tabled by consensus).

4. **Discussion and Action**: **Rule 20**. **Discovery generally**. (All)

Rule 20 was posted for public comment on July 23, 2026, with the comment period closing on September 8, 2026. Mr. Gallardo confirmed that no public comments were received.

Vice Chair Russell made a motion to present Rule 20 to the Utah Supreme Court with a recommendation for final adoption and promulgation. Judge Jensen seconded the motion. The motion passed unanimously.

5. **Discussion and Action**: **Rule 23A**. **Hearing on factors of Utah Code section 80-6-503; bind over to district court**. (All)

Rule 23A was posted for public comment on July 23, 2026, with the comment period closing on September 8, 2026. Mr. Gallardo confirmed that no public comments were received.

Mr. Starr made a motion to present Rule 23A to the Utah Supreme Court with a recommendation for final adoption and promulgation. Tyler Ulrich seconded the motion. The motion passed unanimously.

6. **Rule 30**. **Citations**; **applicable offenses and procedures**; **bail**. (All)

Vice Chair Russell led the discussion on his proposed comprehensive overhaul of Rule 30, designed to align juvenile court rules with the citation process authorized in Utah Code section 80-6-302 and remove obsolete references to "bail."

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 (Utah Code section 75E-2-207) with parent and court consent.

Vice Chair Russell explained that while adult criminal statute Utah Code section 77-7-21 treats fine remittance as a conviction (plea of no contest), Title 80 of the Juvenile Code is silent on whether paying a fine constitutes an adjudication or conviction. Nevertheless, members agreed that the proposed draft accurately reflects the statutory procedural steps without injecting unlegislated policy implications regarding legal consequences for minors who pay such fines.

Ms. Arndt made a motion to approve Rule 30 as revised and submit it to the Utah Supreme Court to be posted for public comment. Mr. Starr seconded the motion. The motion passed unanimously.

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

The Committee reviewed proposed conforming amendments to Rule 29 necessitated by the Utah Supreme Court's adoption of revised Rule 16, effective September 23, 2026.

The Committee approved of the revisions, noting the draft harmonizes Rule 29 with revised Rule 16. Vice Chair Russell made a motion to approve Rule 29 as amended and submit it to the Utah Supreme Court to be posted for public comment. Ms. Ferrin seconded the motion. The motion passed unanimously.

8. **Discussion**: **New Rule 29B**. **Dismissal of allegations during or after trial**. (Bill Russell)

Vice Chair Russell introduced proposed new Rule 29B, modeled after Rule 17(o) of the Utah Rules of Criminal Procedure, to establish formal standards for defense motions to dismiss for legally insufficient evidence during or after a delinquency trial.

Key elements of Vice Chair Russell's proposal include:

- Paragraph (a) authorizes dismissal at the close of prosecution evidence or all evidence if evidence is legally insufficient.

- Paragraph (b) prohibits taking oral motions to dismiss under advisement, requiring a ruling before the defense presents its case.
- Paragraph (c) specifies that dismissals during or after trial are with prejudice.
- Paragraph (d) allows amending the petition to conform to evidence if a lesser included offense or different offense is proven.

Judge Jensen suggested revising paragraph (b) to clarify that the court must rule on an oral motion to dismiss before the defense presents its case, while allowing flexibility if trial pauses for the day prior to defense presentation.

Judge Jensen added that the court does not amend petitions, as suggested in paragraph (d). Judge Jensen suggested language that maintains judicial neutrality. If the prosecutor is who amends the petition, Mr. Gallardo recommended explicitly stating it is the prosecutor who will amend the petition.

Vice Chair Russell made a motion to table new Rule 29B and allow him to incorporate the Committee's suggested revisions. The motion passed unanimously (tabled by consensus).

9. **Discussion**: **New Rule 29C**. **Arrest of judgment**. (Bill Russell)

Vice Chair Russell introduced proposed new Rule 29C, modeled after Rule 23 of the Utah Rules of Criminal Procedure, establishing a motion to arrest judgment in delinquency proceedings for extraordinary post-adjudication anomalies prior to disposition.

The proposed rule would authorize the court, on its own motion or written defense motion filed before disposition, to arrest judgment if facts proved do not constitute a public offense, if a competency inquiry is filed, or for procedural or factual irregularities. Vice Chair Russell emphasized that while rarely invoked, Rule 29C provides essential procedural parity with adult criminal courts and a crucial stopgap before disposition.

Mr. Davis noted that while adult arrest of judgment motions are occasionally frivolous, having a clear rule for good-faith procedural anomalies is beneficial. Members agreed to review the draft further.

Vice Chair Russell made a motion to table new Rule 29C to allow members time to review the text and consult with colleagues. The motion passed unanimously (tabled by consensus).

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

Mr. Gallardo noted the following updates on outstanding rules:

- Rule 12 and Rule 37A: Public comment closes October 13, 2026.

- Rule 7 and Rule 7A: Public comment closes on November 9, 2026.
- Rule 16 was adopted by the Utah Supreme Court effective September 23, 2026.

Ms. Naegle raised potential gaps in Rule 20A (non-delinquency discovery) regarding expert witness rebuttal disclosures, pretrial witness/exhibit disclosures, and explicit exemptions for expedited child protective order proceedings. James Smith noted ongoing discussions among Assistant Attorneys General regarding how civil discovery tiers (Rule 26.1 of the Utah Rules of Civil Procedure) apply in child welfare cases. Chair Johnson suggested Ms. Naegle and Mr. Smith to draft proposed amendments for Rule 20A and submit them to Mr. Gallardo for inclusion on a future meeting agenda.

The meeting adjourned at approximately 2:00 p.m. The next meeting will be held on November 6, 2026, via Webex.

TAB 2

Rule 12. **Warrants and subpoenas in child welfare or other related non-delinquency proceedings**~~**Admission to shelter care**~~.

(a) **Scope**. This rule applies to 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.

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

(c) **Vacatur**. The applicant requesting the warrant or subpoena may, before a warrant or subpoena is executed, move ex parte to vacate the warrant or subpoena.

(d) **Sealing of documents**. The juvenile court will seal all documents relating to a 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 documents will be available as part of the 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:

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Effective date:

TAB 3

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 if requested by a party or the court;

(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 date:

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 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 if requested by a party or the court;

(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 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 date:

TAB 4

Rule 16. Transfer of delinquency case and venue.

(a) **Transfer of delinquency case for preliminary inquiry.**

(1) When a minor resides in a county other than the county where the alleged delinquency occurred and the minor initially qualifies for a nonjudicial adjustment pursuant to statute, the probation officer of the county of occurrence must transfer the referral to the minor's county of residence for a preliminary inquiry to be conducted in accordance with Rule 15.

(2) If the minor or the minor's parent, guardian, or custodian cannot be located or fails to appear after notice of the preliminary inquiry, or the minor declines an offer for a nonjudicial adjustment, the probation officer must transfer the referral back to the county of occurrence to determine whether to file a petition.

(b) **Venue.**

(1) **Venue for detention hearings**.

(A) Except as provided in paragraphs (b)(1)(B) and (b)(1)(C), initial detention hearings and detention review hearings will be heard in a court in the minor's county of residence.

(B) In cases where the minor is being held in a detention facility outside of the minor's county of residence, a court in the minor's county of residence will hold the hearings if the court can hear the matter remotely. If a remote hearing is not available, a court in the county where the minor is being held will hold the detention hearings.

(C) If a petition is filed in the county where the alleged delinquency occurred, the court in the county of occurrence may hold a detention review hearing if that hearing is held in conjunction with an arraignment or other pretrial hearing and after consulting with the court in the minor's county of residence.

(2) **Venue for arraignment and further proceedings**.

(A) The arraignment will be held in the minor's county of residence. If the petition is adjudicated at arraignment, all further proceedings will be held in the minor's county of residence.

(B) Except as provided in paragraph (b)(3), if the matter is not adjudicated at the arraignment, the court will transfer the matter to the county of occurrence for pretrial conference and all other hearings up to and including adjudication. If the petition is adjudicated in the county of occurrence, the matter will be transferred to the minor's county of residence for disposition and further proceedings.

(3) **Multiple county offenses**.

(A) When a petition charges a minor with offenses committed in more than one county of occurrence, the arraignment will take place in the minor's county of residence. If the petition is adjudicated at the arraignment, venue will remain in the minor's county of residence.

(B) If the petition is not adjudicated at the arraignment, the court in the minor's county of residence will transfer the matter to the counties of occurrence for pretrial conference and all other hearings up to and including adjudication. If the petition is adjudicated in the counties of occurrence, the matter will be transferred to the minor's county of residence for disposition and further proceedings.

(4~~3~~) **Venue for competency motions**. Motions for inquiry into competency may be raised in and ruled upon by a court in the minor's county of residence or by a court in the county of occurrence. The court in the county of residence and the court in the county of occurrence will communicate and consult regarding the motion. The objective of that communication is to consider the appropriate venue for a competency ruling and attainment proceedings.

(c) **Notice to and proceedings in the receiving court**. With each transfer, the transferring court will provide notice to the receiving court of any petition or adjudication subject to

transfer. The receiving court will proceed with the case as though the petition was filed or the adjudication was made in the receiving court.

(d) **Dismissal of petition**. The dismissal of a petition in one district where the dismissal is without prejudice and where there has been no adjudication upon the merits does not preclude refiling within the same district or another district where venue is proper.

Effective Date:

Rule 29. Multiple county offenses.

(a) **Arraignment ~~and pretrial proceedings~~**. When a minor is charged in a petition with the commission of offenses in more than one county, the arraignment ~~and pretrial proceedings must~~will take place in the minor's county of residence. If the petition is resolved at arraignment~~resolved without trial~~, venue will remain in the minor's county of residence.

(b) **Transfer of venue**. If the petition is not resolved at ~~After~~ arraignment, the court in the minor's county of residence will transfer the matter to the counties of occurrence for adjudication~~ and pretrial proceedings, all further proceedings in multiple county offenses~~. After adjudication, venue will be governed by the provisions of Rule 16.

Effective date:

Commented [JP1]: I note that URJP uses the word "adjudicated" in a similar provision (URJP 16(b)(2)(A)). Should the lingo in these two rules be consistent, or is something different intended here?

Commented [JP2]: Same question as above re whether we should use "adjudicated" in place of "resolved" – for comparison see URJP 16(b)(2)(B).

Commented [JP3]: I apologize if this is a dumb question. But can the court transfer a case to multiple counties? How does that work?

Commented [JP4]: URJP 16(b)(2)(B) refers to "pretrial conference and all other hearings up to and including adjudication." Should these two rules be consistent?

Commented [JP5]: Should URJP 16 contain a reference to this Rule 29 so that everyone is aware that there is a more specific rule that covers multiple county offenses?

TAB 5

Rule 29B. **Dismissal of allegations during or after trial**.

(a) At the conclusion of the prosecution's evidence, or at the conclusion of all the evidence, the court will dismiss any petition, or any allegation thereof, if the evidence is not legally sufficient to establish the offense charged therein or any lesser included offense.

(b) The court will enter a ruling on any oral motion to dismiss made at the conclusion of the prosecution's evidence before the defense is called upon to present its case.

(c) If the court grants a motion to dismiss any allegation during or after trial, the court will dismiss that allegation with prejudice.

(d) If the court finds in its ruling that the evidence proves a lesser included offense or a different offense, the court may direct that the petition be amended to conform to the evidence in accordance with Utah Code section 80-6-305(4).

Effective date:

TAB 6

Rule 29C. **Arrest of judgment**.

(a) After adjudication of a delinquency petition, the court may enter an order arresting judgment in accordance with this rule upon a showing of good cause. The court may act on its own motion or on a party's written motion filed before disposition.

(b) If the facts admitted or proved at trial do not constitute a public offense, the court will arrest the judgment, vacate its findings, and dismiss the allegation.

(c) The court will arrest judgment if a party has filed a motion to inquire into the minor's competency, or if the court finds other good cause to arrest judgment. The court may thereafter enter orders reinstating, amending, or vacating the judgment in the interest of justice.

Effective date:

TAB 7

Rule 17. The petition.

(a) **Delinquency cases**.

(1) **Contents of the petition**.

(A) The petition must allege the offense as it is designated by statute or ordinance, and must state:

(i) a~~in~~ concise ~~terms, the~~ definition of the offense together with a designation of the section or provision of law allegedly violated;

(ii) the name, age, and date of birth of the minor; and

(iii) the date and place of the offense.

(B) **Non-felony-level offenses**. For all non-felony-level offenses, the petition must state the specific condition that allows for the filing of the petition pursuant to Utah Code sections 80-6-303.5, 80-6-304.5, or 80-6-305.

(2) **Cover sheet**. A delinquency petition must be accompanied by a completed cover sheet as a separate document from the petition.

(A) The cover sheet must contain:

(i) the name and residence address of the minor's parents, guardian, or custodian; ~~the date and place of the offense;~~ and

(ii) the name or identity of the victim, if known.

(B) The cover sheet must be substantially similar in form and content to the cover sheet approved by the Judicial Council.

(C) The court clerk may destroy the cover sheet after recording the information it contains in the C.A.R.E. system.

~~(2) For all non-felony-level offenses, the petition must state the specific condition that allows for the filing of the petition pursuant to Utah Code sections 80-6-303.5, 80-6-304.5, or 80-6-305.~~

Commented [RG1]: From Erika Larsen: I couldn't remember if we had a discussion about whether this should be permissive or more authoritative. I know we are making these changes because of the statutory change to record access. That made me reflect on why these changes are necessary and that is to safeguard information that still needs safeguarding notwithstanding the statute change.

(3) **Verification and filing.** The petition must be verified and filed by the prosecuting attorney upon information and belief.

(b) **Neglect, abuse, dependency, permanent termination, and ungovernability cases.**

(1) **Contents of all petitions.**

(A) The petition must set forth in plain and concise language the jurisdictional basis as designated by statute, the facts supporting the court's jurisdiction, and the relief sought. The petition must state:

(i) the name, age and residence of the minor;

(ii) the name and residence of the minor's parent, guardian or custodian; and

(iii) if the parent, guardian or custodian is unknown, the name and residence of the nearest known relative or the person or agency exercising physical or legal custody of the minor.

(2) **Verification.** The petition must be verified and statements made therein may be made on information and belief.

(3) **State agency petitions.** A petition filed by a state human services agency must either be prepared or approved by the office of the attorney general. When the petitioner is an employee or agent of a state agency acting in his or her official capacity, the name of the agency must be set forth and the petitioner must designate his or her title.

(4) **Parental rights termination petitions.** A petition for termination of parental rights must also include, to the best information or belief of the petitioner:

(A) the name and residence of the petitioner;

(B) the sex and place of birth of the minor;

(C) the relationship of the petitioner to the minor;

(D) the dates of the birth of the minor's parents; and

Commented [RG2]: From Erika Larsen: I had this flagged in the version I was working on as something we may want to ask the committee about--whether they want to require this information to be put on a cover sheet (like the sensitive information in delinquency petitions). I know that the statute change does not require this change because these petitions are still not public, but it would create a more consistent approach, regardless of petition type, that could result in more consistently safeguarding sensitive information that, even if the petition is (or becomes) public, would need to be redacted.

Commented [RG3]: From Erika Larsen: I wasn't sure if the URJP can break down to this level, but as I was reviewing the rule throughout, it seemed like adding some of these breakdowns helps with the overall clarity and readability of the rule, which is something I know is important to the Supreme Court Committee in revamping older rules, so I thought I'd put it out there!

(E) the name and address of the person having legal custody or guardianship, or acting in loco parentis to the minor, or the organization or agency having legal custody or providing care for the minor.

(c) **Other cases**.

(1) **Protective orders**. Petitions may be filed on forms available from the court clerk and must conform to the format and arrangement of such forms.

(2) **Adjudication expungements**. Petitions for adjudication expungements must meet all of the criteria of Utah Code section 80-6-1004.1. and The petition must:

(A) state: the name, age, and residence of the petitioner;

(B) Petitions for expungement must be accompanied by an original criminal history report obtained from the Bureau of Criminal Identification; and

(C) include proof of service upon the office of the county attorney, or within a prosecution district, the office of the district attorney for each jurisdiction in which an adjudication occurred prior to being filed with the court clerk.

(3) **Nonjudicial Adjustment Expungements**. Petitions for expungement of nonjudicial adjustments must meet all of the criteria of Utah Code section 80-6-1004.2. The petition and must state:

(A) state the name, age, and residence of the petitioner; and

(B) Petition for nonjudicial expungement must be served upon the office of the county attorney, or within a prosecution district, the office of the district attorney for each jurisdiction in which a nonjudicial adjustment occurred.

(4) **Vacatur**. Petitions for vacatur must meet all of the criteria of Utah Code section 80-6-1002 and must:

(A) state any agency known or alleged to have documents related to the offense for which vacatur is sought;

Commented [RG4]: From Erika Larsen: Same with this paragraph and all of its subs with respect to breaking down by another layer.

(B) ~~Petitions for vacatur must~~ be accompanied by an original criminal history report obtained from the Bureau of Criminal Identification; and

(C) include proof of service upon the office of the county attorney, or within a prosecution district, the office of the district attorney for each jurisdiction in which an adjudication occurred prior.

(5) **Adoptions and other proceedings**. Petitions in other proceedings must conform to Rule 10 of the Utah Rules of Civil Procedure, except that in adoption proceedings, the petition must be accompanied by a certified copy of the Decree of Permanent Termination.

Effective date: