

1 **Rule 18. Summons; service of process; notice.**

2 (a) Summons. Upon the filing of a petition, the clerk, unless otherwise directed by the court,  
3 shall schedule an initial hearing in the case.

4 (1) Summons may be issued by the petitioning attorney. If the petitioning attorney does not issue  
5 a summons, summons shall be issued by the clerk in accordance with Section 78A-6-109. The  
6 summons shall conform to the format prescribed by these rules.

7 (2) Content of the summons.

8 (A) Abuse, neglect, and dependency cases. The summons shall contain the name and address of  
9 the court, the title of the proceeding, the type of hearing scheduled, and the date, place and time  
10 of the hearing. It shall state the time within which the respondent is required to answer the  
11 petition, and shall notify the respondent that in the case of the failure to do so, judgment by  
12 default may be rendered against the respondent. It shall also contain an abbreviated reference to  
13 the substance of the petition.

14 (B) Other cases. The summons shall contain the name and address of the court, the title of the  
15 proceeding, the type of hearing scheduled, and the date, place and time of the hearing. It shall  
16 also contain an abbreviated reference to the substance of the petition. In proceedings against an  
17 adult pursuant to Section 78A-6-1001, the summons shall conform to the Utah Rules of Criminal  
18 Procedure and be issued by the prosecuting attorney.

19 (3) The summons shall be directed to the person or persons who have physical care, control or  
20 custody of the minor and require them to appear and bring the minor before the court. If the  
21 person so summoned is not the parent, guardian or custodian of the minor, a summons shall also  
22 be issued to the parent, parents, guardian or custodian. If the minor or person who is the subject  
23 of the petition has been emancipated by marriage or is 18 years of age or older at the time the  
24 petition is filed, the summons may require the appearance of the minor only, unless otherwise  
25 ordered by the court. In neglect, abuse and dependency cases, unless otherwise directed by the  
26 court, the summons shall not require the appearance of the subject minor.

27 (4) No summons shall be necessary as to any party who appears voluntarily or who files a  
28 written waiver of service with the clerk prior to or upon appearance at the hearing.

29 (b) Service.

30 (1) Except as otherwise provided by these rules or by statute, service of process and proof of  
31 service shall be made by the methods provided in Utah Rule of Civil Procedure 4. Service of  
32 process shall be made by the sheriff of the county where the service is to be made, by a deputy,  
33 by a process server, or by any other suitable person appointed by the court. However, when the  
34 court so directs, an agent of the Department of Human Services may serve process in a case in  
35 which the Department is a party. A party or party's attorney may serve another party at a court  
36 hearing. The record of the proceeding shall reflect the service of the document and shall  
37 constitute the proof of service.

38 (2) Personal service may be made upon a parent, parents, guardian or custodian and upon a  
39 minor in that person's legal custody by delivering to a parent, parents, guardian or custodian a  
40 copy of the summons with a copy of the petition attached. If a minor is in the legal custody or  
41 guardianship of an agency or person other than a parent, service shall also be made by delivering  
42 to the legal custodian a copy of the summons with a copy of the petition attached and notice shall  
43 be given to the parent as provided in paragraph (d). Service upon a minor who has attained  
44 majority by marriage as provided in Utah Code Ann. Section 15-2-1 or upon court order shall be  
45 made in the manner provided in the Utah Rules of Civil Procedure.

46 (3) (A) Service may be made by any form of mail requiring a signed receipt by the addressee.  
47 Service is complete upon return to court of the signed receipt.

48 (B) Service of process may be made by depositing a copy thereof in the United States mail  
49 addressed to the last known address of the person to be served. Any person who appears in court  
50 in response to mailed service shall be considered to have been legally served.

51 (4) In any proceeding wherein the parent, parents, guardian or custodian cannot after the  
52 exercise of reasonable diligence be located for personal service, the court may proceed to  
53 adjudicate the matter subject to the right of the parent, parents, guardian or custodian to a

54 rehearing, except that in certification proceedings brought pursuant to Section 78A-6-703 and in  
55 proceedings seeking permanent termination of parental rights, the court shall order service upon  
56 the parent, **parents**, guardian or custodian by publication. Any rehearing shall be requested by  
57 written motion.

58 (5) Service shall be completed at least 48 hours prior to the adjudicatory hearing. If the summons  
59 is for the permanent termination of parental rights, service shall be completed at least ten days  
60 before the adjudicatory hearing. If the summons is for a substantiation proceeding, service shall  
61 be completed at least forty-five days before the adjudicatory hearing.

62 (c) Service by publication. Service by publication shall be authorized by the procedure and in the  
63 form provided by the Juvenile Court Act and Utah Rule of Civil Procedure 4 except that within  
64 the caption and the body of any published document, children shall be identified by their initials  
65 and respective birth dates, and not by their names. The parents, parent, or guardian of each child  
66 shall be identified as such using their full names within the caption of any published document.

67 (d) Notice.

68 (1) Notice of the time, date and place of any further proceedings, after an initial appearance or  
69 service of summons, may be given in open court or by mail to any party. Notice shall be  
70 sufficient if the clerk deposits the notice in the United States mail, postage pre-paid, to the  
71 address provided by the party in court or the address at which the party was initially served, or, if  
72 the party has agreed to accept service by email, sends notice to the email address provided by the  
73 party.

74 (2) Notice for any party represented by counsel shall be given to counsel for the party through  
75 either mail, notice given in open court, or by email to the email address on file with the Utah  
76 State Bar.

77 (e) Additional parties. Whenever it appears to the court that a person who is not the parent,  
78 guardian or custodian should be made subject to the jurisdiction and authority of the court in a  
79 minor's case, upon the motion of any party or the court's own motion, the court may issue a  
80 summons ordering such person to appear. Upon the appearance of such person, the court may

81 enter an order making such person a party to the proceeding and may order such person to  
82 comply with reasonable conditions as a part of the disposition in the minor's case. Upon the  
83 request of such person, the court shall conduct a hearing upon the issue of whether such person  
84 should be made a party.

85 (f) Service of pleadings and other papers. Except as otherwise provided by these rules or by  
86 statute, service of pleadings and other papers not requiring a summons shall be made by the  
87 methods provided in Utah Rule of Civil Procedure 5, except that service to the email address on  
88 file with the Utah State Bar is sufficient service to an attorney under this rule, whether or not an  
89 attorney agrees to accept service by email.

90 (g) Access to the Juvenile Court's Court and Agency Records Exchange (C.A.R.E.) for eFiling  
91 documents does not constitute an electronic filing account as referenced in the Rules of Civil  
92 Procedure. eFiling in C.A.R.E. does not constitute service upon a party.

### 93 **URJP 18**

#### 94 **Advisory Committee Notes**

95 The present law is silent on the matter of service on the minor who is the subject of a petition.  
96 This rule continues the current practice of requiring service only on the parent, parents, guardian  
97 or custodian having legal custody.

98 Effective November 1, 2018