

1 **Rule 47. Reviews and modification of orders.**

2 (a) **Reviews.**

3 ~~(a)~~(1) At the time of disposition in any case wherein a minor is placed on  
4 probation, under protective supervision or in the legal custody of an individual  
5 or agency, the court shall also order that the individual supervising the minor or  
6 the placement, submit a written report to the court at a future date and appear  
7 personally, if directed by the court, for the purpose of a court review of the case.  
8 If a date certain is not scheduled at the time of disposition, notice by mail of such  
9 review shall be given by the petitioner, if the review is a mandatory review, or by  
10 the party requesting the review to the supervising agency not less than 5 days  
11 prior to the review. Such notice shall also be given to the guardian ad litem, if  
12 one was appointed.

13 ~~(a)~~(2) No modification of a prior dispositional order shall be made at a paper  
14 review that would have the effect of further restricting the rights of the parent,  
15 guardian, custodian or minor, unless the affected parent, guardian custodian or  
16 minor waives the right to a hearing and stipulates to the modification. If a  
17 guardian ad litem is representing the minor, the court shall give a copy of the  
18 submitted documents to the guardian ad litem prior to the paper review.

19 (b) **Review hearings.**

20 ~~(b)~~(1) Any party in a case subject to review may request a review hearing. The  
21 request must be in writing and the request shall set forth the facts believed by the  
22 requesting party to warrant a review by the court. If the court determines that  
23 the alleged facts, if true, would justify a modification of the dispositional order, a  
24 review hearing shall be scheduled with notice, including a copy of the request, to  
25 all other parties. The court may schedule a review hearing on its own motion.  
26

27 ~~(b)~~(2) The court may modify a prior dispositional order in a review hearing upon  
28 the stipulation of all parties and upon a finding by the court that such  
29 modification would not be contrary to the best interest of the minor and the  
30 public.

31 ~~(b)~~(3) The court shall not modify a prior order in a review hearing that would  
32 further restrict the rights of the parent, guardian, custodian or minor if any party  
33 objects to the modification. Upon objection, the court shall schedule the matter  
34 for a motion hearing and require that a motion be filed with notice to all parties.  
35 A party requesting an evidentiary hearing shall state the request in the motion to  
36 modify the prior order or the response to the motion.

37 ~~(b)~~(4) All cases which require periodic review hearings under ~~Title 78A Chapter~~  
38 ~~6 Title 80, Chapter 3, Abuse, Neglect, and Dependency Proceedings~~ shall be  
39 scheduled for court review not less than once every six months from the date of  
40 disposition.

41 (c) **Disposition reviews.** Upon the written request of any agency, individual or  
42 institution vested with legal custody or guardianship by prior court order, the court  
43 shall conduct a review hearing to determine if the prior order should remain in effect.  
44 Notice of the hearing, along with a copy of the written request, must be provided to all  
45 parties not less than 5 days prior to the hearing, unless the hearing is expedited.

46 (d) Review of a case involving abuse, neglect, or dependency of a minor shall be  
47 conducted also in accordance with ~~Section Utah Code sections 78A-6-11780-3-~~  
48 ~~407Section, 78A-6-31480-3-409,~~ and ~~Section 78A-6-31580-3-408.~~

49 (e) **Intervention plans.**

50 Intervention plans are plans prepared by the probation department or agencies  
51 assuming custody of the minor designed to assist the minor and/or the parent,  
52 guardian or custodian to address or correct issues that caused the court to be involved  
53 with the minor and his or her family.

54 ~~(e)~~(1) In all cases where the disposition order places temporary legal custody or  
55 guardianship of the minor with an individual, agency, or institution, a proposed  
56 intervention plan shall be submitted by the probation department when  
57 probation has been ordered; by the agency having custody or guardianship; or  
58 by the agency providing protective supervision, within 30 days following the  
59 date of disposition. This intervention plan shall be updated whenever a  
60 substantial change in conditions or circumstances arises.

61 ~~(e)~~(2) In cases where ~~both parents have been permanently deprived of parental~~  
62 rights have been terminated, the intervention plan shall identify efforts made by  
63 the child placing agency to secure the adoption of the minor and subsequent  
64 review hearings shall be held until the minor has been adopted or permanently  
65 placed.

66 (f) **Progress reports.**

67 ~~(f)~~(1) A written progress report relating to the intervention plan shall be  
68 submitted to the court and all parties by the agency, which prepared the  
69 intervention plan at least two working days prior to the review hearing date.

70 ~~(f)~~(2) The progress report shall contain the following:

71 ~~(f)(2)(iA)~~ A review of the original conditions, which invoked the court's  
72 jurisdiction.

73 ~~(f)(2)(iiB)~~ Any significant changes in these conditions.

74 ~~(f)(2)(iiiC)~~ The number and types of contacts made with each family  
75 member or other person related to the case.

76 ~~(f)(2)(ivD)~~ A statement of progress toward resolving the problems  
77 identified in the intervention plan.

78 ~~(f)(2)(vE)~~ A report on the family's cooperation in resolving the problems.

79 ~~(f)(2)(viF)~~ A recommendation for further order by the court.

80 (g) In substantiation proceedings, a party may file a motion to set aside a default  
81 judgment or dismissal of a substantiation petition for failure to appear, within thirty  
82 days after the entry of the default judgment or dismissal. On motion and upon such  
83 terms as are just, the court may in the furtherance of justice relieve a party from a  
84 default judgment or dismissal if the court finds good cause for the party's failure to  
85 appear. The filing of a motion under this Subdivision does not affect the finality of a  
86 judgment or suspend its operation.

87 *Effective September 1, 2021*