

1 **Rule 50. Presence at hearings.**

2 (a) In abuse, neglect, and dependency cases the court shall admit persons as provided
3 by Utah Code sections ~~78A-6-114~~80-3-104 and 80-4-106. If a motion is made to deny any
4 person access to any part of a hearing, the parties to the hearing, including the person
5 challenged, may address the issue by proffer, but are not entitled to an evidentiary
6 hearing. A person denied access to a proceeding may petition the Utah Court of
7 Appeals under Rule 19 of the Utah Rules of Appellate Procedure. Proceedings are not
8 stayed pending appeal. As provided under Utah Code sections ~~78A-6-115~~80-3-107 and
9 80-4-107, a person may file a petition requesting a copy of a record of the proceedings,
10 setting forth the reasons for the request. Upon fee payment and the Court's finding of
11 good cause, the person will receive an audio recording of a proceeding. The Court may
12 place under seal information received in an open proceeding.

13 (b) In delinquency cases the court shall admit all persons who have a direct interest in
14 the case and may admit persons requested by the parent or legal guardian to be present.

15 (c) In delinquency cases in which the minor charged is 14 years of age or older, the court
16 shall admit any person unless the hearing is closed by the court upon findings on the
17 record for good cause if:

18 (1) the minor has been charged with an offense which would be a felony if
19 committed by an adult; or

20 (2) the minor is charged with an offense that would be a class A or B
21 misdemeanor if committed by an adult and the minor has been previously
22 charged with an offense which would be a misdemeanor or felony if committed
23 by an adult.

24 (d) If any person, after having been warned, engages in conduct that disrupts the court,
25 the person may be excluded from the courtroom. Any exclusion of a person who has the
26 right to attend a hearing shall be noted on the record and the reasons for the exclusion

27 given. Counsel for the excluded person has the right to remain and participate in the
28 hearing.

29 (e) Videotaping, photographing or recording court proceedings shall be as authorized
30 by the Code of Judicial Administration.

31 (f) In proceedings subject to the Indian Child Welfare Act of 1978, 25 U.S.C. sections
32 1901-63:

33 (1) The Indian child's tribe is not required to formally intervene in the
34 proceeding unless the tribe seeks affirmative relief from the court.

35 (2) If an Indian child's tribe does not formally intervene in the proceeding,
36 official tribal representatives from the Indian child's tribe have the right to
37 participate in any court proceeding. Participating in a court proceeding includes

38 ~~being able to:~~

39 (A) ~~be present presenting being present~~ at the hearing;

40 (B) ~~addressing~~ the court;

41 (C) ~~requesting~~ and ~~receive-receiving~~ notice of hearings;

42 (D) ~~presenting~~ information to the court and other parties that is relevant to
43 the proceeding;

44 (E) ~~submitting~~ written reports and recommendations to the court and
45 other parties; and

46 (F) performing other duties and responsibilities as requested or approved
47 by the court.

48 (3) The designated representative must provide the representative's contact
49 information in writing to the court and other parties.

50 (4) As provided in Rule 14-802 of the Supreme Court Rules of Professional
51 Practice, before a nonlawyer may represent a tribe in the proceeding, the tribe
52 must designate the nonlawyer representative by filing a written authorization. If

53 the tribe changes its designated representative or if the representative
54 withdraws, the tribe must file a written substitution of representation or
55 withdrawal.

56 *Effective September 27, 2021*