

1 **Rule 7. Warrants.**

2 (a) The issuance and execution of a warrant is governed by Title 77, Chapter 7, Arrest;
3 Utah Code sections Section 78A-6-106, 78A-6-102, Section 78A-6-106.5, Section 78A-6-
4 11180-6-202, and Section 78A-6-112, 78A-6-352; and Rule 40 of the Utah Rules of Criminal
5 Procedure ~~40~~.

6 (b) After a petition is filed, a warrant for immediate temporary custody of a minor may
7 be issued if the court finds from the facts set forth in an affidavit filed with the court or
8 in the petition that there is probable cause to believe that:

9 ~~(b)~~(1) the minor has committed an act which would be a felony if committed by
10 an adult;

11 ~~(b)~~(2) the minor has failed to appear after the minor or the parent, guardian or
12 custodian has been legally served with a summons;

13 ~~(b)~~(3) there is a substantial likelihood the minor will not respond to a summons;

14 ~~(b)~~(4) the summons cannot be served and the minor's present whereabouts are
15 unknown;

16 ~~(b)~~(5) the minor seriously endangers others and immediate removal appears to be
17 necessary for the protection of others or the public; or

18 ~~(b)~~(6) ~~there are reasonable grounds to believe that the minor has run away or~~
19 ~~escaped from the minor's parent, guardian or custodian~~ the minor is a runaway or
20 has escaped from the minor's parent, guardian, or custodian.

21 (c) A warrant for immediate temporary custody of a minor may be issued if the court
22 finds from the affidavit that the minor is under the continuing jurisdiction of the court
23 and probable cause to believe that the minor:

24 ~~(e)~~(1) has left the custody of the person or agency vested by the court with legal
25 custody and guardianship without permission; or

26 ~~(e)~~(2) has violated a court order.

27 (d) A warrant for immediate custody shall be signed by a court and shall contain or be
28 supported by the following:

29 ~~(e)~~(1) an order that the minor be returned home, taken to the court, taken to a
30 juvenile detention, shelter facility, other nonsecure facility or an adult detention
31 facility, if appropriate, designated by the court at the address specified pending a
32 hearing or further order of the court;

33 ~~(e)~~(2) the name, date of birth and last known address of the minor;

34 ~~(e)~~(3) the reasons why the minor is being taken into custody;

35 ~~(e)~~(4) a time limitation on the execution of the warrant;

36 ~~(e)~~(5) the name and title of the person requesting the warrant unless ordered by
37 the court on its own initiative pursuant to these rules; and

38 ~~(e)~~(6) the date, county and court location where the warrant is being issued.

39 (e) A peace officer who brings a minor to a detention facility pursuant to a court order for
40 immediate custody shall so inform the person in charge of the facility and the existence
41 of such order shall require the minor's immediate admission. A minor so admitted may
42 not be released without court order.

43 (f) This rule shall not limit the statutory authority of a probation officer to take a minor
44 who has violated a condition of probation into custody under Utah Code section 80-6-
45 201.

46 (g) Return of service on a warrant shall be executed within 72 hours unless otherwise
47 ordered by the Court.

48 (h) The juvenile court to retain and file copies - Documents sealed for twenty days -
49 Forwarding of record to court with jurisdiction.

50 ~~(h)~~(1) At the time of issuance, the juvenile court shall retain and seal a copy of the
51 search warrant, the application and all affidavits or other recorded testimony on
52 which the warrant is based and shall, within a reasonable time, file those sealed

53 documents in court files which are secured against access by the public. Those
54 documents shall remain sealed until twenty days following the issuance of the
55 warrant unless that time is extended or reduced. Unsealed search warrant
56 documents shall be filed in the court record.

57 ~~(h)~~(2) Sealing and retention of the file may be accomplished by:

58 ~~(h)~~(2)(A) placing paper documents or storage media in a sealed envelope
59 and filing the sealed envelope in a court file not available to the public;

60 ~~(h)~~(2)(B) storing the documents by electronic or other means under the
61 control of the court in a manner reasonably designed to preserve the
62 integrity of the documents and protect them against disclosure to the public
63 during the period in which they are sealed; or

64 ~~(h)~~(2)(C) filing through the use of an electronic filing system operated by
65 the State of Utah which system is designed to transmit accurate copies of
66 the documents to the court file without allowing alteration to the
67 documents after issuance of the warrant by the juvenile court.

68 *Effective September 27, 2021*