

1 **Rule 27A. Admissibility of statements given by ~~minors~~ child.**

2 (a) ~~If a minor is in custody for the alleged commission of an offense that would be a crime~~
3 ~~if committed by an adult, any statement given by a minor in response to questions asked~~
4 ~~by a police officer is inadmissible unless the police officer informed the minor of the~~
5 ~~minor's rights before questioning begins.~~ The custodial interrogation of a child for an
6 offense is governed by Utah Code section 80-6-206.

7 ~~(b) If the child is under 14 years of age, the child is presumed not adequately mature and~~
8 ~~experienced to knowingly and voluntarily waive or understand a child's rights unless a~~
9 ~~parent, guardian, or legal custodian is present during waiver.~~

10 ~~(c) The presumption outlined in paragraph (b) may be overcome by a preponderance of~~
11 ~~the evidence showing the ability of a child to comprehend and waive the child's rights.~~

12 ~~(d)~~ (b) The state shall retain the burden of proving by a preponderance of the evidence that
13 ~~the~~ any waiver of the ~~minor's~~ child's constitutional rights was knowing, ~~and~~ voluntary,
14 and satisfied the requirements outlined in Utah Code section 80-6-206. ~~regardless of the~~
15 ~~age of the child or minor.~~