

1 **Rule 8. ~~Rights of minor while in detention.~~**

2 ~~(a) A minor shall be advised of the right to telephone the minor's parent, guardian or~~
3 ~~custodian and an attorney immediately after being admitted to a detention facility.~~

4 ~~(b) A minor has a right to confer in private at any time with an attorney, cleric, parent,~~
5 ~~guardian or custodian. After the initial visit, the minor may visit such persons at~~
6 ~~reasonably established visiting hours, or at other times when special circumstances so~~
7 ~~warrant.~~

8 ~~(c) No person other than a probation officer or a staff member of a detention facility~~
9 ~~shall be permitted to interview a child under 14 years of age held in the facility~~
10 ~~regarding an offense chargeable against the child without the child's parent, guardian~~
11 ~~or custodian present, unless:~~

12 ~~(1) the parent, guardian or custodian has given written permission for the~~
13 ~~interview to be held outside the presence of the child's parent, guardian, or~~
14 ~~custodian;~~

15 ~~(2) the parent, guardian or custodian had been advised of the child's~~
16 ~~constitutional rights as provided in Rule 26(a) and has knowingly and~~
17 ~~voluntarily waived such rights; and~~

18 ~~(3) the child had been advised of the child's constitutional rights as provided in~~
19 ~~Rule 26(a) and has knowingly and voluntarily waived such rights.~~

20 ~~(d) No person other than a probation officer or a staff member of a detention facility~~
21 ~~shall be permitted to interview a child 14 years of age or older in a detention facility~~
22 ~~regarding an offense chargeable against the child without the consent of the child and~~
23 ~~the child's parent, guardian or custodian after first advising said child of constitutional~~
24 ~~rights as described in Rule 26 and such rights having been knowingly and voluntarily~~
25 ~~waived by the child.~~

26 ~~(e) If the child's parent, guardian or custodian is not available, the consent of the court~~
27 ~~shall be obtained before interviewing a child in a detention facility.~~

28 ~~ADVISORY COMMITTEE NOTES~~

29 ~~The limitation on interviews is intended to extend to interviews regarding the charges for which~~
30 ~~the minor is being detained and any other charges under investigation.~~

31 ~~This rule evolved from former Rule 10 at a time when the court was responsible for admission to~~
32 ~~detention. That responsibility now belongs to the Division of Juvenile Justice Services, which has~~
33 ~~established admission guidelines. Utah Administrative Rules R547-13-1 et seq. This rule and~~
34 ~~former Rule 10 balance the important rights of the minor with those of the public. Because these~~
35 ~~provisions have historically been found in the juvenile court rules, they have not yet been~~
36 ~~incorporated into any other rule or statute. Until the Legislature or the Division of Juvenile~~
37 ~~Justice Services acts to restate these provisions, it is necessary that they be stated here.~~

38 Repealed.

39 Effective May 1, 2022