

1 **Rule 13. Shelter hearings.**

2 (a) Shelter hearings shall be conducted in accordance with Utah Code sections 80-3-301
3 and 80-3-302.

4 (b) The Division of Child and Family Services shall file with the court at or before the
5 shelter hearing a copy of the notice form required by Utah Code section ~~80-2a-20362A-~~
6 ~~4a-202.2~~ and the notice required by Utah Code section 80-3-301.

7 (c) At the beginning of the shelter hearing, the court shall advise all persons present of
8 the information submitted to the court as a basis for the admission of the minor into
9 shelter care and of the scope and purpose of the hearing.

10 (d) The court may receive any information, including hearsay and opinions, that is
11 relevant to the issue of whether it is safe to release the minor to the parent, guardian or
12 custodian. Privileged communications may be admitted only in accordance with the
13 rules of evidence.

14 (e) If the parent, guardian, or custodian of the minor cannot be notified as provided in
15 Utah Code section 80-3-301, a shelter hearing may be held without the minor's parent,
16 guardian or custodian. Upon a finding that a continuance is necessary for the protection
17 of the minor, for the accumulation or presentation of necessary evidence, to protect the
18 rights of a party, or for other good cause, the court may continue the hearing in
19 accordance with Utah Code section 80-3-301.

20 (f) If the minor is not released, the order for continued shelter shall be furnished to the
21 agency responsible for shelter care of minors in the county. Orders for continued shelter
22 care shall be of definite duration and may be extended upon review at a hearing in
23 conformity with Utah Code section 80-3-301 and this rule.

24 (g) The release of the minor from shelter care may be requested by the court, a party, or
25 any person interested in the minor at any time on the grounds that the conditions
26 giving rise to the placement no longer exist or no longer justify continuing shelter. Such

- 27 request shall be considered by the court at a hearing in conformity with Utah Code
28 section 80-3-301 and this rule.
- 29 *Effective September 1, 2022*