

1 **Rule 18. Summons; service of process; notice.**

2 (a) Summons. Upon the filing of a petition, the clerk, unless otherwise directed by the court,
3 shall schedule an initial hearing in the case.

4 (1) Summons may be issued by the petitioning attorney. If the petitioning attorney does not issue
5 a summons, summons shall be issued by the clerk in accordance with Section 78A-6-109. The
6 summons shall conform to the format prescribed by these rules.

7 (2) Content of the summons.

8 (A) Abuse, neglect, and dependency cases. The summons shall contain the name and address of
9 the court, the title of the proceeding, the type of hearing scheduled, and the date, place and time
10 of the hearing. It shall state the time within which the respondent is required to answer the
11 petition, and shall notify the respondent that in the case of the failure to do so, judgment by
12 default may be rendered against the respondent. It shall also contain an abbreviated reference to
13 the substance of the petition.

14 (B) Other cases. The summons shall contain the name and address of the court, the title of the
15 proceeding, the type of hearing scheduled, and the date, place and time of the hearing. It shall
16 also contain an abbreviated reference to the substance of the petition. In proceedings against an
17 adult pursuant to Section 78A-6-1001, the summons shall conform to the Utah Rules of Criminal
18 Procedure and be issued by the prosecuting attorney.

19 (3) The summons shall be directed to the person or persons who have physical care, control or
20 custody of the minor and require them to appear and bring the minor before the court. If the
21 person so summoned is not the parent, guardian or custodian of the minor, a summons shall also
22 be issued to the parent, guardian or custodian. If the minor or person who is the subject of the
23 petition has been emancipated by marriage or is 18 years of age or older at the time the petition
24 is filed, the summons may require the appearance of the minor only, unless otherwise ordered by

25 the court. In neglect, abuse and dependency cases, unless otherwise directed by the court, the
26 summons shall not require the appearance of the subject minor.

27 (4) No summons shall be necessary as to any party who appears voluntarily or who files a
28 written waiver of service with the clerk prior to or upon appearance at the hearing.

29 (b) Service.

30 (1) Except as otherwise provided by these rules or by statute, service of process and proof of
31 service shall be made by the methods provided in Utah Rule of Civil Procedure 4. Service of
32 process shall be made by the sheriff of the county where the service is to be made, by a deputy,
33 by a process server, or by any other suitable person appointed by the court. However, when the
34 court so directs, an agent of the Department of Human Services may serve process in a case in
35 which the Department is a party. A party or party's attorney may serve another party at a court
36 hearing. The record of the proceeding shall reflect the service of the document and shall
37 constitute the proof of service.

38 (2) Personal service may be made upon a parent, guardian or custodian and upon a minor in that
39 person's legal custody by delivering to a parent, guardian or custodian a copy of the summons
40 with a copy of the petition attached. If a minor is in the legal custody or guardianship of an
41 agency or person other than a parent, service shall also be made by delivering to the legal
42 custodian a copy of the summons with a copy of the petition attached and notice shall be given to
43 the parent as provided in paragraph (d). Service upon a minor who has attained majority by
44 marriage as provided in Utah Code Ann. Section 15-2-1 or upon court order shall be made in the
45 manner provided in the Utah Rules of Civil Procedure.

46 (3) (A) Service may be made by any form of mail requiring a signed receipt by the addressee.
47 Service is complete upon return to court of the signed receipt.

48 (B) Service of process may be made by depositing a copy thereof in the United States mail
49 addressed to the last known address of the person to be served. Any person who appears in court
50 in response to mailed service shall be considered to have been legally served.

51 (4) In any proceeding wherein the parent, guardian or custodian cannot after the exercise of
52 reasonable diligence be located for personal service, the court may proceed to adjudicate the
53 matter subject to the right of the parent, guardian or custodian to a rehearing, except that in
54 certification proceedings brought pursuant to Section 78A-6-703 and in proceedings seeking
55 permanent termination of parental rights, the court shall order service upon the parent, guardian
56 or custodian by publication. Any rehearing shall be requested by written motion.

57 (5) Service shall be completed at least 48 hours prior to the adjudicatory hearing. If the summons
58 is for the permanent termination of parental rights, service shall be completed at least ten days
59 before the adjudicatory hearing. If the summons is for a substantiation proceeding, service shall
60 be completed at least forty-five days before the adjudicatory hearing.

61 (c) Service by publication. Service by publication shall be authorized by the procedure and in the
62 form provided by the Juvenile Court Act and Utah Rule of Civil Procedure 4 except that within
63 the caption and the body of any published document, children shall be identified by their initials
64 and respective birth dates, and not by their names. The parents, parent, or guardian of each child
65 shall be identified as such using their full names within the caption of any published document.

66 (d) Notice.

67 (1) Notice of the time, date and place of any further proceedings, after an initial appearance or
68 service of summons, may be given in open court or by mail to any party. Notice shall be
69 sufficient if the clerk deposits the notice in the United States mail, postage pre-paid, to the
70 address provided by the party in court or the address at which the party was initially served, or, if
71 the party has agreed to accept service by email, sends notice to the email address provided by the
72 party.

73 (2) Notice for any party represented by counsel shall be given to counsel for the party through
74 either mail, notice given in open court, or by email to the email address on file with the Utah
75 State Bar.

76 (e) Additional parties. Whenever it appears to the court that a person who is not the parent,
77 guardian or custodian should be made subject to the jurisdiction and authority of the court in a

78 minor's case, upon the motion of any party or the court's own motion, the court may issue a
79 summons ordering such person to appear. Upon the appearance of such person, the court may
80 enter an order making such person a party to the proceeding and may order such person to
81 comply with reasonable conditions as a part of the disposition in the minor's case. Upon the
82 request of such person, the court shall conduct a hearing upon the issue of whether such person
83 should be made a party.

84 (f) Service of pleadings and other papers. Except as otherwise provided by these rules or by
85 statute, service of pleadings and other papers not requiring a summons shall be made by the
86 methods provided in Utah Rule of Civil Procedure 5, except that service to the email address on
87 file with the Utah State Bar is sufficient service to an attorney under this rule, whether or not an
88 attorney agrees to accept service by email.

89 (g) Access to the Juvenile Court's Court and Agency Records Exchange (C.A.R.E.) for eFiling
90 documents does not constitute an electronic filing account as referenced in the Rules of Civil
91 Procedure. eFiling in C.A.R.E. does not constitute service upon a party.

92 **URJP 18**

93 **Advisory Committee Notes**

94 The present law is silent on the matter of service on the minor who is the subject of a petition.
95 This rule continues the current practice of requiring service only on the parent, guardian or
96 custodian having legal custody.