

1 **Rule 45. ~~Pre-disposition reports and social studies~~Dispositional Reports.**

2 **(a) Delinquency cases.**

3 (~~a~~1) Unless waived by the court, a ~~pre-dispositional~~pre-dispositional report shall be prepared in all
4 proceedings which result in the filing of a petition. The ~~pre-dispositional~~pre-dispositional report
5 shall be deemed waived, unless otherwise ordered, in all traffic, fish and game and
6 boating cases, and other bailable offenses. The report shall conform to the
7 requirements in the Code of Judicial Administration.

8 (~~b~~2) ~~In delinquency cases, i~~Investigation of the minor and family for the purpose
9 of preparing the ~~pre-dispositional~~pre-dispositional report shall not be commenced before the
10 allegations have been proven without the consent of the parties.

11 (~~e~~3) The ~~pre-dispositional~~pre-dispositional report shall not be ~~submitted-viewed to~~ or considered by
12 the judge before the adjudication of the charges or allegations to which it pertains.
13 If no ~~pre-dispositional~~pre-dispositional report has been prepared or completed before the
14 dispositional hearing, or if the judge wishes additional information not contained
15 in the report, the dispositional hearing may be continued for a reasonable time to
16 a date certain.

17 (4) The dispositional report shall be provided to the minor's counsel, the
18 prosecuting attorney, the guardian ad litem, if applicable, and counsel for the
19 parent, guardian, or custodian of the minor, if applicable, at least two business
20 days prior to the dispositional hearing. When the minor or the minor's parent,
21 guardian, or custodian are not represented by counsel, the court may limit
22 inspection of reports by the minor or the minor's parent, guardian, or custodian if
23 the court determines it is in the best interest of the minor to do so.

24 **(b) Neglect, abuse, and dependency cases.**

25 (~~d~~1) For the purpose of determining proper disposition of the ~~minor case and for~~minor case
26 ~~the purpose of establishing the fact of neglect or dependency~~, written reports and
27 other material relating to the minor's mental, physical, and social history and

28 condition may be received in evidence and may be considered by the court along
29 with other evidence. The court may require that the person who wrote the report
30 or prepared the material appear as a witness if the person is reasonably available.

31 (2) The juvenile court shall review and receive each dispositional report submitted
32 by the Division of Child and Family Services as described in Utah Code section 80-
33 3-408.

34 ~~(e) The pre-dispositional report and social studies shall be provided by the author to the~~
35 ~~minor's counsel, the prosecuting attorney, the guardian ad litem, and counsel for the~~
36 ~~parent, guardian or custodian of the minor at least two days prior to the dispositional~~
37 ~~hearing. When the minor or the minor's parent, guardian or custodian are not represented~~
38 ~~by counsel, the court may limit inspection of reports by the minor or the minor's parent,~~
39 ~~guardian or custodian if the court determines it is in the best interest of the minor to do~~
40 ~~so.~~