

1 **Rule 7. Warrants.**

2 (a) The issuance and execution of a warrant is governed by Title 77, Chapter 7, Arrest;
3 Utah Code sections 62A-4a-202.1, 78A-6-102, 80-6-202, and 78A-6-352; and Rule 40 of the
4 Utah Rules of Criminal Procedure.

5 (b) After a petition is filed, a warrant for immediate temporary custody of a minor may
6 be issued if the court finds from the facts set forth in an affidavit filed with the court or
7 in the petition that there is probable cause to believe that:

8 (1) the minor has committed an act which would be a felony if committed by an
9 adult;

10 (2) the minor has failed to appear after the minor or the parent, guardian or
11 custodian has been legally served with a summons;

12 (3) there is a substantial likelihood the minor will not respond to a summons;

13 (4) the summons cannot be served and the minor's present whereabouts are
14 unknown;

15 (5) the minor seriously endangers others and immediate removal appears to be
16 necessary for the protection of others or the public; or

17 (6) the minor is a runaway or has escaped from the minor's parent, guardian, or
18 custodian.

19 (c) A warrant for immediate temporary custody of a minor may be issued if the court
20 finds from the affidavit that the minor is under the continuing jurisdiction of the court
21 and probable cause to believe that the minor:

22 (1) has left the custody of the person or agency vested by the court with legal
23 custody and guardianship without permission; or

24 (2) has violated a court order.

25 (d) A warrant for immediate custody shall be signed by a court and shall contain or be
26 supported by the following:

27 (1) an order that the minor be returned home, taken to the court, taken to a juvenile
28 detention, shelter facility, other nonsecure facility or an adult detention facility, if
29 appropriate, designated by the court at the address specified pending a hearing or
30 further order of the court;

31 (2) the name, date of birth and last known address of the minor;

32 (3) the reasons why the minor is being taken into custody;

33 (4) a time limitation on the execution of the warrant;

34 (5) the name and title of the person requesting the warrant unless ordered by the
35 court on its own initiative pursuant to these rules; and

36 (6) the date, county and court location where the warrant is being issued.

37 (e) A peace officer who brings a minor to a detention facility pursuant to a court order for
38 immediate custody shall so inform the person in charge of the facility and the existence
39 of such order shall require the minor's immediate admission. A minor so admitted may
40 not be released without court order.

41 (f) This rule shall not limit the statutory authority of a probation officer to take a minor
42 who has violated a condition of probation into custody under Utah Code section 80-6-
43 201.

44 (g) Return of service on a warrant shall be executed within 72 hours unless otherwise
45 ordered by the Court.

46 (h) Prior to a peace officer or a child welfare worker executing a warrant issued pursuant
47 to Utah Code section 62A-4a-202.1 for a child who is missing, has been abducted, or has
48 run away, counsel for the Division of Child and Family Services may file an *ex parte*
49 motion to vacate the warrant.

50 ~~(h)~~ The juvenile court to retain and file copies - Documents sealed for twenty days -
51 Forwarding of record to court with jurisdiction.

52 (1) At the time of issuance, the juvenile court shall retain and seal a copy of the
53 search warrant, the application and all affidavits or other recorded testimony on
54 which the warrant is based and shall, within a reasonable time, file those sealed
55 documents in court files which are secured against access by the public. Those
56 documents shall remain sealed until twenty days following the issuance of the
57 warrant unless that time is extended or reduced. Unsealed search warrant
58 documents shall be filed in the court record.

59 (2) Sealing and retention of the file may be accomplished by:

60 (A) placing paper documents or storage media in a sealed envelope and
61 filing the sealed envelope in a court file not available to the public;

62 (B) storing the documents by electronic or other means under the control of
63 the court in a manner reasonably designed to preserve the integrity of the
64 documents and protect them against disclosure to the public during the
65 period in which they are sealed; or

66 (C) filing through the use of an electronic filing system operated by the
67 State of Utah which system is designed to transmit accurate copies of the
68 documents to the court file without allowing alteration to the documents
69 after issuance of the warrant by the juvenile court.

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