

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

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

4 (1) Summons may be issued by the petitioning attorney. If the petitioning attorney
5 does not issue a summons, summons ~~shall~~will be issued by the clerk in accordance
6 with Utah Code section 78A-6-351. The summons ~~shall~~must conform to the format
7 prescribed by these rules.

8 (2) Content of the summons.

9 (A) Abuse, neglect, and dependency cases. The summons ~~shall~~must contain
10 the name and address of the court, the title of the proceeding, the type of
11 hearing scheduled, and the date, place and time of the hearing. It ~~shall~~must
12 state the time within which the respondent is required to answer the
13 petition, and ~~shall~~must notify the respondent that in the case of the failure
14 to do so, judgment by default may be rendered against the respondent. It
15 ~~shall~~must ~~also~~ contain an abbreviated reference to the substance of the
16 petition. It must include the bilingual notice set forth in the juvenile form
17 summons approved by the Utah Judicial Council.

18 (B) Termination of parental rights cases. The summons must contain the
19 name and address of the court, the title of the proceeding, the type of
20 hearing scheduled, and the date, place and time of the hearing. It must state
21 the time within which the respondent is required to answer the petition. It
22 must contain an abbreviated reference to the substance of the petition. It
23 must include the bilingual notice set forth in the juvenile form summons
24 approved by the Utah Judicial Council.

25 (C) Other cases. The summons ~~shall~~must contain the name and address of
26 the court, the title of the proceeding, the type of hearing scheduled, and the
27 date, place and time of the hearing. It ~~shall~~must also contain an abbreviated

28 reference to the substance of the petition. In proceedings against an adult
29 pursuant to Utah Code section 78A-6-450, the summons ~~shall~~must conform
30 to the Utah Rules of Criminal Procedure and be issued by the prosecuting
31 attorney.

32 (3) The summons ~~shall~~must be directed to the person or persons who have
33 physical care, control or custody of the minor and require them to appear and
34 bring the minor before the court. If the person so summoned is not the parent,
35 guardian, or custodian of the minor, a summons ~~shall~~must also be issued to the
36 parent, guardian, or custodian. If the minor or person who is the subject of the
37 petition has been emancipated by marriage or is 18 years of age or older at the time
38 the petition is filed, the summons may require the appearance of the minor only,
39 unless otherwise ordered by the court. In neglect, abuse and dependency cases,
40 unless otherwise directed by the court, the summons ~~shall~~must not require the
41 appearance of the subject minor.

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

45 (b) **Service.**

46 (1) Except as otherwise provided by these rules or by statute, service of process
47 and proof of service ~~shall~~must be made by the methods provided in Rule 4 of Utah
48 Rules of Civil Procedure. Service of process ~~shall~~must be made by the sheriff of
49 the county where the service is to be made, by a deputy, by a process server, or by
50 any other suitable person appointed by the court. However, when the court so
51 directs, an agent of the Department of Human Services may serve process in a case
52 in which the Department is a party. A party or party's attorney may serve another
53 party at a court hearing. The record of the proceeding ~~shall~~will reflect the service
54 of the document and ~~shall~~will constitute the proof of service.

55 (2) Personal service may be made upon a parent, guardian, or custodian and upon
56 a minor in that person's legal custody by delivering to a parent, guardian, or
57 custodian a copy of the summons with a copy of the petition attached. If a minor
58 is in the legal custody or guardianship of an agency or person other than a parent,
59 service ~~shall~~must also be made by delivering to the legal custodian a copy of the
60 summons with a copy of the petition attached and notice ~~shall~~must be given to the
61 parent as provided in paragraph (d). Service upon a minor who has attained
62 majority by marriage as provided in Utah Code Section 15-2-1 or upon court order
63 ~~shall~~must be made in the manner provided in the Utah Rules of Civil Procedure.

64 (3) Service may be made by any form of mail requiring a signed receipt by the
65 addressee. Service is complete upon return to court of the signed receipt. Service of
66 process may be made by depositing a copy thereof in the United States mail
67 addressed to the last known address of the person to be served. Any person who
68 appears in court in response to mailed service ~~shall be~~is considered to have been
69 legally served.

70 (4) In any proceeding wherein the parent, guardian, or custodian cannot after the
71 exercise of reasonable diligence be located for personal service, the court may
72 proceed to adjudicate the matter subject to the right of the parent, guardian or
73 custodian to a rehearing, except that in certification proceedings brought pursuant
74 to Title 80, Chapter 6, Part 5, Transfer to District Court and in proceedings seeking
75 permanent termination of parental rights, the court ~~shall~~will order service upon the
76 parent, guardian, or custodian by publication. Any rehearing ~~shall~~must be
77 requested by written motion.

78 (5) Service ~~shall~~must be completed at least 48 hours prior to the adjudicatory
79 hearing. If the summons is for the permanent termination of parental rights, service
80 ~~shall~~must be completed at least ten days before the adjudicatory hearing. If the
81 summons is for a substantiation proceeding, service ~~shall~~must be completed at least
82 ~~forty five~~45 days before the adjudicatory hearing.

83 (c) **Service by publication.** Service by publication ~~shall~~must be authorized by the
84 procedure and in the form provided by the Utah Juvenile Code and Rule 4 of Utah Rules
85 of Civil Procedure except that within the caption and the body of any published
86 document, children ~~shall~~must be identified by their initials and respective birth dates,
87 and not by their names. The parent, guardian, or custodian of each child ~~shall~~must be
88 identified as such using their full names within the caption of any published document.

89 (d) **Notice.**

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

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

99 (e) **Additional parties.** Whenever it appears to the court that a person who is not the
100 parent, guardian or custodian should be made subject to the jurisdiction and authority of
101 the court in a minor's case, upon the motion of any party or the court's own motion, the
102 court may issue a summons ordering such person to appear. Upon the appearance of
103 such person, the court may enter an order making such person a party to the proceeding
104 and may order such person to comply with reasonable conditions as a part of the
105 disposition in the minor's case. Upon the request of such person, the court ~~shall~~will
106 conduct a hearing upon the issue of whether such person should be made a party.

107 (f) **Service of pleadings and other papers.** Except as otherwise provided by these rules
108 or by statute, service of pleadings and other papers not requiring a summons ~~shall~~must
109 be made by the methods provided in Rule 5 of Utah Rules of Civil Procedure, except that

110 service to the email address on file with the Utah State Bar is sufficient service to an
111 attorney under this rule, whether or not an attorney agrees to accept service by email.

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