

1 **Rule 15. Preliminary inquiry; informal adjustment without petition.**

2 (a) If ~~a~~~~the~~ minor qualifies for a nonjudicial adjustment pursuant to statute, the probation
3 intake officer ~~must~~~~shall~~ offer a nonjudicial adjustment to the minor.

4 (b) If a minor does not qualify for a nonjudicial adjustment, the probation intake officer
5 may conduct one or more interviews with the minor, or if a child, then with the child and
6 at least one of the child's parents~~s~~, guardians~~s~~, or custodians~~s~~, and may invite the referring
7 party and the victim, if any, to attend or otherwise seek further information from them.
8 Attendance at any such interview ~~is~~~~shall be~~ voluntary~~s~~, and the probation intake officer
9 may not compel the disclosure of any information or the visiting of any place.

10 (c) In any such interview, the minor, or if a child, then the child and the child's parent,
11 guardian~~s~~, or custodian~~s~~, must be advised that the interview is voluntary, that they ~~they~~ ~~minor~~
12 ~~has~~~~ve~~ ~~the~~~~a~~ right to have counsel present to represent the minor, that the minor has the
13 right not to disclose any information, and that any information disclosed that could tend
14 to incriminate the minor cannot be used against the minor in court to prove whether the
15 minor committed the offense alleged in the referral.

16 (d) If ~~the probation intake officer concludes~~ on the basis of the preliminary inquiry, ~~the~~
17 ~~probation intake officer concludes~~ that nonjudicial adjustment is appropriate and is
18 authorized by law, ~~the~~ officer may seek agreement with the minor, or if a child, then with
19 the child and the child's parent, guardian~~s~~, or custodian~~s~~, to a proposed nonjudicial
20 adjustment.

21 (e) If an agreement is reached and the terms and conditions agreed upon are satisfactorily
22 complied with by the minor, or if a child, then with the child and the child's parent,
23 guardian~~s~~, or custodian~~s~~, the case ~~must~~~~shall~~ be closed without petition. Such resolution of
24 the case ~~will~~~~shall~~ not be deemed an adjudication of jurisdiction of the court and ~~will~~~~shall~~
25 not constitute an official record of juvenile court action or disposition. A nonjudicial
26 adjustment may be considered by the probation intake officer in a subsequent

27 preliminary inquiry and by the court for purposes of disposition only, following
28 adjudication of a subsequent delinquency involving the same minor.

29 (f) The initial time in which to complete a nonjudicial adjustment, and any extensions
30 thereof, are governed by Utah Code section 80-6-304.~~Attempts to effect nonjudicial~~
31 ~~adjustment of a case shall not extend beyond 90 days without authorization by the court,~~
32 ~~and then for no more than an additional 90 days.~~

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