

1 **Rule 50. Presence at hearings.**

2 (a) In abuse, neglect, and dependency cases the court ~~will~~~~shall~~ admit persons as provided
3 by Utah Code sections 80-3-104 and 80-4-106. If a motion is made to deny any person
4 access to any part of a hearing, the parties to the hearing, including the person challenged,
5 may address the issue by proffer, but are not entitled to an evidentiary hearing. A person
6 denied access to a proceeding may petition the Utah Court of Appeals under Rule 19 of
7 the Utah Rules of Appellate Procedure. Proceedings are not stayed pending appeal. As
8 provided under Utah Code sections 80-3-10~~6~~~~7~~ and 80-4-107, a person may file a petition
9 requesting a copy of a record of ~~a~~~~the~~ proceedings, setting forth the reasons for the request.
10 Upon fee payment and the ~~C~~ourt's finding of good cause, the ~~court~~ ~~person~~ will provide
11 ~~receive~~ an audio recording of ~~a~~~~the~~ proceeding. The ~~C~~ourt may place under seal
12 information received in an open proceeding.

13 (b) In delinquency cases the court ~~will~~~~shall~~ admit all persons who have a direct interest
14 in the case and may admit persons requested by the parent or legal guardian to be
15 present.

16 (c) In delinquency cases in which the minor charged is 14 years of age or older, the court
17 ~~will~~~~shall~~ admit any person unless the hearing is closed by the court upon findings on the
18 record for good cause if:

19 (1) the minor has been charged with an offense which would be a felony if
20 committed by an adult; or

21 (2) the minor is charged with an offense that would be a class A or B misdemeanor
22 if committed by an adult and the minor has been previously charged with an
23 offense which would be a misdemeanor or felony if committed by an adult.

24 (d) If any person, after having been warned, engages in conduct that disrupts the
25 ~~hearing~~~~court~~, the person may be excluded from the ~~hearing~~~~courtroom~~. Any exclusion of
26 a person who has the right to attend a hearing ~~will~~~~shall~~ be noted on the record and the

27 reasons for the exclusion given. Counsel for the excluded person has the right to remain
28 and participate in the hearing.

29 (e) Videotaping, photographing, or recording court proceedings ~~must~~^{shall} be as
30 authorized by the Code of Judicial Administration.

31 (f) In proceedings subject to the Indian Child Welfare Act of 1978, 25 U.S.C. sections 1901-
32 63:

33 (1) The Indian child's tribe is not required to formally intervene in the proceeding
34 unless the tribe seeks affirmative relief from the court.

35 (2) If an Indian child's tribe does not formally intervene in the proceeding, official
36 tribal representatives from the Indian child's tribe have the right to participate in
37 any court proceeding. Participating in a court proceeding includes:

38 (A) being present at the hearing;

39 (B) addressing the court;

40 (C) requesting and receiving notice of hearings;

41 (D) presenting information to the court and other parties that is relevant to
42 the proceeding;

43 (E) submitting written reports and recommendations to the court and other
44 parties; and

45 (F) performing other duties and responsibilities as requested or approved
46 by the court.

47 (3) The designated representative must provide the representative's contact information
48 in writing to the court and other parties.

49 (4) As provided in Rule 14-802 of the Supreme Court Rules of Professional Practice, before
50 a nonlawyer may represent a tribe in the proceeding, the tribe must designate the
51 nonlawyer representative by filing a written authorization. If the tribe changes its

52 designated representative or if the representative withdraws, the tribe must file a written
53 substitution of representation or withdrawal.