

1 **Rule 7-102. Duties and authority of Juvenile Court Commissioners.**

2 Intent:

3 To set forth the duties and authority of Juvenile Court Commissioners and to identify
4 the types of cases Commissioners are authorized to hear.

5 Applicability:

6 This rule shall apply to the Juvenile Court.

7 Statement of the Rule:

8 (1) Types of cases and matters.

9 (1)(A) Commissioners may be assigned to hear and make recommendations in
10 cases involving:

11 (1)(A)(i) bailable offenses, for arraignment and disposition;

12 (1)(A)(ii) truancy reviews;

13 (1)(A)(iii) restitution hearings;

14 (1)(A)(iv) detention and shelter hearings;

15 (1)(A)(v) other misdemeanor level offenses;

16 (1)(A)(vi) child protective orders; and

17 ~~(1)(A)(vi)~~ (1)(A)(vii) contempt.

18 (1)(B) Commissioners may exercise specific powers as authorized by statute or rule
19 of procedure.

20 (1)(C) Except as provided in paragraph (4) below, Commissioners may be assigned,
21 on an emergency basis, to any matter under the jurisdiction of the Juvenile Court, by the
22 presiding judge.

23 (2) Relief which may be granted.

24 (2)(A) Except as provided in paragraph (4) below, a Commissioner is authorized to
25 recommend any dispositional order authorized by Utah law, including assessment of
26 fines, restitution, compensatory service, probation and other appropriate sanctions.

27 (2)(B) All recommendations of the Commissioner shall be reviewed by a judge. The
28 reviewing judge may confirm the recommendation of the commissioner, set the matter
29 for rehearing before a judge, or modify the recommendation after reviewing the record.

30 (2)(C) Pending the filing of a request for rehearing, the recommendation of the
31 Commissioner shall constitute the order of the court until the time for requesting a
32 rehearing has passed or a judge has heard the matter on the merits.

33 (3) Judicial review.

34 (3)(A) If a request for a rehearing is filed, the matter shall be set for rehearing before
35 a judge.

36 (3)(B) If the request for rehearing is as to disposition only and not as to guilt or
37 innocence, the matter shall be set for a disposition review only.

38 (3)(C) A judge may order a rehearing of any case before confirming the
39 Commissioner's recommendation.

40 (4) Limitations. Notwithstanding any other provision contained in this rule, a
41 Commissioner may not:

42 (4)(A) make a recommendation for an order directing a permanent change of
43 custody or committing a minor to a secure facility;

44 (4)(B) be assigned to conduct a felony level trial or a permanent deprivation of
45 parental rights trial; or

46 (4)(C) enter a final order or judgment.

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