

1 Rule 8. Rights of minor while in detention.

2 (a) A minor shall be advised of the right to telephone the minor's parent, guardian or  
3 custodian and an attorney immediately after being admitted to a detention facility.

4 (b) A minor has a right to confer in private at any time with an attorney, cleric, parent,  
5 guardian or custodian. After the initial visit, the minor may visit such persons at reasonably  
6 established visiting hours, or at other times when special circumstances so warrant.

7 (c) No person other than a probation officer or a staff member of a detention facility shall be  
8 permitted to interview a minor under 14 years of age held in the facility regarding an offense  
9 chargeable against the minor without the minor's parent, guardian or custodian present, unless:

10 (c)(1) the parent, guardian or custodian has given written permission for the interview to be  
11 held outside the presence of the minor's parent, guardian, or custodian;

12 (c)(2) the parent, guardian or custodian had been advised of the minor's constitutional rights  
13 as provided in Rule 26~~(6)~~ and ~~(7)(a)~~ and has knowingly and voluntarily waived such rights; and

14 (c)(3) the minor had been advised of the minor's constitutional rights as provided in Rule  
15 26~~(6)~~ and ~~(7)(a)~~ and has knowingly and voluntarily waived such rights.

16 (d) No person other than a probation officer or a staff member of a detention facility shall be  
17 permitted to interview a minor 14 years of age or older in a detention facility regarding an  
18 offense chargeable against the minor without the consent of the minor and the minor's parent,  
19 guardian or custodian after first advising said minor of constitutional rights as described in Rule  
20 26 and such rights having been knowingly and voluntarily waived by the minor.

21 (e) If the minor's parent, guardian or custodian is not available, the consent of the court shall  
22 be obtained before interviewing a minor in a detention facility.

23 Advisory Committee Note

24 The limitation on interviews is intended to extend to interviews regarding the charges for  
25 which the minor is being detained and any other charges under investigation.

26 This rule evolved from former rule 10 at a time when the court was responsible for admission  
27 to detention. That responsibility now belongs to the Division of ~~Youth Corrections~~ Juvenile  
28 Justice Services, which has established admission guidelines. Utah Administrative Rules R547-  
29 13-1 et seq. This rule and former rule 10 balance the important rights of the minor with those of  
30 the public. Because these provisions have historically been found in the juvenile court rules, they  
31 have not yet been incorporated into any other rule or statute. Until the Legislature or the Division

32 of ~~Youth Corrections~~ [Juvenile Justice Services](#) acts to restate these provisions, it is necessary that  
33 they be stated here.

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