

1 **Rule 9. Detention hearings; scheduling; hearing procedure.**

2 (a) The officer in charge of the detention facility shall provide to the court a copy of
3 the report required by Section ~~78-3a-113~~ 78A-6-112. At a detention hearing, the court
4 shall order the release of the minor to the parent, guardian or custodian unless there is
5 reason to believe:

6 (a)(1) the minor will abscond or be taken from the jurisdiction of the court unless
7 detained;

8 (a)(2) the offense alleged to have been committed would be a felony if committed by
9 an adult;

10 (a)(3) the minor's parent, guardian or custodian cannot be located;

11 (a)(4) the minor's parent, guardian or custodian refuses to accept custody of the
12 minor;

13 (a)(5) the minor's parent, guardian or custodian will not produce the minor before the
14 court at an appointed time;

15 (a)(6) the minor will undertake witness intimidation;

16 (a)(7) the minor's past record indicates the minor may be a threat to the public
17 safety;

18 (a)(8) the minor has problems of conduct or behavior so serious or the family
19 relationships are so strained that the minor is likely to be involved in further delinquency;
20 or

21 (a)(9) the minor has failed to appear for a court hearing within the past twelve
22 months.

23 (b) The court shall hold a detention hearing within 48 hours of the minor's admission
24 to detention, weekends and holidays excluded. The officer in charge of the detention
25 facility shall notify the minor, parent, guardian or custodian and attorney of the date,
26 time, place and manner of such hearing.

27 (c) The court may at any time order the release of a minor whether a detention
28 hearing is held or not.

29 (d) At the beginning of the detention hearing, the court shall advise all persons
30 present as to the reasons or allegations giving rise to the minor's admission to detention
31 and the limited scope and purpose of the hearing as set forth in paragraph (g). If the

32 minor is to be arraigned at the detention hearing, the provisions of Rules 24 and 26
33 shall apply.

34 (e) The court may receive any information, including hearsay and opinion, that is
35 relevant to the decision whether to detain or release the minor. Privileged
36 communications may be introduced only in accordance with the Utah Rules of
37 Evidence.

38 (f) A detention hearing may be held without the presence of the minor's parent,
39 guardian or custodian if they fail to appear after receiving notice. The court may delay
40 the hearing for up to 48 hours to permit the parent, guardian or custodian to be present
41 or may proceed subject to the rights of the parent, guardian or custodian. The court may
42 appoint counsel for the minor with or without the minor's request.

43 (g) If the court determines that no reasonable basis exists for the offense or
44 condition alleged as required in Rule 6 as a basis for admission, it shall order the minor
45 released immediately without restrictions. If the court determines that reasonable cause
46 exists for continued detention, it may order continued detention, place the minor on
47 home detention, or order the minor's release upon compliance with certain conditions
48 pending further proceedings. Such conditions may include:

49 (g)(1) a requirement that the minor remain in the physical care and custody of a
50 parent, guardian, custodian or other suitable person;

51 (g)(2) a restriction on the minor's travel, associations or residence during the period
52 of the minor's release; and

53 (g)(3) other requirements deemed reasonably necessary and consistent with the
54 criteria for detaining the minor.

55 (h) If the court determines that a reasonable basis exists as to the offense or
56 condition alleged as a basis for the minor's admission to detention but that the minor
57 can be safely left in the care and custody of the parent, guardian or custodian present at
58 the hearing, it may order release of the minor upon the promise of the minor and the
59 parent, guardian or custodian to return to court for further proceedings when notified.

60 (i) If the court determines that the offense is one governed by Section ~~78-3a-601~~
61 [78A-6-701](#), Section ~~78-3a-602~~ [78A-6-702](#), or Section ~~78-3a-603~~ [78A-6-703](#), the court

62 may by issuance of a warrant of arrest order the minor committed to the county jail in
63 accordance with Section 62A-7-201.

64 (j) Any predisposition order ~~of to~~ detention ~~or home detention~~ shall be reviewed by
65 the court once every seven days, unless the minor is ordered to home detention or an
66 alternative detention program. Predisposition orders to home detention or an alternative
67 detention programs shall be reviewed by the court once every 15 days. The court may,
68 on its own motion or on the motion of any party, schedule a detention review hearing at
69 any time.

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