

1 **Rule 20A. Discovery in non-delinquency proceedings.**

2 (a) Scope of discovery. The scope of discovery is governed by Utah R. Civ. P.
3 26(b)(1). Unless ordered by the court, no discovery obligation may be imposed upon a
4 minor.

5 (b) Disclosures. Within 14 days of the answer, a party shall, without awaiting a
6 discovery request, make reasonable efforts to provide to other parties information
7 necessary to support its claims or defenses, unless solely for impeachment or unless
8 the identity of a person is protected by statute, identifying the subjects of the
9 information. The party shall inform the other party of the existence of such records.

10 (c) Depositions upon oral ~~examination questions~~. After the filing of the answer, a
11 party may take the testimony of any person, including a party, by deposition upon oral
12 ~~examination question~~ without leave of the court. ~~The attendance of witnesses may be~~
13 ~~compelled by subpoena as provided in Utah R. Civ. P. 45.~~ Depositions shall be
14 conducted pursuant to Utah R. Civ. P. 30 ~~(b), (c), (d), and (g)~~. The record of the
15 deposition shall be prepared pursuant to Utah R. Civ. P. 30 ~~(e) and~~ (f) except the
16 deponent will have seven days to review the transcript or recording under Utah R. Civ.
17 P. 30(e). The use of depositions in court proceedings shall be governed by Utah R. Civ.
18 P. 32.

19 (d) Interrogatories. After the filing of the answer, interrogatories may be used
20 pursuant to Utah R. Civ. P. 33 except all answers shall be served within 14 days after
21 service of the interrogatories.

22 (e) Production of documents and things. After the filing of the answer, requests for
23 production of documents may be used pursuant to Utah R. Civ. P. 34 except all
24 responses shall be served within 14 days after service of the requests.

25 (f) Physical and mental examination of persons. Physical and mental examinations
26 may be conducted pursuant to Utah R. Civ. P. 35.

27 (g) Requests for admission. Except as modified in this paragraph, requests for
28 admission may be used pursuant to Utah R. Civ. P. 36. The matter shall be deemed
29 admitted unless, within 14 days after service of the request, the party to whom the
30 request is directed serves upon the requesting party a written answer or objection
31 addressed to the matter, signed by the party or by his attorney. Upon a showing of good

32 cause, any matter deemed admitted may be withdrawn or amended upon the court's
33 own motion or the motion of any party. Requests for admission can be served anytime
34 following the filing of the answer.

35 (h) Experts.

36 (h)(1) Adjudication trials. Any person who has been identified as an expert whose
37 opinions may be presented at the adjudication trial must be disclosed by the party
38 intending to present the witness at least ten days prior to the trial or hearing unless
39 modified by the court. If ordered by the court, a summary of the proposed testimony
40 signed by the party or the party's attorney shall be filed at the same time.

41 (h)(2) Termination of parental rights trials. Any person who has been identified as an
42 expert whose opinions may be presented at the termination of parental rights trial must
43 be disclosed by the party intending to present the witness at least thirty days prior to the
44 trial or hearing unless modified by the court. Unless an expert report has been provided,
45 a summary of the proposed testimony signed by the party or the party's attorney shall
46 be filed at the same time.

47 (h)(3) A party may not present the testimony of an expert witness without complying
48 with this paragraph (h) unless the court determines that good cause existed for the
49 failure to disclose or to provide the summary of proposed testimony.

50 (i) Protective orders. Any party or person from whom discovery is sought may
51 request a protective order pursuant to Utah R. Civ. P. ~~26(e)~~37(b).

52 (j) Supplementation of responses. Parties have a duty to supplement responses and
53 disclosures pursuant to Utah R. Civ. P. ~~26(e)~~(d).

54 (k) Failure to cooperate in discovery. As applicable, failure to cooperate with
55 discovery shall be governed by Utah R. Civ. P. 37.

56 (l) No discovery can be taken that will interfere with the statutorily imposed time
57 frames.

58 (m) Subpoenas are governed by Utah R. Civ. P. 45.

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