

1 **Rule 33. Preliminary orders and summary proceedings.**

2 (a) Pre-adjudication evaluations and examinations.

3 (a)(1) On the motion of the petitioner or any other party in open court in a post-petition hearing,  
4 or by written motion filed with the court with a proposed order attached, the court may, prior to  
5 adjudication, order that the minor be examined or evaluated by a physician, surgeon, psychiatrist,  
6 psychologist or other competent specialist, and may order that the minor be placed in a hospital  
7 or other facility for such purpose. The motion shall state the reasons for the examination or  
8 evaluation and the need for an examination prior to adjudication.

9 (a)(2) The court may order a similar examination of the minor's parent, guardian or custodian  
10 who is a party to the proceedings and whose ability to care for the minor is at issue, or where it is  
11 alleged that the physical, mental or emotional condition of the person is a factor in the alleged  
12 neglect, abuse or dependency of the minor. Such an order shall be issued only after notice and a  
13 hearing unless waived in writing or on the record.

14 ~~(b) Non-resident runaway cases.~~

15 ~~(b)(1) When a referral is filed by the Division of Child and Family Services alleging that a minor~~  
16 ~~found within the jurisdiction of the court is a runaway from the minor's parent, guardian or~~  
17 ~~custodian and should be returned to the minor's residence, the court may issue an ex parte order~~  
18 ~~placing temporary custody of the minor with the Division of Child and Family Services for the~~  
19 ~~limited purpose of facilitating and paying for such return transportation. The court shall not enter~~  
20 ~~such order unless it appears to the court that the parent, guardian or custodian is unable within a~~  
21 ~~reasonable time to provide or arrange return transportation or that the minor should not be held~~  
22 ~~pending return arrangements by an agency with authority to take the minor into custody.~~

23 ~~(b)(2) When a referral is filed alleging that a minor who is under the continuing jurisdiction of~~  
24 ~~the court has left the State of Utah without permission or authority of the parent, guardian or~~  
25 ~~custodian, and has been taken into custody in another state, the court may issue an ex parte order~~  
26 ~~of temporary custody to the Division of Child and Family Services or other agency for the~~  
27 ~~limited purpose of facilitating and paying for the return transportation of the minor. Such order~~  
28 ~~shall be entered only if it appears to the court that the parent, guardian or custodian is unable or~~

29 ~~unwilling to provide transportation. Upon motion of the Division of Child and Family Services,~~  
30 ~~the court shall conduct a hearing, unless waived by the parent, guardian or custodian, and may~~  
31 ~~order that the parent, guardian or custodian reimburse the State of Utah for the cost of the~~  
32 ~~minor's transportation and care.~~

33 (e)(b)Emergency medical care. Upon the petition of an interested person or agency and the  
34 sworn testimony of one or more reputable physicians alleging that emergency medical or  
35 surgical treatment of a minor is immediately necessary and that necessary authorization cannot  
36 with reasonable diligence be obtained from the minor's parent, guardian or custodian, the court  
37 may issue an ex parte order authorizing such treatment pending service of notice upon the parent,  
38 guardian or custodian. The testimony of the physician may be presented to the court by recorded  
39 telephonic communication, and if not recorded, the substance shall be reduced to writing by the  
40 court for the record.

41 (d)(c)Restraining orders. At any time after the filing of a petition, on motion of any party and  
42 good cause shown, the court may issue a temporary restraining order directing a party to refrain  
43 from harassing, abusing, annoying, visiting or interfering with any other party or the subject  
44 minor. The court shall schedule a hearing on the motion within 10 days unless the hearing date is  
45 extended by the court for good cause shown for an additional 10 day period, or unless the party  
46 against whom the order is directed waives such hearing or consents to an extension for a longer  
47 period. In the hearing, the restraining order may be vacated, extended as originally issued or  
48 modified.

49 Effective Date: May 1, 2018