

1 **Rule 50. Presence at hearings.**

2 (a) In abuse, neglect, and dependency cases the court shall admit persons as provided by Utah  
3 Code ~~S~~section 78A-6-114. If a motion is made to deny any person access to any part of a  
4 hearing, the parties to the hearing, including the person challenged, may address the issue by  
5 proffer, but are not entitled to an evidentiary hearing. A person denied access to a proceeding  
6 may petition the Utah Court of Appeals under Rule 19 of the Utah Rules of Appellate Procedure  
7 19. Proceedings ~~shall~~are not ~~be~~stayed pending appeal. As provided ~~for by~~under Utah Code  
8 ~~S~~section 78A-6-115, a person may file a petition requesting a copy of a record of the  
9 proceedings, setting forth the reasons for the request. Upon fee payment and the Court'sa finding  
10 of good cause ~~by the Court and payment of a fee~~, the person ~~shall~~will receive an audio recording  
11 of a proceeding. The Court may place under seal information received in an open proceeding.

12 (b) In delinquency cases the court shall admit all persons who have a direct interest in the case  
13 and may admit persons requested by the parent or legal guardian to be present.

14 (c) In delinquency cases in which the minor charged is 14 years of age or older, the court shall  
15 admit any person unless the hearing is closed by the court upon findings on the record for good  
16 cause if:

17 (1) the minor has been charged with an offense which would be a felony if committed by  
18 an adult; or

19 (2) the minor is charged with an offense that would be a class A or B misdemeanor if  
20 committed by an adult and the minor has been previously charged with an offense which  
21 would be a misdemeanor or felony if committed by an adult.

22 (d) If any person, after having been warned, engages in conduct ~~which~~that disrupts the court, the  
23 person may be excluded from the courtroom. Any exclusion of a person who has the right to  
24 attend a hearing shall be noted on the record and the reasons for the exclusion given. Counsel for  
25 the excluded person has the right to remain and participate in the hearing.

26 (e) Videotaping, photographing or recording court proceedings shall be as authorized by the  
27 Code of Judicial Administration.

28 (f) In proceedings subject to the Indian Child Welfare Act of 1978, 25 U.S.C. sections 1901–63:

29 (1) The Indian child's tribe is not required to formally intervene in the proceeding unless  
30 the tribe seeks affirmative relief from the court.

31 (2) If an Indian child's tribe does not formally intervene in the proceeding, official tribal  
32 representatives from the Indian child's tribe have the right to participate in any court  
33 proceeding. Participating in a court proceeding includes being able to:

34 (A) be present at the hearing;

35 (B) address the court;

36 (C) request and receive notice of hearings;

37 (D) present information to the court that is relevant to the proceeding;

38 (E) submit written reports and recommendations to the court; and

39 (F) perform other duties and responsibilities as requested or approved by the  
40 court.

41 (3) The designated representative must provide the representative's contact information in  
42 writing to the court.

43 (4) As provided in Rule 14-802 of the Supreme Court Rules of Professional Practice,  
44 before a nonlawyer may represent a tribe in the proceeding, the tribe must designate the  
45 nonlawyer representative by filing a written authorization. If the tribe changes its  
46 designated representative or if the representative withdraws, the tribe must file a written  
47 substitution of representation or withdrawal.

48 *Effective November 1, 2020.*