

1 **Rule 13. Shelter hearings.**

2 (a) Shelter hearings shall be conducted in accordance with Utah Code Sections 78A-6-  
3 306 80-3-301 and Section 78A-6-307 80-3-302.

4 (b) The Division of Child and Family Services shall file with the court at or before the  
5 shelter hearing a copy of the notice form required by Section Utah Code section 62A-4a-  
6 202.2 and the notice required by Section Utah Code section 78A-6-306 80-3-301.

7 (c) At the beginning of the shelter hearing, the court shall advise all persons present of  
8 the information submitted to the court as a basis for the admission of the minor into  
9 shelter care and of the scope and purpose of the hearing.

10 (d) The court may receive any information, including hearsay and opinions, that is  
11 relevant to the issue of whether it is safe to release the minor to the parent, guardian or  
12 custodian. Privileged communications may be admitted only in accordance with the rules  
13 of evidence.

14 (e) If the parent, guardian, or custodian of the minor cannot be notified as provided in  
15 Utah Code section Section 78A-6-306 80-3-301, a shelter hearing may be held without the  
16 minor's parent, guardian or custodian. Upon a finding that a continuance is necessary for  
17 the protection of the minor, for the accumulation or presentation of necessary evidence,  
18 to protect the rights of a party, or for other good cause, the court may continue the hearing  
19 in accordance with Utah Code section Section 78A-6-306 80-3-301.

20 (f) If the minor is not released, the order for continued shelter shall be furnished to the  
21 agency responsible for shelter care of minors in the county. Orders for continued shelter  
22 care shall be of definite duration and may be extended upon review at a hearing in  
23 conformity with Utah Code section Section 78A-6-306 80-3-301 and this rule.

24 (g) The release of the minor from shelter care may be requested by the court, a party, or  
25 any person interested in the minor at any time on the grounds that the conditions giving  
26 rise to the placement no longer exist or no longer justify continuing shelter. Such request

27 shall be considered by the court at a hearing in conformity with Utah Code section~~Section~~  
28 ~~78A-6-306~~ 80-3-301 and this rule.  
29 *Effective September 1, 2021*