

1 **Rule 18. Summons; service of process; notice.**

2 (a) **Summons.** Upon the filing of a petition, the clerk, unless otherwise directed by the
3 court, shall schedule an initial hearing in the case.

4 (1) Summons may be issued by the petitioning attorney. If the petitioning
5 attorney does not issue a summons, summons shall be issued by the clerk in
6 accordance with Utah Code sSection 78A-6-10978A-6-351. The summons shall
7 conform to the format prescribed by these rules.

8 (2) Content of the summons.

9 (A) Abuse, neglect, and dependency cases. The summons shall contain the
10 name and address of the court, the title of the proceeding, the type of
11 hearing scheduled, and the date, place and time of the hearing. It shall
12 state the time within which the respondent is required to answer the
13 petition, and shall notify the respondent that in the case of the failure to
14 do so, judgment by default may be rendered against the respondent. It
15 shall also contain an abbreviated reference to the substance of the petition.

16 (B) Other cases. The summons shall contain the name and address of the
17 court, the title of the proceeding, the type of hearing scheduled, and the
18 date, place and time of the hearing. It shall also contain an abbreviated
19 reference to the substance of the petition. In proceedings against an adult
20 pursuant to ~~Section~~ Utah Code section 78A-6-100178A-6-450, the
21 summons shall conform to the Utah Rules of Criminal Procedure and be
22 issued by the prosecuting attorney.

23 (3) The summons shall be directed to the person or persons who have physical
24 care, control or custody of the minor and require them to appear and bring the
25 minor before the court. If the person so summoned is not the parent, guardian, or
26 custodian of the minor, a summons shall also be issued to the parent, guardian,
27 or custodian. If the minor or person who is the subject of the petition has been

28 emancipated by marriage or is 18 years of age or older at the time the petition is
29 filed, the summons may require the appearance of the minor only, unless
30 otherwise ordered by the court. In neglect, abuse and dependency cases, unless
31 otherwise directed by the court, the summons shall not require the appearance of
32 the subject minor.

33 (4) No summons shall be necessary as to any party who appears voluntarily or
34 who files a written waiver of service with the clerk prior to or upon appearance
35 at the hearing.

36 (b) **Service.**

37 (1) Except as otherwise provided by these rules or by statute, service of process
38 and proof of service shall be made by the methods provided in Rule 4 of Utah
39 Rules of Civil Procedure~~4~~. Service of process shall be made by the sheriff of the
40 county where the service is to be made, by a deputy, by a process server, or by
41 any other suitable person appointed by the court. However, when the court so
42 directs, an agent of the Department of Human Services may serve process in a
43 case in which the Department is a party. A party or party's attorney may serve
44 another party at a court hearing. The record of the proceeding shall reflect the
45 service of the document and shall constitute the proof of service.

46 (2) Personal service may be made upon a parent, guardian_z or custodian and
47 upon a minor in that person's legal custody by delivering to a parent, guardian_z
48 or custodian a copy of the summons with a copy of the petition attached. If a
49 minor is in the legal custody or guardianship of an agency or person other than a
50 parent, service shall also be made by delivering to the legal custodian a copy of
51 the summons with a copy of the petition attached and notice shall be given to the
52 parent as provided in paragraph (d). Service upon a minor who has attained
53 majority by marriage as provided in Utah Code ~~Ann.~~ Section 15-2-1 or upon
54 court order shall be made in the manner provided in the Utah Rules of Civil
55 Procedure.

56 (3) ~~(A)~~ Service may be made by any form of mail requiring a signed receipt by
57 the addressee. Service is complete upon return to court of the signed receipt.

58 ~~(B)~~ Service of process may be made by depositing a copy thereof in the United
59 States mail addressed to the last known address of the person to be served. Any
60 person who appears in court in response to mailed service shall be considered to
61 have been legally served.

62 (4) In any proceeding wherein the parent, guardian, or custodian cannot after the
63 exercise of reasonable diligence be located for personal service, the court may
64 proceed to adjudicate the matter subject to the right of the parent, guardian or
65 custodian to a rehearing, except that in certification proceedings brought
66 pursuant to Title 80, Chapter 6, Part 5, Transfer to District Court Section 78A-6-
67 703 and in proceedings seeking permanent termination of parental rights, the
68 court shall order service upon the parent, guardian, or custodian by publication.
69 Any rehearing shall be requested by written motion.

70 (5) Service shall be completed at least 48 hours prior to the adjudicatory hearing.
71 If the summons is for the permanent termination of parental rights, service shall
72 be completed at least ten days before the adjudicatory hearing. If the summons is
73 for a substantiation proceeding, service shall be completed at least forty-five days
74 before the adjudicatory hearing.

75 (c) **Service by publication.** Service by publication shall be authorized by the procedure
76 and in the form provided by the ~~Juvenile Court Act~~ Utah Juvenile Code and Rule 4 of
77 Utah Rules of Civil Procedure ~~4~~ except that within the caption and the body of any
78 published document, children shall be identified by their initials and respective birth
79 dates, and not by their names. The parents, ~~parent~~ guardian, or ~~guardian-custodian~~
80 each child shall be identified as such using their full names within the caption of any
81 published document.

82 (d) **Notice.**

83 (1) Notice of the time, date and place of any further proceedings, after an initial
84 appearance or service of summons, may be given in open court or by mail to any
85 party. Notice shall be sufficient if the clerk deposits the notice in the United
86 States mail, postage pre-paid, to the address provided by the party in court or the
87 address at which the party was initially served, or, if the party has agreed to
88 accept service by email, sends notice to the email address provided by the party.

89 (2) Notice for any party represented by counsel shall be given to counsel for the
90 party through either mail, notice given in open court, or by email to the email
91 address on file with the Utah State Bar.

92 (e) **Additional parties.** Whenever it appears to the court that a person who is not the
93 parent, guardian or custodian should be made subject to the jurisdiction and authority
94 of the court in a minor's case, upon the motion of any party or the court's own motion,
95 the court may issue a summons ordering such person to appear. Upon the appearance
96 of such person, the court may enter an order making such person a party to the
97 proceeding and may order such person to comply with reasonable conditions as a part
98 of the disposition in the minor's case. Upon the request of such person, the court shall
99 conduct a hearing upon the issue of whether such person should be made a party.

100 (f) **Service of pleadings and other papers.** Except as otherwise provided by these rules
101 or by statute, service of pleadings and other papers not requiring a summons shall be
102 made by the methods provided in Rule 5 of Utah Rules of Civil Procedure~~5~~, except that
103 service to the email address on file with the Utah State Bar is sufficient service to an
104 attorney under this rule, whether or not an attorney agrees to accept service by email.

105 (g) Access to the Juvenile Court's Court and Agency Records Exchange (C.A.R.E.) for
106 eFiling documents does not constitute an electronic filing account as referenced in the
107 Rules of Civil Procedure. eFiling in C.A.R.E. does not constitute service upon a party.

108 *Effective September 1, 2021*