

1 **Rule 17. The petition.**

2 (a) **Delinquency cases.**

3 (1) The petition shall allege the offense as it is designated by statute or ordinance,
4 and shall state: in concise terms, the definition of the offense together with a
5 designation of the section or provision of law allegedly violated; the name, age
6 and date of birth of the minor; the name and residence address of the minor's
7 parents, guardian or custodian; the date and place of the offense; and the name or
8 identity of the victim, if known.

9 (2) The petition shall be verified and filed by the prosecuting attorney upon
10 information and belief.

11 (b) **Neglect, abuse, dependency, permanent termination and ungovernability cases.**

12 (1) The petition shall set forth in plain and concise language the jurisdictional basis
13 as designated by statute, the facts supporting the court's jurisdiction, and the relief
14 sought. The petition shall state: the name, age and residence of the minor; the name
15 and residence of the minor's parent, guardian or custodian; and if the parent,
16 guardian or custodian is unknown, the name and residence of the nearest known
17 relative or the person or agency exercising physical or legal custody of the minor.

18 (2) The petition must be verified and statements made therein may be made on
19 information and belief.

20 (3) A petition filed by a state human services agency shall either be prepared or
21 approved by the office of the attorney general. When the petitioner is an employee
22 or agent of a state agency acting in his or her official capacity, the name of the
23 agency shall be set forth and the petitioner shall designate his or her title.

24 (4) A petition for termination of parental rights shall also include, to the best
25 information or belief of the petitioner: the name and residence of the petitioner;
26 the sex and place of birth of the minor; the relationship of the petitioner to the
27 minor; the dates of the birth of the minor's parents; and the name and address of

28 the person having legal custody or guardianship, or acting in loco parentis to the
29 minor, or the organization or agency having legal custody or providing care for
30 the minor.

31 (c) **Other cases.**

32 (1) Protective orders. Petitions may be filed on forms available from the court clerk
33 and must conform to the format and arrangement of such forms.

34 (2) Petitions for adjudication expungements must meet all of the criteria of Utah
35 Code section 80-6-1004 and shall state: the name, age, and residence of the
36 petitioner. Petitions for expungement must be accompanied by an original
37 criminal history report obtained from the Bureau of Criminal Identification and
38 proof of service upon the County Attorney, or within a prosecution district, the
39 District Attorney for each jurisdiction in which an adjudication occurred prior to
40 being filed with the Clerk of Court.

41 (3) Petitions for expungement of nonjudicial adjustments must meet all of the
42 criteria of Utah Code section 80-6-1005 and shall state: the name, age, and
43 residence of the petitioner. Petition for nonjudicial expungement must be served
44 upon the County Attorney, or within a prosecution district, the District Attorney
45 for each jurisdiction in which a nonjudicial adjustment occurred.

46 (4) Petitions for vacatur must meet all of the criteria of Utah Code section 80-6-
47 1002 and shall state any agency known or alleged to have documents related to
48 the offense for which vacatur is sought. Petitions for vacatur must be accompanied
49 by an original criminal history report obtained from the Bureau of Criminal
50 Identification and proof of service upon the County Attorney, or within a
51 prosecution district, the District Attorney for each jurisdiction in which an
52 adjudication occurred prior.

53 (5) Petitions in other proceedings shall conform to Rule 10 of the Utah Rules of
54 Civil Procedure, except that in adoption proceedings, the petition must be
55 accompanied by a certified copy of the Decree of Permanent Termination.

56 *Effective October 19, 2021*