

1 **Rule 24. Intervention.**

2 (a) **Intervention of right.** On timely motion, the court must permit anyone to intervene
3 who:

4 (1) is given an unconditional right to intervene by a statute; or

5 (2) claims an interest relating to the property or transaction that is the subject of the
6 action, and is so situated that disposing of the action may as a practical matter
7 impair or impede the movant's ability to protect its interest, unless existing parties
8 adequately represent that interest.

9 (b) **Permissive intervention.**

10 (1) **In General.** On timely motion, the court may permit anyone to intervene who:

11 (A) is given a conditional right to intervene by a statute; or

12 (B) has a claim or defense that shares with the main action a common question of
13 law or fact.

14 (2) **By a Governmental Entity.** On timely motion, the court may permit a
15 governmental entity to intervene if a party's claim or defense is based on:

16 (A) a statute or executive order administered by the governmental entity; or

17 (B) any regulation, order, requirement, or agreement issued or made under the
18 statute or executive order.

19 (3) **Delay or Prejudice.** In exercising its discretion, the court must consider whether
20 the intervention will unduly delay or prejudice the adjudication of the original
21 parties' rights.

22 (c) **Notice and motion required.** A motion to intervene must be served on the parties as
23 provided in [Rule 5](#). The motion must state the grounds for intervention and set out the
24 claim or defense for which intervention is sought.

25 (d) **Constitutionality of Utah statutes, ordinances, rules, and other administrative or**
26 **legislative enactments.**

27 (1) **Challenges to a statute.** If a party challenges the constitutionality of a statute in
28 an action in which the Attorney General has not appeared, the party raising the
29 question of constitutionality shall notify the Attorney General of such fact by serving
30 the notice on the Attorney General by email or, if circumstances prevent service by
31 email, by mail at the address below. The party shall then file proof of service with
32 the court.

33 Email: notices@agutah.gov

34 Mail:

35 Office of the Utah Attorney General

36 Attn: Utah Solicitor General

37 350 North State Street, Suite 230

38 P.O. Box 142320

39 Salt Lake City, Utah 84114-2320

40 (2) **Challenges to an ordinance or other governmental enactment.** If a party
41 challenges the constitutionality of a governmental entity's ordinance, rule, or other
42 administrative or legislative enactment in an action in which the governmental
43 entity has not appeared, the party raising the question of constitutionality shall
44 notify the governmental entity of such fact by serving the person identified in Rule
45 4(d)(1) of the Utah Rules of Civil Procedure. The party shall then file proof of service
46 with the court.

47 (3) **Notification procedures.**

48 (A) **Form and content.** The notice shall (i) be in writing, (ii) be titled "Notice
49 of Constitutional Challenge Under URCP 24(d)," (iii) concisely describe the

50 nature of the challenge, and (iv) include, as an attachment, the pleading,
51 motion, or other paper challenging constitutionality as set forth above.

52 (B) **Timing.** The party shall serve the notice on the Attorney General or other
53 governmental entity on or before the date the party files the paper
54 challenging constitutionality as set forth above.

55 **(4) Attorney General's or other governmental entity's response to notice.**

56 (A) Within 14 days after the deadline for the parties to file all papers in response
57 to the constitutional challenge, the Attorney General or other governmental
58 entity ("responding entity") shall file a notice of intent to respond unless the
59 responding entity determines that a response is unnecessary. The responding
60 entity may seek up to an additional 7 days' extension of time to file a notice of
61 intent to respond.

62 (B) If the responding entity files a notice of intent to respond within the time
63 permitted by this rule, the court will allow the responding entity to file a
64 response to the constitutional challenge and participate at oral argument when it
65 is heard.

66 (C) Unless the parties stipulate to or the court grants additional time, the
67 responding entity's response to the constitutional challenge shall be filed within
68 14 days after filing the notice of intent to respond.

69 (D) The responding entity's right to respond to a constitutional challenge under
70 Rule 25A of the Utah Rules of Appellate Procedure is unaffected by the
71 responding entity's decision not to respond under this rule.

72 **(5) Failure to provide notice.** Failure of a party to provide notice as required by this
73 rule is not a waiver of any constitutional challenge otherwise timely asserted. If a
74 party does not serve a notice as required by this rule, the court may postpone the
75 hearing until the party serves the notice.

76 (e) Indian Child Welfare Act Proceedings. In proceedings subject to the Indian Child
77 Welfare Act of 1978, 25 U.S.C. sections 1901-63:

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

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

83 (A) being present at the hearing;

84 (B) addressing the court;

85 (C) requesting and receiving notice of hearings;

86 (D) presenting information to the court and parties that is relevant to the
87 proceeding;

88 (E) submitting written reports and recommendations to the court and
89 parties; and

90 (F) performing other duties and responsibilities as requested or approved
91 by the court.

92 (3) The designated representative must provide the representative's contact
93 information in writing to the court and to the parties.

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