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Rule 18. Summons; service of process; notice.

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

(1) Summons may be issued by the petitioning attorney. If the petitioning attorney does not issue a summons, summons shall be issued by the clerk in accordance with Section 78A-6-109. The summons shall conform to the format prescribed by these rules.

(2) Content of the summons.

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

(B) Other cases. The summons shall contain the name and address of the court, the title of the proceeding, the type of hearing scheduled, and the date, place and time of the hearing. It shall also contain an abbreviated reference to the substance of the petition. In proceedings against an adult pursuant to Section 78A-6-1001, the summons shall conform to the Utah Rules of Criminal Procedure and be issued by the prosecuting attorney.

(3) The summons shall be directed to the person or persons who have physical care, control or custody of the minor and require them to appear and bring the minor before the court. If the person so summoned is not the parent, guardian or custodian of the minor, a summons shall also be issued to the parent, parents, guardian or custodian. If the minor or person who is the subject of the petition has been emancipated by marriage or is 18 years of age or older at the time the petition is filed, the summons may require the appearance of the minor only, unless otherwise

26 ordered by the court. In neglect, abuse and dependency cases, unless otherwise directed by the
27 court, the summons shall not require the appearance of the subject minor.

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

30 (b) Service.

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

39 (2) Personal service may be made upon a parent, parents, guardian or custodian and upon a
40 minor in that person's legal custody by delivering to a parent, parents, guardian or custodian a
41 copy of the summons with a copy of the petition attached. If a minor is in the legal custody or
42 guardianship of an agency or person other than a parent, service shall also be made by delivering
43 to the legal custodian a copy of the summons with a copy of the petition attached and notice shall
44 be given to the parent as provided in paragraph (d). Service upon a minor who has attained
45 majority by marriage as provided in Utah Code Ann. Section 15-2-1 or upon court order shall be
46 made in the manner provided in the Utah Rules of Civil Procedure.

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

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

52 | (4) In any proceeding wherein the parent, **parents**, guardian or custodian cannot after the
53 | exercise of reasonable diligence be located for personal service, the court may proceed to
54 | adjudicate the matter subject to the right of the parent, **parents**, guardian or custodian to a
55 | rehearing, except that in certification proceedings brought pursuant to Section 78A-6-703 and in
56 | proceedings seeking permanent termination of parental rights, the court shall order service upon
57 | the parent, **parents**, guardian or custodian by publication. Any rehearing shall be requested by
58 | written motion.

59 | (5) Service shall be completed at least 48 hours prior to the adjudicatory hearing. If the summons
60 | is for the permanent termination of parental rights, service shall be completed at least ten days
61 | before the adjudicatory hearing. If the summons is for a substantiation proceeding, service shall
62 | be completed at least forty-five days before the adjudicatory hearing.

63 | (c) Service by publication. Service by publication shall be authorized by the procedure and in the
64 | form provided by the Juvenile Court Act and Utah Rule of Civil Procedure 4 except that within
65 | the caption and the body of any published document, children shall be identified by their initials
66 | and respective birth dates, and not by their names. The parents, parent, or guardian of each child
67 | shall be identified as such using their full names within the caption of any published document.

68 | (d) Notice.

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

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

78 (e) Additional parties. Whenever it appears to the court that a person who is not the parent,
79 guardian or custodian should be made subject to the jurisdiction and authority of the court in a
80 minor's case, upon the motion of any party or the court's own motion, the court may issue a
81 summons ordering such person to appear. Upon the appearance of such person, the court may
82 enter an order making such person a party to the proceeding and may order such person to
83 comply with reasonable conditions as a part of the disposition in the minor's case. Upon the
84 request of such person, the court shall conduct a hearing upon the issue of whether such person
85 should be made a party.

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

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

94 **URJP 18**

95 **Advisory Committee Notes**

96 The present law is silent on the matter of service on the minor who is the subject of a petition.
97 This rule continues the current practice of requiring service only on the parent, parents, guardian
98 or custodian having legal custody.