

Civil Procedure does not apply in any juvenile proceedings unless there is a showing of good cause and it is ordered by the court" to Rule 20 as subparagraph (c) and to renumber the existing subparagraph (c) as subparagraph (d). Brent Hall tabled that portion of his earlier motion regarding Rule 2 and asked that members poll others in their respective disciplines regarding whether the quoted language should be added to Rule 2. Brent Bartholomew seconded the motion as amended and it passed unanimously.

Alan Sevison addressed the following clause in Rule 20(a) regarding discovery in various proceedings: "Discovery...shall be conducted in accordance with Utah R. Cr. P. 16, except where limited by these rules, the Code of Judicial Administration and the Juvenile Court Act." He suggested that this clause of Rule 20(a) should read in the alternative rather than containing the conjunctive "and."

MOTION: Alan Sevison made a motion to amend the language of Rule 20(a) to insert a comma after "administration" and change the word "and" to "or." Brent Hall seconded the motion and it passed unanimously.

Action Item:

Katie will amend Rule 20 and bring the revised rule back to the committee before the rule is published for comment.

AGENDA TOPIC

III. Admissibility of Hearsay Evidence in Child Protection Order Proceedings-Continued
Discussion of *Barnett v. Adams*

[PRESENTER] CAROL VERDOIA

Alison Adams-Perlac provided the committee with a copy of *N.D. v. A.B.*, a 2003 case from the Utah Court of Appeals pertaining to the admissibility of hearsay in a child protective order proceeding. The committee further discussed the provisions of 78B-7-203(3) and (4) regarding the presentation of evidence. Recent amendments to URCP 108 regarding objections to Commissioners' recommendations may also impact what may be presented.

The Committee discussed differences between: 1) ex parte hearings and child protective order hearing; 2) child protective order proceedings in district and juvenile court; and 3) the URJP and statute; and 4) protective order practice around the state.

For the next meeting the committee will take the following steps:

- Alan Sevison will talk to Judge Noonan about her concerns with the *Barnett* case.
- The committee will seek Judge Lindsley's comments and feedback from the juvenile bench.
- Members will review the statutory provisions regarding child protective order proceedings contained in 78B-7-201, *et. seq.* and URJP 46 regarding dispositional hearings (considering if child protective order hearings are dispositional or adjudicative).
- Carol Verdoia will discuss the issue with AGs in her office who may attend child protective order hearings.
- Sterling Corbett will seek feedback from others in the office of the GAL, including Rick Smith and Martha Pierce, as to whether the rule is unclear.

The committee will have a further discussion on whether the issue may be resolved by amending rules or whether a statutory clarification is required.

AGENDA TOPIC

IV. Old or New Business/Next Meeting Date	[PRESENTER] ALL
<p>The next meeting was scheduled for August 3, 2012 from Noon to 2:00 p.m.</p> <p>Pam Vickrey asked members to consider whether the new legislation regarding juvenile competency impacts the URJP. Carol Verdoia asked members to review H.B. 393 and suggest any necessary rule revisions.</p>	

Rule 20. Discovery generally.

(a) Discovery involving adjudications of delinquency, offenses by adults against minors, and proceedings brought pursuant to Section 78A-6-702 and Section 78A-6-703 shall be conducted in accordance with Utah R. Cr. P. 16, except where limited by these rules, the Code of Judicial Administration, or ~~and~~ the Juvenile Court Act.

(b) In substantiation cases, no later than thirty days prior to trial, parties shall provide to each other information necessary to support its claims or defenses unless otherwise ordered by the court.

(c) Rule 26.1 of the Rules of Civil Procedure does not apply in any juvenile proceedings unless there is a showing of good cause and it is ordered by the court.

(d)~~(e)~~ In all other cases, discovery shall be conducted pursuant to these rules unless modified by a showing of good cause and by order of the court.