

Utah Rules of Juvenile Procedure Committee- Meeting Minutes

July 9, 2010

Noon to 2:00 p.m.

Conference Rooms B & C

MEETING DATE			TIME			LOCATION		
MEMBERS:			Present	Absent	Excused	MEMBERS:		
Judge Elizabeth Lindsley	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Renee Jimenez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Judge Larry Steele	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	David Johnson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Carol Verdoia	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Narda Beas-Nordell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Brent Bartholomew	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Alan Sevison	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Joan Carroll	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Pam Vickrey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Angela Fannesbeck	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Paul Wake	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Brent Hall	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
AOC STAFF:			Present	Absent	GUESTS:			
Katie Gregory	<input checked="" type="checkbox"/>	<input type="checkbox"/>			<input type="checkbox"/>	<input type="checkbox"/>		
Whitney Kania	<input checked="" type="checkbox"/>	<input type="checkbox"/>			<input type="checkbox"/>	<input type="checkbox"/>		
Tim Shea	<input checked="" type="checkbox"/>	<input type="checkbox"/>			<input type="checkbox"/>	<input type="checkbox"/>		

AGENDA TOPIC

I. Welcome & Approval of minutes		CHAIR: CAROL VERDOIA	
Corrections to the Minutes: None			
Motion: To approve the minutes of March 26, 2010 as written.	By: Renee Jimenez	Second: Narda Beas-Nordell	
Approval	<input checked="" type="checkbox"/> Unanimous	<input type="checkbox"/> Vote:	In Favor _____ Opposed _____

AGENDA TOPIC

II. Expungement Issues—URJP 56	[PRESENTER] TIM SHEA
<p>Discussion: Tim Shea reviewed his June 7, 2010 memorandum regarding proposed revisions to court rules governing expungement. He reported that CJA Rule 7-308 will be repealed because it is already covered in other rule or statute.</p> <p>Mr. Shea's work group on forms and the Board of Juvenile Court Judges recommended that certain provision of URJP 56 be deleted. Included were URJP 56(b), 56(d) (2) and (d) (3). Rule 56(d)(2) and (3) address how law enforcement and clerks, respectively, seal expunged records. He noted that CJA Rule 4-205 also addresses the sealing of court records. 78A-6-1105(3) deals with an agency's requirement to seal records.</p> <p>A lengthy discussion followed regarding whether URJP 56(b) should be deleted, as advocated by Mr. Shea and the Juvenile Board. It is not currently being enforced and law enforcement verification is not required in statute. It may also duplicate the criminal history report obtained from BCI. Ultimately, the committee decided that the provision of URJP 56(b) should be discretionary and passed the two motions outlined below.</p>	

Motion #1: Amend the last sentence of URJP 56(b) to delete the word "shall" and add "may be required to" and further delete the phrase "during the entire time period covered in the minor's record..."	By: Judge Lindsley Second: Judge Steele
Approval	<input checked="" type="checkbox"/> Unanimous <input type="checkbox"/> Vote: In Favor _____ Opposed _____
Motion #2: Delete URJP 56(d)(2) and (d)(3) in their entirety and renumber (d)(4) as (d)(2).	By: Judge Steele Second: Brent Hall
Approval	<input checked="" type="checkbox"/> Unanimous <input type="checkbox"/> Vote: In Favor _____ Opposed _____

AGENDA TOPIC

III. URJP 29A Issues	[PRESENTER] CAROL VERDOIA
Discussion: Carol Verdoia reviewed an email she received from Matthew Janzen with the Salt Lake County District Attorney's Office. The Legislature repealed section 76-5-411 and it was incorporated into URCrP 15.5. He expressed concern that URJP 29A was not updated at the time URCrP 15.5 was amended. Currently, a juvenile judge must review a CJC interview tape twice, at pre-trial and again at trial, since no jury is present. After discussion, the committee determined that additional research is needed and requested that Mr. Janzen be invited to attend a future meeting to discuss his concerns.	
Action Item:	1. Judge Lindsley will email the juvenile court law clerk to request research on the impact of the repeal of 76-5-411 on URJP 29A. 2. Katie Gregory will invite Matthew Janzen to attend the October 1, 2010 meeting to further discuss his concerns.

AGENDA TOPIC

IV. Discussion re: need to create URJP parallel to URCrP 15A	[PRESENTER] PAUL WAKE
Discussion: Paul Wake reviewed his email of March 23, 2010 requesting the committee consider whether a juvenile rule should be created similar to the new URCrP 15A. MOTION: Paul Wake made a motion to create a URJP 43A similar to URCrP 15A. The motion was not seconded. A lengthy discussion followed regarding the potential application of such a rule to child welfare cases. An additional question was raised regarding whether URCrP 15A includes only typical "samples" such as hair and fluid, or whether it goes further to include other physical evidence such as samples from computers, documents, etc. The committee tabled the issue to the next meeting so members can seek additional information from colleagues.	
Action Item:	Committee members to obtain additional information from colleagues in their respective areas of practice.

AGENDA TOPIC

V. Old or New Business	[PRESENTER] ALL
<p>Discussion: The next two meetings will be held on August 6 and October 1, 2010. The August 6 agenda will include the continued discussion of the URCrP 15A issue and the issue of consent by a parent/guardian/custodian prior to a juvenile's waiver of constitutional rights if interrogated by law enforcement. Susan Eisenman will be invited to attend and join in the discussion. Matthew Janzen will be invited to the Oct. 1 meeting to continue the discussion of URJP 29A and URCrP 15.5.</p>	