

**SUMMARY MINUTES (DRAFT)
SUPREME COURT'S ADVISORY COMMITTEE
ON THE
RULES OF JUVENILE PROCEDURE
Administrative Office of the Courts
450 South State Street
Education Room (Third Floor AOC)
Salt Lake City, Utah
July 13, 2007**

Present

Carol Verdoia
Judge Elizabeth Lindsley
Narda Beas-Nordell
Brent Bartholomew
Alan Sevison (by telephone for a portion of the meeting)

Excused

Ed Peterson
Pam Vickery
Paul Wake
Judge Larry Steele

Staff

Katie Gregory
Matty Branch

Guests

Maile Verbica

I. Welcome, Membership Update and Minutes

Carol Verdoia welcomed all members and introduced Maile Verbica, the Juvenile Court Law Clerk. The committee discussed approval of the minutes of April 6, 2007 and May 4, 2007, but determined that a quorum was not present and tabled the issue for later consideration.

Katie gave an update of the committee's membership status. Nelson Abbott and Jeff Noland have completed their terms. There are currently four positions open, including the positions vacated by Nelson and Jeff, as well as those left open by the resignations of Kristin Brewer and Adam Trupp. The Clerk of Court position is also open. Individuals who wish to apply for the four open positions should submit applications to Matty Branch by July 27, 2007.

II. Warrants--Continued Discussion of Rule 7

Carol recapped the status of the search warrant discussion and the Supreme Court's review of the matter. Copies of the comments received from the Board of Juvenile Court Judges and the legal research memorandum prepared by Maile Verbica were provided to the committee prior to this meeting. Katie distributed a copy of the concerns emailed to her by Judge Steele who could not attend today's meeting. Carol noted Judge Steele's concerns with having probation officers and others file an affidavit at the next business day, which may not contain all the same information related verbally.

Maile's memo says there is a distinction between a warrant and a pick up order. Carol noted that while the Board uses the term "pick up order" rather than verbal warrant, Judge Steele commented that the state wide forms uses the title "warrant for detention." The committee noted that the official form may need to be changed to avoid confusion.

Judge Lindsley shared the concerns of judges that without the ability to issue verbal pick up orders, youth may be left in unsafe situations at night and on weekends. She shared comments from Judge Johansen explaining that handling the issue through CARE and by a fax to the judge's home after hours is not always a solution when the judge is on the road. The rural judges especially share this concern.

Carol noted that she had read Maile's research memo and assuming the courts and Brent Johnson are adopting this position, she felt comfortable with the distinction that Maile made between warrants and pick up orders. Judge Lindsley commented on Judge Steele's email suggestion to make the probation violations holdable offenses. However, she noted that this would not completely solve the problem because many of the kids affected are in the custody of either JJS or DCFS, rather than on probation.

Carol raised an additional question as to whether putting language back into Rule 7 to allow a pick up order is appropriate since Rule 7 is about warrants and Maile's memo determines that a pick up order is not a warrant. Judge Lindsley suggested creating a new Rule 7A to cover pick up orders. Alan Sevison joined the meeting by telephone. Carol provided him with an overview of what the committee was proposing.

MOTION: Judge Lindsley made a motion to create a new Rule 7A entitled "Pick Up Orders" that reads as follows: On verbal request from a probation officer or other authorized individual a pick up order may be issued telephonically during non business hours or under exigent circumstances when it appears necessary for the protection of the community or the minor and shall be supported by an affidavit from the requesting authority the next court business day. The URJP chairperson will submit this proposal to the Supreme Court at its August 8th meeting and request that the new Rule 7A be put in effect under emergency rule making authority.

Narda seconded the motion. A vote was called and the motion passed unanimously. Katie was asked to email it to all committee members and ask them to respond if they had any lingering concerns. Carol and Katie will present the proposal to the Supreme Court at its next meeting on August 8th at 9:30. Alan Sevison discontinued his telephonic participation in the meeting at this point.

II. H. B. 103—Changes to Definition of Child and Minor

The committee reviewed a final draft of the minor and child revisions to the URJP, containing the additional revisions proposed on May 4, 2007. It was noted that a quorum was not present at the time the committee voted on the final changes on May 4th. Accordingly, committee members must be given one additional opportunity to comment before the changes are published for comment. The committee asked Katie to email the revisions to all committee members and ask them to comment in favor or against the final version by no later than August 10, 2007. If issues remain, it was proposed that they be discussed during the comment period.

III. New Business

Rule 15. Preliminary inquiry; informal adjustment without petition.

It was brought to Katie's attention by AOC staff that Rule 15 was not revised at the time that corresponding statutory language in 78-3a-502 was revised in 2006. The statute now allows 90 days for the completion of non judicial adjustments with a 90 day extension. Rule 15 still retains the old time frames of 60 days with a 60 day extension. The committee asked Katie to talk to Tim Shea and determine whether changing the time frame in Rule 15 from 60 to 90 days can be done as a clerical correction. If so, the change could be made without having to send the rule out for comment. If it is not merely a clerical matter, the committee asked Katie to send an email to all URJP members seeking their approval of the change prior to the end of August, 2007.

The dates of September 7 (11:30 a.m. to 1:00 p.m.) and September 14 (noon until 2:00 p.m.) were proposed as possible dates for the next meeting. Katie agreed to email members to determine which date is preferred.

The meeting adjourned.