

**SUMMARY MINUTES (DRAFT)
SUPREME COURT'S ADVISORY COMMITTEE
ON THE
RULES OF JUVENILE PROCEDURE
Administrative Office of the Courts
450 South State Street
Large Conference Room A
Salt Lake City, Utah
December 3, 2004**

Present

Carol Verdoia
Judge Lindsley
Alan Sevison
Kristin Brewer
Jeff Noland
Narda Beas Nardell
Paul Wake

Excused

Judge Steele
Adam Trupp
Matty Branch
Brent Bartholomew
Pam Vickery
Marty Olsen
Jeanette Gibbons
Nelson Abbott
Ester Chelsea-McCarty
Ed Peterson

Staff

Katie Gregory

I. Minutes and Welcome

Judge Lindsley moved that the minutes of 10/01/04 be approved as written. Narda seconded the motion, and it was approved unanimously.

II. Rule 4-201; Access to Recordings

Judge Lindsley and Katie updated the committee on developments related to the request of the Attorney General's office and others to access digital and audio recordings from hearings where a court reporter is also present. In these instances, the Third District Juvenile Court Judges have treated the recording as part of the judges notes, rather than the official record. The recording has been made available to AGs for the purpose of preparing an order. Mark May, Division Chief for the Child Protection Division, brought the matter to the Board of Juvenile Court Judges meeting in October, 2004, and the Board asked the URJP Committee to consider a rule change to accommodate the AG's use of the recording.

Discussion followed on who should have access to recordings. Following the opening of the juvenile courts to the public, the statute now provides that members of the public may petition the court to request access to the record of a proceeding. Narda mentioned that parents and others might want to listen to the recording without ordering a full transcript of the official record. In considering a draft rule, the committee felt that recordings should be allowed even if a court reporter is present to take the official record, and that the parties and the public should have access to the recording in both delinquency and

dependency matters, including substantiations. Parties would make a request in writing to the court. The public would be required to petition the court for access and show good cause after notice to the parties.

Judge Lindsley moved that Katie draft a rule for discussion at the next meeting, which would allow juvenile court to make audio recordings of proceedings even if a court reporter is present and to provide access to the individuals discussed. Narda seconded the motion and it passed unanimously.

III. URJP 9

Judge Lindsley reported that she contacted Judge Bachman regarding changes to URJP 9. Nothing having been drafted yet for discussion, the committee moved to the next agenda item.

IV. URJP 53

Katie Gregory distributed two comments received on the revisions to URJP 53. The committee received and discussed the merits of the comments. Judge Lindsley moved to adopt the comment proposed by Brent Newton to change the final word in the rule from "judge" to "court." Kristin seconded the motion and it passed unanimously. No further changes to the proposed rule were made based on the comment submitted by Craig Adamson.

V. URJP 47 and Reliable Hearsay

After a brief discussion by committee members, Alan moved to remove from the agenda the discussions of URJP 47 and the definition of "reliable hearsay" until further request to place these items back on the agenda by Adam Trupp and Nelson Abbott, respectively. Kristin seconded the motion and it passed unanimously.

VI. Updates regarding URJP 8, URJP 37A and the URJP Table of Contents

Katie reported that the amendments to the Advisory Committee Notes on URJP 8 and URJP 37A had been submitted to Tim Shea and would be included in the April 2005 volume. The entire Note to URJP 37A will be deleted. References in URJP 8 to "Division of Youth Corrections" will be changed to "Juvenile Justice Services." At its last meeting the Committee also noted that the heading to Section VII in the URJP Table of Contents was to be changed from "PROCEEDINGS RELATING TO CRIMINAL MATTERS" TO "PROCEEDINGS RELATING TO DELINQUENCY MATTERS." This change will also appear in the Spring 2005 volume.

VII. URJP 29A—Advisory Committee Note

Carol noted that the minutes of the last meeting suggested that the Advisory Committee Note to URJP 29A may also be affected by the Crawford decision and that the committee had agreed to discuss the Note at the next meeting. Considerable discussion followed regarding the meaning of the Crawford decision. The committee decided to have Katie circulate additional accumulated research on the Crawford case and to discuss its impact on Rule 29A at a future meeting. Pending this discussion, Paul made a motion to remove the entire Advisory Committee Note to URJP 29A and study the issue. Kristin seconded the motion and it passed unanimously.

VIII. New Business-Withdrawal of Admissions.

Carol introduced the issue and explained that the question was currently on appeal. The committee acknowledged that a gap exists with the current Rules of Criminal Procedure and determined that the matter should be placed on the next meeting agenda for discussion. Carol asked Katie to circulate by email a portion of a brief which she received on the issue.

IX. Fax Filing Rule.

Carol explained a memo she received from Matty Branch requesting the committee review a proposed amendment to Rule 5: Service and Filing of Pleadings and Other Papers. The memo requested that any suggested changes or additions be forwarded to Matty. The committee began discussion of the matter, but tabled it until the next meeting to allow more time for a full and complete review.

X. Next Meeting and Adjourn

The next meeting was set for Friday, January 7, 2005 from noon to 2:00 p.m. There being no further business, the meeting was adjourned.