

MINUTES
SUPREME COURT=S ADVISORY COMMITTEE
ON THE
RULES OF JUVENILE PROCEDURE
Administrative Office of the Courts
450 South State Street, N31
Salt Lake City, Utah 84114-0241
December 6, 2002, 12 p.m.

Present

Carol Verdoia, Chair
Judge Lindsley
Ed Peterson
Judge Steele
Paul Wake
Pamela Vickrey
Jeanette Gibbons
Kristin Brewer

Excused

Marty Olsen
Shirl Don LeBaron
Randy Kester

Staff

Alicia Davis

Guests

Jeff Noland

I. Welcome

Carol Verdoia extended a welcome to Jeff Noland. An ad has been placed in the Bar Journal to solicit new members to the committee, and several resumes have been received.

II. CJA Rules for Incorporation

The committee reviewed Alicia Davis's memo dated November 22, 2002 indicating where CJA provisions would be placed after they were cut, and committee assignments. Judge Steele recommended that the Rules of Juvenile Practice which duplicate civil or criminal practice not be specifically repeated in the Rules of Juvenile Practice.

4-501: Judge Lindsley

With regards to 4-501, Judge Lindsley stated that perhaps a juvenile provision should address hearings, and courtesy copies. Judge Lindsley presented amendments to URJP 19 to the committee. Judge Lindsley stated that these provisions would apply primarily in dependency cases. Paul Wake questioned whether it would affect five days notice for suppression hearings, but the committee opined that it would not. Carol Verdoia suggested judicial discretion be provided for, to the agreement of the committee. The committee decided that 14 days was sufficient time for dispositive motions. The motion was made that the rule be approved as amended, was seconded, and passed unanimously.

4-504: Carol Verdoia

With regards to 4-504, Orders, Carol Verdoia had volunteered to draft amendments to juvenile rules if necessary. After reviewing the rule, Ms. Verdoia concluded that no specific juvenile provision was necessary, and the committee concurred.

4-603: Pam Vickrey

With regards to 402 reductions, Ms. Vickrey concluded that no specific juvenile provision was necessary, and the committee concurred.

4-203: Pam Vickrey

Ms. Vickrey drafted specific provisions of 4-203 into URJP 45. After discussion, the committee concluded that the only changes should be made to the last paragraph. (e) shall be amended so that all parties receive pre-dispositional reports and studies at least two days prior to the dispositional hearing. Such notice allows all parties to be prepared to address relevant disposition information. The intent is not to have clerks provide those copies.

URJP 53 and Withdrawal of Counsel: Pam Vickrey

Ms. Vickrey distributed copies of a form that the Legal Defenders used to show that defendants had understood their rights. The committee agreed with Ms. Vickrey's assessment that most of the information contained in the LDA form would be difficult for a juvenile to comprehend. Ms. Vickrey had developed a form that would show that parties had been apprised of the right to appeal. Jeff Noland will consult with Ms. Vickrey in the creation of this form, and it may be distributed by email to committee members prior to the next meeting.

6-406: Kristin Brewer

After reviewing the rule, Ms. Brewer concluded that no specific juvenile provision was necessary, particularly because the applicability statement of the rule indicated that it did not apply to juvenile court.

6-407: Kristin Brewer

After reviewing the rule, Ms. Brewer concluded that no specific juvenile provision was necessary, and the committee concurred.

4-902: Alicia Davis

On 4-902, Alicia Davis inquired of Tim Shea regarding referenced legislation, and report back to the Committee at the next meeting. He'd indicated that 4-902 could be cut because new legislation placed jurisdiction over protective orders for minor.

III. Adjourn

The next meeting will be Friday, January 10 at 12:00 p.m. There being no further business, the meeting adjourned.