

# Utah Rules of Juvenile Procedure Committee- Meeting Minutes

August 7, 2020                      Noon to 2:00 p.m.                      Virtual WebEx Conferencing  
**MEETING DATE**    **TIME**    **LOCATION**

<b>MEMBERS:</b>	Present	Absent	Excused	<b>MEMBERS:</b>	Present	Absent	Excused
David Fureigh	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Michelle Jeffs	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Judge Elizabeth Lindsley	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Sophia Moore	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Judge Mary Manley	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Mikelle Ostler	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Arek Butler	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Jordan Putnam	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Monica Diaz	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Janette White	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Kristin Fadel	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Chris Yannelli	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Carol Verdoia (Emeritus)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>AOC STAFF:</b>	Present	Excused		<b>GUESTS:</b>	Present	Absent	
Bridget Koza	<input checked="" type="checkbox"/>	<input type="checkbox"/>		Jacqueline Carlton	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Xen Fedison	<input checked="" type="checkbox"/>	<input type="checkbox"/>		Christopher Williams	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Meg Sternitzky	<input checked="" type="checkbox"/>	<input type="checkbox"/>			<input type="checkbox"/>	<input type="checkbox"/>	

## AGENDA TOPIC

<b>I. Welcome &amp; Approval of Minutes</b>	<b>CHAIR: DAVID FUREIGH</b>	
<p>David Fureigh welcomed members. Bridget Koza introduced the two new juvenile law clerks, Zen Fedison and Meg Sternitzky, to the members.</p> <p>The Committee approved the minutes of June 5, 2020.</p>		
Motion: to approve the minutes of June 5, 2020.	By: Mikelle Ostler	Second: Kristin Fadel
Approval	<input checked="" type="checkbox"/> Unanimous <input type="checkbox"/> Vote: <span style="margin-left: 100px;">In Favor _____ Opposed _____</span>	

## AGENDA TOPIC

<b>II. Rules 5, 17, 31, 52, and 56</b>	<b>DAVID FUREIGH</b>
<p>Rules 5, 17, 21, 31, 44, 52, and 56 were sent out for comment period in June. The comment period closed and no written comments were received. Rules 5, 17, 21, 31, 44, and 56 will be taken to the Supreme Court for approval to publish the rules. Rule 52 was already approved by the Supreme Court and issued as an emergency rule, effective immediately.</p>	
Action Item:	Request that the Supreme Court approve Rules 5, 17, 21, 31, 44, and 56 for final publication.

## AGENDA TOPIC

<b>III. Rule 22-Initial appearance and preliminary examination in cases under Utah Code § 78A-6-703.3</b>	<b>DAVID FUREIGH</b>
Rule 22 was sent out for comment period in June. The comment period closed and there was one	



Arek was excused from the meeting and the committee agreed that this item will be added to the agenda for the October 7, 2020 meeting.

Carol Verdoia did provide the committee with background information regarding Rule 48 and Utah Code 78A-6-1108 since the language and the statute are different with regarding to standing and post-judgment motions when there is newly discovered evidence. Bridget will review meeting minutes to see if Arek had proposed language for Rule 48 and will include in the agenda for the October 7, 2020 meeting.

Action Item:	Rule 48 added to the agenda for the October 7, 2020 meeting.
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#### AGENDA TOPIC

<b>VI. H.B. 33</b>	DAVID FUREIGH
The committee discussed H.B. 33 and language added to Utah Code 78A-6-304 regarding a request for a hearing on whether reunification service are appropriate when an abuse and neglect petition is filed and a termination of the parental rights petition is filed before the disposition hearing. The committee agreed that at this time a rule was not necessary.	
Action Item:	No action taken by the committee on adding a rule to address new language in Utah Code 78A-6-304.

#### AGENDA TOPIC

<b>VII. In re G.J.P.</b>	DAVID FUREIGH
David informed the committee his discussion with Supreme Court on June 24, 2020. The Supreme Court is looking for guidance around the due process rights of incompetent parents in child welfare cases as well as the procedures to appoint a guardian ad litem.	
The committee agreed that the juvenile court law clerks should do a 50-state-survey regarding the appointment of guardians ad litem for incompetent parents. Bridget will discuss with Nancy Sylvester if the Supreme Court's Committee on the Civil Rules of Procedure has discussed <i>In re G.J.P.</i> and find out if guardians ad litem are appointed in district court cases. This information is helpful to determine next steps in addressing the Supreme Court's footnote in <i>In re G.J.P.</i> as well as provide guidance around the appointment of guardians ad litem for incompetent parents.	
Action Item:	Request that juvenile court law clerks do a 50-state-survey regarding the appointment of guardians ad litem for incompetent parents and Bridget provide information about if guardians ad litem are appointed in district court cases

#### AGENDA TOPIC

<b>VIII. Old or New Business</b>	ALL
The Committee discussed potential future agenda items:	
1. Kristin will send over language about possible changes to rules based on new case law from Martha Peirce and Bridget will distribute to the committee.	