



**Utah Supreme Court's  
Advisory Committee on the Rules of Juvenile Procedure**

**Approved Meeting Minutes**

January 8, 2021

Webex Meeting:

<https://utcourts.webex.com/utcourts/j.php?MTID=m6ed2f9fdd245f1af928fc01c661bd282>

12:00 pm – 2:00 pm

*David Fureigh, Chair*

<p><b><u>Attendees:</u></b> Carol Verdoia, Emeritus Member (Acting Chair) Judge Mary Manley Arek Butler Michelle Jeffs Matthew Johnson Mikelle Ostler Jordan Putnam Janette White Chris Yannelli</p>	<p><b><u>Excused Members:</u></b> David Fureigh, Chair Judge Elizabeth Lindsley Monica Diaz Kristin Fadel Sophia Moore</p>
<p><b><u>Staff:</u></b> Bridget Koza Meg Sternitzky, Juvenile Court Law Clerk Xen Fedison, Juvenile Court Law Clerk</p>	

**1. Welcome and approval of the December 4, 2020 meeting minutes: (Carol Verdoia)**

Carol Verdoia welcomed everyone to the meeting and asked for approval of the minutes.

*Chris Yannelli moved to approve the December 4, 2020 meeting minutes. Matthew Johnson seconded the motion, and it passed unanimously. Judge Mary Manley had a possible change to the December 4, 2020 meeting minutes. She believed that vote to approve Rule 27A for publication was unanimous. The minutes were approved unanimously with the condition that Bridget Koza look into and correct the December 4, 2020 meeting minutes on the committee's decision regarding Rule 27(A). Bridget Koza reviewed previous meeting minutes and corrected*

*the December 4, 2020 meeting to reflect that the vote to approve Rule 27A for publication was unanimous.*

**2. Action – Venue Transfer and Rule 16A:** (Chris Yanelli & Janette White)

Janette White discussed with the committee the approved amendments to Rule 16A. Janette noted that the committee had planned to see if the recodification made changes to § 76A-6-110 before voting to present the rule to Supreme Court. Bridget summarized the changes made to Rule 16 and 16A and commented that draft Juvenile Court Recodification bill strikes the language in rule from the statute and adds language to alert practitioners to the rule in the Utah Rules of Juvenile Procedure.

*Judge Manley moved to present the revised Rule 16A to the Supreme Court to obtain permission to publish it for public comment. Janette White seconded the motion, and it passed unanimously.*

**3. Action – Petition contents and Rule 17:** (Bridget Koza)

Bridget Koza discussed with the committee the approved amendment to add language in Rule 17 about the contents of a termination of parental rights petition to capture what is being repealed in § 78A-6-505(1) by the draft Juvenile Court Recodification bill. Bridget noted that the committee approved the draft at the December 4, 2020 meeting, but the committee did not vote on the motion to present the rule to the Supreme Court.

*Michelle Jeffs moved to present the revised Rule 17 to the Supreme Court to obtain permission to publish it for public comment. Jordan Putnam seconded the motion, and it passed unanimously.*

**4. Action – Rights of minors in delinquency proceedings and Rule 26:** (Bridget Koza)

Bridget Koza discussed with the committee the amendments to Rule 26 to make it consistent with the Indigent Defense Act. Bridget noted that paragraphs (b) and (c), which refer to a finding indigency, were removed and language was added in paragraph (a)(6) to indicate minors are appointed counsel at all stages of the proceedings.

Bridget further discussed with the committee paragraph (e) of Rule 26, which discusses when minors are capable of waiving his or her right to counsel. Bridget commented that the language in paragraph (e) conflicts with the language in § 78B-22-204. Bridget noted that Monica Diaz had made a recommendation to remove paragraph (e) and replace it with a reference to § 78B-22-204. The committee then discussed whether the rule should reference the statute or use the language from the statute. The committee agreed after further discussion that the amended language should exclude reference to the statute, since the amendment uses the language from § 78B-22-204.

*Janette White moved to present the revised Rule 26 to the Supreme Court to obtain permission to publish it for public comment. Chris Yanelli seconded the motion, and it passed unanimously.*

## **5. Discussion – Rule 45 and 46 – Disposition Reports: (Bridget Koza)**

Carol Verdoia discussed with the committee whether they want to include language about submission of dispositional reports in Rule 45 and Rule 46 to capture the language about dispositional reports in termination proceedings under § 80-4-107(3)(a) of draft Juvenile Court Recodification bill. The committee discussed that it is unclear whether the term “dispositional hearing” in § 80-4-107(3)(a) refers to termination trials or post-termination proceedings. The committee further discussed that termination trials are formal and court reports are submitted pursuant to the Rules of Evidence. Carol suggested to remove language about petitions, so the statute would be applicable to post-termination review hearings. Janette further recommended that “dispositional hearing” should be changed to “for purposes of disposition and post-termination review.”

*The committee agreed to add this to the agenda for the next meeting on February 5, 2021.*

Bridget Koza further discussed that one of the juvenile judges recommended the committee look at the two-day submission timeline for pre-dispositional reports under paragraph (e) of Rule 45. Bridget noted the judge’s concern that under the current rule a pre-dispositional report can be submitted on the weekend, which prevents defense counsel from reviewing the report and discussing it with his or her client before a hearing on a Monday. Janette recommended that the timeline could be changed to match the child welfare timeline (reports have to be submitted five days before a hearing) or suggested a timeline of two business days. The committee noted that this could affect other entities and agreed they need more input.

*Bridget Koza agreed to reach out to Tiffany Pew, Assistant Juvenile Court Administrator, to get more input before further discussion.*

## **6. Old business/new business: (All)**

The Committee had no further items for potential future agenda items.

The meeting adjourned at 1:15 pm. The next meeting will be held on February 5, 2021, at 12:00 pm via Webex.