

1 **Rule 19. Responsive pleadings and motions.**

2 (a) ~~If the petition is not resolved at pretrial, a~~An answer to an abuse, neglect, and/or
3 dependency petitions, a petitions to terminate parental rights, or a petitions for a change of
4 custody must be filed ten days after pretrial or twenty-five days after service of the petition
5 whichever comes first, if the petition is not resolved at pretrial. The answer may be made orally
6 at a pretrial hearing but otherwise must comply with Utah R. Juv. P. 34. Default against a party
7 who fails to appear either in person or by counsel at pretrial, or who fails to file an answer may
8 be entered pursuant to Utah R. Juv. P. 34.

9 (b) Before answering, the respondent may move to dismiss the petition as insufficient to state
10 a claim upon which relief can be granted. The court shall hear all parties and rule on said motion
11 before requiring a party to answer.

12 (c) A party may file a written pleading or motion concerning the allegations of the petition
13 before or at the hearing. Such pleading or a true and complete copy thereof shall be made
14 available to the other parties of record. At the request of a party or on the court's own motion, the
15 court shall set the matter for hearing to allow either party to respond to the issues raised in the
16 pleading or motion.

17 ~~(d) The court shall entertain and hear motions on any matter properly petitioned before it, and~~
18 ~~such motion practice shall be conducted according to the pertinent provisions of Utah Rules of~~
19 ~~Civil Procedure 7 and 12.~~

20 ~~(e) Decisions on motions filed without a request for a hearing or by stipulation of the parties~~
21 ~~shall be rendered by the court without a hearing unless the court otherwise orders, in which event~~
22 ~~the clerk shall set a date and time for the hearing and notify the parties of record. Any party~~
23 ~~requesting a hearing must do so within 5 days of receipt of the motion or a hearing will be~~
24 ~~deemed waived.~~

25 ~~(f) In those cases where a hearing is granted, a courtesy copy of the motion, memorandum of~~
26 ~~points and authorities and all documents supporting or opposing the motion shall be delivered to~~
27 ~~the judge hearing the matter at least two working days before the date set for hearing. Copies~~
28 ~~shall be clearly marked as courtesy copies and indicate the date and time of the hearing.~~

29 ~~(g) All dispositive motions shall be heard at least fourteen days before the scheduled trial~~
30 ~~date unless otherwise ordered by the court. No dispositive motions shall be heard after that date~~
31 ~~without leave of the court.~~

32 ~~(h)(d)~~ If a hearing has been requested and the non-moving party fails to file a memorandum in
33 opposition, the moving party may withdraw the request or the court on its own motion may strike
34 the request and decide the motion without oral argument.

35 ~~(i) Motion for expedited hearing.~~

36 ~~(i)(1) A party may request an expedited hearing on any motion or petition filed with the court~~
37 ~~by filing a verified motion. The verified motion shall state with particularity the issues to be~~
38 ~~considered at the expedited hearing, the reasons an expedited hearing is necessary, and what~~
39 ~~efforts, if any, have been made to notify the other party of the request for expedited hearing.~~

40 ~~(i)(2) The court may grant a motion for expedited hearing on an ex parte basis.~~

41 ~~(i)(3) A motion for expedited hearing shall be granted if the facts alleged in the motion~~
42 ~~demonstrate good cause for an expedited hearing and otherwise appears appropriate.~~

43 ~~(i)(4) If the court grants the motion for expedited hearing, the hearing shall be set within ten~~
44 ~~days of the order.~~

45 ~~(i)(5) If the motion for an expedited hearing is granted, the moving party shall serve notice of~~
46 ~~the hearing upon all interested parties.~~

47 ~~(j) Requests for review hearings or modification of court custody orders by agents of the~~
48 ~~Department of Human Services or one of its divisions, following the adjudication of a petition in~~
49 ~~which the department or division is a party, or by any other person or agency who is a party of~~
50 ~~record, shall be by written motion. Such motions shall state with particularity the legal basis for~~
51 ~~the motion and relief sought.~~

52 ~~(k) In matters certified in the juvenile court from the district court, pleadings and motions~~
53 ~~shall be governed by the Utah Rules of Civil Procedure.~~

54 ~~(1) In delinquency, traffic and adult criminal matters, motion practice shall be governed by~~
55 ~~the Utah Rules of Criminal Procedure.~~

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Effective Date: November 1, 2017