

1 **Rule 7. Warrants.**

2 (a) The issuance and execution of a warrant is governed by Title 77, Chapter 7, Arrest, Section
3 78A-6-106, Section 78A-6-106.5, Section 78A-6-111, Section 78A-6-112, and Utah Rule of
4 Criminal Procedure 40.

5 (b) After a petition is filed, a warrant for immediate custody of a minor may be issued if the
6 court finds from the facts set forth in an affidavit filed with the court or in the petition that there is
7 probable cause to believe that:

8 (b)(1) the minor has committed an act which would be a felony if committed by an adult;

9 (b)(2) the minor has failed to appear after the minor or the parent, guardian or custodian has
10 been legally served with a summons;

11 (b)(3) there is a substantial likelihood the minor will not respond to a summons;

12 (b)(4) the summons cannot be served and the minor's present whereabouts are unknown;

13 (b)(5) the minor seriously endangers others and immediate removal appears to be necessary
14 for the protection of others or the public; or

15 (b)(6) there are reasonable grounds to believe that the minor has run away or escaped from the
16 minor's parent, guardian or custodian.

17 (c) A warrant for immediate custody of a minor may be issued if the court finds from the
18 affidavit that the minor is under the continuing jurisdiction of the court and probable cause to
19 believe that the minor:

20 (c)(1) has left the custody of the person or agency vested by the court with legal custody and
21 guardianship without permission; or

22 (c)(2) has violated a court order.

23 (d) A warrant for immediate custody shall be signed by a court and shall contain or be
24 supported by the following:

25 (d)(1) an order that the minor be returned home, taken to the court, taken to a juvenile detention,
26 ~~or~~ shelter facility, other nonsecure facility or an adult detention facility, if appropriate, designated
27 by the court at the address specified pending a hearing or further order of the court;

28 (d)(2) the name, date of birth and last known address of the minor;

29 (d)(3) the reasons why the minor is being taken into custody;

30 (d)(4) a time limitation on the execution of the warrant;

31 (d)(5) the name and title of the person requesting the warrant unless ordered by the court on its
32 own initiative pursuant to these rules; and

33 (d)(6) the date, county and court location where the warrant is being issued.

34 (e) A peace officer who brings a minor to a detention facility pursuant to a court order for
35 immediate custody shall so inform the person in charge of the facility and the existence of such
36 order shall require the minor's immediate admission. A minor so admitted may not be released
37 without court order.

38 (f) This rule shall not limit the statutory authority of a probation officer to take a minor who
39 has violated a condition of probation into custody.

40 (g) Return of service on a warrant shall be executed within 72 hours unless otherwise ordered
41 by the Court.

42 (h) The juvenile court to retain and file copies - Documents sealed for twenty days -Forwarding
43 of record to court with jurisdiction.

44 (h)(1) At the time of issuance, the juvenile court shall retain and seal a copy of the search
45 warrant, the application and all affidavits or other recorded testimony on which the warrant is
46 based and shall, within a reasonable time, file those sealed documents in court files which are
47 secured against access by the public. Those documents shall remain sealed until twenty days
48 following the issuance of the warrant unless that time is extended or reduced. Unsealed search
49 warrant documents shall be filed in the court record.

50 (h)(2) Sealing and retention of the file may be accomplished by:

51 (h)(2)(A) placing paper documents or storage media in a sealed envelope and filing the sealed
52 envelope in a court file not available to the public;

53 (h)(2)(B) storing the documents by electronic or other means under the control of the court in
54 a manner reasonably designed to preserve the integrity of the documents and protect them against
55 disclosure to the public during the period in which they are sealed; or

56 (h)(2)(C) filing through the use of an electronic filing system operated by the State of Utah
57 which system is designed to transmit accurate copies of the documents to the court file without
58 allowing alteration to the documents after issuance of the warrant by the juvenile court.

59 Effective Date: May 1, 2018