

28 (1) Hearings in minor's cases shall be held before the court without a jury and may be
 29 conducted in an informal manner.

30 (a) ~~[(1)]~~ (i) Except as provided in Subsection (1)(a)(ii) and pursuant to Section
 31 78-3a-115.1, the court shall exclude all persons from hearings held prior to July 1, 2005 who
 32 do not have a direct interest in the proceedings of abuse, neglect, and dependency cases in all
 33 districts other than pilot districts selected by the Judicial Council under Subsection
 34 78-3-21(15)(a)[, the court shall exclude all persons from hearings held prior to July 1, 2005
 35 who do not have a direct interest in the proceedings].

36 (ii) The court ~~may~~ **SHALL** admit **REASONABLE NUMBERS OF** persons requested
 36a by the parent or legal guardian to be present
 37 if persons are present to support the family.

38 (b) In delinquency cases the court shall admit all persons who have a direct interest in
 39 the case and may admit persons requested by the parent or legal guardian to be present. The
 40 court shall exclude all other persons except as provided in Subsection (1)(c).

41 (c) In delinquency cases in which the minor charged is 14 years of age or older, the
 42 court shall admit any person unless the hearing is closed by the court upon findings on the
 43 record for good cause if:

44 (i) the minor has been charged with an offense which would be a felony if committed
 45 by an adult; or

46 (ii) the minor is charged with an offense that would be a class A or B misdemeanor if
 47 committed by an adult, and the minor has been previously charged with an offense which
 48 would be a misdemeanor or felony if committed by an adult.

49 (d) The victim of any act charged in a petition or information involving an offense
 50 committed by a minor which if committed by an adult would be a felony or a class A or class B
 51 misdemeanor shall, upon request, be afforded all rights afforded victims in Title 77, Chapter
 52 36, Cohabitant Abuse Procedures Act, Title 77, Chapter 37, Victims' Rights, and Title 77,
 53 Chapter 38, Rights of Crime Victims Act. The notice provisions in Section 77-38-3 do not
 54 apply to important juvenile justice hearings as defined in Section 77-38-2.

55 (e) A victim, upon request to appropriate juvenile court personnel, shall have the right
 56 to inspect and duplicate juvenile court legal records that have not been expunged concerning:

57 (i) the scheduling of any court hearings on the petition;

58 (ii) any findings made by the court; and

59 (iii) any sentence or decree imposed by the court.

60 (2) Minor's cases shall be heard separately from adult cases. The minor or his parents
61 or custodian may be heard separately when considered necessary by the court. The hearing
62 may be continued from time to time to a date specified by court order.

63 (3) When more than one minor is involved in a home situation which may be found to
64 constitute neglect or dependency, or when more than one minor is alleged to be involved in the
65 same law violation, the proceedings may be consolidated, except that separate hearings may be
66 held with respect to disposition.

Legislative Review Note
as of 1-9-04 12:57 PM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel

Fiscal Note
Bill Number HB0090

Access to Child Welfare Hearings

26-Jan-04

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State Impact

No fiscal impact.

Individual and Business Impact

No fiscal impact.

Office of the Legislative Fiscal Analyst