

## **Part 2 Administration**

### **78A-6-201 Judges of juvenile court -- Appointments -- Terms.**

- (1) Judges of the juvenile court shall be appointed initially to serve until the first general election held more than three years after the effective date of the appointment. Thereafter, the term of office of a judge of a juvenile court is six years and commences on the first Monday in January next following the date of election.
- (2) A judge whose term expires may serve, upon request of the Judicial Council, until a successor is appointed and qualified.

Renumbered and Amended by Chapter 3, 2008 General Session

### **78A-6-202 Sessions of juvenile court.**

- (1) In each county, regular juvenile court sessions shall be held at a place designated by the judge or judges of the juvenile court district, with the approval of the board.
- (2) Court sessions shall be held in each county when the presiding judge of the juvenile court directs, except that a judge of the district may hold court in any county within the district at any time, if required by the urgency of the case.

Renumbered and Amended by Chapter 3, 2008 General Session

### **78A-6-203 Board of Juvenile Court Judges -- Composition -- Purpose.**

- (1)
  - (a) The Judicial Council shall by rule establish a Board of Juvenile Court Judges.
  - (b) The board shall establish general policies for the operation of the juvenile courts and uniform rules and forms governing practice, consistent with the provisions of this chapter, the rules of the Judicial Council, and rules of the Supreme Court.
  - (c) The board may receive and expend any funds that may become available from the federal government or private sources to carry out any of the purposes of this chapter.
    - (i) The board may meet any federal requirements that are conditions precedent to receiving the funds.
    - (ii) The board may cooperate with the federal government in a program for training personnel employed or preparing for employment by the juvenile court and may receive and expend funds from federal or state sources or from private donations for these purposes.
    - (iii) Funds donated or paid to the juvenile court by private sources for the purpose of compensatory service programs shall be nonlapsing.
  - (iv) The board may:
    - (A) contract with public or nonprofit institutions of higher learning for the training of personnel;
    - (B) conduct short-term training courses of its own and hire experts on a temporary basis for this purpose; and
    - (C) cooperate with the Division of Child and Family Services and other state departments or agencies in personnel training programs.
  - (d) The board may contract, on behalf of the juvenile court, with the United States Forest Service or other agencies or departments of the federal government or with agencies or departments of other states for the care and placement of minors adjudicated under this chapter.

- (e) The powers to contract and expend funds are subject to budgetary control and procedures as provided by law.
- (2) Under the direction of the presiding officer of the council, the chair shall supervise the juvenile courts to ensure uniform adherence to law and to the rules and forms adopted by the Supreme Court and Judicial Council, and to promote the proper and efficient functioning of the juvenile courts.
- (3) The judges of districts having more than one judge shall elect a presiding judge. In districts comprised of five or more judges and court commissioners, the presiding judge shall receive an additional \$1,000 per annum as compensation.
- (4) Consistent with policies of the Judicial Council, the presiding judge shall:
  - (a) implement policies of the Judicial Council;
  - (b) exercise powers and perform administrative duties as authorized by the Judicial Council;
  - (c) manage the judicial business of the district; and
  - (d) call and preside over meetings of judges of the district.

Amended by Chapter 356, 2009 General Session

**78A-6-204 Administrator of the juvenile court -- Appointment -- Qualifications -- Powers and duties.**

- (1) With the approval of the board, the state court administrator shall appoint a chief administrative officer of the juvenile court.
- (2) The chief administrative officer shall be selected on the basis of professional ability and experience in the field of public administration and shall possess an understanding of court procedures, as well as the nature and significance of probation services and other court services.

Renumbered and Amended by Chapter 3, 2008 General Session

**78A-6-205 District court executives -- Selection -- Duties.**

- (1) The chief administrative officer of the juvenile court, with the approval of the judge of each district or the presiding judge of multiple judge districts, shall appoint a court executive for each district. The court executive serves at the pleasure of the chief administrative officer.
- (2) The court executive shall:
  - (a) appoint a clerk of the court, deputy court clerks, probation officers, and other persons as required to carry out the work of the court;
  - (b) supervise the work of all nonjudicial court staff of the district; and
  - (c) serve as administrative officer of the district.
- (3) The clerk shall keep a record of court proceedings and may issue all process and notice required.

Renumbered and Amended by Chapter 3, 2008 General Session

**78A-6-206 Juvenile court employees -- Salaries -- State courts personnel system -- Exemptions and discharge.**

- (1) All employees except judges and commissioners shall be selected, promoted, and discharged through the state courts personnel system for the juvenile court, under the direction and rules of the Board of Juvenile Court Judges and the Judicial Council.

- (2) An employee under the state courts personnel system may not be discharged except for cause and after a hearing before the appointing authority, with appeal as provided by the state courts personnel system. An employee may be suspended pending the hearing and appeal.

Renumbered and Amended by Chapter 3, 2008 General Session

**78A-6-207 Volunteers.**

The names of volunteers serving under Section 78A-6-902 shall be stated in the court records of the cases they work with. Volunteers of record with the court are considered to be volunteers to the juvenile court and are volunteers under Title 67, Chapter 20, Volunteer Government Workers Act.

Renumbered and Amended by Chapter 3, 2008 General Session

**78A-6-208 Mental health evaluations -- Duty of administrator.**

- (1) The administrator of the juvenile court, with the approval of the board, and the executive director of the Department of Health, and director of the Division of Substance Abuse and Mental Health shall from time to time agree upon an appropriate plan:
  - (a) for obtaining mental health services and health services for the juvenile court from the state and local health departments and programs of mental health; and
  - (b) for assistance by the Department of Health and the Division of Substance Abuse and Mental Health in securing for the juvenile court special health, mental health, juvenile competency evaluations, and related services including community mental health services not already available from the Department of Health and the Division of Substance Abuse and Mental Health.
- (2) The Legislature may provide an appropriation to the Department of Health and the Division of Substance Abuse and Mental Health for this purpose.

Amended by Chapter 316, 2012 General Session

**78A-6-209 Court records -- Inspection.**

- (1) The court and the probation department shall keep records as required by the board and the presiding judge.
- (2) Court records shall be open to inspection by:
  - (a) the parents or guardian of a child, a minor who is at least 18 years of age, other parties in the case, the attorneys, and agencies to which custody of a minor has been transferred;
  - (b) for information relating to adult offenders alleged to have committed a sexual offense, a felony or class A misdemeanor drug offense, or an offense against the person under Title 76, Chapter 5, Offenses Against the Person, the State Board of Education for the purpose of evaluating whether an individual should be permitted to obtain or retain a license as an educator or serve as an employee or volunteer in a school, with the understanding that the State Board of Education must provide the individual with an opportunity to respond to any information gathered from its inspection of the records before it makes a decision concerning licensure or employment;
  - (c) the Criminal Investigations and Technical Services Division, established in Section 53-10-103, for the purpose of a criminal history background check for the purchase of a firearm and establishing good character for issuance of a concealed firearm permit as provided in Section 53-5-704;

- (d) the Division of Child and Family Services for the purpose of Child Protective Services Investigations in accordance with Sections 62A-4a-403 and 62A-4a-409 and administrative hearings in accordance with Section 62A-4a-1009;
  - (e) the Office of Licensing for the purpose of conducting a background check in accordance with Section 62A-2-120;
  - (f) for information related to a juvenile offender who has committed a sexual offense, a felony, or an offense that if committed by an adult would be a misdemeanor, the Department of Health for the purpose of evaluating under the provisions of Subsection 26-39-404(3) whether a licensee should be permitted to obtain or retain a license to provide child care, with the understanding that the department must provide the individual who committed the offense with an opportunity to respond to any information gathered from its inspection of records before it makes a decision concerning licensure;
  - (g) for information related to a juvenile offender who has committed a sexual offense, a felony, or an offense that if committed by an adult would be a misdemeanor, the Department of Health to determine whether an individual meets the background screening requirements of Title 26, Chapter 21, Part 2, Clearance for Direct Patient Access, with the understanding that the department must provide the individual who committed the offense an opportunity to respond to any information gathered from its inspection of records before it makes a decision under that part; and
  - (h) for information related to a juvenile offender who has committed a sexual offense, a felony, or an offense that if committed by an adult would be a misdemeanor, the Department of Health to determine whether to grant, deny, or revoke background clearance under Section 26-8a-310 for an individual who is seeking or who has obtained emergency medical service personnel certification under Section 26-8a-302, with the understanding that the department must provide the individual who committed the offense an opportunity to respond to any information gathered from the department's inspection of records before it makes a determination.
- (3) With the consent of the judge, court records may be inspected by the child, by persons having a legitimate interest in the proceedings, and by persons conducting pertinent research studies.
- (4) If a petition is filed charging a minor 14 years of age or older with an offense that would be a felony if committed by an adult, the court shall make available to any person upon request the petition, any adjudication or disposition orders, and the delinquency history summary of the minor charged unless the records are closed by the court upon findings on the record for good cause.
- (5) Probation officers' records and reports of social and clinical studies are not open to inspection, except by consent of the court, given under rules adopted by the board.
- (6)
- (a) Any juvenile delinquency adjudication or disposition orders and the delinquency history summary of any person charged as an adult with a felony offense shall be made available to any person upon request.
  - (b) This provision does not apply to records that have been destroyed or expunged in accordance with court rules.
  - (c) The court may charge a reasonable fee to cover the costs associated with retrieving a requested record that has been archived.

Amended by Chapter 122, 2016 General Session  
Amended by Chapter 144, 2016 General Session

**78A-6-210 Fines -- Fees -- Deposit with state treasurer -- Restricted account.**

- (1) There is created within the General Fund a restricted account known as the "Nonjudicial Adjustment Account."
- (2)
  - (a) The account shall be funded from the financial penalty established under Subsection 78A-6-602(2)(d)(i).
  - (b) The court shall deposit all money collected as a result of penalties assessed as part of the nonjudicial adjustment of a case in the account.
  - (c) The account shall be used to pay the expenses of juvenile compensatory service, victim restitution, and diversion programs.
- (3)
  - (a) Except under Subsection (3)(b) and as otherwise provided by law, all fines, fees, penalties, and forfeitures imposed and collected by the juvenile court shall be paid to the state treasurer for deposit in the General Fund.
  - (b) Not more than 50% of any fine or forfeiture collected may be paid to a state rehabilitative employment program for delinquent minors that provides for employment of the minor in the county of the minor's residence if:
    - (i) reimbursement for the minor's labor is paid to the victim of the minor's delinquent behavior;
    - (ii) the amount earned and paid is set by court order;
    - (iii) the minor is not paid more than the hourly minimum wage; and
    - (iv) no payments to victims are made without the minor's involvement in a rehabilitative work program.
  - (c) Fines withheld under Subsection (3)(b) and any private contributions to the rehabilitative employment program are accounted for separately and are subject to audit at any time by the state auditor.
  - (d) Funds withheld under Subsection (3)(b) and private contributions are nonlapsing. The Board of Juvenile Court Judges shall establish policies for the use of the funds described in this subsection.
- (4) No fee may be charged by any state or local public officer for the service of process in any proceedings initiated by a public agency.

Renumbered and Amended by Chapter 3, 2008 General Session

**78A-6-211 Courtrooms -- Physical facilities.**

- (1) Suitable courtrooms and office space in each county shall be provided or made available to the court by the county for the hearing of cases except in counties where the state has provided courtrooms and offices as needed.
- (2) Equipment and supplies for the use of the judges, officers, and employees of the court and the cost of maintaining the juvenile courts shall be paid from the General Fund or other funds for those purposes.

Renumbered and Amended by Chapter 3, 2008 General Session