

**Effective 5/12/2015**

**Superseded 5/10/2016**

**62A-2-121 Access to abuse and neglect information.**

- (1) For purposes of this section:
  - (a) "Direct service worker" means the same as that term is defined in Section 62A-5-101.
  - (b) "Personal care attendant" means the same as that term is defined in Section 62A-3-101.
- (2) With respect to a licensee, a certified local inspector applicant, a direct service worker, or a personal care attendant, the department may access only the Licensing Information System of the Division of Child and Family Services created by Section 62A-4a-1006 and juvenile court records under Subsection 78A-6-323(6), for the purpose of:
  - (a)
    - (i) determining whether a person associated with a licensee, with direct access to children:
      - (A) is listed in the Licensing Information System; or
      - (B) has a substantiated finding by a juvenile court of a severe type of child abuse or neglect under Subsections 78A-6-323(1) and (2); and
    - (ii) informing a licensee that a person associated with the licensee:
      - (A) is listed in the Licensing Information System; or
      - (B) has a substantiated finding by a juvenile court of a severe type of child abuse or neglect under Subsections 78A-6-323(1) and (2);
  - (b)
    - (i) determining whether a certified local inspector applicant:
      - (A) is listed in the Licensing Information System; or
      - (B) has a substantiated finding by a juvenile court of a severe type of child abuse or neglect under Subsections 78A-6-323(1) and (2); and
    - (ii) informing a local government that a certified local inspector applicant:
      - (A) is listed in the Licensing Information System; or
      - (B) has a substantiated finding by a juvenile court of a severe type of child abuse or neglect under Subsections 78A-6-323(1) and (2);
  - (c)
    - (i) determining whether a direct service worker:
      - (A) is listed in the Licensing Information System; or
      - (B) has a substantiated finding by a juvenile court of a severe type of child abuse or neglect under Subsections 78A-6-323(1) and (2); and
    - (ii) informing a direct service worker or the direct service worker's employer that the direct service worker:
      - (A) is listed in the Licensing Information System; or
      - (B) has a substantiated finding by a juvenile court of a severe type of child abuse or neglect under Subsections 78A-6-323(1) and (2); or
  - (d)
    - (i) determining whether a personal care attendant:
      - (A) is listed in the Licensing Information System; or
      - (B) has a substantiated finding by a juvenile court of a severe type of child abuse or neglect under Subsections 78A-6-323(1) and (2); and
    - (ii) informing a person described in Subsections 62A-3-101(9)(a)(i) through (iv) that a personal care attendant:
      - (A) is listed in the Licensing Information System; or
      - (B) has a substantiated finding by a juvenile court of a severe type of child abuse or neglect under Subsections 78A-6-323(1) and (2).

- (3) Notwithstanding Subsection (2), the department may access the Division of Child and Family Services' Management Information System under Section 62A-4a-1003:
  - (a) for the purpose of licensing and monitoring foster parents;
  - (b) for the purposes described in Subsection 62A-4a-1003(1)(d); and
  - (c) for the purpose described in Section 62A-1-118.
- (4) The department shall receive and process personal identifying information under Subsection 62A-2-120(1) for the purposes described in Subsection (2).
- (5) The department shall adopt rules under Title 63G, Chapter 3, Utah Administrative Rulemaking Act, consistent with this chapter, defining the circumstances under which a person may have direct access or provide services to children when:
  - (a) the person is listed in the Licensing Information System of the Division of Child and Family Services created by Section 62A-4a-1006; or
  - (b) juvenile court records show that a court made a substantiated finding under Section 78A-6-323, that the person committed a severe type of child abuse or neglect.