

**62A-4a-1002 Definitions.**

As used in this part:

- (1)
  - (a) Except as provided in Subsection (1)(b), "severe type of child abuse or neglect" means:
    - (i) if committed by a person 18 years of age or older:
      - (A) chronic abuse;
      - (B) severe abuse;
      - (C) sexual abuse;
      - (D) sexual exploitation;
      - (E) abandonment;
      - (F) chronic neglect; or
      - (G) severe neglect; or
    - (ii) if committed by a person under the age of 18:
      - (A) serious physical injury, as defined in Subsection 76-5-109(1), to another child which indicates a significant risk to other children; or
      - (B) sexual behavior with or upon another child which indicates a significant risk to other children.
  - (b) "Severe type of child abuse or neglect" does not include:
    - (i) the use of reasonable and necessary physical restraint or force by an educator in accordance with Subsection 53A-11-802(2) or Section 76-2-401;
    - (ii) a person's conduct that:
      - (A) is justified under Section 76-2-401; or
      - (B) constitutes the use of reasonable and necessary physical restraint or force in self-defense or otherwise appropriate to the circumstances to obtain possession of a weapon or other dangerous object in the possession or under the control of a child or to protect the child or another person from physical injury; or
    - (iii) a health care decision made for a child by the child's parent or guardian, unless, subject to Subsection 62A-4a-1004(2), the state or other party to the proceeding shows, by clear and convincing evidence, that the health care decision is not reasonable and informed.
- (2) "Significant risk" means a risk of harm that is determined to be significant in accordance with risk assessment tools and rules established by the division that focus on:
  - (a) age;
  - (b) social factors;
  - (c) emotional factors;
  - (d) sexual factors;
  - (e) intellectual factors;
  - (f) family risk factors; and
  - (g) other related considerations.

Amended by Chapter 45, 2008 General Session  
Amended by Chapter 299, 2008 General Session