

## Part 1

### Division of Juvenile Justice Services - Functions and Duties

#### **62A-7-101 Definitions.**

As used in this chapter:

- (1) "Authority" means the Youth Parole Authority, established in accordance with Section 62A-7-501.
- (2) "Board" means the Board of Juvenile Justice Services established in accordance with Section 62A-1-105.
- (3) "Community-based program" means a nonsecure residential or nonresidential program designated to supervise and rehabilitate youth offenders in the least restrictive setting, consistent with public safety, and designated or operated by or under contract with the division.
- (4) "Control" means the authority to detain, restrict, and supervise a youth in a manner consistent with public safety and the well being of the youth and division employees.
- (5) "Court" means the juvenile court.
- (6) "Delinquent act" is an act which would constitute a felony or a misdemeanor if committed by an adult.
- (7) "Detention" means secure detention or home detention.
- (8) "Detention center" means a facility established in accordance with Title 62A, Chapter 7, Part 2, Detention Facilities.
- (9) "Director" means the director of the Division of Juvenile Justice Services.
- (10) "Discharge" means a written order of the Youth Parole Authority that removes a youth offender from its jurisdiction.
- (11) "Division" means the Division of Juvenile Justice Services.
- (12) "Home detention" means predispositional placement of a child in the child's home or a surrogate home with the consent of the child's parent, guardian, or custodian for conduct by a child who is alleged to have committed a delinquent act or postdispositional placement pursuant to Subsection 78A-6-117(2)(f) or 78A-6-1101(3).
- (13) "Observation and assessment program" means a service program operated or purchased by the division, that is responsible for temporary custody of youth offenders for observation.
- (14) "Parole" means a conditional release of a youth offender from residency in a secure facility to live outside that facility under the supervision of the Division of Juvenile Justice Services or other person designated by the division.
- (15) "Receiving center" means a nonsecure, nonresidential program established by the division or under contract with the division that is responsible for juveniles taken into custody by a law enforcement officer for status offenses or delinquent acts, but who do not meet the criteria for admission to secure detention or shelter.
- (16) "Rescission" means a written order of the Youth Parole Authority that rescinds a parole date.
- (17) "Revocation of parole" means a written order of the Youth Parole Authority that terminates parole supervision of a youth offender and directs return of the youth offender to the custody of a secure facility because of a violation of the conditions of parole.
- (18) "Runaway" means a youth who willfully leaves the residence of a parent or guardian without the permission of the parent or guardian.
- (19) "Secure detention" means predisposition placement in a facility operated by or under contract with the division, for conduct by a child who is alleged to have committed a delinquent act.

- (20) "Secure facility" means any facility operated by or under contract with the division, that provides 24-hour supervision and confinement for youth offenders committed to the division for custody and rehabilitation.
- (21) "Shelter" means the temporary care of children in physically unrestricted facilities pending court disposition or transfer to another jurisdiction.
- (22) "Temporary custody" means control and responsibility of nonadjudicated youth until the youth can be released to the parent, guardian, a responsible adult, or to an appropriate agency.
- (23) "Termination" means a written order of the Youth Parole Authority that terminates a youth offender from parole.
- (24) "Ungovernable" means a youth in conflict with a parent or guardian, and the conflict:
  - (a) results in behavior that is beyond the control or ability of the youth, or the parent or guardian, to manage effectively;
  - (b) poses a threat to the safety or well-being of the youth, the family, or others; or
  - (c) results in the situations in both Subsections (24)(a) and (b).
- (25) "Work program" means a public or private service work project established and administered by the division for youth offenders for the purpose of rehabilitation, education, and restitution to victims.
- (26) "Youth offender" means a person 12 years of age or older, and who has not reached 21 years of age, committed or admitted by the juvenile court to the custody, care, and jurisdiction of the division, for confinement in a secure facility or supervision in the community, following adjudication for a delinquent act which would constitute a felony or misdemeanor if committed by an adult.
- (27)
  - (a) "Youth services" means services provided in an effort to resolve family conflict:
    - (i) for families in crisis when a minor is ungovernable or runaway; or
    - (ii) involving a minor and the minor's parent or guardian.
  - (b) These services include efforts to:
    - (i) resolve family conflict;
    - (ii) maintain or reunite minors with their families; and
    - (iii) divert minors from entering or escalating in the juvenile justice system;
  - (c) The services may provide:
    - (i) crisis intervention;
    - (ii) short-term shelter;
    - (iii) time out placement; and
    - (iv) family counseling.

Amended by Chapter 3, 2008 General Session

**62A-7-102 Creation of division -- Jurisdiction.**

There is created the Division of Juvenile Justice Services within the department, under the administration and supervision of the executive director, and under the policy direction of the board. The division has jurisdiction over all youth committed to it pursuant to Section 78A-6-117.

Amended by Chapter 3, 2008 General Session

**62A-7-103 Division director -- Qualifications -- Responsibility.**

- (1) The director of the division shall be appointed by the executive director with the concurrence of the board.

- (2) The director shall have a bachelor's degree from an accredited university or college, be experienced in administration, and be knowledgeable in youth corrections.
- (3) The director is the administrative head of the division.

Amended by Chapter 104, 1992 General Session

**62A-7-104 Division responsibilities.**

- (1) The division is responsible for all youth offenders committed to it by juvenile courts for secure confinement or supervision and treatment in the community.
- (2) The division shall:
  - (a) establish and administer a continuum of community, secure, and nonsecure programs for all youth offenders committed to the division;
  - (b) establish and maintain all detention and secure facilities and set minimum standards for those facilities;
  - (c) establish and operate prevention and early intervention youth services programs for nonadjudicated youth placed with the division; and
  - (d) establish observation and assessment programs necessary to serve youth offenders committed by the juvenile court for short-term observation under Subsection 78A-6-117(2)(e), and whenever possible, conduct the programs in settings separate and distinct from secure facilities for youth offenders.
- (3) The division shall place youth offenders committed to it in the most appropriate program for supervision and treatment.
- (4) In any order committing a youth offender to the division, the juvenile court shall specify whether the youth offender is being committed for secure confinement or placement in a community-based program. The division shall place the youth offender in the most appropriate program within the category specified by the court.
- (5) The division shall employ staff necessary to:
  - (a) supervise and control youth offenders in secure facilities or in the community;
  - (b) supervise and coordinate treatment of youth offenders committed to the division for placement in community-based programs; and
  - (c) control and supervise nonadjudicated youth placed with the division for temporary services in receiving centers, youth services, and other programs established by the division.
- (6) Youth in the custody or temporary custody of the division are controlled or detained in a manner consistent with public safety and rules promulgated by the division. In the event of an unauthorized leave from a secure facility, detention center, community-based program, receiving center, home, or any other designated placement, division employees have the authority and duty to locate and apprehend the youth, or to initiate action with local law enforcement agencies for assistance.
- (7) The division shall establish and operate compensatory-service work programs for youth offenders committed to the division by the juvenile court. The compensatory-service work program shall:
  - (a) provide labor to help in the operation, repair, and maintenance of public facilities, parks, highways, and other programs designated by the division;
  - (b) provide educational and prevocational programs in cooperation with the State Board of Education for youth offenders placed in the program; and
  - (c) provide counseling to youth offenders.

- (8) The division shall establish minimum standards for the operation of all private residential and nonresidential rehabilitation facilities which provide services to juveniles who have committed a delinquent act, in this state or in any other state.
- (9) In accordance with policies established by the board, the division shall provide regular training for staff of secure facilities, detention staff, case management staff, and staff of the community-based programs.
- (10)
  - (a) The division is authorized to employ special function officers, as defined in Section 53-13-105, to locate and apprehend minors who have absconded from division custody, transport minors taken into custody pursuant to division policy, investigate cases, and carry out other duties as assigned by the division.
  - (b) Special function officers may be employed through contract with the Department of Public Safety, any P.O.S.T. certified law enforcement agency, or directly hired by the division.
- (11) The division shall designate employees to obtain the saliva DNA specimens required under Section 53-10-403. The division shall ensure that the designated employees receive appropriate training and that the specimens are obtained in accordance with accepted protocol.
- (12) The division shall register with the Department of Corrections any person who:
  - (a) has been adjudicated delinquent based on an offense listed in Subsection 77-41-102(17)(a);
  - (b) has been committed to the division for secure confinement; and
  - (c) remains in the division's custody 30 days prior to the person's 21st birthday.

Amended by Chapter 210, 2015 General Session

**62A-7-104.5 Appropriation and funding of receiving centers.**

Funding for receiving centers and youth services programs under this part is intended to be broad based, be provided by an appropriation by the Legislature to the division, and include federal grant money, local government money, and private donations.

Enacted by Chapter 452, 2013 General Session

**62A-7-105.5 Information supplied to division.**

- (1) Juvenile court probation sections shall render full and complete cooperation to the division in supplying the division with all pertinent information relating to youth offenders who have been committed to the division.
- (2) Information under Subsection (1) may include, but is not limited to, prior criminal history, social history, psychological evaluations, and identifying information specified by the division.

Renumbered and Amended by Chapter 13, 2005 General Session

**62A-7-106.5 Annual review of programs and facilities.**

- (1)
  - (a) The division shall annually review all programs and facilities that provide services to juveniles who have committed a delinquent act, in this state or in any other state, which would constitute a felony or misdemeanor if committed by an adult, and license those programs and facilities that are in compliance with standards approved by the board. The division shall provide written reviews to the managers of those programs and facilities.
  - (b) Based upon policies established by the board, programs or facilities that are unable or unwilling to comply with the approved standards may not be licensed.

- (2) Any private facility or program providing services under this chapter that willfully fails to comply with the standards established by the division is guilty of a class B misdemeanor.

Renumbered and Amended by Chapter 13, 2005 General Session

**62A-7-107.5 Contracts with private providers.**

- (1) This chapter does not prohibit the division from contracting with private providers or other agencies for the construction, operation, and maintenance of juvenile facilities or the provision of care, treatment, and supervision of youth offenders who have been committed to the care of the division.
- (2) All programs for the care, treatment, and supervision of youth offenders committed to the division shall be licensed in compliance with division standards within six months after commencing operation.

Renumbered and Amended by Chapter 13, 2005 General Session

**62A-7-108.5 Records -- Property of division.**

- (1) All records maintained by programs that are under contract with the division to provide services to youth offenders, are the property of the division and shall be returned to it when the youth offender is terminated from the program.
- (2) The division shall maintain an accurate audit trail of information provided to other programs or agencies regarding youth offenders under its jurisdiction.

Renumbered and Amended by Chapter 13, 2005 General Session

**62A-7-109.5 Restitution by youth offender.**

- (1) The division shall make reasonable efforts to ensure that restitution is made to the victim of a youth offender. Restitution shall be made through the employment of youth offenders in work programs. However, reimbursement to the victim of a youth offender is conditional upon that youth offender's involvement in the work program.
- (2) Restitution may be made a condition of release, placement, or parole by the division. In the event of parole revocation or, where there is no court order requiring restitution to the victim and the loss to the victim has been determined, the division shall evaluate whether restitution is appropriate and, if so, the amount or type of restitution to which the victim is entitled.
- (3) The division shall notify the juvenile court of all restitution paid to victims through the employment of youth offenders in work programs.

Renumbered and Amended by Chapter 13, 2005 General Session

**62A-7-111.5 Cost of support and maintenance of youth offender -- Responsibility.**

On commitment of a youth offender to the division, and on recommendation of the division to the juvenile court, the juvenile court may order the youth offender or his parent, guardian, or custodian, to share in the costs of support and maintenance for the youth offender during his term of commitment.

Amended by Chapter 308, 2007 General Session