

Part 1 General Provisions

78A-6-101 Title.

This chapter is known as the "Juvenile Court Act."

Amended by Chapter 316, 2012 General Session

78A-6-102 Establishment of juvenile court -- Organization and status of court -- Purpose.

- (1) There is established for the state a juvenile court.
- (2) The juvenile court is a court of record. It shall have a seal, and its judges, clerks, and referees have the power to administer oaths and affirmations.
- (3) The juvenile court is of equal status with the district courts of the state.
- (4) The juvenile court is established as a forum for the resolution of all matters properly brought before it, consistent with applicable constitutional and statutory requirements of due process.
- (5) The purpose of the court under this chapter is to:
 - (a) promote public safety and individual accountability by the imposition of appropriate sanctions on persons who have committed acts in violation of law;
 - (b) order appropriate measures to promote guidance and control, preferably in the minor's own home, as an aid in the prevention of future unlawful conduct and the development of responsible citizenship;
 - (c) where appropriate, order rehabilitation, reeducation, and treatment for persons who have committed acts bringing them within the court's jurisdiction;
 - (d) adjudicate matters that relate to minors who are beyond parental or adult control and to establish appropriate authority over these minors by means of placement and control orders;
 - (e) adjudicate matters that relate to abused, neglected, and dependent children and to provide care and protection for minors by placement, protection, and custody orders;
 - (f) remove a minor from parental custody only where the minor's safety or welfare, or the public safety, may not otherwise be adequately safeguarded; and
 - (g) consistent with the ends of justice, act in the best interests of the minor in all cases and preserve and strengthen family ties.

Renumbered and Amended by Chapter 3, 2008 General Session

78A-6-103 Jurisdiction of juvenile court -- Original -- Exclusive.

- (1) Except as otherwise provided by law, the juvenile court has exclusive original jurisdiction in proceedings concerning:
 - (a) a child who has violated any federal, state, or local law or municipal ordinance or a person younger than 21 years of age who has violated any law or ordinance before becoming 18 years of age, regardless of where the violation occurred, excluding offenses in Subsection 78A-7-106(2);
 - (b) a person 21 years of age or older who has failed or refused to comply with an order of the juvenile court to pay a fine or restitution, if the order was imposed before the person's 21st birthday; however, the continuing jurisdiction is limited to causing compliance with existing orders;
 - (c) a child who is an abused child, neglected child, or dependent child, as those terms are defined in Section 78A-6-105;

- (d) a protective order for a child pursuant to the provisions of Title 78B, Chapter 7, Part 2, Child Protective Orders, which the juvenile court may transfer to the district court if the juvenile court has entered an ex parte protective order and finds that:
 - (i) the petitioner and the respondent are the natural parent, adoptive parent, or step parent of the child who is the object of the petition;
 - (ii) the district court has a petition pending or an order related to custody or parent-time entered under Title 30, Chapter 3, Divorce, Title 78B, Chapter 7, Part 1, Cohabitant Abuse Act, or Title 78B, Chapter 15, Utah Uniform Parentage Act, in which the petitioner and the respondent are parties; and
 - (iii) the best interests of the child will be better served in the district court;
 - (e) appointment of a guardian of the person or other guardian of a minor who comes within the court's jurisdiction under other provisions of this section;
 - (f) the emancipation of a minor in accordance with Part 8, Emancipation;
 - (g) the termination of the legal parent-child relationship in accordance with Part 5, Termination of Parental Rights Act, including termination of residual parental rights and duties;
 - (h) the treatment or commitment of a minor who has an intellectual disability;
 - (i) a minor who is a habitual truant from school;
 - (j) the judicial consent to the marriage of a child under age 16 upon a determination of voluntariness or where otherwise required by law, employment, or enlistment of a child when consent is required by law;
 - (k) any parent or parents of a child committed to a secure youth corrections facility, to order, at the discretion of the court and on the recommendation of a secure facility, the parent or parents of a child committed to a secure facility for a custodial term, to undergo group rehabilitation therapy under the direction of a secure facility therapist, who has supervision of that parent's or parents' child, or any other therapist the court may direct, for a period directed by the court as recommended by a secure facility;
 - (l) a minor under Title 55, Chapter 12, Interstate Compact for Juveniles;
 - (m) the treatment or commitment of a child with a mental illness. The court may commit a child to the physical custody of a local mental health authority in accordance with the procedures and requirements of Title 62A, Chapter 15, Part 7, Commitment of Persons Under Age 18 to Division of Substance Abuse and Mental Health, but not directly to the Utah State Hospital;
 - (n) the commitment of a child to a secure drug or alcohol facility in accordance with Section 62A-15-301;
 - (o) a minor found not competent to proceed pursuant to Section 78A-6-1301;
 - (p) de novo review of final agency actions resulting from an informal adjudicative proceeding as provided in Section 63G-4-402; and
 - (q) adoptions conducted in accordance with the procedures described in Title 78B, Chapter 6, Part 1, Utah Adoption Act, when the juvenile court has previously entered an order terminating the rights of a parent and finds that adoption is in the best interest of the child.
- (2) Notwithstanding Section 78A-7-106 and Subsection 78A-5-102(9), the juvenile court has exclusive jurisdiction over the following offenses committed by a child:
- (a) Title 41, Chapter 6a, Part 5, Driving Under the Influence and Reckless Driving;
 - (b) Section 73-18-12, reckless operation; and
 - (c) class B and C misdemeanors, infractions, or violations of ordinances that are part of a single criminal episode filed in a petition that contains an offense over which the court has jurisdiction.
- (3) The juvenile court has jurisdiction over an ungovernable or runaway child who is referred to it by the Division of Child and Family Services or by public or private agencies that contract with

the division to provide services to that child where, despite earnest and persistent efforts by the division or agency, the child has demonstrated that the child:

- (a) is beyond the control of the child's parent, guardian, lawful custodian, or school authorities to the extent that the child's behavior or condition endangers the child's own welfare or the welfare of others; or
 - (b) has run away from home.
- (4) This section does not restrict the right of access to the juvenile court by private agencies or other persons.
- (5) The juvenile court has jurisdiction of all magistrate functions relative to cases arising under Section 78A-6-702.
- (6) The juvenile court has jurisdiction to make a finding of substantiated, unsubstantiated, or without merit, in accordance with Section 78A-6-323.
- (7) The juvenile court has jurisdiction of matters transferred to it by another trial court pursuant to Subsection 78A-7-106(7).

Amended by Chapter 316, 2012 General Session

78A-6-104 Concurrent jurisdiction -- District court and juvenile court.

- (1) The district court or other court has concurrent jurisdiction with the juvenile court as follows:
- (a) when a person who is 18 years of age or older and who is under the continuing jurisdiction of the juvenile court under Section 78A-6-117 violates any federal, state, or local law or municipal ordinance; and
 - (b) in establishing paternity and ordering testing for the purposes of establishing paternity, in accordance with Title 78B, Chapter 15, Utah Uniform Parentage Act, with regard to proceedings initiated under Part 3, Abuse, Neglect, and Dependency Proceedings, or Part 5, Termination of Parental Rights Act.
- (2) The juvenile court has jurisdiction over petitions to modify a minor's birth certificate if the court otherwise has jurisdiction over the minor.
- (3) This section does not deprive the district court of jurisdiction to appoint a guardian for a child, or to determine the support, custody, and parent-time of a child upon writ of habeas corpus or when the question of support, custody, and parent-time is incidental to the determination of a cause in the district court.
- (4)
- (a) Where a support, custody, or parent-time award has been made by a district court in a divorce action or other proceeding, and the jurisdiction of the district court in the case is continuing, the juvenile court may acquire jurisdiction in a case involving the same child if the child is dependent, abused, neglected, or otherwise comes within the jurisdiction of the juvenile court under Section 78A-6-103.
 - (b) The juvenile court may, by order, change the custody, subject to Subsection 30-3-10(4), support, parent-time, and visitation rights previously ordered in the district court as necessary to implement the order of the juvenile court for the safety and welfare of the child. The juvenile court order remains in effect so long as the jurisdiction of the juvenile court continues.
 - (c) When a copy of the findings and order of the juvenile court has been filed with the district court, the findings and order of the juvenile court are binding on the parties to the divorce action as though entered in the district court.
- (5) The juvenile court has jurisdiction over questions of custody, support, and parent-time, of a minor who comes within the court's jurisdiction under this section or Section 78A-6-103.

Renumbered and Amended by Chapter 3, 2008 General Session

78A-6-105 Definitions.

As used in this chapter:

- (1)
 - (a) "Abuse" means:
 - (i) nonaccidental harm of a child;
 - (ii) threatened harm of a child;
 - (iii) sexual exploitation;
 - (iv) sexual abuse; or
 - (v) human trafficking of a child in violation of Section 76-5-308.5.
 - (b) that a child's natural parent:
 - (i) intentionally, knowingly, or recklessly causes the death of another parent of the child;
 - (ii) is identified by a law enforcement agency as the primary suspect in an investigation for intentionally, knowingly, or recklessly causing the death of another parent of the child; or
 - (iii) is being prosecuted for or has been convicted of intentionally, knowingly, or recklessly causing the death of another parent of the child.
 - (c) "Abuse" does not include:
 - (i) reasonable discipline or management of a child, including withholding privileges;
 - (ii) conduct described in Section 76-2-401; or
 - (iii) the use of reasonable and necessary physical restraint or force on a child:
 - (A) in self-defense;
 - (B) in defense of others;
 - (C) to protect the child; or
 - (D) to remove a weapon in the possession of a child for any of the reasons described in Subsections (1)(b)(iii)(A) through (C).
- (2) "Abused child" means a child who has been subjected to abuse.
- (3) "Adjudication" means a finding by the court, incorporated in a decree, that the facts alleged in the petition have been proved. A finding of not competent to proceed pursuant to Section 78A-6-1302 is not an adjudication.
- (4) "Adult" means a person 18 years of age or over, except that a person 18 years or over under the continuing jurisdiction of the juvenile court pursuant to Section 78A-6-120 shall be referred to as a minor.
- (5) "Board" means the Board of Juvenile Court Judges.
- (6) "Child" means a person under 18 years of age.
- (7) "Child placement agency" means:
 - (a) a private agency licensed to receive a child for placement or adoption under this code; or
 - (b) a private agency that receives a child for placement or adoption in another state, which agency is licensed or approved where such license or approval is required by law.
- (8) "Clandestine laboratory operation" means the same as that term is defined in Section 58-37d-3.
- (9) "Commit" means, unless specified otherwise:
 - (a) with respect to a child, to transfer legal custody; and
 - (b) with respect to a minor who is at least 18 years of age, to transfer custody.
- (10) "Court" means the juvenile court.
- (11) "Dependent child" includes a child who is homeless or without proper care through no fault of the child's parent, guardian, or custodian.
- (12) "Deprivation of custody" means transfer of legal custody by the court from a parent or the parents or a previous legal custodian to another person, agency, or institution.

- (13) "Detention" means home detention and secure detention as defined in Section 62A-7-101 for the temporary care of a minor who requires secure custody in a physically restricting facility:
- (a) pending court disposition or transfer to another jurisdiction; or
 - (b) while under the continuing jurisdiction of the court.
- (14) "Division" means the Division of Child and Family Services.
- (15) "Formal referral" means a written report from a peace officer or other person informing the court that a minor is or appears to be within the court's jurisdiction and that a petition may be filed.
- (16) "Group rehabilitation therapy" means psychological and social counseling of one or more persons in the group, depending upon the recommendation of the therapist.
- (17) "Guardianship of the person" includes the authority to consent to:
- (a) marriage;
 - (b) enlistment in the armed forces;
 - (c) major medical, surgical, or psychiatric treatment; or
 - (d) legal custody, if legal custody is not vested in another person, agency, or institution.
- (18) "Habitual truant" means the same as that term is defined in Section 53A-11-101.
- (19) "Harm" means:
- (a) physical or developmental injury or damage;
 - (b) emotional damage that results in a serious impairment in the child's growth, development, behavior, or psychological functioning;
 - (c) sexual abuse; or
 - (d) sexual exploitation.
- (20)
- (a) "Incest" means engaging in sexual intercourse with a person whom the perpetrator knows to be the perpetrator's ancestor, descendant, brother, sister, uncle, aunt, nephew, niece, or first cousin.
 - (b) The relationships described in Subsection (20)(a) include:
 - (i) blood relationships of the whole or half blood, without regard to legitimacy;
 - (ii) relationships of parent and child by adoption; and
 - (iii) relationships of stepparent and stepchild while the marriage creating the relationship of a stepparent and stepchild exists.
- (21) "Intellectual disability" means:
- (a) significantly subaverage intellectual functioning, an IQ of approximately 70 or below on an individually administered IQ test, for infants, a clinical judgment of significantly subaverage intellectual functioning;
 - (b) concurrent deficits or impairments in present adaptive functioning, the person's effectiveness in meeting the standards expected for his or her age by the person's cultural group, in at least two of the following areas: communication, self-care, home living, social/interpersonal skills, use of community resources, self-direction, functional academic skills, work, leisure, health, and safety; and
 - (c) the onset is before the person reaches the age of 18 years.
- (22) "Legal custody" means a relationship embodying the following rights and duties:
- (a) the right to physical custody of the minor;
 - (b) the right and duty to protect, train, and discipline the minor;
 - (c) the duty to provide the minor with food, clothing, shelter, education, and ordinary medical care;
 - (d) the right to determine where and with whom the minor shall live; and
 - (e) the right, in an emergency, to authorize surgery or other extraordinary care.

- (23) "Mental disorder" means a serious emotional and mental disturbance that severely limits a minor's development and welfare over a significant period of time.
- (24) "Minor" means:
- (a) a child; or
 - (b) a person who is:
 - (i) at least 18 years of age and younger than 21 years of age; and
 - (ii) under the jurisdiction of the juvenile court.
- (25) "Molestation" means that a person, with the intent to arouse or gratify the sexual desire of any person:
- (a) touches the anus or any part of the genitals of a child;
 - (b) takes indecent liberties with a child; or
 - (c) causes a child to take indecent liberties with the perpetrator or another.
- (26) "Natural parent" means a minor's biological or adoptive parent, and includes the minor's noncustodial parent.
- (27)
- (a) "Neglect" means action or inaction causing:
 - (i) abandonment of a child, except as provided in Title 62A, Chapter 4a, Part 8, Safe Relinquishment of a Newborn Child;
 - (ii) lack of proper parental care of a child by reason of the fault or habits of the parent, guardian, or custodian;
 - (iii) failure or refusal of a parent, guardian, or custodian to provide proper or necessary subsistence, education, or medical care, or any other care necessary for the child's health, safety, morals, or well-being; or
 - (iv) a child to be at risk of being neglected or abused because another child in the same home is neglected or abused.
 - (b) The aspect of neglect relating to education, described in Subsection (27)(a)(iii), means that, after receiving a notice of compulsory education violation under Section 53A-11-101.5, or notice that a parent or guardian has failed to cooperate with school authorities in a reasonable manner as required under Subsection 53A-11-101.7(5)(a), the parent or guardian fails to make a good faith effort to ensure that the child receives an appropriate education.
 - (c) A parent or guardian legitimately practicing religious beliefs and who, for that reason, does not provide specified medical treatment for a child, is not guilty of neglect.
 - (d)
 - (i) Notwithstanding Subsection (27)(a), a health care decision made for a child by the child's parent or guardian does not constitute neglect unless the state or other party to the proceeding shows, by clear and convincing evidence, that the health care decision is not reasonable and informed.
 - (ii) Nothing in Subsection (27)(d)(i) may prohibit a parent or guardian from exercising the right to obtain a second health care opinion and from pursuing care and treatment pursuant to the second health care opinion, as described in Section 78A-6-301.5.
- (28) "Neglected child" means a child who has been subjected to neglect.
- (29) "Nonjudicial adjustment" means closure of the case by the assigned probation officer without judicial determination upon the consent in writing of:
- (a) the assigned probation officer; and
 - (b)
 - (i) the minor; or
 - (ii) the minor and the minor's parent, legal guardian, or custodian.

- (30) "Not competent to proceed" means that a minor, due to a mental disorder, intellectual disability, or related condition as defined, lacks the ability to:
- (a) understand the nature of the proceedings against them or of the potential disposition for the offense charged; or
 - (b) consult with counsel and participate in the proceedings against them with a reasonable degree of rational understanding.
- (31) "Physical abuse" means abuse that results in physical injury or damage to a child.
- (32) "Probation" means a legal status created by court order following an adjudication on the ground of a violation of law or under Section 78A-6-103, whereby the minor is permitted to remain in the minor's home under prescribed conditions and under supervision by the probation department or other agency designated by the court, subject to return to the court for violation of any of the conditions prescribed.
- (33) "Protective supervision" means a legal status created by court order following an adjudication on the ground of abuse, neglect, or dependency, whereby the minor is permitted to remain in the minor's home, and supervision and assistance to correct the abuse, neglect, or dependency is provided by the probation department or other agency designated by the court.
- (34) "Related condition" means a condition closely related to intellectual disability in accordance with 42 C.F.R. Part 435.1010 and further defined in Rule R539-1-3, Utah Administrative Code.
- (35)
- (a) "Residual parental rights and duties" means those rights and duties remaining with the parent after legal custody or guardianship, or both, have been vested in another person or agency, including:
 - (i) the responsibility for support;
 - (ii) the right to consent to adoption;
 - (iii) the right to determine the child's religious affiliation; and
 - (iv) the right to reasonable parent-time unless restricted by the court.
 - (b) If no guardian has been appointed, "residual parental rights and duties" also include the right to consent to:
 - (i) marriage;
 - (ii) enlistment; and
 - (iii) major medical, surgical, or psychiatric treatment.
- (36) "Secure facility" means any facility operated by or under contract with the Division of Juvenile Justice Services, that provides 24-hour supervision and confinement for youth offenders committed to the division for custody and rehabilitation.
- (37) "Severe abuse" means abuse that causes or threatens to cause serious harm to a child.
- (38) "Severe neglect" means neglect that causes or threatens to cause serious harm to a child.
- (39) "Sexual abuse" means:
- (a) an act or attempted act of sexual intercourse, sodomy, incest, or molestation by an adult directed towards a child;
 - (b) an act or attempted act of sexual intercourse, sodomy, incest, or molestation committed by a child towards another child if:
 - (i) there is an indication of force or coercion;
 - (ii) the children are related, as defined in Subsections (20)(a) and (20)(b);
 - (iii) there have been repeated incidents of sexual contact between the two children, unless the children are 14 years of age or older; or
 - (iv) there is a disparity in chronological age of four or more years between the two children; or

- (c) engaging in any conduct with a child that would constitute an offense under any of the following, regardless of whether the person who engages in the conduct is actually charged with, or convicted of, the offense:
 - (i) Title 76, Chapter 5, Part 4, Sexual Offenses, except for Section 76-5-401, if the alleged perpetrator of an offense described in Section 76-5-401 is a minor;
 - (ii) child bigamy, Section 76-7-101.5;
 - (iii) incest, Section 76-7-102;
 - (iv) lewdness, Section 76-9-702;
 - (v) sexual battery, Section 76-9-702.1;
 - (vi) lewdness involving a child, Section 76-9-702.5; or
 - (vii) voyeurism, Section 76-9-702.7.
- (40) "Sexual exploitation" means knowingly:
 - (a) employing, using, persuading, inducing, enticing, or coercing any child to:
 - (i) pose in the nude for the purpose of sexual arousal of any person; or
 - (ii) engage in any sexual or simulated sexual conduct for the purpose of photographing, filming, recording, or displaying in any way the sexual or simulated sexual conduct;
 - (b) displaying, distributing, possessing for the purpose of distribution, or selling material depicting a child:
 - (i) in the nude, for the purpose of sexual arousal of any person; or
 - (ii) engaging in sexual or simulated sexual conduct; or
 - (c) engaging in any conduct that would constitute an offense under Section 76-5b-201, sexual exploitation of a minor, regardless of whether the person who engages in the conduct is actually charged with, or convicted of, the offense.
- (41) "Shelter" means the temporary care of a child in a physically unrestricted facility pending court disposition or transfer to another jurisdiction.
- (42) "State supervision" means a disposition that provides a more intensive level of intervention than standard probation but is less intensive or restrictive than a community placement with the Division of Juvenile Justice Services.
- (43) "Substance abuse" means the misuse or excessive use of alcohol or other drugs or substances.
- (44) "Substantiated" means the same as that term is defined in Section 62A-4a-101.
- (45) "Supported" means the same as that term is defined in Section 62A-4a-101.
- (46) "Termination of parental rights" means the permanent elimination of all parental rights and duties, including residual parental rights and duties, by court order.
- (47) "Therapist" means:
 - (a) a person employed by a state division or agency for the purpose of conducting psychological treatment and counseling of a minor in its custody; or
 - (b) any other person licensed or approved by the state for the purpose of conducting psychological treatment and counseling.
- (48) "Unsubstantiated" means the same as that term is defined in Section 62A-4a-101.
- (49) "Without merit" means the same as that term is defined in Section 62A-4a-101.

Amended by Chapter 109, 2016 General Session
Amended by Chapter 351, 2016 General Session

78A-6-106 Search warrants and subpoenas -- Authority to issue -- Protective custody -- Expedited hearing.

- (1) The court has authority to issue search warrants, subpoenas, or investigative subpoenas in criminal cases, delinquency, and abuse, neglect, and dependency proceedings for the same purposes, in the same manner and pursuant to the same procedures set forth in the code of criminal procedure for the issuance of search warrants, subpoenas, or investigative subpoenas in other trial courts in the state.
- (2) A peace officer or child welfare worker may not enter the home of a child who is not under the jurisdiction of the court, remove a child from the child's home or school, or take a child into protective custody unless:
 - (a) there exist exigent circumstances sufficient to relieve the peace officer or child welfare worker of the requirement to obtain a warrant;
 - (b) the peace officer or child welfare worker obtains a search warrant under Subsection (3);
 - (c) the peace officer or child welfare worker obtains a court order after the parent or guardian of the child is given notice and an opportunity to be heard; or
 - (d) the peace officer or child welfare worker obtains the consent of the child's parent or guardian.
- (3)
 - (a) The court may issue a warrant authorizing a child protective services worker or peace officer to search for a child and take the child into protective custody if it appears to the court upon a verified petition, recorded sworn testimony or an affidavit sworn to by a peace officer or any other person, and upon the examination of other witnesses, if required by the judge, that there is probable cause to believe that:
 - (i) there is a threat of substantial harm to the child's health or safety;
 - (ii) it is necessary to take the child into protective custody to avoid the harm described in Subsection (3)(a)(i); and
 - (iii) it is likely that the child will suffer substantial harm if the parent or guardian of the child is given notice and an opportunity to be heard before the child is taken into protective custody.
 - (b) Pursuant to Section 77-23-210, a peace officer making the search may enter a house or premises by force, if necessary, in order to remove the child.
 - (c) The person executing the warrant shall then take the child to the place of shelter designated by the court or the division.
- (4)
 - (a) Consistent with Subsection (5), the court shall hold an expedited hearing to determine whether a child should be placed in protective custody if:
 - (i) a person files a petition under Section 78A-6-304;
 - (ii) a party to the proceeding files a "Motion for Expedited Placement in Temporary Custody"; and
 - (iii) notice of the hearing described in this Subsection (4)(a) is served consistent with the requirements for notice of a shelter hearing under Section 78A-6-306.
 - (b) The hearing described in Subsection (4)(a):
 - (i) shall be held within 72 hours, excluding weekends and holidays, of the filing of the motion described in Subsection (4)(a)(ii); and
 - (ii) shall be considered a shelter hearing under Section 78A-6-306 and Utah Rules of Juvenile Procedure, Rule 13.
- (5)
 - (a) The hearing and notice described in Subsection (4) are subject to:
 - (i) Section 78A-6-306;
 - (ii) Section 78A-6-307; and
 - (iii) the Utah Rules of Juvenile Procedure.

- (b) After the hearing described in Subsection (4), a court may order a child placed in the temporary custody of the division.
- (6) When notice to a parent or guardian is required by this section:
 - (a) the parent or guardian to be notified must be:
 - (i) the child's primary caregiver; or
 - (ii) the parent or guardian who has custody of the child, when the order is sought; and
 - (b) the person required to provide notice shall make a good faith effort to provide notice to a parent or guardian who:
 - (i) is not required to be notified under Subsection (6)(a); and
 - (ii) has the right to parent-time with the child.

Renumbered and Amended by Chapter 3, 2008 General Session

78A-6-107 Expedited filing of petition -- Expedited hearings.

- (1) For purposes of this section, "petition" means a petition, under Section 78A-6-304, to commence proceedings in a juvenile court alleging that a child is:
 - (a) abused;
 - (b) neglected; or
 - (c) dependent.
- (2) If a petition is requested by the division, the attorney general shall file the petition within 72 hours of the completion of the division's investigation and request, excluding weekends and holidays, if:
 - (a) the child who is the subject of the requested petition is not removed from the child's home by the division; and
 - (b) without an expedited hearing and services ordered under the protective supervision of the court, the child will likely be taken into protective custody.
- (3) The court shall give scheduling priority to the pretrial and adjudication hearings on a petition if:
 - (a) the child who is the subject of the petition is not in:
 - (i) protective custody; or
 - (ii) temporary custody; and
 - (b) the division indicates in the petition that, without expedited hearings and services ordered under the protective supervision of the court, the child will likely be taken into protective custody.

Renumbered and Amended by Chapter 3, 2008 General Session

78A-6-108 Title of petition and other court documents -- Form and contents of petition -- Order for temporary custody or protective services -- Physical or psychological examination of minor, parent, or guardian -- Dismissal of petition.

- (1) The petition and all subsequent court documents in the proceeding shall be entitled:
"State of Utah, in the interest of....., a person under 18 years of age (or a person under 21 years of age)."
- (2) The petition shall be verified and statements in the petition may be made upon information and belief.
- (3) The petition shall be written in simple and brief language and include the facts which bring the minor within the jurisdiction of the court, as provided in Section 78A-6-103.
- (4) The petition shall further state:
 - (a) the name, age, and residence of the minor;

- (b) the names and residences of the minor's parents;
 - (c) the name and residence of the guardian, if there is one;
 - (d) the name and address of the nearest known relative, if no parent or guardian of a minor is known; and
 - (e) the name and residence of the person having physical custody of the minor. If any of the facts required are not known by the petitioner, the petition shall so state.
- (5) At any time after a petition is filed, the court may make an order:
- (a) providing for temporary custody of the minor; or
 - (b) that the Division of Child and Family Services provide protective services to the child, if the court determines that:
 - (i) the child is at risk of being removed from the child's home due to abuse or neglect; and
 - (ii) the provision of protective services may make the removal described in Subsection (5)(b)(i) unnecessary.
- (6) The court may order that a minor concerning whom a petition has been filed shall be examined by a physician, surgeon, psychiatrist, or psychologist and may place the minor in a hospital or other facility for examination. After notice and a hearing set for the specific purpose, the court may order a similar examination of a parent or guardian whose ability to care for a minor is at issue, if the court finds from the evidence presented at the hearing that the parent's or guardian's physical, mental, or emotional condition may be a factor in causing the neglect, dependency, or delinquency of the minor.
- (7) Pursuant to Rule 506(d)(3), Utah Rules of Evidence, examinations conducted pursuant to Subsection (6) are not privileged communications, but are exempt from the general rule of privilege.
- (8) The court may dismiss a petition at any stage of the proceedings.
- (9) If the petition is filed under Section 78A-6-304 or 78A-6-505 or if the matter is referred to the court under Subsection 78A-6-104(5), the court may require the parties to participate in mediation in accordance with Title 78B, Chapter 6, Part 2, Alternative Dispute Resolution Act.

Renumbered and Amended by Chapter 3, 2008 General Session

78A-6-109 Summons -- Service and process -- Issuance and contents -- Notice to absent parent or guardian -- Emergency medical or surgical treatment -- Compulsory process for attendance of witnesses when authorized.

- (1) After a petition is filed the court shall promptly issue a summons, unless the judge directs that a further investigation is needed. No summons is required as to any person who appears voluntarily or who files a written waiver of service with the clerk of the court at or prior to the hearing.
- (2) The summons shall contain:
 - (a) the name of the court;
 - (b) the title of the proceedings; and
 - (c) except for a published summons, a brief statement of the substance of the allegations in the petition.
- (3) A published summons shall state:
 - (a) that a proceeding concerning the minor is pending in the court; and
 - (b) an adjudication will be made.
- (4) The summons shall require the person or persons who have physical custody of the minor to appear personally and bring the minor before the court at a time and place stated. If the person or persons summoned are not the parent, parents, or guardian of the minor, the summons shall

- also be issued to the parent, parents, or guardian, as the case may be, notifying them of the pendency of the case and of the time and place set for the hearing.
- (5) Summons may be issued requiring the appearance of any other person whose presence the court finds necessary.
 - (6) If it appears to the court that the welfare of the minor or of the public requires that the minor be taken into custody, the court may by endorsement upon the summons direct that the person serving the summons take the minor into custody at once.
 - (7) Subject to Subsection 78A-6-117(2)(n)(iii), upon the sworn testimony of one or more reputable physicians, the court may order emergency medical or surgical treatment that is immediately necessary for a minor concerning whom a petition has been filed pending the service of summons upon the minor's parents, guardian, or custodian.
 - (8) A parent or guardian is entitled to the issuance of compulsory process for the attendance of witnesses on the parent's or guardian's own behalf or on behalf of the minor. A guardian ad litem or a probation officer is entitled to compulsory process for the attendance of witnesses on behalf of the minor.
 - (9) Service of summons and process and proof of service shall be made in the manner provided in the Utah Rules of Civil Procedure.
 - (10) Service of summons or process shall be made by the sheriff of the county where the service is to be made, or by his deputy; but upon request of the court service shall be made by any other peace officer, or by another suitable person selected by the court.
 - (11) Service of summons in the state shall be made personally, by delivering a copy to the person summoned; provided, however, that parents of a minor living together at their usual place of abode may both be served by personal delivery to either parent or copies of the summons, one copy for each parent.
 - (12) If the judge makes a written finding that he has reason to believe that personal service of the summons will be unsuccessful, or will not accomplish notification within a reasonable time after issuance of the summons, he may order service by registered mail, with a return receipt to be signed by the addressee only, to be addressed to the last-known address of the person to be served in the state. Service shall be complete upon return to the court of the signed receipt.
 - (13) If the parents, parent, or guardian required to be summoned under Subsection (4) cannot be found within the state, the fact of their minor's presence within the state shall confer jurisdiction on the court in proceedings in a minor's case under this chapter as to any absent parent or guardian, provided that due notice has been given in the following manner:
 - (a) If the address of the parent or guardian is known, due notice is given by sending him a copy of the summons by registered mail with a return receipt to be signed by the addressee only, or by personal service outside the state, as provided in the Utah Rules of Civil Procedure. Service by registered mail shall be complete upon return to the court of the signed receipt.
 - (b)
 - (i) If the address or whereabouts of the parent or guardian outside the state cannot after diligent inquiry be ascertained, due notice is given by publishing a summons:
 - (A) in a newspaper having general circulation in the county in which the proceeding is pending once a week for four successive weeks; and
 - (B) in accordance with Section 45-1-101 for four weeks.
 - (ii) Service shall be complete on the day of the last publication.
 - (c) Service of summons as provided in this subsection shall vest the court with jurisdiction over the parent or guardian served in the same manner and to the same extent as if the person served was served personally within the state.

- (14) In the case of service in the state, service completed not less than 48 hours before the time set in the summons for the appearance of the person served, shall be sufficient to confer jurisdiction. In the case of service outside the state, service completed not less than five days before the time set in the summons for appearance of the person served, shall be sufficient to confer jurisdiction.
- (15) Computation of periods of time under this chapter shall be made in accordance with the Utah Rules of Civil Procedure.

Amended by Chapter 388, 2009 General Session

78A-6-110 Venue -- Transfer or certification to other districts -- Dismissal without adjudication on merits.

- (1) Proceedings in minor's cases shall be commenced in the court of the district in which the minor is living or is found, or in which an alleged violation of law or ordinance occurred.
- (2) After the filing of a petition, the court may transfer the case to the district where the minor resides or to the district where the violation of law or ordinance is alleged to have occurred. The court may, in its discretion, after adjudication certify the case for disposition to the court of the district in which the minor resides.
- (3) The transferring or certifying court shall transmit all documents and legal and social records, or certified copies to the receiving court, and the receiving court shall proceed with the case as if the petition had been originally filed or the adjudication had been originally made in that court.
- (4) The dismissal of a petition in one district where the dismissal is without prejudice and where there has been no adjudication upon the merits shall not preclude refiling within the same district or another district where there is venue of the case.

Renumbered and Amended by Chapter 3, 2008 General Session

78A-6-111 Appearances -- Parents, guardian, or legal custodian to appear with minor or child -- Failure to appear -- Contempt -- Warrant of arrest, when authorized -- Parent's employer to grant time off -- Appointment of guardian ad litem.

- (1) Any person required to appear who, without reasonable cause, fails to appear may be proceeded against for contempt of court, and the court may cause a bench warrant to issue to produce the person in court.
- (2) In all cases when a minor is required to appear in court, the parents, guardian, or other person with legal custody of the minor shall appear with the minor unless excused by the judge.
 - (a) An employee may request permission to leave the workplace for the purpose of attending court if the employee has been notified by the juvenile court that his minor is required to appear before the court.
 - (b) An employer must grant permission to leave the workplace with or without pay if the employee has requested permission at least seven days in advance or within 24 hours of the employee receiving notice of the hearing.
- (3) If a parent or other person who signed a written promise to appear and bring the child to court under Section 78A-6-112 or 78A-6-113 fails to appear and bring the child to court on the date set in the promise, or, if the date was to be set, after notification by the court, a warrant may be issued for the apprehension of that person or the child, or both.
- (4) Willful failure to perform the promise is a misdemeanor if, at the time of the execution of the promise, the promisor is given a copy of the promise which clearly states that failure to appear and have the child appear as promised is a misdemeanor. The juvenile court shall have

jurisdiction to proceed against the promisor in adult proceedings pursuant to Part 10, Adult Offenses.

- (5) The court shall endeavor, through use of the warrant of arrest if necessary, as provided in Subsection (6), or by other means, to ensure the presence at all hearings of one or both parents or of the guardian of a child. If neither a parent nor guardian is present at the court proceedings, the court may appoint a guardian ad litem to protect the interest of a minor. A guardian ad litem may also be appointed whenever necessary for the welfare of a minor, whether or not a parent or guardian is present.
- (6) A warrant may be issued for a parent, a guardian, a custodian, or a minor if:
 - (a) a summons is issued but cannot be served;
 - (b) it is made to appear to the court that the person to be served will not obey the summons;
 - (c) serving the summons will be ineffectual; or
 - (d) the welfare of the minor requires that he be brought immediately into the custody of the court.

Renumbered and Amended by Chapter 3, 2008 General Session

78A-6-112 Minor taken into custody by peace officer, private citizen, or probation officer -- Grounds -- Notice requirements -- Release or detention -- Grounds for peace officer to take adult into custody.

- (1) A minor may be taken into custody by a peace officer without order of the court if:
 - (a) in the presence of the officer the minor has violated a state law, federal law, local law, or municipal ordinance;
 - (b) there are reasonable grounds to believe the minor has committed an act which if committed by an adult would be a felony;
 - (c) the minor:
 - (i)
 - (A) is seriously endangered in the minor's surroundings; or
 - (B) seriously endangers others; and
 - (ii) immediate removal appears to be necessary for the minor's protection or the protection of others;
 - (d) there are reasonable grounds to believe the minor has run away or escaped from the minor's parents, guardian, or custodian; or
 - (e) there is reason to believe that the minor is:
 - (i) subject to the state's compulsory education law; and
 - (ii) absent from school without legitimate or valid excuse, subject to Section 53A-11-105.
- (2)
 - (a) A private citizen or a probation officer may take a minor into custody if under the circumstances he could make a citizen's arrest if the minor was an adult.
 - (b) A probation officer may also take a minor into custody under Subsection (1) or if the minor has violated the conditions of probation, if the minor is under the continuing jurisdiction of the juvenile court or in emergency situations in which a peace officer is not immediately available.
- (3)
 - (a)
 - (i) If an officer or other person takes a minor into temporary custody, he shall without unnecessary delay notify the parents, guardian, or custodian.
 - (ii) The minor shall then be released to the care of the minor's parent or other responsible adult, unless the minor's immediate welfare or the protection of the community requires the minor's detention.

- (b) If the minor is taken into custody or detention for a violent felony, as defined in Section 76-3-203.5, or an offense in violation of Title 76, Chapter 10, Part 5, Weapons, the officer or other law enforcement agent taking the minor into custody shall, as soon as practicable or as established under Subsection 53A-11-1001(2), notify the school superintendent of the district in which the minor resides or attends school for the purposes of the minor's supervision and student safety.
 - (i) The notice shall disclose only:
 - (A) the name of the minor;
 - (B) the offense for which the minor was taken into custody or detention; and
 - (C) if available, the name of the victim, if the victim:
 - (I) resides in the same school district as the minor; or
 - (II) attends the same school as the minor.
 - (ii) The notice shall be classified as a protected record under Section 63G-2-305.
 - (iii) All other records disclosures are governed by Title 63G, Chapter 2, Government Records Access and Management Act and the Federal Family Educational Rights and Privacy Act.
 - (c) Employees of a governmental agency are immune from any criminal liability for providing or failing to provide the information required by this section unless the person acts or fails to act due to malice, gross negligence, or deliberate indifference to the consequences.
 - (d) Before the minor is released, the parent or other person to whom the minor is released shall be required to sign a written promise on forms supplied by the court to bring the minor to the court at a time set or to be set by the court.
- (4)
- (a) A child may not be held in temporary custody by law enforcement any longer than is reasonably necessary to obtain the child's name, age, residence, and other necessary information and to contact the child's parents, guardian, or custodian.
 - (b) If the minor is not released under Subsection (3), the minor shall be taken to a place of detention or shelter without unnecessary delay.
- (5)
- (a) The person who takes a minor to a detention or shelter facility shall promptly file with the detention or shelter facility a written report on a form provided by the division stating the details of the presently alleged offense, the facts which bring the minor within the jurisdiction of the juvenile court, and the reason the minor was not released by law enforcement.
 - (b)
 - (i) The designated youth corrections facility staff person shall immediately review the form and determine, based on the guidelines for detention admissions established by the Division of Juvenile Justice Services under Section 62A-7-202, whether to admit the minor to secure detention, admit the minor to home detention, place the minor in a placement other than detention, or return the minor home upon written promise to bring the minor to the court at a time set, or without restriction.
 - (ii) If the designated youth corrections facility staff person determines to admit the minor to home detention, that staff person shall notify the juvenile court of that determination. The court shall order that notice be provided to the designated persons in the local law enforcement agency and the school or transferee school, if applicable, which the minor attends of the home detention. The designated persons may receive the information for purposes of the minor's supervision and student safety.
 - (iii) Any employee of the local law enforcement agency and the school which the minor attends who discloses the notification of home detention is not:

- (A) civilly liable except when disclosure constitutes fraud or willful misconduct as provided in Section 63G-7-202; and
- (B) civilly or criminally liable except when disclosure constitutes a knowing violation of Section 63G-2-801.
- (c) A minor may not be admitted to detention unless the minor is detainable based on the guidelines or the minor has been brought to detention pursuant to a judicial order or division warrant pursuant to Section 62A-7-504.
- (d) If a minor taken to detention does not qualify for admission under the guidelines established by the division under Section 62A-7-104, detention staff shall arrange appropriate placement.
- (e) If a minor is taken into custody and admitted to a secure detention or shelter facility, facility staff shall:
 - (i) immediately notify the minor's parents, guardian, or custodian; and
 - (ii) promptly notify the court of the placement.
- (f) If the minor is admitted to a secure detention or shelter facility outside the county of the minor's residence and it is determined in the hearing held under Subsection 78A-6-113(3) that detention shall continue, the judge or commissioner shall direct the sheriff of the county of the minor's residence to transport the minor to a detention or shelter facility as provided in this section.
- (6) A person may be taken into custody by a peace officer without a court order if the person is in apparent violation of a protective order or if there is reason to believe that a child is being abused by the person and any of the situations outlined in Section 77-7-2 exist.

Renumbered and Amended by Chapter 3, 2008 General Session

78A-6-113 Placement of minor in detention or shelter facility -- Grounds -- Detention hearings -- Period of detention -- Notice -- Confinement for criminal proceedings -- Bail laws inapplicable -- Exception.

- (1)
 - (a) A minor may not be placed or kept in a secure detention facility pending court proceedings unless it is unsafe for the public to leave the minor with the minor's parents, guardian, or custodian and the minor is detainable based on guidelines promulgated by the Division of Juvenile Justice Services.
 - (b) A child who must be taken from the child's home but who does not require physical restriction shall be given temporary care in a shelter facility and may not be placed in a detention facility.
 - (c) A child may not be placed or kept in a shelter facility pending court proceedings unless it is unsafe to leave the child with the child's parents, guardian, or custodian.
- (2) After admission of a child to a detention facility pursuant to the guidelines established by the Division of Juvenile Justice Services and immediate investigation by an authorized officer of the court, the judge or the officer shall order the release of the child to the child's parents, guardian, or custodian if it is found the child can be safely returned to their care, either upon written promise to bring the child to the court at a time set or without restriction.
 - (a) If a child's parent, guardian, or custodian fails to retrieve the child from a facility within 24 hours after notification of release, the parent, guardian, or custodian is responsible for the cost of care for the time the child remains in the facility.
 - (b) The facility shall determine the cost of care.
 - (c) Any money collected under this Subsection (2) shall be retained by the Division of Juvenile Justice Services to recover the cost of care for the time the child remains in the facility.
- (3)

- (a) When a child is detained in a detention or shelter facility, the parents or guardian shall be informed by the person in charge of the facility that they have the right to a prompt hearing in court to determine whether the child is to be further detained or released.
 - (b) When a minor is detained in a detention facility, the minor shall be informed by the person in charge of the facility that the minor has the right to a prompt hearing in court to determine whether the minor is to be further detained or released.
 - (c) Detention hearings shall be held by the judge or by a commissioner.
 - (d) The court may, at any time, order the release of the minor, whether a detention hearing is held or not.
 - (e) If a child is released, and the child remains in the facility, because the parents, guardian, or custodian fails to retrieve the child, the parents, guardian, or custodian shall be responsible for the cost of care as provided in Subsections (2)(a), (b), and (c).
- (4)
- (a) A minor may not be held in a detention facility longer than 48 hours prior to a detention hearing, excluding weekends and holidays, unless the court has entered an order for continued detention.
 - (b) A child may not be held in a shelter facility longer than 48 hours prior to a shelter hearing, excluding weekends and holidays, unless a court order for extended shelter has been entered by the court after notice to all parties described in Section 78A-6-306.
 - (c) A hearing for detention or shelter may not be waived. Detention staff shall provide the court with all information received from the person who brought the minor to the detention facility.
 - (d) If the court finds at a detention hearing that it is not safe to release the minor, the judge or commissioner may order the minor to be held in the facility or be placed in another appropriate facility, subject to further order of the court.
 - (e)
 - (i) After a detention hearing has been held, only the court may release a minor from detention. If a minor remains in a detention facility, periodic reviews shall be held pursuant to the Utah State Juvenile Court Rules of Practice and Procedure to ensure that continued detention is necessary.
 - (ii) After a detention hearing for a violent felony, as defined in Section 76-3-203.5, or an offense in violation of Title 76, Chapter 10, Part 5, Weapons, the court shall direct that notice of its decision, including any disposition, order, or no contact orders, be provided to designated persons in the appropriate local law enforcement agency and district superintendent or the school or transferee school, if applicable, that the minor attends. The designated persons may receive the information for purposes of the minor's supervision and student safety.
 - (iii) Any employee of the local law enforcement agency, school district, and the school that the minor attends who discloses the court's order of probation is not:
 - (A) civilly liable except when the disclosure constitutes fraud or willful misconduct as provided in Section 63G-7-202; and
 - (B) civilly or criminally liable except when disclosure constitutes a knowing violation of Section 63G-2-801.
- (5) A minor may not be held in a detention facility, following a dispositional order of the court for nonsecure substitute care as defined in Section 62A-4a-101, or for community-based placement under Section 62A-7-101 for longer than 72 hours, excluding weekends and holidays. The period of detention may be extended by the court for one period of seven calendar days if:
- (a) the Division of Juvenile Justice Services or another agency responsible for placement files a written petition with the court requesting the extension and setting forth good cause; and

- (b) the court enters a written finding that it is in the best interests of both the minor and the community to extend the period of detention.
- (6) The agency requesting an extension shall promptly notify the detention facility that a written petition has been filed.
- (7) The court shall promptly notify the detention facility regarding its initial disposition and any ruling on a petition for an extension, whether granted or denied.
- (8)
 - (a) A child under 16 years of age may not be held in a jail, lockup, or other place for adult detention except as provided by Section 62A-7-201 or unless certified as an adult pursuant to Section 78A-6-703. The provisions of Section 62A-7-201 regarding confinement facilities apply to this Subsection (8).
 - (b) A child 16 years of age or older whose conduct or condition endangers the safety or welfare of others in the detention facility for children may, by court order that specifies the reasons, be detained in another place of confinement considered appropriate by the court, including a jail or other place of confinement for adults. However, a secure youth corrections facility is not an appropriate place of confinement for detention purposes under this section.
- (9) A sheriff, warden, or other official in charge of a jail or other facility for the detention of adult offenders or persons charged with crime shall immediately notify the juvenile court when a person who is or appears to be under 18 years of age is received at the facility and shall make arrangements for the transfer of the person to a detention facility, unless otherwise ordered by the juvenile court.
- (10) This section does not apply to a minor who is brought to the adult facility under charges pursuant to Section 78A-6-701 or by order of the juvenile court to be held for criminal proceedings in the district court under Section 78A-6-702 or 78A-6-703.
- (11) A minor held for criminal proceedings under Section 78A-6-701, 78A-6-702, or 78A-6-703 may be detained in a jail or other place of detention used for adults charged with crime.
- (12) Provisions of law regarding bail are not applicable to minors detained or taken into custody under this chapter, except that bail may be allowed:
 - (a) if a minor who need not be detained lives outside this state; or
 - (b) when a minor who need not be detained comes within one of the classes in Subsection 78A-6-603(11).
- (13) Section 76-8-418 is applicable to a child who willfully and intentionally commits an act against a jail or other place of confinement, including a Division of Juvenile Justice Services detention, shelter, or secure confinement facility which would be a third degree felony if committed by an adult.

Amended by Chapter 38, 2010 General Session

78A-6-114 Hearings -- Public excluded, exceptions -- Victims admitted -- Minor's cases heard separately from adult cases -- Minor or parents or custodian heard separately -- Continuance of hearing -- Consolidation of proceedings involving more than one minor.

- (1) Hearings in minor's cases shall be held before the court without a jury and may be conducted in an informal manner.
 - (a)
 - (i) In abuse, neglect, and dependency cases the court shall admit any person to a hearing, including a hearing under Section 78A-6-322, unless the court makes a finding upon the record that the person's presence at the hearing would:
 - (A) be detrimental to the best interest of a child who is a party to the proceeding;

- (B) impair the fact-finding process; or
- (C) be otherwise contrary to the interests of justice.
- (ii) The court may exclude a person from a hearing under Subsection (1)(a)(i) on its own motion or by motion of a party to the proceeding.
- (b) In delinquency cases the court shall admit all persons who have a direct interest in the case and may admit persons requested by the parent or legal guardian to be present. The court shall exclude all other persons except as provided in Subsection (1)(c).
- (c) In delinquency cases in which the minor charged is 14 years of age or older, the court shall admit any person unless the hearing is closed by the court upon findings on the record for good cause if:
 - (i) the minor has been charged with an offense which would be a felony if committed by an adult; or
 - (ii) the minor is charged with an offense that would be a class A or B misdemeanor if committed by an adult, and the minor has been previously charged with an offense which would be a misdemeanor or felony if committed by an adult.
- (d) The victim of any act charged in a petition or information involving an offense committed by a minor which if committed by an adult would be a felony or a class A or class B misdemeanor shall, upon request, be afforded all rights afforded victims in Title 77, Chapter 36, Cohabitant Abuse Procedures Act, Title 77, Chapter 37, Victims' Rights, and Title 77, Chapter 38, Rights of Crime Victims Act. The notice provisions in Section 77-38-3 do not apply to important juvenile justice hearings as defined in Section 77-38-2.
- (e) A victim, upon request to appropriate juvenile court personnel, shall have the right to inspect and duplicate juvenile court legal records that have not been expunged concerning:
 - (i) the scheduling of any court hearings on the petition;
 - (ii) any findings made by the court; and
 - (iii) any sentence or decree imposed by the court.
- (2) Minor's cases shall be heard separately from adult cases. The minor or the parents or custodian of a minor may be heard separately when considered necessary by the court. The hearing may be continued from time to time to a date specified by court order.
- (3) When more than one child is involved in a home situation which may be found to constitute neglect or dependency, or when more than one minor is alleged to be involved in the same law violation, the proceedings may be consolidated, except that separate hearings may be held with respect to disposition.

Renumbered and Amended by Chapter 3, 2008 General Session

78A-6-115 Hearings -- Record -- County attorney or district attorney responsibilities -- Attorney general responsibilities -- Disclosure -- Admissibility of evidence.

- (1)
 - (a) A verbatim record of the proceedings shall be taken in all cases that might result in deprivation of custody as defined in this chapter. In all other cases a verbatim record shall also be made unless dispensed with by the court.
 - (b)
 - (i) Notwithstanding any other provision, including Title 63G, Chapter 2, Government Records Access and Management Act, a record of a proceeding made under Subsection (1)(a) shall be released by the court to any person upon a finding on the record for good cause.
 - (ii) Following a petition for a record of a proceeding made under Subsection (1)(a), the court shall:

- (A) provide notice to all subjects of the record that a request for release of the record has been made; and
 - (B) allow sufficient time for the subjects of the record to respond before making a finding on the petition.
 - (iii) A record of a proceeding may not be released under this Subsection (1)(b) if the court's jurisdiction over the subjects of the proceeding ended more than 12 months prior to the request.
 - (iv) For purposes of this Subsection (1)(b):
 - (A) "record of a proceeding" does not include documentary materials of any type submitted to the court as part of the proceeding, including items submitted under Subsection (4)(a); and
 - (B) "subjects of the record" includes the child's guardian ad litem, the child's legal guardian, the Division of Child and Family Services, and any other party to the proceeding.
- (2)
- (a) Except as provided in Subsection (2)(b), the county attorney or, if within a prosecution district, the district attorney shall represent the state in any proceeding in a minor's case.
 - (b) The attorney general shall enforce all provisions of Title 62A, Chapter 4a, Child and Family Services, and this chapter, relating to:
 - (i) protection or custody of an abused, neglected, or dependent child; and
 - (ii) petitions for termination of parental rights.
 - (c) The attorney general shall represent the Division of Child and Family Services in actions involving a minor who is not adjudicated as abused or neglected, but who is otherwise committed to the custody of that division by the juvenile court, and who is classified in the division's management information system as having been placed in custody primarily on the basis of delinquent behavior or a status offense. Nothing in this Subsection (2)(c) may be construed to affect the responsibility of the county attorney or district attorney to represent the state in those matters, in accordance with the provisions of Subsection (2)(a).
- (3) The board may adopt special rules of procedure to govern proceedings involving violations of traffic laws or ordinances, wildlife laws, and boating laws. However, proceedings involving offenses under Section 78A-6-606 are governed by that section regarding suspension of driving privileges.
- (4)
- (a) For the purposes of determining proper disposition of the minor in dispositional hearings and establishing the fact of abuse, neglect, or dependency in adjudication hearings and in hearings upon petitions for termination of parental rights, written reports and other material relating to the minor's mental, physical, and social history and condition may be received in evidence and may be considered by the court along with other evidence. The court may require that the person who wrote the report or prepared the material appear as a witness if the person is reasonably available.
 - (b) For the purpose of determining proper disposition of a minor alleged to be or adjudicated as abused, neglected, or dependent, dispositional reports prepared by the division under Section 78A-6-315 may be received in evidence and may be considered by the court along with other evidence. The court may require any person who participated in preparing the dispositional report to appear as a witness, if the person is reasonably available.
- (5)
- (a) In an abuse, neglect, or dependency proceeding occurring after the commencement of a shelter hearing under Section 78A-6-306 or the filing of a petition under Section 78A-6-304, each party to the proceeding shall provide in writing to the other parties or their counsel any information which the party:

- (i) plans to report to the court at the proceeding; or
- (ii) could reasonably expect would be requested of the party by the court at the proceeding.
- (b) The disclosure required under Subsection (5)(a) shall be made:
 - (i) for dispositional hearings under Sections 78A-6-311 and 78A-6-312, no less than five days before the proceeding;
 - (ii) for proceedings under Title 78A, Chapter 6, Part 5, Termination of Parental Rights Act, in accordance with Utah Rules of Civil Procedure; and
 - (iii) for all other proceedings, no less than five days before the proceeding.
- (c) If a party to a proceeding obtains information after the deadline in Subsection (5)(b), the information is exempt from the disclosure required under Subsection (5)(a) if the party certifies to the court that the information was obtained after the deadline.
- (d) Subsection (5)(a) does not apply to:
 - (i) pretrial hearings; and
 - (ii) the frequent, periodic review hearings held in a dependency drug court case to assess and promote the parent's progress in substance abuse treatment.
- (6) For the purpose of establishing the fact of abuse, neglect, or dependency, the court may, in its discretion, consider evidence of statements made by a child under eight years of age to a person in a trust relationship.

Amended by Chapter 34, 2010 General Session

78A-6-116 Minor's cases considered civil proceedings -- Adjudication of jurisdiction by juvenile court not conviction of crime -- Exceptions -- Minor not to be charged with crime -- Exception -- Traffic violation cases -- Abstracts to Department of Public Safety.

- (1) Except as provided in Sections 78A-6-701, 78A-6-702, and 78A-6-703, proceedings in a minor's case shall be regarded as civil proceedings with the court exercising equitable powers.
- (2) An adjudication by a juvenile court that a minor is within its jurisdiction under Section 78A-6-103 is not considered a conviction of a crime, except in cases involving traffic violations. An adjudication may not operate to impose any civil disabilities upon the minor nor to disqualify the minor for any civil service or military service or appointment.
- (3) A minor may not be charged with a crime or convicted in any court except as provided in Sections 78A-6-701, 78A-6-702, and 78A-6-703, and in cases involving traffic violations. When a petition has been filed in the juvenile court, the minor may not later be subjected to criminal prosecution based on the same facts except as provided in Section 78A-6-702 or 78A-6-703.
- (4) An adjudication by a juvenile court that a minor is within its jurisdiction under Section 78A-6-103 is considered a conviction for the purposes of determining the level of offense for which a minor may be charged and enhancing the level of an offense in the juvenile court. A prior adjudication may be used to enhance the level or degree of an offense committed by an adult only as otherwise specifically provided.
- (5) Abstracts of court records for all adjudications of traffic violations shall be submitted to the Department of Public Safety as provided in Section 53-3-218.
- (6) Information necessary to collect unpaid fines, fees, assessments, bail, or restitution may be forwarded to employers, financial institutions, law enforcement, constables, the Office of Recovery Services, or other agencies for purposes of enforcing the order as provided in Section 78A-6-117.

Amended by Chapter 38, 2010 General Session

78A-6-117 Adjudication of jurisdiction of juvenile court -- Disposition of cases -- Enumeration of possible court orders -- Considerations of court -- Obtaining DNA sample.

- (1)
- (a) When a minor is found to come within the provisions of Section 78A-6-103, the court shall so adjudicate. The court shall make a finding of the facts upon which it bases its jurisdiction over the minor. However, in cases within the provisions of Subsection 78A-6-103(1), findings of fact are not necessary.
 - (b) If the court adjudicates a minor for a crime of violence or an offense in violation of Title 76, Chapter 10, Part 5, Weapons, it shall order that notice of the adjudication be provided to the school superintendent of the district in which the minor resides or attends school. Notice shall be made to the district superintendent within three days of the adjudication and shall include:
 - (i) the specific offenses for which the minor was adjudicated; and
 - (ii) if available, if the victim:
 - (A) resides in the same school district as the minor; or
 - (B) attends the same school as the minor.
- (2) Upon adjudication the court may make the following dispositions by court order:
- (a)
 - (i) The court may place the minor on probation or under protective supervision in the minor's own home and upon conditions determined by the court, including compensatory service as provided in Subsection (2)(m)(iii).
 - (ii) The court may place the minor in state supervision with the probation department of the court, under the legal custody of:
 - (A) the minor's parent or guardian;
 - (B) the Division of Juvenile Justice Services; or
 - (C) the Division of Child and Family Services.
 - (iii) If the court orders probation or state supervision, the court shall direct that notice of its order be provided to designated persons in the local law enforcement agency and the school or transferee school, if applicable, that the minor attends. The designated persons may receive the information for purposes of the minor's supervision and student safety.
 - (iv) Any employee of the local law enforcement agency and the school that the minor attends who discloses the court's order of probation is not:
 - (A) civilly liable except when the disclosure constitutes fraud or willful misconduct as provided in Section 63G-7-202; and
 - (B) civilly or criminally liable except when the disclosure constitutes a knowing violation of Section 63G-2-801.
 - (b) The court may place the minor in the legal custody of a relative or other suitable person, with or without probation or protective supervision, but the juvenile court may not assume the function of developing foster home services.
 - (c)
 - (i) The court may:
 - (A) vest legal custody of the minor in the Division of Child and Family Services, Division of Juvenile Justice Services, or the Division of Substance Abuse and Mental Health; and
 - (B) order the Department of Human Services to provide dispositional recommendations and services.
 - (ii) For minors who may qualify for services from two or more divisions within the Department of Human Services, the court may vest legal custody with the department.
 - (iii)

- (A) A minor who is committed to the custody of the Division of Child and Family Services on grounds other than abuse or neglect is subject to the provisions of Title 78A, Chapter 6, Part 4, Minors in Custody on Grounds Other than Abuse or Neglect, and Title 62A, Chapter 4a, Part 2a, Minors in Custody on Grounds other than Abuse or Neglect.
 - (B) Before the court entering an order to place a minor in the custody of the Division of Child and Family Services on grounds other than abuse or neglect, the court shall provide the division with notice of the hearing no later than five days before the time specified for the hearing so the division may attend the hearing.
 - (C) Before committing a child to the custody of the Division of Child and Family Services, the court shall make a finding as to what reasonable efforts have been attempted to prevent the child's removal from the child's home.
- (iv)
- (A) A minor who is 18 years old or older, but younger than 21 years old, may petition the court to express the minor's desire to be removed from the jurisdiction of the juvenile court and from the custody of the Division of Child and Family Services if the minor is in the division's custody on grounds of abuse, neglect, or dependency.
 - (B) If the minor's parent's rights have not been terminated in accordance with Part 5, Termination of Parental Rights Act, the minor's petition shall contain a statement from the minor's parent or guardian agreeing that the minor should be removed from the custody of the Division of Child and Family Services.
 - (C) The minor and the minor's parent or guardian shall sign the petition.
 - (D) The court shall review the petition within 14 days.
 - (E) The court shall remove the minor from the custody of the Division of Child and Family Services if the minor and the minor's parent or guardian have met the requirements described in Subsections (2)(c)(iv)(B) and (C) and if the court finds, based on input from the Division of Child and Family Services, the minor's guardian ad litem, and the Office of the Attorney General, that the minor does not pose an imminent threat to self or others.
 - (F) A minor removed from custody under Subsection (2)(c)(iv)(E) may, within 90 days of the date of removal, petition the court to re-enter custody of the Division of Child and Family Services.
 - (G) Upon receiving a petition under Subsection (2)(c)(iv)(F), the court shall order the Division of Child and Family Services to take custody of the minor based on the findings the court entered when the court originally vested custody in the Division of Child and Family Services.
- (d)
- (i) The court may commit a minor to the Division of Juvenile Justice Services for secure confinement.
 - (ii) A minor under the jurisdiction of the court solely on the ground of abuse, neglect, or dependency under Subsection 78A-6-103(1)(c) may not be committed to the Division of Juvenile Justice Services.
- (e) The court may commit a minor, subject to the court retaining continuing jurisdiction over the minor, to the temporary custody of the Division of Juvenile Justice Services for observation and evaluation for a period not to exceed 45 days, which period may be extended up to 15 days at the request of the director of the Division of Juvenile Justice Services.
- (f)
- (i) The court may commit a minor to a place of detention or an alternative to detention for a period not to exceed 30 days subject to the court retaining continuing jurisdiction over the

minor. This commitment may be stayed or suspended upon conditions ordered by the court.

- (ii) This Subsection (2)(f) applies only to a minor adjudicated for:
 - (A) an act which if committed by an adult would be a criminal offense; or
 - (B) contempt of court under Section 78A-6-1101.
- (g) The court may vest legal custody of an abused, neglected, or dependent minor in the Division of Child and Family Services or any other appropriate person in accordance with the requirements and procedures of Title 78A, Chapter 6, Part 3, Abuse, Neglect, and Dependency Proceedings.
- (h) The court may place a minor on a ranch or forestry camp, or similar facility for care and also for work, if possible, if the person, agency, or association operating the facility has been approved or has otherwise complied with all applicable state and local laws. A minor placed in a forestry camp or similar facility may be required to work on fire prevention, forestation and reforestation, recreational works, forest roads, and on other works on or off the grounds of the facility and may be paid wages, subject to the approval of and under conditions set by the court.
- (i)
 - (i) The court may order a minor to repair, replace, or otherwise make restitution for damage or loss caused by the minor's wrongful act, including costs of treatment as stated in Section 78A-6-321 and impose fines in limited amounts.
 - (ii) The court may also require a minor to reimburse an individual, entity, or governmental agency who offered and paid a reward to a person or persons for providing information resulting in a court adjudication that the minor is within the jurisdiction of the juvenile court due to the commission of a criminal offense.
 - (iii) If a minor is returned to this state under the Interstate Compact on Juveniles, the court may order the minor to make restitution for costs expended by any governmental entity for the return.
- (j) The court may issue orders necessary for the collection of restitution and fines ordered by the court, including garnishments, wage withholdings, and executions.
- (k)
 - (i) The court may through its probation department encourage the development of employment or work programs to enable minors to fulfill their obligations under Subsection (2)(i) and for other purposes considered desirable by the court.
 - (ii) Consistent with the order of the court, the probation officer may permit a minor found to be within the jurisdiction of the court to participate in a program of work restitution or compensatory service in lieu of paying part or all of the fine imposed by the court.
- (l)
 - (i) In violations of traffic laws within the court's jurisdiction, the court may, in addition to any other disposition authorized by this section:
 - (A) restrain the minor from driving for periods of time the court considers necessary; and
 - (B) take possession of the minor's driver license.
 - (ii) The court may enter any other disposition under Subsection (2)(l)(i). However, the suspension of driving privileges for an offense under Section 78A-6-606 is governed only by Section 78A-6-606.
- (m)
 - (i) When a minor is found within the jurisdiction of the juvenile court under Section 78A-6-103 because of violating Section 58-37-8, Title 58, Chapter 37a, Utah Drug Paraphernalia Act, or Title 58, Chapter 37b, Imitation Controlled Substances Act, the court shall, in addition

to any fines or fees otherwise imposed, order that the minor perform a minimum of 20 hours, but no more than 100 hours, of compensatory service. Satisfactory completion of an approved substance abuse prevention or treatment program may be credited by the court as compensatory service hours.

- (ii) When a minor is found within the jurisdiction of the juvenile court under Section 78A-6-103 because of a violation of Section 32B-4-409 or Subsection 76-9-701(1), the court may, upon the first adjudication, and shall, upon a second or subsequent adjudication, order that the minor perform a minimum of 20 hours, but no more than 100 hours of compensatory service, in addition to any fines or fees otherwise imposed. Satisfactory completion of an approved substance abuse prevention or treatment program may be credited by the court as compensatory service hours.
- (iii) When a minor is found within the jurisdiction of the juvenile court under Section 78A-6-103 because of a violation of Section 76-6-106 or 76-6-206 using graffiti, the court may order the minor to clean up graffiti created by the minor or any other person at a time and place within the jurisdiction of the court. Compensatory service required under this section may be performed in the presence and under the direct supervision of the minor's parent or legal guardian. The parent or legal guardian shall report completion of the order to the court. The minor or the minor's parent or legal guardian, if applicable, shall be responsible for removal costs as determined under Section 76-6-107, unless waived by the court for good cause. The court may also require the minor to perform other alternative forms of restitution or repair to the damaged property pursuant to Subsection 77-18-1(8).
 - (A) For a first adjudication, the court may require the minor to clean up graffiti for not less than eight hours.
 - (B) For a second adjudication, the court may require the minor to clean up graffiti for not less than 16 hours.
 - (C) For a third adjudication, the court may require the minor to clean up graffiti for not less than 24 hours.
- (n)
 - (i) Subject to Subsection (2)(n)(iii), the court may order that a minor:
 - (A) be examined or treated by a physician, surgeon, psychiatrist, or psychologist; or
 - (B) receive other special care.
 - (ii) For purposes of receiving the examination, treatment, or care described in Subsection (2)(n)(i), the court may place the minor in a hospital or other suitable facility.
 - (iii) In determining whether to order the examination, treatment, or care described in Subsection (2)(n)(i), the court shall consider:
 - (A) the desires of the minor;
 - (B) if the minor is under the age of 18, the desires of the parents or guardian of the minor; and
 - (C) whether the potential benefits of the examination, treatment, or care outweigh the potential risks and side-effects, including behavioral disturbances, suicidal ideation, brain function impairment, or emotional or physical harm resulting from the compulsory nature of the examination, treatment, or care.
 - (iv) The Division of Child and Family Services shall take reasonable measures to notify a parent or guardian of any non-emergency health treatment or care scheduled for a child, shall include the parent or guardian as fully as possible in making health care decisions for the child, and shall defer to the parent's or guardian's reasonable and informed decisions regarding the child's health care to the extent that the child's health and well being are not unreasonably compromised by the parent's or guardian's decision.

- (v) The Division of Child and Family Services shall notify the parent or guardian of a child within five business days after a child in the custody of the Division of Child and Family Services receives emergency health care or treatment.
- (vi) The Division of Child and Family Services shall use the least restrictive means to accomplish a compelling interest in the care and treatment of a child described in this Subsection (2)(n).
- (o)
 - (i) The court may appoint a guardian for the minor if it appears necessary in the interest of the minor, and may appoint as guardian a public or private institution or agency in which legal custody of the minor is vested.
 - (ii) In placing a minor under the guardianship or legal custody of an individual or of a private agency or institution, the court shall give primary consideration to the welfare of the minor. When practicable, the court may take into consideration the religious preferences of the minor and of a child's parents.
- (p)
 - (i) In support of a decree under Section 78A-6-103, the court may order reasonable conditions to be complied with by a minor's parents or guardian, a minor, a minor's custodian, or any other person who has been made a party to the proceedings. Conditions may include:
 - (A) parent-time by the parents or one parent;
 - (B) restrictions on the minor's associates;
 - (C) restrictions on the minor's occupation and other activities; and
 - (D) requirements to be observed by the parents or custodian.
 - (ii) A minor whose parents or guardians successfully complete a family or other counseling program may be credited by the court for detention, confinement, or probation time.
- (q) The court may order the child to be committed to the physical custody of a local mental health authority, in accordance with the procedures and requirements of Title 62A, Chapter 15, Part 7, Commitment of Persons Under Age 18 to Division of Substance Abuse and Mental Health.
- (r)
 - (i) The court may make an order committing a minor within the court's jurisdiction to the Utah State Developmental Center if the minor has an intellectual disability in accordance with the provisions of Title 62A, Chapter 5, Part 3, Admission to an Intermediate Care Facility for People with an Intellectual Disability.
 - (ii) The court shall follow the procedure applicable in the district courts with respect to judicial commitments to the Utah State Developmental Center when ordering a commitment under Subsection (2)(r)(i).
- (s) The court may terminate all parental rights upon a finding of compliance with the provisions of Title 78A, Chapter 6, Part 5, Termination of Parental Rights Act.
- (t) The court may make any other reasonable orders for the best interest of the minor or as required for the protection of the public, except that a child may not be committed to jail or prison.
- (u) The court may combine the dispositions listed in this section if they are compatible.
- (v) Before depriving any parent of custody, the court shall give due consideration to the rights of parents concerning their child. The court may transfer custody of a minor to another person, agency, or institution in accordance with the requirements and procedures of Title 78A, Chapter 6, Part 3, Abuse, Neglect, and Dependency Proceedings.
- (w) Except as provided in Subsection (2)(y)(i), an order under this section for probation or placement of a minor with an individual or an agency shall include a date certain for a review of the case by the court. A new date shall be set upon each review.

- (x) In reviewing foster home placements, special attention shall be given to making adoptable children available for adoption without delay.
- (y)
 - (i) The juvenile court may enter an order of permanent custody and guardianship with an individual or relative of a child where the court has previously acquired jurisdiction as a result of an adjudication of abuse, neglect, or dependency. The juvenile court may enter an order for child support on behalf of the child against the natural or adoptive parents of the child.
 - (ii) Orders under Subsection (2)(y)(i):
 - (A) shall remain in effect until the child reaches majority;
 - (B) are not subject to review under Section 78A-6-118; and
 - (C) may be modified by petition or motion as provided in Section 78A-6-1103.
 - (iii) Orders permanently terminating the rights of a parent, guardian, or custodian and permanent orders of custody and guardianship do not expire with a termination of jurisdiction of the juvenile court.
- (3) In addition to the dispositions described in Subsection (2), when a minor comes within the court's jurisdiction, the minor may be given a choice by the court to serve in the National Guard in lieu of other sanctions, provided:
 - (a) the minor meets the current entrance qualifications for service in the National Guard as determined by a recruiter, whose determination is final;
 - (b) the minor is not under the jurisdiction of the court for any act that:
 - (i) would be a felony if committed by an adult;
 - (ii) is a violation of Title 58, Chapter 37, Utah Controlled Substances Act; or
 - (iii) was committed with a weapon; and
 - (c) the court retains jurisdiction over the minor under conditions set by the court and agreed upon by the recruiter or the unit commander to which the minor is eventually assigned.
- (4)
 - (a) A DNA specimen shall be obtained from a minor who is under the jurisdiction of the court as described in Subsection 53-10-403(3). The specimen shall be obtained by designated employees of the court or, if the minor is in the legal custody of the Division of Juvenile Justice Services, then by designated employees of the division under Subsection 53-10-404(5)(b).
 - (b) The responsible agency shall ensure that employees designated to collect the saliva DNA specimens receive appropriate training and that the specimens are obtained in accordance with accepted protocol.
 - (c) Reimbursements paid under Subsection 53-10-404(2)(a) shall be placed in the DNA Specimen Restricted Account created in Section 53-10-407.
 - (d) Payment of the reimbursement is second in priority to payments the minor is ordered to make for restitution under this section and treatment under Section 78A-6-321.

Amended by Chapter 418, 2016 General Session

78A-6-118 Period of operation of judgment, decree, or order -- Rights and responsibilities of agency or individual granted legal custody.

- (1) A judgment, order, or decree of the juvenile court does not operate after the minor becomes 21 years of age, except for:
 - (a) orders of commitment to the Utah State Developmental Center or to the custody of the Division of Substance Abuse and Mental Health;

- (b) adoption orders under Subsection 78A-6-103(1);
 - (c) orders permanently terminating the rights of a parent, guardian, or custodian, and permanent orders of custody and guardianships; and
 - (d) unless terminated by the court, orders to pay any fine or restitution.
- (2)
- (a) Except as provided in Part 3, Abuse, Neglect, and Dependency Proceedings, an order vesting legal custody or guardianship of a minor in an individual, agency, or institution may be for an indeterminate period. A review hearing shall be held, however, upon the expiration of 12 months, and, with regard to petitions filed by the Division of Child and Family Services, no less than once every six months thereafter. The individual, agency, or institution involved shall file the petition for that review hearing. The court may terminate the order, or after notice and hearing, continue the order if it finds continuation of the order necessary to safeguard the welfare of the minor or the public interest. The findings of the court and its reasons shall be entered with the continuation order or with the order denying continuation.
 - (b) Subsection (2)(a) does not apply to minors who are in the custody of the Division of Child and Family Services, and who are placed in foster care, a secure youth corrections facility, the Division of Substance Abuse and Mental Health, the Utah State Developmental Center, or any agency licensed for child placements and adoptions, in cases where all parental rights of the natural parents have been terminated by the court under Part 5, Termination of Parental Rights Act, and custody of the minor has been granted to the agency for adoption or other permanent placement.
- (3)
- (a) An agency granted legal custody may determine where and with whom the minor will live, provided that placement of the minor does not remove him from the state without court approval.
 - (b) An individual granted legal custody shall personally exercise the rights and responsibilities involved in legal custody, unless otherwise authorized by the court.

Renumbered and Amended by Chapter 3, 2008 General Session

78A-6-119 Modification of order or decree -- Requirements for changing or terminating custody, probation, or protective supervision.

- (1) The court may modify or set aside any order or decree made by it, however a modification of an order placing a minor on probation may not be made upon an alleged violation of the terms of probation unless there has been a hearing in accordance with the procedures in Section 78A-6-1103.
- (2) Notice of the hearing shall be required in any case in which the effect of modifying or setting aside an order or decree may be to make any change in the minor's legal custody.
- (3)
 - (a) Notice of an order terminating probation or protective supervision of a child shall be given to the child's:
 - (i) parents;
 - (ii) guardian;
 - (iii) custodian; and
 - (iv) where appropriate, to the child.
 - (b) Notice of an order terminating probation or protective supervision of a minor who is at least 18 years of age shall be given to the minor.

Renumbered and Amended by Chapter 3, 2008 General Session

78A-6-120 Continuing jurisdiction of juvenile court -- Period of and termination of jurisdiction -- Notice of discharge from custody of local mental health authority or Utah State Developmental Center -- Transfer of continuing jurisdiction to other district.

- (1) Jurisdiction of a minor obtained by the court through adjudication under Section 78A-6-117 continues for purposes of this chapter until he becomes 21 years of age, unless terminated earlier. However, the court, subject to Section 78A-6-121, retains jurisdiction beyond the age of 21 of a person who has refused or failed to pay any fine or victim restitution ordered by the court, but only for the purpose of causing compliance with existing orders.
- (2)
 - (a) The continuing jurisdiction of the court terminates:
 - (i) upon order of the court;
 - (ii) upon commitment to a secure youth corrections facility; or
 - (iii) upon commencement of proceedings in adult cases under Section 78A-6-1001.
 - (b) The continuing jurisdiction of the court is not terminated by marriage.
 - (c) Notwithstanding Subsection (2)(a)(ii), the court retains jurisdiction to make and enforce orders related to restitution.
- (3) When a minor has been committed by the court to the physical custody of a local mental health authority or its designee or to the Utah State Developmental Center, the local mental health authority or its designee or the superintendent of the Utah State Developmental Center shall give the court written notice of its intention to discharge, release, or parole the minor not fewer than five days prior to the discharge, release, or parole.
- (4) Jurisdiction over a minor on probation or under protective supervision, or of a minor who is otherwise under the continuing jurisdiction of the court, may be transferred by the court to the court of another district, if the receiving court consents, or upon direction of the chair of the Board of Juvenile Court Judges. The receiving court has the same powers with respect to the minor that it would have if the proceedings originated in that court.

Amended by Chapter 217, 2014 General Session

78A-6-121 Entry of judgment for fine or restitution -- Transfer for collection.

- (1) If, prior to the entry of any order terminating jurisdiction of a juvenile, there remains any unpaid balance for any fine or restitution ordered by the court, the court shall record all pertinent information in the juvenile's file and transfer responsibility to collect all unpaid fines and restitution to the Office of State Debt Collection.
- (2) Before transferring the responsibility to collect any past due fines, the court shall reduce the order to a judgment listing the Office of State Debt Collection as the judgment creditor.
- (3) Before transferring the responsibility to collect any past due accounts receivable for restitution to a victim, the court shall reduce the restitution order to a judgment listing the victim, or the estate of the victim, as the judgment creditor.

Renumbered and Amended by Chapter 3, 2008 General Session

78A-6-122 Restraint of juveniles.

- (1) As used in this section, "restrained" means the use of handcuffs, chains, shackles, zip ties, irons, straightjackets, and any other device or method which may be used to immobilize a juvenile.

(2) The Judicial Council shall adopt rules that address the circumstances under which a juvenile may be restrained while appearing in court. The Judicial Council shall ensure that the rules consider both the welfare of the juvenile and the safety of the court. A juvenile may not be restrained during a court proceeding unless restraint is authorized by rules of the Judicial Council.

Enacted by Chapter 338, 2015 General Session