

Superseded 5/12/2015

78A-6-323 Additional finding at adjudication hearing -- Petition -- Court records.

- (1) Upon the filing with the court of a petition under Section 78A-6-304 by the Division of Child and Family Services or any interested person informing the court, among other things, that the division has made a supported finding that a person committed a severe type of child abuse or neglect as defined in Section 62A-4a-1002, the court shall:
 - (a) make a finding of substantiated, unsubstantiated, or without merit;
 - (b) include the finding described in Subsection (1)(a) in a written order; and
 - (c) deliver a certified copy of the order described in Subsection (1)(b) to the division.
- (2) The judicial finding under Subsection (1) shall be made:
 - (a) as part of the adjudication hearing;
 - (b) at the conclusion of the adjudication hearing; or
 - (c) as part of a court order entered pursuant to a written stipulation of the parties.
- (3)
 - (a) Any person described in Subsection 62A-4a-1010(1) may at any time file with the court a petition for removal of the person's name from the Licensing Information System.
 - (b) At the conclusion of the hearing on the petition, the court shall:
 - (i) make a finding of substantiated, unsubstantiated, or without merit;
 - (ii) include the finding described in Subsection (1)(a) in a written order; and
 - (iii) deliver a certified copy of the order described in Subsection (1)(b) to the division.
- (4) A proceeding for adjudication of a supported finding under this section of a type of abuse or neglect that does not constitute a severe type of child abuse or neglect may be joined in the juvenile court with an adjudication of a severe type of child abuse or neglect.
- (5) If a person whose name appears on the Licensing Information system prior to May 6, 2002 files a petition during the time that an alleged perpetrator's application for clearance to work with children or vulnerable adults is pending, the court shall hear the matter and enter a final decision no later than 60 days after the filing of the petition.
- (6) For the purposes of licensing under Sections 26-39-402 and 62A-1-118, and for the purposes described in Section 62A-2-121 and Title 26, Chapter 21, Part 2, Clearance for Direct Patient Access:
 - (a) the court shall make available records of its findings under Subsections (1) and (2):
 - (i) for those purposes; and
 - (ii) only to those with statutory authority to access also the Licensing Information System created under Section 62A-4a-1006; and
 - (b) any appellate court shall make available court records of appeals from juvenile court decisions under Subsections (1), (2), (3), and (4):
 - (i) for those purposes; and
 - (ii) only to those with statutory authority to access also the Licensing Information System.