

1 **JUVENILE COURTS - RIGHTS OF PARTIES**

2 2001 GENERAL SESSION

3 STATE OF UTAH

4 **Sponsor: Mike Thompson**

5 **This act modifies provisions concerning abuse, neglect, and dependency proceedings in the**
6 **juvenile court. It provides that the parent of a child who is a party to an action in juvenile**
7 **court shall have access to all records concerning the case in the same manner as his attorney.**

8 This act affects sections of Utah Code Annotated 1953 as follows:

9 AMENDS:

10 **78-3a-314**, as last amended by Chapter 274, Laws of Utah 1998

11 *Be it enacted by the Legislature of the state of Utah:*

12 Section 1. Section **78-3a-314** is amended to read:

13 **78-3a-314. All proceedings -- Persons entitled to be present.**

14 (1) A child who is the subject of a juvenile court hearing, any person entitled to notice
15 pursuant to Section 78-3a-306 or 78-3a-309, preadoptive parents, and any relative providing care
16 for the child, are entitled to notice, to be present at each hearing held under this part, including
17 administrative and citizen reviews, and are entitled to an opportunity to be heard.

18 (2) Because the child's foster parents have the right to notice, pursuant to Section
19 78-3a-309, they have the right to be present at each and every hearing held under this part
20 including administrative and citizen reviews, and are entitled to an opportunity to be heard.

21 (3) A child shall be represented at each hearing by the guardian ad litem appointed to his
22 case by the court. The child has a right to be present at each hearing, subject to the discretion of
23 the guardian ad litem or the court regarding any possible detriment to the child.

24 (4) (a) The parent or guardian of a child who is the subject of a petition under this part has
25 the right to be represented by counsel, and to present evidence, at each hearing.

26 (b) When it appears to the court that a parent or guardian of the child desires counsel but
27 is financially unable to afford and cannot for that reason employ counsel, and the child has been

28 placed in out-of-home care, or the petitioner is recommending that the child be placed in
29 out-of-home care, the court shall appoint counsel.

30 (5) In every abuse, neglect, or dependency proceeding under this chapter, the court shall
31 order that the child be represented by a guardian ad litem, in accordance with Section 78-3a-912.
32 The guardian ad litem shall represent the best interest of the child, in accordance with the
33 requirements of that section, at the shelter hearing and at all subsequent court and administrative
34 proceedings, including any proceeding for termination of parental rights in accordance with Part
35 4, Termination of Parental Rights Act.

36 (6) Notwithstanding any other provision of law, counsel for all parties to the action and
37 the natural parent of a child who is a party to the action shall be given access to all records,
38 maintained by the division or any other state or local public agency, that are relevant to the abuse,
39 neglect, or dependency proceeding under this chapter. [~~If the natural parent of a child is~~
40 ~~representing himself, he shall have access to those records.~~]

41 (7) (a) The appropriate foster care citizen review board shall be given access to all records,
42 maintained by the division or any other state or local public agency, that are relevant to an abuse,
43 neglect, or dependency proceeding under this chapter.

44 (b) Representatives of the appropriate foster care citizen review board are entitled to be
45 present at each hearing held under this part, but notice is not required to be provided.

Legislative Review Note
as of 1-22-01 9:24 AM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel