

**NOTIFICATION BY FAMILY SERVICES OF
NONCUSTODIAL PARENT OF CHILD'S
REMOVAL**

2001 GENERAL SESSION

STATE OF UTAH

Sponsor: Parley Hellewell

This act amends the Human Services Code. This act requires a peace officer or case worker to inform a custodial and noncustodial parent when a minor is taken into custody based on an allegation of abuse or neglect.

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

AMENDS:

62A-4a-202.2, as last amended by Chapter 274, Laws of Utah 2000

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

Section 1. Section **62A-4a-202.2** is amended to read:

62A-4a-202.2. Notice to parent upon removal of child -- Written statement of procedural rights and preliminary proceedings.

(1) Any peace officer or caseworker who takes a minor into protective custody pursuant to Section 62A-4a-202.1 shall immediately inform, through the most efficient means available, the [parent,] parents, including a noncustodial parent, the guardian, or responsible relative:

(a) that the minor has been taken into protective custody;

(b) the reasons for removal and placement in protective custody;

(c) that a written statement is available that explains the parent's procedural rights and the preliminary stages of the investigation and shelter hearing; and

(d) of a telephone number where the parent may access further information.

(2) The attorney general's office shall adopt, print, and distribute a form for the written statement described in Subsection (1)(c). The statement shall be made available to the division and for distribution in schools, health care facilities, local police and sheriff's offices, the division,



28 and any other appropriate office within the Department of Human Services. The notice shall be
29 in simple language and include at least the following information:

30 (a) the conditions under which a minor may be released, hearings that may be required,
31 and the means by which the parent may access further specific information about a minor's case
32 and conditions of protective and temporary custody; and

33 (b) the rights of a minor and of the parent or guardian to legal counsel and to appeal.

34 (3) If a good faith attempt was made by the peace officer or caseworker to notify the parent
35 or guardian in accordance with the requirements of Subsection (1), failure to notify shall be
36 considered to be due to circumstances beyond the control of the peace officer or caseworker and
37 may not be construed to permit a new defense to any juvenile or judicial proceeding or to interfere
38 with any rights, procedures, or investigations provided for by this chapter or Title 62A.

Legislative Review Note
as of 2-13-01 9:58 AM

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

Office of Legislative Research and General Counsel