

**NOTIFICATION BY SCHOOL OR FAMILY  
SERVICES TO NONCUSTODIAL PARENT OF  
CHILD'S DISCIPLINE OR REMOVAL**

2001 FIRST SPECIAL SESSION

STATE OF UTAH

**Sponsor: Parley Hellewell**

**This act amends the Human Services Code and the State System of Public Education. This act requires a peace officer, case worker, or school to inform a custodial and noncustodial parent when a minor is taken into protective custody or suspended or expelled from school. The act also makes technical corrections.**

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

AMENDS:

**53A-11-903**, as last amended by Chapter 97, Laws of Utah 1995

**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 **53A-11-903** is amended to read:

**53A-11-903. Suspension and expulsion procedures -- Notice to parents --**

**Distribution of policies.**

(1) (a) Policies required under this part shall include written procedures for the suspension and expulsion of, or denial of admission to, a student, consistent with due process and other provisions of law.

(b) (i) The policies required in Subsection (1)(a) shall include a procedure directing public schools to notify the custodial parent and, if requested in writing by a noncustodial parent, the noncustodial parent of the suspension and expulsion of, or denial of admission to, a student.

(ii) Subsection (1)(b)(i) does not apply to that portion of school records which would disclose any information protected under a court order.

(iii) The custodial parent is responsible for providing to the school a certified copy of the court order under Subsection (1)(b)(ii) through a procedure adopted by the local school board.

(2) (a) Each local school board shall provide for the distribution of a copy of a school's

discipline and conduct policy to each student upon enrollment in the school.

(b) A copy of the policy shall be posted in a prominent location in each school.

(c) Any significant change in a school's conduct and discipline policy shall be distributed to students in the school and posted in the school in a prominent location.

Section 2. Section **62A-4a-202.2** is amended to read:

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

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

~~[(a)]~~ (i) that the minor has been taken into protective custody;

~~[(b)]~~ (ii) the reasons for removal and placement in protective custody;

~~[(c)]~~ (iii) 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)]~~ (iv) of a telephone number where the parent may access further information.

(b) For purposes of locating and informing the noncustodial parent as required in Subsection (1)(a), the division shall search for the noncustodial parent through the national parent locator database if the division is unable to locate the noncustodial parent through other reasonable efforts.

(2) The attorney general's office shall adopt, print, and distribute a form for the written statement described in Subsection (1)~~[(c)]~~ (a)(iii). 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, and any other appropriate office within the Department of Human Services. The notice shall be in simple language and include at least the following information:

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

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

(3) If a good faith attempt was made by the peace officer or caseworker to notify the parent or guardian in accordance with the requirements of Subsection (1), failure to notify shall be considered to be due to circumstances beyond the control of the peace officer or caseworker and may not be construed to permit a new defense to any juvenile or judicial proceeding or to interfere with any rights, procedures, or investigations provided for by this chapter or [~~Title 62A~~] Title 78, Chapter 3a, Juvenile Courts.