



28 **caseworker -- Consent or specified circumstances -- Shelter care or emergency kinship.**

29 (1) [A] Unless there exist exigent circumstances, a state officer, peace officer, or child  
30 welfare worker may not, without the consent of the minor's parent or guardian, a warrant, or a  
31 court order issued under Section 78-3a-106[~~, remove a minor from the minor's home or school,~~  
32 ~~or take a minor into protective custody unless there exist exigent circumstances.];~~

33 (a) enter into a home; or

34 (b) remove a minor from the minor's home or school, or take a minor into protective  
35 custody.

36 (2) A child welfare worker within the division may take action under Subsection (1)  
37 accompanied by a peace officer, or without a peace officer when a peace officer is not  
38 reasonably available.

39 (3) If possible, consistent with the minor's safety and welfare, before taking a minor  
40 into protective custody, the worker shall also determine whether there are services reasonably  
41 available to the worker which, if provided to the minor's parent or to the minor, would  
42 eliminate the need to remove the minor from the custody of the minor's parent or guardian. If  
43 those services are reasonably available, they shall be utilized. In determining whether services  
44 are reasonably available, and in making reasonable efforts to provide those services, the  
45 minor's health, safety, and welfare shall be the worker's paramount concern.

46 (4) (a) A minor removed or taken into custody under this section may not be placed or  
47 kept in a secure detention facility pending court proceedings unless the minor is detainable  
48 based on guidelines promulgated by the Division of Juvenile Justice Services.

49 (b) A minor removed from the custody of the minor's parent or guardian but who does  
50 not require physical restriction shall be given temporary care in:

51 (i) a shelter facility; or

52 (ii) an emergency kinship placement in accordance with Section 62A-4a-209.

53 **Section 2. Effective date.**

54 This bill takes effect on July 1, 2004.

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**Legislative Review Note**

as of 12-2-03 2:26 PM

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

**Office of Legislative Research and General Counsel**

**State Impact**

The Fiscal Analyst estimates another 1.5 FTE caseworkers will be needed in DCFS to handle the expected increase in required warrants, costing \$86,000 (\$70,500 G.F.) in FY 2005. Continuing costs in FY 2006 would be \$83,400 (\$68,400 G.F.). The additional federal funds will be drawn down contingent upon expenditures of state funds.

	<u>FY 2005</u> <u>Approp.</u>	<u>FY 2006</u> <u>Approp.</u>	<u>FY 2005</u> <u>Revenue</u>	<u>FY 2006</u> <u>Revenue</u>
General Fund	\$70,500	\$68,400	\$0	\$0
Federal Funds	\$15,500	\$15,000	\$0	\$0
<b>TOTAL</b>	<b>\$86,000</b>	<b>\$83,400</b>	<b>\$0</b>	<b>\$0</b>

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**Individual and Business Impact**

No fiscal impact.

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