

34 ▶ modifies the definition of a neglected child under the Juvenile Court Act of
 1996 to
35 provide that a health care decision made by a child's parent or guardian does not
36 constitute neglect unless the state or other party to the proceeding can show, by
37 clear and convincing evidence, that the decision was not reasonable and
 ~~{prudent}~~ informed ;

4. Page 2, Lines 41 through 43

Senate 2nd Reading Amendments

1-24-2005:

41 • a health care decision made by a child's parent does not constitute neglect
42 unless the state or other party to the proceeding shows, by clear and convincing
43 evidence, that the decision is not reasonable and ~~{prudent}~~ informed ; and

5. Page 2, Lines 50 through 51

Senate 2nd Reading Amendments

1-24-2005:

50 is required by law ~~{, unless the health care provider fails to comply with the child~~
51 ~~abuse or neglect reporting requirements}~~ ;

6. Page 5, Line 149 through Page 6, Line 152:

149 (d) (i) Notwithstanding Subsection (18)(a), a health care decision made for a child
 by
150 the child's parent or guardian does not constitute neglect unless the state or other party to
 the
151 proceeding shows, by clear and convincing evidence, that the health care decision is not
152 reasonable and ~~{prudent}~~ informed .

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7. *Page 9, Lines 265 through 267:*

265 (c) a health care decision made for a child by the child's parent or guardian, unless
the
266 state or other party to the proceeding shows, by clear and convincing evidence, that the
health
267 care decision is not reasonable and ~~{prudent}~~ informed .

8. *Page 17, Lines 515 through 518*

Senate 2nd Reading Amendments

1-24-2005:

515 (iv) Notwithstanding Subsection (1)(s)(i), a health care decision made for a child by
the
516 child's parent or guardian does not constitute neglect unless the state or other party to the
517 proceeding shows, by clear and convincing evidence, that the health care decision is not
518 reasonable and ~~{prudent}~~ informed .

9. *Page 20, Lines 609 through 612*

Senate 2nd Reading Amendments

1-24-2005:

609 (4) (a) Notwithstanding Subsection (2), a parent may not be considered neglectful or
610 unfit because of a health care decision made for a child by the child's parent unless the
state or
611 other party to the proceeding shows, by clear and convincing evidence, that the health
care
612 decision is not reasonable and ~~{prudent}~~ informed .

10. *Page 21, Lines 640 through 643:*

640 ~~{(2) The prohibition on bringing a malpractice action against a health care~~
provider in

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- 641 Subsection (1) does not apply if the health care provider fails to comply with the requirements
- 642 of Title 62A, Chapter 4a, Part 4, Child Abuse or Neglect Reporting Requirements.
- 643 ~~—(3)}~~ (2) The sole purpose of this section is to prohibit a malpractice action against a health

Respectfully,

Bradley G. Last
Committee Chair

Voting: 6-0-2

3 SB0083.HC1.WPD 2/7/05 9:28 am snewton/MDA TRV/MDA

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