

1st Sub. H.B. 299

MEDICAL RECOMMENDATIONS FOR CHILDREN

HOUSE FLOOR AMENDMENTS

AMENDMENT 1

FEBRUARY 16, 2006 5:39 PM

Representative **Michael T. Morley** proposes the following amendments:

1. Page 2, Line 26:

Bracket "None" and insert:

"This bill coordinates with S.B. 7 by providing substantive and technical amendments.

This bill coordinates with H.B. 103 by providing technical amendments."

2. Page 8, Line 213:

After line 213 insert:

"Section 4. **Coordinating H.B. 299 with S.B. 7 -- Substantive and technical amendments.**

If this H.B. 299 and S.B. 7, Child Protection Amendments, both pass, it is the intent of the Legislature that the Office of Legislative Research and General Counsel shall prepare the Utah Code database for publication by:

(1) amending Subsection 53A-11-603(5) to read as follows:

"(5) Notwithstanding Subsection (4)(e), school personnel may make a report that would otherwise be prohibited under

Subsection
(4)(e)
safety or

(4)(e) if failure to take the action described under Subsection
would present a threat of substantial harm to the child's
the safety of others.";

(2) amending Subsection 78-3a-301(4) to read as follows:

"(4) (a) Except as provided in Subsection (4)(b), a court or the Division of Child and Family Services may not remove a child from the custody of the child's parent or guardian on the sole or primary basis that the parent or guardian refuses to consent to:

(i) the administration of a psychotropic medication to a child;

(ii) a psychiatric, psychological, or behavioral treatment for a

child;

or

(iii) a psychiatric or behavioral health evaluation of a child.

(b) Notwithstanding Subsection (4)(a), a court or the Division of Child and Family Services may remove a child under conditions that would otherwise be prohibited under Subsection (4)(a) if failure to take an action described under Subsection (4)(a) would

present a threat of substantial harm to the child's physical health or safety or the physical health or safety of others.";

(3) amending Subsection 78-3a-305(4) to read as follows:

"(4) (a) Except as provided in Subsection (4)(b), a court or the Division of Child and Family Services may not remove a child from the custody of the child's parent or guardian on the sole or primary basis that the parent or guardian refuses to consent to:
(i) the administration of a psychotropic medication to a child;
(ii) a psychiatric, psychological, or behavioral treatment for a

child;

or

(iii) a psychiatric or behavioral health evaluation of a child.

(b) Notwithstanding Subsection (4)(a), a court or the Division of Child and Family Services may remove a child under conditions that would otherwise be prohibited under Subsection (4)(a) if failure to take an action described under Subsection (4)(a) would present a threat of substantial harm to the child's physical health or safety or the physical health or safety of others."; and

of

(4) if this H.B. 299, S.B. 7, and H.B. 103 all pass, it is the intent of the Legislature that the changes in this coordination clause

coordinating this

supersede the changes in the coordination clause H.B. 299 with H.B. 103.

Section 5. Coordinating H.B. 299 with H.B. 103 -- Technical amendments.

If this H.B. 299 and H.B. 103, Changes to Definitions of a Child and a Minor, both pass, it is the intent of the Legislature that the Office of Legislative Research and General Counsel shall prepare the Utah Code database for publication by:

the
prepare

(1) amending Subsection 78-3a-301(4) to read as follows:

"(4) (a) Except as provided in Subsection (4)(b), a court or the Division of Child and Family Services may not remove a child from the custody of the child's parent or guardian on the sole or primary basis that the parent or guardian refuses to consent to:
(i) the administration of a psychotropic medication to a child;
(ii) a psychiatric, psychological, or behavioral treatment for a

child;

or

(iii) a psychiatric or behavioral health evaluation of a child.

(b) Notwithstanding Subsection (4)(a), a court or the Division of Child and Family Services may remove a child under conditions that would otherwise be prohibited under Subsection

conditions

(4)(a) if
(4)(a) would
or the

failure to take an action described under Subsection
present a serious, imminent risk to the child's physical safety
physical safety of others."; and

(2) amending Subsection 78-3a-305(4) to read as follows:

"(4) (a) Except as provided in Subsection (4)(b), a court or the
Division of Child and Family Services may not remove a child
from the custody of the child's parent or guardian on the sole or
primary basis that the parent or guardian refuses to consent to:
(i) the administration of a psychotropic medication to a child;
(ii) a psychiatric, psychological, or behavioral treatment for a

child;

or

(iii) a psychiatric or behavioral health evaluation of a child.
(b) Notwithstanding Subsection (4)(a), a court or the Division
of Child and Family Services may remove a child under conditions
that would otherwise be prohibited under Subsection (4)(a) if
failure to take an action described under Subsection (4)(a) would
present a serious, imminent risk to the child's physical safety or the
physical safety of others."