

H.B. 36

CHILD WELFARE AMENDMENTS

HOUSE FLOOR AMENDMENTS

AMENDMENT 5

JANUARY 23, 2008 9:44 AM

Representative **Wayne A. Harper** proposes the following amendments:

1. Page 2, Line 42:

42 ~~{None}~~ **This bill provides an immediate effective date.**

2. Page 2, Line 55:

55 78-30-3.6, as last amended by Laws of Utah 2007, Chapters 152 and 196

ENACTS:

78-3a-307.5, Utah Code Annotated 1953

3. Page 4, Lines 112 through 113:

112 (A) a noncustodial parent under Section 62A-4a-209 ~~{or}~~ , 78-3a-307 **,or 78-3a-307.5** ; or

113 (B) a relative, **other than a noncustodial parent,** under Section 62A-4a-209 ~~{or}~~ , 78-3a-307 **,or 78-3a-307.5** , pending completion of the

4. Page 26, Line 790 through Page 27, Line 805:

790 ~~{(ii) The}~~ (11) (a) In making the finding described in Subsection (10)(a), the court
791 shall, at a minimum, order the division to ~~[conduct criminal background checks described in~~
792 ~~Sections 78-3a-307.1 and 62A-4a-202.4,];~~

793 (i) if the child may be placed with a relative ~~{:~~

794 ~~{(A)}~~ **of the child,** conduct a background check ~~{of the noncustodial parent or relative}~~
that includes:

795 ~~{(A)}~~ **(A)** completion of a nonfingerprint-based, Utah Bureau of Criminal Identification
796 background check **of the relative** ; ~~{and}~~

797 ~~{(B)}~~ **(B)** a completed search **, relating to the relative,** of the Management Information
System described in Section

798 62A-4a-1003; and

799 ~~{(B) conduct}~~ **(C)** a background check that complies with the criminal background check
800 provisions described in Section 78-3a-307.1, of each adult nonrelative, as defined in
801 Subsection 62A-4a-209(1)(a), of the child who resides in the household where the child may be
802 placed;

803 (ii) if the child will be placed with a noncustodial parent of the child, complete ~~{the~~

804 ~~same}~~ **a background check that includes:**

805 (A) the background check requirements applicable to an emergency placement with a noncustodial parent ~~{,as}~~ that are described in ~~{Section}~~ Subsections 62A-4a-209 (5) and (7) ;

(B) a completed search, relating to the noncustodial parent of the child, of the Management Information System described in Section 62A-4a-1003; and

(C) a background check that complies with the criminal background check provisions described in Section 78-3a-307.1, of each adult nonrelative, as defined in Subsection 62A-4a-209(1)(a), of the child who resides in the household where the child may be placed;

5. Page 29, Line 877:

877 (B) within ~~{one day}~~ three days ,excluding weekends and holidays, ~~{of}~~ after taking the child into physical

6. Page 31, Line 939:

939 Subsection (4), upon request by the division or the Office of the Guardian ad Litem Director, or upon the court's

7. Page 32, Line 971:

971 parent or relative under Section 62A-4a-209 ~~{-or}~~ , 78-3a-307 , or 78-3a-307.5 , unless the court finds that

8. Page 32, Lines 976 through 978:

976 (i) a noncustodial parent, under Section 62A-4a-209 ~~{-or}~~ , 78-3a-307 , or 78-3a-307.5 ; or

977 (ii) a relative, under Section 62A-4a-209 ~~{-or}~~ , 78-3a-307 , or 78-3a-307.5 , pending completion of the

978 background check described in Subsection (3).

= Section 9. Section 78-3a-307.5 is enacted to read:

78-3a-307.5 Post-shelter hearing placement of a child who is in division custody.

(1) If the court awards custody of a child to the division under Section 78-3a-307, or as otherwise permitted by law, the division shall determine ongoing placement of the child.

(2) In placing a child under Subsection (1), the division:

(a) except as provided in Subsections (2)(b) and (d), shall comply with the applicable background check provisions described in Section 78-3a-307;

(b) is not required to receive approval from the court prior to making the placement;

(c) shall, within three days, excluding weekends and holidays, after making the placement, give written notice to the court, and all parties to the proceedings, that the placement has been made; and

(d) may place the child with a noncustodial parent or relative of the child, using the same criteria established for an emergency placement under Section 62A-4a-209, pending the results of:

(i) the background check described in Subsection 78-3a-307(16)(a); and
(ii) evaluation with the noncustodial parent or relative to determine the noncustodial parent's or
relative's capacity to provide ongoing care to the child.

9. Page 36, Lines 1108 through 1109:

1108 (i) a noncustodial parent, under Section 62A-4a-209 {~~or~~} , 78-3a-307, or 78-3a-307.5 ;or
1109 (ii) a relative, under Section 62A-4a-209 {~~or~~} , 78-3a-307, or 78-3a-307.5 , pending
completion of the

10. Page 38, Line 1151:

1151 Subsections 78-30-3.5(8)(a) through (d).

Section 12. Effective Date.

If approved by two-thirds of all members elected to each house, this bill takes effect upon approval
by the governor, or the day following the constitutional time limit of Utah Constitution Article VII,
Section 8, without the governor's signature, or in the case of a veto, the date of veto override.

Renumber remaining sections accordingly.