

**MINUTES OF THE  
HOUSE JUDICIARY STANDING COMMITTEE MEETING  
Room 20, West Office Building  
February 23, 2012**

**MEMBERS PRESENT:** Rep. Kay McIff, Chair  
Rep. LaVar Christensen, Vice Chair  
Rep. Derek Brown  
Rep. Fred Cox  
Rep. Brian Doughty  
Rep. Chris Herrod  
Rep. Eric Hutchings  
Rep. Ken Ivory  
Rep. Brian King  
Rep. V. Lowry Snow  
Rep. Mark A. Wheatley  
Rep. Brad Wilson

**MEMBERS ABSENT:** Rep. Paul Ray

**STAFF PRESENT:** Mr. Jerry D. Howe, Policy Analyst  
Ms. Linda Black, Committee Secretary

**NOTE:** A list of visitors and a copy of handouts are filed with the committee minutes.

Chair McIff called the meeting to order at 8:15 a.m.

**MOTION:** Rep. Snow moved to approve the minutes of February 21, 2012. The motion passed unanimously with Rep. Brown, Rep. Hutchings, Rep. Ivory, and Rep. Wheatley absent for the vote.

**S.B. 141** **Reauthorization of Prohibitions on Practicing Law Without a License** (*Sen. S. Jenkins*) (Rep. K. McIff)

At the request of the Senate sponsor, Rep. McIff presented the bill.

**MOTION:** Rep McIff moved to pass the bill out favorably. The motion passed unanimously with Rep. Brown and Rep. Ivory absent for the vote.

**MOTION:** Rep. Hutchings moved to place S.B. 141 on the Consent Calendar. The motion passed unanimously with Rep. Brown and Rep. Ivory absent for the vote.

**H.B. 161** **Rights of Parents and Children** (*Rep. L. Christensen*)

Rep. Christensen presented the bill to the committee.

**MOTION:** Rep. Christensen moved to replace H.B, 161 with 2nd Substitute H.B. 161. The motion passed unanimously with Rep. Brown and Rep. Ivory absent for the vote.

**MOTION:** Rep. Cox moved to amend the bill as follows:

0. *Page 9, Lines 258 through 263:*

258 (h) that, after a period of trial during which the child was returned to live in the  
child's  
259 own home, the parent substantially and continuously or repeatedly refused or failed to give  
the  
260 child proper parental care and protection; ~~{or}~~  
261 (i) the terms and conditions of safe relinquishment of a newborn child have been  
262 complied with, pursuant to Title 62A, Chapter 4a, Part 8, Safe Relinquishment of a  
Newborn  
263 Child ~~; or~~  
(j) that the life of the child is in danger .

The motion failed with Rep. Cox voting in favor. Rep. King was absent for the vote.

**MOTION:** Rep. Snow moved to amend the bill as follows:

1. *Page 2, Lines 45 through 47:*

45 (1) ~~{The full, balanced consideration and application of the principles and~~  
protections  
46 recognized and provided in state law constitutes the best interests of a child.  
47 ~~—(2)—~~ Before the 2013 General Session of the Utah Legislature, the Judiciary, Law

2. *Page 3, Lines 64 through 70:*

64 (f) allowing increased opportunity for extended family members to help resolve  
65 parental deficiencies in their family without state interference, or loss of a child from the  
entire  
66 family; ~~{and}~~  
67 (g) whether the division should:  
68 ~~{(f)}~~ (i) be designated as an authorized lead entity and redirect its current  
focus and  
69 practices in relation to federal law and the receipt of federal funding to strengthen families

- and  
70 prevent child abuse under 42 U.S.C. 5116; and
3. *Page 3, Lines 74 through 75:*  
74 unification to the fullest extent possible and as described in the January 2011 legislative  
audit .  
(h) the full, balanced consideration and application of the principles and  
protections recognized and provided in state law constitutes the best interest of a  
child .  
75 {~~(3)~~} (2) The division shall provide the interim committee with:
4. *Page 3, Lines 79 through 81:*  
79 practices of the state.  
80 {~~(4)~~} (3) The interim committee may request additional information from  
the division, as  
81 necessary to fulfill the requirements of this section.

The motion passed unanimously with Rep. Herrod and Rep. King absent for the vote

Spoke to the bill: Mr. Palmer De Paulis, Department of Human Services  
Ms. Laura Bunker, United Families of Utah  
Ms. Lynne Skoworski  
Ms. Gayle Ruzika, Utah Eagle Forum

Spoke in opposition  
to the bill: Ms. Robin Glassey

**MOTION:** Rep. Wilson moved to pass 2nd Substitute H.B. 161 out favorably as amended. The motion passed with Rep. Doughty, Rep. King, and Rep. Wheatley voting in opposition.

**H.B. 490** **Asset Protection Trusts** (*Rep. D. Brown*)

Rep. Brown presented the bill to the committee.

**MOTION:** Rep. King moved to pass the bill out favorably. The motion passed unanimously with Rep. Doughty, Rep. Herrod, and Rep. Christensen absent for the vote.

**S.B. 100      Law Library Self-help Center** (*Sen. S. Urquhart*) (Rep. V. L. Snow)

At the request of the Senate sponsor, Rep. Snow presented the bill to the committee.

Spoke to the bill:      Mr. Dave Becker

**MOTION:**      Rep. Hutchings moved to pass the bill out favorably. The motion passed unanimously with Rep. Doughty and Rep. Herrod absent for the vote.

**H.B. 231S01      Guardianship Amendments** (*Rep. K. Powell*)

This bill was not heard.

**H.B. 346      Amendments Regarding Competency to Stand Trial** (*Rep. L. Christensen*)

The bill was not heard.

**MOTION:**      Rep. Brown moved to adjourn the meeting. The motion passed unanimously with Rep. Doughty and Rep. Herrod absent for the vote.

Chair McIff adjourned the meeting at 9:55 a.m.

---

Rep. Kay McIff, Chair