

H.B. 318

RIGHTS OF PARENTS AND CHILDREN AMENDMENTS

HOUSE COMMITTEE AMENDMENTS

AMENDMENT 4

FEBRUARY 19, 2014 7:10 AM

Representative **Ronda Rudd Menlove** proposes the following amendments:

1. *Page 3, Lines 62 through 66:*

62 ~~and shall give]; and~~

63 (d) shall give, or instruct the jury to give, full and careful consideration to all of the

64 evidence presented with regard to the constitutional rights and claims of the parent [~~and, if a~~

65 ~~parent is found;],~~

(9) (a) Unless the court finds that due process requires otherwise, in a jury trial pursuant to this section:

(i) a child may not be present in the courtroom and may not testify unless the court finds that:

(A) the child desires an opportunity to be present or to testify;

(B) the child's guardian ad litem approves of the child's presence or ability to testify;

(C) the child is sufficiently mature to articulate the child's wishes in relation to the jury trial; and

(D) it would not be detrimental to the child or impractical to have the child be present or to testify; and

(ii) the court shall take judicial notice of any adjudicated facts from an earlier hearing, including any testimony from the child or any recording of a child's statement or testimony.

(b) The court shall instruct the jury to accept a noticed fact described in Subsection (9)(a)(ii) as conclusive, in accordance with Rule 201 of the Utah Rule of Evidence.

66 ~~{(9)}~~ **(10)** If the jury, or the court in cases where the parent does not request a jury trial, finds