

H.B. 318

RIGHTS OF PARENTS AND CHILDREN AMENDMENTS

HOUSE COMMITTEE AMENDMENTS

AMENDMENT 7

FEBRUARY 20, 2014 5:51 PM

Representative **LaVar Christensen** proposes the following amendments:

1. *Page 3, Lines 63 through 66:*

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 required or compelled to attend or testify unless the court finds that:

(A) the child desires an opportunity to be present or to testify and communicates the child's desire to the guardian ad litem;

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

(C) 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 admissible recording of a child's statement or testimony.

(b) The court shall instruct the jury as to the noticed fact described in Subsection (9)(a)(ii) 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