

Representative Jacob L. Anderegg proposes the following substitute bill:

COMPULSORY EDUCATION REVISIONS

2016 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Alvin B. Jackson

House Sponsor: Jacob L. Anderegg

LONG TITLE

General Description:

This bill amends provisions related to compulsory education.

Highlighted Provisions:

This bill:

- ▶ amends provisions related to educator evaluations;
- ▶ eliminates criminal penalties for a parent of a truant school-age child;
- ▶ amends requirements related to excusing a home-schooled student;
- ▶ amends provisions related to a violation of a court order by a habitual truant; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

53A-8a-405, as renumbered and amended by Laws of Utah 2012, Chapter 425

53A-8a-409, as last amended by Laws of Utah 2014, Chapter 262

53A-11-101.5, as last amended by Laws of Utah 2012, Chapter 203



- 26 [53A-11-102](#), as last amended by Laws of Utah 2014, Chapter 374
- 27 [78A-6-117](#), as last amended by Laws of Utah 2015, Chapter 274
- 28 [78A-6-1001](#), as last amended by Laws of Utah 2010, Chapter 276
- 29 [78A-6-1101](#), as renumbered and amended by Laws of Utah 2008, Chapter 3

31 *Be it enacted by the Legislature of the state of Utah:*

32 Section 1. Section **53A-8a-405** is amended to read:

33 **53A-8a-405. Components of educator evaluation program.**

34 An educator evaluation program adopted by a local school board in consultation with a
35 joint committee established in Section [53A-8a-403](#):

36 (1) shall include the following components:

37 ~~[(1)]~~ (a) a reliable and valid evaluation program consistent with generally accepted
38 professional standards for personnel evaluation systems;

39 ~~[(2)-(a)]~~ (b) (i) the evaluation of provisional and probationary educators at least twice
40 each school year; and

41 ~~[(b)]~~ (ii) the annual evaluation of all career educators;

42 ~~[(3)]~~ (c) systematic evaluation procedures for both provisional and career educators;

43 ~~[(4)]~~ (d) the use of multiple lines of evidence, such as:

44 ~~[(a)]~~ (i) self-evaluation;

45 ~~[(b)]~~ (ii) student and parent input;

46 ~~[(c)]~~ (iii) peer observation;

47 ~~[(d)]~~ (iv) supervisor observations;

48 ~~[(e)]~~ (v) evidence of professional growth;

49 ~~[(f)]~~ (vi) except as provided in Subsection (2), student achievement data; and

50 ~~[(g)]~~ (vii) other indicators of instructional improvement;

51 ~~[(5)]~~ (e) a reasonable number of observation periods for an evaluation to insure
52 adequate reliability;

53 ~~[(6)]~~ (f) administration of an educator's evaluation by:

54 ~~[(a)]~~ (i) the principal;

55 ~~[(b)]~~ (ii) the principal's designee;

56 ~~[(c)]~~ (iii) the educator's immediate supervisor; or

57 ~~[(d)]~~ (iv) another person specified in the evaluation program;
 58 ~~[(7)]~~ (g) an orientation for educators on the educator evaluation program; and
 59 ~~[(8)]~~ (h) a summative evaluation that differentiates among four levels of
 60 performance~~[-]; and~~
 61 (2) may not include student achievement data, in an educator's evaluation, for a student
 62 who is truant, as defined in Section 53A-11-101, at least 10 times in a school year.

63 Section 2. Section **53A-8a-409** is amended to read:

64 **53A-8a-409. State Board of Education to establish a framework for the**
 65 **evaluation of educators.**

66 ~~[(The)]~~ (1) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking
 67 Act, the State Board of Education shall make rules:

68 ~~[(1)]~~ (a) establishing a framework for the evaluation of educators that is consistent with
 69 the requirements of Part 3, Employee Evaluations, and this part;

70 ~~[(2)]~~ (b) requiring a teacher's summative evaluation to be based on:

71 ~~[(a)]~~ (i) except as provided in Subsection (2), student learning growth or achievement,
 72 if measures of student learning growth are not available; and

73 ~~[(b)]~~ (ii) standards of instructional quality; and

74 ~~[(3)]~~ (c) requiring each school district to fully implement an evaluation system for
 75 educators in accordance with the framework established by the State Board of Education no
 76 later than the 2015-16 school year.

77 (2) The rules described in Subsection (1) shall prohibit the use of student achievement
 78 data, in an educator's evaluation, for a student who is truant, as defined in Section 53A-11-101,
 79 at least 10 times in a school year.

80 Section 3. Section **53A-11-101.5** is amended to read:

81 **53A-11-101.5. Compulsory education.**

82 ~~[(1) For purposes of this section:]~~

83 ~~[(a) "Intentionally" is as defined in Section 76-2-103:]~~

84 ~~[(b) "Recklessly" is as defined in Section 76-2-103:]~~

85 (1) As used in this section:

86 ~~[(c)]~~ (a) "Remainder of the school year" means the portion of the school year beginning
 87 on the day after the day on which the notice of compulsory education violation described in

88 Subsection (3) is served and ending on the last day of the school year.

89 ~~[(d)]~~ (b) "School-age child" means a school-age minor under the age of 14.

90 (2) Except as provided in Section 53A-11-102 or 53A-11-102.5, the parent of a
91 school-age minor shall enroll and send the school-age minor to a public or regularly established
92 private school.

93 (3) A school administrator, a designee of a school administrator, a law enforcement
94 officer acting as a school resource officer, or a truancy specialist may issue a notice of
95 compulsory education violation to a parent of a school-age child if the school-age child is
96 absent without a valid excuse at least five times during the school year.

97 (4) The notice of compulsory education violation, described in Subsection (3):

98 (a) shall ~~direct~~ request that the parent of the school-age child ~~to~~:

99 (i) meet with school authorities to discuss the school-age child's school attendance
100 problems; and

101 (ii) cooperate with the school board, local charter board, or school district in securing
102 regular attendance by the school-age child;

103 (b) shall designate the school authorities with whom the parent is required to meet;

104 ~~[(c) shall state that it is a class B misdemeanor for the parent of the school-age child to~~
105 ~~intentionally or recklessly:]~~

106 ~~[(i) fail to meet with the designated school authorities to discuss the school-age child's~~
107 ~~school attendance problems; or]~~

108 ~~[(ii) fail to prevent the school-age child from being absent without a valid excuse five~~
109 ~~or more times during the remainder of the school year;]~~

110 ~~[(d)]~~ (c) shall be served on the school-age child's parent by personal service or certified
111 mail; and

112 ~~[(e)]~~ (d) may not be issued unless the school-age child has been truant at least five
113 times during the school year.

114 ~~[(5) It is a class B misdemeanor for a parent of a school-age minor to intentionally or~~
115 ~~recklessly fail to enroll the school-age minor in school, unless the school-age minor is exempt~~
116 ~~from enrollment under Section 53A-11-102 or 53A-11-102.5.]~~

117 ~~[(6) It is a class B misdemeanor for a parent of a school-age child to, after being served~~
118 ~~with a notice of compulsory education violation in accordance with Subsections (3) and (4);~~

119 ~~intentionally or recklessly:]~~

120 ~~[(a) fail to meet with the school authorities designated in the notice of compulsory~~
121 ~~education violation to discuss the school-age child's school attendance problems; or]~~

122 ~~[(b) fail to prevent the school-age child from being absent without a valid excuse five~~
123 ~~or more times during the remainder of the school year.]~~

124 ~~[(7) A local school board, local charter board, or school district shall report violations~~
125 ~~of this section to the appropriate county or district attorney.]~~

126 Section 4. Section **53A-11-102** is amended to read:

127 **53A-11-102. Minors exempt from school attendance.**

128 (1) (a) A local school board or charter school governing board may excuse a school-age
129 minor from attendance for any of the following reasons:

130 (i) a school-age minor over age 16 may receive a partial release from school to enter
131 employment, or attend a trade school, if the school-age minor has completed the eighth grade;
132 or

133 (ii) on an annual basis, a school-age minor may receive a full release from attending a
134 public, regularly established private, or part-time school or class if:

135 (A) the school-age minor has already completed the work required for graduation from
136 high school, or has demonstrated mastery of required skills and competencies in accordance
137 with Subsection [53A-15-102\(1\)](#);

138 (B) the school-age minor is in a physical or mental condition, certified by a competent
139 physician if required by the local school board or charter school governing board, which
140 renders attendance inexpedient and impracticable;

141 (C) proper influences and adequate opportunities for education are provided in
142 connection with the school-age minor's employment; or

143 (D) the district superintendent or charter school governing board has determined that a
144 school-age minor over the age of 16 is unable to profit from attendance at school because of
145 inability or a continuing negative attitude toward school regulations and discipline.

146 (b) A school-age minor receiving a partial release from school under Subsection
147 (1)(a)(i) is required to attend:

148 (i) school part time as prescribed by the local school board or charter school governing
149 board; or

150 (ii) a home school part time.

151 (c) In each case, evidence of reasons for granting an exemption under Subsection (1)
152 must be sufficient to satisfy the local school board or charter school governing board.

153 (d) A local school board or charter school governing board that excuses a school-age
154 minor from attendance as provided by this Subsection (1) shall issue a certificate that the minor
155 is excused from attendance during the time specified on the certificate.

156 (2) (a) A local school board shall excuse a school-age minor from attendance, if the
157 school-age minor's parent files a signed [~~and notarized affidavit~~] statement with the school-age
158 minor's school district of residence, as defined in Section 53A-2-201, that:

159 (i) the school-age minor will attend a home school; and

160 (ii) the parent assumes sole responsibility for the education of the school-age minor,
161 except to the extent the school-age minor is dual enrolled in a public school as provided in
162 Section 53A-11-102.5.

163 (b) A signed [~~and notarized affidavit~~] statement filed in accordance with Subsection
164 (2)(a) shall remain in effect as long as:

165 (i) the school-age minor attends a home school; and

166 (ii) the school district where the [~~affidavit~~] signed statement was filed remains the
167 school-age minor's district of residence.

168 (c) A parent of a school-age minor who attends a home school is solely responsible for:

169 (i) the selection of instructional materials and textbooks;

170 (ii) the time, place, and method of instruction; and

171 (iii) the evaluation of the home school instruction.

172 (d) A local school board may not:

173 (i) require a parent of a school-age minor who attends a home school to maintain
174 records of instruction or attendance;

175 (ii) require credentials for individuals providing home school instruction;

176 (iii) inspect home school facilities; or

177 (iv) require standardized or other testing of home school students.

178 (e) Upon the request of a parent, a local school board shall identify the knowledge,
179 skills, and competencies a student is recommended to attain by grade level and subject area to
180 assist the parent in achieving college and career readiness through home schooling.

181 (f) A local school board that excuses a school-age minor from attendance as provided
182 by this Subsection (2) shall annually issue a certificate stating that the school-age minor is
183 excused from attendance for the specified school year.

184 (g) A local school board shall issue a certificate excusing a school-age minor from
185 attendance:

186 (i) within 30 days after receipt of a signed [~~and notarized affidavit~~] statement filed by
187 the school-age minor's parent pursuant to Subsection (2); and

188 (ii) on or before August 1 each year thereafter unless:

189 (A) the school-age minor enrolls in a school within the school district;

190 (B) the school-age minor's parent or guardian notifies the school district that the
191 school-age minor no longer attends a home school; or

192 (C) the school-age minor's parent or guardian notifies the school district that the
193 school-age minor's school district of residence has changed.

194 (3) A parent who files a signed [~~and notarized affidavit~~] statement as provided in
195 Subsection (2)(a) is exempt from the [~~application of Subsections 53A-11-101.5(2), (5), and (6)~~]
196 requirements described in Section 53A-11-101.5.

197 (4) Nothing in this section may be construed to prohibit or discourage voluntary
198 cooperation, resource sharing, or testing opportunities between a school or school district and a
199 parent or guardian of a minor attending a home school.

200 Section 5. Section 78A-6-117 is amended to read:

201 **78A-6-117. Adjudication of jurisdiction of juvenile court -- Disposition of cases --**
202 **Enumeration of possible court orders -- Considerations of court -- Obtaining DNA**
203 **sample.**

204 (1) (a) When a minor is found to come within the provisions of Section 78A-6-103, the
205 court shall so adjudicate. The court shall make a finding of the facts upon which it bases its
206 jurisdiction over the minor. However, in cases within the provisions of Subsection
207 78A-6-103(1), findings of fact are not necessary.

208 (b) If the court adjudicates a minor for a crime of violence or an offense in violation of
209 Title 76, Chapter 10, Part 5, Weapons, it shall order that notice of the adjudication be provided
210 to the school superintendent of the district in which the minor resides or attends school. Notice
211 shall be made to the district superintendent within three days of the adjudication and shall

212 include:

213 (i) the specific offenses for which the minor was adjudicated; and

214 (ii) if available, if the victim:

215 (A) resides in the same school district as the minor; or

216 (B) attends the same school as the minor.

217 (2) Upon adjudication the court may make the following dispositions by court order:

218 (a) (i) The court may place the minor on probation or under protective supervision in
219 the minor's own home and upon conditions determined by the court, including compensatory
220 service as provided in Subsection (2)(m)(iii).

221 (ii) The court may place the minor in state supervision with the probation department
222 of the court, under the legal custody of:

223 (A) the minor's parent or guardian;

224 (B) the Division of Juvenile Justice Services; or

225 (C) the Division of Child and Family Services.

226 (iii) If the court orders probation or state supervision, the court shall direct that notice
227 of its order be provided to designated persons in the local law enforcement agency and the
228 school or transferee school, if applicable, that the minor attends. The designated persons may
229 receive the information for purposes of the minor's supervision and student safety.

230 (iv) Any employee of the local law enforcement agency and the school that the minor
231 attends who discloses the court's order of probation is not:

232 (A) civilly liable except when the disclosure constitutes fraud or willful misconduct as
233 provided in Section [63G-7-202](#); and

234 (B) civilly or criminally liable except when the disclosure constitutes a knowing
235 violation of Section [63G-2-801](#).

236 (b) The court may place the minor in the legal custody of a relative or other suitable
237 person, with or without probation or protective supervision, but the juvenile court may not
238 assume the function of developing foster home services.

239 (c) (i) The court may:

240 (A) vest legal custody of the minor in the Division of Child and Family Services,
241 Division of Juvenile Justice Services, or the Division of Substance Abuse and Mental Health;
242 and

243 (B) order the Department of Human Services to provide dispositional
244 recommendations and services.

245 (ii) For minors who may qualify for services from two or more divisions within the
246 Department of Human Services, the court may vest legal custody with the department.

247 (iii) (A) A minor who is committed to the custody of the Division of Child and Family
248 Services on grounds other than abuse or neglect is subject to the provisions of Title 78A,
249 Chapter 6, Part 4, Minors in Custody on Grounds Other than Abuse or Neglect, and Title 62A,
250 Chapter 4a, Part 2a, Minors in Custody on Grounds other than Abuse or Neglect.

251 (B) Before the court entering an order to place a minor in the custody of the Division of
252 Child and Family Services on grounds other than abuse or neglect, the court shall provide the
253 division with notice of the hearing no later than five days before the time specified for the
254 hearing so the division may attend the hearing.

255 (C) Before committing a child to the custody of the Division of Child and Family
256 Services, the court shall make a finding as to what reasonable efforts have been attempted to
257 prevent the child's removal from the child's home.

258 (d) (i) The court may commit a minor to the Division of Juvenile Justice Services for
259 secure confinement.

260 (ii) A minor under the jurisdiction of the court solely on the ground of abuse, neglect,
261 or dependency under Subsection 78A-6-103(1)(c) may not be committed to the Division of
262 Juvenile Justice Services.

263 (e) The court may commit a minor, subject to the court retaining continuing
264 jurisdiction over the minor, to the temporary custody of the Division of Juvenile Justice
265 Services for observation and evaluation for a period not to exceed 45 days, which period may
266 be extended up to 15 days at the request of the director of the Division of Juvenile Justice
267 Services.

268 (f) (i) The court may commit a minor to a place of detention or an alternative to
269 detention for a period not to exceed 30 days subject to the court retaining continuing
270 jurisdiction over the minor. This commitment may be stayed or suspended upon conditions
271 ordered by the court.

272 (ii) This Subsection (2)(f) applies only to a minor adjudicated for:

273 (A) an act which if committed by an adult would be a criminal offense; or

274 (B) except as provided in Subsection 78A-6-1101(3), contempt of court under Section
275 78A-6-1101.

276 (g) The court may vest legal custody of an abused, neglected, or dependent minor in
277 the Division of Child and Family Services or any other appropriate person in accordance with
278 the requirements and procedures of Title 78A, Chapter 6, Part 3, Abuse, Neglect, and
279 Dependency Proceedings.

280 (h) The court may place a minor on a ranch or forestry camp, or similar facility for care
281 and also for work, if possible, if the person, agency, or association operating the facility has
282 been approved or has otherwise complied with all applicable state and local laws. A minor
283 placed in a forestry camp or similar facility may be required to work on fire prevention,
284 forestation and reforestation, recreational works, forest roads, and on other works on or off the
285 grounds of the facility and may be paid wages, subject to the approval of and under conditions
286 set by the court.

287 (i) (i) The court may order a minor to repair, replace, or otherwise make restitution for
288 damage or loss caused by the minor's wrongful act, including costs of treatment as stated in
289 Section 78A-6-321 and impose fines in limited amounts.

290 (ii) The court may also require a minor to reimburse an individual, entity, or
291 governmental agency who offered and paid a reward to a person or persons for providing
292 information resulting in a court adjudication that the minor is within the jurisdiction of the
293 juvenile court due to the commission of a criminal offense.

294 (iii) If a minor is returned to this state under the Interstate Compact on Juveniles, the
295 court may order the minor to make restitution for costs expended by any governmental entity
296 for the return.

297 (j) The court may issue orders necessary for the collection of restitution and fines
298 ordered by the court, including garnishments, wage withholdings, and executions.

299 (k) (i) The court may through its probation department encourage the development of
300 employment or work programs to enable minors to fulfill their obligations under Subsection
301 (2)(i) and for other purposes considered desirable by the court.

302 (ii) Consistent with the order of the court, the probation officer may permit a minor
303 found to be within the jurisdiction of the court to participate in a program of work restitution or
304 compensatory service in lieu of paying part or all of the fine imposed by the court.

305 (l) (i) In violations of traffic laws within the court's jurisdiction, the court may, in
306 addition to any other disposition authorized by this section:

307 (A) restrain the minor from driving for periods of time the court considers necessary;
308 and

309 (B) take possession of the minor's driver license.

310 (ii) The court may enter any other disposition under Subsection (2)(l)(i). However, the
311 suspension of driving privileges for an offense under Section 78A-6-606 is governed only by
312 Section 78A-6-606.

313 (m) (i) When a minor is found within the jurisdiction of the juvenile court under
314 Section 78A-6-103 because of violating Section 58-37-8, Title 58, Chapter 37a, Utah Drug
315 Paraphernalia Act, or Title 58, Chapter 37b, Imitation Controlled Substances Act, the court
316 shall, in addition to any fines or fees otherwise imposed, order that the minor perform a
317 minimum of 20 hours, but no more than 100 hours, of compensatory service. Satisfactory
318 completion of an approved substance abuse prevention or treatment program may be credited
319 by the court as compensatory service hours.

320 (ii) When a minor is found within the jurisdiction of the juvenile court under Section
321 78A-6-103 because of a violation of Section 32B-4-409 or Subsection 76-9-701(1), the court
322 may, upon the first adjudication, and shall, upon a second or subsequent adjudication, order
323 that the minor perform a minimum of 20 hours, but no more than 100 hours of compensatory
324 service, in addition to any fines or fees otherwise imposed. Satisfactory completion of an
325 approved substance abuse prevention or treatment program may be credited by the court as
326 compensatory service hours.

327 (iii) When a minor is found within the jurisdiction of the juvenile court under Section
328 78A-6-103 because of a violation of Section 76-6-106 or 76-6-206 using graffiti, the court may
329 order the minor to clean up graffiti created by the minor or any other person at a time and place
330 within the jurisdiction of the court. Compensatory service required under this section may be
331 performed in the presence and under the direct supervision of the minor's parent or legal
332 guardian. The parent or legal guardian shall report completion of the order to the court. The
333 minor or the minor's parent or legal guardian, if applicable, shall be responsible for removal
334 costs as determined under Section 76-6-107, unless waived by the court for good cause. The
335 court may also require the minor to perform other alternative forms of restitution or repair to

336 the damaged property pursuant to Subsection 77-18-1(8).

337 (A) For a first adjudication, the court may require the minor to clean up graffiti for not
338 less than eight hours.

339 (B) For a second adjudication, the court may require the minor to clean up graffiti for
340 not less than 16 hours.

341 (C) For a third adjudication, the court may require the minor to clean up graffiti for not
342 less than 24 hours.

343 (n) (i) Subject to Subsection (2)(n)(iii), the court may order that a minor:

344 (A) be examined or treated by a physician, surgeon, psychiatrist, or psychologist; or

345 (B) receive other special care.

346 (ii) For purposes of receiving the examination, treatment, or care described in
347 Subsection (2)(n)(i), the court may place the minor in a hospital or other suitable facility.

348 (iii) In determining whether to order the examination, treatment, or care described in
349 Subsection (2)(n)(i), the court shall consider:

350 (A) the desires of the minor;

351 (B) if the minor is under the age of 18, the desires of the parents or guardian of the
352 minor; and

353 (C) whether the potential benefits of the examination, treatment, or care outweigh the
354 potential risks and side-effects, including behavioral disturbances, suicidal ideation, brain
355 function impairment, or emotional or physical harm resulting from the compulsory nature of
356 the examination, treatment, or care.

357 (iv) The Division of Child and Family Services shall take reasonable measures to
358 notify a parent or guardian of any non-emergency health treatment or care scheduled for a
359 child, shall include the parent or guardian as fully as possible in making health care decisions
360 for the child, and shall defer to the parent's or guardian's reasonable and informed decisions
361 regarding the child's health care to the extent that the child's health and well being are not
362 unreasonably compromised by the parent's or guardian's decision.

363 (v) The Division of Child and Family Services shall notify the parent or guardian of a
364 child within five business days after a child in the custody of the Division of Child and Family
365 Services receives emergency health care or treatment.

366 (vi) The Division of Child and Family Services shall use the least restrictive means to

367 accomplish a compelling interest in the care and treatment of a child described in this
368 Subsection (2)(n).

369 (o) (i) The court may appoint a guardian for the minor if it appears necessary in the
370 interest of the minor, and may appoint as guardian a public or private institution or agency in
371 which legal custody of the minor is vested.

372 (ii) In placing a minor under the guardianship or legal custody of an individual or of a
373 private agency or institution, the court shall give primary consideration to the welfare of the
374 minor. When practicable, the court may take into consideration the religious preferences of the
375 minor and of a child's parents.

376 (p) (i) In support of a decree under Section 78A-6-103, the court may order reasonable
377 conditions to be complied with by a minor's parents or guardian, a minor, a minor's custodian,
378 or any other person who has been made a party to the proceedings. Conditions may include:

379 (A) parent-time by the parents or one parent;

380 (B) restrictions on the minor's associates;

381 (C) restrictions on the minor's occupation and other activities; and

382 (D) requirements to be observed by the parents or custodian.

383 (ii) A minor whose parents or guardians successfully complete a family or other
384 counseling program may be credited by the court for detention, confinement, or probation time.

385 (q) The court may order the child to be committed to the physical custody of a local
386 mental health authority, in accordance with the procedures and requirements of Title 62A,
387 Chapter 15, Part 7, Commitment of Persons Under Age 18 to Division of Substance Abuse and
388 Mental Health.

389 (r) (i) The court may make an order committing a minor within the court's jurisdiction
390 to the Utah State Developmental Center if the minor has an intellectual disability in accordance
391 with the provisions of Title 62A, Chapter 5, Part 3, Admission to an Intermediate Care Facility
392 for People with an Intellectual Disability.

393 (ii) The court shall follow the procedure applicable in the district courts with respect to
394 judicial commitments to the Utah State Developmental Center when ordering a commitment
395 under Subsection (2)(r)(i).

396 (s) The court may terminate all parental rights upon a finding of compliance with the
397 provisions of Title 78A, Chapter 6, Part 5, Termination of Parental Rights Act.

398 (t) The court may make any other reasonable orders for the best interest of the minor or
399 as required for the protection of the public, except that a child may not be committed to jail or
400 prison.

401 (u) The court may combine the dispositions listed in this section if they are compatible.

402 (v) Before depriving any parent of custody, the court shall give due consideration to the
403 rights of parents concerning their child. The court may transfer custody of a minor to another
404 person, agency, or institution in accordance with the requirements and procedures of Title 78A,
405 Chapter 6, Part 3, Abuse, Neglect, and Dependency Proceedings.

406 (w) Except as provided in Subsection (2)(y)(i), an order under this section for
407 probation or placement of a minor with an individual or an agency shall include a date certain
408 for a review of the case by the court. A new date shall be set upon each review.

409 (x) In reviewing foster home placements, special attention shall be given to making
410 adoptable children available for adoption without delay.

411 (y) (i) The juvenile court may enter an order of permanent custody and guardianship
412 with an individual or relative of a child where the court has previously acquired jurisdiction as
413 a result of an adjudication of abuse, neglect, or dependency. The juvenile court may enter an
414 order for child support on behalf of the child against the natural or adoptive parents of the
415 child.

416 (ii) Orders under Subsection (2)(y)(i):

417 (A) shall remain in effect until the child reaches majority;

418 (B) are not subject to review under Section [78A-6-118](#); and

419 (C) may be modified by petition or motion as provided in Section [78A-6-1103](#).

420 (iii) Orders permanently terminating the rights of a parent, guardian, or custodian and
421 permanent orders of custody and guardianship do not expire with a termination of jurisdiction
422 of the juvenile court.

423 (3) In addition to the dispositions described in Subsection (2), when a minor comes
424 within the court's jurisdiction, the minor may be given a choice by the court to serve in the
425 National Guard in lieu of other sanctions, provided:

426 (a) the minor meets the current entrance qualifications for service in the National
427 Guard as determined by a recruiter, whose determination is final;

428 (b) the minor is not under the jurisdiction of the court for any act that:

- 429 (i) would be a felony if committed by an adult;
- 430 (ii) is a violation of Title 58, Chapter 37, Utah Controlled Substances Act; or
- 431 (iii) was committed with a weapon; and
- 432 (c) the court retains jurisdiction over the minor under conditions set by the court and
- 433 agreed upon by the recruiter or the unit commander to which the minor is eventually assigned.

434 (4) (a) A DNA specimen shall be obtained from a minor who is under the jurisdiction
 435 of the court as described in Subsection 53-10-403(3). The specimen shall be obtained by
 436 designated employees of the court or, if the minor is in the legal custody of the Division of
 437 Juvenile Justice Services, then by designated employees of the division under Subsection
 438 53-10-404(5)(b).

439 (b) The responsible agency shall ensure that employees designated to collect the saliva
 440 DNA specimens receive appropriate training and that the specimens are obtained in accordance
 441 with accepted protocol.

442 (c) Reimbursements paid under Subsection 53-10-404(2)(a) shall be placed in the DNA
 443 Specimen Restricted Account created in Section 53-10-407.

444 (d) Payment of the reimbursement is second in priority to payments the minor is
 445 ordered to make for restitution under this section and treatment under Section 78A-6-321.

446 Section 6. Section 78A-6-1001 is amended to read:

447 **78A-6-1001. Jurisdiction over adults for offenses against minors -- Proof of**
 448 **delinquency not required for conviction.**

449 (1) The court shall have jurisdiction, concurrent with the district court or justice court
 450 otherwise having subject matter jurisdiction, to try adults for the following offenses committed
 451 against minors:

452 (a) unlawful sale or furnishing of an alcoholic product to minors in violation of Section
 453 32B-4-403;

454 (b) failure to report abuse or neglect, as required by Title 62A, Chapter 4a, Part 4,
 455 Child Abuse or Neglect Reporting Requirements;

456 (c) harboring a runaway in violation of Section 62A-4a-501;

457 (d) misdemeanor custodial interference in violation of Section 76-5-303; and

458 (e) contributing to the delinquency of a minor in violation of Section 76-10-2301[;
 459 and].

460 [~~(f) failure to comply with compulsory education requirements in violation of Section~~
461 ~~53A-11-101.5.~~]

462 (2) It is not necessary for the minor to be found to be delinquent or to have committed
463 a delinquent act for the court to exercise jurisdiction under Subsection (1).

464 Section 7. Section **78A-6-1101** is amended to read:

465 **78A-6-1101. Violation of order of court -- Contempt -- Penalty.**

466 (1) Any person who willfully violates or refuses to obey any order of the court may be
467 proceeded against for contempt of court.

468 (2) Any person 18 years of age or older found in contempt of court may be punished in
469 accordance with Section **78B-6-310**.

470 (3) (a) ~~[Any]~~ Except as provided in Subsection (3)(c), a person younger than 18 years
471 of age found in contempt of court may be punished by any disposition permitted under Section
472 78A-6-117, except for commitment to a secure facility.

473 (b) The court may stay or suspend all or part of the punishment upon compliance with
474 conditions imposed by the court.

475 (c) The court may not order detention for, or place in state custody, a minor found in
476 contempt of court based on a violation of orders directly related to a citation for habitual
477 truancy.

478 (4) The court may enforce orders of fines, fees, or restitution through garnishments,
479 wage withholdings, supplementary proceedings, or executions.