

Representative Angela Romero proposes the following substitute bill:

VICTIMS OF SEXUAL OFFENSES AMENDMENTS

2024 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Angela Romero

Senate Sponsor: Wayne A. Harper

LONG TITLE

General Description:

This bill amends provisions related to victims of sexual offenses.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ moves a statute regarding custody and parent-time for a child conceived as a result of a sexual offense;
- ▶ amends the requirements for retaining or disposing of a sexual assault kit;
- ▶ requires agency to provide a victim with notice of intent when the agency intends to destroy or dispose of a sexual assault kit;
- ▶ addresses the rights for victims of sexual offenses, including rights related to sexual assault kits;
- ▶ allows for the termination of parental rights of a parent who ~~§→~~ **[committed]** was convicted of ~~←§~~ a sexual

offense ~~§→~~ **[that resulted in conception of the child when termination is in the best interests of the child]** ~~§→~~ **[against the child or]** against ~~←§~~ the other parent of the child ~~←§~~ ;

and

- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

2nd Sub. H.B. 328



708 providing the current name, address, telephone number, and email address, if an email address
 709 is available, of the person to whom the information should be provided to the criminal justice
 710 agencies involved in the case.

711 Section 11. Section **80-4-301** is amended to read:

712 **80-4-301. Grounds for termination of parental rights -- Findings regarding**
 713 **reasonable efforts by division.**

714 (1) Subject to the protections and requirements of Section 80-4-104, and if the juvenile
 715 court finds termination of parental rights, from the child's point of view, is strictly necessary,
 716 the juvenile court may terminate all parental rights with respect to the parent if the juvenile
 717 court finds [~~any one of the following~~]:

718 (a) [~~that~~] the parent has abandoned the child;

719 (b) [~~that~~] the parent has neglected or abused the child;

720 (c) [~~that~~] the parent is unfit or incompetent;

721 (d) ~~H→ [(i)] ←H the parent S→ [committed an act constituting] was convicted of ←S a~~
 721a1 ~~sexual offense, as defined in~~

721a ~~Section~~

722 ~~77-37-2, or a comparable offense under the laws of the state where the S→ [act] offense ←S~~

722a1 ~~occurred H→ , against~~

722a ~~S→ [the child or] ←S the other parent of the child ←H ;~~

723 ~~H→ [(ii) the act resulted in the conception of the child; and~~

724 ~~—— [(iii) termination is in the best interest of the child;] ←H~~

725 [~~(d)~~] (e) (i) [~~that~~] the child is being cared for in an out-of-home placement under the
 726 supervision of the juvenile court or the division;

727 (ii) [~~that~~] the parent has substantially neglected, willfully refused, or has been unable or
 728 unwilling to remedy the circumstances that cause the child to be in an out-of-home placement;
 729 and

730 (iii) [~~that~~] there is a substantial likelihood that the parent will not be capable of
 731 exercising proper and effective parental care in the near future;

732 [~~(e)~~] (f) failure of parental adjustment, as defined in this chapter;

733 [~~(f)~~] (g) [~~that~~] only token efforts have been made by the parent:

734 (i) to support or communicate with the child;

735 (ii) to prevent neglect of the child;

736 (iii) to eliminate the risk of serious harm to the child; or

737 (iv) to avoid being an unfit parent;

738 [~~(g)~~] (h) (i) [~~that~~] the parent has voluntarily relinquished the parent's parental rights to