

# HB0399S01 compared with HB0399

~~{Omitted text}~~ shows text that was in HB0399 but was omitted in HB0399S01  
inserted text shows text that was not in HB0399 but was inserted into HB0399S01

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## School Attendance Amendments

2025 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Andrew Stoddard**

Senate Sponsor:

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### LONG TITLE

#### General Description:

This bill ~~{amends}~~ establishes chronic absenteeism data requirements and ~~{enacts statutes regarding juveniles who are habitual truants}~~ a study.

#### Highlighted Provisions:

This bill:

- ▶ ~~{defines terms;}~~
- ▶ ~~{requires the State Board of Education (state board) to establish a testing-out assessment option for core courses;}~~
- ▶ ~~{requires a local education agency to implement the testing-out assessments created by the state board;}~~
- ▶ ~~{allows a school administrator, a school administrator's designee, or a school resource officer to refer a child that is habitually truant to the Division of Juvenile Justice and Youth Services for prevention and early intervention youth services;}~~
- ▶

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~~{ allows a school administrator, a local education agency, or the Division of Juvenile Justice and Youth Services, to bring a petition alleging habitual truancy against a child and the child's parent or guardian; }~~

- 19     ▶ ~~{ modifies the jurisdiction of the juvenile court in regard to habitual truancy; }~~
- 20     ▶ ~~{ addresses venue for a petition alleging habitual truancy; }~~
- 21     ▶ ~~{ creates a new chapter, Title 80, Chapter 5a, Children in Need of Services; }~~
- 22     ▶ ~~{ moves statutes related to runaways and homeless youth to the new chapter; }~~
- 23     ▶ ~~{ allows a school administrator, local education agency, or the Division of Juvenile Justice and Youth Services, to bring a petition alleging that a child is a habitual truant; }~~
- 25     ▶ ~~{ allows a court to make orders regarding a child that is a habitual truant; and }~~
- 26     ▶ ~~{ makes technical and conforming changes. }~~
- 8     ▶ establishes chronic absenteeism data requirements and a study.

## 9 Money Appropriated in this Bill:

- 10     None
- 11     None

## 14 ENACTS:

- 43     ~~{53E-4-316, Utah Code Annotated 1953, Utah Code Annotated 1953}~~
- 44     ~~{53G-6-206.1, Utah Code Annotated 1953, Utah Code Annotated 1953}~~
- 15     53G-6-213, Utah Code Annotated 1953, Utah Code Annotated 1953
- 45     ~~{80-5a-101, Utah Code Annotated 1953, Utah Code Annotated 1953}~~
- 46     ~~{80-5a-201, Utah Code Annotated 1953, Utah Code Annotated 1953}~~
- 47     ~~{80-5a-301, Utah Code Annotated 1953, Utah Code Annotated 1953}~~
- 48     ~~{80-5a-302, Utah Code Annotated 1953, Utah Code Annotated 1953}~~

## . AMENDS:

- 33     ~~{53G-6-201, as last amended by Laws of Utah 2024, Chapter 464, as last amended by Laws of Utah 2024, Chapter 464}~~
- 34     ~~{53G-6-202, as last amended by Laws of Utah 2021, Chapter 359 and further amended by Revisor Instructions, Laws of Utah 2021, Chapter 359, as last amended by Laws of Utah 2021, Chapter 359 and further amended by Revisor Instructions, Laws of Utah 2021, Chapter 359}~~

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~~{53G-6-203, as last amended by Laws of Utah 2023, Chapter 161, as last amended by Laws of Utah 2023, Chapter 161}~~

37 ~~{53G-6-206, as last amended by Laws of Utah 2024, Chapter 516, as last amended by Laws of Utah 2024, Chapter 516}~~

38 ~~{53G-6-208, as last amended by Laws of Utah 2022, Chapter 335, as last amended by Laws of Utah 2022, Chapter 335}~~

39 ~~{53G-8-211, as last amended by Laws of Utah 2024, Chapters 240, 301, as last amended by Laws of Utah 2024, Chapters 240, 301}~~

40 ~~{78A-6-103, as last amended by Laws of Utah 2024, Chapter 366, as last amended by Laws of Utah 2024, Chapter 366}~~

41 ~~{80-1-102, as last amended by Laws of Utah 2024, Chapter 256, as last amended by Laws of Utah 2024, Chapter 256}~~

. RENUMBERS AND AMENDS:

50 ~~{80-5a-102, (Renumbered from 80-5-603, as renumbered and amended by Laws of Utah 2021, Chapter 261), (Renumbered from 80-5-603, as renumbered and amended by Laws of Utah 2021, Chapter 261)}~~

52 ~~{80-5a-202, (Renumbered from 80-5-601, as last amended by Laws of Utah 2022, Chapter 334), (Renumbered from 80-5-601, as last amended by Laws of Utah 2022, Chapter 334)}~~

54 ~~{80-5a-203, (Renumbered from 80-5-602, as last amended by Laws of Utah 2021, Chapter 256 and renumbered and amended by Laws of Utah 2021, Chapter 261), (Renumbered from 80-5-602, as last amended by Laws of Utah 2021, Chapter 256 and renumbered and amended by Laws of Utah 2021, Chapter 261)}~~

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

58 Section 1. Section 1 is enacted to read:

59 **53E-4-316. Core course testing-out assessment system.**

60 (1)

. (a) The state board shall establish a timeline for the creation of assessments for core courses to allow students to test out of core courses in grades 8 through 12.

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(b) By the beginning of the 2026-2027 school year, the state board shall establish a testing-out assessment system for students in grades 8 through 12 to demonstrate mastery of core course material without taking the core course.

65 (c) A testing-out assessment for a core course shall:

66 (i) evaluate knowledge and skills through:

67 (A) written assessments; and

68 (B) as the state board determines relevant, a project-based submission or portfolio review; and

70 (ii) align with the core standards the state board establishes.

71 (d) The state board shall ensure an LEA administers the testing-out assessment for each core course as described in Section 53G-6-206.1.

73 (2) Upon request, the state board shall provide a report to the Education Interim Committee regarding the implementation and utilization of the testing-out assessment by students statewide.

76 {Section 2. Section 53G-6-201 is amended to read: }

77 **53G-6-201. Definitions.**

As used in this part:

79 (1)

. (a) "Absence" [~~or "absent"~~] means the failure of a school-age child assigned to a class or class period to attend a class or class period.

81 (b) "Absence" [~~or "absent"~~] does not mean multiple tardies used to calculate an absence for the sake of a truancy.

83 (2) "Absent" means absence.

84 [~~(2)~~] (3) "Educational neglect" means the same as that term is defined in Section 80-1-102.

85 (4) "Habitual truant" means a school-age child who:

86 (a) is in grade 9 or above;

87 (b) is subject to the requirements of Section 53G-6-202 or 53G-6-203; and

88 (c) is truant at least 10 times during one school year.

89 [~~(3)~~] (5)

. (a) "Home-based microschool" means an individual or association of individuals that:

91 (i) registers as a business entity in accordance with state and local laws; and

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- (ii) for compensation, provides kindergarten through grade 12 education services to 16 or fewer students from an individual's residential dwelling, accessory dwelling unit, or residential property.
- 95 (b) "Home-based microschool" does not include a daycare.
- 96 ~~[(4)]~~ (6) "Instructor" means an individual who teaches a student as part of a home-based microschool or  
micro-education entity.
- 98 ~~[(5)]~~ (7)
- . (a) "Micro-education entity" means a person or association of persons that:
- 99 (i) registers as a business entity in accordance with state and local laws; and
- 100 (ii) for compensation, provides kindergarten through grade 12 education services to 100 students or  
fewer.
- 102 (b) "Micro-education entity" does not include:
- 103 (i) a daycare;
- 104 (ii) a home-based microschool;
- 105 (iii) a private school; or
- 106 (iv) a school within the public education system.
- 107 ~~[(6)]~~ (8) "Minor" means an individual who is under 18 years old.
- 108 ~~[(7)]~~ (9) "Parent" ~~[includes]~~ means:
- 109 (a) ~~[a custodial parent of the minor]~~ the same as that term is defined in Section 53E-1-102; or
- 111 ~~[(b) a legally appointed guardian of a minor; or]~~
- 112 ~~[(c)]~~ (b) any other person purporting to exercise any authority over the minor ~~[which]~~ that could be  
exercised by a person described in Subsection ~~[(7)(a) or (b);]~~ (9)(a).
- 114 ~~[(8)]~~ (10) "School day" means the portion of a day that school is in session in which a school-age child  
is required to be in school for purposes of receiving instruction.
- 116 ~~[(9)]~~ (11) "School year" means the period of time designated by a local school board or charter school  
governing board as the school year for the school where the school-age child:
- 119 (a) is enrolled; or
- 120 (b) should be enrolled, if the school-age child is not enrolled in school.
- 121 ~~[(10)]~~ (12) "School-age child" means a minor who:
- 122 (a) is at least six years old but younger than 18 years old; and
- 123 (b) is not emancipated.

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- 124 ~~[(11)]~~ (13)
- . ~~[(a)]~~ "Truant" means a condition in which a school-age child, without a valid excuse, ~~[, and subject to~~  
Subsection ~~(11)(b),]~~ is absent only one time during the day for at least:
- 127 ~~[(i)]~~ (a) half of the school day; or
- 128 ~~[(ii)]~~ (b) if the school-age child is enrolled in a learner verified program, as that term is defined  
by the state board, the relevant amount of time under the LEA's policy regarding the LEA's  
continuing enrollment measure as it relates to truancy.
- 131 ~~[(b) A school-age child may not be considered truant under this part more than one time during one~~  
~~day.]~~
- 133 ~~[(12)]~~ (14) "Truant minor" means a school-age child who:
- 134 (a) is subject to the requirements of Section 53G-6-202 or 53G-6-203; and
- 135 (b) is truant.
- 136 ~~[(13)]~~ (15)
- . (a) "Valid excuse" means:
- 137 (i) an illness, ~~[which may be-]~~ that is either mental or physical, regardless of whether the school-age  
child or parent provides documentation from a medical professional;
- 140 (ii) mental or behavioral health of the school-age child;
- 141 (iii) a family death;
- 142 (iv) an approved school activity;
- 143 (v) an absence permitted by a school-age child's:
- 144 (A) individualized education program; or
- 145 (B) Section 504 accommodation plan;
- 146 (vi) an absence permitted in accordance with Subsection 53G-6-803(5); or
- 147 (vii) any other excuse established as valid by a local school board, charter school governing board,  
or school district.
- 149 (b) "Valid excuse" does not mean a parent acknowledgment of an absence for a reason other than a  
reason described in Subsections ~~[(13)(a)(i)]~~ (15)(a)(i) through (vi), unless specifically permitted by  
the local school board, charter school governing board, or school district under Subsection ~~[(13)(a)~~  
~~(vi)-]~~ (15)(a)(vii).
- 153 ~~{Section 3. Section 53G-6-202 is amended to read: }~~
- 154 **53G-6-202. Compulsory education.**

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- 155 (1) As used in this section:
- 156 (a) "Intentionally" means the same as that term is defined in Section 76-2-103.
- 157 (b) "Notice of compulsory education violation" means a notice issued in accordance with Subsections  
159 (3) and (4).
- 159 (c) "Remainder of the school year" means the portion of the school year beginning on the day after the  
day on which a notice of compulsory education violation is served and ending on the last day of the  
school year.
- 162 (2) Except as provided in Section 53G-6-204 or 53G-6-702, the parent of a school-age child shall enroll  
and send the school-age child to a public or regularly established private school.
- 165 (3) A school administrator, a designee of a school administrator, a law enforcement officer acting as  
a school resource officer, or a truancy specialist may only issue a notice of compulsory education  
violation to a parent of a school-age child if the school-age child is:
- 169 (a) in grade 1 through [6] 8; and
- 170 (b) truant at least five times during the school year.
- 171 (4) A notice of compulsory education violation issued to a parent:
- 172 (a) shall direct the parent to:
- 173 (i) meet with school authorities to discuss the school-age child's school attendance problems; and
- 175 (ii) cooperate with the local school board, charter school governing board, or school district in securing  
regular attendance by the school-age child;
- 177 (b) shall designate the school authorities with whom the parent is required to meet;
- 178 (c) shall state that it is a class B misdemeanor for the parent to intentionally or without good cause:
- 180 (i) fail to meet with the designated school authorities to discuss the school-age child's school  
attendance problems; or
- 182 (ii) fail to prevent the school-age child from being truant five or more times during the remainder of the  
school year;
- 184 (d) shall be served on the parent by personal service or certified mail; and
- 185 (e) may not be issued unless the school-age child has been truant at least five times during the school  
year.
- 187 (5) [~~Except during the period between March 17, 2021 and June 1, 2022, it~~] It is a class B misdemeanor  
for a parent of a school-age child to intentionally or without good cause fail to enroll the school-age

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child in school, unless the school-age child is exempt from enrollment under Section 53G-6-204 or 53G-6-702.

- 191 (6) ~~[Except during the period between March 17, 2021 and June 1, 2022, it]~~ It is a class B misdemeanor  
for a parent of a school-age child who is in grade 1 through ~~[6]~~ 8 to, after being served with a notice  
of compulsory education violation, intentionally or without good cause:
- 195 (a) fail to meet with the school authorities designated in the notice of compulsory education violation to  
discuss the school-age child's school attendance problems; or
- 197 (b) fail to prevent the school-age child from being truant five or more times during the remainder of the  
school year.
- 199 (7) ~~[Except during the period described in Subsections (5) and (6), a]~~ A local school board, charter  
school governing board, or school district shall report violations of this section to the appropriate  
county or district attorney.
- 202 (8) ~~[Except during the period described in Subsections (5) and (6), if]~~ If school personnel have reason to  
believe that, after a notice of compulsory education violation is issued, the parent has failed to make  
a good faith effort to ensure that the school-age child receives an appropriate education, the issuer of  
the compulsory education violation shall report to the Division of Child and Family Services:
- 207 (a) identifying information of the school-age child and the parent who received the notice of  
compulsory education violation;
- 209 (b) information regarding the longest number of consecutive school days the school-age child has been  
absent or truant from school and the percentage of school days the school-age child has been absent  
or truant during each relevant school term;
- 212 (c) whether the school-age child has made adequate educational progress;
- 213 (d) whether the requirements of Section 53G-6-206 have been met;
- 214 (e) whether the school-age child is two or more years behind the local public school's age group  
expectations in one or more basic skills; and
- 216 (f) whether the school-age child is receiving special education services or systematic remediation  
efforts.
- 218 ~~[(9) Notwithstanding this section, during the period described in Subsections (5) and (6), a school  
administrator, designee of a school administrator, law enforcement officer acting as a school  
resource officer, or truancy specialist may not issue or otherwise enforce a notice of compulsory  
education.]~~



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- 222           ~~{Section 4. Section 53G-6-203 is amended to read: }~~
- 223           **53G-6-203. Truancy -- Notice of truancy -- Failure to cooperate with school authorities.**
- 225       (1) Except as provided in Section 53G-6-204 or 53G-6-702, a school-age child who is enrolled in a  
public school shall attend the public school in which the school-age child is enrolled.
- 228       (2) In accordance with Section 53G-8-211, a local school board, charter school governing board, or  
school district may impose administrative penalties on a school-age child who is:
- 231       (a) in grade [7] 9 or above~~[, unless the school-age child is less than 12 years old]~~; and
- 232       (b) truant.
- 233       (3) A local school board or charter school governing board:
- 234       (a) may authorize a school administrator, a designee of a school administrator, a law enforcement  
officer acting as a school resource officer, or a truancy specialist to issue a notice of truancy in  
accordance with Subsection (4); and
- 237       (b) shall establish a procedure for a school-age child, or the school-age child's parents, to contest a  
notice of truancy.
- 239       (4) A notice of truancy described in Subsection (3):
- 240       (a) may not be issued until a school-age child has been truant at least five times during the school year;
- 242       (b) may not be issued to a school-age child who is ~~[less than 12 years old or ]~~in a grade below grade  
[7] 9;
- 244       (c) may not be issued to a school-age child exempt from school attendance as provided in Section  
53G-6-204 or 53G-6-702;
- 246       (d) shall direct the school-age child who receives the notice of truancy and the parent of the school-age  
child to:
- 248       (i) meet with school authorities to discuss the school-age child's trancies; and
- 249       (ii) cooperate with the local school board, charter school governing board, or school district in securing  
regular attendance by the school-age child; and
- 251       (e) shall be mailed to, or served on, the school-age child's parent.
- 252       (5)
- ~~[(a) Except as provided in Subsection (5)(b), nothing]~~ Nothing in this part prohibits a local school  
board, charter school governing board, or school district from taking action to resolve a truancy  
problem with a school-age child who has been truant fewer than five times, provided that the action  
does not conflict with the requirements of this part.

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- 257 ~~[(b) A local school board, charter school governing board, or school district may not take punitive~~  
~~action to resolve a truancy problem with a school-age child during the period described in~~  
~~Subsection (2).]~~
- 260 (6) If a local school board, charter school governing board, or school district determines a school-age  
child is a habitual truant, a local school board, charter school governing board, or school district  
shall follow the procedures described in Section 80-5a-302.
- 263 ~~[(6) Notwithstanding this section, during the period described in Subsection (2), a school administrator,~~  
~~designee of a school administrator, law enforcement officer acting as a school resource officer, or~~  
~~truancy specialist may not issue or otherwise enforce a notice of truancy.]~~
- 267 ~~{Section 5. Section 53G-6-206 is amended to read: }~~
- 268 **53G-6-206. Duties of a local school board, charter school governing board, or school district**  
**in promoting regular attendance -- Parental involvement -- Liability not imposed -- Report to state**  
**board.**
- 271 (1)
- 272 (a) As used in this section, "intervention" means a series of non-punitive and increasingly frequent and  
individualized activities that are designed to:
- 274 (i) create a trusting relationship between teachers, students, and parents;
- 275 (ii) improve attendance;
- 276 (iii) improve academic outcomes; and
- 277 (iv) reduce negative behavior referrals.
- 278 (b) "Intervention" includes:
- 279 (i) mentorship programs;
- 280 (ii) family connection to community resources;
- 281 (iii) academic support through small group or individualized tutoring or similar methods; and
- 283 (iv) teaching executive function skills, including:
- 284 (A) planning;
- 285 (B) goal setting;
- 286 (C) understanding and following multi-step directions; and
- 287 (D) self-regulation.
- 288 (2)

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- (a) Subject to Subsection (2)(b), an LEA shall make efforts to promote regular attendance [~~and resolve school absenteeism and truancy issues~~]for each school-age child who is, or should be, enrolled in the LEA.
- 291 (b) A school-age child exempt from school attendance under Section 53G-6-204 or 53G-6-702, or a school-age child who is enrolled in a regularly established private school or part-time school, is not considered to be a school-age child who is or should be enrolled in a school district or charter school under Subsection (2)(a).
- 295 (3) The efforts described in Subsection (2) shall include, as reasonably feasible:
- 296 (a) counseling of the school-age child by school authorities only with express written informed parental consent;
- 298 (b)
- . (i) issuing a notice of truancy to the school-age child in accordance with Section 53G-6-203; or
- 300 (ii) issuing a notice of compulsory education violation to the school-age child's parent in accordance with Section 53G-6-202;
- 302 (c) making any necessary adjustment to the curriculum and schedule to meet special needs of the school-age child;
- 304 (d) considering alternatives proposed by the school-age child's parent;
- 305 (e) for a course that the state board does not define as a core course for the purposes described in Section 53G-6-206.1, incorporating attendance in the school-age child's course score or grade if:
- 308 (i) incorporation is determined appropriate through an individualized plan the school-age child's parent and teacher develops;
- 310 (ii) parental written consent is obtained for the individualized plan; and
- 311 (iii) the parent retains the ability to revoke the parent's consent described in Subsection (3)(e)(ii) at any time[-] ;
- 313 (f) monitoring school attendance of the school-age child;
- 314 (g) voluntary participation in truancy mediation, if available and only with express written informed parental consent; and
- 316 (h) providing the school-age child's parent, upon request, with a list of resources available to assist the parent in resolving the school-age child's attendance problems.
- 318 (4) In addition to the efforts described in Subsection (3), the local school board, charter school governing board, or school district may enlist the assistance of community and law enforcement

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agencies and organizations for early intervention services as appropriate and reasonably feasible in accordance with Section 53G-8-211.

- 322 (5) This section does not impose civil liability on boards of education, local school boards, charter  
school governing boards, school districts, or their employees.
- 324 (6) Proceedings initiated under this part do not obligate or preclude action by the Division of Child and  
Family Services under Section 53G-6-210.
- 326 (7) Each LEA shall annually report the following data separately to the state board:
- 327 (a) absences with a valid excuse; and
- 328 (b) absences without a valid excuse.

329 Section 6. Section 6 is enacted to read:

### 330 **53G-6-206.1. Core course testing-out option or attendance requirements.**

- 331 (1)
- . (a) Beginning with the 2026-2027 school year, in accordance with Section 53E-4-316, an LEA shall implement a testing-out option and attendance requirements for core courses, as the state board defines, in grades 8 through 12.
- 334 (b) An LEA shall ensure a student who chooses to test out of a core course described in this Subsection (1) shall demonstrate mastery of the course material through an assessment the LEA approves.
- 337 (c) An LEA shall establish specific guidelines for the development and administration of a testing-out assessment and the relevant portfolio or project-based components the state board requires under Subsection 53E-4-316(1)(c)(i).
- 340 (d) An LEA may provide alternative options for students who do not test out of a core course, including an asynchronous online course option in lieu of an in-person core course.
- 343 (2)
- . (a) In accordance with Section 53G-6-206, an LEA shall establish the attendance requirements for a student who enrolls in an in-person core course.
- 345 (b) In accordance with Subsection (2)(a), an LEA may include attendance as a factor in the calculation of a course grade if:
- 347 (i) the attendance portion of a course grade does not exceed 20% of the overall course grade unless the course is designated as a participation-based course as the state board defines; and
- 350 (ii) the LEA clearly communicates course attendance requirements to a student and the student's parent at the time of course enrollment.

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352 (c) An LEA shall inform a student and the student's parent that enrollment in an online school or course  
is an alternative option if the student or the student's parent does not wish for attendance to be a  
factor in the student's grade.

355 {Section 7. Section 53G-6-208 is amended to read: }

356 **53G-6-208. Taking custody of a person believed to be a truant minor -- Disposition --**  
**Reports -- Immunity from liability.**

358 (1) [~~Except during the period between March 17, 2021, and June 1, 2022, a~~] A peace officer or [~~public~~]  
school administrator may take a minor into temporary custody if there is reason to believe the minor  
is a truant minor.

361 (2) An individual taking a [~~presumed truant~~] minor into custody under Subsection (1) shall, without  
unnecessary delay, release the minor to:

363 (a) the principal of the minor's school;

364 (b) a person who has been designated by the local school board or charter school governing board to  
receive and return the minor to school; or

366 (c) a truancy center established under Subsection (5).

367 (3) If the minor described in Subsection (2) refuses to return to school or go to the truancy center, the  
officer or administrator shall, without unnecessary delay, notify the minor's parents and release the  
minor [~~to their~~] into the parents' custody.

370 (4) If the parents of a truant minor in custody cannot be reached or are unable or unwilling to accept  
custody and none of the options in Subsection (2) are available, the minor shall be referred to the  
Division of Child and Family Services.

373 (5)

. (a)

. (i) A local school board or charter school governing board, singly or jointly with another school  
board, may establish or designate truancy centers within existing school buildings and staff the  
centers with existing teachers or staff to provide educational guidance and counseling for truant  
minors.

377 (ii) Upon receipt of a truant minor, the center shall, without unnecessary delay, notify and direct the  
minor's parents to come to the center, pick up the minor, and return the minor to the school in  
which the minor is enrolled.

380 (b)

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- . (i) If the parents of a truant minor in custody cannot be reached or are unable or unwilling to comply with the request within a reasonable time, the center shall take such steps as are reasonably necessary to ensure the safety and well being of the minor, including, when appropriate, returning the minor to school or referring the minor to the Division of Child and Family Services.
- 385 (ii) A minor taken into custody under this section may not be placed in a detention center or other secure confinement facility.
- 387 (6)
- . (a) An individual taking action under this section shall report the action to the appropriate school district.
- 389 (b) The district described in Subsection (6)(a) shall promptly notify the minor's parents of the action taken.
- 391 (7)
- . (a) If a school-age child is alleged to be a habitual truant, the school administrator, the school administrator's designee, or a school resource officer may refer the school-age child to the Division of Juvenile Justice and Youth Services for prevention and early intervention youth services, as described in Section 80-5-201.
- 395 (b) A school administrator, or a local education agency, may bring a petition for habitual truancy against a school-age child and the school-age child's parent or guardian as described in Title 80, Chapter 5a, Part 3, Habitual Truants.
- 398 ~~[(7)]~~ (8) ~~[The Utah Governmental Immunity Act]~~ Title 63G, Chapter 7, Governmental Immunity Act of Utah, applies to all actions taken under this section.
- 400 ~~[(8)]~~ (9) Nothing in this section may be construed to grant authority to a ~~[public-]~~school administrator to place a minor in the custody of the Division of Child and Family Services, without complying with Title 80, Chapter 2, Child Welfare Services, Title 80, Chapter 2a, Removal and Protective Custody of a Child, and Title 80, Chapter 3, Abuse, Neglect, and Dependency Proceedings.

18 Section 1. Section 1 is enacted to read:

19 **53G-6-213. Chronic absenteeism study.**

- 20 (1) As used in this section, "Chronic absenteeism" means a student missing ten percent or more of school days in an academic year, regardless of whether the absences are excused or unexcused.
- 23 (2) Beginning with the 2025-2026 school year, an LEA shall annually collect and report to the state board the following data regarding chronic absenteeism:

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- 25 (a) the total number of students enrolled in each school within the LEA; and
- 26 (b) disaggregated by grade level, the total number and percentage of students in each school within the  
LEA who are chronically absent; and
- 28 (c) for each chronically absent student:
- 29 (i) the total number of days absent; and
- 30 (ii) the number of days absent that were excused.
- 31 (3) The state board shall:
- 32 (a) develop a standardized reporting template for an LEA to use in submitting this data; and
- 34 (b) annually publish aggregated, anonymized data on chronic absenteeism statewide on the state board's  
website.
- 36 (4)
- . (a) The state board shall conduct a study of chronic absenteeism in the state.
- 37 (b) The state board shall ensure the study required in Subsection (4)(a):
- 38 (i) analyzes the data an LEA reports pursuant to Subsection (2) to identify trends and patterns of chronic  
absenteeism across the state;
- 40 (ii) researches and identifies evidence-based interventions and best practices for addressing chronic  
absenteeism, including strategies for:
- 42 (A) prevention;
- 43 (B) early intervention; and
- 44 (C) student re-engagement;
- 45 (iii) examines the root causes of chronic absenteeism, including
- 46 (A) socioeconomic factors;
- 47 (B) transportation related issues;
- 48 (C) mental health factors;
- 49 (D) accessibility to healthcare;
- 50 (E) family issues; and
- 51 (F) general student disengagement; and
- 52 (iv) consults stakeholders in conducting the study, including:
- 53 (A) educators;
- 54 (B) school and LEA level administrators;
- 55 (C) other state entities as the state board determines;

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- 56 (D) parents and students;  
57 (E) community organizations; and  
58 (F) and other relevant stakeholders as the state board determines.  
59 (5)  
. (a) No later than September 15, 2026, the state board shall submit a report to the Education Interim  
Committee detailing the findings and recommendations from the study described in Subsection (4).  
62 (b) The stat board shall include in the report:  
63 (i) a summary of the data collected and analyzed;  
64 (ii) an analysis of the root causes of chronic absenteeism;  
65 (iii) a description of evidence-based interventions and best practices for addressing chronic absenteeism  
connected to the root causes, including specific recommendations for an LEA;  
68 (iv) if any, proposed legislation or policy changes needed to address chronic absenteeism and the root  
causes effectively; and  
70 (v) recommendations for professional development and training for educators and school level  
administrators on addressing chronic absenteeism.

405 ~~{Section 8. Section 53G-8-211 is amended to read: }~~

### 406 **53G-8-211. Responses to school-based behavior.**

- 407 (1) As used in this section:  
408 (a) "Evidence-based" means a program or practice that:  
409 (i) has had multiple randomized control studies or a meta-analysis demonstrating that the program or  
practice is effective for a specific population;  
411 (ii) has been rated as effective by a standardized program evaluation tool; or  
412 (iii) is created and developed by a school or school district and has been approved by the state board.  
414 [(b) "Habitual truant" means a school-age child who:]  
415 [(i) is in grade 7 or above, unless the school-age child is under 12 years old;]  
416 [(ii) is subject to the requirements of Section 53G-6-202; and]  
417 [(iii)  
. (A) is truant at least 20 days during one school year; or]  
418 [(B) fails to cooperate with efforts on the part of school authorities to resolve the school-age child's  
attendance problem as required under Section 53G-6-206;]  
420 [(e)] (b) "Minor" means the same as that term is defined in Section 80-1-102.



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- 421 (i) "Mobile crisis outreach team" means the same as that term is defined in Section 26B-5-101.
- 423 [~~(d)~~] (c) "Prosecuting attorney" means the same as that term is defined in Subsections 80-1-102(65)(b) and (c).
- 425 [~~(e)~~] (d) "Restorative justice program" means a school-based program or a program used or adopted by a local education agency that is designed:
- 427 (i) to enhance school safety, reduce school suspensions, and limit referrals to law enforcement agencies and courts; and
- 429 (ii) to help minors take responsibility for and repair harmful behavior that occurs in school.
- 431 [~~(f)~~] (e) "School administrator" means a principal of a school.
- 432 [~~(g)~~] (f) "School is in session" means a day during which the school conducts instruction for which student attendance is counted toward calculating average daily membership.
- 434 [~~(h)~~] (g) "School resource officer" means a law enforcement officer, as defined in Section 53-13-103, who contracts with, is employed by, or whose law enforcement agency contracts with a local education agency to provide law enforcement services for the local education agency.
- 438 [~~(i)~~] "School-age child" means the same as that term is defined in Section 53G-6-201.]
- 439 [~~(j)~~] (h)
- . (i) "School-sponsored activity" means an activity, fundraising event, club, camp, clinic, or other event or activity that is authorized by a specific local education agency or public school, according to LEA governing board policy, and satisfies at least one of the following conditions:
- 443 (A) the activity is managed or supervised by a local education agency or public school, or local education agency or public school employee;
- 445 (B) the activity uses the local education agency's or public school's facilities, equipment, or other school resources; or
- 447 (C) the activity is supported or subsidized, more than inconsequentially, by public funds, including the public school's activity funds or Minimum School Program dollars.
- 450 (ii) "School-sponsored activity" includes preparation for and involvement in a public performance, contest, athletic competition, demonstration, display, or club activity.
- 452 [~~(k)~~] (i)
- . (i) "Status offense" means an offense that would not be an offense but for the age of the offender.
- 454 (ii) "Status offense" does not mean an offense that by statute is a misdemeanor or felony.
- 456 (2) This section applies to[;]

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- 457 [~~(a) a minor who is alleged to be a habitual truant; and]~~  
458 [~~(b)~~] a minor enrolled in school who is alleged to have committed an offense on school property where  
the student is enrolled:
- 460 [~~(i)~~] (a) when school is in session; or  
461 [~~(ii)~~] (b) during a school-sponsored activity.
- 462 (3) If a minor is alleged to have committed an offense on school property that is a class C misdemeanor,  
an infraction, or a status offense~~[-, or a minor is alleged to be a habitual truant],~~ the school  
administrator, the school administrator's designee, or a school resource officer shall refer the minor:
- 466 (a) to an evidence-based alternative intervention, including:
- 467 (i) a mobile crisis outreach team;
- 468 (ii) a youth services center, as defined in Section 80-5-102;
- 469 (iii) a certified youth court, as defined in Section 80-6-901, or comparable restorative justice program;
- 471 (iv) an evidence-based alternative intervention created and developed by the school or school district;
- 473 (v) an evidence-based alternative intervention that is jointly created and developed by a local education  
agency, the state board, the juvenile court, local counties and municipalities, the Department of  
Health and Human Services;
- 476 (vi) a tobacco cessation or education program if the offense is a violation of Section 76-10-105; or  
478 (vii) truancy mediation; or
- 479 (b) for prevention and early intervention youth services, as described in Section 80-5-201, by the  
Division of Juvenile Justice and Youth Services if the minor refuses to participate in an evidence-  
based alternative intervention described in Subsection (3)(a).
- 483 (4) Except as provided in Subsection [~~(6)~~] (5), if a minor is alleged to have committed an offense  
on school property that is a class C misdemeanor, an infraction, or a status offense, a school  
administrator, the school administrator's designee, or a school resource officer may refer a minor to  
a law enforcement officer or agency or a court only if:
- 487 (a) the minor allegedly committed an offense on school property on a previous occasion; and  
489 (b) the minor was referred to an evidence-based alternative intervention, or to prevention or early  
intervention youth services, as described in Subsection (3) for the previous offense.
- 492 [~~(5) If a minor is alleged to be a habitual truant, a school administrator, the school administrator's  
designee, or a school resource officer may only refer the minor to a law enforcement officer or  
agency or a court if:]~~]

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- 495 [~~(a) the minor was previously alleged of being a habitual truant at least twice during the same school~~  
year; and]
- 497 [~~(b) the minor was referred to an evidence-based alternative intervention, or for prevention and early~~  
intervention youth services, as described in Subsection (3) for at least two of the previous habitual  
truancies.]
- 500 [~~(6)~~ (5) If a minor is alleged to have committed a traffic offense that is an infraction, a school  
administrator, the school administrator's designee, or a school resource officer may refer the minor  
to a law enforcement officer or agency, a prosecuting attorney, or a court for the traffic offense.
- 504 [~~(7)~~ (6) [~~Notwithstanding Subsections (4) and (5), a~~] A school resource officer may:
- 505 (a) investigate possible criminal offenses and conduct, including conducting probable cause searches;
- 507 (b) consult with school administration about the conduct of a minor enrolled in a school;
- 508 (c) transport a minor enrolled in a school to a location if the location is permitted by law;
- 509 (d) take temporary custody of a minor in accordance with Section 80-6-201; or
- 510 (e) protect the safety of students and the school community, including the use of reasonable and  
necessary physical force when appropriate based on the totality of the circumstances.
- 513 [~~(8)~~ (7)
- . (a) If a minor is referred to a court or a law enforcement officer or agency under Subsection (4)[~~or (5)~~],  
the school or the school district shall appoint a school representative to continue to engage with the  
minor and the minor's family through the court process.
- 517 (b) A school representative appointed under Subsection [~~(8)(a)~~] (7)(a) may not be a school resource  
officer.
- 519 (c) A school district or school shall include the following in the school district's or school's referral to  
the court or the law enforcement officer or agency:
- 521 (i) attendance records for the minor;
- 522 (ii) a report of evidence-based alternative interventions used by the school before the referral, including  
outcomes;
- 524 (iii) the name and contact information of the school representative assigned to actively participate in the  
court process with the minor and the minor's family;
- 526 (iv) if the minor was referred to prevention or early intervention youth services under Subsection  
(3)(b), a report from the Division of Juvenile Justice and Youth Services that demonstrates the

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minor's failure to complete or participate in prevention and early intervention youth services under Subsection (3)(b); and

530 (v) any other information that the school district or school considers relevant.

531 (d) A minor referred to a court under Subsection (4) [~~or (5)~~] may not be ordered to or placed in secure detention, including for a contempt charge or violation of a valid court order under Section 78A-6-353[;]

534 [(i)] when the underlying offense is a status offense or infraction[; ~~or~~] .

535 [(ii) for being a habitual truant.]

536 (e) If a minor is referred to a court under Subsection (4)[~~or (5)~~], the court may use, when available, the resources of the Division of Juvenile Justice and Youth Services or the Office of Substance Use and Mental Health to address the minor.

539 [(9)] (8) If a minor is alleged to have committed an offense on school property that is a class B misdemeanor or a class A misdemeanor, the school administrator, the school administrator's designee, or a school resource officer may refer the minor directly to a court or to the evidence-based alternative interventions in Subsection (3)(a).

543 [(10)] (9) A school administrator, a school administrator's designee, and a school resource officer retain the discretion described under this section in relation to Title 63G, Chapter 31, Distinctions on the Basis of Sex.

546 ~~{Section 9. Section 78A-6-103 is amended to read: }~~

547 **78A-6-103. Original jurisdiction of the juvenile court -- Magistrate functions -- Findings -- Transfer of a case from another court.**

549 (1) Except as provided in Subsection (3), the juvenile court has original jurisdiction over:

550 (a) a felony, misdemeanor, infraction, or violation of an ordinance, under municipal, state, or federal law, that was committed by a child;

552 (b) a felony, misdemeanor, infraction, or violation of an ordinance, under municipal, state, or federal law, that was committed by an individual:

554 (i) who is under 21 years old at the time of all court proceedings; and

555 (ii) who was under 18 years old at the time the offense was committed; and

556 (c) a misdemeanor, infraction, or violation of an ordinance, under municipal or state law, that was committed:

558 (i) by an individual:

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- 559 (A) who was 18 years old and enrolled in high school at the time of the offense; and  
561 (B) who is under 21 years old at the time of all court proceedings; and  
562 (ii) on school property where the individual was enrolled:  
563 (A) when school was in session; or  
564 (B) during a school-sponsored activity, as defined in Section 53G-8-211.
- 565 (2) The juvenile court has original jurisdiction over:  
566 (a) any proceeding concerning:  
567 (i) a child who is an abused child, neglected child, or dependent child;  
568 (ii) a protective order for a child in accordance with Title 78B, Chapter 7, Part 2, Child Protective  
Orders;  
570 (iii) the appointment of a guardian of the individual or other guardian of a minor who comes within the  
court's jurisdiction under other provisions of this section;  
572 (iv) the emancipation of a minor in accordance with Title 80, Chapter 7, Emancipation;  
574 (v) the termination of parental rights in accordance with Title 80, Chapter 4, Termination and  
Restoration of Parental Rights, including termination of residual parental rights and duties;  
577 (vi) the treatment or commitment of a minor who has an intellectual disability;  
578 (vii) the judicial consent to the marriage of a minor who is 16 or 17 years old in accordance with  
Section 81-2-304;  
580 (viii) an order for a parent or a guardian of a child under Subsection 80-6-705(3);  
581 (ix) a minor under Title 80, Chapter 6, Part 11, Interstate Compact for Juveniles;  
582 (x) the treatment or commitment of a child with a mental illness;  
583 (xi) the commitment of a child to a secure drug or alcohol facility in accordance with Section  
26B-5-204;  
585 (xii) a minor found not competent to proceed in accordance with Title 80, Chapter 6, Part 4,  
Competency;  
587 (xiii) de novo review of final agency actions resulting from an informal adjudicative proceeding as  
provided in Section 63G-4-402;  
589 (xiv) adoptions conducted in accordance with the procedures described in Title 78B, Chapter 6, Part 1,  
Utah Adoption Act, if the juvenile court has previously entered an order terminating the rights of a  
parent and finds that adoption is in the best interest of the child;  
593

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- (xv) an ungovernable or runaway child who is referred to the juvenile court by the Division of Juvenile Justice and Youth Services if, despite earnest and persistent efforts by the Division of Juvenile Justice and Youth Services, the child has demonstrated that the child:
- 597 (A) is beyond the control of the child's parent, guardian, or custodian to the extent that the child's  
behavior or condition endangers the child's own welfare or the welfare of others; or
- 600 (B) has run away from home; and
- 601 (xvi) a criminal information filed under Part 4a, Adult Criminal Proceedings, for an adult alleged to  
have committed an offense under Subsection 78A-6-352(4)(b) for failure to comply with a promise  
to appear and bring a child to the juvenile court;
- 604 (b) a petition for expungement under Title 80, Chapter 6, Part 10, Juvenile Records and Expungement;
- 606 (c) the extension of a nonjudicial adjustment under Section 80-6-304;
- 607 (d) a petition for special findings under Section 80-3-305; and
- 608 ~~[(e) a referral of a minor for being a habitual truant as defined in Section 53G-8-211.]~~
- 609 (e) a petition alleging a minor is a habitual truant under Title 80, Chapter 5a, Part 3, Habitual Truants.
- 611 (3) The juvenile court does not have original jurisdiction over an offense committed by a minor as  
described in Subsection (1) if:
- 613 (a) the district court has original jurisdiction over the offense under Section 78A-5-102.5;
- 614 (b) the district court has original jurisdiction over the offense under Subsection 78A-5-102(8), unless  
the juvenile court has exclusive jurisdiction over the offense under Section 78A-6-103.5; or
- 617 (c) the justice court has original jurisdiction over the offense under Subsection 78A-7-106(2), unless the  
juvenile court has exclusive jurisdiction over the offense under Section 78A-6-103.5.
- 620 (4) It is not necessary for a minor to be adjudicated for an offense or violation of the law under Section  
80-6-701 for the juvenile court to exercise jurisdiction under Subsection (2)(a)(xvi), (b), or (c).
- 623 (5) This section does not restrict the right of access to the juvenile court by private agencies or other  
persons.
- 625 (6) The juvenile court has jurisdiction of all magistrate functions relative to cases arising under Title 80,  
Chapter 6, Part 5, ~~[Transfer to District Court]~~ Minor Tried as an Adult.
- 627 (7) The juvenile court has jurisdiction to make a finding of substantiated, unsubstantiated, or without  
merit, in accordance with Section 80-3-404.
- 629 (8) The juvenile court has jurisdiction over matters transferred to the juvenile court by another trial  
court in accordance with Subsection 78A-7-106(6) and Section 80-6-303.

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631 (9) The juvenile court has jurisdiction to enforce foreign protection orders as described in Subsection  
78B-7-303(8).

633 ~~{Section 10. Section 80-1-102 is amended to read: }~~

634 **80-1-102. Juvenile Code definitions.**

Except as provided in Section 80-6-1103, as used in this title:

636 (1)

. (a) "Abuse" means:

637 (i)

. (A) nonaccidental harm of a child;

638 (B) threatened harm of a child;

639 (C) sexual exploitation;

640 (D) sexual abuse; or

641 (E) human trafficking of a child in violation of Section 76-5-308.5; or

642 (ii) that a child's natural parent:

643 (A) intentionally, knowingly, or recklessly causes the death of another parent of the child;

645 (B) is identified by a law enforcement agency as the primary suspect in an investigation for  
intentionally, knowingly, or recklessly causing the death of another parent of the child; or

648 (C) is being prosecuted for or has been convicted of intentionally, knowingly, or recklessly causing the  
death of another parent of the child.

650 (b) "Abuse" does not include:

651 (i) reasonable discipline or management of a child, including withholding privileges;

652 (ii) conduct described in Section 76-2-401; or

653 (iii) the use of reasonable and necessary physical restraint or force on a child:

654 (A) in self-defense;

655 (B) in defense of others;

656 (C) to protect the child; or

657 (D) to remove a weapon in the possession of a child for any of the reasons described in Subsections (1)

(b)(iii)(A) through (C).

659 (2) "Abused child" means a child who has been subjected to abuse.

660 (3)

. (a) "Adjudication" means, except as provided in Subsection (3)(b):

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- 661 (i) for a delinquency petition or criminal information under Chapter 6, Juvenile Justice:  
663 (A) a finding by the juvenile court that the facts alleged in a delinquency petition or criminal  
information alleging that a minor committed an offense have been proved;  
666 (B) an admission by a minor in the juvenile court as described in Section 80-6-306; or  
668 (C) a plea of no contest by minor in the juvenile court; or  
669 (ii) for all other proceedings under this title, a finding by the juvenile court that the facts alleged in  
the petition have been proved.
- 671 (b) "Adjudication" does not include:  
672 (i) an admission by a minor described in Section 80-6-306 until the juvenile court enters the minor's  
admission; or  
674 (ii) a finding of not competent to proceed in accordance with Section 80-6-402.
- 675 (4)  
676 (a) "Adult" means an individual who is 18 years old or older.  
677 (b) "Adult" does not include an individual:  
678 (i) who is 18 years old or older; and  
679 (ii) who is a minor.
- 680 (5) "Attorney guardian ad litem" means the same as that term is defined in Section 78A-2-801.  
681 (6) "Board" means the Board of Juvenile Court Judges.  
682 (7) "Child" means, except as provided in Section 80-2-905, an individual who is under 18 years old.  
684 (8) "Child and family plan" means a written agreement between a child's parents or guardian and the  
Division of Child and Family Services as described in Section 80-3-307.
- 686 (9) "Child placing" means the same as that term is defined in Section 26B-2-101.  
687 (10) "Child-placing agency" means the same as that term is defined in Section 26B-2-101.  
688 (11) "Child protection team" means a team consisting of:  
689 (a) the child welfare caseworker assigned to the case;  
690 (b) if applicable, the child welfare caseworker who made the decision to remove the child;  
692 (c) a representative of the school or school district where the child attends school;  
693 (d) if applicable, the law enforcement officer who removed the child from the home;  
694 (e) a representative of the appropriate Children's Justice Center, if one is established within the county  
where the child resides;

696



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- (f) if appropriate, and known to the division, a therapist or counselor who is familiar with the child's circumstances;
- 698 (g) if appropriate, a representative of law enforcement selected by the chief of police or sheriff in the city or county where the child resides; and
- 700 (h) any other individuals determined appropriate and necessary by the team coordinator and chair.
- 702 (12)
- . (a) "Chronic abuse" means repeated or patterned abuse.
- 703 (b) "Chronic abuse" does not mean an isolated incident of abuse.
- 704 (13)
- . (a) "Chronic neglect" means repeated or patterned neglect.
- 705 (b) "Chronic neglect" does not mean an isolated incident of neglect.
- 706 (14) "Clandestine laboratory operation" means the same as that term is defined in Section 58-37d-3.
- 708 (15) "Commit" or "committed" means, unless specified otherwise:
- 709 (a) with respect to a child, to transfer legal custody; and
- 710 (b) with respect to a minor who is at least 18 years old, to transfer custody.
- 711 (16) "Community-based program" means a nonsecure residential or nonresidential program, designated to supervise and rehabilitate juvenile offenders, that prioritizes the least restrictive setting, consistent with public safety, and operated by or under contract with the Division of Juvenile Justice and Youth Services.
- 715 (17) "Community placement" means placement of a minor in a community-based program described in Section 80-5-402.
- 717 (18) "Correctional facility" means:
- 718 (a) a county jail; or
- 719 (b) a secure correctional facility as defined in Section 64-13-1.
- 720 (19) "Criminogenic risk factors" means evidence-based factors that are associated with a minor's likelihood of reoffending.
- 722 (20) "Department" means the Department of Health and Human Services created in Section 26B-1-201.
- 724 (21) "Dependent child" or "dependency" means a child who is without proper care through no fault of the child's parent, guardian, or custodian.
- 726 (22) "Deprivation of custody" means transfer of legal custody by the juvenile court from a parent or a previous custodian to another person, agency, or institution.

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- 728 (23) "Detention" means home detention or secure detention.
- 729 (24) "Detention facility" means a facility, established by the Division of Juvenile Justice and Youth  
Services in accordance with Section 80-5-501, for minors held in detention.
- 731 (25) "Detention risk assessment tool" means an evidence-based tool established under Section 80-5-203  
that:
- 733 (a) assesses a minor's risk of failing to appear in court or reoffending before adjudication; and
- 735 (b) is designed to assist in making a determination of whether a minor shall be held in detention.
- 737 (26) "Developmental immaturity" means incomplete development in one or more domains that  
manifests as a functional limitation in the minor's present ability to:
- 739 (a) consult with counsel with a reasonable degree of rational understanding; and
- 740 (b) have a rational as well as factual understanding of the proceedings.
- 741 (27) "Disposition" means an order by a juvenile court, after the adjudication of a minor, under Section  
80-3-405 or 80-4-305 or Chapter 6, Part 7, Adjudication and Disposition.
- 743 (28) "Educational neglect" means that, after receiving a notice of compulsory education violation under  
Section 53G-6-202, the parent or guardian fails to make a good faith effort to ensure that the child  
receives an appropriate education.
- 746 (29) "Educational series" means an evidence-based instructional series:
- 747 (a) obtained at a substance abuse program that is approved by the Division of Integrated Healthcare in  
accordance with Section 26B-5-104; and
- 749 (b) designed to prevent substance use or the onset of a mental health disorder.
- 750 (30) "Emancipated" means the same as that term is defined in Section 80-7-102.
- 751 (31) "Evidence-based" means a program or practice that has had multiple randomized control studies or  
a meta-analysis demonstrating that the program or practice is effective for a specific population or  
has been rated as effective by a standardized program evaluation tool.
- 755 (32) "Forensic evaluator" means the same as that term is defined in Section 77-15-2.
- 756 (33) "Formal probation" means a minor is:
- 757 (a) supervised in the community by, and reports to, a juvenile probation officer or an agency designated  
by the juvenile court; and
- 759 (b) subject to return to the juvenile court in accordance with Section 80-6-607.
- 760 (34) "Group rehabilitation therapy" means psychological and social counseling of one or more  
individuals in the group, depending upon the recommendation of the therapist.

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- 762 (35) "Guardian" means a person appointed by a court to make decisions regarding a minor, including  
the authority to consent to:
- 764 (a) marriage;
- 765 (b) enlistment in the armed forces;
- 766 (c) major medical, surgical, or psychiatric treatment; or
- 767 (d) legal custody, if legal custody is not vested in another individual, agency, or institution.
- 769 (36) "Guardian ad litem" means the same as that term is defined in Section 78A-2-801.
- 770 (37) "Habitual truant" means the same as that term is defined in Section 53G-6-201.
- 771 [~~(37)~~] (38) "Harm" means:
- 772 (a) physical or developmental injury or damage;
- 773 (b) emotional damage that results in a serious impairment in the child's growth, development, behavior,  
or psychological functioning;
- 775 (c) sexual abuse; or
- 776 (d) sexual exploitation.
- 777 [~~(38)~~] (39) "Home detention" means placement of a minor:
- 778 (a) if prior to a disposition, in the minor's home, or in a surrogate home with the consent of the minor's  
parent, guardian, or custodian, under terms and conditions established by the Division of Juvenile  
Justice and Youth Services or the juvenile court; or
- 781 (b) if after a disposition, and in accordance with Section 78A-6-353 or 80-6-704, in the minor's home,  
or in a surrogate home with the consent of the minor's parent, guardian, or custodian, under terms  
and conditions established by the Division of Juvenile Justice and Youth Services or the juvenile  
court.
- 785 [~~(39)~~] (40)
- . (a) "Incest" means engaging in sexual intercourse with an individual whom the perpetrator knows to be  
the perpetrator's ancestor, descendant, brother, sister, uncle, aunt, nephew, niece, or first cousin.
- 788 (b) "Incest" includes:
- 789 (i) blood relationships of the whole or half blood, regardless of whether the relationship is legally  
recognized;
- 791 (ii) relationships of parent and child by adoption; and
- 792 (iii) relationships of stepparent and stepchild while the marriage creating the relationship of a stepparent  
and stepchild exists.

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- 794 [~~(40)~~] (41) "Indian child" means the same as that term is defined in 25 U.S.C. Sec. 1903.
- 795 [~~(41)~~] (42) "Indian tribe" means the same as that term is defined in 25 U.S.C. Sec. 1903.
- 796 [~~(42)~~] (43) "Indigent defense service provider" means the same as that term is defined in Section  
78B-22-102.
- 798 [~~(43)~~] (44) "Indigent defense services" means the same as that term is defined in Section 78B-22-102.
- 800 [~~(44)~~] (45) "Indigent individual" means the same as that term is defined in Section 78B-22-102.
- 802 [~~(45)~~] (46)
- . (a) "Intake probation" means a minor is:
- 803 (i) monitored by a juvenile probation officer; and
- 804 (ii) subject to return to the juvenile court in accordance with Section 80-6-607.
- 805 (b) "Intake probation" does not include formal probation.
- 806 [~~(46)~~] (47) "Intellectual disability" means a significant subaverage general intellectual functioning  
existing concurrently with deficits in adaptive behavior that constitutes a substantial limitation to the  
individual's ability to function in society.
- 809 [~~(47)~~] (48) "Juvenile offender" means:
- 810 (a) a serious youth offender; or
- 811 (b) a youth offender.
- 812 [~~(48)~~] (49) "Juvenile probation officer" means a probation officer appointed under Section 78A-6-205.
- 814 [~~(49)~~] (50) "Juvenile receiving center" means a nonsecure, nonresidential program established by the  
Division of Juvenile Justice and Youth Services, or under contract with the Division of Juvenile  
Justice and Youth Services, that is responsible for minors taken into temporary custody under  
Section 80-6-201.
- 818 [~~(50)~~] (51) "Legal custody" means a relationship embodying:
- 819 (a) the right to physical custody of the minor;
- 820 (b) the right and duty to protect, train, and discipline the minor;
- 821 (c) the duty to provide the minor with food, clothing, shelter, education, and ordinary medical care;
- 823 (d) the right to determine where and with whom the minor shall live; and
- 824 (e) the right, in an emergency, to authorize surgery or other extraordinary care.
- 825 [~~(51)~~] (52) "Licensing Information System" means the Licensing Information System maintained by the  
Division of Child and Family Services under Section 80-2-1002.
- 827

## HB0399 compared with HB0399S01

- 829 [~~(52)~~] (53) "Management Information System" means the Management Information System developed  
by the Division of Child and Family Services under Section 80-2-1001.
- 830 [~~(53)~~] (54) "Mental illness" means:
- 832 (a) a psychiatric disorder that substantially impairs an individual's mental, emotional, behavioral, or  
related functioning; or
- 833 (b) the same as that term is defined in:
- 835 (i) the current edition of the Diagnostic and Statistical Manual of Mental Disorders published by the  
American Psychiatric Association; or
- 837 (ii) the current edition of the International Statistical Classification of Diseases and Related Health  
Problems.
- 838 [~~(54)~~] (55) "Minor" means, except as provided in Sections 80-6-501, 80-6-901, and 80-7-102:
- 839 (a) a child; or
- 840 (b) an individual:
- 841 (i)
- . (A) who is at least 18 years old and younger than 21 years old; and
- 842 (B) for whom the Division of Child and Family Services has been specifically ordered by the juvenile  
court to provide services because the individual was an abused, neglected, or dependent child or  
because the individual was adjudicated for an offense;
- 845 (ii)
- . (A) who is at least 18 years old and younger than 25 years old; and
- 846 (B) whose case is under the jurisdiction of the juvenile court in accordance with Subsection  
78A-6-103(1)(b); or
- 848 (iii)
- . (A) who is at least 18 years old and younger than 21 years old; and
- 849 (B) whose case is under the jurisdiction of the juvenile court in accordance with Subsection  
78A-6-103(1)(c).
- 851 [~~(55)~~] (56) "Mobile crisis outreach team" means the same as that term is defined in Section 26B-5-101.
- 853 [~~(56)~~] (57) "Molestation" means that an individual, with the intent to arouse or gratify the sexual desire  
of any individual, touches the anus, buttocks, pubic area, or genitalia of any child, or the breast of a  
female child, or takes indecent liberties with a child as defined in Section 76-5-401.1.
- 857 [~~(57)~~] (58)

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- . (a) "Natural parent" means, except as provided in Section 80-3-302, a minor's biological or adoptive parent.
- 859 (b) "Natural parent" includes the minor's noncustodial parent.
- 860 ~~[(58)]~~ (59)
- . (a) "Neglect" means action or inaction causing:
- 861 (i) abandonment of a child, except as provided in Chapter 4, Part 5, Safe Relinquishment of a Newborn Child;
- 863 (ii) lack of proper parental care of a child by reason of the fault or habits of the parent, guardian, or custodian;
- 865 (iii) failure or refusal of a parent, guardian, or custodian to provide proper or necessary subsistence or medical care, or any other care necessary for the child's health, safety, morals, or well-being;
- 868 (iv) a child to be at risk of being neglected or abused because another child in the same home is neglected or abused;
- 870 (v) abandonment of a child through an unregulated child custody transfer under Section 78B-24-203; or
- 872 (vi) educational neglect.
- 873 (b) "Neglect" does not include:
- 874 (i) a parent or guardian legitimately practicing religious beliefs and who, for that reason, does not provide specified medical treatment for a child;
- 876 (ii) a health care decision made for a child by the child's parent or guardian, unless the state or other party to a proceeding shows, by clear and convincing evidence, that the health care decision is not reasonable and informed;
- 879 (iii) a parent or guardian exercising the right described in Section 80-3-304; or
- 880 (iv) permitting a child, whose basic needs are met and who is of sufficient age and maturity to avoid harm or unreasonable risk of harm, to engage in independent activities, including:
- 883 (A) traveling to and from school, including by walking, running, or bicycling;
- 884 (B) traveling to and from nearby commercial or recreational facilities;
- 885 (C) engaging in outdoor play;
- 886 (D) remaining in a vehicle unattended, except under the conditions described in Subsection 76-10-2202(2);
- 888 (E) remaining at home unattended; or

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- 889 (F) engaging in a similar independent activity.
- 890 [(59)] (60) "Neglected child" means a child who has been subjected to neglect.
- 891 [(60)] (61) "Nonjudicial adjustment" means closure of the case by the assigned juvenile probation officer, without an adjudication of the minor's case under Section 80-6-701, upon the consent in writing of:
- 894 (a) the assigned juvenile probation officer; and
- 895 (b)
- . (i) the minor; or
- 896 (ii) the minor and the minor's parent, guardian, or custodian.
- 897 [(61)] (62) "Not competent to proceed" means that a minor, due to a mental illness, intellectual disability or related condition, or developmental immaturity, lacks the ability to:
- 900 (a) understand the nature of the proceedings against the minor or of the potential disposition for the offense charged; or
- 902 (b) consult with counsel and participate in the proceedings against the minor with a reasonable degree of rational understanding.
- 904 [(62)] (63) "Parole" means a conditional release of a juvenile offender from residency in secure care to live outside of secure care under the supervision of the Division of Juvenile Justice and Youth Services, or another person designated by the Division of Juvenile Justice and Youth Services.
- 908 [(63)] (64) "Physical abuse" means abuse that results in physical injury or damage to a child.
- 909 [(64)] (65)
- . (a) "Probation" means a legal status created by court order, following an adjudication under Section 80-6-701, whereby the minor is permitted to remain in the minor's home under prescribed conditions.
- 912 (b) "Probation" includes intake probation or formal probation.
- 913 [(65)] (66) "Prosecuting attorney" means:
- 914 (a) the attorney general and any assistant attorney general;
- 915 (b) any district attorney or deputy district attorney;
- 916 (c) any county attorney or assistant county attorney; and
- 917 (d) any other attorney authorized to commence an action on behalf of the state.
- 918 [(66)] (67) "Protective custody" means the shelter of a child by the Division of Child and Family Services from the time the child is removed from the home until the earlier of:

## HB0399 compared with HB0399S01

- 920 (a) the day on which the shelter hearing is held under Section 80-3-301; or  
921 (b) the day on which the child is returned home.
- 922 [~~(67)~~] (68) "Protective services" means expedited services that are provided:  
923 (a) in response to evidence of neglect, abuse, or dependency of a child;  
924 (b) to a cohabitant who is neglecting or abusing a child, in order to:  
925 (i) help the cohabitant develop recognition of the cohabitant's duty of care and of the causes of neglect  
or abuse; and  
927 (ii) strengthen the cohabitant's ability to provide safe and acceptable care; and  
928 (c) in cases where the child's welfare is endangered:  
929 (i) to bring the situation to the attention of the appropriate juvenile court and law enforcement agency;  
931 (ii) to cause a protective order to be issued for the protection of the child, when appropriate; and  
933 (iii) to protect the child from the circumstances that endanger the child's welfare including, when  
appropriate:  
935 (A) removal from the child's home;  
936 (B) placement in substitute care; and  
937 (C) petitioning the court for termination of parental rights.
- 938 [~~(68)~~] (69) "Protective supervision" means a legal status created by court order, following an  
adjudication on the ground of abuse, neglect, or dependency, whereby:  
940 (a) the minor is permitted to remain in the minor's home; and  
941 (b) supervision and assistance to correct the abuse, neglect, or dependency is provided by an agency  
designated by the juvenile court.
- 943 [~~(69)~~] (70)  
. (a) "Related condition" means a condition that:  
944 (i) is found to be closely related to intellectual disability;  
945 (ii) results in impairment of general intellectual functioning or adaptive behavior similar to that of  
an intellectually disabled individual;  
947 (iii) is likely to continue indefinitely; and  
948 (iv) constitutes a substantial limitation to the individual's ability to function in society.  
949 (b) "Related condition" does not include mental illness, psychiatric impairment, or serious emotional or  
behavioral disturbance.
- 951 [~~(70)~~] (71)



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- . (a) "Residual parental rights and duties" means the rights and duties remaining with a parent after legal custody or guardianship, or both, have been vested in another person or agency, including:
- 954 (i) the responsibility for support;
- 955 (ii) the right to consent to adoption;
- 956 (iii) the right to determine the child's religious affiliation; and
- 957 (iv) the right to reasonable parent-time unless restricted by the court.
- 958 (b) If no guardian has been appointed, "residual parental rights and duties" includes the right to consent to:
- 960 (i) marriage;
- 961 (ii) enlistment; and
- 962 (iii) major medical, surgical, or psychiatric treatment.
- 963 [~~(71)~~] (72) "Runaway" means a child, other than an emancipated child, who willfully leaves the home of the child's parent or guardian, or the lawfully prescribed residence of the child, without permission.
- 966 [~~(72)~~] (73) "Secure care" means placement of a minor, who is committed to the Division of Juvenile Justice and Youth Services for rehabilitation, in a facility operated by, or under contract with, the Division of Juvenile Justice and Youth Services, that provides 24-hour supervision and confinement of the minor.
- 970 [~~(73)~~] (74) "Secure care facility" means a facility, established in accordance with Section 80-5-503, for juvenile offenders in secure care.
- 972 [~~(74)~~] (75) "Secure detention" means temporary care of a minor who requires secure custody in a physically restricting facility operated by, or under contract with, the Division of Juvenile Justice and Youth Services:
- 975 (a) before disposition of an offense that is alleged to have been committed by the minor; or
- 977 (b) under Section 80-6-704.
- 978 [~~(75)~~] (76) "Serious youth offender" means an individual who:
- 979 (a) is at least 14 years old, but under 25 years old;
- 980 (b) committed a felony listed in Subsection 80-6-503(1) and the continuing jurisdiction of the juvenile court was extended over the individual's case until the individual was 25 years old in accordance with Section 80-6-605; and
- 983

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(c) is committed by the juvenile court to the Division of Juvenile Justice and Youth Services for secure care under Sections 80-6-703 and 80-6-705.

985 [(76)] (77) "Severe abuse" means abuse that causes or threatens to cause serious harm to a child.

987 [(77)] (78) "Severe neglect" means neglect that causes or threatens to cause serious harm to a child.

989 [(78)] (79)

. (a) "Severe type of child abuse or neglect" means, except as provided in Subsection [(78)(b):] (79)(b):

991 (i) if committed by an individual who is 18 years old or older:

992 (A) chronic abuse;

993 (B) severe abuse;

994 (C) sexual abuse;

995 (D) sexual exploitation;

996 (E) abandonment;

997 (F) chronic neglect; or

998 (G) severe neglect; or

999 (ii) if committed by an individual who is under 18 years old:

1000 (A) causing serious physical injury, as defined in Subsection 76-5-109(1), to another child that indicates a significant risk to other children; or

1002 (B) sexual behavior with or upon another child that indicates a significant risk to other children.

1004 (b) "Severe type of child abuse or neglect" does not include:

1005 (i) the use of reasonable and necessary physical restraint by an educator in accordance with Subsection 53G-8-302(2) or Section 76-2-401;

1007 (ii) an individual's conduct that is justified under Section 76-2-401 or constitutes the use of reasonable and necessary physical restraint or force in self-defense or otherwise appropriate to the circumstances to obtain possession of a weapon or other dangerous object in the possession or under the control of a child or to protect the child or another individual from physical injury; or

1012 (iii) a health care decision made for a child by a child's parent or guardian, unless, subject to Subsection [(78)(e)] (79)(c), the state or other party to the proceeding shows, by clear and convincing evidence, that the health care decision is not reasonable and informed.

1016 (c) Subsection [(78)(b)(iii)] (79)(b)(iii) does not prohibit a parent or guardian from exercising the right to obtain a second health care opinion.

1018 [(79)] (80) "Sexual abuse" means:

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- 1019 (a) an act or attempted act of sexual intercourse, sodomy, incest, or molestation by an adult directed towards a child;
- 1021 (b) an act or attempted act of sexual intercourse, sodomy, incest, or molestation committed by a child towards another child if:
- 1023 (i) there is an indication of force or coercion;
- 1024 (ii) the children are related, as described in Subsection ~~[(39)]~~ (40), including siblings by marriage while the marriage exists or by adoption;
- 1026 (iii) there have been repeated incidents of sexual contact between the two children, unless the children are 14 years old or older; or
- 1028 (iv) there is a disparity in chronological age of four or more years between the two children;
- 1030 (c) engaging in any conduct with a child that would constitute an offense under any of the following, regardless of whether the individual who engages in the conduct is actually charged with, or convicted of, the offense:
- 1033 (i) Title 76, Chapter 5, Part 4, Sexual Offenses, except for Section 76-5-401, if the alleged perpetrator of an offense described in Section 76-5-401 is a minor;
- 1035 (ii) child bigamy, Section 76-7-101.5;
- 1036 (iii) incest, Section 76-7-102;
- 1037 (iv) lewdness, Section 76-9-702;
- 1038 (v) sexual battery, Section 76-9-702.1;
- 1039 (vi) lewdness involving a child, Section 76-9-702.5; or
- 1040 (vii) voyeurism, Section 76-9-702.7; or
- 1041 (d) subjecting a child to participate in or threatening to subject a child to participate in a sexual relationship, regardless of whether that sexual relationship is part of a legal or cultural marriage.
- 1044 ~~[(80)]~~ (81) "Sexual exploitation" means knowingly:
- 1045 (a) employing, using, persuading, inducing, enticing, or coercing any child to:
- 1046 (i) pose in the nude for the purpose of sexual arousal of any individual; or
- 1047 (ii) engage in any sexual or simulated sexual conduct for the purpose of photographing, filming, recording, or displaying in any way the sexual or simulated sexual conduct;
- 1050 (b) displaying, distributing, possessing for the purpose of distribution, or selling material depicting a child:
- 1052 (i) in the nude, for the purpose of sexual arousal of any individual; or

## HB0399 compared with HB0399S01

- 1053 (ii) engaging in sexual or simulated sexual conduct; or
- 1054 (c) engaging in any conduct that would constitute an offense under Section 76-5b-201, sexual exploitation of a minor, or Section 76-5b-201.1, aggravated sexual exploitation of a minor, regardless of whether the individual who engages in the conduct is actually charged with, or convicted of, the offense.
- 1058 ~~[(81)]~~ (82) "Shelter" means the temporary care of a child in a physically unrestricted facility pending a disposition or transfer to another jurisdiction.
- 1060 ~~[(82)]~~ (83) "Shelter facility" means a nonsecure facility that provides shelter for a minor.
- 1061 ~~[(83)]~~ (84) "Significant risk" means a risk of harm that is determined to be significant in accordance with risk assessment tools and rules established by the Division of Child and Family Services in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, that focus on:
- 1065 (a) age;
- 1066 (b) social factors;
- 1067 (c) emotional factors;
- 1068 (d) sexual factors;
- 1069 (e) intellectual factors;
- 1070 (f) family risk factors; and
- 1071 (g) other related considerations.
- 1072 ~~[(84)]~~ (85) "Single criminal episode" means the same as that term is defined in Section 76-1-401.
- 1074 ~~[(85)]~~ (86) "Status offense" means an offense that would not be an offense but for the age of the offender.
- 1076 ~~[(86)]~~ (87) "Substance abuse" means, except as provided in Section 80-2-603, the misuse or excessive use of alcohol or other drugs or substances.
- 1078 ~~[(87)]~~ (88) "Substantiated" or "substantiation" means a judicial finding based on a preponderance of the evidence, and separate consideration of each allegation made or identified in the case, that abuse, neglect, or dependency occurred .
- 1081 ~~[(88)]~~ (89) "Substitute care" means:
- 1082 (a) the placement of a minor in a family home, group care facility, or other placement outside the minor's own home, either at the request of a parent or other responsible relative, or upon court order, when it is determined that continuation of care in the minor's own home would be contrary to the minor's welfare;

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- 1086 (b) services provided for a minor in the protective custody of the Division of Child and Family Services, or a minor in the temporary custody or custody of the Division of Child and Family Services, as those terms are defined in Section 80-2-102; or
- 1089 (c) the licensing and supervision of a substitute care facility.
- 1090 ~~[(89)]~~ (90) "Supported" means a finding by the Division of Child and Family Services based on the evidence available at the completion of an investigation, and separate consideration of each allegation made or identified during the investigation, that there is a reasonable basis to conclude that abuse, neglect, or dependency occurred.
- 1094 ~~[(90)]~~ (91) "Termination of parental rights" means the permanent elimination of all parental rights and duties, including residual parental rights and duties, by court order.
- 1096 ~~[(91)]~~ (92) "Therapist" means:
- 1097 (a) an individual employed by a state division or agency for the purpose of conducting psychological treatment and counseling of a minor in the division's or agency's custody; or
- 1100 (b) any other individual licensed or approved by the state for the purpose of conducting psychological treatment and counseling.
- 1102 ~~[(92)]~~ (93) "Threatened harm" means actions, inactions, or credible verbal threats, indicating that the child is at an unreasonable risk of harm or neglect.
- 1104 ~~[(93)]~~ (94) "Ungovernable" means a child in conflict with a parent or guardian, and the conflict:
- 1106 (a) results in behavior that is beyond the control or ability of the child, or the parent or guardian, to manage effectively;
- 1108 (b) poses a threat to the safety or well-being of the child, the child's family, or others; or
- 1109 (c) results in the situations described in Subsections ~~[(93)(a)]~~ (94)(a) and (b).
- 1110 ~~[(94)]~~ (95) "Unsubstantiated" means a judicial finding that there is insufficient evidence to conclude that abuse, neglect, or dependency occurred.
- 1112 ~~[(95)]~~ (96) "Unsupported" means a finding by the Division of Child and Family Services at the completion of an investigation, after the day on which the Division of Child and Family Services concludes the alleged abuse, neglect, or dependency is not without merit, that there is insufficient evidence to conclude that abuse, neglect, or dependency occurred.
- 1117 ~~[(96)]~~ (97) "Validated risk and needs assessment" means an evidence-based tool that assesses a minor's risk of reoffending and a minor's criminogenic needs.

1119

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[(97)] (98) "Without merit" means a finding at the completion of an investigation by the Division of Child and Family Services, or a judicial finding, that the alleged abuse, neglect, or dependency did not occur, or that the alleged perpetrator was not responsible for the abuse, neglect, or dependency.

1123 [(98)] (99) "Youth offender" means an individual who is:

1124 (a) at least 12 years old, but under 21 years old; and

1125 (b) committed by the juvenile court to the Division of Juvenile Justice and Youth Services for secure care under Sections 80-6-703 and 80-6-705.

1127 Section 11. Section **11** is enacted to read:

## 1128 **CHAPTER 5a. CHILDREN IN NEED OF SERVICES**

### 1129 **Part 1. General Provisions**

#### 1130 **80-5a-101. Definitions for chapter.**

As used in this chapter:

1132 (1) "Division" means the Division of Juvenile Justice and Youth Services.

1133 (2) "Youth services" means the same as that term is defined in Section 80-5-102.

1134 (3) "Youth services center" means the same as that term is defined in Section 80-5-102.

1135 Section 12. Section **80-5a-102** is renumbered and amended to read:

#### 1137 **[80-5-603]. Assessment of a child in need of services from the division.**

1138 (1) If a juvenile court finds that a child is ungovernable[ ~~or a runaway~~] , a runaway, or a habitual truant, or that the family is in crisis, the juvenile court may order the division to conduct an assessment to determine whether it would be appropriate for the division to provide prevention and early intervention youth services, as described in Section 80-5-401, to the child.

1143 (2) If the division determines that provision of prevention and early intervention youth services is appropriate under Subsection (1), the division shall provide the services to the [~~ungovernable or runaway~~]child.

1146 Section 13. Section **13** is enacted to read:

### 1147 **Part 2. Runaways and Homeless Youth**

#### 1148 **80-5a-201. Definitions for part.**

As used in this part:

1150 (1) "Care" means providing:

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- 1151 (a) assistance to obtain food, clothing, hygiene products, or other basic necessities;  
1152 (b) access to a bed, showering facility, or transportation; or  
1153 (c) assistance with school enrollment or attendance.  
1154 (2) "Harbor" means to provide shelter in:  
1155 (a) the home of the person who is providing shelter; or  
1156 (b) any structure over which the person providing the shelter has any control.  
1157 (3) "Homeless youth" means a child, other than an emancipated minor:  
1158 (a) who is a runaway; or  
1159 (b) who is:  
1160 (i) not accompanied by the child's parent or guardian; and  
1161 (ii) without care.  
1162 (4) "Licensed services" means a service provided by a temporary homeless youth shelter, a youth services center, or other facility that is licensed to provide the service to a homeless youth.  
1165 (5) "Service" means:  
1166 (a) youth services;  
1167 (b) child welfare or juvenile court case management or advocacy;  
1168 (c) aftercare services as defined in Section 80-5-102; or  
1169 (d) independent living skills training.  
1170 (6) "Temporary homeless youth shelter" means a facility that:  
1171 (a) provides temporary shelter to homeless youth; and  
1172 (b) is licensed by the Department of Health and Human Services, created in Section 26B-1-201, as a residential support program.

1174 Section 14. Section **80-5a-202** is renumbered and amended to read:

1176 **~~[80-5-601].~~ Harboring a runaway -- Reporting requirements -- Division of Child and Family Services to provide assistance -- Affirmative defense -- Providing shelter after notice.**

1179 ~~[(1) As used in this section, "harbor" means to provide shelter in:]~~

1180 ~~[(a) the home of the person who is providing shelter; or]~~

1181 ~~[(b) any structure over which the person providing the shelter has any control.]~~

1182 ~~[(2)] (1) Except as provided in Subsection ~~[(3)] (2)~~, a person is guilty of a class B misdemeanor if the person:~~

1184 (a) knowingly and intentionally harbors a child;

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- 1185 (b) knows at the time of harboring the child that the child is a runaway;
- 1186 (c) fails to notify one of the following, by telephone or other reasonable means, of the location of the child:
- 1188 (i) the parent or guardian of the child;
- 1189 (ii) the division; or
- 1190 (iii) a youth services center; and
- 1191 (d) fails to notify a person described in Subsection [~~(2)~~(e)] (1)(c) within eight hours after the later of:
- 1193 (i) the time that the person becomes aware that the child is a runaway; or
- 1194 (ii) the time that the person begins harboring the child.
- 1195 [~~(3)~~] (2) A person described in Subsection [~~(2)~~] (1) is not guilty of a violation of Subsection [~~(2)~~] (1) and is not required to comply with Subsections [~~(2)~~(e)] (1)(c) and (d), if:
- 1197 (a)
- . (i) a court order is issued authorizing a peace officer to take the child into custody; and
- 1199 (ii) the person notifies a peace officer, or the nearest detention facility, by telephone or other reasonable means, of the location of the child, within eight hours after the later of:
- 1202 (A) the time that the person becomes aware that the child is a runaway; or
- 1203 (B) the time that the person begins harboring the child; or
- 1204 (b)
- . (i) the child is a runaway who consents to shelter, care, or licensed services under Section [~~80-5-602~~] 80-5a-203; and
- 1206 (ii)
- . (A) the person is unable to locate the child's parent or guardian; or
- 1207 (B) the child refuses to disclose the contact information for the child's parent or guardian.
- 1209 [~~(4)~~] (3) A person described in Subsection [~~(2)~~] (1) shall provide a report to the division:
- 1210 (a) if the person has an obligation under Section 80-2-602 to report child abuse or neglect; or
- 1212 (b) if, within 48 hours after the person begins harboring the child:
- 1213 (i) the person continues to harbor the child; and
- 1214 (ii) the person does not make direct contact with:
- 1215 (A) a parent or guardian of the child;
- 1216 (B) the division;
- 1217 (C) a youth services center; or



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- 1218 (D) a peace officer or the nearest detention facility if a court order is issued authorizing a peace officer to take the child into custody.
- 1220 ~~[(5)]~~ (4) It is an affirmative defense to the crime described in Subsection ~~[(2)]~~ (1) that:
- 1221 (a) the person failed to provide notice as described in Subsection ~~[(2) or (3)]~~ (1) or (2) due to circumstances beyond the control of the person providing the shelter; and
- 1223 (b) the person provided the notice described in Subsection ~~[(2) or (3)]~~ (1) or (2) as soon as it was reasonably practicable to provide the notice.
- 1225 ~~[(6)]~~ (5) Upon receipt of a report that a runaway is being harbored by a person:
- 1226 (a) a youth services center shall:
- 1227 (i) notify the runaway's parent or guardian that a report has been made; and
- 1228 (ii) inform the runaway's parent or guardian of assistance available from the youth services center; or
- 1230 (b) the division shall:
- 1231 (i) make a referral to the Division of Child and Family Services to determine whether the runaway is abused, neglected, or dependent; and
- 1233 (ii) if appropriate, make a referral for services for the runaway.
- 1234 ~~[(7)]~~ (6)
- . (a) A parent or guardian of a runaway who is aware that the runaway is being harbored may notify a law enforcement agency and request assistance in retrieving the runaway.
- 1237 (b) The local law enforcement agency may assist the parent or guardian in retrieving the runaway.
- 1239 ~~[(8)]~~ (7) Nothing in this section prohibits a person from continuing to provide shelter to a runaway, after giving the notice described in Subsections ~~[(2) through (4)]~~ (1) through (3), if:
- 1242 (a) a parent or guardian of the runaway consents to the continued provision of shelter; or
- 1243 (b) a peace officer or a parent or guardian of the runaway fails to retrieve the runaway.
- 1244 ~~[(9)]~~ (8) Nothing in this section prohibits a person from providing shelter to a child whose parent or guardian has intentionally:
- 1246 (a) ceased to maintain physical custody of the child; and
- 1247 (b) failed to make reasonable arrangements for the safety, care, and physical custody of the child.
- 1249 ~~[(10)]~~ (9) Nothing in this section prohibits:
- 1250 (a) a juvenile receiving center or a youth services center from providing shelter to a runaway in accordance with the requirements of this chapter and the rules relating to a juvenile receiving center or a youth services center; or

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- 1253 (b) a government agency from taking custody of a child as otherwise provided by law.
- 1254 Section 15. Section **80-5a-203** is renumbered and amended to read:
- 1256 **~~[80-5-602].~~ Homeless youth -- Consent to shelter, care, or services by a homeless youth.**
- 1258 [(1) As used in this section:]
- 1259 [(a) "Care" means providing:]
- 1260 [(i) assistance to obtain food, clothing, hygiene products, or other basic necessities;]
- 1261 [(ii) access to a bed, showering facility, or transportation; or]
- 1262 [(iii) assistance with school enrollment or attendance.]
- 1263 [(b) "Licensed services" means a service provided by a temporary homeless youth shelter, a youth services center, or other facility that is licensed to provide the service to a homeless youth.]
- 1266 [(e) "Service" means:]
- 1267 [(i) youth services;]
- 1268 [(ii) child welfare or juvenile court case management or advocacy;]
- 1269 [(iii) aftercare services; or]
- 1270 [(iv) independent living skills training.]
- 1271 [(2)] (1) A homeless youth may consent to temporary shelter, care, or licensed services if the homeless youth:
- 1273 (a) is at least 15 years old; and
- 1274 (b) manages the homeless youth's own financial affairs, regardless of the source of income.
- 1276 [(3)] (2) In determining consent under Subsection [(2)] (1), a person may rely on the homeless youth's verbal or written statement describing the homeless youth's ability to consent to temporary shelter, care, or licensed services.
- 1279 [(4)] (3) A person who provides shelter, care, or licensed services to a homeless youth who consents to the shelter, care, or licensed services under Subsection [(2)] (1):
- 1281 (a) shall report to the division as required under Subsection [80-5-601(4)] 80-5a-202(3); and
- 1283 (b) may provide the homeless youth a referral to temporary or permanent housing, employment resources, medical or dental providers, or counseling.

1285 Section 16. Section **16** is enacted to read:

### 1286 **Part 3. Habitual Truants**

#### 1287 **80-5a-301. Definitions for part.**

As used in this part:

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- 1289 (1) "Local education agency" means a school district, a charter school, or the Utah Schools for the Deaf and the Blind.
- 1291 (2) "School" means a school within a school district or a charter school.
- 1292 (3) "School administrator" means a principal of a school or the director of a charter school.
- 1293 (4) "School-age child" means the same as that term is defined in Section 53G-6-201.
- 1294 Section 17. Section 17 is enacted to read:
- 1295 **80-5a-302. Habitual truant -- Referral to division -- Petition for habitual truancy.**
- 1296 (1)
- . (a) If a school-age child is alleged to be a habitual truant and the actions taken by the division or the school for which the school-age child is enrolled are not successful in reducing the school-age child's absences from school, the division, the school administrator, or the local education agency may bring an action for habitual truancy against the school-age child and the school-age child's parent or guardian.
- 1301 (b) A petition alleging that a school-age child is a habitual truant shall:
- 1302 (i) describe all interventions that have been attempted; and
- 1303 (ii) include any truancy assessment completed by the division or the school-age child's school.
- 1305 (2) If the court finds that a school-age child is a habitual truant after a hearing, the court shall order:
- 1307 (a) the school-age child to attend school; and
- 1308 (b) the school-age child's parent or guardian to ensure that the school-age child attends school.
- 1310 (3) If the court finds that a school-age child is a habitual truant after a hearing, the court may order:
- 1312 (a) the division to conduct an assessment as described in Section 80-5a-102;
- 1313 (b) the school-age child to participate in alternative sanctions to include mandatory attendance at alternative classes, including mandatory participation in Saturday school, after-school sessions, or summer classes to make up for missed instructional time;
- 1317 (c) the school-age child or the school-age child's parent or guardian to participate in counseling, including mediation or group conferencing, to collaboratively develop an attendance plan and address the root causes of truancy;
- 1320 (d) the school-age child or the school-age child's parent or guardian to participate in educational workshops or programs aimed at improving school engagement strategies and addressing attendance barriers;
- 1323

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- (e) the school-age child or the school-age child's parent or guardian to participate in mental health services if available and applicable;
- 1325 (f) the school-age child and the school-age child's parent or guardian to participate in services provided by a voluntary or community agency as available, including a community service program tailored to utilize the school-age child's academic skills in a real-world setting, fostering a connection between education and future opportunities; or
- 1330 (g) the school-age child or the school-age child's parent or guardian to participate in vocational, job training, or employment services.
- 1332 (4) The school-age child and the school-age child's parent or guardian shall participate, as required by court order, in any sanction or services required by a court under this section.

72 Section 2. **Effective date.**

This bill takes effect on {~~July 1,~~} May 7, 2025.

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