

**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 and enacts statutes regarding juveniles who are habitual truants.

**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;
- 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;
- modifies the jurisdiction of the juvenile court in regard to habitual truancy;
- addresses venue for a petition alleging habitual truancy;
- creates a new chapter, Title 80, Chapter 5a, Children in Need of Services;
- moves statutes related to runaways and homeless youth to the new chapter;
- 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;
- allows a court to make orders regarding a child that is a habitual truant; and
- makes technical and conforming changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

This bill provides a special effective date.

31 **Utah Code Sections Affected:**

## 32 AMENDS:

33 **53G-6-201**, as last amended by Laws of Utah 2024, Chapter 46434 **53G-6-202**, as last amended by Laws of Utah 2021, Chapter 359 and further amended by  
35 Revisor Instructions, Laws of Utah 2021, Chapter 35936 **53G-6-203**, as last amended by Laws of Utah 2023, Chapter 16137 **53G-6-206**, as last amended by Laws of Utah 2024, Chapter 51638 **53G-6-208**, as last amended by Laws of Utah 2022, Chapter 33539 **53G-8-211**, as last amended by Laws of Utah 2024, Chapters 240, 30140 **78A-6-103**, as last amended by Laws of Utah 2024, Chapter 36641 **80-1-102**, as last amended by Laws of Utah 2024, Chapter 256

## 42 ENACTS:

43 **53E-4-316**, Utah Code Annotated 195344 **53G-6-206.1**, Utah Code Annotated 195345 **80-5a-101**, Utah Code Annotated 195346 **80-5a-201**, Utah Code Annotated 195347 **80-5a-301**, Utah Code Annotated 195348 **80-5a-302**, Utah Code Annotated 1953

## 49 RENUMBERS AND AMENDS:

50 **80-5a-102**, (Renumbered from 80-5-603, as renumbered and amended by Laws of  
51 Utah 2021, Chapter 261)52 **80-5a-202**, (Renumbered from 80-5-601, as last amended by Laws of Utah 2022,  
53 Chapter 334)54 **80-5a-203**, (Renumbered from 80-5-602, as last amended by Laws of Utah 2021,  
55 Chapter 256 and renumbered and amended by Laws of Utah 2021, Chapter 261)

56

57 *Be it enacted by the Legislature of the state of Utah:*58 Section 1. Section **53E-4-316** 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  
61 courses to allow students to test out of core courses in grades 8 through 12.62 (b) By the beginning of the 2026-2027 school year, the state board shall establish a  
63 testing-out assessment system for students in grades 8 through 12 to demonstrate  
64 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  
 69 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  
 72 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  
 74 regarding the implementation and utilization of the testing-out assessment by students  
 75 statewide.

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

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

78 As used in this part:

- 79 (1)(a) "Absence" [~~or "absent"~~] means the failure of a school-age child assigned to a class  
 80 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  
 82 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 microschoo" means an individual or association of individuals  
 90 that:

- 91 (i) registers as a business entity in accordance with state and local laws; and  
 92 (ii) for compensation, provides kindergarten through grade 12 education services to  
 93 16 or fewer students from an individual's residential dwelling, accessory dwelling  
 94 unit, or residential property.

95 (b) "Home-based microschoo" does not include a daycare.

96 [~~(4)~~] (6) "Instructor" means an individual who teaches a student as part of a home-based  
 97 microschoo 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  
 101 100 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;  
 110 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  
 113 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  
 115 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  
 117 charter school governing board as the school year for the school where the school-age  
 118 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.
- 124 ~~[(11)]~~ (13)~~[(a)]~~ "Truant" means a condition in which a school-age child, without a valid  
 125 excuse,~~[, and subject to Subsection (11)(b),]~~ is absent only one time during the day  
 126 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  
 129 defined by the state board, the relevant amount of time under the LEA's policy  
 130 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~~  
 132 ~~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
- 138 the school-age child or parent provides documentation from a medical
- 139 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
- 148 governing board, or school district.
- 149 (b) "Valid excuse" does not mean a parent acknowledgment of an absence for a reason
- 150 other than a reason described in Subsections [(13)(a)(i)] (15)(a)(i) through (vi), unless
- 151 specifically permitted by the local school board, charter school governing board, or
- 152 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.**

- 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
- 158 with Subsections (3) and (4).
- 159 (c) "Remainder of the school year" means the portion of the school year beginning on
- 160 the day after the day on which a notice of compulsory education violation is served
- 161 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
- 163 shall enroll and send the school-age child to a public or regularly established private
- 164 school.
- 165 (3) A school administrator, a designee of a school administrator, a law enforcement officer
- 166 acting as a school resource officer, or a truancy specialist may only issue a notice of

- 167 compulsory education violation to a parent of a school-age child if the school-age child  
168 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  
174 problems; and  
175 (ii) cooperate with the local school board, charter school governing board, or school  
176 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  
179 good cause:
- 180 (i) fail to meet with the designated school authorities to discuss the school-age child's  
181 school attendance problems; or  
182 (ii) fail to prevent the school-age child from being truant five or more times during  
183 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  
186 during the school year.
- 187 (5) [~~Except during the period between March 17, 2021 and June 1, 2022, it~~] It is a class B  
188 misdemeanor for a parent of a school-age child to intentionally or without good cause  
189 fail to enroll the school-age child in school, unless the school-age child is exempt from  
190 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  
192 misdemeanor for a parent of a school-age child who is in grade 1 through [6] 8 to, after  
193 being served with a notice of compulsory education violation, intentionally or without  
194 good cause:
- 195 (a) fail to meet with the school authorities designated in the notice of compulsory  
196 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  
198 remainder of the school year.
- 199 (7) [~~Except during the period described in Subsections (5) and (6), a~~] A local school board,  
200 charter school governing board, or school district shall report violations of this section to

201 the appropriate county or district attorney.

202 (8) ~~[Except during the period described in Subsections (5) and (6), if]~~ If school personnel

203 have reason to believe that, after a notice of compulsory education violation is issued,

204 the parent has failed to make a good faith effort to ensure that the school-age child

205 receives an appropriate education, the issuer of the compulsory education violation shall

206 report to the Division of Child and Family Services:

207 (a) identifying information of the school-age child and the parent who received the

208 notice of compulsory education violation;

209 (b) information regarding the longest number of consecutive school days the school-age

210 child has been absent or truant from school and the percentage of school days the

211 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

215 age group expectations in one or more basic skills; and

216 (f) whether the school-age child is receiving special education services or systematic

217 remediation efforts.

218 ~~[(9) Notwithstanding this section, during the period described in Subsections (5) and (6), a~~

219 ~~school administrator, designee of a school administrator, law enforcement officer acting~~

220 ~~as a school resource officer, or truancy specialist may not issue or otherwise enforce a~~

221 ~~notice of compulsory education.]~~

222 Section 4. Section **53G-6-203** is amended to read:

223 **53G-6-203 . Truancy -- Notice of truancy -- Failure to cooperate with school**

224 **authorities.**

- 225 (1) Except as provided in Section 53G-6-204 or 53G-6-702, a school-age child who is
- 226 enrolled in a public school shall attend the public school in which the school-age child is
- 227 enrolled.
- 228 (2) In accordance with Section 53G-8-211, a local school board, charter school governing
- 229 board, or school district may impose administrative penalties on a school-age child who
- 230 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

235 enforcement officer acting as a school resource officer, or a truancy specialist to issue  
 236 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  
 238 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  
 241 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  
 243 below grade [7] 9;

244 (c) may not be issued to a school-age child exempt from school attendance as provided  
 245 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  
 247 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  
 250 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  
 253 local school board, charter school governing board, or school district from taking  
 254 action to resolve a truancy problem with a school-age child who has been truant  
 255 fewer than five times, provided that the action does not conflict with the requirements  
 256 of this part.

257 [~~(b) A local school board, charter school governing board, or school district may not~~  
 258 ~~take punitive action to resolve a truancy problem with a school-age child during the~~  
 259 ~~period described in Subsection (2).]~~

260 (6) If a local school board, charter school governing board, or school district determines a  
 261 school-age child is a habitual truant, a local school board, charter school governing  
 262 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~~  
 264 ~~administrator, designee of a school administrator, law enforcement officer acting as a~~  
 265 ~~school resource officer, or truancy specialist may not issue or otherwise enforce a notice~~  
 266 ~~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**



269 **school district in promoting regular attendance -- Parental involvement -- Liability not**  
270 **imposed -- Report to state board.**

271 (1)

272 (a) As used in this section, "intervention" means a series of non-punitive and  
273 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  
282 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)(a) Subject to Subsection (2)(b), an LEA shall make efforts to promote regular  
289 attendance [~~and resolve school absenteeism and truancy issues~~]for each school-age  
290 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  
292 53G-6-702, or a school-age child who is enrolled in a regularly established private  
293 school or part-time school, is not considered to be a school-age child who is or  
294 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  
297 informed parental consent;

298 (b)(i) issuing a notice of truancy to the school-age child in accordance with Section  
299 53G-6-203; or

300 (ii) issuing a notice of compulsory education violation to the school-age child's parent  
301 in accordance with Section 53G-6-202;

302 (c) making any necessary adjustment to the curriculum and schedule to meet special

- 303 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
- 306 described in Section 53G-6-206.1, incorporating attendance in the school-age child's
- 307 course score or grade if:
- 308 (i) incorporation is determined appropriate through an individualized plan the
- 309 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
- 312 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
- 315 written informed parental consent; and
- 316 (h) providing the school-age child's parent, upon request, with a list of resources
- 317 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
- 319 school governing board, or school district may enlist the assistance of community and
- 320 law enforcement agencies and organizations for early intervention services as
- 321 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,
- 323 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
- 325 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 **53G-6-206.1** 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,
- 332 an LEA shall implement a testing-out option and attendance requirements for core
- 333 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
- 335 this Subsection (1) shall demonstrate mastery of the course material through an
- 336 assessment the LEA approves.

- 337 (c) An LEA shall establish specific guidelines for the development and administration of  
 338 a testing-out assessment and the relevant portfolio or project-based components the  
 339 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  
 341 course, including an asynchronous online course option in lieu of an in-person core  
 342 course.
- 343 (2)(a) In accordance with Section 53G-6-206, an LEA shall establish the attendance  
 344 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  
 346 the calculation of a course grade if:
- 347 (i) the attendance portion of a course grade does not exceed 20% of the overall course  
 348 grade unless the course is designated as a participation-based course as the state  
 349 board defines; and
- 350 (ii) the LEA clearly communicates course attendance requirements to a student and  
 351 the student's parent at the time of course enrollment.
- 352 (c) An LEA shall inform a student and the student's parent that enrollment in an online  
 353 school or course is an alternative option if the student or the student's parent does not  
 354 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 --**

357 **Disposition -- Reports -- Immunity from liability.**

- 358 (1) [~~Except during the period between March 17, 2021, and June 1, 2022, a~~] A peace officer  
 359 or [~~public~~] school administrator may take a minor into temporary custody if there is  
 360 reason to believe the minor is a truant minor.
- 361 (2) An individual taking a [~~presumed truant~~] minor into custody under Subsection (1) shall,  
 362 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  
 365 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  
 368 center, the officer or administrator shall, without unnecessary delay, notify the minor's  
 369 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

371 to accept custody and none of the options in Subsection (2) are available, the minor shall  
372 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  
374 with another school board, may establish or designate truancy centers within  
375 existing school buildings and staff the centers with existing teachers or staff to  
376 provide educational guidance and counseling for truant minors.

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

380 (b)(i) If the parents of a truant minor in custody cannot be reached or are unable or  
381 unwilling to comply with the request within a reasonable time, the center shall  
382 take such steps as are reasonably necessary to ensure the safety and well being of  
383 the minor, including, when appropriate, returning the minor to school or referring  
384 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  
386 center or other secure confinement facility.

387 (6)(a) An individual taking action under this section shall report the action to the  
388 appropriate school district.

389 (b) The district described in Subsection (6)(a) shall promptly notify the minor's parents  
390 of the action taken.

391 (7)(a) If a school-age child is alleged to be a habitual truant, the school administrator,  
392 the school administrator's designee, or a school resource officer may refer the  
393 school-age child to the Division of Juvenile Justice and Youth Services for  
394 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  
396 truancy against a school-age child and the school-age child's parent or guardian as  
397 described in Title 80, Chapter 5a, Part 3, Habitual Truants.

398 ~~[(7)]~~ (8) [The Utah Governmental Immunity Act] Title 63G, Chapter 7, Governmental  
399 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  
401 administrator to place a minor in the custody of the Division of Child and Family  
402 Services, without complying with Title 80, Chapter 2, Child Welfare Services, Title 80,  
403 Chapter 2a, Removal and Protective Custody of a Child, and Title 80, Chapter 3, Abuse,  
404 Neglect, and Dependency Proceedings.

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  
410 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  
413 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  
419 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.

421 (i) "Mobile crisis outreach team" means the same as that term is defined in Section  
422 26B-5-101.

423 [~~(d)~~] (c) "Prosecuting attorney" means the same as that term is defined in Subsections  
424 80-1-102(65)(b) and (c).

425 [~~(e)~~] (d) "Restorative justice program" means a school-based program or a program used  
426 or adopted by a local education agency that is designed:

427 (i) to enhance school safety, reduce school suspensions, and limit referrals to law  
428 enforcement agencies and courts; and

429 (ii) to help minors take responsibility for and repair harmful behavior that occurs in  
430 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  
433 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  
435 53-13-103, who contracts with, is employed by, or whose law enforcement agency  
436 contracts with a local education agency to provide law enforcement services for the  
437 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,  
 440        camp, clinic, or other event or activity that is authorized by a specific local  
 441        education agency or public school, according to LEA governing board policy, and  
 442        satisfies at least one of the following conditions:
- 443            (A) the activity is managed or supervised by a local education agency or public  
 444            school, or local education agency or public school employee;
  - 445            (B) the activity uses the local education agency's or public school's facilities,  
 446            equipment, or other school resources; or
  - 447            (C) the activity is supported or subsidized, more than inconsequentially, by public  
 448            funds, including the public school's activity funds or Minimum School  
 449            Program dollars.
- 450        (ii) "School-sponsored activity" includes preparation for and involvement in a public  
 451        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  
 453        age of the offender.
- 454            (ii) "Status offense" does not mean an offense that by statute is a misdemeanor or  
 455            felony.
- 456        (2) This section applies to~~[:]~~
- 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  
 459            property where the student is enrolled:
  - 460            ~~[(j)]~~ (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  
 463        misdemeanor, an infraction, or a status offense~~[-or a minor is alleged to be a habitual~~  
 464        ~~truant]~~, the school administrator, the school administrator's designee, or a school  
 465        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  
 470                justice program;
    - 471                (iv) an evidence-based alternative intervention created and developed by the school  
 472                or school district;

- 473 (v) an evidence-based alternative intervention that is jointly created and developed by  
 474 a local education agency, the state board, the juvenile court, local counties and  
 475 municipalities, the Department of Health and Human Services;
- 476 (vi) a tobacco cessation or education program if the offense is a violation of Section  
 477 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,  
 480 by the Division of Juvenile Justice and Youth Services if the minor refuses to  
 481 participate in an evidence-based alternative intervention described in Subsection  
 482 (3)(a).
- 483 (4) Except as provided in Subsection ~~[(6)]~~ (5), if a minor is alleged to have committed an  
 484 offense on school property that is a class C misdemeanor, an infraction, or a status  
 485 offense, a school administrator, the school administrator's designee, or a school resource  
 486 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;  
 488 and
- 489 (b) the minor was referred to an evidence-based alternative intervention, or to prevention  
 490 or early intervention youth services, as described in Subsection (3) for the previous  
 491 offense.
- 492 ~~[(5) If a minor is alleged to be a habitual truant, a school administrator, the school  
 493 administrator's designee, or a school resource officer may only refer the minor to a law  
 494 enforcement officer or agency or a court if:]~~
- 495 ~~[(a) the minor was previously alleged of being a habitual truant at least twice during the  
 496 same school year; and]~~
- 497 ~~[(b) the minor was referred to an evidence-based alternative intervention, or for  
 498 prevention and early intervention youth services, as described in Subsection (3) for at  
 499 least two of the previous habitual trancies.]~~
- 500 ~~[(6)]~~ (5) If a minor is alleged to have committed a traffic offense that is an infraction, a  
 501 school administrator, the school administrator's designee, or a school resource officer  
 502 may refer the minor to a law enforcement officer or agency, a prosecuting attorney, or a  
 503 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  
 506 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
- 511 reasonable and necessary physical force when appropriate based on the totality of the
- 512 circumstances.

513 ~~[(8)]~~ (7)(a) If a minor is referred to a court or a law enforcement officer or agency under  
 514 Subsection (4)~~[-or-(5)]~~, the school or the school district shall appoint a school  
 515 representative to continue to engage with the minor and the minor's family through  
 516 the court process.

517 (b) A school representative appointed under Subsection ~~[(8)(a)]~~ (7)(a) may not be a  
 518 school resource officer.

519 (c) A school district or school shall include the following in the school district's or  
 520 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
- 523 referral, including outcomes;
- 524 (iii) the name and contact information of the school representative assigned to
- 525 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
- 527 Subsection (3)(b), a report from the Division of Juvenile Justice and Youth
- 528 Services that demonstrates the minor's failure to complete or participate in
- 529 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  
 532 placed in secure detention, including for a contempt charge or violation of a valid  
 533 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,  
 537 when available, the resources of the Division of Juvenile Justice and Youth Services  
 538 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  
 540 B misdemeanor or a class A misdemeanor, the school administrator, the school



541 administrator's designee, or a school resource officer may refer the minor directly to a  
542 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  
544 officer retain the discretion described under this section in relation to Title 63G, Chapter  
545 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 --**  
548 **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,  
551 state, or federal law, that was committed by a child;

552 (b) a felony, misdemeanor, infraction, or violation of an ordinance, under municipal,  
553 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,  
557 that was committed:

558 (i) by an individual:

559 (A) who was 18 years old and enrolled in high school at the time of the offense;  
560 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,  
569 Child Protective Orders;

570 (iii) the appointment of a guardian of the individual or other guardian of a minor who  
571 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,  
573 Emancipation;

574 (v) the termination of parental rights in accordance with Title 80, Chapter 4,

- 575 Termination and Restoration of Parental Rights, including termination of residual  
576 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  
579 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  
584 Section 26B-5-204;
- 585 (xii) a minor found not competent to proceed in accordance with Title 80, Chapter 6,  
586 Part 4, Competency;
- 587 (xiii) de novo review of final agency actions resulting from an informal adjudicative  
588 proceeding as provided in Section 63G-4-402;
- 589 (xiv) adoptions conducted in accordance with the procedures described in Title 78B,  
590 Chapter 6, Part 1, Utah Adoption Act, if the juvenile court has previously entered  
591 an order terminating the rights of a parent and finds that adoption is in the best  
592 interest of the child;
- 593 (xv) an ungovernable or runaway child who is referred to the juvenile court by the  
594 Division of Juvenile Justice and Youth Services if, despite earnest and persistent  
595 efforts by the Division of Juvenile Justice and Youth Services, the child has  
596 demonstrated that the child:
- 597 (A) is beyond the control of the child's parent, guardian, or custodian to the extent  
598 that the child's behavior or condition endangers the child's own welfare or the  
599 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  
602 adult alleged to have committed an offense under Subsection 78A-6-352(4)(b) for  
603 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  
605 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,  
 610 Habitual Truants.
- 611 (3) The juvenile court does not have original jurisdiction over an offense committed by a  
 612 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  
 615 78A-5-102(8), unless the juvenile court has exclusive jurisdiction over the offense  
 616 under Section 78A-6-103.5; or
- 617 (c) the justice court has original jurisdiction over the offense under Subsection  
 618 78A-7-106(2), unless the juvenile court has exclusive jurisdiction over the offense  
 619 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  
 621 under Section 80-6-701 for the juvenile court to exercise jurisdiction under Subsection  
 622 (2)(a)(xvi), (b), or (c).
- 623 (5) This section does not restrict the right of access to the juvenile court by private agencies  
 624 or other persons.
- 625 (6) The juvenile court has jurisdiction of all magistrate functions relative to cases arising  
 626 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,  
 628 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  
 630 another trial court in accordance with Subsection 78A-7-106(6) and Section 80-6-303.
- 631 (9) The juvenile court has jurisdiction to enforce foreign protection orders as described in  
 632 Subsection 78B-7-303(8).

633 Section 10. Section **80-1-102** is amended to read:

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

635 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  
644 the child;

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

648 (C) is being prosecuted for or has been convicted of intentionally, knowingly, or  
649 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  
658 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):

661 (i) for a delinquency petition or criminal information under Chapter 6, Juvenile  
662 Justice:

663 (A) a finding by the juvenile court that the facts alleged in a delinquency petition  
664 or criminal information alleging that a minor committed an offense have been  
665 proved;

666 (B) an admission by a minor in the juvenile court as described in Section 80-6-306;  
667 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  
670 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  
673 enters the minor's admission; or

674 (ii) a finding of not competent to proceed in accordance with Section 80-6-402.

675 (4)(a) "Adult" means an individual who is 18 years old or older.

676 (b) "Adult" does not include an individual:

- 677 (i) who is 18 years old or older; and  
678 (ii) who is a minor.
- 679 (5) "Attorney guardian ad litem" means the same as that term is defined in Section  
680 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  
683 years old.
- 684 (8) "Child and family plan" means a written agreement between a child's parents or  
685 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  
691 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  
695 within the county where the child resides;  
696 (f) if appropriate, and known to the division, a therapist or counselor who is familiar  
697 with the child's circumstances;  
698 (g) if appropriate, a representative of law enforcement selected by the chief of police or  
699 sheriff in the city or county where the child resides; and  
700 (h) any other individuals determined appropriate and necessary by the team coordinator  
701 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  
707 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,  
712 designated to supervise and rehabilitate juvenile offenders, that prioritizes the least  
713 restrictive setting, consistent with public safety, and operated by or under contract with  
714 the Division of Juvenile Justice and Youth Services.
- 715 (17) "Community placement" means placement of a minor in a community-based program  
716 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  
721 minor's likelihood of reoffending.
- 722 (20) "Department" means the Department of Health and Human Services created in Section  
723 26B-1-201.
- 724 (21) "Dependent child" or "dependency" means a child who is without proper care through  
725 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  
727 parent or a previous custodian to another person, agency, or institution.
- 728 (23) "Detention" means home detention or secure detention.
- 729 (24) "Detention facility" means a facility, established by the Division of Juvenile Justice  
730 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  
732 Section 80-5-203 that:  
733 (a) assesses a minor's risk of failing to appear in court or reoffending before  
734 adjudication; and  
735 (b) is designed to assist in making a determination of whether a minor shall be held in  
736 detention.
- 737 (26) "Developmental immaturity" means incomplete development in one or more domains  
738 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,  
742 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  
744 violation under Section 53G-6-202, the parent or guardian fails to make a good faith

- 745 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  
748 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  
752 control studies or a meta-analysis demonstrating that the program or practice is effective  
753 for a specific population or has been rated as effective by a standardized program  
754 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  
758 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  
761 more individuals in the group, depending upon the recommendation of the therapist.
- 762 (35) "Guardian" means a person appointed by a court to make decisions regarding a minor,  
763 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  
768 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,  
774 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

779 of the minor's parent, guardian, or custodian, under terms and conditions established  
780 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  
782 minor's home, or in a surrogate home with the consent of the minor's parent,  
783 guardian, or custodian, under terms and conditions established by the Division of  
784 Juvenile Justice and Youth Services or the juvenile court.

785 ~~[(39)]~~ (40)(a) "Incest" means engaging in sexual intercourse with an individual whom the  
786 perpetrator knows to be the perpetrator's ancestor, descendant, brother, sister, uncle,  
787 aunt, nephew, niece, or first cousin.

788 (b) "Incest" includes:

789 (i) blood relationships of the whole or half blood, regardless of whether the  
790 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  
793 relationship of a stepparent and stepchild exists.

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  
797 Section 78B-22-102.

798 ~~[(43)]~~ (44) "Indigent defense services" means the same as that term is defined in Section  
799 78B-22-102.

800 ~~[(44)]~~ (45) "Indigent individual" means the same as that term is defined in Section  
801 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  
807 functioning existing concurrently with deficits in adaptive behavior that constitutes a  
808 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



- 813 78A-6-205.
- 814 [(49)] (50) "Juvenile receiving center" means a nonsecure, nonresidential program  
815 established by the Division of Juvenile Justice and Youth Services, or under contract  
816 with the Division of Juvenile Justice and Youth Services, that is responsible for minors  
817 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  
822 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  
826 maintained by the Division of Child and Family Services under Section 80-2-1002.
- 827 [(52)] (53) "Management Information System" means the Management Information System  
828 developed by the Division of Child and Family Services under Section 80-2-1001.
- 829 [(53)] (54) "Mental illness" means:
- 830 (a) a psychiatric disorder that substantially impairs an individual's mental, emotional,  
831 behavioral, or related functioning; or
- 832 (b) the same as that term is defined in:
- 833 (i) the current edition of the Diagnostic and Statistical Manual of Mental Disorders  
834 published by the American Psychiatric Association; or
- 835 (ii) the current edition of the International Statistical Classification of Diseases and  
836 Related Health Problems.
- 837 [(54)] (55) "Minor" means, except as provided in Sections 80-6-501, 80-6-901, and 80-7-102:
- 838 (a) a child; or
- 839 (b) an individual:
- 840 (i)(A) who is at least 18 years old and younger than 21 years old; and
- 841 (B) for whom the Division of Child and Family Services has been specifically  
842 ordered by the juvenile court to provide services because the individual was an  
843 abused, neglected, or dependent child or because the individual was  
844 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

- 847 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
- 850 Subsection 78A-6-103(1)(c).
- 851 [~~(55)~~] (56) "Mobile crisis outreach team" means the same as that term is defined in Section
- 852 26B-5-101.
- 853 [~~(56)~~] (57) "Molestation" means that an individual, with the intent to arouse or gratify the
- 854 sexual desire of any individual, touches the anus, buttocks, pubic area, or genitalia of
- 855 any child, or the breast of a female child, or takes indecent liberties with a child as
- 856 defined in Section 76-5-401.1.
- 857 [~~(57)~~] (58)(a) "Natural parent" means, except as provided in Section 80-3-302, a minor's
- 858 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
- 862 Relinquishment of a Newborn Child;
- 863 (ii) lack of proper parental care of a child by reason of the fault or habits of the
- 864 parent, guardian, or custodian;
- 865 (iii) failure or refusal of a parent, guardian, or custodian to provide proper or
- 866 necessary subsistence or medical care, or any other care necessary for the child's
- 867 health, safety, morals, or well-being;
- 868 (iv) a child to be at risk of being neglected or abused because another child in the
- 869 same home is neglected or abused;
- 870 (v) abandonment of a child through an unregulated child custody transfer under
- 871 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
- 875 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
- 877 the state or other party to a proceeding shows, by clear and convincing evidence,
- 878 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

- 881 maturity to avoid harm or unreasonable risk of harm, to engage in independent  
882 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  
887 Subsection 76-10-2202(2);  
888 (E) remaining at home unattended; or  
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  
892 probation officer, without an adjudication of the minor's case under Section 80-6-701,  
893 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,  
898 intellectual disability or related condition, or developmental immaturity, lacks the ability  
899 to:
- 900 (a) understand the nature of the proceedings against the minor or of the potential  
901 disposition for the offense charged; or  
902 (b) consult with counsel and participate in the proceedings against the minor with a  
903 reasonable degree of rational understanding.
- 904 ~~[(62)]~~ (63) "Parole" means a conditional release of a juvenile offender from residency in  
905 secure care to live outside of secure care under the supervision of the Division of  
906 Juvenile Justice and Youth Services, or another person designated by the Division of  
907 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  
910 adjudication under Section 80-6-701, whereby the minor is permitted to remain in the  
911 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  
919 Family Services from the time the child is removed from the home until the earlier of:
- 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  
926 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  
930 enforcement agency;
- 931 (ii) to cause a protective order to be issued for the protection of the child, when  
932 appropriate; and
- 933 (iii) to protect the child from the circumstances that endanger the child's welfare  
934 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  
939 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  
942 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  
946 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  
950 serious emotional or behavioral disturbance.
- 951 ~~[(70)]~~ (71)(a) "Residual parental rights and duties" means the rights and duties remaining  
952 with a parent after legal custody or guardianship, or both, have been vested in another  
953 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  
959 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  
964 the home of the child's parent or guardian, or the lawfully prescribed residence of the  
965 child, without permission.
- 966 ~~[(72)]~~ (73) "Secure care" means placement of a minor, who is committed to the Division of  
967 Juvenile Justice and Youth Services for rehabilitation, in a facility operated by, or under  
968 contract with, the Division of Juvenile Justice and Youth Services, that provides 24-hour  
969 supervision and confinement of the minor.
- 970 ~~[(73)]~~ (74) "Secure care facility" means a facility, established in accordance with Section  
971 80-5-503, for juvenile offenders in secure care.
- 972 ~~[(74)]~~ (75) "Secure detention" means temporary care of a minor who requires secure custody  
973 in a physically restricting facility operated by, or under contract with, the Division of  
974 Juvenile Justice and Youth Services:
- 975 (a) before disposition of an offense that is alleged to have been committed by the minor;
  - 976 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  
981 of the juvenile court was extended over the individual's case until the individual was  
982 25 years old in accordance with Section 80-6-605; and

983 (c) is committed by the juvenile court to the Division of Juvenile Justice and Youth  
984 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  
986 child.

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

989 ~~[(78)]~~ (79)(a) "Severe type of child abuse or neglect" means, except as provided in  
990 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  
1001 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  
1003 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  
1006 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  
1008 use of reasonable and necessary physical restraint or force in self-defense or  
1009 otherwise appropriate to the circumstances to obtain possession of a weapon or  
1010 other dangerous object in the possession or under the control of a child or to  
1011 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,  
1013 subject to Subsection ~~[(78)(e)]~~ (79)(c), the state or other party to the proceeding  
1014 shows, by clear and convincing evidence, that the health care decision is not  
1015 reasonable and informed.

1016 (c) Subsection ~~[(78)(b)(iii)]~~ (79)(b)(iii) does not prohibit a parent or guardian from

1017 exercising the right to obtain a second health care opinion.

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

- 1019 (a) an act or attempted act of sexual intercourse, sodomy, incest, or molestation by an  
1020 adult directed towards a child;
- 1021 (b) an act or attempted act of sexual intercourse, sodomy, incest, or molestation  
1022 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  
1025 by marriage while the marriage exists or by adoption;
- 1026 (iii) there have been repeated incidents of sexual contact between the two children,  
1027 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  
1029 children;
- 1030 (c) engaging in any conduct with a child that would constitute an offense under any of  
1031 the following, regardless of whether the individual who engages in the conduct is  
1032 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  
1034 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  
1042 sexual relationship, regardless of whether that sexual relationship is part of a legal or  
1043 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  
1048 photographing, filming, recording, or displaying in any way the sexual or  
1049 simulated sexual conduct;
- 1050 (b) displaying, distributing, possessing for the purpose of distribution, or selling material

- 1051 depicting a child:
- 1052 (i) in the nude, for the purpose of sexual arousal of any individual; or
- 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,
- 1055 sexual exploitation of a minor, or Section 76-5b-201.1, aggravated sexual
- 1056 exploitation of a minor, regardless of whether the individual who engages in the
- 1057 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
- 1059 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
- 1062 accordance with risk assessment tools and rules established by the Division of Child and
- 1063 Family Services in accordance with Title 63G, Chapter 3, Utah Administrative
- 1064 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
- 1073 76-1-401.
- 1074 ~~[(85)]~~ (86) "Status offense" means an offense that would not be an offense but for the age of
- 1075 the offender.
- 1076 ~~[(86)]~~ (87) "Substance abuse" means, except as provided in Section 80-2-603, the misuse or
- 1077 excessive use of alcohol or other drugs or substances.
- 1078 ~~[(87)]~~ (88) "Substantiated" or "substantiation" means a judicial finding based on a
- 1079 preponderance of the evidence, and separate consideration of each allegation made or
- 1080 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
- 1083 outside the minor's own home, either at the request of a parent or other responsible
- 1084 relative, or upon court order, when it is determined that continuation of care in the



- 1085 minor's own home would be contrary to the minor's welfare;
- 1086 (b) services provided for a minor in the protective custody of the Division of Child and  
1087 Family Services, or a minor in the temporary custody or custody of the Division of  
1088 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  
1091 on the evidence available at the completion of an investigation, and separate  
1092 consideration of each allegation made or identified during the investigation, that there is  
1093 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  
1095 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  
1098 psychological treatment and counseling of a minor in the division's or agency's  
1099 custody; or
- 1100 (b) any other individual licensed or approved by the state for the purpose of conducting  
1101 psychological treatment and counseling.
- 1102 ~~[(92)]~~ (93) "Threatened harm" means actions, inactions, or credible verbal threats, indicating  
1103 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  
1105 conflict:
- 1106 (a) results in behavior that is beyond the control or ability of the child, or the parent or  
1107 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  
1111 conclude that abuse, neglect, or dependency occurred.
- 1112 ~~[(95)]~~ (96) "Unsupported" means a finding by the Division of Child and Family Services at  
1113 the completion of an investigation, after the day on which the Division of Child and  
1114 Family Services concludes the alleged abuse, neglect, or dependency is not without  
1115 merit, that there is insufficient evidence to conclude that abuse, neglect, or dependency  
1116 occurred.
- 1117 ~~[(96)]~~ (97) "Validated risk and needs assessment" means an evidence-based tool that  
1118 assesses a minor's risk of reoffending and a minor's criminogenic needs.

1119 [(97)] (98) "Without merit" means a finding at the completion of an investigation by the  
 1120 Division of Child and Family Services, or a judicial finding, that the alleged abuse,  
 1121 neglect, or dependency did not occur, or that the alleged perpetrator was not responsible  
 1122 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  
 1126 Services for secure care under Sections 80-6-703 and 80-6-705.

1127 Section 11. Section **80-5a-101** is enacted to read:

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

1129 **Part 1. General Provisions**

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

1131 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**, which is renumbered from Section 80-5-603 is renumbered  
 1136 and amended to read:

1137 **[80-5-603] 80-5a-102 . 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  
 1139 habitual truant, or that the family is in crisis, the juvenile court may order the division to  
 1140 conduct an assessment to determine whether it would be appropriate for the division to  
 1141 provide prevention and early intervention youth services, as described in Section  
 1142 80-5-401, to the child.

1143 (2) If the division determines that provision of prevention and early intervention youth  
 1144 services is appropriate under Subsection (1), the division shall provide the services to the [  
 1145 ~~ungovernable or runaway~~]-child.

1146 Section 13. Section **80-5a-201** is enacted to read:

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

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

1149 As used in this part:

1150 (1) "Care" means providing:

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  
 1163 youth services center, or other facility that is licensed to provide the service to a  
 1164 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  
 1173 26B-1-201, as a residential support program.
- 1174 Section 14. Section **80-5a-202**, which is renumbered from Section 80-5-601 is renumbered  
 1175 and amended to read:
- 1176 **[80-5-601] 80-5a-202 . Harboring a runaway -- Reporting requirements --**  
 1177 **Division of Child and Family Services to provide assistance -- Affirmative defense --**  
 1178 **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  
 1183 misdemeanor if the person:  
 1184 (a) knowingly and intentionally harbors a child;  
 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  
 1187 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  
 1192 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)~~]  
 1196 (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;  
 1198 and
- 1199 (ii) the person notifies a peace officer, or the nearest detention facility, by telephone  
 1200 or other reasonable means, of the location of the child, within eight hours after the  
 1201 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  
 1205 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  
 1208 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  
 1211 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  
 1218 (D) a peace officer or the nearest detention facility if a court order is issued  
 1219 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)
- 1222 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
- 1224 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
- 1229 services center; or
- 1230 (b) the division shall:
- 1231 (i) make a referral to the Division of Child and Family Services to determine whether
- 1232 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
- 1235 harbored may notify a law enforcement agency and request assistance in retrieving
- 1236 the runaway.
- 1237 (b) The local law enforcement agency may assist the parent or guardian in retrieving the
- 1238 runaway.
- 1239 ~~[(8)]~~ (7) Nothing in this section prohibits a person from continuing to provide shelter to a
- 1240 runaway, after giving the notice described in Subsections ~~[(2) through (4)]~~ (1) through (3),
- 1241 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
- 1245 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
- 1248 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
- 1251 runaway in accordance with the requirements of this chapter and the rules relating to
- 1252 a juvenile receiving center or a youth services center; or
- 1253 (b) a government agency from taking custody of a child as otherwise provided by law.

1254 Section 15. Section **80-5a-203**, which is renumbered from Section 80-5-602 is renumbered  
1255 and amended to read:

1256 **[80-5-602] 80-5a-203 . Homeless youth -- Consent to shelter, care, or services by a**  
1257 **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  
1264 shelter, a youth services center, or other facility that is licensed to provide the service  
1265 to a homeless youth.]

1266 [(c) "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  
1272 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  
1275 income.

1276 [~~(3)~~ (2) In determining consent under Subsection [~~(2)~~] (1), a person may rely on the  
1277 homeless youth's verbal or written statement describing the homeless youth's ability to  
1278 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  
1280 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);  
1282 and

1283 (b) may provide the homeless youth a referral to temporary or permanent housing,  
1284 employment resources, medical or dental providers, or counseling.

1285 Section 16. Section **80-5a-301** is enacted to read:

1286 **Part 3. Habitual Truants**

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

1288 As used in this part:

1289 (1) "Local education agency" means a school district, a charter school, or the Utah Schools  
1290 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 **80-5a-302** 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  
1297 division or the school for which the school-age child is enrolled are not successful in  
1298 reducing the school-age child's absences from school, the division, the school  
1299 administrator, or the local education agency may bring an action for habitual truancy  
1300 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  
1304 child's school.

1305 (2) If the court finds that a school-age child is a habitual truant after a hearing, the court  
1306 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  
1309 school.

1310 (3) If the court finds that a school-age child is a habitual truant after a hearing, the court  
1311 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  
1314 attendance at alternative classes, including mandatory participation in Saturday  
1315 school, after-school sessions, or summer classes to make up for missed instructional  
1316 time;

1317 (c) the school-age child or the school-age child's parent or guardian to participate in  
1318 counseling, including mediation or group conferencing, to collaboratively develop an  
1319 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  
1321 educational workshops or programs aimed at improving school engagement strategies

- 1322           and addressing attendance barriers;
- 1323           (e) the school-age child or the school-age child's parent or guardian to participate in
- 1324           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
- 1326           services provided by a voluntary or community agency as available, including a
- 1327           community service program tailored to utilize the school-age child's academic skills
- 1328           in a real-world setting, fostering a connection between education and future
- 1329           opportunities; or
- 1330           (g) the school-age child or the school-age child's parent or guardian to participate in
- 1331           vocational, job training, or employment services.
- 1332           (4) The school-age child and the school-age child's parent or guardian shall participate, as
- 1333           required by court order, in any sanction or services required by a court under this section.
- 1334           Section 18. **Effective Date.**
- 1335           This bill takes effect on July 1, 2025.