

# HB0105S01 compared with HB0105

~~{Omitted text}~~ shows text that was in HB0105 but was omitted in HB0105S01

inserted text shows text that was not in HB0105 but was inserted into HB0105S01

**DISCLAIMER:** This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

1	<b>Child Welfare Revisions</b>
	2026 GENERAL SESSION
	STATE OF UTAH
	<b>Chief Sponsor: Christine F. Watkins</b>
	Senate Sponsor:
2	<hr/>
3	<b>LONG TITLE</b>
4	<b>General Description:</b>
5	This bill addresses <del>{search warrants}</del> <u>orders of permanent custody</u> and <del>{investigative warrants</del>
	<del>relating to child welfare}</del> <u>guardianship of a minor.</u>
6	<b>Highlighted Provisions:</b>
7	This bill:
8	▸ <del>{amends provisions regarding the issuance of warrants by a juvenile court;}</del>
9	▸ <del>{authorizes a juvenile court to issue an investigative warrant related to the health, safety,</del>
	<del>or welfare of a child;}</del>
11	▸ <del>{states that a peace officer or child welfare caseworker who is executing a search warrant</del>
	<del>or an investigative warrant may request assistance in executing the warrant; and}</del>
13	▸ <del>{makes technical and conforming changes.}</del>
8	▸ <u>addresses when a parent may file a petition to modify an order of permanent custody and</u>
	<u>guardianship.</u>
10	<b>Money Appropriated in this Bill:</b>
11	None

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## Other Special Clauses:

None

## Utah Code Sections Affected:

AMENDS:

~~{78A-6-102 , as last amended by Laws of Utah 2022, Chapter 335}~~

**78A-6-357 , as last amended by Laws of Utah 2025, Chapter 365**

~~{80-2a-202 , as last amended by Laws of Utah 2025, Chapter 48}~~

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

~~{Section 1. Section 78A-6-102 is amended to read: }~~

### **78A-6-102. Establishment of juvenile court -- Organization and status of court -- Purpose.**

(1) There is established a juvenile court for the state.

(2)

(a) The juvenile court is a court of record.

(b) The juvenile court shall have a seal.

(c) The juvenile court's judges, clerks, and referees have the power to administer oaths and affirmations.

(d) The juvenile court has the authority to issue ~~[search-]~~warrants, subpoenas, or investigative subpoenas under:

(i) ~~[under Section 80-2a-202,]~~Part 4a, Adult Criminal Proceedings, Title 80, Chapter 3, Abuse, Neglect, and Dependency Proceedings, Title 80, Chapter 4, Termination and Restoration of Parental Rights, and Title 80, Chapter 6, Juvenile Justice, for the same purposes and in the same manner as described in Title 77, Utah Code of Criminal Procedure, and the Utah Rules of Criminal Procedure, for the issuance of search warrants, subpoenas, or investigative subpoenas in other trial courts in the state~~[-]~~ ; and

(ii) Section 80-2a-202.

(3) The juvenile court is of equal status with the district courts of the state.

(4) The juvenile court is established as a forum for the resolution of all matters properly brought before the juvenile court, consistent with applicable constitutional and statutory requirements of due process.

(5) The purpose of the court under this chapter is to:

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- (a) promote public safety and individual accountability by the imposition of appropriate sanctions on persons who have committed acts in violation of law;
- (b) order appropriate measures to promote guidance and control, preferably in the minor's own home, as an aid in the prevention of future unlawful conduct and the development of responsible citizenship;
- (c) where appropriate, order rehabilitation, reeducation, and treatment for persons who have committed acts bringing them within the court's jurisdiction;
- (d) adjudicate matters that relate to minors who are beyond parental or adult control and to establish appropriate authority over these minors by means of placement and control orders;
- (e) adjudicate matters that relate to abused, neglected, and dependent children and to provide care and protection for minors by placement, protection, and custody orders;
- (f) remove a minor from parental custody only where the minor's safety or welfare, or the public safety, may not otherwise be adequately safeguarded; and
- (g) consistent with the ends of justice, act in the best interests of the minor in all cases and preserve and strengthen family ties.

Section 1. Section 78A-6-357 is amended to read:

**78A-6-357. New hearings -- Modification of order or decree -- Requirements for changing or terminating custody, probation, or protective supervision.**

- (1) If a party seeks a new hearing after an adjudication under Title 80, Utah Juvenile Code, Rule 48 of the Utah Rules of Juvenile Procedure shall govern the matter of granting a new hearing.
- (2)
  - (a) Except as provided in Subsection (3), a juvenile court may modify or set aside any order or decree made by the juvenile court.
  - (b) A modification of an order placing a minor on probation may not:
    - (i) include an order under Section 80-3-405, 80-6-703, 80-6-704, or 80-6-705; or
    - (ii) extend supervision over a minor, except in accordance with Section 80-6-712.
  - (3)
    - (a) A parent or guardian of a child whose legal custody has been transferred by the juvenile court to an individual, agency, or institution may petition the juvenile court for restoration of custody or other modification or revocation of the juvenile court's order or decree, except as provided in Subsections (3)(b), (c), and (d) and for a transfer of legal custody for secure care.

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(b) A parent or guardian may only petition the juvenile court under Subsection (3)(a) on the ground that a change of circumstances has occurred that requires modification or revocation in the best interest of the child or the public.

38 (c) A parent may not file a petition after the parent's parental rights have been terminated in accordance with Title 80, Chapter 4, Termination and Restoration of Parental Rights.

41 (d) Except as provided in Subsection (3)(e), a parent may not file a petition for restoration of custody under this section during the existence of a permanent guardianship established for the child under Subsection 80-3-405(2)(d).

44 (e)

(i) A parent may file a petition to modify an order of permanent custody and guardianship only if:

46 (A) the order granted permanent custody and guardianship to the child's other parent; and

48 (B) the petitioning parent can demonstrate that a substantial and material change of circumstance has occurred.

50 (ii) A parent shall file a petition to modify an order of permanent custody and guardianship in the district court, if:

52 (A) the juvenile court ordered a parent to file the order in a pending district court case under Subsection 80-3-405(2)(d)(iv); or

54 (B) a case involving custody, support, or parent-time relating to the child who is the subject of the juvenile court's order is filed in district court subsequent to the juvenile court issuing the permanent custody and guardianship order.

57 (iii) A parent may file a petition in accordance with Subsection (3)(e)(i) regardless of when the order granting permanent custody and guardianship to the child's other parent was entered, if the substantial and material change of circumstance described in Subsection (3)(e)(i) has occurred since the permanent custody and guardianship order was entered.

62 (4)

(a) An individual, agency, or institution vested with legal custody of a child may petition the juvenile court for a modification of the custody order on the ground that the change is necessary for the welfare of the child or in the public interest.

65 (b) The juvenile court shall proceed upon the petition in accordance with this section.

66

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(5) Notice of hearing is required in any case in which the effect of modifying or setting aside an order or decree may be to make any change in the minor's legal custody under Section 80-3-405 or 80-6-703.

(6)

(a) Upon the filing of a petition under Subsection (3)(a), the juvenile court shall make a preliminary investigation.

(b) After the preliminary investigation described in Subsection (6)(a), the juvenile court:

(i) may dismiss the petition if the juvenile court finds the alleged change of circumstances, if proved, would not affect the decree; or

(ii) shall conduct a hearing, if the juvenile court finds that further examination of the facts is needed, or if the juvenile court on the juvenile court's own motion determines that the juvenile court's order or decree should be reviewed.

(c) Notice of the hearing described in Subsection (6)(b)(ii) shall be given to all interested persons.

(d) At a hearing under Subsection (6)(b)(ii), the juvenile court may enter an order continuing, modifying, or terminating the juvenile court's order or decree.

(7) Notice of an order terminating probation or protective supervision of a child shall be given to:

(a) the child's parent;

(b) the child's guardian;

(c) the child's custodian; and

(d) if appropriate, to the child.

(8) Notice of an order terminating probation or protective supervision of a minor who is at least 18 years old shall be given to the minor.

~~{Section 2. Section 80-2a-202 is amended to read: }~~

### **80-2a-202. Removal of a child by a peace officer or child welfare caseworker -- Search warrants and investigative warrants -- Protective custody and temporary care of a child.**

(1) A peace officer or child welfare caseworker may remove a child or take a child into protective custody, temporary custody, or custody in accordance with this section.

(2)

(a) Except as provided in Subsection (2)(b), a peace officer or a child welfare caseworker may not enter the home of a child whose case is not under the jurisdiction of the juvenile court, remove a child from the child's home or school, or take a child into protective custody unless:

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- 73 (i) there exist exigent circumstances sufficient to relieve the peace officer or the child welfare  
caseworker of the requirement to obtain a[-search] warrant under Subsection (3);
- 76 (ii) the peace officer or child welfare caseworker obtains a[-search] warrant under Subsection (3);
- 78 (iii) the peace officer or child welfare caseworker obtains a court order after the child's parent or  
guardian is given notice and an opportunity to be heard; or
- 80 (iv) the peace officer or child welfare caseworker obtains the consent of the child's parent or  
guardian.
- 82 (b) A peace officer or a child welfare caseworker may not take action under Subsection (2)(a) solely on  
the basis of:
- 84 (i) educational neglect, truancy, or failure to comply with a court order to attend school;
- 86 (ii) the possession or use, in accordance with Title 26B, Chapter 4, Part 2, Cannabinoid Research  
and Medical Cannabis, of cannabis in a medicinal dosage form, a cannabis product in a medicinal  
dosage form, or a medical cannabis device, as those terms are defined in Section 26B-4-201; or
- 90 (iii) subject to Subsection (2)(c), a parent's agreement or disagreement with a minor child of the  
couple's:
- 92 (A) assertion that the child's gender identity is different from the child's biological sex;
- 94 (B) practice of having or expressing a different gender identity than the child's biological sex; or
- 96 (C) sexual orientation.
- 97 (c) Subsection (2)(b)(iii) does not preclude a peace officer or a child welfare caseworker from taking  
action under Subsection (2)(a) if the parent's agreement or disagreement with a minor child as  
described in Subsection (2)(b)(iii) results in or is related to harm, as that term is defined in Section  
80-1-102, to the minor child.
- 101 (3)
- (a) The juvenile court may issue a warrant authorizing a peace officer or a child welfare caseworker to  
search for a child and take the child into protective custody if it appears to the juvenile court upon  
a verified petition, recorded sworn testimony, or an affidavit sworn to by a peace officer or another  
individual, and upon the examination of other witnesses if required by the juvenile court, that there  
is probable cause to believe that:
- 107 (i) there is a threat of substantial harm to the child's health or safety;
- 108 (ii) it is necessary to take the child into protective custody to avoid the harm described in  
Subsection (3)(a)(i); and

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(iii) it is likely that the child will suffer substantial harm if the child's parent or guardian is given notice and an opportunity to be heard before the child is taken into protective custody.

(b) The juvenile court may issue an investigative warrant authorizing a peace officer or a child welfare caseworker to view a child, view a child's home environment, examine a child for signs of abuse or neglect, or interview a child regarding the child's health, safety, or welfare, if it appears to the juvenile court upon a verified petition, recorded sworn testimony, or an affidavit sworn to by a peace officer or child welfare caseworker, and upon the examination of other witnesses if required by the juvenile court, that there is probable cause to believe that:

(i) there is a credible threat to the child's health, safety, or welfare;

(ii) it is necessary to view, examine, or interview the child to ensure the child's health, safety, or welfare; and

(iii) the peace officer or child welfare caseworker has made diligent efforts to ensure the child's health, safety, or welfare by other legal means but has been unable or not permitted to view, examine, or interview the child to ensure the child's health, safety, or welfare.

~~[(b)]~~ (c) In accordance with Section 77-23-210, a peace officer [making the search under Subsection (3)(a)] executing a warrant under Subsection (3)(a) or (3)(b) may enter a house or premises by force, if necessary, in order to [remove the child] execute the warrant.

(d) A peace officer or a child welfare caseworker who is executing a warrant under Subsection (3)(a) or (3)(b) may request other persons to assist in executing the warrant.

(4)

(a) A child welfare caseworker may take action under Subsection (2) accompanied by a peace officer or without a peace officer if a peace officer is not reasonably available.

(b)

(i) Before taking a child into protective custody, and if possible and consistent with the child's safety and welfare, a child welfare caseworker shall determine whether there are services available that, if provided to a parent or guardian of the child, would eliminate the need to remove the child from the custody of the child's parent or guardian.

(ii) In determining whether the services described in Subsection (4)(b)(i) are reasonably available, the child welfare caseworker shall consider the child's health, safety, and welfare as the paramount concern.

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(iii) If the child welfare caseworker determines the services described in Subsection (4)(b)(i) are reasonably available, the services shall be utilized.

(5)

(a) If a peace officer or a child welfare caseworker takes a child into protective custody under Subsection (2), the peace officer or child welfare caseworker shall:

(i) notify the child's parent or guardian in accordance with Section 80-2a-203; and

(ii) release the child to the care of the child's parent or guardian or another responsible adult, unless:

(A) the child's immediate welfare requires the child remain in protective custody; or

(B) the protection of the community requires the child's detention in accordance with Chapter 6, Part 2, Custody and Detention.

(b)

(i) If a peace officer or child welfare caseworker is executing a warrant under Subsection (3), the peace officer or child welfare caseworker shall take the child to:

(A) a shelter facility; or

(B) if the division makes an emergency placement under Section 80-2a-301, the emergency placement.

(ii) If a peace officer or a child welfare caseworker takes a child to a shelter facility under Subsection (5)(b)(i), the peace officer or the child welfare caseworker shall promptly file a written report that includes the child's information, on a form provided by the division, with the shelter facility.

(c) A child removed or taken into protective custody under this section may not be placed or kept in detention pending court proceedings, unless the child may be held in detention under Chapter 6, Part 2, Custody and Detention.

(6)

(a) The juvenile court shall issue a warrant authorizing a peace officer or a child welfare worker to search for a child who is missing, has been abducted, or has run away, and take the child into physical custody if the juvenile court determines that the child is missing, has been abducted, or has run away from the protective custody, temporary custody, or custody of the division.

(b) If the juvenile court issues a warrant under Subsection (6)(a):

(i) the division shall notify the child's parent or guardian who has a right to parent-time with the child in accordance with Subsection 80-2a-203(5)(a);

(ii) the court shall order:

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- 177 (A) the law enforcement agency that has jurisdiction over the location from which the child ran away to  
enter a record of the warrant into the National Crime Information Center database within 24 hours  
after the time in which the law enforcement agency receives a copy of the warrant; and
- 181 (B) the division to notify the law enforcement agency described in Subsection (6)(b)(ii)(A) of the order  
described in Subsection (6)(b)(ii)(A); and
- 183 (c) the court shall specify the location to which the peace officer or the child welfare caseworker shall  
transport the child.

89 Section 2. **Effective date.**

Effective Date.

This bill takes effect on May 6, 2026.

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