

Tiara Auxier proposes the following substitute bill:

Juvenile Court Amendments

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Tiara Auxier

Senate Sponsor: Brady Brammer

LONG TITLE

General Description:

This bill modifies provisions related to juvenile courts.

Highlighted Provisions:

This bill:

▸ allows a juvenile court to conditionally suspend a minor's order for detention under certain circumstances; and

▸ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

80-6-704, as last amended by Laws of Utah 2024, Chapter 256

80-6-711, as last amended by Laws of Utah 2022, Chapter 155

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

Section 1. Section **80-6-704** is amended to read:

80-6-704 . Detention or alternative to detention -- Limitations.

(1)(a) The juvenile court may order a minor to detention, or an alternative to detention, if the minor is adjudicated for:

(i) an offense under Section 80-6-701; or

(ii) contempt of court under Section 78A-6-353.

(b) Except as provided in Subsection 78A-6-353(4), and subject to the juvenile court retaining continuing jurisdiction over a minor's case, the juvenile court may order a minor to detention, or an alternative to detention, under Subsection (1)(a) for a period

- 30 not to exceed 30 cumulative days for an adjudication.
- 31 (c) If a minor is held in detention before an adjudication, the time spent in detention
32 before the adjudication shall be credited toward the 30 cumulative days eligible as a
33 disposition under Subsection (1)(b).
- 34 (d) If a minor spent more than 30 days in detention before a disposition, the juvenile
35 court may not order the minor to detention under this section.
- 36 (2)(a) ~~[An]~~ Except as provided in Subsection (2)(b), an order for detention under
37 Subsection (1) may not be suspended upon conditions ordered by the juvenile court.
- 38 (b) If a minor is adjudicated for an offense and the juvenile court orders the minor to
39 detention, the juvenile court may suspend:
- 40 (i) up to five days of that detention upon conditions ordered by the juvenile court; or
41 (ii) up to 30 days of that detention upon conditions ordered by the juvenile court if,
42 for a prior adjudication of an offense, a juvenile court:
- 43 (A) ordered the minor to detention;
- 44 (B) suspended any portion of the detention in accordance with Subsection (2)(b)(i);
45 and
- 46 (C) imposed any portion of the detention suspended under Subsection (2)(b)(i).
- 47 (c) A suspended disposition under Subsection (2)(b) may not be imposed without:
- 48 (i) notice to the minor and the minor's counsel; and
49 (ii) a hearing.
- 50 (3) A juvenile court may not order a minor to detention for:
- 51 (a) contempt of court, except to the extent permitted under Section 78A-6-353;
- 52 (b) a violation of probation;
- 53 (c) failure to pay a fine, fee, restitution, or other financial obligation;
- 54 (d) unfinished compensatory or community service hours;
- 55 (e) an infraction; or
- 56 (f) a status offense.
- 57 (4) A juvenile court may not order a minor be placed in a correctional facility that is
58 intended to hold adults accused or convicted of offenses as an alternative to detention
59 under Subsection (1).
- 60 (5)(a) If a minor is held in detention under this section, the minor is eligible to receive
61 credit for good behavior against the period of detention.
- 62 (b) The rate of credit is one day of credit for good behavior for every three days spent in
63 detention.

- 64 (6)(a) A minor may not be held in secure detention following a disposition by the
65 juvenile court:
- 66 (i) under Chapter 3, Abuse, Neglect, and Dependency Proceedings; or
67 (ii) except as provided in Subsection (6)(b), for a community-based program.
- 68 (b) If a minor is awaiting placement by the division under Section 80-6-703, a minor
69 may not be held in secure detention for longer than 72 hours, excluding weekends
70 and holidays.
- 71 (c) The period of detention under Subsection (6)(b) may be extended by the juvenile
72 court for a cumulative total of seven calendar days if:
- 73 (i) the division, or another agency responsible for placement, files a written petition
74 with the juvenile court requesting the extension and setting forth good cause; and
75 (ii) the juvenile court enters a written finding that it is in the best interests of both the
76 minor and the community to extend the period of detention.
- 77 (d) The juvenile court may extend the period of detention beyond the seven calendar
78 days if the juvenile court finds, by clear and convincing evidence, that:
- 79 (i) the division, or another agency responsible for placement, does not have space for
80 the minor; and
81 (ii) the safety of the minor and community requires an extension of the period of
82 detention.
- 83 (e) The division, or the agency with custody of the minor, shall report to the juvenile
84 court every 48 hours, excluding weekends and holidays, regarding whether the
85 division, or another agency responsible for placement, has space for the minor.
- 86 (f) The division, or agency, requesting an extension shall promptly notify the detention
87 facility that a written petition has been filed.
- 88 (g) The juvenile court shall promptly notify the detention facility regarding the juvenile
89 court's initial disposition and any ruling on a petition for an extension, whether
90 granted or denied.

91 Section 2. Section **80-6-711** is amended to read:

92 **80-6-711 . Suspending a disposition.**

- 93 (1) Except as [~~otherwise~~]provided in Subsection (2) or Subsection 80-6-704(2)(b), a
94 juvenile court may not suspend a disposition ordered under this part.
- 95 (2)(a) If a minor qualifies for commitment to the division under Section 80-6-703, the
96 juvenile court may suspend a disposition for commitment to the division in lieu of
97 immediate commitment, upon the condition that the minor commit no new

- 98 misdemeanor or felony offense within 90 days after the day on which the juvenile
99 court suspends the disposition for commitment.
- 100 (b) The duration of a suspended disposition under Subsection (2)(a) may not:
101 (i) exceed 90 days after the day on which the juvenile court suspends the disposition
102 for commitment; and
103 (ii) be extended under any circumstance.
- 104 (3) The juvenile court may only lift a suspension of a disposition under Subsection (2)(a):
105 (a) following adjudication of a new misdemeanor or felony offense committed by the
106 minor during the period of suspension set out under Subsection (2)(a);
107 (b) if a new assessment or evaluation has been completed and the assessment or
108 evaluation recommends that a higher level of care is needed and nonresidential
109 treatment options have been exhausted or nonresidential treatment options are not
110 appropriate; or
111 (c) if, after a notice and a hearing, the juvenile court finds:
112 (i) a new or previous evaluation recommends a higher level of treatment; and
113 (ii) the minor willfully failed to comply with a lower level of treatment and has been
114 unsuccessfully discharged from treatment.
- 115 (4) A suspended disposition under Subsection (1) may not be imposed without:
116 (a) notice to the minor and the minor's counsel; and
117 (b) a hearing.

118 **Section 3. Effective Date.**

119 This bill takes effect on May 6, 2026.