

1 **Child Welfare Timeline Compliance Amendments**
 2026 GENERAL SESSION
 STATE OF UTAH
Chief Sponsor: Candice B. Pierucci
 Senate Sponsor:

2
 3 **LONG TITLE**

4 **General Description:**

5 This bill addresses statutory timelines in child welfare cases.

6 **Highlighted Provisions:**

7 This bill:

- 8 ▶ requires specific reporting regarding compliance with child welfare timelines;
- 9 ▶ requires reporting about appeals in child welfare cases;
- 10 ▶ directs the courts to consider and implement procedures to ensure that child welfare
- 11 appeals are resolved in a timely manner;
- 12 ▶ addresses things that the juvenile court should do to ensure compliance with child welfare
- 13 timelines;
- 14 ▶ addresses when the juvenile court should grant an extension of reunification services;
- 15 ▶ requires the juvenile court to consider statutory timelines when determining if
- 16 reunification services should be extended;
- 17 ▶ defines terms; and
- 18 ▶ makes technical and conforming changes.

19 **Money Appropriated in this Bill:**

20 None

21 **Other Special Clauses:**

22 None

23 **Utah Code Sections Affected:**

24 AMENDS:

- 25 **36-33-103**, as last amended by Laws of Utah 2025, Chapter 271
- 26 **78A-4-201**, as enacted by Laws of Utah 2012, Chapter 281
- 27 **80-1-102**, as last amended by Laws of Utah 2025, Chapter 426
- 28 **80-3-409**, as last amended by Laws of Utah 2025, Chapter 426

29 ENACTS:

- 30 **80-3-112**, Utah Code Annotated 1953

31 **80-3-113**, Utah Code Annotated 1953

32

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

34 Section 1. Section **36-33-103** is amended to read:

35 **36-33-103 . Panel powers and duties -- Record access and confidentiality.**

36 (1) The panel shall:

37 (a) examine and observe the process and execution of laws governing the child welfare
38 system by the executive branch and the judicial branch;

39 (b) upon request, receive testimony from the public, the juvenile court, or a state agency
40 involved with the child welfare system, including the division, another office or
41 agency within the department, the attorney general, the Office of Guardian Ad Litem,
42 or a school district;

43 (c) receive and review the reports described in Section 80-3-113 regarding appeals and
44 compliance with timelines in child welfare cases;

45 [~~(e) before October 1 of each year, receive a report from the Administrative Office of the~~
46 ~~Courts identifying the cases not in compliance with the time limits established in the~~
47 ~~following sections, and the reasons for noncompliance:]~~

48 [~~(i) Subsection 80-3-301(1), regarding shelter hearings;]~~

49 [~~(ii) Section 80-3-401, regarding pretrial and adjudication hearings;]~~

50 [~~(iii) Section 80-3-402, regarding dispositional hearings;]~~

51 [~~(iv) Section 80-3-406, regarding reunification services; and]~~

52 [~~(v) Section 80-3-409, regarding permanency hearings and petitions for termination;]~~

53 (d) receive recommendations from, and make recommendations to the governor, the
54 Legislature, the attorney general, the division, the Office of Guardian Ad Litem, the
55 juvenile court, and the public;

56 (e)(i) receive reports from the division and the Administrative Office of the Courts on
57 budgetary issues impacting the child welfare system; and

58 (ii) before December 1 of each year, recommend, as the panel considers advisable,
59 budgetary proposals to the Social Services Appropriations Subcommittee and the
60 Criminal Justice Appropriations Subcommittee;

61 (f) study and recommend changes to laws governing the child welfare system;

62 (g) study actions the state can take to preserve, unify, and strengthen the child's family
63 ties whenever possible in the child's best interest, including recognizing the
64 constitutional rights and claims of parents if those family ties are severed or infringed;

- 65 (h) perform other duties related to the oversight of the child welfare system as the panel
66 considers appropriate; and
- 67 (i) annually report the panel's findings and recommendations to the president of the
68 Senate, the speaker of the House of Representatives, the Health and Human Services
69 Interim Committee, and the Judiciary Interim Committee.
- 70 (2)(a) The panel may:
- 71 (i) review and discuss individual child welfare cases;
- 72 (ii) make recommendations to the Legislature, the governor, the Board of Juvenile
73 Court Judges, the division, and any other statutorily created entity related to the
74 policies and procedures of the child welfare system; and
- 75 (iii) hold public hearings, as the panel considers advisable, in various locations within
76 the state to afford all interested persons an opportunity to appear and present the
77 persons' views regarding the child welfare system.
- 78 (b)(i) If the panel discusses an individual child welfare case, the panel shall close the
79 panel's meeting in accordance with Title 52, Chapter 4, Open and Public Meetings
80 Act.
- 81 (ii) If the panel discusses an individual child welfare case, the panel shall make
82 reasonable efforts to identify and consider the concerns of all parties to the case.
- 83 (iii) The panel may not make recommendations to the court, the division, or any other
84 public or private entity regarding the disposition of an individual child welfare
85 case.
- 86 (3)(a) A record of the panel regarding an individual child welfare case:
- 87 (i) is classified as private under Section 63G-2-302; and
- 88 (ii) may be disclosed only in accordance with federal law and Title 63G, Chapter 2,
89 Government Records Access and Management Act.
- 90 (b)(i) The panel shall have access to all of the division's records, including records
91 regarding individual child welfare cases.
- 92 (ii) In accordance with Title 63G, Chapter 2, Government Records Access and
93 Management Act, all documents and information received by the panel from the
94 division shall maintain the same classification under Title 63G, Chapter 2,
95 Government Records Access and Management Act, that was designated by the
96 division.
- 97 (4) In order to accomplish the panel's oversight functions under this section, the panel has:
- 98 (a) all powers granted to legislative interim committees in Section 36-12-11; and

99 (b) legislative subpoena powers under, Chapter 14, Legislative Subpoena Powers.

100 Section 2. Section **78A-4-201** is amended to read:

101 **78A-4-201 . Appellate review of juvenile courts.**

102 (1) To uphold the clear and compelling fundamental liberty interests and
 103 constitutionally protected rights of parents and the strong public policy in favor of
 104 maximizing family unification, appropriate appellate review shall be made available and
 105 applied in furtherance of those interests.

106 (2) All parties in a child welfare case have a strong interest in a timely resolution of an
 107 appeal.

108 (3) Appellate courts shall:

109 (a) prioritize review and appeals of child welfare cases; and

110 (b) consider and implement procedures to facilitate a timely resolution of an appeal of a
 111 child welfare case.

112 Section 3. Section **80-1-102** is amended to read:

113 **80-1-102 . Juvenile Code definitions.**

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

115 (1)(a) "Abuse" means:

116 (i)(A) nonaccidental harm of a child;

117 (B) threatened harm of a child;

118 (C) sexual exploitation;

119 (D) sexual abuse; or

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

121 (ii) that a child's parent:

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

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

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

129 (b) "Abuse" does not include:

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

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

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

- 133 (A) in self-defense;
- 134 (B) in defense of others;
- 135 (C) to protect the child; or
- 136 (D) to remove a weapon in the possession of a child for any of the reasons
- 137 described in Subsections (1)(b)(iii)(A) through (C).
- 138 (2) "Abused child" means a child who has been subjected to abuse.
- 139 (3)(a) "Adjudication" means, except as provided in Subsection (3)(b):
- 140 (i) for a delinquency petition or criminal information under Chapter 6, Juvenile
- 141 Justice:
- 142 (A) a finding by the juvenile court that the facts alleged in a delinquency petition
- 143 or criminal information alleging that a minor committed an offense have been
- 144 proved;
- 145 (B) an admission by a minor in the juvenile court as described in Section 80-6-306;
- 146 or
- 147 (C) a plea of no contest by minor in the juvenile court; or
- 148 (ii) for all other proceedings under this title, a finding by the juvenile court that the
- 149 facts alleged in the petition have been proved.
- 150 (b) "Adjudication" does not include:
- 151 (i) an admission by a minor described in Section 80-6-306 until the juvenile court
- 152 enters the minor's admission; or
- 153 (ii) a finding of not competent to proceed in accordance with Section 80-6-402.
- 154 (4)(a) "Adult" means an individual who is 18 years old or older.
- 155 (b) "Adult" does not include an individual:
- 156 (i) who is 18 years old or older; and
- 157 (ii) who is a minor.
- 158 (5) "Attorney guardian ad litem" means the same as that term is defined in Section
- 159 78A-2-801.
- 160 (6) "Board" means the Board of Juvenile Court Judges.
- 161 (7) "Child" means, except as provided in Section 80-2-905, an individual who is under 18
- 162 years old.
- 163 (8) "Child and family plan" means a written agreement between a child's parents or
- 164 guardian and the Division of Child and Family Services as described in Section 80-3-307.
- 165 (9) "Child placing" means the same as that term is defined in Section 26B-2-101.
- 166 (10) "Child-placing agency" means the same as that term is defined in Section 26B-2-101.

- 167 (11) "Child protection team" means a team consisting of:
168 (a) the child welfare caseworker assigned to the case;
169 (b) if applicable, the child welfare caseworker who made the decision to remove the
170 child;
171 (c) a representative of the school or school district where the child attends school;
172 (d) if applicable, the law enforcement officer who removed the child from the home;
173 (e) a representative of the appropriate Children's Justice Center, if one is established
174 within the county where the child resides;
175 (f) if appropriate, and known to the division, a therapist or counselor who is familiar
176 with the child's circumstances;
177 (g) if appropriate, a representative of law enforcement selected by the chief of police or
178 sheriff in the city or county where the child resides; and
179 (h) any other individuals determined appropriate and necessary by the team coordinator
180 and chair.
- 181 (12)(a) "Chronic abuse" means repeated or patterned abuse.
182 (b) "Chronic abuse" does not mean an isolated incident of abuse.
- 183 (13)(a) "Chronic neglect" means repeated or patterned neglect.
184 (b) "Chronic neglect" does not mean an isolated incident of neglect.
- 185 (14) "Clandestine laboratory operation" means the same as that term is defined in Section
186 58-37d-3.
- 187 (15) "Commit" or "committed" means, unless specified otherwise:
188 (a) with respect to a child, to transfer legal custody; and
189 (b) with respect to a minor who is at least 18 years old, to transfer custody.
- 190 (16) "Community-based program" means a nonsecure residential or nonresidential program,
191 designated to supervise and rehabilitate juvenile offenders, that prioritizes the least
192 restrictive setting, consistent with public safety, and operated by or under contract with
193 the Division of Juvenile Justice and Youth Services.
- 194 (17) "Community placement" means placement of a minor in a community-based program
195 described in Section 80-5-402.
- 196 (18) "Correctional facility" means:
197 (a) a county jail; or
198 (b) a secure correctional facility as defined in Section 64-13-1.
- 199 (19) "Criminogenic risk factors" means evidence-based factors that are associated with a
200 minor's likelihood of reoffending.

- 201 (20) "Department" means the Department of Health and Human Services created in Section
202 26B-1-201.
- 203 (21) "Dependent child" or "dependency" means a child who is without proper care through
204 no fault of the child's parent, guardian, or custodian.
- 205 (22) "Deprivation of custody" means transfer of legal custody by the juvenile court from a
206 parent or a previous custodian to another person, agency, or institution.
- 207 (23) "Detention" means home detention or secure detention.
- 208 (24) "Detention facility" means a facility, established by the Division of Juvenile Justice
209 and Youth Services in accordance with Section 80-5-501, for minors held in detention.
- 210 (25) "Detention risk assessment tool" means an evidence-based tool established under
211 Section 80-5-203 that:
- 212 (a) assesses a minor's risk of failing to appear in court or reoffending before
213 adjudication; and
- 214 (b) is designed to assist in making a determination of whether a minor shall be held in
215 detention.
- 216 (26) "Developmental immaturity" means incomplete development in one or more domains
217 that manifests as a functional limitation in the minor's present ability to:
- 218 (a) consult with counsel with a reasonable degree of rational understanding; and
219 (b) have a rational as well as factual understanding of the proceedings.
- 220 (27) "Disposition" means an order by a juvenile court, after the adjudication of a minor,
221 under Section 80-3-405 or 80-4-305 or Chapter 6, Part 7, Adjudication and Disposition.
- 222 (28) "Educational neglect" means that, after receiving a notice of compulsory education
223 violation under Section 53G-6-202, the parent or guardian fails to make a good faith
224 effort to ensure that the child receives an appropriate education.
- 225 (29) "Educational series" means an evidence-based instructional series:
- 226 (a) obtained at a substance abuse program that is approved by the Division of Integrated
227 Healthcare in accordance with Section 26B-5-104; and
- 228 (b) designed to prevent substance use or the onset of a mental health disorder.
- 229 (30) "Emancipated" means the same as that term is defined in Section 80-7-102.
- 230 (31) "Evidence-based" means a program or practice that has had multiple randomized
231 control studies or a meta-analysis demonstrating that the program or practice is effective
232 for a specific population or has been rated as effective by a standardized program
233 evaluation tool.
- 234 (32) "Forensic evaluator" means the same as that term is defined in Section 77-15-2.

- 235 (33) "Formal probation" means a minor is:
- 236 (a) supervised in the community by, and reports to, a juvenile probation officer or an
- 237 agency designated by the juvenile court; and
- 238 (b) subject to return to the juvenile court in accordance with Section 80-6-607.
- 239 (34) "Gender identity" means the same as that term is defined in Section 34A-5-102.
- 240 (35) "Group rehabilitation therapy" means psychological and social counseling of one or
- 241 more individuals in the group, depending upon the recommendation of the therapist.
- 242 (36) "Guardian" means a person appointed by a court to make decisions regarding a minor,
- 243 including the authority to consent to:
- 244 (a) marriage;
- 245 (b) enlistment in the armed forces;
- 246 (c) major medical, surgical, or psychiatric treatment; or
- 247 (d) legal custody, if legal custody is not vested in another individual, agency, or
- 248 institution.
- 249 (37) "Guardian ad litem" means the same as that term is defined in Section 78A-2-801.
- 250 (38) "Harm" means:
- 251 (a) physical or developmental injury or damage;
- 252 (b) emotional damage that results in a serious impairment in the child's growth,
- 253 development, behavior, or psychological functioning;
- 254 (c) sexual abuse; or
- 255 (d) sexual exploitation.
- 256 (39) "Home detention" means placement of a minor:
- 257 (a) if prior to a disposition, in the minor's home, or in a surrogate home with the consent
- 258 of the minor's parent, guardian, or custodian, under terms and conditions established
- 259 by the Division of Juvenile Justice and Youth Services or the juvenile court; or
- 260 (b) if after a disposition, and in accordance with Section 78A-6-353 or 80-6-704, in the
- 261 minor's home, or in a surrogate home with the consent of the minor's parent,
- 262 guardian, or custodian, under terms and conditions established by the Division of
- 263 Juvenile Justice and Youth Services or the juvenile court.
- 264 (40)(a) "Incest" means engaging in sexual intercourse with an individual whom the
- 265 perpetrator knows to be the perpetrator's ancestor, descendant, brother, sister, uncle,
- 266 aunt, nephew, niece, or first cousin.
- 267 (b) "Incest" includes:
- 268 (i) blood relationships of the whole or half blood, regardless of whether the

- 269 relationship is legally recognized;
- 270 (ii) relationships of parent and child by adoption; and
- 271 (iii) relationships of stepparent and stepchild while the marriage creating the
- 272 relationship of a stepparent and stepchild exists.
- 273 (41) "Indian child" means the same as that term is defined in 25 U.S.C. Sec. 1903.
- 274 (42) "Indian tribe" means the same as that term is defined in 25 U.S.C. Sec. 1903.
- 275 (43) "Indigent defense service provider" means the same as that term is defined in Section
- 276 78B-22-102.
- 277 (44) "Indigent defense services" means the same as that term is defined in Section
- 278 78B-22-102.
- 279 (45) "Indigent individual" means the same as that term is defined in Section 78B-22-102.
- 280 (46)(a) "Intake probation" means a minor is:
- 281 (i) monitored by a juvenile probation officer; and
- 282 (ii) subject to return to the juvenile court in accordance with Section 80-6-607.
- 283 (b) "Intake probation" does not include formal probation.
- 284 (47) "Intellectual disability" means a significant subaverage general intellectual functioning
- 285 existing concurrently with deficits in adaptive behavior that constitutes a substantial
- 286 limitation to the individual's ability to function in society.
- 287 (48) "Juvenile offender" means:
- 288 (a) a serious youth offender; or
- 289 (b) a youth offender.
- 290 (49) "Juvenile probation officer" means a probation officer appointed under Section
- 291 78A-6-205.
- 292 (50) "Juvenile receiving center" means a nonsecure, nonresidential program established by
- 293 the Division of Juvenile Justice and Youth Services, or under contract with the Division
- 294 of Juvenile Justice and Youth Services, that is responsible for minors taken into
- 295 temporary custody under Section 80-6-201.
- 296 (51) "Legal custody" means a relationship embodying:
- 297 (a) the right to physical custody of the minor;
- 298 (b) the right and duty to protect, train, and discipline the minor;
- 299 (c) the duty to provide the minor with food, clothing, shelter, education, and ordinary
- 300 medical care;
- 301 (d) the right to determine where and with whom the minor shall live; and
- 302 (e) the right, in an emergency, to authorize surgery or other extraordinary care.

- 303 (52) "Licensing Information System" means the Licensing Information System maintained
304 by the Division of Child and Family Services under Section 80-2-1002.
- 305 (53) "Management Information System" means the Management Information System
306 developed by the Division of Child and Family Services under Section 80-2-1001.
- 307 (54) "Mental illness" means:
- 308 (a) a psychiatric disorder that substantially impairs an individual's mental, emotional,
309 behavioral, or related functioning; or
- 310 (b) the same as that term is defined in:
- 311 (i) the current edition of the Diagnostic and Statistical Manual of Mental Disorders
312 published by the American Psychiatric Association; or
- 313 (ii) the current edition of the International Statistical Classification of Diseases and
314 Related Health Problems.
- 315 (55) "Minor" means, except as provided in Sections 80-6-501, 80-6-901, and 80-7-102:
- 316 (a) a child; or
- 317 (b) an individual:
- 318 (i)(A) who is at least 18 years old and younger than 21 years old; and
319 (B) for whom the Division of Child and Family Services has been specifically
320 ordered by the juvenile court to provide services because the individual was an
321 abused, neglected, or dependent child or because the individual was
322 adjudicated for an offense;
- 323 (ii)(A) who is at least 18 years old and younger than 25 years old; and
324 (B) whose case is under the jurisdiction of the juvenile court in accordance with
325 Subsection 78A-6-103(1)(b); or
- 326 (iii)(A) who is at least 18 years old and younger than 21 years old; and
327 (B) whose case is under the jurisdiction of the juvenile court in accordance with
328 Subsection 78A-6-103(1)(c).
- 329 (56) "Mobile crisis outreach team" means the same as that term is defined in Section
330 26B-5-101.
- 331 (57) "Molestation" means that an individual, with the intent to arouse or gratify the sexual
332 desire of any individual, touches the anus, buttocks, pubic area, or genitalia of any child,
333 or the breast of a female child, or takes indecent liberties with a child as defined in
334 Section 76-5-401.1.
- 335 (58)(a) "Neglect" means action or inaction causing:
- 336 (i) abandonment of a child, except as provided in Chapter 4, Part 5, Safe

- 337 Relinquishment of a Newborn Child;
- 338 (ii) lack of proper parental care of a child by reason of the fault or habits of the
339 parent, guardian, or custodian;
- 340 (iii) failure or refusal of a parent, guardian, or custodian to provide proper or
341 necessary subsistence or medical care, or any other care necessary for the child's
342 health, safety, morals, or well-being;
- 343 (iv) a child to be at risk of being neglected or abused because another child in the
344 same home is neglected or abused;
- 345 (v) abandonment of a child through an unregulated child custody transfer under
346 Section 81-14-203; or
- 347 (vi) educational neglect.
- 348 (b) "Neglect" does not include:
- 349 (i) a parent or guardian legitimately practicing religious beliefs and who, for that
350 reason, does not provide specified medical treatment for a child;
- 351 (ii) a health care decision made for a child by the child's parent or guardian, unless
352 the state or other party to a proceeding shows, by clear and convincing evidence,
353 that the health care decision is not reasonable and informed;
- 354 (iii) a parent or guardian exercising the right described in Section 80-3-304; or
- 355 (iv) permitting a child, whose basic needs are met and who is of sufficient age and
356 maturity to avoid harm or unreasonable risk of harm, to engage in independent
357 activities, including:
- 358 (A) traveling to and from school, including by walking, running, or bicycling;
- 359 (B) traveling to and from nearby commercial or recreational facilities;
- 360 (C) engaging in outdoor play;
- 361 (D) remaining in a vehicle unattended, except under the conditions described in
362 Subsection 76-5-115(2);
- 363 (E) remaining at home unattended; or
- 364 (F) engaging in a similar independent activity.
- 365 (59) "Neglected child" means a child who has been subjected to neglect.
- 366 (60) "Nonjudicial adjustment" means closure of the case by the assigned juvenile probation
367 officer, without an adjudication of the minor's case under Section 80-6-701, upon the
368 consent in writing of:
- 369 (a) the assigned juvenile probation officer; and
- 370 (b)(i) the minor; or

- 371 (ii) the minor and the minor's parent, guardian, or custodian.
- 372 (61) "Not competent to proceed" means that a minor, due to a mental illness, intellectual
373 disability or related condition, or developmental immaturity, lacks the ability to:
- 374 (a) understand the nature of the proceedings against the minor or of the potential
375 disposition for the offense charged; or
- 376 (b) consult with counsel and participate in the proceedings against the minor with a
377 reasonable degree of rational understanding.
- 378 (62)(a) "Parent" means, except as provided in Section 80-3-302, an individual with a
379 parent-child relationship to a minor under Section 81-5-201.
- 380 (b) "Parent" includes the minor's noncustodial parent as defined in Section 81-1-101.
- 381 (63) "Parole" means a conditional release of a juvenile offender from residency in secure
382 care to live outside of secure care under the supervision of the Division of Juvenile
383 Justice and Youth Services, or another person designated by the Division of Juvenile
384 Justice and Youth Services.
- 385 (64) "Permanency" means a permanent, safe, and stable living environment for a minor.
- 386 ~~(65)~~ "Physical abuse" means abuse that results in physical injury or damage to a child.
- 387 ~~[(65)]~~ ~~(66)~~(a) "Probation" means a legal status created by court order, following an
388 adjudication under Section 80-6-701, whereby the minor is permitted to remain in the
389 minor's home under prescribed conditions.
- 390 (b) "Probation" includes intake probation or formal probation.
- 391 ~~[(66)]~~ ~~(67)~~ "Prosecuting attorney" means:
- 392 (a) the attorney general and any assistant attorney general;
- 393 (b) any district attorney or deputy district attorney;
- 394 (c) any county attorney or assistant county attorney; and
- 395 (d) any other attorney authorized to commence an action on behalf of the state.
- 396 ~~[(67)]~~ ~~(68)~~ "Protective custody" means the shelter of a child by the Division of Child and
397 Family Services from the time the child is removed from the home until the earlier of:
- 398 (a) the day on which the shelter hearing is held under Section 80-3-301; or
- 399 (b) the day on which the child is returned home.
- 400 ~~[(68)]~~ ~~(69)~~ "Protective services" means expedited services that are provided:
- 401 (a) in response to evidence of neglect, abuse, or dependency of a child;
- 402 (b) to a cohabitant who is neglecting or abusing a child, in order to:
- 403 (i) help the cohabitant develop recognition of the cohabitant's duty of care and of the
404 causes of neglect or abuse; and

- 405 (ii) strengthen the cohabitant's ability to provide safe and acceptable care; and
- 406 (c) in cases where the child's welfare is endangered:
- 407 (i) to bring the situation to the attention of the appropriate juvenile court and law
- 408 enforcement agency;
- 409 (ii) to cause a protective order to be issued for the protection of the child, when
- 410 appropriate; and
- 411 (iii) to protect the child from the circumstances that endanger the child's welfare
- 412 including, when appropriate:
- 413 (A) removal from the child's home;
- 414 (B) placement in substitute care; and
- 415 (C) petitioning the court for termination of parental rights.
- 416 [(69)] (70) "Protective supervision" means a legal status created by court order, following an
- 417 adjudication on the ground of abuse, neglect, or dependency, whereby:
- 418 (a) the minor is permitted to remain in the minor's home; and
- 419 (b) supervision and assistance to correct the abuse, neglect, or dependency is provided
- 420 by an agency designated by the juvenile court.
- 421 [(70)] (71)(a) "Related condition" means a condition that:
- 422 (i) is found to be closely related to intellectual disability;
- 423 (ii) results in impairment of general intellectual functioning or adaptive behavior
- 424 similar to that of an intellectually disabled individual;
- 425 (iii) is likely to continue indefinitely; and
- 426 (iv) constitutes a substantial limitation to the individual's ability to function in society.
- 427 (b) "Related condition" does not include mental illness, psychiatric impairment, or
- 428 serious emotional or behavioral disturbance.
- 429 [(71)] (72)(a) "Residual parental rights and duties" means the rights and duties remaining
- 430 with a parent after legal custody or guardianship, or both, have been vested in another
- 431 person or agency, including:
- 432 (i) the responsibility for support;
- 433 (ii) the right to consent to adoption;
- 434 (iii) the right to determine the child's religious affiliation; and
- 435 (iv) the right to reasonable parent-time unless restricted by the court.
- 436 (b) If no guardian has been appointed, "residual parental rights and duties" includes the
- 437 right to consent to:
- 438 (i) marriage;

439 (ii) enlistment; and

440 (iii) major medical, surgical, or psychiatric treatment.

441 ~~[(72)]~~ (73) "Runaway" means a child, other than an emancipated child, who willfully leaves
442 the home of the child's parent or guardian, or the lawfully prescribed residence of the
443 child, without permission.

444 ~~[(73)]~~ (74) "Secure care" means placement of a minor, who is committed to the Division of
445 Juvenile Justice and Youth Services for rehabilitation, in a facility operated by, or under
446 contract with, the Division of Juvenile Justice and Youth Services, that provides 24-hour
447 supervision and confinement of the minor.

448 ~~[(74)]~~ (75) "Secure care facility" means a facility, established in accordance with Section
449 80-5-503, for juvenile offenders in secure care.

450 ~~[(75)]~~ (76) "Secure detention" means temporary care of a minor who requires secure custody
451 in a physically restricting facility operated by, or under contract with, the Division of
452 Juvenile Justice and Youth Services:

453 (a) before disposition of an offense that is alleged to have been committed by the minor;

454 or

455 (b) under Section 80-6-704.

456 ~~[(76)]~~ (77) "Serious youth offender" means an individual who:

457 (a) is at least 14 years old, but under 25 years old;

458 (b) committed a felony listed in Subsection 80-6-503(1) and the continuing jurisdiction
459 of the juvenile court was extended over the individual's case until the individual was
460 25 years old in accordance with Section 80-6-605; and

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

463 ~~[(77)]~~ (78) "Severe abuse" means abuse that causes or threatens to cause serious harm to a
464 child.

465 ~~[(78)]~~ (79) "Severe neglect" means neglect that causes or threatens to cause serious harm to
466 a child.

467 ~~[(79)]~~ (80)(a) "Severe type of child abuse or neglect" means, except as provided in
468 Subsection ~~[(79)](b)]~~ (80)(b):

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

470 (A) chronic abuse;

471 (B) severe abuse;

472 (C) sexual abuse;

- 473 (D) sexual exploitation;
- 474 (E) abandonment;
- 475 (F) chronic neglect; or
- 476 (G) severe neglect; or
- 477 (ii) if committed by an individual who is under 18 years old:
- 478 (A) causing serious injury, as defined in Subsection 76-5-109(1), to another child
- 479 that indicates a significant risk to other children; or
- 480 (B) sexual behavior with or upon another child that indicates a significant risk to
- 481 other children.
- 482 (b) "Severe type of child abuse or neglect" does not include:
- 483 (i) the use of reasonable and necessary physical restraint by an educator in
- 484 accordance with Section 53G-8-301 or Section 76-2-401;
- 485 (ii) an individual's conduct that is justified under Section 76-2-401 or constitutes the
- 486 use of reasonable and necessary physical restraint or force in self-defense or
- 487 otherwise appropriate to the circumstances to obtain possession of a weapon or
- 488 other dangerous object in the possession or under the control of a child or to
- 489 protect the child or another individual from physical injury; or
- 490 (iii) a health care decision made for a child by a child's parent or guardian, unless,
- 491 subject to Subsection [(79)(e)] (80)(c), the state or other party to the proceeding
- 492 shows, by clear and convincing evidence, that the health care decision is not
- 493 reasonable and informed.
- 494 (c) Subsection [(79)(b)(iii)] (80)(b)(iii) does not prohibit a parent or guardian from
- 495 exercising the right to obtain a second health care opinion.
- 496 [(80)] (81)(a) "Sexual abuse" means:
- 497 (i) an act or attempted act of sexual intercourse, sodomy, incest, or molestation by an
- 498 adult directed towards a child;
- 499 (ii) an act or attempted act of sexual intercourse, sodomy, incest, or molestation
- 500 committed by a child towards another child if:
- 501 (A) there is an indication of force or coercion;
- 502 (B) the children are related, as described in Subsection (40), including siblings by
- 503 marriage while the marriage exists or by adoption; or
- 504 (C) the act or attempted act constitutes unlawful sexual activity as described in
- 505 Section 76-5-401.3.
- 506 (iii) engaging in any conduct with a child that would constitute an offense under any

507 of the following, regardless of whether the individual who engages in the conduct
508 is actually charged with, or convicted of, the offense:

- 509 (A) Title 76, Chapter 5, Part 4, Sexual Offenses;
510 (B) child bigamy, Section 76-7-101.5;
511 (C) incest, Section 76-7-102;
512 (D) voyeurism, Section 76-12-306;
513 (E) recorded or photographed voyeurism, Section 76-12-307; or
514 (F) distribution of images obtained through voyeurism, Section 76-12-308; or
515 (iv) subjecting a child to participate in or threatening to subject a child to participate
516 in a sexual relationship, regardless of whether that sexual relationship is part of a
517 legal or cultural marriage.

518 (b) "Sexual abuse" does not include engaging in any conduct with a child that would
519 constitute an offense described in:

- 520 (i) Section 76-5-401, unlawful sexual activity with a minor, if the alleged perpetrator
521 of the offense is a minor; or
522 (ii) Section 76-5-417, enticing a minor.

523 [~~81~~] (82) "Sexual exploitation" means knowingly:

- 524 (a) employing, using, persuading, inducing, enticing, or coercing any child to:
525 (i) pose in the nude for the purpose of sexual arousal of any individual; or
526 (ii) engage in any sexual or simulated sexual conduct for the purpose of
527 photographing, filming, recording, or displaying in any way the sexual or
528 simulated sexual conduct;
529 (b) displaying, distributing, possessing for the purpose of distribution, or selling material
530 depicting a child:
531 (i) in the nude, for the purpose of sexual arousal of any individual; or
532 (ii) engaging in sexual or simulated sexual conduct; or
533 (c) engaging in any conduct that would constitute an offense under Section 76-5b-201,
534 sexual exploitation of a minor, or Section 76-5b-201.1, aggravated sexual
535 exploitation of a minor, regardless of whether the individual who engages in the
536 conduct is actually charged with, or convicted of, the offense.

537 [~~82~~] (83) "Shelter" means the temporary care of a child in a physically unrestricted facility
538 pending a disposition or transfer to another jurisdiction.

539 [~~83~~] (84) "Shelter facility" means a nonsecure facility that provides shelter for a minor.

540 [~~84~~] (85) "Significant risk" means a risk of harm that is determined to be significant in

541 accordance with risk assessment tools and rules established by the Division of Child and
542 Family Services in accordance with Title 63G, Chapter 3, Utah Administrative
543 Rulemaking Act, that focus on:

- 544 (a) age;
- 545 (b) social factors;
- 546 (c) emotional factors;
- 547 (d) sexual factors;
- 548 (e) intellectual factors;
- 549 (f) family risk factors; and
- 550 (g) other related considerations.

551 [~~(85)~~] (86) "Single criminal episode" means the same as that term is defined in Section
552 76-1-401.

553 [~~(86)~~] (87) "Status offense" means an offense that would not be an offense but for the age of
554 the offender.

555 [~~(87)~~] (88) "Substance abuse" means, except as provided in Section 80-2-603, the misuse or
556 excessive use of alcohol or other drugs or substances.

557 [~~(88)~~] (89) "Substantiated" or "substantiation" means a judicial finding based on a
558 preponderance of the evidence, and separate consideration of each allegation made or
559 identified in the case, that abuse, neglect, or dependency occurred.

560 [~~(89)~~] (90) "Substitute care" means:

- 561 (a) the placement of a minor in a family home, group care facility, or other placement
562 outside the minor's own home, either at the request of a parent or other responsible
563 relative, or upon court order, when it is determined that continuation of care in the
564 minor's own home would be contrary to the minor's welfare;
- 565 (b) services provided for a minor in the protective custody of the Division of Child and
566 Family Services, or a minor in the temporary custody or custody of the Division of
567 Child and Family Services, as those terms are defined in Section 80-2-102; or
- 568 (c) the licensing and supervision of a substitute care facility.

569 [~~(90)~~] (91) "Supported" means a finding by the Division of Child and Family Services based
570 on the evidence available at the completion of an investigation, and separate
571 consideration of each allegation made or identified during the investigation, that there is
572 a reasonable basis to conclude that abuse, neglect, or dependency occurred.

573 [~~(91)~~] (92) "Termination of parental rights" means the permanent elimination of all parental
574 rights and duties, including residual parental rights and duties, by court order.

575 [~~(92)~~] (93) "Therapist" means:

576 (a) an individual employed by a state division or agency for the purpose of conducting
577 psychological treatment and counseling of a minor in the division's or agency's
578 custody; or

579 (b) any other individual licensed or approved by the state for the purpose of conducting
580 psychological treatment and counseling.

581 [~~(93)~~] (94) "Threatened harm" means actions, inactions, or credible verbal threats, indicating
582 that the child is at an unreasonable risk of harm or neglect.

583 [~~(94)~~] (95) "Torture" means:

584 (a) the infliction of a serious injury upon a child in an exceptionally cruel or
585 exceptionally depraved manner that causes the child to experience extreme physical
586 or psychological pain or anguish; or

587 (b) the infliction of a serious injury, or more than one serious injury, upon a child as part
588 of a course of conduct or over a prolonged period of time.

589 [~~(95)~~] (96) "Ungovernable" means a child in conflict with a parent or guardian, and the
590 conflict:

591 (a) results in behavior that is beyond the control or ability of the child, or the parent or
592 guardian, to manage effectively;

593 (b) poses a threat to the safety or well-being of the child, the child's family, or others; or

594 (c) results in the situations described in Subsections [~~(95)(a)~~] (96)(a) and (b).

595 [~~(96)~~] (97) "Unsubstantiated" means a judicial finding that there is insufficient evidence to
596 conclude that abuse, neglect, or dependency occurred.

597 [~~(97)~~] (98) "Unsupported" means a finding by the Division of Child and Family Services at
598 the completion of an investigation, after the day on which the Division of Child and
599 Family Services concludes the alleged abuse, neglect, or dependency is not without
600 merit, that there is insufficient evidence to conclude that abuse, neglect, or dependency
601 occurred.

602 [~~(98)~~] (99) "Validated risk and needs assessment" means an evidence-based tool that
603 assesses a minor's risk of reoffending and a minor's criminogenic needs.

604 [~~(99)~~] (100) "Without merit" means a finding at the completion of an investigation by the
605 Division of Child and Family Services, or a judicial finding, that the alleged abuse,
606 neglect, or dependency did not occur, or that the alleged perpetrator was not responsible
607 for the abuse, neglect, or dependency.

608 [~~(100)~~] (101) "Youth offender" means an individual who is:

- 609 (a) at least 12 years old, but under 21 years old; and
- 610 (b) committed by the juvenile court to the Division of Juvenile Justice and Youth
- 611 Services for secure care under Sections 80-6-703 and 80-6-705.
- 612 Section 4. Section **80-3-112** is enacted to read:
- 613 **80-3-112 . Compliance with child welfare timelines.**
- 614 (1) As used in this section:
- 615 (a)(i) "Emergency" means an unexpected and unavoidable disruption to a scheduled
- 616 court hearing.
- 617 (ii) "Emergency" does not include planned leave.
- 618 (b)(i) "Nonsubstantive hearing" means a hearing that does not involve:
- 619 (A) a trial;
- 620 (B) fact-finding;
- 621 (C) a determination of custody or placement of a minor;
- 622 (D) a disputed motion; or
- 623 (E) making a finding of abuse, neglect, dependency, or delinquency.
- 624 (ii) "Nonsubstantive hearing" may include:
- 625 (A) a hearing that is primarily procedural in nature;
- 626 (B) a pretrial hearing without motions;
- 627 (C) a stipulated adjudication hearing;
- 628 (D) certain review hearings;
- 629 (E) a status or scheduling hearing; or
- 630 (F) a hearing that the parties intend to continue.
- 631 (c) "Statutory timelines" mean the timelines described in Chapter 3, Abuse, Neglect, and
- 632 Dependency Proceedings, or Chapter 4, Termination and Restoration of Parental
- 633 Rights.
- 634 (2)(a) Except as described in Subsection (2)(b), parties may not stipulate to waive or
- 635 extend statutory timelines.
- 636 (b) Parties may stipulate to go beyond a statutory timeline by up to four calendar days if
- 637 an emergency exists.
- 638 (3) To meet required statutory timelines, the juvenile court shall:
- 639 (a) schedule adjudication trials and termination trials well in advance of the statutory
- 640 deadline;
- 641 (b) postpone or reschedule other hearings;
- 642 (c) require an attorney appearing in the case to find coverage; and

- 643 (d) utilize another juvenile court judge or a senior juvenile court judge to cover
644 nonsubstantive hearings.
- 645 (4) The Judicial Council shall consider and implement policies and strategies to assist
646 juvenile court judges in meeting statutory timelines while managing a complex calendar
647 and caseload.

648 Section 5. Section **80-3-113** is enacted to read:

649 **80-3-113 . Child welfare reporting.**

- 650 (1) On or before October 1 of each year, the Administrative Office of the Courts shall
651 provide the reports described in Subsections (2) and (3) to the Child Welfare Legislative
652 Oversight Panel and the Judiciary Interim Committee.

- 653 (2)(a) The Administrative Office of the Courts shall report regarding compliance with
654 the statutory timelines in child welfare cases described in:

- 655 (i) Subsection 80-3-301(1), regarding shelter hearings;
656 (ii) Section 80-3-401, regarding pretrial and adjudication hearings;
657 (iii) Section 80-3-402, regarding dispositional hearings;
658 (iv) Subsections 80-3-406(16) and 80-3-409(1), regarding an initial permanency
659 hearing;
660 (v) Subsection 80-3-409(7)(a), regarding a permanency hearing following a 90-day
661 extension of reunification services;
662 (vi) Subsection 80-3-409(7)(c), regarding a permanency hearing following a 60-day
663 final extension of reunification services;
664 (vii) Subsection 80-3-409(10), regarding a petition and pretrial hearing for
665 termination; and
666 (viii) Subsection 80-3-409(13)(c), regarding a decision on a termination petition.

- 667 (b) The report described in Subsection (2)(a) shall include:

- 668 (i) the reason for noncompliance with statutory deadlines;
669 (ii) data regarding the reason for and frequency of:
670 (A) extension of reunification services at an initial permanency hearing, described
671 in Subsection 80-3-409(7)(a); and
672 (B) extension of reunification services at a second permanency hearing, described
673 in Subsection 80-3-409(7)(c); and
674 (iii) the number of minors in the custody of the division at:
675 (A) 18 months after the minor's initial removal;
676 (B) 21 months after the minor's initial removal; and

- 677 (C) 24 months after the minor's initial removal.
- 678 (c) The report described in Subsection (2)(a) shall be organized by judicial district.
- 679 (3)(a) The Administrative Office of the Courts shall report regarding appeals of child
680 welfare cases, including:
- 681 (i) the total number of child welfare appeals;
- 682 (ii) the number of child welfare appeals by type of juvenile court decision;
- 683 (iii) the percentage of child welfare appeals that:
- 684 (A) are dismissed based on the petition for appeal;
- 685 (B) are decided by briefing; and
- 686 (C) are decided by briefing and oral arguments;
- 687 (iv) the percentage of juvenile court decisions that are:
- 688 (A) upheld; and
- 689 (B) overturned and remanded;
- 690 (v) the average length of time and the longest length of time:
- 691 (A) for a completed child welfare appeal, from the notice of appeal until the
692 conclusion of the appeal;
- 693 (B) for an appellate court to review the initial filing documents and determine
694 whether a decision can be issued; and
- 695 (C) that a child welfare case being appealed is under advisement;
- 696 (vi) the current deadlines that the courts have established for a child welfare appeal;
697 and
- 698 (vii) efforts that the courts have made to prioritize child welfare appeals and expedite
699 decisions for child welfare appeals.

700 Section 6. Section **80-3-409** is amended to read:

701 **80-3-409 . Permanency hearing -- Final plan -- Petition for termination of**
702 **parental rights filed -- Hearing on termination of parental rights.**

- 703 (1)(a) If reunification services are ordered under Section 80-3-406, with regard to a
704 minor who is in the custody of the division, the juvenile court shall hold a
705 permanency hearing no later than 12 months after the day on which the minor is
706 initially removed from the minor's home.
- 707 (b) If reunification services are not ordered at the dispositional hearing, the juvenile
708 court shall hold a permanency hearing within 30 days after the day on which the
709 dispositional hearing ends.
- 710 (2)(a) If reunification services are ordered in accordance with Section 80-3-406, the

- 711 juvenile court shall, at the permanency hearing, determine, consistent with
712 Subsection (3), whether the minor may safely be returned to the custody of the
713 minor's parent.
- 714 (b) If the juvenile court finds, by a preponderance of the evidence, that return of the
715 minor to the minor's parent would create a substantial risk of detriment to the minor's
716 physical or emotional well-being, the minor may not be returned to the custody of the
717 minor's parent.
- 718 (c) Prima facie evidence that return of the minor to a parent or guardian would create a
719 substantial risk of detriment to the minor is established if:
- 720 (i) the parent or guardian fails to:
- 721 (A) participate in a court approved child and family plan;
722 (B) comply with a court approved child and family plan in whole or in part; or
723 (C) meet the goals of a court approved child and family plan; or
- 724 (ii) the minor's parent:
- 725 (A) intentionally, knowingly, or recklessly causes the death of another parent of
726 the minor;
727 (B) is identified by a law enforcement agency as the primary suspect in an
728 investigation for intentionally, knowingly, or recklessly causing the death of
729 another parent of the minor; or
730 (C) is being prosecuted for or has been convicted of intentionally, knowingly, or
731 recklessly causing the death of another parent of the minor.
- 732 (3) In making a determination under Subsection (2)(a), the juvenile court shall:
- 733 (a) review and consider:
- 734 (i) the report prepared by the division;
735 (ii) in accordance with the Utah Rules of Evidence, any admissible evidence offered
736 by the minor's attorney guardian ad litem;
737 (iii) any report submitted by the division under Subsection 80-3-408(3)(a)(i);
738 (iv) any evidence regarding the efforts or progress demonstrated by the parent; and
739 (v) the extent to which the parent cooperated and used the services provided; and
- 740 (b) attempt to keep the minor's sibling group together if keeping the sibling group
741 together is:
- 742 (i) practicable; and
743 (ii) in accordance with the best interest of the minor.
- 744 (4) With regard to a case where reunification services are ordered by the juvenile court, if a

- 745 minor is not returned to the minor's parent or guardian at the permanency hearing, the
746 juvenile court shall, unless the time for the provision of reunification services is
747 extended under Subsection (7):
- 748 (a) order termination of reunification services to the parent;
 - 749 (b) make a final determination regarding whether termination of parental rights,
750 adoption, or permanent custody and guardianship is the most appropriate final plan
751 for the minor, taking into account the minor's primary permanency plan established
752 by the juvenile court under Section 80-3-406; and
 - 753 (c) in accordance with Subsection 80-3-406(2), establish a concurrent permanency plan
754 that identifies the second most appropriate final plan for the minor, if appropriate.
- 755 (5) The juvenile court may order another planned permanent living arrangement other than
756 reunification for a minor who is 16 years old or older upon entering the following
757 findings:
- 758 (a) the division has documented intensive, ongoing, and unsuccessful efforts to reunify
759 the minor with the minor's parent or parents, or to secure a placement for the minor
760 with a guardian, an adoptive parent, or an individual described in Subsection
761 80-3-301(6)(e);
 - 762 (b) the division has demonstrated that the division has made efforts to normalize the life
763 of the minor while in the division's custody, in accordance with Section 80-2-308;
 - 764 (c) the minor prefers another planned permanent living arrangement; and
 - 765 (d) there is a compelling reason why reunification or a placement described in
766 Subsection (5)(a) is not in the minor's best interest.
- 767 (6) Except as provided in Subsection (7), the juvenile court may not extend reunification
768 services beyond 12 months after the day on which the minor is initially removed from
769 the minor's home, in accordance with the provisions of Section 80-3-406.
- 770 (7)(a)(i) Subject to Subsection (7)(b), the juvenile court may extend reunification
771 services for no more than 90 days if the juvenile court finds, by a preponderance
772 of the evidence, that:
- 773 [(i)] (A) there has been substantial compliance with the child and family plan;
 - 774 [(ii)] (B) reunification is probable within that 90-day period; and
 - 775 [(iii)] (C) the extension is in the best interest of the minor.
- 776 (ii) The juvenile court shall specify the facts upon which the findings described in
777 Subsection (7)(a)(i) are based.
- 778 (b)(i) Except as provided in Subsection (7)(c), the juvenile court may not extend any

- 779 reunification services beyond 15 months after the day on which the minor is
780 initially removed from the minor's home.
- 781 (ii) Delay or failure of a parent to establish paternity~~[-or]~~, seek custody, or participate
782 in reunification services does not provide a basis for the juvenile court to extend
783 services for the parent beyond the 12-month period described in Subsection (6).
- 784 (c) In accordance with Subsection (7)(d), the juvenile court may extend reunification
785 services for one additional ~~[90]~~ 60-day period, beyond the ~~[90]~~ 60-day period
786 described in Subsection (7)(a), if:
- 787 (i) the juvenile court finds, by clear and convincing evidence, that:
- 788 (A) the parent has substantially complied with the child and family plan;
789 (B) it is likely that reunification will occur within the additional ~~[90]~~ 60-day
790 period; and
791 (C) the extension is in the best interest of the minor;
- 792 (ii) the juvenile court specifies the facts upon which the findings described in
793 Subsection (7)(c)(i) are based;~~[-and]~~
- 794 (iii) the juvenile court specifies the time period in which it is likely that reunification
795 will occur~~[-]~~; and
- 796 (iv) the juvenile court finds that a 60-day extension of reunification services will not
797 impede the juvenile court's or the parties' ability to comply with the deadlines
798 described in Subsection (10) or (13)(c), including a trial if necessary.
- 799 (d) A juvenile court may not extend the time period for reunification services without
800 complying with the requirements of this Subsection (7) before the extension.
- 801 (e) In determining whether to extend reunification services for a minor, a juvenile court
802 shall take into consideration the status of the minor siblings of the minor.
- 803 (8)(a) At the permanency hearing, if a child remains in an out-of-home placement, the
804 juvenile court shall:
- 805 (i) make specific findings regarding the conditions of parent-time that are in the
806 child's best interest; and
807 (ii) if parent-time is denied, state the facts that justify the denial.
- 808 (b) Parent-time shall be under the least restrictive conditions necessary to:
- 809 (i) protect the physical safety of the child; or
810 (ii) prevent the child from being traumatized by contact with the parent due to the
811 child's fear of the parent in light of the nature of the alleged abuse or neglect.
- 812 (c)(i) The division or the person designated by the division or a court to supervise a

- 813 parent-time session may deny parent-time for the session if the division or the
814 supervising person determines that, based on the parent's condition, it is necessary
815 to deny parent-time to:
- 816 (A) protect the physical safety of the child;
 - 817 (B) protect the life of the child; or
 - 818 (C) consistent with Subsection (8)(c)(ii), prevent the child from being traumatized
819 by contact with the parent.
- 820 (ii) In determining whether the condition of the parent described in Subsection
821 (8)(c)(i) will traumatize a child, the division or the person supervising the
822 parent-time session shall consider the impact that the parent's condition will have
823 on the child in light of:
- 824 (A) the child's fear of the parent; and
 - 825 (B) the nature of the alleged abuse or neglect.
- 826 (9) The juvenile court may, in the juvenile court's discretion:
- 827 (a) enter any additional order that the juvenile court determines to be in the best interest
828 of the minor, so long as that order does not conflict with the requirements and
829 provisions of Subsections (4) through (8); or
 - 830 (b) order the division to provide protective supervision or other services to a minor and
831 the minor's family after the division's custody of a minor is terminated.
- 832 (10)(a) If the final plan for the minor is to proceed toward termination of parental rights,
833 the petition for termination of parental rights shall be filed, and a pretrial held, within
834 45 calendar days after the day on which the permanency hearing is held.
- 835 (b) If the division opposes the plan to terminate parental rights, the juvenile court may
836 not require the division to file a petition for the termination of parental rights, except
837 as required under Subsection 80-4-203(2).
- 838 (11)(a) Any party to an action may, at any time, petition the juvenile court for an
839 expedited permanency hearing on the basis that continuation of reunification efforts
840 are inconsistent with the permanency needs of the minor.
- 841 (b) If the juvenile court so determines, the juvenile court shall order, in accordance with
842 federal law, that:
 - 843 (i) the minor be placed in accordance with the permanency plan; and
 - 844 (ii) whatever steps are necessary to finalize the permanent placement of the minor be
845 completed as quickly as possible.
- 846 (12) Nothing in this section may be construed to:

- 847 (a) entitle any parent to reunification services for any specified period of time;
- 848 (b) limit a juvenile court's ability to terminate reunification services at any time before a
- 849 permanency hearing; or
- 850 (c) limit or prohibit the filing of a petition for termination of parental rights by any party,
- 851 or a hearing on termination of parental rights, at any time before a permanency
- 852 hearing provided that relative placement and custody options have been fairly
- 853 considered in accordance with Sections 80-2a-201 and 80-4-104.
- 854 (13)(a) Subject to Subsection (13)(b), if a petition for termination of parental rights is
- 855 filed before the date scheduled for a permanency hearing, the juvenile court may
- 856 consolidate the hearing on termination of parental rights with the permanency hearing.
- 857 (b) For purposes of Subsection (13)(a), if the juvenile court consolidates the hearing on
- 858 termination of parental rights with the permanency hearing:
- 859 (i) the juvenile court shall first make a finding regarding whether reasonable efforts
- 860 have been made by the division to finalize the permanency plan for the minor; and
- 861 (ii) any reunification services shall be terminated in accordance with the time lines
- 862 described in Section 80-3-406.
- 863 (c) The juvenile court shall make a decision on a petition for termination of parental
- 864 rights within 18 months after the day on which the minor is initially removed from
- 865 the minor's home.
- 866 (14)(a) If a juvenile court determines that a minor will not be returned to a parent of the
- 867 minor, the juvenile court shall consider appropriate placement options inside and
- 868 outside of the state.
- 869 (b) In considering appropriate placement options under Subsection (14)(a), the juvenile
- 870 court shall provide preferential consideration to a relative's request for placement of
- 871 the minor.
- 872 (15)(a) In accordance with Section 80-3-108, if a minor 14 years old or older desires an
- 873 opportunity to address the juvenile court or testify regarding permanency or
- 874 placement, the juvenile court shall give the minor's wishes added weight, but may not
- 875 treat the minor's wishes as the single controlling factor under this section.
- 876 (b) If the juvenile court's decision under this section differs from a minor's express
- 877 wishes if the minor is of sufficient maturity to articulate the wishes in relation to
- 878 permanency or the minor's placement, the juvenile court shall make findings
- 879 explaining why the juvenile court's decision differs from the minor's wishes.
- 880 (16)(a) If, for a relative placement, an interstate placement requested under the Interstate

881 Compact on the Placement of Children has been initiated by the division or is ordered
882 by or pending before the juvenile court, the court may not finalize a non-relative
883 placement unless the court gives due weight to:

884 (i) the preferential consideration granted to a relative in Section 80-3-302;

885 (ii) the rebuttable presumption in Section 80-3-302; and

886 (iii) the division's placement authority under Subsections 80-1-102(51) and
887 80-3-303(1).

888 (b) Nothing in this section affects the ability of a foster parent to petition the juvenile
889 court under Subsection 80-3-502(3).

890 Section 7. **Effective Date.**

891 This bill takes effect on May 6, 2026.