

**CHILD PROTECTION UNIT AMENDMENTS**

2021 GENERAL SESSION

STATE OF UTAH

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**LONG TITLE**

**General Description:**

This bill addresses child protection units.

**Highlighted Provisions:**

This bill:

- ▶ repeals the Child Protection Unit Pilot Program;
- ▶ reenacts provisions authorizing a child protection unit to share case-specific information with certain persons; and
- ▶ makes technical changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**62A-4a-412**, as last amended by Laws of Utah 2020, Chapters 193 and 258

**63I-1-262**, as last amended by Laws of Utah 2020, Chapters 154, 303, 304, and 358

REPEALS:

**62A-4a-202.9**, as last amended by Laws of Utah 2020, Chapter 354

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

Section 1. Section **62A-4a-412** is amended to read:

**62A-4a-412. Reports, information, and referrals confidential -- Exceptions.**

(1) Except as otherwise provided in this chapter, reports made under this part, as well as any other information in the possession of the division obtained as the result of a report are private, protected, or controlled records under Title 63G, Chapter 2, Government Records Access and Management Act, and may only be made available to:

- (a) a police or law enforcement agency investigating a report of known or suspected

- 33 abuse or neglect, including members of a child protection unit;
- 34 (b) a physician who reasonably believes that a child may be the subject of abuse or  
35 neglect;
- 36 (c) an agency that has responsibility or authority to care for, treat, or supervise a minor  
37 who is the subject of a report;
- 38 (d) a contract provider that has a written contract with the division to render services to  
39 a minor who is the subject of a report;
- 40 (e) except as provided in Subsection 63G-2-202(10), a subject of the report, the natural  
41 parents of the child, and the guardian ad litem;
- 42 (f) a court, upon a finding that access to the records may be necessary for the  
43 determination of an issue before the court, provided that in a divorce, custody, or related  
44 proceeding between private parties, the record alone is:
- 45 (i) limited to objective or undisputed facts that were verified at the time of the  
46 investigation; and
- 47 (ii) devoid of conclusions drawn by the division or any of the division's workers on the  
48 ultimate issue of whether or not a person's acts or omissions constituted any level of abuse or  
49 neglect of another person;
- 50 (g) an office of the public prosecutor or its deputies in performing an official duty;
- 51 (h) a person authorized by a Children's Justice Center, for the purposes described in  
52 Section 67-5b-102;
- 53 (i) a person engaged in bona fide research, when approved by the director of the  
54 division, if the information does not include names and addresses;
- 55 (j) the State Board of Education, acting on behalf of itself or on behalf of a local  
56 education agency, as defined in Section 63J-5-102, for the purpose of evaluating whether an  
57 individual should be permitted to obtain or retain a license as an educator or serve as an  
58 employee or volunteer in a school, limited to information with substantiated or supported  
59 findings involving an alleged sexual offense, an alleged felony or class A misdemeanor drug  
60 offense, or any alleged offense against the person under Title 76, Chapter 5, Offenses Against  
61 the Person, and with the understanding that the office must provide the subject of a report  
62 received under Subsection (1)(k) with an opportunity to respond to the report before making a  
63 decision concerning licensure or employment;

64 (k) any person identified in the report as a perpetrator or possible perpetrator of abuse  
65 or neglect, after being advised of the screening prohibition in Subsection (2);

66 (l) except as provided in Subsection 63G-2-202(10), a person filing a petition for a  
67 child protective order on behalf of a child who is the subject of the report;

68 (m) a licensed child-placing agency or person who is performing a preplacement  
69 adoptive evaluation in accordance with the requirements of Sections 78B-6-128 and  
70 78B-6-130;

71 (n) an Indian tribe to:

72 (i) certify or license a foster home;

73 (ii) render services to a subject of a report; or

74 (iii) investigate an allegation of abuse, neglect, or dependency; or

75 (o) the Division of Substance Abuse and Mental Health, the Department of Health, or a  
76 local substance abuse authority, described in Section 17-43-201, for the purpose of providing  
77 substance abuse treatment to a pregnant woman, or the services described in Subsection  
78 62A-15-103(2)(o).

79 (2) (a) A person, unless listed in Subsection (1), may not request another person to  
80 obtain or release a report or any other information in the possession of the division obtained as  
81 a result of the report that is available under Subsection (1)(k) to screen for potential  
82 perpetrators of abuse or neglect.

83 (b) A person who requests information knowing that the request is a violation of  
84 Subsection (2)(a) is subject to the criminal penalty in Subsection (4).

85 (3) (a) Except as provided in Section 62A-4a-1007 and Subsection (3)(b), the division  
86 and law enforcement officials shall ensure the anonymity of the person or persons making the  
87 initial report and any others involved in its subsequent investigation.

88 (b) Notwithstanding any other provision of law, excluding Section 78A-6-317, but  
89 including this chapter and Title 63G, Chapter 2, Government Records Access and Management  
90 Act, when the division makes a report or other information in the division's possession  
91 available under Subsection (1)(e) to a subject of the report or a parent of a child, the division  
92 shall remove from the report or other information only the names, addresses, and telephone  
93 numbers of individuals or specific information that could:

94 (i) identify the referent;

95 (ii) impede a criminal investigation; or

96 (iii) endanger a person's safety.

97 (4) Any person who [~~wilfully~~] willfully permits, or aides and abets the release of data  
98 or information obtained as a result of this part, in the possession of the division or contained on  
99 any part of the Management Information System, in violation of this part or Sections  
100 62A-4a-1003 through 62A-4a-1007, is guilty of a class C misdemeanor.

101 (5) The physician-patient privilege is not a ground for excluding evidence regarding a  
102 child's injuries or the cause of those injuries, in any proceeding resulting from a report made in  
103 good faith pursuant to this part.

104 (6) A child-placing agency or person who receives a report in connection with a  
105 preplacement adoptive evaluation pursuant to Sections 78B-6-128 and 78B-6-130:

106 (a) may provide this report to the person who is the subject of the report; and

107 (b) may provide this report to a person who is performing a preplacement adoptive  
108 evaluation in accordance with the requirement of Sections 78B-6-128 and 78B-6-130, or to a  
109 licensed child-placing agency or to an attorney seeking to facilitate an adoption.

110 (7) A child protection unit may share case-specific information obtained from the  
111 division under Subsection (1)(a) with members of a multidisciplinary team that is:

112 (a) assembled by the child protection unit for a particular case when the case  
113 demonstrates:

114 (i) the likelihood of severe child abuse or neglect; or

115 (ii) a high risk of repetition as evidenced by previous involvements with law  
116 enforcement;

117 (b) assembled for the purpose of information sharing and identification of resources,  
118 services, or actions that are in the best interest of the child or the child's family; and

119 (c) composed of:

120 (i) a victim advocate;

121 (ii) a therapist;

122 (iii) a representative of the child's school district; or

123 (iv) another individual that the child protection unit designates as valuable to provide  
124 necessary services to the child or the family of the child.

125 Section 2. Section **63I-1-262** is amended to read:

126           **63I-1-262. Repeal dates, Title 62A.**

127           (1) Subsections 62A-1-120(8)(g), (h), and (i) relating to completion of premarital  
128 counseling or education under Section 30-1-34 are repealed July 1, 2023.

129           (2) Section 62A-3-209 is repealed July 1, 2023.

130           ~~[(3) Section 62A-4a-202.9 is repealed December 31, 2021.]~~

131           ~~[(4)]~~ (3) Section 62A-4a-213 is repealed July 1, 2024.

132           ~~[(5)]~~ (4) Sections 62A-5a-101, 62A-5a-102, 62A-5a-103, and 62A-5a-104, which  
133 create the Coordinating Council for Persons with Disabilities, are repealed July 1, 2022.

134           ~~[(6)]~~ (5) Section 62A-15-114 is repealed December 31, 2021.

135           ~~[(7)]~~ (6) Subsections 62A-15-116(1) and ~~[(4)]~~ (5), the language that states "In  
136 consultation with the Behavioral Health Crisis Response Commission, established in Section  
137 63C-18-202," is repealed January 1, 2023.

138           ~~[(8)]~~ (7) Section 62A-15-118 is repealed December 31, 2023.

139           ~~[(9)]~~ (8) Subsections 62A-15-605(3)(h) and (4) relating to the study of long-term needs  
140 for adult beds in the state hospital are repealed July 1, 2022.

141           ~~[(10)]~~ (9) Section 62A-15-605, which creates the Forensic Mental Health Coordinating  
142 Council, is repealed July 1, 2023.

143           ~~[(11)]~~ (10) Subsections 62A-15-1100(1) and 62A-15-1101(9), in relation to the Utah  
144 Substance Use and Mental Health Advisory Council, are repealed January 1, 2023.

145           ~~[(12)]~~ (11) In relation to the Behavioral Health Crisis Response Commission, on July  
146 1, 2023:

147           (a) Subsections 62A-15-1301(2) and 62A-15-1401(1) are repealed;

148           (b) Subsection 62A-15-1302(1)(b), the language that states "and in consultation with  
149 the commission" is repealed;

150           (c) ~~[Section]~~ Subsection 62A-15-1303(1), the language that states "In consultation with  
151 the commission," is repealed;

152           (d) Subsection 62A-15-1402(2)(a), the language that states "With recommendations  
153 from the commission," is repealed; and

154           (e) Subsection 62A-15-1702(6) is repealed.

155           Section 3. **Repealer.**

156           This bill repeals:

157 Section 62A-4a-202.9, Child protection unit pilot program.