

**Child Protection Ombudsman Amendments**

2026 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor:**

Sponsor:

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**LONG TITLE****General Description:**

This bill makes changes related to the child protection ombudsman.

**Highlighted Provisions:**

This bill:

- allows the child protection ombudsman to receive a complaint with respect to a parent;
- requires the child protection ombudsman to:
  - provide information about a parent's and child's rights on the child protection ombudsman's website; and
  - annually report to the Child Welfare Legislative Oversight Panel and the Health and Human Services Interim Committee;
- requires a peace officer or child welfare caseworker who takes a child into protective custody to provide the child's parent or guardian with information about the child protection ombudsman; and
- makes technical and conforming changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**80-2-1104**, as last amended by Laws of Utah 2024, Chapter 250

**80-2a-203**, as renumbered and amended by Laws of Utah 2022, Chapter 334

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

Section 1. Section **80-2-1104** is amended to read:

**80-2-1104 . Child protection ombudsman -- Responsibility -- Authority -- Report.**

(1) As used in this section:

(a) "Complainant" means a person who initiates a complaint with the ombudsman.

(b) "Complaint" means a complaint regarding an act or omission by the division with respect to a particular child or parent.

(c) "Ombudsman" means the child protection ombudsman appointed under this section.

(2)(a) There is created within the department the position of child protection ombudsman.

(b) The executive director of the department shall:

(i) appoint an ombudsman who has:

(A) recognized executive and administrative capacity; and

(B) experience in child welfare, and in state laws and policies governing abused, neglected, and dependent children; and

(ii) select the ombudsman solely with regard to qualifications and fitness to discharge the duties of the ombudsman.

(c) The ombudsman shall:

(i) serve at the pleasure of the executive director of the department; and

(ii) devote full-time to the duties described in this section.

(3) The ombudsman shall:

(a) unless the ombudsman decides not to investigate the complaint, upon receipt of a complaint, investigate whether an act or omission of the division with respect to a particular child or parent:

(i) is contrary to statute, rule, or policy;

(ii) places a child's health or safety at risk;

(iii) is made without an adequate statement of reason; or

(iv) is based on irrelevant, immaterial, or erroneous grounds;

(b) notify the complainant and the division of:

(i) the ombudsman's decision to investigate or not investigate the complaint; and

(ii) if the ombudsman decides not to investigate the complaint, the reason for the decision;

(c) if the ombudsman finds that a person's act or omission violates state or federal criminal law, immediately report the finding to the appropriate county or district attorney or to the attorney general;

(d) immediately notify the division if the ombudsman finds that a child needs protective custody;

(e) prepare a written report of the findings and recommendations, if any, of each

- 65 investigation;
- 66 (f) make recommendations to the division if the ombudsman finds that:
- 67 (i) a matter should be further considered by the division;
- 68 (ii) an administrative act should be addressed, modified, or canceled;
- 69 (iii) action should be taken by the division with regard to one of the division's
- 70 employees; or
- 71 (iv) any other action should be taken by the division;
- 72 (g) subject to this Subsection (3), in accordance with Title 63G, Chapter 3, Utah
- 73 Administrative Rulemaking Act, make rules that govern the following:
- 74 (i) receiving and processing a complaint;
- 75 (ii) notifying a complainant and the division regarding a decision to investigate or to
- 76 decline to investigate a complaint;
- 77 (iii) prioritizing workload;
- 78 (iv) maximum time within which an investigation is required to be completed;
- 79 (v) conducting an investigation;
- 80 (vi) notifying a complainant and the division regarding the results of an investigation;
- 81 and
- 82 (vii) making recommendations based on the findings and results of investigations;
- 83 (h) within appropriations from the Legislature, employ staff as may be necessary to
- 84 carry out the ombudsman's duties under this section;
- 85 (i) provide information regarding the role, duties, and functions of the ombudsman to
- 86 public agencies, private entities, and individuals;[~~and~~]
- 87 (j) provide on the ombudsman's website, in a form that is easily accessible, information
- 88 about the fundamental rights of a parent and child and the responsibility of the state
- 89 in a child welfare matter as described in Section 80-2a-201; and
- 90 [~~(j)~~] (k) as appropriate, make recommendations to the division regarding individual child
- 91 welfare cases, and the rules, policies, and operations of the division.
- 92 (4)(a) The ombudsman may:
- 93 (i) decline to investigate a complaint or continue an investigation of a complaint;
- 94 (ii) conduct an investigation on the ombudsman's own initiative;
- 95 (iii) conduct further investigation upon the request of the complainant or upon the
- 96 ombudsman's own initiative; and
- 97 (iv) advise a complainant to pursue administrative remedies or channels of a
- 98 complaint before pursuing a complaint with the ombudsman.

(b) Subsection (4)(a)(iv) does not prevent a complainant from making a complaint directly to the ombudsman before pursuing an administrative remedy.

(5)(a) A record of the ombudsman regarding an individual child welfare case shall be classified in accordance with federal law and Title 63G, Chapter 2, Government Records Access and Management Act.

(b) The ombudsman shall have access to all of the department's written and electronic records and databases, including those regarding individual child welfare cases.

(c) In accordance with Title 63G, Chapter 2, Government Records Access and Management Act, all documents and information received by the ombudsman shall maintain the same classification that was designated by the department.

(6)(a) On or before October 1 of each year, the ombudsman shall provide a written report to the Child Welfare Legislative Oversight Panel and the Health and Human Services Interim Committee.

(b) The written report described in Subsection (6)(a) shall include:

(i) the total number of complaints filed with the ombudsman;

(ii) the number of complaints the ombudsman investigated;

(iii) reoccurring themes among complaints, if any; and

(iv) any recommendations regarding policies or procedures of the division or the position of the ombudsman.

Section 2. Section **80-2a-203** is amended to read:

**80-2a-203 . Notice upon issuance of a warrant or removal of a child -- Locating noncustodial parent -- Information provided to parent, guardian, or responsible relative.**

(1)(a) A peace officer or child welfare caseworker who takes a child into protective custody under Subsection 80-2a-202(1), shall immediately use reasonable efforts to locate and inform, through the most efficient means available, the child's parents, including a noncustodial parent, the child's guardian, or a responsible relative:

(i) that the child is in protective custody;

(ii) the reason for removal and placement of the child in protective custody;

(iii) that the parent, guardian, or relative will be provided with information on:

(A) the parent's or guardian's procedural rights; and

(B) the preliminary stages of the investigation and shelter hearing;

(iv) of a telephone number where the parent or guardian may access further information;

(v) that the child and the child's parent or guardian are entitled to have an attorney

- 133 present at the shelter hearing;
- 134 (vi) that if the child's parent or guardian is an indigent individual and desires to have
- 135 an attorney, one will be provided;[~~and~~]
- 136 (vii) that resources are available to assist the child's parent or guardian, including:
- 137 (A) a parent advocate;
- 138 (B) a qualified attorney; or
- 139 (C) potential expert witnesses to testify on behalf of the child or the child's parent,
- 140 guardian, or family[-] ; and
- 141 (viii) that the child's parent or guardian may contact the child protection ombudsman
- 142 created in Section 80-2-1104 for help accessing resources or navigating the child
- 143 welfare system.
- 144 (b) For purposes of locating and informing the noncustodial parent under Subsection
- 145 (1)(a), the division shall search for the noncustodial parent through the Federal Parent
- 146 Locator Service if the division is unable to locate the noncustodial parent through
- 147 other reasonable efforts.
- 148 (2) At the time that a child is taken into protective custody under Subsection 80-2a-202(2),
- 149 the division shall provide the child's parent or guardian an informational packet with:
- 150 (a) all of the information described in Subsection (1);
- 151 (b) information on the conditions under which a child may be released from protective
- 152 custody;
- 153 (c) information on resources that are available to the parent or guardian, including:
- 154 (i) mental health resources;
- 155 (ii) substance abuse resources; and
- 156 (iii) parenting classes;[~~and~~]
- 157 (d) the child protection ombudsman's website address; and
- 158 [~~(d)~~] (e) any other information considered relevant by the division.
- 159 (3) The division shall ensure the informational packet described in Subsection (2) is:
- 160 (a) evaluated periodically for the effectiveness of the informational packet at conveying
- 161 necessary information and revised accordingly;
- 162 (b) written in simple, easy-to-understand language;
- 163 (c) available in English and other languages as the division determines to be appropriate
- 164 and necessary; and
- 165 (d) made available for distribution in:
- 166 (i) schools;

(ii) health care facilities;

(iii) local police and sheriff's offices;

(iv) the offices of the division; and

(v) any other appropriate office within the department.

(4) If reasonable efforts are made by the peace officer or child welfare caseworker to notify the child's parent or guardian or a responsible relative under Subsection (1), failure to notify:

(a) shall be considered to be due to circumstances beyond the control of the peace officer or child welfare caseworker; and

(b) may not be construed to:

(i) permit a new defense to any juvenile or judicial proceeding; or

(ii) interfere with any rights, procedures, or investigations provided for by this chapter, Chapter 3, Abuse, Neglect, and Dependency Proceedings, or Chapter 4, Termination and Restoration of Parental Rights.

(5)(a) If the juvenile court issues a warrant under Subsection 80-2a-202(6), the division shall provide notice of the warrant to the child's parent or guardian who:

(i) has a right to parent-time with the child; and

(ii)(A) is the child's primary caregiver; or

(B) has custody of the child when the warrant is sought.

(b) The division shall make a good faith effort to provide notice to the child's parent or guardian who:

(i) is not required to be notified under Subsection (5)(a); and

(ii) has a right to parent-time with the child.

### Section 3. **Effective Date.**

This bill takes effect on May 6, 2026.