

53A-11-105 Taking custody of a person believed to be a truant minor -- Disposition -- Receiving centers -- Reports -- Immunity from liability.

- (1) A peace officer or public school administrator may take a minor into temporary custody if there is reason to believe the minor is a truant minor.
- (2) An individual taking a school-age minor into custody under Subsection (1) shall, without unnecessary delay, release the minor to:
 - (a) the principal of the minor's school;
 - (b) a person who has been designated by the local school board or local charter board to receive and return the minor to school; or
 - (c) a receiving center established under Subsection (5).
- (3) If the minor refuses to return to school or go to the receiving center, the officer or administrator shall, without unnecessary delay, notify the minor's parents and release the minor to their custody.
- (4) If the parents cannot be reached or are unable or unwilling to accept custody, the minor shall be referred to the Division of Child and Family Services.
- (5)
 - (a) A local school board or local charter board, singly or jointly with another school board, may establish or designate receiving centers within existing school buildings and staff the centers with existing teachers or staff to provide educational guidance and counseling for truant minors. Upon receipt of a truant minor, the center shall, without unnecessary delay, notify and direct the minor's parents to come to the center, pick up the minor, and return the minor to the school in which the minor is enrolled.
 - (b) If the parents cannot be reached or are unable or unwilling to comply with the request within a reasonable time, the center shall take such steps as are reasonably necessary to insure the safety and well being of the minor, including, when appropriate, returning the minor to school or referring the minor to the Division of Child and Family Services. A minor taken into custody under this section may not be placed in a detention center or other secure confinement facility.
- (6) Action taken under this section shall be reported to the appropriate school district. The district shall promptly notify the minor's parents of the action taken.
- (7) The Utah Governmental Immunity Act applies to all actions taken under this section.
- (8) Nothing in this section may be construed to grant authority to a public school administrator to place a minor in the custody of the Division of Child and Family Services, without complying with the provisions of Title 62A, Chapter 4a, Part 2, Child Welfare Services, and Part 2a, Minors in Custody on Grounds Other Than Abuse or Neglect, and of Title 78A, Chapter 6, Part 3, Abuse, Neglect, and Dependency Proceedings, and Part 4, Minors in Custody on Grounds Other Than Abuse or Neglect.

Amended by Chapter 3, 2008 General Session