

62A-4a-1010 Notice and opportunity for court hearing for persons listed in Licensing Information System.

- (1) Persons whose names were listed on the Licensing Information System as of May 6, 2002 and who have not been the subject of a court determination with respect to the alleged incident of abuse or neglect may at any time:
 - (a) request review by the division of their case and removal of their name from the Licensing Information System pursuant to Subsection (3); or
 - (b) file a petition for an evidentiary hearing and a request for a finding of unsubstantiated or without merit.
- (2) Subsection (1) does not apply to an individual who has been the subject of any of the following court determinations with respect to the alleged incident of abuse or neglect:
 - (a) conviction;
 - (b) adjudication under Title 78A, Chapter 6, Juvenile Court Act of 1996;
 - (c) plea of guilty;
 - (d) plea of guilty with a mental illness; or
 - (e) no contest.
- (3) If an alleged perpetrator listed on the Licensing Information System prior to May 6, 2002, requests removal of the alleged perpetrator's name from the Licensing Information System, the division shall, within 30 days:
 - (a)
 - (i) review the case to determine whether the incident of alleged abuse or neglect qualifies as:
 - (A) a severe type of child abuse or neglect;
 - (B) chronic abuse; or
 - (C) chronic neglect; and
 - (ii) if the alleged abuse or neglect does not qualify as a type of abuse or neglect described in Subsections (3)(a)(i)(A) through (C), remove the alleged perpetrator's name from the Licensing Information System; or
 - (b) determine whether to file a petition for substantiation.
- (4) If the division decides to file a petition, that petition must be filed no more than 14 days after the decision.
- (5) The juvenile court shall act on the petition as provided in Subsection 78A-6-323(3).
- (6) If a person whose name appears on the Licensing Information System prior to May 6, 2002 files a petition pursuant to Section 78A-6-323 during the time that an alleged perpetrator's application for clearance to work with children or vulnerable adults is pending, the court shall hear the matter on an expedited basis.

Amended by Chapter 366, 2011 General Session