

62A-4a-101 Definitions.

As used in this chapter:

- (1) "Abuse" is as defined in Section 78A-6-105.
- (2) "Adoption services" means:
 - (a) placing children for adoption;
 - (b) subsidizing adoptions under Section 62A-4a-105;
 - (c) supervising adoption placements until the adoption is finalized by the court;
 - (d) conducting adoption studies;
 - (e) preparing adoption reports upon request of the court; and
 - (f) providing postadoptive placement services, upon request of a family, for the purpose of stabilizing a possible disruptive placement.
- (3) "Child" means, except as provided in Part 7, Interstate Compact on Placement of Children, a person under 18 years of age.
- (4) "Consumer" means a person who receives services offered by the division in accordance with this chapter.
- (5) "Chronic abuse" means repeated or patterned abuse.
- (6) "Chronic neglect" means repeated or patterned neglect.
- (7) "Custody," with regard to the division, means the custody of a minor in the division as of the date of disposition.
- (8) "Day-care services" means care of a child for a portion of the day which is less than 24 hours:
 - (a) in the child's own home by a responsible person; or
 - (b) outside of the child's home in a:
 - (i) day-care center;
 - (ii) family group home; or
 - (iii) family child care home.
- (9) "Dependent child" or "dependency" means a child, or the condition of a child, who is homeless or without proper care through no fault of the child's parent, guardian, or custodian.
- (10) "Director" means the director of the Division of Child and Family Services.
- (11) "Division" means the Division of Child and Family Services.
- (12) "Domestic violence services" means:
 - (a) temporary shelter, treatment, and related services to:
 - (i) a person who is a victim of abuse, as defined in Section 78B-7-102; and
 - (ii) the dependent children of a person described in Subsection (12)(a)(i); and
 - (b) treatment services for a person who is alleged to have committed, has been convicted of, or has pled guilty to, an act of domestic violence as defined in Section 77-36-1.
- (13) "Harm" is as defined in Section 78A-6-105.
- (14) "Homemaking service" means the care of individuals in their domiciles, and help given to individual caretaker relatives to achieve improved household and family management through the services of a trained homemaker.
- (15) "Incest" is as defined in Section 78A-6-105.
- (16) "Minor" means, except as provided in Part 7, Interstate Compact on Placement of Children:
 - (a) a child; or
 - (b) a person:
 - (i) who is at least 18 years of age and younger than 21 years of age; and
 - (ii) for whom the division has been specifically ordered by the juvenile court to provide services.
- (17) "Molestation" is as defined in Section 78A-6-105.
- (18) "Natural parent" means a minor's biological or adoptive parent, and includes a minor's noncustodial parent.

- (19) "Neglect" is as defined in Section 78A-6-105.
- (20) "Protective custody," with regard to the division, means the shelter of a child by the division from the time the child is removed from the child's home until the earlier of:
 - (a) the shelter hearing; or
 - (b) the child's return home.
- (21) "Protective services" means expedited services that are provided:
 - (a) in response to evidence of neglect, abuse, or dependency of a child;
 - (b) to a cohabitant who is neglecting or abusing a child, in order to:
 - (i) help the cohabitant develop recognition of the cohabitant's duty of care and of the causes of neglect or abuse; and
 - (ii) strengthen the cohabitant's ability to provide safe and acceptable care; and
 - (c) in cases where the child's welfare is endangered:
 - (i) to bring the situation to the attention of the appropriate juvenile court and law enforcement agency;
 - (ii) to cause a protective order to be issued for the protection of the child, when appropriate; and
 - (iii) to protect the child from the circumstances that endanger the child's welfare including, when appropriate:
 - (A) removal from the child's home;
 - (B) placement in substitute care; and
 - (C) petitioning the court for termination of parental rights.
- (22) "Severe abuse" is as defined in Section 78A-6-105.
- (23) "Severe neglect" is as defined in Section 78A-6-105.
- (24) "Sexual abuse" is as defined in Section 78A-6-105.
- (25) "Sexual exploitation" is as defined in Section 78A-6-105.
- (26) "Shelter care" means the temporary care of a minor in a nonsecure facility.
- (27) "State" means:
 - (a) a state of the United States;
 - (b) the District of Columbia;
 - (c) the Commonwealth of Puerto Rico;
 - (d) the Virgin Islands;
 - (e) Guam;
 - (f) the Commonwealth of the Northern Mariana Islands; or
 - (g) a territory or possession administered by the United States.
- (28) "State plan" means the written description of the programs for children, youth, and family services administered by the division in accordance with federal law.
- (29) "Status offense" means a violation of the law that would not be a violation but for the age of the offender.
- (30) "Substance abuse" is as defined in Section 78A-6-105.
- (31) "Substantiated" or "substantiation" means a judicial finding based on a preponderance of the evidence that abuse or neglect occurred. Each allegation made or identified in a given case shall be considered separately in determining whether there should be a finding of substantiated.
- (32) "Substitute care" means:
 - (a) the placement of a minor in a family home, group care facility, or other placement outside the minor's own home, either at the request of a parent or other responsible relative, or upon court order, when it is determined that continuation of care in the minor's own home would be contrary to the minor's welfare;
 - (b) services provided for a minor awaiting placement; and

- (c) the licensing and supervision of a substitute care facility.
- (33) "Supported" means a finding by the division based on the evidence available at the completion of an investigation that there is a reasonable basis to conclude that abuse, neglect, or dependency occurred. Each allegation made or identified during the course of the investigation shall be considered separately in determining whether there should be a finding of supported.
- (34) "Temporary custody," with regard to the division, means the custody of a child in the division from the date of the shelter hearing until disposition.
- (35) "Transportation services" means travel assistance given to an individual with escort service, if necessary, to and from community facilities and resources as part of a service plan.
- (36) "Unsubstantiated" means a judicial finding that there is insufficient evidence to conclude that abuse or neglect occurred.
- (37) "Unsupported" means a finding at the completion of an investigation that there is insufficient evidence to conclude that abuse, neglect, or dependency occurred. However, a finding of unsupported means also that the division worker did not conclude that the allegation was without merit.
- (38) "Without merit" means a finding at the completion of an investigation by the division, or a judicial finding, that the alleged abuse, neglect, or dependency did not occur, or that the alleged perpetrator was not responsible for the abuse, neglect, or dependency.

Amended by Chapter 75, 2009 General Session