

Chapter 5b

Children's Justice Center Program

67-5b-101 Definitions.

As used in this part:

- (1) "Center" means a Children's Justice Center established in accordance with Section 67-5b-102.
- (2) "Child abuse case" means a juvenile, civil, or criminal case involving a child abuse victim.
- (3) "Child abuse victim" means a child 17 years of age or younger who is:
 - (a) a victim of:
 - (i) sexual abuse; or
 - (ii) physical abuse; or
 - (b) a victim or a critical witness in any criminal case, such as a child endangerment case described in Section 76-5-112.5.
- (4) "Officers and employees" means any person performing services for two or more public agencies as agreed in a memorandum of understanding in accordance with Section 67-5b-104.
- (5) "Public agency" means a municipality, a county, the attorney general, the Division of Child and Family Services, the Division of Juvenile Justice Services, the Department of Corrections, the juvenile court, or the Administrative Office of the Courts.
- (6) "Satellite office" means a child-friendly facility supervised by a Children's Justice Center established in accordance with Section 67-5b-102.
- (7)
 - (a) "Volunteer" means any individual who donates service without pay or other compensation except expenses actually and reasonably incurred as approved by the supervising agency.
 - (b) "Volunteer" does not include an individual participating in human subjects research or a court-ordered compensatory service worker as defined in Section 67-20-2.

Amended by Chapter 290, 2016 General Session

67-5b-102 Children's Justice Center -- Requirements of center -- Purposes of center.

- (1)
 - (a) There is established the Children's Justice Center Program to provide a comprehensive, multidisciplinary, intergovernmental response to child abuse victims in a facility known as a Children's Justice Center.
 - (b) The attorney general shall administer the program.
 - (c) The attorney general shall:
 - (i) allocate the funds appropriated by a line item pursuant to Section 67-5b-103;
 - (ii) administer applications for state and federal grants and subgrants;
 - (iii) maintain an advisory board that is associated with the program to comply with requirements of grants that are associated with the program ;
 - (iv) assist in the development of new centers;
 - (v) coordinate services between centers;
 - (vi) contract with counties and other entities for the provision of services;
 - (vii)
 - (A) provide training, technical assistance, and evaluation to centers; and
 - (B) ensure that any training described in Subsection (1)(c)(vii)(A) complies with Title 63G, Chapter 22, State Training and Certification Requirements; and

- (viii) provide other services to comply with established minimum practice standards as required to maintain the state's and centers' eligibility for grants and subgrants.
- (2)
- (a) The attorney general shall establish Children's Justice Centers, satellite offices, or multidisciplinary teams in Beaver County, Box Elder County, Cache County, Carbon County, Davis County, Duchesne County, Emery County, Grand County, Iron County, Juab County, Kane County, Salt Lake County, San Juan County, Sanpete County, Sevier County, Summit County, Tooele County, Uintah County, Utah County, Wasatch County, Washington County, and Weber County.
 - (b) The attorney general may establish other centers, satellites, or multidisciplinary teams within a county and in other counties of the state.
- (3) The attorney general and each center shall:
- (a) coordinate the activities of the public agencies involved in the investigation and prosecution of child abuse cases and the delivery of services to child abuse victims and child abuse victims' families;
 - (b) provide a neutral, child-friendly program, where interviews are conducted and services are provided to facilitate the effective and appropriate disposition of child abuse cases in juvenile, civil, and criminal court proceedings;
 - (c) facilitate a process for interviews of child abuse victims to be conducted in a professional and neutral manner;
 - (d) obtain reliable and admissible information that can be used effectively in child abuse cases in the state;
 - (e) maintain a multidisciplinary team that includes representatives of public agencies involved in the investigation and prosecution of child abuse cases and in the delivery of services to child abuse victims and child abuse victims' families;
 - (f) hold regularly scheduled case reviews with the multidisciplinary team;
 - (g) coordinate and track:
 - (i) investigation of the alleged offense; and
 - (ii) preparation of prosecution;
 - (h) maintain a working protocol that addresses the center's procedures for conducting forensic interviews and case reviews, and for ensuring a child abuse victim's access to medical and mental health services;
 - (i) maintain a system to track the status of cases and the provision of services to child abuse victims and child abuse victims' families;
 - (j) provide training for professionals involved in the investigation and prosecution of child abuse cases and in the provision of related treatment and services;
 - (k) enhance community understanding of child abuse cases; and
 - (l) provide as many services as possible that are required for the thorough and effective investigation of child abuse cases.
- (4) To assist a center in fulfilling the requirements and statewide purposes as provided in Subsection (3), each center may obtain access to any relevant juvenile court legal records and adult court legal records, unless sealed by the court.

Amended by Chapter 246, 2019 General Session

67-5b-103 Appropriation and funding.

- (1) Funding for centers under this section is intended to be broad-based, provided by a line item appropriation by the Legislature to the attorney general, and is intended to include federal grant money, local government money, and private donations.
- (2) The money appropriated shall be used to contract with the county responsible for the operation and accountability of a center in accordance with Section 67-5b-102.
- (3) The money appropriated may be used by the program to provide resources and contract as needed to support the development of the program and the implementation of evidence-based practices and requirements.

Amended by Chapter 290, 2016 General Session

67-5b-104 Requirements of a memorandum of understanding.

- (1) Before a center may be established, a memorandum of understanding regarding participation in operation of the center shall be executed among:
 - (a) the contracting county designated to oversee the operation and accountability of the center, including the budget, costs, personnel, and management pursuant to Title 51, Chapter 2a, Accounting Reports from Political Subdivisions, Interlocal Organizations, and Other Local Entities Act;
 - (b) the Office of the Attorney General;
 - (c) at least one representative of a county or municipal law enforcement agency that investigates child abuse in the area to be served by the center;
 - (d) the division of Child and Family Services;
 - (e) the county or district attorney who routinely prosecutes child abuse cases in the area to be served by the center; and
 - (f) at least one representative of any other governmental entity that participates in child abuse investigations or offers services to child abuse victims that desires to participate in the operation of the center.
- (2) A memorandum of understanding executed under this section shall include the agreement of each public agency, or its representative, described in Subsection (1) to cooperate in:
 - (a) developing a comprehensive and cooperative multidisciplinary team approach to investigating child abuse;
 - (b) reducing, to the greatest extent possible, the number of interviews required of a victim of child abuse to minimize the negative impact of the investigation on the child; and
 - (c) developing, maintaining, and supporting, through the center, an environment that emphasizes the best interests of children.

Amended by Chapter 290, 2016 General Session

67-5b-107 Immunity -- Limited liability.

- (1) Officers and employees performing services for two or more public agencies pursuant to contracts executed under the provisions of this part are considered to be officers and employees of the public agency employing their services, even though performing those functions outside of the territorial limits of any one of the contracting public agencies, and are considered to be officers and employees of public agencies in accordance with Title 63G, Chapter 7, Governmental Immunity Act of Utah.
- (2) The officers and employees of the center, while acting within the scope of their authority, are not subject to any personal or civil liability resulting from carrying out any of the purposes of a center under the provisions of Title 63G, Chapter 7, Governmental Immunity Act of Utah.

- (3) A volunteer is considered a government employee in accordance with Section 67-20-3 and entitled to immunity under the provisions of Title 63G, Chapter 7, Governmental Immunity Act of Utah.
- (4) A volunteer, other than one considered a government employee in accordance with Section 67-20-3, may not incur any personal financial liability for any tort claim or other action seeking damage for an injury arising from any act or omission of the volunteer while providing services for the nonprofit organization if:
 - (a) the individual was acting in good faith and reasonably believed he was acting within the scope of the individual's official functions and duties with the center; and
 - (b) the damage or injury was not caused by an intentional or knowing act by the volunteer which constitutes illegal or wanton misconduct.
- (5) The center is not liable for the acts or omissions of its volunteers in any circumstance where the acts of its volunteers are not as described in Subsection (4) unless:
 - (a) the center had, or reasonably should have had, reasonable notice of the volunteer's unfitness to provide services to the center under circumstances that make the center's use of the volunteer reckless or wanton in light of that notice; or
 - (b) a business employer would be liable under the laws of this state if the act or omission were the act or omission of one of its employees.

Amended by Chapter 382, 2008 General Session