

Part 11

Miscellaneous Provisions

78A-6-1101 Violation of order of court -- Contempt -- Penalty.

- (1) Any person who willfully violates or refuses to obey any order of the court may be proceeded against for contempt of court.
- (2) Any person 18 years of age or older found in contempt of court may be punished in accordance with Section 78B-6-310.
- (3)
 - (a) Any person younger than 18 years of age found in contempt of court may be punished by any disposition permitted under Section 78A-6-117, except for commitment to a secure facility.
 - (b) The court may stay or suspend all or part of the punishment upon compliance with conditions imposed by the court.
- (4) The court may enforce orders of fines, fees, or restitution through garnishments, wage withholdings, supplementary proceedings, or executions.

Renumbered and Amended by Chapter 3, 2008 General Session

78A-6-1102 Amendment of petition -- When authorized -- Continuance of proceedings.

When it appears during the course of any proceeding in a minor's case that the evidence presented points to material facts not alleged in the petition, the court may consider the additional or different matters raised by the evidence, if the parties consent. The court on motion of any interested party or on its own motion shall direct that the petition be amended to conform to the evidence. If the amendment results in a substantial departure from the facts originally alleged, the court shall grant such continuance as justice may require.

Renumbered and Amended by Chapter 3, 2008 General Session

78A-6-1103 Modification or termination of custody order or decree -- Grounds -- Procedure.

- (1) A parent or guardian of any child whose legal custody has been transferred by the court to an individual, agency, or institution, except a secure youth corrections facility, may petition the court for restoration of custody or other modification or revocation of the court's order, on the ground that a change of circumstances has occurred which requires such modification or revocation in the best interest of the child or the public.
- (2) The court shall make a preliminary investigation. If the court finds that the alleged change of circumstances, if proved, would not affect the decree, it may dismiss the petition. If the court finds that a further examination of the facts is needed, or if the court on its own motion determines that the decree should be reviewed, it shall conduct a hearing. Notice shall be given to all persons concerned. At the hearing, the court may enter an order continuing, modifying, or terminating the decree.
- (3)
 - (a) A parent may not file a petition under this section after the parent's parental rights have been terminated in accordance with Part 5, Termination of Parental Rights Act.
 - (b) A parent may not file a petition for restoration of custody under this section during the existence of a permanent guardianship established for the child under Subsection 78A-6-117(2)(y).

- (4) An individual, agency, or institution vested with legal custody of a child may petition the court for a modification of the custody order on the ground that the change is necessary for the welfare of the child or in the public interest. The court shall proceed upon the petition in accordance with Subsections (1) and (2).

Amended by Chapter 265, 2014 General Session

**78A-6-1104 When photographs, fingerprints, or HIV infection tests may be taken --
Distribution -- Expungement.**

- (1) The Division of Juvenile Justice Services shall take a photograph and fingerprints of all minors 14 years of age or older who are admitted to a detention facility operated by the Division of Juvenile Justice Services for the alleged commission of an offense that would be a felony if the minor were 18 years of age or older.
- (2) The Juvenile Court shall order a minor 14 years of age or older to have the minor's fingerprints taken at a detention facility operated by the Division of Juvenile Justice Services or a local law enforcement agency if the minor is:
 - (a) adjudicated for an offense that would be a class A misdemeanor if the minor were 18 years of age or older; or
 - (b) adjudicated for an offense that would be a felony if the minor were 18 years of age or older and the minor was not admitted to a detention facility operated by the Division of Juvenile Justice Services.
- (3) The Juvenile Court shall take a photograph of all minors 14 years of age or older who are adjudicated for an offense that would be a felony or a class A misdemeanor if the minor were 18 years of age or older.
- (4) Fingerprints shall be forwarded to the Bureau of Criminal Identification and may be stored by electronic medium.
- (5) HIV testing shall be conducted on a minor who is taken into custody after having been adjudicated to have violated state law prohibiting a sexual offense under Title 76, Chapter 5, Part 4, Sexual Offenses, upon the request of the victim, the parent or guardian of a victim younger than 14 years of age, or the legal guardian of the alleged victim if the victim is a vulnerable adult as defined in Section 62A-3-301.
- (6) HIV testing shall be conducted on a minor against whom a petition has been filed or a pickup order has been issued for commission of any offense under Title 76, Chapter 5, Part 4, Sexual Offenses, upon the request of the victim, the parent or guardian of a victim younger than 14 years of age, or the legal guardian of the alleged victim if the victim is a vulnerable adult as defined in Section 62A-3-301, and regarding which:
 - (a) a judge has signed an accompanying arrest warrant, pickup order, or any other order based upon probable cause regarding the alleged offense; and
 - (b) the judge has found probable cause to believe that the alleged victim has been exposed to HIV infection as a result of the alleged offense.
- (7) HIV tests, photographs, and fingerprints may not be taken of a child younger than 14 years of age without the consent of the court.
- (8)
 - (a) Photographs taken under this section may be distributed or disbursed to the following individuals or agencies:
 - (i) state and local law enforcement agencies;
 - (ii) the judiciary; and
 - (iii) the Division of Juvenile Justice Services.

- (b) Fingerprints may be distributed or disbursed to the following individuals or agencies:
 - (i) state and local law enforcement agencies;
 - (ii) the judiciary;
 - (iii) the Division of Juvenile Justice Services; and
 - (iv) agencies participating in the Western Identification Network.
- (9) When a minor's juvenile record is expunged, all photographs and other records as ordered shall upon court order be destroyed by the law enforcement agency. Fingerprint records may not be destroyed.

Amended by Chapter 369, 2012 General Session

78A-6-1105 Expungement of juvenile court record -- Petition -- Procedure.

- (1)
 - (a) A person who has been adjudicated under this chapter may petition the court for the expungement of the person's juvenile court record and any related records in the custody of a state agency, if:
 - (i) the person has reached 18 years of age; and
 - (ii) one year has elapsed from the date of termination of the continuing jurisdiction of the juvenile court or, if the person was committed to a secure youth corrections facility, one year from the date of the person's unconditional release from the custody of the Division of Juvenile Justice Services.
 - (b) The court may waive the requirements in Subsection (1)(a), if the court finds, and states on the record, the reason why the waiver is appropriate.
 - (c) The petitioner shall include in the petition any agencies known or alleged to have any documents related to the offense for which expungement is being sought.
 - (d) The petitioner shall include with the petition the original criminal history report obtained from the Bureau of Criminal Identification in accordance with the provisions of Section 53-10-108.
 - (e) The petitioner shall send a copy of the petition to the county attorney or, if within a prosecution district, the district attorney.
 - (f)
 - (i) Upon the filing of a petition, the court shall:
 - (A) set a date for a hearing;
 - (B) notify the county attorney or district attorney, and the agency with custody of the records at least 30 days prior to the hearing of the pendency of the petition; and
 - (C) notify the county attorney or district attorney, and the agency with records the petitioner is asking the court to expunge of the date of the hearing.
 - (ii) The court shall provide a victim with the opportunity to request notice of a petition for expungement. A victim shall receive notice of a petition for expungement at least 30 days prior to the hearing if, prior to the entry of an expungement order, the victim or, in the case of a child or a person who is incapacitated or deceased, the victim's next of kin or authorized representative, submits a written and signed request for notice to the court in the judicial district in which the crime occurred or judgment was entered. The notice shall include a copy of the petition and statutes and rules applicable to the petition.
- (2)
 - (a) At the hearing, the county attorney or district attorney, a victim, and any other person who may have relevant information about the petitioner may testify.
 - (b) In deciding whether to grant a petition for expungement, the court shall consider whether the rehabilitation of the petitioner has been attained to the satisfaction of the court, taking into

consideration the petitioner's response to programs and treatment, the petitioner's behavior subsequent to adjudication, and the nature and seriousness of the conduct.

- (c) The court may order sealed all petitioner's records under the control of the juvenile court and any of petitioner's records under the control of any other agency or official pertaining to the petitioner's adjudicated juvenile court cases, including relevant related records contained in the Management Information System created by Section 62A-4a-1003 and the Licensing Information System created by Section 62A-4a-1005, if the court finds that:
 - (i) the petitioner has not, since the termination of the court's jurisdiction or the petitioner's unconditional release from the Division of Juvenile Justice Services, been convicted of a:
 - (A) felony; or
 - (B) misdemeanor involving moral turpitude;
 - (ii) no proceeding involving a felony or misdemeanor is pending or being instituted against the petitioner; and
 - (iii) a judgment for restitution entered by the court on the conviction for which the expungement is sought has been satisfied.
- (3) The petitioner shall be responsible for service of the order of expungement to all affected state, county, and local entities, agencies, and officials. To avoid destruction or sealing of the records in whole or in part, the agency or entity receiving the expungement order shall only expunge all references to the petitioner's name in the records pertaining to the petitioner's adjudicated juvenile court cases.
- (4) Upon the entry of the order, the proceedings in the petitioner's case shall be considered never to have occurred and the petitioner may properly reply accordingly upon any inquiry in the matter. Inspection of the records may thereafter only be permitted by the court upon petition by the person who is the subject of the records, and only to persons named in the petition.
- (5) The court may not expunge a juvenile court record if the record contains an adjudication of:
 - (a) Section 76-5-202, aggravated murder; or
 - (b) Section 76-5-203, murder.
- (6)
 - (a) A person whose juvenile court record consists solely of nonjudicial adjustments as provided in Section 78A-6-602 may petition the court for expungement of the person's record if the person:
 - (i) has reached 18 years of age; and
 - (ii) has completed the conditions of the nonjudicial adjustments.
 - (b) The court shall, without a hearing, order sealed all petitioner's records under the control of the juvenile court and any of petitioner's records under the control of any other agency or official pertaining to the petitioner's nonjudicial adjustments.

Amended by Chapter 389, 2015 General Session

78A-6-1106 Child support obligation when custody of a child is vested in an individual or institution.

- (1) Except as provided in Subsection (11), when legal custody of a child is vested by the court in a secure youth corrections facility or any other state department, division, or agency other than the child's parents, or if the guardianship of the child has been granted to another party and an agreement for a guardianship subsidy has been signed by the guardian, the court shall order the parents, a parent, or any other obligated person to pay child support for each month the child is in custody. In the same proceeding the court shall inform the parents, a parent, or

- any other obligated person, verbally and in writing, of the requirement to pay child support in accordance with Title 78B, Chapter 12, Utah Child Support Act.
- (2) If legal custody of a child is vested by the court in a secure youth corrections facility, or any other state department, division, or agency, the court may refer the establishment of a child support order to the Office of Recovery Services. The referral shall be sent to the Office of Recovery Services within three working days of the hearing. Support obligation amounts shall be set by the Office of Recovery Services in accordance with Title 78B, Chapter 12, Utah Child Support Act.
 - (3) If referred to the Office of Recovery Services pursuant to Subsection (2), the court shall also inform the parties that they are required to contact the Office of Recovery Services within 30 days of the date of the hearing to establish a child support order and the penalty in Subsection (5) for failing to do so. If there is no existing child support order for the child, the liability for support shall accrue beginning on the 61st day following the hearing that occurs the first time the court vests custody of the child in a secure youth corrections facility, or any other state department, division, or agency other than the child's parents.
 - (4) If a child is returned home and legal custody is subsequently vested by the court in a secure youth corrections facility or any other state department, division, or agency other than the child's parents, the liability for support shall accrue from the date the child is subsequently removed from the home, including time spent in detention or sheltered care.
 - (5)
 - (a) If the parents, parent, or other obligated person meets with the Office of Recovery Services within 30 days of the date of the hearing, the child support order may not include a judgment for past due support for more than two months.
 - (b) Notwithstanding Subsection (5)(a), the court may order the liability of support to begin to accrue from the date of the proceeding referenced in Subsection (1) if:
 - (i) the parents, parent, or any other person obligated fails to meet with the Office of Recovery Services within 30 days after being informed orally and in writing by the court of that requirement; and
 - (ii) the Office of Recovery Services took reasonable steps under the circumstances to contact the parents, parent, or other person obligated within the subsequent 30-day period to facilitate the establishment of the child support order.
 - (c) For purposes of Subsection (5)(b)(ii), the Office of Recovery Services shall be presumed to have taken reasonable steps if the office:
 - (i) has a signed, returned receipt for a certified letter mailed to the address of the parents, parent, or other obligated person regarding the requirement that a child support order be established; or
 - (ii) has had a documented conversation, whether by telephone or in person, with the parents, parent, or other obligated person regarding the requirement that a child support order be established.
 - (6) In collecting arrears, the Office of Recovery Services shall comply with Section 62A-11-320 in setting a payment schedule or demanding payment in full.
 - (7) Unless otherwise ordered, the parents or other person shall pay the child support to the Office of Recovery Services. The clerk of the court, the Office of Recovery Services, or the Department of Human Services and its divisions shall have authority to receive periodic payments for the care and maintenance of the child, such as Social Security payments or railroad retirement payments made in the name of or for the benefit of the child.
 - (8) No court order under this section against a parent or other person shall be entered, unless notice of hearing has been served within the state, a voluntary appearance is made, or a waiver

of service given. The notice shall specify that a hearing with respect to the financial support of the child will be held.

(9) An existing child support order payable to a parent or other obligated person shall be assigned to the Department of Human Services as provided in Section 62A-1-117.

(10)

(a) Subsections (3) through (9) shall not apply if legal custody of a child is vested by the court in an individual.

(b) If legal custody of a child is vested by the court in an individual, the court may order the parents, a parent, or any other obligated person to pay child support to the individual. In the same proceeding the court shall inform the parents, a parent, or any other obligated person, verbally and in writing, of the requirement to pay child support in accordance with Title 78B, Chapter 12, Utah Child Support Act.

(11)

(a) The court may not order the parent or any other obligated person to pay child support for a child in state custody if:

(i) the parent or other obligated person's only form of income is a government-issued disability benefit; and

(ii) the benefit described in Subsection (11)(a)(i) is issued because of the parent or other person's disability, and not the child's disability.

(b) If a person seeks to be excused from providing support under Subsection (11)(a), the person shall provide the court and the Office of Recovery Services with evidence that the person meets the requirements of Subsection (11)(a).

Amended by Chapter 416, 2013 General Session

78A-6-1107 Transfer of continuing jurisdiction to other district.

Jurisdiction over a minor on probation or under protective supervision, or of a minor who is otherwise under the continuing jurisdiction of the court, may be transferred by the court to the court of another district, if the receiving court consents, or upon direction of the chair of the Board of Juvenile Court Judges. The receiving court has the same powers with respect to the minor that it would have if the proceedings originated in that court.

Renumbered and Amended by Chapter 3, 2008 General Session

78A-6-1108 New hearings authorized -- Grounds and procedure.

(1) A parent, guardian, or custodian of any child adjudicated under this chapter, or any minor who is at least 18 years old, or adult affected by a decree in a proceeding under this chapter, may at any time petition the court for a new hearing on the ground that new evidence which was not known and could not with due diligence have been made available at the original hearing and which might affect the decree, has been discovered.

(2) If it appears to the court that there is new evidence which might affect its decree, it shall order a new hearing, enter a decree, and make any disposition of the case warranted by all the facts and circumstances and the best interests of the minor.

(3) This section does not apply to a minor's case handled under the provisions of Section 78A-6-702.

Amended by Chapter 208, 2011 General Session

78A-6-1109 Appeals.

- (1) An appeal to the Court of Appeals may be taken from any order, decree, or judgment of the juvenile court.
- (2) Appeals of right from juvenile court orders related to abuse, neglect, dependency, termination, and adoption proceedings, shall be taken within 15 days from entry of the order, decree, or judgment appealed from. In addition, the notice of appeal must be signed by appellant's counsel, if any, and by appellant, unless the appellant is a child or state agency. If an appellant fails to timely sign a notice of appeal, the appeal shall be dismissed.
- (3) The disposition order shall include the following information:
 - (a) notice that the right to appeal is time sensitive and must be taken within 15 days from entry of the order, decree, or judgment appealed from;
 - (b) the right to appeal within the specified time limits;
 - (c) the need for the signature of the parties on a notice of appeal in appeals from juvenile court orders related to abuse, neglect, dependency, termination, and adoption proceedings; and
 - (d) the need for parties to maintain regular contact with their counsel and to keep all other parties and the appellate court informed of their whereabouts.
- (4) If the parties are not present in the courtroom, the court shall mail a written statement containing the information provided in Subsection (3) to the parties at their last known address.
- (5)
 - (a) The court shall inform the parties' counsel at the conclusion of the proceedings that, if an appeal is filed, they must represent their clients throughout the appellate process unless relieved of that obligation by the juvenile court upon a showing of extraordinary circumstances.
 - (b) Until the petition on appeal is filed, claims of ineffective assistance of counsel do not constitute extraordinary circumstances. If a claim is raised by trial counsel or a party, it must be included in the petition on appeal.
- (6) During the pendency of an appeal from juvenile court orders related to abuse, neglect, dependency, termination, and adoption proceedings, parties shall maintain regular contact with their counsel, if any, and keep all other parties and the appellate court informed of their whereabouts.
- (7) In all other appeals of right, the appeal shall be taken within 30 days from the entry of the order, decree, or judgment appealed from and the notice of appeal must be signed by appellant's counsel, if any, or by appellant. The attorney general shall represent the state in all appeals under this chapter.
- (8) Unless the juvenile court stays its order, the pendency of an appeal does not stay the order or decree appealed from in a minor's case, unless otherwise ordered by the Court of Appeals, if suitable provision for the care and custody of the minor involved is made pending the appeal.
- (9) Access to the record on appeal shall be governed by Title 63G, Chapter 2, Government Records Access and Management Act.

Amended by Chapter 245, 2013 General Session

78A-6-1110 Cooperation of political subdivisions and public or private agencies and organizations.

Every county, municipality, and school district, the Division of Child and Family Services, the Department of Health, the Division of Substance Abuse and Mental Health, the State Board of Education, and state and local law enforcement officers, shall render all assistance and cooperation within their jurisdiction and power to further the objects of this chapter, and the juvenile

courts are authorized to seek the cooperation of all agencies and organizations, public or private, whose object is the protection or aid of minors.

Renumbered and Amended by Chapter 3, 2008 General Session

78A-6-1111 Right to counsel -- Appointment of counsel for indigent -- Costs.

- (1)
- (a) In any action in juvenile court initiated by the state, a political subdivision of the state, or a private party, the parents, legal guardian, and the minor, where applicable, shall be informed that they may be represented by counsel at every stage of the proceedings.
 - (b) In any action initiated by a private party, the parents or legal guardian shall have the right to employ counsel of their own choice at their own expense.
 - (c) If, in any action initiated by the state or a political subdivision of the state under Part 3, Abuse, Neglect, and Dependency Proceedings; Part 5, Termination of Parental Rights Act; or Part 10, Adult Offenses, of this chapter or under Section 78A-6-1101, a parent or legal guardian requests an attorney and is found by the court to be indigent, counsel shall be appointed by the court to represent the parent or legal guardian in all proceedings directly related to the petition or motion filed by the state, or a political subdivision of the state, subject to the provisions of this section.
 - (d) In any action initiated by the state, a political subdivision of the state, or a private party under Part 3, Abuse, Neglect, and Dependency Proceedings, or Part 5, Termination of Parental Rights Act, of this chapter, the child shall be represented by a guardian ad litem in accordance with Sections 78A-6-317 and 78A-6-902. The child shall also be represented by an attorney guardian ad litem in other actions initiated under this chapter when appointed by the court under Section 78A-6-902 or as otherwise provided by law.
 - (e) In any action initiated by the state or a political subdivision of the state under Part 6, Delinquency and Criminal Actions, or Part 7, Transfer of Jurisdiction, of this chapter, or against a minor under Section 78A-6-1101, the parents or legal guardian and the minor shall be informed that the minor has the right to be represented by counsel at every stage of the proceedings.
 - (i) In cases where a petition or information alleging a felony-level offense is filed, the court shall appoint counsel, who shall appear until counsel is retained on the minor's behalf. The minor may not waive counsel unless the minor has had a meaningful opportunity to consult with a defense attorney. The court shall make findings on the record, taking into consideration the minor's unique circumstances and attributes, that the waiver is knowing and voluntary and the minor understands the consequences of waiving the right to counsel.
 - (ii) In all other cases in which a petition is filed the right to counsel may not be waived by a minor unless there has been a finding on the record, taking into consideration the minor's unique circumstances and attributes, that the waiver is knowing and voluntary, and the minor understands the consequences of waiving the right to counsel.
 - (iii) If the minor is found to be indigent, counsel shall be appointed by the court to represent the minor in all proceedings directly related to the petition or motion filed by the state or a political subdivision of the state, subject to the provisions of this section.
 - (f) Indigency of a parent, legal guardian, or minor shall be determined in accordance with the process and procedure defined in Section 77-32-202. The court shall take into account the income and financial ability of the parent or legal guardian to retain counsel in determining the indigency of the minor.

- (g) The cost of appointed counsel for a party found to be indigent, including the cost of counsel and expense of the first appeal, shall be paid by the county in which the trial court proceedings are held. Counties may levy and collect taxes for these purposes.
- (2) Counsel appointed by the court may not provide representation as court-appointed counsel for a parent or legal guardian in any action initiated by, or in any proceeding to modify court orders in a proceeding initiated by, a private party, except that in a private action to terminate parental rights the court may appoint counsel to represent an indigent parent if it finds that the failure to appoint counsel will result in a deprivation of due process.
- (3) If the county responsible to provide legal counsel for an indigent under Subsection (1)(g) has arranged by contract to provide services, the court shall appoint the contracting attorney as legal counsel to represent that indigent.
- (4) The court may order a parent or legal guardian for whom counsel is appointed, and the parents or legal guardian of any minor for whom counsel is appointed, to reimburse the county for the cost of appointed counsel.
- (5) The state, or an agency of the state, may not be ordered to reimburse the county for expenses incurred under Subsection (1)(g).

Amended by Chapter 33, 2016 General Session

Amended by Chapter 177, 2016 General Session

78A-6-1112 Exchange of information with agency or institution having legal custody -- Transfer of minor to state prison or other adult facility prohibited.

- (1) Whenever legal custody of a minor is vested in an institution or agency, the court shall transmit with the court order copies of the social study, any clinical reports, and other information pertinent to the care and treatment of the minor. The institution or agency shall give the court any information concerning the minor that the court may at any time require.
- (2) The Division of Juvenile Justice Services or any other institution or agency to whom a minor is committed under Section 78A-6-117 may not transfer custody of the minor to the state prison or any other institution for the correction of adult offenders.

Renumbered and Amended by Chapter 3, 2008 General Session

78A-6-1113 Property damage caused by a minor -- Liability of parent or legal guardian -- Criminal conviction or adjudication for criminal mischief or criminal trespass not a prerequisite for civil action under chapter -- When parent or guardian not liable.

- (1) The parent or legal guardian having legal custody of the minor is liable for damages sustained to property not to exceed \$2,000 when:
 - (a) the minor intentionally damages, defaces, destroys, or takes the property of another;
 - (b) the minor recklessly or willfully shoots or propels a missile, or other object at or against a motor vehicle, bus, airplane, boat, locomotive, train, railway car, or caboose, whether moving or standing; or
 - (c) the minor intentionally and unlawfully tampers with the property of another and thereby recklessly endangers human life or recklessly causes or threatens a substantial interruption or impairment of any public utility service.
- (2) The parent or legal guardian having legal custody of the minor is liable for damages sustained to property not to exceed \$5,000 when the minor commits an offense under Section (1):
 - (a) for the benefit of, at the direction of, or in association with any criminal street gang as defined in Section 76-9-802; or

- (b) to gain recognition, acceptance, membership, or increased status with a criminal street gang.
- (3) The court may make an order for the restitution authorized in this section to be paid by the minor's parent or guardian as part of the minor's disposition order.
- (4) As used in this section, property damage described under Subsection (1)(a) or (c), or Subsection (2), includes graffiti, as defined in Section 76-6-107.
- (5) A court may waive part or all of the liability for damages under this section by the parent or legal guardian if the offender is adjudicated in the juvenile court under Section 78A-6-117 only upon stating on the record that the court finds:
 - (a) good cause; or
 - (b) the parent or legal guardian:
 - (i) made a reasonable effort to restrain the wrongful conduct; and
 - (ii) reported the conduct to the property owner involved or the law enforcement agency having primary jurisdiction after the parent or guardian knew of the minor's unlawful act.
- (6) A report is not required under Subsection (5)(b) from a parent or legal guardian if the minor was arrested or apprehended by a peace officer or by anyone acting on behalf of the property owner involved.
- (7) A conviction for criminal mischief under Section 76-6-106, criminal trespass under Section 76-6-206, or an adjudication under Section 78A-6-117 is not a condition precedent to a civil action authorized under Subsection (1) or (2).
- (8) A parent or guardian is not liable under Subsection (1) or (2) if the parent or guardian made a reasonable effort to supervise and direct their minor child, or, in the event the parent or guardian knew in advance of the possible taking, injury, or destruction by their minor child, made a reasonable effort to restrain the child.

Amended by Chapter 258, 2015 General Session