

78A-6-305 Opportunity for a child to testify or address the court.

- (1) For purposes of this section, "postadjudication hearing" means:
 - (a) a disposition hearing;
 - (b) a permanency hearing; or
 - (c) a review hearing, except a drug court review hearing.
- (2) A child shall be present at any postadjudication hearing in a case relating to the abuse, neglect, or dependency of the child, unless the court determines that:
 - (a) requiring the child to be present at the postadjudication hearing would be detrimental to the child, or impractical; or
 - (b) the child is not sufficiently mature to articulate the child's wishes in relation to the hearing.
- (3) A court may, in the court's discretion, order that a child described in Subsection (2) be present at a hearing that is not a postadjudication hearing.
- (4)
 - (a) Except as provided in Subsection (4)(b), at any hearing in a case relating to the abuse, neglect, or dependency of a child, when the child is present at the hearing, the court shall:
 - (i) ask the child whether the child desires the opportunity to address the court or testify; and
 - (ii) if the child desires an opportunity to address the court or testify, allow the child to address the court or testify.
 - (b) Subsection (4)(a) does not apply if the court determines that:
 - (i) it would be detrimental to the child to comply with Subsection (4)(a); or
 - (ii) the child is not sufficiently mature to articulate the child's wishes in relation to the hearing.
 - (c) Subject to applicable court rules, the court may allow the child to address the court in camera.
- (5) Nothing in this section prohibits a child from being present at a hearing that the child is not required to be at by this section or by court order, unless the court orders otherwise.

Renumbered and Amended by Chapter 3, 2008 General Session