

Effective 9/1/2021

**Chapter 5
Juvenile Justice Services**

**Part 1
Division of Juvenile Justice Services**

80-5-102 Definitions.

As used in this chapter:

- (1) "Account" means the Juvenile Justice Reinvestment Restricted Account created in Section 80-5-302.
- (2)
 - (a) "Adult" means an individual who is 18 years old or older.
 - (b) "Adult" does not include a juvenile offender.
- (3) "Aftercare services" means the same as the term "aftercare" is defined in 45 C.F.R. 1351.1.
- (4) "Authority" means the Youth Parole Authority created in Section 80-5-701.
- (5) "Control" means the authority to detain, restrict, and supervise a juvenile offender in a manner consistent with public safety and the well-being of the juvenile offender and division employees.
- (6) "Director" means the director of the Division of Juvenile Justice Services.
- (7) "Discharge" means the same as that term is defined in Section 80-6-102.
- (8) "Division" means the Division of Juvenile Justice Services created in Section 80-5-103.
- (9) "Homeless youth" means a child, other than an emancipated minor:
 - (a) who is a runaway; or
 - (b) who is:
 - (i) not accompanied by the child's parent or guardian; and
 - (ii) without care, as defined in Section 80-5-602.
- (10) "Observation and assessment program" means a nonresidential service program operated or purchased by the division that is responsible only for diagnostic assessment of minors, including for substance use disorder, mental health, psychological, and sexual behavior risk assessments.
- (11) "Performance based contracting" means a system of contracting with service providers for the provision of residential or nonresidential services that:
 - (a) provides incentives for the implementation of evidence-based juvenile justice programs or programs rated as effective for reducing recidivism by a standardized tool in accordance with Section 63M-7-208; and
 - (b) provides a premium rate allocation for a minor who receives the evidence-based dosage of treatment and successfully completes the program within three months.
- (12) "Rescission" means the same as that term is defined in Section 80-6-102.
- (13) "Restitution" means the same as that term is defined in Section 80-6-102.
- (14) "Revocation" means the same as that term is defined in Section 80-6-102.
- (15) "Temporary custody" means the same as that term is defined in Section 80-6-102.
- (16) "Temporary homeless youth shelter" means a facility that:
 - (a) provides temporary shelter to homeless youth; and
 - (b) is licensed by the Department of Health and Human Services, created in Section 26B-1-201, as a residential support program.
- (17) "Termination" means the same as that term is defined in Section 80-6-102.
- (18) "Victim" means the same as that term is defined in Section 80-6-102.

(19) "Work program" means a nonresidential public or private service work project established and administered by the division for juvenile offenders for the purpose of rehabilitation, education, and restitution to victims.

(20)

(a) "Youth services" means services provided in an effort to resolve family conflict:

- (i) for families in crisis when a minor is ungovernable or a runaway; or
- (ii) involving a minor and the minor's parent or guardian.

(b) "Youth services" include efforts to:

- (i) resolve family conflict;
- (ii) maintain or reunite minors with the minors' families; and
- (iii) divert minors from entering or escalating in the juvenile justice system.

(c) "Youth services" may provide:

- (i) crisis intervention;
- (ii) short-term shelter;
- (iii) time-out placement; and
- (iv) family counseling.

(21) "Youth services center" means a center established by, or under contract with, the division to provide youth services.

Amended by Chapter 255, 2022 General Session

80-5-103 Creation of division -- Jurisdiction.

- (1) There is created the Division of Juvenile Justice Services within the department.
- (2) The division shall be under the administration and supervision of the executive director of the department.
- (3) The division has jurisdiction over all minors committed to the division under Sections 80-6-703 and 80-6-705.

Renumbered and Amended by Chapter 261, 2021 General Session

80-5-104 Division director -- Qualifications -- Responsibility.

- (1) The executive director of the department shall appoint the director of the division.
- (2) The director shall have a bachelor's degree from an accredited university or college, be experienced in administration, and be knowledgeable in juvenile justice.
- (3) The director is the administrative head of the division.

Renumbered and Amended by Chapter 261, 2021 General Session

Part 2 Division Responsibilities

80-5-201 Division responsibilities.

- (1) The division is responsible for all minors committed to the division by juvenile courts under Sections 80-6-703 and 80-6-705.
- (2) The division shall:

- (a) establish and administer a continuum of community, secure, and nonsecure programs for all minors committed to the division;
 - (b) establish and maintain all detention and secure care facilities and set minimum standards for all detention and secure care facilities;
 - (c) establish and operate prevention and early intervention youth services programs for nonadjudicated minors placed with the division;
 - (d) establish observation and assessment programs necessary to serve minors in a nonresidential setting under Subsection 80-6-706(1);
 - (e) place minors committed to the division under Section 80-6-703 in the most appropriate program for supervision and treatment;
 - (f) employ staff necessary to:
 - (i) supervise and control minors committed to the division for secure care or placement in the community;
 - (ii) supervise and coordinate treatment of minors committed to the division for placement in community-based programs; and
 - (iii) control and supervise adjudicated and nonadjudicated minors placed with the division for temporary services in juvenile receiving centers, youth services, and other programs established by the division;
 - (g) control or detain a minor committed to the division, or in the temporary custody of the division, in a manner that is consistent with public safety and rules made by the division;
 - (h) establish and operate work programs for minors committed to the division by the juvenile court that:
 - (i) are not residential;
 - (ii) provide labor to help in the operation, repair, and maintenance of public facilities, parks, highways, and other programs designated by the division;
 - (iii) provide educational and prevocational programs in cooperation with the State Board of Education for minors placed in the program; and
 - (iv) provide counseling to minors;
 - (i) establish minimum standards for the operation of all private residential and nonresidential rehabilitation facilities that provide services to minors who have committed an offense in this state or in any other state;
 - (j) provide regular training for secure care staff, detention staff, case management staff, and staff of the community-based programs;
 - (k) designate employees to obtain the saliva DNA specimens required under Section 53-10-403;
 - (l) ensure that the designated employees receive appropriate training and that the specimens are obtained in accordance with accepted protocol;
 - (m) register an individual with the Department of Corrections who:
 - (i) is adjudicated for an offense listed in Subsection 77-41-102(17)(a) or 77-43-102(2);
 - (ii) is committed to the division for secure care; and
 - (iii)
 - (A) if the individual is a youth offender, remains in the division's custody 30 days before the individual's 21st birthday; or
 - (B) if the individual is a serious youth offender, remains in the division's custody 30 days before the individual's 25th birthday; and
 - (n) ensure that a program delivered to a minor under this section is an evidence-based program in accordance with Section 63M-7-208.
- (3)

- (a) The division is authorized to employ special function officers, as defined in Section 53-13-105, to:
 - (i) locate and apprehend minors who have absconded from division custody;
 - (ii) transport minors taken into custody in accordance with division policy;
 - (iii) investigate cases; and
 - (iv) carry out other duties as assigned by the division.
- (b) A special function officer may be:
 - (i) employed through a contract with the Department of Public Safety, or any law enforcement agency certified by the Peace Officer Standards and Training Division; or
 - (ii) directly hired by the division.
- (4) In the event of an unauthorized leave from secure care, detention, a community-based program, a juvenile receiving center, a home, or any other designated placement of a minor, a division employee has the authority and duty to locate and apprehend the minor, or to initiate action with a local law enforcement agency for assistance.
- (5) The division may proceed with an initial medical screening or assessment of a child admitted to a detention facility to ensure the safety of the child and others in the detention facility if the division makes a good faith effort to obtain consent for the screening or assessment from the child's parent or guardian.

Amended by Chapter 155, 2022 General Session

80-5-202 Division rulemaking authority -- Reports on sexual assault.

- (1) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the division shall make rules to:
 - (a) establish standards for the admission of a minor to detention;
 - (b) describe good behavior for which credit may be earned under Subsection 80-6-704(4);
 - (c) establish a formula, in consultation with the Office of the Legislative Fiscal Analyst, to calculate savings from General Fund appropriations under 2017 Laws of Utah, Chapter 330, resulting from the reduction in out-of-home placements for juvenile offenders with the division;
 - (d) establish policies and procedures regarding sexual assaults that occur in detention and secure care facilities; and
 - (e) establish the qualifications and conditions for services provided by the division under Section 80-6-809.
- (2) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the division may make rules:
 - (a) that govern the operation of prevention and early intervention programs, youth service programs, juvenile receiving centers, and other programs described in Section 80-5-401; and
 - (b) that govern the operation of detention and secure care facilities.
- (3) A rule made by the division under Subsection (1)(a):
 - (a) may not permit secure detention based solely on the existence of multiple status offenses, misdemeanors, or infractions arising out of a single criminal episode; and
 - (b) shall prioritize use of home detention for a minor who might otherwise be held in secure detention.
- (4) The rules described in Subsection (1)(d) shall:
 - (a) require education and training, including:
 - (i) providing to minors detained in secure care and detention facilities, at intake and periodically, easy-to-understand information, which is developed and approved by the division, on sexual assault prevention, treatment, reporting, and counseling in consultation with community

- groups with expertise in sexual assault prevention, treatment, reporting, and counseling;
and
 - (ii) providing training specific to sexual assault to division mental health professionals and all division employees who have direct contact with minors regarding treatment and methods of prevention and investigation;
 - (b) require reporting of any incident of sexual assault, including:
 - (i) ensuring the confidentiality of sexual assault reports from minors and the protection of minors who report sexual assault; and
 - (ii) prohibiting retaliation and disincentives for reporting sexual assault;
 - (c) require safety and care for minors who report sexual assault, including:
 - (i) providing, in situations in which there is reason to believe that a sexual assault has occurred, reasonable and appropriate measures to ensure the minor's safety by separating the minor from the minor's assailant, if known;
 - (ii) providing acute trauma care for minors who report sexual assault, including treatment of injuries, HIV prophylaxis measures, and testing for sexually transmitted infections;
 - (iii) providing confidential mental health counseling for minors who report sexual assault, including:
 - (A) access to outside community groups or victim advocates that have expertise in sexual assault counseling; and
 - (B) enabling confidential communication between minors and community groups and victim advocates; and
 - (iv) monitoring minors who report sexual assault for suicidal impulses, post-traumatic stress disorder, depression, and other mental health consequences resulting from the sexual assault;
 - (d) require staff reporting of sexual assault and staff discipline for failure to report or for violating sexual assault policies, including:
 - (i) requiring all division employees to report any knowledge, suspicion, or information regarding an incident of sexual assault to the director or the director's designee;
 - (ii) requiring disciplinary action for a division employee who fails to report as required; and
 - (iii) requiring division employees to be subject to disciplinary sanctions up to and including termination for violating agency sexual assault policies, with termination the presumptive disciplinary sanction for division employees who have engaged in sexual assault, consistent with constitutional due process protections and state personnel laws and rules;
 - (e) require that any report of an incident of sexual assault be referred to the Division of Child and Family Services or a law enforcement agency with jurisdiction over the detention or secure facility in which the alleged sexual assault occurred; and
 - (f) require data collection and reporting of all incidents of sexual assault from each detention and secure care facility.
- (5) The division shall annually report the data described in Section (4)(f) to the Law Enforcement and Criminal Justice Interim Committee.

Amended by Chapter 132, 2022 General Session

Amended by Chapter 203, 2022 General Session

80-5-203 Detention risk assessment tool.

- (1) The division, in conjunction with the Administrative Office of the Courts, shall develop or adopt, and validate on the Utah juvenile population, a statewide detention risk assessment tool.
- (2)

- (a) The division shall administer the detention risk assessment tool for each minor under consideration for detention.
- (b) A designated individual who has completed training to conduct the detention risk assessment tool shall administer the detention risk assessment tool.
- (3) The division and the Administrative Office of the Courts shall establish a scoring system to inform eligibility for placement of a minor in a detention facility or for referral to an alternative to detention.

Renumbered and Amended by Chapter 261, 2021 General Session

80-5-204 Annual review of programs and facilities.

- (1)
 - (a) The division shall:
 - (i) annually review all programs and facilities that provide services to minors who have committed an offense, in this state or in any other state, which would constitute a felony or misdemeanor if committed by an adult; and
 - (ii) license all programs and facilities under Subsection (1)(a)(i) that are in compliance with standards established by the division .
 - (b) The division shall provide a written review to the manager of a program or facility under Subsection (1)(a).
 - (c) A program or facility that is unable or unwilling to comply with the standards established by the division may not be licensed.
- (2) Any private facility or program providing services under this chapter that willfully fails to comply with the standards established by the division is guilty of a class B misdemeanor.

Renumbered and Amended by Chapter 261, 2021 General Session

80-5-205 Contracts with private providers.

- (1) This chapter does not prohibit the division from contracting with private providers or other agencies for:
 - (a) the construction, operation, and maintenance of juvenile facilities; or
 - (b) the provision of care, treatment, and supervision of minors who have been committed to the division.
- (2) All programs for the care, treatment, and supervision of minors committed to the division shall be licensed in compliance with division standards within six months after commencing operation.
- (3) A contract for the care, treatment, and supervision of a minor committed to the division shall be executed in accordance with the performance-based contracting system developed under Section 63M-7-208.

Renumbered and Amended by Chapter 261, 2021 General Session

80-5-206 Records -- Property of division.

- (1) All records maintained by programs that are under contract with the division to provide services to minors, are the property of the division and shall be returned to the division when the minor is terminated from the program.
- (2) The division shall maintain an accurate audit trail of information provided to other programs or agencies regarding minors under the division's jurisdiction.

Renumbered and Amended by Chapter 261, 2021 General Session

80-5-207 Restitution by a minor committed to the division.

- (1)
 - (a) The division shall make reasonable efforts to ensure that restitution is made to the victim of a minor who is committed to the division.
 - (b) Except as provided in Subsection (1)(c), restitution shall be made through the employment of minors in work programs.
 - (c) Reimbursement to the victim of a minor is conditional upon the minor's involvement in the work program.
- (2) The division shall notify the juvenile court of all restitution paid to victims through the employment of a minor, who is committed to the division, in a work program.

Renumbered and Amended by Chapter 261, 2021 General Session

80-5-208 Care of pregnant minor in secure detention or secure care.

- (1) When a minor in secure detention or secure care is pregnant, the division shall:
 - (a) ensure that adequate prenatal and postnatal care is provided; and
 - (b) place the minor in an accredited hospital before delivery.
- (2) As soon as the minor's condition after delivery will permit, the minor may be returned to:
 - (a) secure detention if the minor was placed in secure detention; or
 - (b) secure care if the minor was committed to secure care.
- (3) If the division has concerns regarding the minor's fitness to raise the minor's child, the division shall make a referral for services for the minor and the minor's child to the Division of Child and Family Services.

Renumbered and Amended by Chapter 261, 2021 General Session

**Part 3
Funds and Accounts**

80-5-301 Appropriation and funding of juvenile receiving centers.

Funding for juvenile receiving centers and youth services programs under this part is intended to be broad based, be provided by an appropriation by the Legislature to the division, and include federal grant money, local government money, and private donations.

Renumbered and Amended by Chapter 261, 2021 General Session

80-5-302 Juvenile Justice Reinvestment Restricted Account.

- (1) There is created in the General Fund a restricted account known as the "Juvenile Justice Reinvestment Restricted Account."
- (2) The account shall be funded by savings calculated from General Fund appropriations by the Division of Finance as described in Subsection (3).
- (3) At the end of the fiscal year, the Division of Finance shall:

- (a) use the formula established in Subsection 80-5-202(1)(c) to calculate the savings from General Fund appropriations; and
 - (b) lapse the calculated savings into the account.
- (4) Upon appropriation by the Legislature, the department may expend funds from the account:
- (a) for the statewide expansion of nonresidential community-based programs, including:
 - (i) receiving centers;
 - (ii) mobile crisis outreach teams;
 - (iii) youth courts under Title 80, Chapter 6, Part 9, Youth Court; and
 - (iv) victim-offender mediation under Section 80-6-304 and Subsection 80-6-710(6);
 - (b) for nonresidential evidence-based programs and practices in cognitive, behavioral, and family therapy;
 - (c) to implement:
 - (i) nonresidential diagnostic assessment; and
 - (ii) nonresidential early intervention programs, including family strengthening programs, family wraparound services, and truancy interventions; or
 - (d) for infrastructure in nonresidential evidence-based juvenile justice programs, including staffing and transportation.

Amended by Chapter 155, 2022 General Session

80-5-303 Report on the Juvenile Justice Reinvestment Restricted Account.

No later than December 31 of each year, the division shall provide to the Executive Offices and Criminal Justice Appropriations Subcommittee a written report of the division's activities under Subsection 80-5-202(1)(c) and Section 80-5-302, including:

- (1) for the report submitted in 2019, the formula used to calculate the savings from General Fund appropriations under Subsection 80-5-202(1)(c);
- (2) the amount of savings from General Fund appropriations calculated by the division for the previous fiscal year;
- (3) an accounting of the money expended or committed to be expended under Subsection 80-5-302(4); and
- (4) the balance of the account.

Renumbered and Amended by Chapter 261, 2021 General Session

**Part 4
Programs**

80-5-401 Youth services for prevention and early intervention -- Program standards -- Program services.

- (1) The division shall establish and operate prevention and early intervention youth services programs.
- (2) The division shall adopt statewide policies and procedures, including minimum standards for the organization and operation of youth services programs.
- (3) The division shall establish housing, programs, and procedures to ensure that minors who are receiving services under this section and who are not committed to the division are served separately from minors who are committed to the division.

- (4) The division may enter into contracts with state and local governmental entities and private providers to provide the youth services.
- (5) The division shall establish and administer juvenile receiving centers and other programs to provide temporary custody, care, risk-needs assessments, evaluations, and control for nonadjudicated and adjudicated minors placed with the division.
- (6) The division shall prioritize use of evidence-based juvenile justice programs and practices.

Renumbered and Amended by Chapter 261, 2021 General Session

80-5-402 Community-based programs.

- (1)
 - (a) The division shall operate residential and nonresidential community-based programs to provide care, treatment, and supervision for minors committed to the division by juvenile courts.
 - (b) The division shall operate or contract for nonresidential community-based programs and independent living programs to provide care, treatment, and supervision of paroled juvenile offenders.
- (2) The division shall adopt minimum standards for the organization and operation of community-based programs for minors.
- (3) The division shall place minors committed to the division for community-based programs in the most appropriate program based upon the division's evaluation of the minor's needs and the division's available resources in accordance with Sections 80-6-703 and 80-6-804.

Renumbered and Amended by Chapter 261, 2021 General Session

80-5-403 Case management staff.

- (1) The division shall provide a sufficient number of case management staff members to provide care, treatment, and supervision for juvenile offenders on parole and for minors committed to the division by the juvenile courts for community-based programs.
- (2)
 - (a) Case management staff shall develop treatment programs for each minor in the community, provide appropriate services, and monitor individual progress.
 - (b) Progress reports shall be filed every three months with:
 - (i) the juvenile court for each minor committed to the division for community-based programs; and
 - (ii) the authority for each juvenile offender on parole.
 - (c) The authority, in the case of juvenile offenders on parole, or the juvenile court, in the case of minors committed to the division for placement in community programs, shall be immediately notified, in writing, of any violation of law or of conditions of parole or placement.
- (3) Case management staff shall:
 - (a) conduct investigations and make reports requested by a juvenile court to aid the juvenile court in determining appropriate case dispositions; and
 - (b) conduct investigations and make reports requested by the authority to aid the authority in making appropriate dispositions in cases of parole, revocation, and termination.

Renumbered and Amended by Chapter 261, 2021 General Session

Part 5 Facilities

80-5-501 Detention facilities and services.

- (1) The division shall provide detention facilities and services in each county, or group of counties, as the population demands, in accordance with this chapter.
- (2)
 - (a) The division is responsible for development, implementation, and administration of home detention services available in every judicial district.
 - (b) The division shall establish criteria for placement in home detention.
- (3) The division shall provide training regarding implementation of the rules made under Subsection 80-5-202(1)(a) to law enforcement agencies, division employees, juvenile court employees, and other affected agencies and individuals upon their request.

Renumbered and Amended by Chapter 261, 2021 General Session

80-5-502 New detention facilities.

- (1) The division may issue requests for proposals to allow for the private construction of facilities suitable to meet the detention requirements of any county or group of counties, subject to approval by the governor.
- (2) The governor shall furnish an analysis of the benefits of the proposals received to the Infrastructure and General Government Appropriations Subcommittee for the subcommittee's review.

Renumbered and Amended by Chapter 261, 2021 General Session

80-5-503 Secure care facilities.

- (1) The division shall maintain and operate secure care facilities for the custody and rehabilitation of juvenile offenders:
 - (a) who pose a danger of serious bodily harm to others;
 - (b) who cannot be controlled in a less secure setting; or
 - (c) who have engaged in a pattern of conduct characterized by persistent and serious criminal offenses that, as demonstrated through the use of other alternatives, cannot be controlled in a less secure setting.
- (2)
 - (a) The director shall appoint an administrator for each secure care facility.
 - (b) An administrator of a secure care facility shall have experience in social work, law, criminology, corrections, or a related field, and in administration.
- (3)
 - (a)
 - (i) The division, in cooperation with the State Board of Education, shall provide instruction, or make instruction available, to juvenile offenders in secure care facilities.
 - (ii) The instruction shall be appropriate to the age, needs, and range of abilities of the juvenile offender.
 - (b) A secure care facility shall:

- (i) assess each juvenile offender to determine the juvenile offender's abilities, possible learning disabilities, interests, attitudes, and other attributes related to appropriate educational programs; and
 - (ii) provide prevocational education to juvenile offenders to acquaint juvenile offenders with vocations, and vocational requirements and opportunities.
- (4) The division shall place juvenile offenders who have been committed to the division for secure care in a secure care facility, operated by the division or by a private entity, that is appropriate to ensure that humane care and rehabilitation opportunities are afforded to the juvenile offender.
- (5) The division shall adopt standards, policies, and procedures for the regulation and operation of secure care facilities, consistent with state and federal law.

Renumbered and Amended by Chapter 261, 2021 General Session

Part 6

Runaways and Ungovernable Children

80-5-601 Harboring a runaway -- Reporting requirements -- Division of Child and Family Services to provide assistance -- Affirmative defense -- Providing shelter after notice.

- (1) As used in this section, "harbor" means to provide shelter in:
- (a) the home of the person who is providing shelter; or
 - (b) any structure over which the person providing the shelter has any control.
- (2) Except as provided in Subsection (3), a person is guilty of a class B misdemeanor if the person:
- (a) knowingly and intentionally harbors a child;
 - (b) knows at the time of harboring the child that the child is a runaway;
 - (c) fails to notify one of the following, by telephone or other reasonable means, of the location of the child:
 - (i) the parent or guardian of the child;
 - (ii) the division; or
 - (iii) a youth services center; and
 - (d) fails to notify a person described in Subsection (2)(c) within eight hours after the later of:
 - (i) the time that the person becomes aware that the child is a runaway; or
 - (ii) the time that the person begins harboring the child.
- (3) A person described in Subsection (2) is not guilty of a violation of Subsection (2) and is not required to comply with Subsections (2)(c) and (d), if:
- (a)
 - (i) a court order is issued authorizing a peace officer to take the child into custody; and
 - (ii) the person notifies a peace officer, or the nearest detention facility, by telephone or other reasonable means, of the location of the child, within eight hours after the later of:
 - (A) the time that the person becomes aware that the child is a runaway; or
 - (B) the time that the person begins harboring the child; or
 - (b)
 - (i) the child is a runaway who consents to shelter, care, or licensed services under Section 80-5-602; and
 - (ii)
 - (A) the person is unable to locate the child's parent or guardian; or

- (B) the child refuses to disclose the contact information for the child's parent or guardian.
- (4) A person described in Subsection (2) shall provide a report to the division:
 - (a) if the person has an obligation under Section 80-2-602 to report child abuse or neglect; or
 - (b) if, within 48 hours after the person begins harboring the child:
 - (i) the person continues to harbor the child; and
 - (ii) the person does not make direct contact with:
 - (A) a parent or guardian of the child;
 - (B) the division;
 - (C) a youth services center; or
 - (D) a peace officer or the nearest detention facility if a court order is issued authorizing a peace officer to take the child into custody.
- (5) It is an affirmative defense to the crime described in Subsection (2) that:
 - (a) the person failed to provide notice as described in Subsection (2) or (3) due to circumstances beyond the control of the person providing the shelter; and
 - (b) the person provided the notice described in Subsection (2) or (3) as soon as it was reasonably practicable to provide the notice.
- (6) Upon receipt of a report that a runaway is being harbored by a person:
 - (a) a youth services center shall:
 - (i) notify the runaway's parent or guardian that a report has been made; and
 - (ii) inform the runaway's parent or guardian of assistance available from the youth services center; or
 - (b) the division shall:
 - (i) make a referral to the Division of Child and Family Services to determine whether the runaway is abused, neglected, or dependent; and
 - (ii) if appropriate, make a referral for services for the runaway.
- (7)
 - (a) A parent or guardian of a runaway who is aware that the runaway is being harbored may notify a law enforcement agency and request assistance in retrieving the runaway.
 - (b) The local law enforcement agency may assist the parent or guardian in retrieving the runaway.
- (8) Nothing in this section prohibits a person from continuing to provide shelter to a runaway, after giving the notice described in Subsections (2) through (4), if:
 - (a) a parent or guardian of the runaway consents to the continued provision of shelter; or
 - (b) a peace officer or a parent or guardian of the runaway fails to retrieve the runaway.
- (9) Nothing in this section prohibits a person from providing shelter to a child whose parent or guardian has intentionally:
 - (a) ceased to maintain physical custody of the child; and
 - (b) failed to make reasonable arrangements for the safety, care, and physical custody of the child.
- (10) Nothing in this section prohibits:
 - (a) a juvenile receiving center or a youth services center from providing shelter to a runaway in accordance with the requirements of this chapter and the rules relating to a juvenile receiving center or a youth services center; or
 - (b) a government agency from taking custody of a child as otherwise provided by law.

Amended by Chapter 334, 2022 General Session

80-5-602 Homeless youth -- Consent to shelter, care, or services by a homeless youth.

- (1) As used in this section:
 - (a) "Care" means providing:
 - (i) assistance to obtain food, clothing, hygiene products, or other basic necessities;
 - (ii) access to a bed, showering facility, or transportation; or
 - (iii) assistance with school enrollment or attendance.
 - (b) "Licensed services" means a service provided by a temporary homeless youth shelter, a youth services center, or other facility that is licensed to provide the service to a homeless youth.
 - (c) "Service" means:
 - (i) youth services;
 - (ii) child welfare or juvenile court case management or advocacy;
 - (iii) aftercare services; or
 - (iv) independent living skills training.
- (2) A homeless youth may consent to temporary shelter, care, or licensed services if the homeless youth:
 - (a) is at least 15 years old; and
 - (b) manages the homeless youth's own financial affairs, regardless of the source of income.
- (3) In determining consent under Subsection (2), a person may rely on the homeless youth's verbal or written statement describing the homeless youth's ability to consent to temporary shelter, care, or licensed services.
- (4) A person who provides shelter, care, or licensed services to a homeless youth who consents to the shelter, care, or licensed services under Subsection (2):
 - (a) shall report to the division as required under Subsection 80-5-601(4); and
 - (b) may provide the homeless youth a referral to temporary or permanent housing, employment resources, medical or dental providers, or counseling.

Amended by Chapter 256, 2021 General Session

Renumbered and Amended by Chapter 261, 2021 General Session

80-5-603 Assessment of an ungovernable or runaway child for services.

- (1) If a juvenile court finds that a child is ungovernable or a runaway, or that the family is in crisis, the juvenile court may order the division to conduct an assessment to determine whether it would be appropriate for the division to provide prevention and early intervention youth services, as described in Section 80-5-401, to the child.
- (2) If the division determines that provision of prevention and early intervention youth services is appropriate under Subsection (1), the division shall provide the services to the ungovernable or runaway child.

Renumbered and Amended by Chapter 261, 2021 General Session

Part 7
Youth Parole Authority

80-5-701 Youth Parole Authority -- Creation -- Members.

- (1) There is created the Youth Parole Authority within the division.
- (2)

- (a) The authority is composed of 10 part-time members and five pro tempore members who are residents of this state.
- (b) No more than three pro tempore members may serve on the authority at any one time.

Renumbered and Amended by Chapter 261, 2021 General Session

80-5-702 Member qualifications -- Expenses.

- (1) As used in this section, "member" means both a part-time member and a pro tempore member of the authority.
- (2)
 - (a) Except as required by Subsection (2)(b), the governor, with the advice and consent of the Senate, shall appoint members to four-year terms.
 - (b) The governor shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the terms of members are staggered so that approximately half of the authority is appointed every two years.
- (3) A member shall have training or experience in social work, law, juvenile or criminal justice, or related behavioral sciences.
- (4) When a vacancy occurs in the membership for any reason, the replacement member shall be appointed for the unexpired term.
- (5) During the tenure of the member's appointment, a member may not:
 - (a) be an employee of the department, other than in the member's capacity as a member of the authority;
 - (b) hold any public office;
 - (c) hold any position in the state's juvenile justice system; or
 - (d) be an employee, officer, advisor, policy board member, or subcontractor of any juvenile justice agency or the juvenile justice agency's contractor.
- (6) In extraordinary circumstances or when a regular member is absent or otherwise unavailable, the chair may assign a pro tempore member to act in the absent member's place.
- (7) A member may not receive compensation or benefits for the member's service but may receive per diem and travel expenses in accordance with:
 - (a) Section 63A-3-106;
 - (b) Section 63A-3-107; and
 - (c) rules made by the Division of Finance in accordance with Sections 63A-3-106 and 63A-3-107.

Enacted by Chapter 261, 2021 General Session

80-5-703 Authority responsibilities -- Administrative officer of the authority.

- (1) The authority is responsible for:
 - (a) the release of a juvenile offender from secure care; and
 - (b) the rescission, revocation, and termination of parole for a juvenile offender.
- (2) In accordance with Chapter 6, Part 8, Commitment and Parole, the authority shall:
 - (a) determine when and under what conditions a juvenile offender in secure care is eligible for parole;
 - (b) establish policies and procedures regarding:
 - (i) the authority's governance, meetings, and hearings;
 - (ii) the conduct of proceedings before the authority;
 - (iii) the parole of a juvenile offender; and

- (iv) for which parole for a juvenile offender may be granted, rescinded, revoked, modified, and terminated; and
 - (c) determine appropriate parole dates for juvenile offenders.
- (3) The division's case management staff shall:
- (a) implement plans for parole; and
 - (b) supervise a juvenile offender on parole.
- (4) The division shall:
- (a) permit the authority to have reasonable access to a juvenile offender in secure care; and
 - (b) furnish all pertinent data requested by the authority in matters of parole, revocation, and termination.
- (5) The director shall appoint an administrative officer of the authority.
- (6) The administrative officer is responsible for the day-to-day operations of the authority.
- (7) The authority and the administrative officer have power to:
- (a) issue subpoenas;
 - (b) compel attendance of witnesses;
 - (c) compel production of books, papers, and other documents; and
 - (d) administer oaths and take testimony under oath for the purposes of conducting the hearings.
- (8) The administrative officer shall maintain summary records of all hearings and provide written notice to the juvenile offender of a decision and the reason for the decision.

Enacted by Chapter 261, 2021 General Session