

Effective 5/7/2025

80-6-201 Minor taken into temporary custody by peace officer, private individual, or probation officer -- Grounds -- Protective custody.

- (1) A minor may be taken into temporary custody by a peace officer without a court order, or a warrant under Section 80-6-202, if the peace officer has probable cause to believe that:
 - (a) the minor has committed an offense under municipal, state, or federal law;
 - (b) the minor seriously endangers the minor's own welfare or the welfare of others and taking the minor into temporary custody appears to be necessary for the protection of the minor or others;
 - (c) the minor has run away or escaped from the minor's parents, guardian, or custodian; or
 - (d) the minor is:
 - (i) subject to the state's compulsory education law; and
 - (ii) subject to Sections 53G-6-208 and 53G-8-211, absent from school without legitimate or valid excuse.
- (2) A private individual may take a minor into temporary custody if under the circumstances the private individual would be lawfully able to effect a temporary detention under Section 77-7-3 if the minor was an adult.
- (3) A juvenile probation officer may take a minor into temporary custody:
 - (a) under the same circumstances as a peace officer in Subsection (1); or
 - (b) if the juvenile probation officer has a reasonable suspicion that the minor has violated the conditions of the minor's probation.
- (4)
 - (a) Nothing in this part shall be construed to prevent a peace officer or the Division of Child and Family Services from taking a minor into protective custody under Section 80-2a-202 or 80-3-204.
 - (b) If a peace officer or the Division of Child and Family Services takes a minor into protective custody, the provisions of Chapter 2, Child Welfare Services, Chapter 2a, Removal and Protective Custody of a Child, and Chapter 3, Abuse, Neglect, and Dependency Proceedings shall govern.

Amended by Chapter 199, 2025 General Session