

1st Sub. S.B. 98
AMENDMENTS - CHILD ABUSE DATABASE

Senator **Poulton** proposes the following amendments:

1. Page 1, Line 11: After the semicolon insert:
"CLARIFYING WHEN A PERSON'S CONDUCT DOES NOT CONSTITUTE CHILD ABUSE OR NEGLECT;"
2. Page 1, Line 21: After line 21 insert:
"**30-3-5.2**, as last amended by Chapters 79 and 318, Laws of Utah 1996"
3. Page 2, Line 28: After line 28 insert:
"Section 1. Section **30-3-5.2** is amended to read:
30-3-5.2. Allegations of child abuse or child sexual abuse -- Investigation.
When, in any divorce proceeding or upon a request for modification of a divorce decree, an allegation of child abuse or child sexual abuse is made, implicating either party, the court shall order that an investigation be conducted by the Division of Child and Family Services within the Department of Human Services in accordance with Title 62A, Chapter 4a. A final award of custody or visitation may not be rendered until a report on that investigation, consistent with Section 62A-4a-412, is received by the court. That investigation shall be conducted by the Division of Child and Family Services within 30 days of the court's notice and request for an investigation. In reviewing this report, the court shall comply with Section 78-7-9."
- Renumber remaining sections accordingly.**
4. Page 4, Line 105: Delete the colon
5. Page 4, Line 106: Delete "I" and reinstate "only" and after line 106 insert:
"B the division:"
6. Page 4, Line 107: Delete "II" and insert "I"

7. Page 4, Line 111: Delete "(III)" and insert "(II)"
8. Page 4, Line 114: Bracket "(B)" and insert "(C)"
9. Page 5, Line 119: Bracket "(C)" and insert "(D)"
10. Page 5, Line 131: Delete "who has"
11. Page 5, Line 136: After "include" insert ": (A)"
12. Page 5, Line 137: After "Section 76-2-401" insert:
"; or
(B) a person's conduct that:
(I) is justified under Section 76-2-401; or
(II) constituted the use of reasonable and necessary physical
restraint or force in self-defense or otherwise appropriate to the
circumstances to obtain possession of a weapon or other dangerous
object in the possession or under the control of a child or to
protect the child or another person from physical injury."
13. Page 6, Line 160: After line 160 insert:
"(iv) The Department of Health may obtain information in the
possession of the division that relates to a substantiated finding of
abuse or neglect of a person screened under this Subsection (c)."