

1 NOTIFICATION BY SCHOOL OR FAMILY
2 SERVICES TO NONCUSTODIAL PARENT OF
3 CHILD'S DISCIPLINE OR REMOVAL

4 2001 FIRST SPECIAL SESSION

5 STATE OF UTAH

6 Sponsor: Parley Hellewell

7 This act amends the Human Services Code and the State System of Public Education. This
8 act requires a peace officer, case worker, or school to inform a custodial and noncustodial
9 parent when a minor is taken into protective custody or suspended or expelled from school.
10 The act also makes technical corrections.

11 This act affects sections of Utah Code Annotated 1953 as follows:

12 AMENDS:

13 53A-11-903, as last amended by Chapter 97, Laws of Utah 1995

14 62A-4a-202.2, as last amended by Chapter 274, Laws of Utah 2000

15 *Be it enacted by the Legislature of the state of Utah:*

16 Section 1. Section 53A-11-903 is amended to read:

17 53A-11-903. Suspension and expulsion procedures -- Distribution of policies.

18 (1) (a) Policies required under this part shall include written procedures for the suspension
19 and expulsion of, or denial of admission to, a student, consistent with due process and other
20 provisions of law.

21 (b) (i) The policies required in Subsection (1)(a) shall include a procedure directing public
22 schools to notify the custodial parent and, if requested in writing by a noncustodial parent, the
23 noncustodial parent of the suspension and expulsion of, or denial of admission to, a student.

24 (ii) Subsection (1)(b)(i) does not apply to ~~h [a noncustodial parent forbidden to have contact~~
25 with the student under a court order or similar procedure.] THAT PORTION OF SCHOOL RECORDS
26a WHICH WOULD DISCLOSE ANY INFORMATION PROTECTED UNDER A COURT ORDER. h

26 (iii) The custodial parent is responsible for h [advising] PROVIDING TO h the school h [-of
26a the noncustodial parent's
27 status] A CERTIFIED COPY OF THE COURT ORDER h under Subsection (1)(b)(ii) through a
27a procedure adopted by the local school board.



28 (2) (a) Each local school board shall provide for the distribution of a copy of a school's
29 discipline and conduct policy to each student upon enrollment in the school.

30 (b) A copy of the policy shall be posted in a prominent location in each school.

31 (c) Any significant change in a school's conduct and discipline policy shall be distributed
32 to students in the school and posted in the school in a prominent location.

33 Section 2. Section 62A-4a-202.2 is amended to read:

34 **62A-4a-202.2. Notice to parent upon removal of child -- Written statement of**
35 **procedural rights and preliminary proceedings.**

36 (1) (a) Any peace officer or caseworker who takes a minor into protective custody pursuant
37 to Section 62A-4a-202.1 shall immediately **§ USE REASONABLE EFFORTS TO LOCATE AND §**
37a inform, through the most efficient means available, the

38 [~~parent,~~] parents, including a noncustodial parent, the guardian, or responsible relative:

39 [~~(a)~~] (i) that the minor has been taken into protective custody;

40 [~~(b)~~] (ii) the reasons for removal and placement in protective custody;

41 [~~(c)~~] (iii) that a written statement is available that explains the parent's procedural rights
42 and the preliminary stages of the investigation and shelter hearing; and

43 [~~(d)~~] (iv) of a telephone number where the parent may access further information.

44 (b) For purposes of **§ LOCATING AND §** informing the noncustodial parent as required in
44a Subsection (1), the

45 division shall search for the noncustodial parent through the national parent locator database

45a **§ IF THE DIVISION IS UNABLE TO LOCATE THE NONCUSTODIAL PARENT THROUGH OTHER**

45b **REASONABLE EFFORTS § .**

46 (2) The attorney general's office shall adopt, print, and distribute a form for the written
47 statement described in Subsection (1)[~~(c)~~] (a)(iii). The statement shall be made available to the
48 division and for distribution in schools, health care facilities, local police and sheriff's offices, the
49 division, and any other appropriate office within the Department of Human Services. The notice
50 shall be in simple language and include at least the following information:

51 (a) the conditions under which a minor may be released, hearings that may be required,
52 and the means by which the parent may access further specific information about a minor's case
53 and conditions of protective and temporary custody; and

54 (b) the rights of a minor and of the parent or guardian to legal counsel and to appeal.

55 (3) If a good faith attempt was made by the peace officer or caseworker to notify the parent
56 or guardian in accordance with the requirements of Subsection (1), failure to notify shall be
57 considered to be due to circumstances beyond the control of the peace officer or caseworker and
58 may not be construed to permit a new defense to any juvenile or judicial proceeding or to interfere

59 with any rights, procedures, or investigations provided for by this chapter or [~~Title 62A~~] Title 78,
60 Chapter 3a, Juvenile Courts.

Legislative Review Note
as of 6-5-01 3:47 PM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel