

**RESPONSIBILITY OF ATTORNEY GENERAL
TO REPRESENT DIVISION OF CHILD AND
FAMILY SERVICES**

2002 GENERAL SESSION

STATE OF UTAH

Sponsor: Matt Throckmorton

This act amends the Human Services Code. The act provides that in its role of enforcing code provisions relating to the protection and custody of abused, neglected, or dependent minors the attorney general acts under the direction of the Division of Child and Family Services. The act makes technical changes.

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

AMENDS:

62A-4a-113, as last amended by Chapter 274, Laws of Utah 1998

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

Section 1. Section **62A-4a-113** is amended to read:

62A-4a-113. Division's enforcement authority -- Responsibility of attorney general to represent division.

(1) The division shall take legal action that is necessary to enforce the provisions of this chapter.

(2) (a) ~~[The]~~ As directed by the division, the attorney general shall enforce all provisions of this chapter, in addition to the requirements of Title 78, Chapter 3a, Juvenile Court Act of 1996, relating to protection and custody of abused, neglected, or dependent ~~[children]~~ minors. The attorney general may contract with the local county attorney to enforce the provisions of this chapter and Title 78, Chapter 3a.

(b) It is the responsibility of the attorney general's office to:

(i) advise the division regarding decisions to remove a ~~[child]~~ minor from ~~[his]~~ the minor's home;



28 (ii) represent the division in all court and administrative proceedings related to child abuse,
29 neglect, and dependency including, but not limited to, shelter hearings, dispositional hearings,
30 dispositional review hearings, periodic review hearings, and petitions for termination of parental
31 rights; and

32 (iii) be available to and advise caseworkers on an ongoing basis.

33 (c) The attorney general shall designate no less than 16 full-time attorneys to advise and
34 represent the division in abuse, neglect, and dependency proceedings, including petitions for
35 termination of parental rights. Those attorneys shall devote their full time and attention to that
36 representation and, insofar as it is practicable, shall be housed in or near various offices of the
37 division statewide.

38 (3) As of July 1, 1998, the attorney general's office shall represent the division with regard
39 to actions involving minors who have not been adjudicated as abused or neglected, but who are
40 otherwise committed to the custody of the division by the juvenile court, and who are classified
41 in the division's management information system as having been placed in custody primarily on
42 the basis of delinquent behavior or a status offense. Nothing in this section may be construed to
43 affect the responsibility of the county attorney or district attorney to represent the state in those
44 matters, in accordance with Section 78-3a-116.

Legislative Review Note
as of 10-26-01 9:48 AM

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

Office of Legislative Research and General Counsel