

28 (c) sexual exploitation; or

29 (d) any sexual abuse.

30 (2) "Adoption services" means placing children for adoption, subsidizing adoptions under
31 Section 62A-4a-105, supervising adoption placements until the adoption is finalized by the court,
32 conducting adoption studies, preparing adoption reports upon request of the court, and providing
33 postadoptive placement services, upon request of a family, for the purpose of stabilizing a possible
34 disruptive placement.

35 (3) "Board" means the Board of Child and Family Services established in accordance with
36 Sections 62A-1-105, 62A-1-107, and 62A-4a-102.

37 (4) "Consumer" means a person who receives services offered by the division in
38 accordance with this chapter.

39 (5) "Custody," with regard to the division, means the custody of a child in the division as
40 of the date of disposition.

41 (6) "Day-care services" means care of a child for a portion of the day which is less than
42 24 hours, in his own home by a responsible person, or outside of his home in a day-care center,
43 family group home, or family child care home.

44 (7) "Dependent child" means a child who is homeless or without proper care through no
45 fault of his parent, guardian, or custodian.

46 (8) "Director" means the director of the Division of Child and Family Services.

47 (9) "Division" means the Division of Child and Family Services.

48 (10) (a) "Domestic violence services" means temporary shelter, treatment, and related
49 services to persons who are victims of abuse and their dependent children and treatment services
50 for domestic violence perpetrators.

51 (b) As used in this Subsection (10) "abuse" means the same as that term is defined in
52 Section 30-6-1, and "domestic violence perpetrator" means a person who is alleged to have
53 committed, has been convicted of, or has pled guilty to an act of domestic violence as defined in
54 Subsection 77-36-1(2).

55 (11) "Homemaking service" means the care of individuals in their domiciles, and help
56 given to individual caretaker relatives to achieve improved household and family management
57 through the services of a trained homemaker.

58 (12) "Minor" means a person under 18 years of age. "Minor" may also include a person

59 under 21 years of age for whom the division has been specifically ordered by the juvenile court to
60 provide services.

61 (13) "Natural parent" means a child's biological or adoptive parent, and includes a child's
62 noncustodial parent.

63 (14) (a) "Neglect" means:

64 (i) abandonment of a child, except as provided in Title 62A, Chapter 4a, Part 8, Safe
65 Relinquishment of a Newborn Child;

66 (ii) subjecting a child to mistreatment or abuse;

67 (iii) lack of proper parental care by reason of the fault or habits of the parent, guardian, or
68 custodian;

69 (iv) failure or refusal of a parent, guardian, or custodian to provide proper or necessary
70 subsistence, education, or medical care, including surgery or psychiatric services when required,
71 or any other care necessary for his health, safety, morals, or well-being; or

72 (v) a child at risk of being neglected or abused because another child in the same home is
73 neglected or abused.

74 (b) The aspect of neglect relating to education, described in Subsection (14)(a)(iv), means
75 that, after receiving notice that a child has been frequently absent from school without good cause,
76 or that the child has failed to cooperate with school authorities in a reasonable manner, a parent
77 or guardian fails to make a good faith effort to ensure that the child receives an appropriate
78 education.

79 (c) A parent or guardian legitimately practicing religious beliefs and who, for that reason,
80 does not provide specified medical treatment for a child, is not guilty of neglect.

81 (15) "Protective custody," with regard to the division, means the shelter of a child by the
82 division from the time he is removed from his home until the shelter hearing, or his return home,
83 whichever occurs earlier.

84 (16) "Protective services" means expedited services that are provided:

85 (a) in response to evidence of neglect, abuse, or exploitation of a minor;

86 (b) in an effort to substantiate evidence of neglect, abuse, or exploitation;

87 (c) to a cohabitant who is neglecting or abusing a child, in order to help him develop
88 recognition of his duty of care and of the causes of neglect or abuse, and to strengthen his ability
89 to provide safe and acceptable care; and

90 (d) in cases where the child's welfare is endangered:

91 (i) to bring the situation to the attention of the appropriate juvenile court and law
92 enforcement agency;

93 (ii) to cause a protective order to be issued for the protection of the child, when
94 appropriate; and

95 (iii) to protect the child from the circumstances that endanger his welfare including, when
96 appropriate, removal from his home, placement in substitute care, and petitioning the court for
97 termination of parental rights.

98 (17) "Services to unwed parents" means social, educational, and medical services arranged
99 for or provided to unwed parents to help them plan for themselves and the unborn child.

100 (18) "Shelter care" means the temporary care of minors in nonsecure facilities.

101 (19) "State" means a state of the United States, the District of Columbia, the
102 Commonwealth of Puerto Rico, the Virgin Islands, Guam, the Commonwealth of the Northern
103 Mariana Islands, or a territory or possession administered by the United States.

104 (20) "State plan" means the written description of the programs for children, youth, and
105 family services administered by the division in accordance with federal law.

106 [~~(21) "Status offender" means a minor who has been declared a runaway or ungovernable.~~]

107 (21) "Status offense" means a violation of the law that would not be a violation but for the
108 age of the offender.

109 (22) "Substitute care" means:

110 (a) the placement of a minor in a family home, group care facility, or other placement
111 outside the minor's own home, either at the request of a parent or other responsible relative, or
112 upon court order, when it is determined that continuation of care in the child's own home would
113 be contrary to the child's welfare;

114 (b) services provided for a child awaiting placement; and

115 (c) the licensing and supervision of a substitute care facility.

116 (23) "Temporary custody," with regard to the division, means the custody of a child in the
117 division from the date of the shelter hearing until disposition.

118 (24) "Transportation services" means travel assistance given to an individual with escort
119 service, if necessary, to and from community facilities and resources as part of a service plan.

120 [~~(25) "Youth services" means services provided to families in crisis when a minor is~~

121 ~~ungovernable or runaway or where there is parent-child conflict, in an effort to resolve family~~
122 ~~conflict, maintain or reunite minors with their families, and to divert minors from the juvenile~~
123 ~~justice system. Those services may include crisis intervention, short-term shelter, time-out~~
124 ~~placement, and family counseling.]~~

125 Section 2. Section **62A-4a-102** is amended to read:

126 **62A-4a-102. Board of Child and Family Services.**

127 (1) (a) The Board of Child and Family Services, created in accordance with this section
128 and with Sections 62A-1-105 and 62A-1-107, is responsible for establishing by rule, pursuant to
129 Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the policy of the division in
130 accordance with the requirements of this chapter and Title 78, Chapter 3a, Juvenile Court Act of
131 1996, regarding abuse, neglect, and dependency proceedings, [~~youth services,~~] and domestic
132 violence services. The board is responsible to see that the legislative purposes for the division are
133 carried out.

134 (b) (i) Effective July 1, 1994, the governor shall appoint, with the advice and consent of
135 the Senate, 11 members to the Board of Child and Family Services.

136 (ii) Except as required by Subsection (1)(b)(iii), as terms of current board members expire,
137 the governor shall appoint each new member or reappointed member to a four-year term.

138 (iii) Notwithstanding the requirements of Subsection (1)(b)(ii), the governor shall, at the
139 time of appointment or reappointment, adjust the length of terms to ensure that the terms of board
140 members are staggered so that approximately half of the board is appointed every two years.

141 (c) Two members of the board shall be persons who are or have been consumers, two
142 members of the board shall be persons who are actively involved in children's issues specifically
143 related to abuse and neglect, one member shall be a licensed foster parent, one member shall be
144 a recognized expert in the social, developmental, and mental health needs of children, one member
145 shall be a physician licensed to practice medicine in this state who is also a board certified
146 pediatrician and who is an expert in child abuse and neglect, and one member shall be an adult
147 relative of a child who is or has been in the foster care system.

148 (d) Six members of the board are necessary to constitute a quorum at any meeting.

149 (e) When a vacancy occurs in the membership for any reason, the replacement shall be
150 appointed for the unexpired term.

151 (2) (a) Members shall receive no compensation or benefits for their services, but may

152 receive per diem and expenses incurred in the performance of the member’s official duties at the
153 rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.

154 (b) Members may decline to receive per diem and expenses for their service.

155 (3) The board shall:

156 (a) approve fee schedules for programs within the division;

157 (b) in accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act,
158 establish, by rule, policies to ensure that private citizens, consumers, foster parents, private
159 contract providers, allied state and local agencies, and others are provided with an opportunity to
160 comment and provide input regarding any new policy or proposed revision of an existing policy;
161 and

162 (c) provide a mechanism for systematic and regular review of existing policy and for
163 consideration of policy changes proposed by the persons and agencies described in Subsection
164 (3)(b).

165 (4) (a) The board shall establish a three-member Consumer Hearing Panel to act
166 independently of the board and the division, and to be the sole and final decision-making body to
167 hear, resolve, and make recommendations regarding consumer complaints relating to the division.
168 The board may appoint two alternates to serve on the Consumer Hearing Panel in the event that
169 one or more of the members is unable to serve at any given time. This section does not restrict or
170 limit access to the courts for any person, or override Title 62A, Chapter 2, Licensure of Programs
171 and Facilities, or Title 67, Chapter 19, Utah State Personnel Management Act.

172 (b) The Consumer Hearing Panel may not include any employees of the division.

173 (c) Prior to July 1, 2000, the Consumer Hearing Panel shall establish procedures that:

174 (i) provide for reasonable notice of panel hearings to the appropriate consumers;

175 (ii) require both the division and the consumer to present their respective information,
176 testimony, or evidence at the same hearing unless, after reasonable notice, the consumer fails or
177 refuses to appear at the scheduled panel hearing; and

178 (iii) affirm the right of affected consumers to be provided with pertinent information
179 regarding the substance of the division's position, testimony, or evidence either prior to or at the
180 scheduled panel hearing.

181 (d) The Consumer Hearing Panel shall report its recommendations to the board, the
182 division, and the Legislative Oversight Panel described in Section 62A-4a-207. The division shall

183 comply with the recommendations of the Consumer Hearing Panel.

184 (e) The department shall provide staff to the Consumer Hearing Panel.

185 (f) (i) Members of the panel shall receive a per diem allowance for each day or portion of
186 a day spent in performing the duties of the panel, and shall be reimbursed for all necessary travel
187 expenses.

188 (ii) The per diem reimbursement described in Subsection (4)(f)(i) may not exceed 75 days
189 for any one individual panel member in any fiscal year.

190 (5) The board may create state advisory committees to advise it concerning programs
191 offered by the Division of Child and Family Services. The board shall provide each committee
192 with a specific charge in writing.

193 (6) The board shall establish policies for the determination of eligibility for services
194 offered by the division in accordance with this chapter. The division may, by rule, establish
195 eligibility standards for consumers.

196 (7) The board shall adopt and maintain rules and policies regarding placement for adoption
197 or foster care that are consistent with, and no more restrictive than, applicable statutory provisions.

198 Section 3. Section **62A-4a-103** is amended to read:

199 **62A-4a-103. Division -- Creation -- Purpose.**

200 (1) There is created the Division of Child and Family Services within the department,
201 under the administration and general supervision of the executive director, and under the policy
202 direction of the board. The division is the child, youth, and family services authority of the state
203 and has all functions, powers, duties, rights, and responsibilities created in accordance with this
204 chapter, except those assumed by the board and the department.

205 (2) (a) The primary purpose of the division is to provide child welfare services.

206 (b) The division shall, when possible and appropriate, provide preventive services and
207 family preservation services in an effort to protect the child from the trauma of separation from his
208 family, protect the integrity of the family, and the constitutional rights of parents. In keeping with
209 its ultimate goal and purpose of protecting children, however, when a child's welfare is endangered
210 or reasonable efforts to maintain or reunify a child with his family have failed, the division shall
211 act in a timely fashion in accordance with the requirements of this chapter and Title 78, Chapter
212 3a, Part 3, Abuse, Neglect, and Dependency Proceedings, to provide the child with a stable,
213 permanent environment.

214 (3) ~~[Further purposes of the division are: (a) to]~~ The division shall also provide domestic
215 violence services in accordance with federal law~~[-and]~~.

216 ~~[(b) to provide youth services for minors who are dependent, ungovernable, or runaway~~
217 ~~in accordance with Sections 62A-4a-105 and 62A-4a-106.]~~

218 Section 4. Section **62A-4a-105** is amended to read:

219 **62A-4a-105. Division responsibilities.**

220 The division shall:

221 (1) administer services to children and families, including child welfare services, [~~youth~~
222 ~~services;~~] domestic violence services, and all other responsibilities that the Legislature or the
223 executive director may assign to the division;

224 (2) establish standards for all contract providers of out-of-home care for children and
225 families;

226 (3) cooperate with the federal government in the administration of child welfare, [~~youth~~
227 ~~services;~~] and domestic violence programs and other human service activities assigned by the
228 department;

229 (4) provide for the compilation of relevant information, statistics, and reports on child and
230 family service matters in the state;

231 (5) prepare and submit to the department, the governor, and the Legislature reports of the
232 operation and administration of the division in accordance with the requirements of Sections
233 62A-4a-117 and 62A-4a-118;

234 (6) promote and enforce state and federal laws enacted for the protection of abused,
235 neglected, dependent, delinquent, ungovernable, and runaway children, and status offenders, in
236 accordance with the requirements of this chapter, unless administration is expressly vested in
237 another division or department of the state. In carrying out the provisions of this Subsection (6),
238 the division shall cooperate with the juvenile courts, the Division of Youth Corrections, and with
239 all public and private licensed child welfare agencies and institutions to develop and administer
240 a broad range of services and supports. The division shall take the initiative in all matters
241 involving the protection of abused or neglected children if adequate provisions have not been made
242 or are not likely to be made, and shall make expenditures necessary for the care and protection of
243 those children, within the division's budget;

244 (7) provide substitute care for dependent, abused, neglected, and delinquent children,

245 establish standards for substitute care facilities, and approve those facilities;

246 (8) provide adoption assistance to persons adopting children with special needs under Part
247 9 of this chapter. The financial support provided under this Subsection (8) may not exceed the
248 amounts the division would provide for the child as a legal ward of the state;

249 (9) cooperate with the Division of Employment Development in the Department of
250 Workforce Services in meeting social and economic needs of individuals eligible for public
251 assistance;

252 (10) conduct court-ordered home evaluations for the district and juvenile courts with
253 regard to child custody issues. The court shall order either or both parties to reimburse the division
254 for the cost of that evaluation, in accordance with the community rate for that service or with the
255 department's fee schedule rate;

256 (11) provide noncustodial and in-home preventive services, designed to prevent family
257 breakup, family preservation services, and reunification services to families whose children are in
258 substitute care in accordance with the requirements of this chapter and Title 78, Chapter 3a,
259 Juvenile Court Act of 1996;

260 (12) provide protective supervision of a family, upon court order, in an effort to eliminate
261 abuse or neglect of a child in that family;

262 (13) establish programs and provide services to minors who have been placed in the
263 custody of the division for reasons other than abuse or neglect, pursuant to Section 62A-4a-250[;
264 and provide services to runaway and ungovernable children and their families];

265 (14) provide shelter care in accordance with the requirements of this chapter and Title 78,
266 Chapter 3a, Juvenile Court Act of 1996;

267 (15) provide social studies and reports for the juvenile court in accordance with Section
268 78-3a-505;

269 (16) arrange for and provide training for staff and providers involved in the administration
270 and delivery of services offered by the division in accordance with this chapter;

271 (17) provide domestic violence services in accordance with the requirements of federal
272 law, and establish standards for all direct or contract providers of domestic violence services.
273 Within appropriations from the Legislature, the division shall provide or contract for a variety of
274 domestic violence services and treatment methods;

275 (18) ensure regular, periodic publication, including electronic publication, regarding the

276 number of children in the custody of the division who have a permanency goal of adoption, or for
277 whom a final plan of termination of parental rights has been approved, pursuant to Section
278 78-3a-312, and promote adoption of those children;

279 (19) provide protective services to victims of domestic violence, as defined in Section
280 77-36-1, and their children, in accordance with the provisions of this chapter and of Title 78,
281 Chapter 3a, Part 3, Abuse, Neglect, and Dependency Proceedings;

282 (20) have authority to contract with a private, nonprofit organization to recruit and train
283 foster care families and child welfare volunteers in accordance with Section 62A-4a-107.5; and

284 (21) perform such other duties and functions as required by law.

285 Section 5. Section **62A-7-101** is amended to read:

286 **62A-7-101. Definitions.**

287 As used in this chapter:

288 (1) "Alternatives to secure detention" means a nonsecure, nonresidential, or residential
289 program designated to provide intensive supervision in the community, rehabilitation services, or
290 work programs for youth who are diverted from detention. Designated alternatives include home
291 detention, day/night reporting centers, electronic monitoring, and contempt programs.

292 (2) "Authority" means the Youth Parole Authority, established in accordance with Section
293 62A-7-109.

294 (3) "Board" means the Board of Youth Corrections established in accordance with Section
295 62A-1-105.

296 (4) "Community-based program" means a nonsecure residential or nonresidential program
297 designated to supervise and rehabilitate youth offenders in the least restrictive setting, consistent
298 with public safety, and designated or operated by or under contract with the division.

299 (5) "Control" means the authority to detain, restrict, and supervise a youth in a manner
300 consistent with public safety and the well being of the youth and division employees.

301 (6) "Court" means the juvenile court.

302 (7) "Day/Night Reporting Center" means a nonsecure, nonresidential or residential
303 program designated to provide supervision for youth who may otherwise be held in a more
304 restrictive setting.

305 (8) "Delinquent act" is an act which would constitute a felony or a misdemeanor if
306 committed by an adult.

- 307 (9) "Detention" means secure detention or home detention.
- 308 (10) "Detention center" means a facility established in accordance with Title 62A, Chapter
309 7, Part 2 [of this chapter], Detention Facilities.
- 310 (11) "Director" means the director of the Division of Youth Corrections.
- 311 (12) "Discharge" means a written order of the division that removes a youth offender from
312 its jurisdiction.
- 313 (13) "Division" means the Division of Youth Corrections.
- 314 (14) "Electronic monitoring" means a method of supervision of youth in the community,
315 in nonsecure placements, by way of electronic surveillance that provides 24-hour information and
316 immediate reports of violations.
- 317 (15) "Guidelines" means the written statewide rules for admission to secure detention and
318 home detention promulgated by the division in accordance with Sections 63-46a-4 and 63-46a-6.
- 319 (16) "Home detention" means predispositional placement of a child in the child's home or
320 a surrogate home with the consent of the child's parent, guardian, or custodian for conduct by a
321 child who is alleged to have committed a delinquent act or postdispositional placement pursuant
322 to Subsection 78-3a-118(2)(f) or 78-3a-901(3).
- 323 (17) "Juvenile Receiving Center" means a nonsecure, nonresidential program established
324 by the division that is responsible for juveniles taken into custody by law enforcement for status
325 offenses or delinquent acts, but who do not meet the criteria for admission to secure detention or
326 shelter.
- 327 (18) "Observation and assessment program" means a service program operated or
328 purchased by the division, that is responsible for temporary custody of youth offenders for
329 observation.
- 330 (19) "Parole" means a conditional release of a youth offender from residency in a secure
331 facility to live outside that facility under the supervision of the Division of Youth Corrections or
332 other person designated by the division.
- 333 (20) "Rescission" means a written order of the Youth Parole Authority that rescinds a
334 parole date.
- 335 (21) "Revocation of parole" means a written order of the Youth Parole Authority that
336 terminates parole supervision of a youth offender and directs return of the youth offender to the
337 custody of a secure facility because of a violation of the conditions of parole.

338 (22) "Runaway youth" means a youth who willfully leaves the residence of a parent or
339 guardian without the permission of the parent or guardian.

340 [~~(22)~~] (23) "Secure detention" means predisposition placement in a facility operated by or
341 under contract with the division, for conduct by a child who is alleged to have committed a
342 delinquent act.

343 [~~(23)~~] (24) "Secure facility" means any facility operated by or under contract with the
344 division, that provides 24-hour supervision and confinement for youth offenders committed to the
345 division for custody and rehabilitation.

346 [~~(24)~~] (25) "Shelter" means the temporary care of children in physically unrestricted
347 facilities pending court disposition or transfer to another jurisdiction.

348 [~~(25)~~] (26) "Temporary custody" means control and responsibility of nonadjudicated youth
349 until the youth can be released to the parent, guardian, a responsible adult, or to an appropriate
350 agency.

351 [~~(26)~~] (27) "Termination" means a written order of the Youth Parole Authority that
352 terminates a youth offender from parole.

353 (28) "Ungovernable" means a youth in conflict with a parent or guardian, and the conflict:
354 (a) results in behavior that is beyond the control or ability of the youth, or the parent or
355 guardian, to manage effectively;

356 (b) poses a threat to the safety or well-being of the youth, the family, or others; or

357 (c) results in the situations in both Subsections (28)(a) and (b).

358 [~~(27)~~] (29) "Work program" means a public or private service work project established and
359 administered by the division for youth offenders for the purpose of rehabilitation, education, and
360 restitution to victims.

361 [~~(28)~~] (30) "Youth offender" means a person 12 years of age or older, and who has not
362 reached 21 years of age, committed or admitted by the juvenile court to the custody, care, and
363 jurisdiction of the division, for confinement in a secure facility or supervision in the community,
364 following adjudication for a delinquent act which would constitute a felony or misdemeanor if
365 committed by an adult.

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

367 (i) for families in crisis when a minor is ungovernable or runaway; or

368 (ii) involving a minor and the minor's parent or guardian.

- 369 (b) These services include efforts to:
370 (i) resolve family conflict;
371 (ii) maintain or reunite minors with their families; and
372 (iii) divert minors from entering or escalating in the juvenile justice system;

- 373 (c) The services may provide:
374 (i) crisis intervention;
375 (ii) short-term shelter;
376 (iii) time out placement; and
377 (iv) family counseling.

378 Section 6. Section **62A-7-104** is amended to read:

379 **62A-7-104. Division responsibilities.**

- 380 (1) The division;
381 (a) shall establish and administer youth services; and
382 (b) may enter into contracts with state and local governmental entities and private
383 providers to provide the youth services.

384 (2) The division is responsible for all youth offenders committed to it by juvenile courts
385 for secure confinement or supervision and treatment in the community.

386 [~~2~~] (3) The division shall establish and maintain all detention and secure facilities and
387 set minimum standards for those facilities.

388 [~~3~~] (4) (a) The division shall, in accordance with Title 63, Chapter 46a, Utah
389 Administrative Rulemaking Act, promulgate written statewide rules as guidelines for admission
390 to secure detention and home detention.

391 (b) The division shall implement those rules as guidelines and provide training regarding
392 the implementation of those guidelines to law enforcement agencies, division employees, juvenile
393 court employees, and to other affected agencies and individuals upon their request.

394 [~~4~~] (5) The division shall establish and administer a continuum of community, secure,
395 and nonsecure programs for all youth offenders committed to the division.

396 [~~5~~] (6) The division shall establish and administer Juvenile Receiving Centers, Juvenile
397 Assessment Programs, and other programs to provide temporary custody, care, risk-needs
398 assessments, evaluations, and control for nonadjudicated youth placed with the division.

399 [~~6~~] (7) The division shall place youth offenders committed to it in the most appropriate

400 program for supervision and treatment.

401 ~~[(7) The division shall establish and maintain all secure residential facilities.]~~

402 (8) In any order committing a youth offender to the division, the juvenile court shall
403 specify whether the youth offender is being committed for secure confinement or placement in a
404 community-based program. The division shall place the youth offender in the most appropriate
405 program within the category specified by the court.

406 (9) The division shall employ staff necessary to:

407 (a) supervise and control youth offenders in secure facilities or in the community;

408 (b) supervise and coordinate treatment of youth offenders committed to the division for
409 placement in community-based programs; and

410 (c) control and supervise nonadjudicated youth placed with the division for temporary
411 services in receiving centers, youth services, and other programs established by the division.

412 (10) The division shall establish observation and assessment programs necessary to serve
413 youth offenders committed by the juvenile court for short-term observation under Subsection
414 78-3a-118(2)(e). Whenever possible, those programs shall be conducted in settings separate and
415 distinct from secure facilities for youth offenders.

416 (11) Youth in the custody or temporary custody of the division are controlled or detained
417 in a manner consistent with public safety and rules promulgated by the division. In the event of
418 an unauthorized leave from a secure facility, detention center, community-based program,
419 receiving center, home, or any other designated placement, division employees have the authority
420 and duty to locate and apprehend the youth, or to initiate action with local law enforcement
421 agencies for assistance.

422 ~~[(12) The director of the division shall appoint regional directors within the various
423 juvenile court districts. Regional directors shall administer community-based programs, secure
424 facilities, other division programs, and shall have experience in corrections, behavioral sciences,
425 law, criminology, or related fields, and in administration.]~~

426 ~~[(13)]~~ (12) The division shall establish and operate compensatory-service work programs
427 designed to place youth offenders in public or private service work projects for the purpose of
428 rehabilitation, education, and restitution to victims.

429 ~~[(14)]~~ (13) The division may establish and operate compensatory-service work programs
430 for youth offenders committed to the division by the juvenile court. The compensatory-service

431 work program shall:

432 (a) provide labor to help in the operation, repair, and maintenance of public facilities,
433 parks, highways, and other programs designated by the division;

434 (b) provide educational and prevocational programs in cooperation with the State Board
435 of Education for youth offenders placed in the program; and

436 (c) provide counseling to youth offenders.

437 [~~(15)~~] (14) The division shall establish minimum standards for the operation of all private
438 residential and nonresidential rehabilitation facilities which provide services to juveniles who have
439 committed a delinquent act, in this state or in any other state.

440 [~~(16)~~] (15) In accordance with policies established by the board, the division shall provide
441 regular training for staff of secure facilities, detention staff, case management staff, and staff of
442 the community-based programs.

443 [~~(17)~~] (16) The division is authorized to employ special function officers, as defined in
444 Section 53-13-105, to locate and apprehend absconders from division custody, transport minors
445 taken into custody pursuant to division policy, investigate cases, and carry out other duties as
446 assigned by the division. Special function officers may be employed through contract with the
447 Department of Public Safety, any P.O.S.T. certified law enforcement agency, or directly hired by
448 the division.

449 Section 7. Section **62A-7-125** is enacted to read:

450 **62A-7-125. Youth services for prevention and early intervention -- Director of**
451 **programs -- Program standards.**

452 (1) The division shall establish and operate prevention and early intervention youth
453 services programs.

454 (2) The division shall adopt with the approval of the board statewide policies and
455 procedures, including minimum standards for the organization and operation of youth services
456 programs.

457 (3) The division shall establish housing, programs, and procedures to ensure that youth
458 who are receiving services under this section and who are not in the custody of the division are
459 served separately from youth who are in custody of the division.

460 Section 8. **Effective date.**

461 This act takes effect on July 1, 2002.

Legislative Review Note
as of 10-29-01 8:53 AM

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

Office of Legislative Research and General Counsel

Committee Note

The Law Enforcement and Criminal Justice Interim Committee recommended this bill.