

1 **EXPEDITED CHILD WELFARE PROCEDURES**

2 2003 GENERAL SESSION

3 STATE OF UTAH

4 **Sponsor: Chad E. Bennion**

5 **This act modifies Abuse, Neglect, and Dependency Proceedings and Child Welfare**
6 **Services. The act requires the juvenile court, under specified conditions, to expedite cases**
7 **where a petition of abuse, neglect, or dependency has been filed but the child has not**
8 **been taken into protective custody. The act extends to these cases the same deadlines for**
9 **pretrial and shelter hearings that apply to cases where a child has been taken into**
10 **protective custody. The act requires the juvenile court to rule on a request for a**
11 **protective order on behalf of a child who is alleged to be abused or neglected within 72**
12 **hours. The act requires the attorney general to file abuse or neglect petitions requested**
13 **by the Division of Child and Family Services within 72 hours. The act requires the**
14 **Division of Child and Family Services to convene a child protection team meeting within**
15 **24 hours of filing an abuse or neglect petition on behalf of a child not removed from a**
16 **home. ⚭ THE ACT PROVIDES A COORDINATION CLAUSE. ⚭**

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

18 AMENDS:

19 **78-3a-305**, as last amended by Chapter 274, Laws of Utah 1998

20 **78-3a-308**, as last amended by Chapter 329, Laws of Utah 1997

21 ENACTS:

22 **62A-4a-202.8**, Utah Code Annotated 1953

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

24 Section 1. Section **62A-4a-202.8** is enacted to read:

25 **62A-4a-202.8. Meeting within 24 hours.**

26 (1) If the division files a petition under Subsection 78-3a-305(1) or (2) but does not
27 take the child into protective custody, the division shall convene a child protection team



28 meeting within 24 hours of the filing, excluding weekends and holidays, to review the
 29 circumstances regarding the filing of the petition and to develop a ~~h~~ SAFETY ~~h~~ plan ~~h~~ [to ensure the
 29a safety of] TO PROTECT ~~h~~
 30 the child ~~h~~ FROM FURTHER ABUSE OR NEGLECT ~~h~~ .

31 (2) The team shall include as many persons under Subsection 62A-4a-202.3(6)(b) as
 32 appropriate.

33 (3) At its meeting the team shall review the complete child protective services and
 34 foster care history of the child and the child's parents and siblings.

35 Section 2. Section **78-3a-305** is amended to read:

36 **78-3a-305. Petition filed -- Protective orders.**

37 (1) Any interested person may file a petition to commence proceedings in the juvenile
 38 court alleging that a minor is abused, neglected, or dependent.

39 (2) (a) Any interested person may file a petition seeking a protective order on behalf of
 40 a minor who is alleged to be an abused child or a neglected child, except as provided in
 41 Sections 78-3a-104 and 78-3a-105.

42 (b) The court shall rule on a petition filed under Subsection (2)(a) within 72 hours of
 43 the filing of the petition, excluding weekends and holidays.

44 (3) (a) If the child who is the subject of a petition was removed from his home by the
 45 Division of Child and Family Services that petition shall be filed on or before the date of the
 46 initial shelter hearing described in Section 78-3a-306.

47 (b) If a petition is requested by the division, ~~h~~ [and] **THE ATTORNEY GENERAL SHALL FILE**
 47a **THE PETITION WITHIN 72 HOURS OF THE COMPLETION OF THE INVESTIGATION AND REQUEST,**
 47b **EXCLUDING WEEKENDS AND HOLIDAYS, IF:**

47c (i) ~~h~~ the child who is the subject of the
 48 requested petition has not been removed from his home by the division ~~h~~ [, the attorney general
 49 shall file the petition within 72 hours of the request, excluding weekends and holidays] ; AND
 49a **(ii) WITHOUT AN EXPEDITED HEARING AND SERVICES ORDERED UNDER THE PROTECTIVE**
 49b **SUPERVISION OF THE COURT, THE CHILD WILL LIKELY BE TAKEN INTO PROTECTIVE CUSTODY ~~h~~ .**

50 (4) The petition shall be verified, and contain all of the following:

51 (a) the name, age, and address, if any, of the minor upon whose behalf the petition is
 52 brought;

53 (b) the names and addresses, if known to the petitioner, of both parents and any
 54 guardian of the minor;

55 (c) a concise statement of facts, separately stated, to support the conclusion that the
 56 minor upon whose behalf the petition is being brought is abused, neglected, or dependent; and

57 (d) a statement regarding whether the minor is in protective custody, and if so, the date
 58 and precise time the minor was taken into protective custody.

59 Section 3. Section **78-3a-308** is amended to read:

60 **78-3a-308. Pretrial and adjudication hearing -- Time deadlines.**

61 (1) Upon the filing of a petition, the clerk of the court shall set the pretrial hearing on
62 the petition within 15 calendar days from the date of the shelter hearing or the filing of the
63 petition, whichever is later.

64 (2) The pretrial may be continued upon motion of any party, for good cause shown, but
65 the final adjudication hearing shall be held no later than 60 calendar days from the date of the
66 shelter hearing or the filing of the petition, whichever is later.

67 (3) In the case where a petition has been filed but the child is not in protective custody
68 or temporary custody, the court shall give scheduling priority to the pretrial and adjudication
69 hearings on the petition if the division indicates in the petition that **h** ;

70 ~~— (a) **h** without expedited hearings and § **[expedited]** § services ordered under the protective~~
71 ~~supervision of the court the child will likely be taken into protective custody **h** ; and~~

72 ~~— (b) **the family has refused services that would mitigate the likelihood the child will be**~~
73 ~~**taken into protective custody** **h** .~~

73a **h** Section 4. Coordination Clause.

73b **IF THIS BILL AND S.B. 128, PROTECTIVE ORDER AMENDMENTS, BOTH PASS, IT IS THE**
73c **INTENT OF THE LEGISLATURE THAT THE § ~~[AMENDMENTS TO]~~ BRACKETED § SUBSECTION**
73d **78-3a-305(2) IN S.B. 128**

73d **SUPERSEDE THE AMENDMENTS TO SUBSECTION 78-3a-305(2) IN THIS BILL.** **h**

Legislative Review Note

as of 2-14-03 12:24 PM

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

Office of Legislative Research and General Counsel

State Impact

The Attorney General's Office and the Courts will need additional staff resources to comply with provisions of this bill. The total cost is estimated at \$94,400 (\$36,100 Courts and \$58,300 Attorney General). In addition, one-time costs of \$2,200 is expected in FY 2004 for office equipment. It is possible that the Division of Child and Family Services could see some decrease in out-of-home cases and related costs. But the scope of the potential is impossible to predict.

| | <u>FY 04 Approp.</u> | <u>FY 05 Approp.</u> | <u>FY 04 Revenue</u> | <u>FY 05 Revenue</u> |
|--------------|----------------------|----------------------|----------------------|----------------------|
| General Fund | \$96,600 | \$94,400 | \$0 | \$0 |
| TOTAL | <u>\$96,600</u> | <u>\$94,400</u> | <u>\$0</u> | <u>\$0</u> |

Individual and Business Impact

No fiscal impact.
