

EXPEDITED CHILD WELFARE PROCEDURES

2003 GENERAL SESSION

STATE OF UTAH

Sponsor: Chad E. Bennion

This act modifies Abuse, Neglect, and Dependency Proceedings and Child Welfare Services. The act requires the juvenile court, under specified conditions, to expedite cases where a petition of abuse, neglect, or dependency has been filed but the child has not been taken into protective custody. The act extends to these cases the same deadlines for pretrial and shelter hearings that apply to cases where a child has been taken into protective custody. The act requires the juvenile court to rule on a request for a protective order on behalf of a child who is alleged to be abused or neglected within 72 hours. The act requires the attorney general to file abuse or neglect petitions requested by the Division of Child and Family Services within 72 hours. The act requires the Division of Child and Family Services to convene a child protection team meeting within 24 hours of filing an abuse or neglect petition on behalf of a child not removed from a home. This act provides a coordination clause.

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

AMENDS:

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

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

ENACTS:

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

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

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

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

(1) If the division files a petition under Subsection 78-3a-305(1) or (2) but does not take the child into protective custody, the division shall convene a child protection team meeting within 24 hours of the filing, excluding weekends and holidays, to review the circumstances regarding the filing of the petition and to develop a safety plan to protect the

child from further abuse or neglect.

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

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

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

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

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

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

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

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

(b) If a petition is requested by the division, the attorney general shall file the petition within 72 hours of the completion of the investigation and request, excluding weekends and holidays, if:

(i) the child who is the subject of the requested petition has not been removed from his home by the division; and

(ii) without an expedited hearing and services ordered under the protective supervision of the court, the child will likely be taken into protective custody.

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

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

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

of the minor;

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

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

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

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

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

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

(3) In the case where a petition has been filed but the child is not in protective custody or temporary custody, the court shall give scheduling priority to the pretrial and adjudication hearings on the petition if the division indicates in the petition that without expedited hearings and services ordered under the protective supervision of the court the child will likely be taken into protective custody.

Section 4. **Coordination clause.**

If this bill and S.B. 128, Protective Order Amendments, both pass, it is the intent of the Legislature that the bracketed Subsection 78-3a-305(2) in S.B. 128 supersede the amendments to Subsection 78-3a-305(2) in this bill.