

**EVALUATION AND COUNSELING PRIOR TO
TERMINATION PROCEEDINGS**

2004 GENERAL SESSION

STATE OF UTAH

Sponsor: Mike Thompson

LONG TITLE

General Description:

This bill modifies sections of the Judicial Code dealing with Juvenile Court proceedings.

Highlighted Provisions:

This bill:

- ▶ allows the juvenile court to appoint any qualified mental health therapist; and
- ▶ prohibits the juvenile court from excluding a mental health therapist because they have not followed the recommendations of the Division of Child and Family Services in another case.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

ENACTS:

78-3a-321, Utah Code Annotated 1953

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

Section 1. Section **78-3a-321** is enacted to read:

78-3a-321. Mental health therapists.



28 (1) When a mental health practitioner is appointed in any juvenile court proceeding to
29 evaluate the mental health of a parent or a minor, or to provide mental health services to a
30 parent or minor, the court:

31 (a) may appoint any mental health therapist, as defined in Section 58-60-102, which the
32 court finds to be qualified; and

33 (b) may not refuse to appoint a mental health therapist for the reason that the therapist's
34 recommendations in another case have not followed the recommendations of the Division of
35 Child and Family Services.

36 (2) This section applies to all juvenile court proceedings involving:

37 (a) parents and minor children; or

38 (b) the Division of Child and Family Services.

Legislative Review Note
as of 9-19-03 8:13 AM

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

Office of Legislative Research and General Counsel

Fiscal Note

Evaluation and Counseling Prior to Termination Proceedings

15-Jan-04

Bill Number HB01861:24 PM

State Impact

No significant fiscal impact.

Individual and Business Impact

It is estimated that the fiscal impact will be minimal, but could be beneficial to mental health practitioners under certain circumstances.

Office of the Legislative Fiscal Analyst