

1st Sub. H.B. 266
REVISIONS TO CHILD WELFARE

Representative **Chad E. Bennion** proposes the following amendments:

1. *Page 10, Line 294 through Page 11, Line 307:*

294 [[+]] (iii) **lack of proper parental care by reason of the fault or habits of the parent,**
295 **guardian, or custodian; [[+]]**
296 ~~[(iv) failure or refusal of a parent, guardian, or custodian to provide proper or necessary~~
297 ~~subsistence, education, or medical care, including surgery or psychiatric services when~~
298 ~~required, or any other care necessary for his health, safety, morals, or well-being; or]~~
299 ~~[(v) a child at]~~ [[-(iii)-]] **(iv)** substantial risk of [being neglected] neglect or [abused] abuse
300 because another child in the same home is neglected or abused[-]; and
301 ~~[(b) The aspect of neglect relating to education, described in Subsection (18)(a)(iv),~~
302 ~~means that, after receiving notice that a child has been frequently absent from school without~~
303 ~~good cause, or that the child has failed to cooperate with school authorities in a reasonable~~
304 ~~manner;]~~
305 [[-(iv)-]] **(v)** failure by a parent or guardian [fails] to make a good faith effort to ensure that
306 [the] a child receives an appropriate education[-] after having received notice that the child has
307 been frequently absent from school without good cause.

2. *Page 24, Lines 728 through 730:*

728 (A) a reasonable person acting under the existing circumstances would expect the
729 discipline to create a [[-substantial-]] **serious** risk of physical abuse of, or mental cruelty to, the child;
730 (B) the discipline was not justified under Section 76-2-401; or

3. *Page 25, Lines 752 through 756:*

752 (4) When circumstances within the family pose a [[-substantial-]] **serious** threat to the child's
753 health,
754 safety, or welfare, the state's interest in the child's welfare is paramount to the rights of a parent.
755 The division may obtain custody of the child for a planned period and place him in a safe
756 environment, in accordance with the requirements of Title 78, Chapter 3a, Part 3, Abuse,
Neglect, and Dependency Proceedings.

4. *Page 35, Lines 1062 through 1074:*

1062 (1) Except as provided in ~~[Subsection]~~ Subsections (2) through (4), when any person

1063 including persons licensed under Title 58, Chapter 67, Utah Medical Practice Act, or Title 58,
1064 Chapter 31b, Nurse Practice Act, has reason to believe ~~[[, and not merely suspect that the~~
1065 ~~possibility exists,]]~~ that a child has been subjected to incest, molestation, sexual exploitation,
1066 sexual abuse, physical abuse, or neglect, or who observes a child being subjected to conditions
1067 or circumstances which would reasonably result in sexual abuse, physical abuse, or neglect,
1068 ~~he~~ that person shall immediately notify the nearest peace officer, law enforcement agency, or
1069 office of the division. On receipt of this notice, the peace officer or law enforcement agency
1070 shall immediately notify the nearest office of the division. If an initial report of child abuse or
1071 neglect is made to the division, the division shall immediately notify the appropriate local law
1072 enforcement agency. The division shall, in addition to its own investigation, comply with and
1073 lend support to investigations by law enforcement undertaken pursuant to a report made under
1074 this section.