

CHILDREN’S JUSTICE CENTER

AMENDMENTS

2005 GENERAL SESSION

STATE OF UTAH

Sponsor: D. Chris Buttars

LONG TITLE

General Description:

This bill broadens the scope of children to be served by Children's Justice Centers.

Highlighted Provisions:

This bill:

- ▶ increases the number of children to be served by Children's Justice Centers throughout the state by expanding the scope to include **§ [all crimes committed against children or in the presence of children] crimes involving children when the child is a primary victim or a critical witness** ~~§~~ **[, such as domestic violence cases] [and] , such as in** ~~§~~ **drug-related child endangerment cases** § .

Monies Appropriated in this Bill:

None

Other Special Clauses:

This bill takes effect on July 1, 2005.

Utah Code Sections Affected:

AMENDS:

- 67-5b-101**, as last amended by Chapter 171, Laws of Utah 2003
- 67-5b-102**, as last amended by Chapter 376, Laws of Utah 2001
- 67-5b-106**, as last amended by Chapter 377, Laws of Utah 1997

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

Section 1. Section **67-5b-101** is amended to read:

67-5b-101. Definitions.



28 As used in this part:

29 (1) "Abused child" means a child 17 years of age or younger who is a victim of:

30 (a) sexual abuse or ~~[serious]~~ physical abuse ~~[and who is 17 years of age or younger.];~~

31 or

32 (b) ~~§ [other criminal offense committed against the child or committed in the presence of~~

33 ~~the child] other crimes involving children where the child is a primary victim or a~~

33a ~~critical witness~~ ~~↔~~ ~~[, such as in domestic violence cases] [and] , such as in~~ ~~↔~~ drug-related

33b child

33b endangerment cases § .

34 (2) "Agreement" means a written contract between two or more public agencies and

35 other persons to provide for multidisciplinary intergovernmental operation of a center

36 established in accordance with Section 67-5b-104.

37 (3) "Center" means a Children's Justice Center established in accordance with Section

38 67-5b-102.

39 (4) "Officers and employees" means any person performing services for two or more

40 public agencies as agreed in intergovernmental contracts in accordance with Section

41 67-5b-104.

42 (5) "Public agency" means a municipality, a county, the attorney general, the Division

43 of Child and Family Services, the Division of Juvenile Justice Services, the Department of

44 Corrections, the juvenile court, and the Administrative Office of the Courts.

45 (6) "Volunteer" means any person who donates service without pay or other

46 compensation except expenses actually and reasonably incurred as approved by the supervising

47 agency. Volunteer does not include any person participating in human subjects research and

48 court-ordered compensatory service workers as defined in Section 67-20-2.

49 Section 2. Section **67-5b-102** is amended to read:

50 **67-5b-102. Children's Justice Center -- Requirements of center -- Purposes of**

51 **center.**

52 (1) (a) There is established a program that provides a comprehensive,

53 multidisciplinary, nonprofit, intergovernmental response to sexual abuse of children ~~[and~~

54 ~~serious], physical abuse of children~~ ~~§ [and other criminal offenses committed against children or~~

55 ~~committed in the presence of children.], and other crimes involving children where the~~

55a ~~child is a primary victim or a critical witness~~ ~~↔~~ ~~[, such as in domestic violence cases]~~

55b ~~[and] , such as in~~ ~~↔~~ drug-related child endangerment cases, § in a facility known as a

55c Children's Justice

55c Center.

56 (b) The attorney general shall administer the program.

57 (c) The attorney general shall:

58 (i) allocate the funds appropriated by a line item pursuant to Section 67-5b-103;

- 59 (ii) administer applications for state and federal grants;
 60 (iii) staff the Advisory Board on Children's Justice;
 61 (iv) assist in the development of new centers; and
 62 (v) coordinate services between centers.

63 (2) (a) The attorney general shall establish Children's Justice Centers or satellite offices
 64 in Cache County, Carbon County, Davis County, Duchesne County, Emery County, Grand
 65 County, Salt Lake County, Tooele County, Uintah County, Utah County, Wasatch County,
 66 Washington County, and Weber County.

67 (b) The attorney general may establish other centers within a county and in other
 68 counties of the state.

69 (3) The attorney general and each center shall fulfill the statewide purpose of each
 70 center by:

71 (a) minimizing the time and duplication of effort required to investigate, prosecute, and
 72 initiate treatment for the abused child in the state;

73 (b) facilitating the investigation of the alleged offense against the abused child;

74 (c) conducting interviews of abused children and their families in a professional
 75 manner;

76 (d) obtaining reliable and admissible information which can be used effectively in
 77 criminal and child protection proceedings in the state;

78 (e) coordinating and tracking:

79 (i) the use of limited medical and psychiatric services;

80 (ii) investigation of the alleged offense;

81 (iii) preparation of prosecution;

82 (iv) treatment of the abused child and family; and

83 (v) education and training of persons who provide services to the abused child and its
 84 family in the state;

85 (f) expediting the processing of the case through the courts in the state;

86 (g) protecting the interest of the abused child and the community in the state;

87 (h) reducing trauma to the abused child in the state;

88 (i) enhancing the community understanding of sexual abuse of children ~~§ [and] . §~~

88a [serious]

89 physical abuse of children ~~§ [in the state]~~ , and other crimes in the state involving

89a children where the child is a primary victim or a critical witness ~~↔~~ ~~[, such as in~~

89b domestic violence cases] [and] , such as in ~~↔~~ drug-related child endangerment cases § ;

89c [and]

90 (j) providing as many services as possible that are required for the thorough and
 91 effective investigation of child abuse cases[-]; and

92 (k) enhancing the community understanding of criminal offenses committed against or
 93 in the presence of children.

94 (4) To assist a center in fulfilling the requirements and statewide purposes as provided
 95 in Subsection (3), each center may obtain access to any relevant juvenile court legal records
 96 and adult court legal records, unless sealed by the court.

97 (5) The statewide purpose of this chapter is to establish a program that provides a
 98 comprehensive, multidisciplinary, nonprofit, intergovernmental response to sexual abuse of
 99 children [and serious], physical abuse of children, and other ~~§ [criminal offenses committed~~
 100 ~~against children or committed in the presence of children] crimes involving children where~~
 100a ~~the child is a primary victim or a critical witness~~ ~~→~~ [-, such as in domestic violence
 100b cases] [and] , such as in ~~←~~ drug-related child endangerment cases § , in a facility known as a
 100c Children's
 101 Justice Center.

102 Section 3. Section **67-5b-106** is amended to read:

103 **67-5b-106. Advisory Board on Children's Justice -- Membership -- Terms --**
 104 **Duties -- Authority.**

105 (1) The attorney general shall create the Advisory Board on Children's Justice to advise
 106 him about the Children's Justice Center Program.

107 (2) The board shall be composed of:

108 (a) the director of each Children's Justice Center;

109 (b) the chair of each local advisory board established under Section 67-5b-105;

110 (c) the attorney general or the attorney general's designee;

111 (d) a representative of the Utah Sheriffs Association, appointed by the governor;

112 (e) a chief of police, appointed by the governor;

113 (f) one juvenile court judge and one district court judge, appointed by the chief justice;

114 (g) a representative of the court appointed guardians ad litem, appointed by the chief
 115 justice;

116 (h) a designated representative of the Division of Child and Family Services within the
 117 Department of Human Services, appointed by the director of that division;

118 (i) a licensed mental health professional, appointed by the governor;

119 (j) a person experienced in working with children with disabilities, appointed by the
 120 governor;

121 (k) one criminal defense attorney, licensed by the Utah State Bar and in good standing,
 122 appointed by the Utah Bar Commission;

123 (l) one criminal prosecutor, licensed by the Utah State Bar and in good standing,
 124 appointed by the Prosecution Council;

125 (m) a member of the governor's staff, appointed by the governor;

126 (n) a member from the public, appointed by the governor, who exhibits sensitivity to
 127 the concerns of parents; and

128 (o) additional members appointed as needed by the attorney general.

129 (3) (a) Except as required by Subsection (3)(b), as terms of current board members
 130 expire, the appointing authority shall appoint each new member or reappointed member to a
 131 four-year term.

132 (b) Notwithstanding the requirements of Subsection (3)(a), the appointing authority
 133 shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the
 134 terms of board members are staggered so that approximately half of the board is appointed
 135 every two years.

136 (4) The Advisory Board on Children's Justice shall:

137 (a) coordinate and support the statewide purpose of the program;

138 (b) recommend statewide guidelines for the administration of the program;

139 (c) advise the contracting entities of each Children's Justice Center;

140 (d) recommend training and improvements in training;

141 (e) review, evaluate, and make recommendations concerning state investigative,
 142 administrative, and judicial handling in both civil and criminal cases of child abuse, child
 143 sexual abuse, [and] neglect, and other ~~§ [criminal offenses committed against children or~~
 144 ~~committed in the presence of children] crimes involving children where the child is a~~
 144a ~~primary victim or a critical witness~~ ~~↔~~ [; such as in domestic violence cases] [and]
 144b , such as in ~~↔~~

144c ~~drug-related child endangerment cases~~ § ;

145 (f) recommend programs to improve the prompt and fair resolution of civil and
 146 criminal court proceedings; and

147 (g) recommend changes to state laws and procedures to provide comprehensive
 148 protection for children [of] from abuse, child sexual abuse, [and] neglect, and other ~~§ [criminal~~
 149 ~~offenses committed against children or committed in the presence of children] crimes involving~~
 149a ~~children where the child is a primary victim or a critical witness~~ ~~↔~~ [; such as in
 149b ~~domestic violence cases] [and] , such as in~~ ~~↔~~ drug-related child endangerment cases § .

150 (5) The Advisory Board on Children's Justice may not supersede the authority of the
 151 contracting public agency to oversee the accountability of the center, including the budget,

152 costs, personnel, and management pursuant to Section 67-5b-104 and Title 51, Chapter [2] 2a,
153 Audits of Political Subdivisions, Interlocal Organizations, and Other Local Entities.
154 Section 4. **Effective date.**
155 This bill takes effect on July 1, 2005.

Legislative Review Note
as of 12-7-04 8:44 AM

Based on a limited legal review, this legislation has not been determined to have a high probability of being held unconstitutional.

Office of Legislative Research and General Counsel

Interim Committee Note
as of 12-08-04 11:20 AM

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