



House of Representatives *State of Utah*

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February 10, 2005

Mr. Speaker:

The Law Enforcement and Criminal Justice Committee recommends **H.B. 202**, REVISIONS TO CHILD WELFARE, by Representative W. Harper, be replaced and reports a favorable recommendation on **2nd Sub. H.B. 202**, REVISIONS TO CHILD WELFARE with the following amendments:

1. *Page 1, Lines 19 through 21:*

- 19 ▶ lists the training that a child welfare caseworker is required to receive;
 ▶ provides for the removal of a person's name and information from the Licensing Information System, created in Section 62A-4a-116.2, when a court finds that an allegation against that person of severe child abuse or neglect is unsubstantiated or without merit or when a court finds that the allegation is substantiated, but the finding is overturned on appeal;
- 20 ▶ deletes and repeals the provisions relating to the pilot program for differentiated
21 responses to child abuse and neglect reports;

2. *Page 18, Lines 535 through 551:*

- 535 (b) ~~{The}~~ Except as provided in Subsection (3)(e), the alleged
perpetrator's name and the information described in Subsection (1)(b)
536 shall remain in the Licensing Information System:
537 ~~{(b) If}~~ (i) if the alleged perpetrator fails to take action as described in Subsection
~~{(6)}~~
538 ~~(3)(a)~~ within one year after service of the notice described in ~~[Subsection (5), the alleged~~
539 ~~perpetrator's name and the notation described in Subsection (1)(a) shall remain in the~~
Licensing
540 Information System. This information shall also remain in the Licensing Information
System
541 ~~while]~~ Subsections (1)(a) and (2);
542 (ii) during the time that the division awaits a response from the alleged perpetrator
543 pursuant to Subsection ~~{(6)}~~ ~~(3)(a);~~ and
544 (iii) during the pendency of any proceeding ~~{, including an appeal of a finding~~

Bill Number



HB0202S02

Action Class



H

Action Code



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of

545 ~~unsubstantiated or without merit, under Section 78-3a-320~~ .

546 (c) The alleged perpetrator [~~shall have~~] has no right to petition the juvenile court
under

547 Subsection [~~(6)(b)~~] (3)(a)(ii) if the court [~~has~~] previously held a hearing on the same
alleged

548 incident of abuse or neglect pursuant to the filing of a petition under Section 78-3a-305 by
549 some other party.

550 (d) Consent under Subsection [~~(6)~~] (3)(a)(iii) by a minor [~~shall~~] may only be given
by

551 the minor's parent or guardian.

(e) (i) Notwithstanding Subsection (3)(b), the alleged perpetrator's name
and the information described in Subsection (1)(b) shall be removed from the
Licensing Information System if the severe child abuse or neglect upon which the
Licensing Information System entry was made:

(A) is found to be unsubstantiated or without merit by the juvenile court under
Section 79-3a-320; or

(B) is found to be substantiated, but is subsequently reversed on appeal.

(ii) An alleged perpetrator's name and information that is removed from the
Licensing Information System under Subsection (3)(e)(i), may be placed back on the
Licensing Information System if the court action that was the basis for removing the
alleged perpetrator's name and information is subsequently reversed on appeal.

3. Page 19, Lines 574 through 576:

574 (3) [~~The division shall promptly amend the Licensing Information System;~~] Except
as

575 provided in ~~{-Subsection-}~~ Subsections 62A-4a-116.1(3)(b)(iii) and (e) .
upon receipt of a finding from the juvenile

576 court under Section 78-3a-320, the division shall:

4. Page 54, Lines 1652 through 1654

1652 (c) "Mental cruelty" means conduct that is reasonably likely to
cause ~~{-causes-}~~ a child to suffer:

Bill Number



HB0202S02

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- 1653 (i) mental anguish; or
- 1654 (ii) serious emotional injury.

Respectfully,

DeMar "Bud" Bowman
Committee Chair

Voting: 7-4-0

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Bill Number



HB0202S02

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