

## 2nd Sub. H.B. 202

### REVISIONS TO CHILD WELFARE

Representative **Wayne A. Harper** proposes the following amendments:

1. *Page 7, Lines 183 through 184:*

183            ~~{(iv) engaging in conduct described in Subsection 76-5-109.1(2);}~~ or  
184            ~~{(v)}~~    (iv)    subjecting a child to mistreatment or abuse.

2. *Page 9, Line 260:*

260            (G) medical or mental health care;

3. *Page 10, Lines 276 through 280:*

276            (iii) that there is a substantial risk that a child will suffer abuse or neglect by a caretaker  
277            who neglected or abused another child in the child's home;    ~~{or}~~  
278            (iv) failure by a parent or guardian to make a good faith effort to ensure that the child  
279            receives an appropriate education after the parent or guardian receives notice that the child is  
280            frequently absent from school without good cause    ~~{.~~    ; or  
                 (v)    an act or failure to act that presents an imminent risk of serious harm.

4. *Page 12, Lines 353 through 355:*

353            ~~{(31)}~~ (32) "Supported" means a finding by the division ~~[based on the evidence~~  
354            ~~available]~~ at the completion of an investigation    ~~{+}~~    **that there is a reasonable basis to conclude**    ~~{+}~~  
355            ~~{that is more likely than not}~~    that abuse, neglect, or dependency occurred. Each allegation made

5. *Page 12, Line 366 through Page 13, Line 369:*

366            ~~{(35)}~~ (36) "Unsupported" means a finding at the completion of an investigation by the  
367            division that there is insufficient evidence to    ~~{+}~~    **conclude**    ~~{+}~~    ~~{show that it is more likely than~~  
                 ~~not}~~    that  
368            abuse, neglect, or dependency occurred. However, a finding of unsupported means also that  
369            the division worker did not conclude that the allegation was without merit.

6. *Page 26, Lines 781 through 790:*

781            (c) the reasonable exercise of a parent's right to discipline a child is not grounds to  
782            subject a parent to punishment, restriction, disqualification    ~~{., or surveillance of any kind,~~  
783            including:

- 784  ~~(i) arrest;~~
- 785  ~~(ii) criminal liability;~~
- 786  ~~(iii) removing a child from the physical custody of a parent;~~
- 787  ~~(iv) adversely altering a parent's physical custody of a child;~~
- 788  ~~(v) issuance of a protective order;~~
- 789  ~~(vi) requiring reporting; or~~
- 790  ~~(vii) withholding or revoking a license; } .~~

7. Page 30, Line 904:

904 (b) Family preservation caseworkers {+} may {+}  ~~{shall}~~  ;

8. Page 33, Lines 997 through 998:

997 requirements of Subsection (1), failure to notify  ~~{shall}~~  ;  
 998 (a)  ~~shall~~  be considered to be due to circumstances beyond the control of the peace officer or

9. Page 37, Lines 1112 through 1119:

1112 (b) If a parent does not agree with a treatment plan:  
 1113 (i)  ~~the division shall strive to resolve the disagreement between the division and the parent; and~~  
 1114  ~~(ii) if the disagreement described in Subsection (4)(b)(i) is not resolved,~~ the division shall  
 1115  ~~inform the court of the disagreement {; and~~  
 1116  ~~(ii) the parent shall be permitted to submit an alternate treatment plan for the court's~~  
 1117  ~~consideration} .~~  
 1118  ~~{ (c) Prior to ordering a treatment plan, the court shall consider the treatment plan~~  
 1119  ~~proposed by:~~  
 1118  ~~(i) the division; and~~  
 1119  ~~(ii) a parent, if one is submitted; }~~

10. Page 39, Lines 1190 through 1192:

1190 (e) For purposes of Subsection (10)(d), a treatment plan shall:  
 1191 (i) only include requirements that:  
 1192 (A) address findings  ~~or orders~~  made by the court; or

11. Page 52, Lines 1597 through 1599:

1597 (VI) a family advocate {; }  
 1598  ~~(VII) an attorney } ; or~~  
 1599  ~~[(V) clergy] {-(VIII)-}~~   ~~(VII)~~  a minister, as defined in Section 62A-4a-403; and

12. Page 67, Lines 2049 through 2050:

2049 (9) If the petition is filed under Section 78-3a-305 or 78-3a-405 or if the matter is  
2050 referred to the court under Subsection 78-3a-105[(3)] ~~{(4)(b)}~~ (5) :