



House of Representatives *State of Utah*

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January 17, 2007

Mr. Speaker:

The Law Enforcement and Criminal Justice Committee reports a favorable recommendation on **H.B. 202**, MEDICAL RECOMMENDATIONS FOR CHILDREN, by Representative M. Morley, with the following amendments:

1. Page 2, Line 30:

30 ~~{ 78-3a-305, as last amended by Chapters 13 and 281, Laws of Utah 2006 }~~

2. Page 7, Line 183 through Page 8, Line 214:

183 ~~{ Section 3. Section 78-3a-305 is amended to read:~~
184 ~~— 78-3a-305. Petition filed.~~
185 ~~— (1) For purposes of this section, "petition" means a petition to commence~~
 ~~proceedings~~
186 ~~in a juvenile court alleging that a child is:~~
187 ~~— (a) abused;~~
188 ~~— (b) neglected; or~~
189 ~~— (c) dependent.~~
190 ~~— (2) (a) Subject to Subsection (2)(b), any interested person may file a petition.~~
191 ~~— (b) A person described in Subsection (2)(a) shall make a referral with the~~
 ~~division~~
192 ~~before the person files a petition.~~
193 ~~— (3) If the child who is the subject of a petition is removed from the child's home~~
 ~~by the~~
194 ~~division, the petition shall be filed on or before the date of the initial shelter hearing~~
 ~~described~~
195 ~~in Section 78-3a-306.~~
196 ~~— (4) The petition shall be verified, and contain all of the following:~~
197 ~~— (a) the name, age, and address, if any, of the child upon whose behalf the~~
 ~~petition is~~
198 ~~brought;~~
199 ~~— (b) the names and addresses, if known to the petitioner, of both parents and any~~
200 ~~guardian of the child;~~

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201 ~~——(c) a concise statement of facts, separately stated, to support the conclusion that~~
the
202 ~~child upon whose behalf the petition is being brought is abused, neglected, or~~
~~dependent; and~~
203 ~~——(d) a statement regarding whether the child is in protective custody, and if so,~~
the date
204 ~~and precise time the child was taken into protective custody.~~
205 ~~——(5) (a) Except as provided in Subsection (5)(b), a court or the Division of Child~~
~~and~~
206 ~~Family Services may not remove a child from the custody of the child's parent or~~
~~guardian on~~
207 ~~the sole or primary basis that the parent or guardian refuses to consent to:~~
208 ~~——(i) the administration of a psychotropic medication to a child;~~
209 ~~——(ii) a psychiatric, psychological, or behavioral treatment for a child; or~~
210 ~~——(iii) a psychiatric or behavioral health evaluation of a child;~~
211 ~~——(b) Notwithstanding Subsection (5)(a), a court or the Division of Child and~~
~~Family~~
212 ~~Services may remove a child under conditions that would otherwise be prohibited~~
~~under~~
213 ~~Subsection (5)(a) if failure to take an action described under Subsection (5)(a) would~~
~~present a~~
214 ~~serious, imminent risk to the child's physical safety or the physical safety of~~
~~others.}~~

Respectfully,

DeMar "Bud" Bowman
Committee Chair

Voting: 7-2-2

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