

H.B. 328

CHILD PROTECTION AND PARENTAL RIGHTS AMENDMENTS

HOUSE FLOOR AMENDMENTS

AMENDMENT 1

FEBRUARY 15, 2007 10:48 AM

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

1. *Page 1, Lines 15 through 18:*

15 ▶ provides that investigative interviews of a child in protective custody , if the child is at least
 nine years old, may be
16 conducted without recording the interview ~~{and without a support person present}~~ , if
17 the child refuses to have the interview recorded ~~{and refuses the presence of a~~
18 support person} ;
 ▶ provides that investigative interviews of a child in protective custody may be conducted
 without a support person present, if the child refuses the presence of a support person.

2. *Page 6, Line 182 through Page 7, Line 185:*

182 (b) (i) Subject to Subsection (7)(b)(ii), an interview described in Subsection (7)(a) may
183 be conducted without being taped if the child:
 (A) is at least nine years old;
184 ~~{(A)}~~ (B) refuses to have the interview audio taped; and
185 ~~{(B)}~~ (C) refuses to have the interview video taped.

3. *Page 15, Line 459 through Page 16, Line 462:*

459 (4) (a) Subject to Subsection (4)(b), an interview described in this section may be
460 conducted without being taped if the child:
 (i) is at least nine years old;
461 ~~{(i)}~~ (ii) refuses to have the interview audio taped; and
462 ~~{(ii)}~~ (iii) refuses to have the interview video taped.

4. *Page 17, Lines 493 through 503:*

493 (4) (a) Except as provided in Subsection (4)(b), at any hearing in a case relating to the
494 abuse, neglect, or dependency of a child, when the child is present at the hearing, the court
495 shall:
496 (i) ask the child whether the child desires the opportunity to address the court or testify;
497 and
498 (ii) if the child desires an opportunity to address the court or testify, allow the child to
499 address the court or testify.

500 (b) Subsection (4)(a) does not apply if the court determines that:
501 (i) it would be detrimental to the child ~~or~~ to comply with
501a Subsection (4)(a); or
502 (ii) the child is not sufficiently mature to articulate the child's wishes in relation to the
503 hearing.