

**ABUSE OR NEGLECT OF A DISABLED  
CHILD**

2009 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: John L. Valentine**

House Sponsor: Stephen E. Sandstrom

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**LONG TITLE**

**General Description:**

This bill amends the Utah Criminal Code relating to Abuse or Neglect of a Disabled Child.

**Highlighted Provisions:**

This bill:

► provides that a caretaker who intentionally, knowingly, recklessly, or with criminal negligence abuses or neglects a disabled child is guilty of a third degree felony.

**Monies Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**76-5-110**, as last amended by Laws of Utah 2008, Chapter 3

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

Section 1. Section **76-5-110** is amended to read:

**76-5-110. Abuse or neglect of disabled child.**

(1) As used in this section:



- 28 (a) "Abuse" means:
- 29 (i) inflicting physical injury, as that term is defined in Section 76-5-109;
- 30 (ii) having the care or custody of a disabled child, causing or permitting another to
- 31 inflict physical injury, as that term is defined in Section 76-5-109; or
- 32 (iii) unreasonable confinement.
- 33 (b) "Caretaker" means:
- 34 (i) any parent, legal guardian, or other person having under that person's care and
- 35 custody a disabled child; or
- 36 (ii) any person, corporation, or public institution that has assumed by contract or court
- 37 order the responsibility to provide food, shelter, clothing, medical, and other necessities to a
- 38 disabled child.
- 39 (c) "Disabled child" means any person under 18 years of age who is impaired because
- 40 of mental illness, mental deficiency, physical illness or disability, or other cause, to the extent
- 41 that the person is unable to care for the person's own personal safety or to provide necessities
- 42 such as food, shelter, clothing, and medical care.
- 43 (d) "Neglect" means failure by a caretaker to provide care, nutrition, clothing, shelter,
- 44 supervision, or medical care.
- 45 (2) Any caretaker who intentionally, knowingly, recklessly, or with criminal negligence
- 46 abuses or neglects a disabled child is guilty of a third degree felony.
- 47 (3) (a) A parent or legal guardian who provides a child with treatment by spiritual
- 48 means alone through prayer, in lieu of medical treatment, in accordance with the tenets and
- 49 practices of an established church or religious denomination of which the parent or legal
- 50 guardian is a member or adherent shall not, for that reason alone, be considered to be in
- 51 violation under this section.
- 52 (b) Subject to Subsection 78A-6-117(2)(n)(iii), the exception under Subsection (3)(a)
- 53 does not preclude a court from ordering medical services from a physician licensed to engage
- 54 in the practice of medicine to be provided to the child where there is substantial risk of harm to
- 55 the child's health or welfare if the treatment is not provided.
- 56 (c) A caretaker of a disabled child does not violate this section by selecting a treatment
- 57 option for a disabled child's medical condition, if the treatment option is one that a reasonable
- 58 caretaker would believe to be in the best interest of the disabled child.

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**Legislative Review Note**  
as of 1-28-09 11:53 AM

**Office of Legislative Research and General Counsel**