

CHILDREN'S JUSTICE CENTER PROGRAM AMENDMENTS

2011 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Ralph Okerlund

House Sponsor: Kay L. McIff

LONG TITLE

General Description:

This bill adds two counties and replaces interlocal agreement requirements with a memorandum of understanding requirement.

Highlighted Provisions:

This bill:

- ▶ adds Sanpete and Sevier Counties to the list of counties in which Children's Justice Centers shall be established;
- ▶ replaces the current interlocal agreement requirement with a memorandum of understanding requirement to be executed by all parties involved;
- ▶ allows a licensed nurse practitioner to serve on a local Children's Justice Center Advisory Board; and
- ▶ makes technical corrections.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

67-5b-101, as last amended by Laws of Utah 2005, Chapter 38

67-5b-102, as last amended by Laws of Utah 2005, Chapters 38 and 186



28 **67-5b-103**, as enacted by Laws of Utah 1994, Chapter 192

29 **67-5b-105**, as last amended by Laws of Utah 2009, Chapter 32

30 REPEALS AND REENACTS:

31 **67-5b-104**, as last amended by Laws of Utah 2005, Chapter 71



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

34 Section 1. Section **67-5b-101** is amended to read:

35 **67-5b-101. Definitions.**

36 As used in this part:

37 (1) "Abused child" means a child 17 years of age or younger who is a victim of:

38 (a) sexual abuse or physical abuse; or

39 (b) other crimes involving children where the child is a primary victim or a critical
40 witness, such as in drug-related child endangerment cases.

41 [~~(2)~~] "~~Agreement~~" means a written contract between two or more public agencies and
42 other persons to provide for multidisciplinary intergovernmental operation of a center
43 established in accordance with Section 67-5b-104.]

44 [~~(3)~~] (2) "Center" means a Children's Justice Center established in accordance with
45 Section 67-5b-102.

46 [~~(4)~~] (3) "Officers and employees" means any person performing services for two or
47 more public agencies as agreed in [~~intergovernmental contracts~~] memoranda of understanding
48 in accordance with Section 67-5b-104.

49 [~~(5)~~] (4) "Public agency" means a municipality, a county, the attorney general, the
50 Division of Child and Family Services, the Division of Juvenile Justice Services, the
51 Department of Corrections, the juvenile court, and the Administrative Office of the Courts.

52 [~~(6)~~] (5) "Volunteer" means any person who donates service without pay or other
53 compensation except expenses actually and reasonably incurred as approved by the supervising
54 agency. Volunteer does not include any person participating in human subjects research and
55 court-ordered compensatory service workers as defined in Section 67-20-2.

56 Section 2. Section **67-5b-102** is amended to read:

57 **67-5b-102. Children's Justice Center -- Requirements of center -- Purposes of**
58 **center.**

59 (1) (a) There is established a program that provides a comprehensive,
60 multidisciplinary, nonprofit, intergovernmental response to sexual abuse of children, physical
61 abuse of children, and other crimes involving children where the child is a primary victim or a
62 critical witness, such as in drug-related child endangerment cases, in a facility known as a
63 Children's Justice Center.

64 (b) The attorney general shall administer the program.

65 (c) The attorney general shall:

66 (i) allocate the funds appropriated by a line item pursuant to Section 67-5b-103;

67 (ii) administer applications for state and federal grants;

68 (iii) staff the Advisory Board on Children's Justice;

69 (iv) assist in the development of new centers; and

70 (v) coordinate services between centers.

71 (2) (a) The attorney general shall establish Children's Justice Centers or satellite offices
72 in Cache County, Carbon County, Davis County, Duchesne County, Emery County, Grand
73 County, Iron County, Salt Lake County, Sanpete County, Sevier County, Tooele County,
74 Uintah County, Utah County, Wasatch County, Washington County, and Weber County.

75 (b) The attorney general may establish other centers within a county and in other
76 counties of the state.

77 (3) The attorney general and each center shall fulfill the statewide purpose of each
78 center by:

79 (a) minimizing the time and duplication of effort required to investigate, prosecute, and
80 initiate treatment for the abused child in the state;

81 (b) facilitating the investigation of the alleged offense against the abused child;

82 (c) conducting interviews of abused children and their families in a professional
83 manner;

84 (d) obtaining reliable and admissible information which can be used effectively in
85 criminal and child protection proceedings in the state;

86 (e) coordinating and tracking:

87 (i) the use of limited medical and psychiatric services;

88 (ii) investigation of the alleged offense;

89 (iii) preparation of prosecution;

- 90 (iv) treatment of the abused child and family; and
- 91 (v) education and training of persons who provide services to the abused child and its
- 92 family in the state;
- 93 (f) expediting the processing of the case through the courts in the state;
- 94 (g) protecting the interest of the abused child and the community in the state;
- 95 (h) reducing trauma to the abused child in the state;
- 96 (i) enhancing the community understanding of sexual abuse of children, physical abuse
- 97 of children, and other crimes in the state involving children where the child is a primary victim
- 98 or a critical witness, such as in drug-related child endangerment cases;
- 99 (j) providing as many services as possible that are required for the thorough and
- 100 effective investigation of child abuse cases; and
- 101 (k) enhancing the community understanding of criminal offenses committed against or
- 102 in the presence of children.

103 (4) To assist a center in fulfilling the requirements and statewide purposes as provided
104 in Subsection (3), each center may obtain access to any relevant juvenile court legal records
105 and adult court legal records, unless sealed by the court.

106 (5) The statewide purpose of this chapter is to establish a program that provides a
107 comprehensive, multidisciplinary, nonprofit, intergovernmental response to sexual abuse of
108 children, physical abuse of children, and other crimes involving children where the child is a
109 primary victim or a critical witness, such as drug-related child endangerment cases, in a facility
110 known as a Children's Justice Center.

111 Section 3. Section **67-5b-103** is amended to read:

112 **67-5b-103. Appropriation and funding.**

113 (1) Funding for centers under this section is intended to be broad-based, provided by a
114 line item appropriation by the Legislature to the attorney general, and is intended to include
115 federal grant money, local government money, and private donations.

116 (2) The money appropriated shall be used to contract with [~~intergovernmental bodies~~
117 ~~that qualify under Section 67-5b-104 to provide a comprehensive, multidisciplinary, nonprofit,~~
118 ~~intergovernmental response to abused children]~~ each public agency designated to oversee the
119 operation and accountability of a center and to cover administrative costs of coordination of the
120 centers' operations.

121 Section 4. Section **67-5b-104** is repealed and reenacted to read:

122 **67-5b-104. Requirements of a memorandum of understanding.**

123 (1) Before a center may be established, a memorandum of understanding regarding
124 participation in operation of the center shall be executed among:

125 (a) the contracting public agency designated to oversee the operation and accountability
126 of the center, including the budget, costs, personnel, and management pursuant to Title 51,
127 Chapter 2a, Accounting Reports from Political Subdivisions, Interlocal Organizations, and
128 Other Local Entities Act;

129 (b) the Office of the Attorney General;

130 (c) at least one representative of a county or municipal law enforcement agency that
131 investigates child abuse in the area to be served by the center;

132 (d) the division of Child and Family Services;

133 (e) the county or district attorney who routinely prosecutes child abuse cases in the area
134 to be served by the center; and

135 (f) at least one representative of any other governmental entity that participates in child
136 abuse investigations or offers services to child abuse victims that desires to participate in the
137 operation of the center.

138 (2) A memorandum of understanding executed under this section shall include the
139 agreement of each participating entity to cooperate in:

140 (a) developing a comprehensive and cooperative multidisciplinary team approach to
141 investigating child abuse;

142 (b) reducing, to the greatest extent possible, the number of interviews required of a
143 victim of child abuse to minimize the negative impact of the investigation on the child; and

144 (c) developing, maintaining, and supporting, through the center, an environment that
145 emphasizes the best interests of children.

146 Section 5. Section **67-5b-105** is amended to read:

147 **67-5b-105. Local advisory boards -- Membership.**

148 (1) The cooperating public agencies and other persons shall make up each center's local
149 advisory board, which shall be composed of the following people from the county or area:

150 (a) the local center director or the director's designee;

151 (b) a district attorney or county attorney having criminal jurisdiction or any designee;

- 152 (c) a representative of the attorney general's office, designated by the attorney general;
 - 153 (d) a county sheriff or a chief of police or their designee;
 - 154 (e) the county executive or the county executive's designee;
 - 155 (f) a licensed nurse practitioner or physician [~~licensed to practice medicine and surgery~~
156 ~~under Section 58-67-301, Utah Medical Practice Act, or Section 58-68-301, Utah Osteopathic~~
157 ~~Medical Practice Act~~];
 - 158 (g) a licensed mental health professional;
 - 159 (h) a criminal defense attorney;
 - 160 (i) at least four members of the community at large provided, however, that the state
161 advisory board may authorize fewer members, although not less than two, if the local advisory
162 board so requests;
 - 163 (j) a guardian ad litem or representative of the Office of Guardian Ad Litem,
164 designated by the director; and
 - 165 (k) a representative of the Division of Child and Family Services within the
166 Department of Human Services, designated by the employee of the division who has
167 supervisory responsibility for the county served by the center.
- 168 (2) The members on each local advisory board who serve due to public office as
169 provided in Subsections (1)(b) through (e) shall select the remaining members. The members
170 on each local advisory board shall select a chair of the local advisory board.
- 171 (3) The local advisory board [~~shall~~ may] not supersede the authority of the contracting
172 public agency as designated in Section 67-5b-104.
- 173 (4) Appointees and designees shall serve a term or terms as designated in the bylaws of
174 the local advisory board.

Legislative Review Note
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Office of Legislative Research and General Counsel