



# House of Representatives *State of Utah*

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P.O. BOX 145030 • SALT LAKE CITY, UTAH 84114-5030 • (801) 538-1029

January 26, 2011

Madam Speaker:

The Health and Human Services Committee reports a favorable recommendation on **H.B. 216**, REUNIFICATION SERVICES AMENDMENTS, by Representative M. Newbold, with the following amendments:

1. *Page 1, Lines 12 through 18:*

12 This bill:

▶ **defines terms;**

13 ▶ creates a presumption that reunification services should not be provided to a  
14 birth

14 mother if the court finds, by clear and convincing evidence, that at the time of birth

15 the child has fetal alcohol syndrome or fetal drug dependency, unless the mother

16 agrees to immediately enroll in, is currently enrolled in, or **, after using the substance  
that resulted in fetal alcohol syndrome or fetal drug dependency,** has successfully

17 completed, a treatment program approved by the ~~{Division of Child and  
Family}~~ **Department of Human**

18 Services; and

2. *Page 1, Lines 25 through 26:*

25 AMENDS:

26 62A-4a-205, as last amended by Laws of Utah 2009, Chapter 161

= **78A-6-301, as enacted by Laws of Utah 2008, Chapter 3 78A-6-301, as enacted  
by Laws of Utah 2008, Chapter 3**

3. *Page 5, Line 147:*

147 (ii) the nature of the alleged abuse or neglect.

= **Section 2. Section 78A-6-301 is amended to read:**

**78A-6-301. Definitions.**

As used in this part:

(1) "Custody" means the custody of a minor in the Division of Child and Family

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Services as of the date of disposition.

(2) "Fetal drug dependency" means that a child is born dependent on a controlled substance, as defined in Section 58-37-2, that was unlawfully used by the child's mother during pregnancy.

~~{(2)}~~ (3) "Protective custody" means the shelter of a child by the Division of Child and Family Services from the time the child is removed from home until the earlier of:

- (a) the shelter hearing; or
- (b) the child's return home.

~~{(3)}~~ (4) "Temporary custody" means the custody of a child in the Division of Child and Family Services from the date of the shelter hearing until disposition.

**Renumber remaining sections accordingly.**

4. Page 6, Line 165:

165 Subsections ~~{(21) and}~~ (20) through (22).

5. Page 8, Line 238:

238 period described in ~~{Subsection}~~ ~~[(2)(d)]~~ ~~{(13)}~~ Subsections (11) through (14) does not interrupt the running of the period.

6. Page 10, Line 304 through Page 11, Line 307:

304 (k) with respect to a parent who is the child's birth mother, at the time of birth the  
child  
305 has fetal alcohol syndrome or fetal drug dependency, unless the mother agrees to  
immediately  
306 enroll in, is currently enrolled in, or , after using the substance that resulted in fetal  
alcohol syndrome or fetal drug dependency, has successfully completed, a program  
approved by the  
307 ~~{—division}~~ department , as follows:

7. Page 11, Line 337 through Page 12, Line 338:

337 (b) The time limits described in ~~[Subsection(2)]~~ Subsections ~~{(9), (10), (13), and~~

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~~(16)~~  
338 ~~through (18)}~~ (2) through (19) are not tolled by the parent's absence.

8. Page 12, Line 353:

353 limitations imposed in [Subsection (2)] Subsections ~~{ (9), (10), (13), and (16) through~~  
~~(18)}~~ (2) through (19) .

Respectfully,

Paul Ray  
Committee Chair

Voting: 6-1-2

3 HB0216.HC1.WPD 1/26/11 5:28 pm /MDA TRV/MDA

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