

**ABUSE, NEGLECT, AND DIVISION DEFINITIONS**

2012 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Christine F. Watkins**

Senate Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

This bill ~~H→~~ [~~modifies the definition of neglect and~~] ~~←H~~ eliminates a responsibility of the Division of Child and Family Services.

**Highlighted Provisions:**

This bill:

~~H→~~ [~~→ adds willful, wanton, and reckless negligence to the definition of neglect; and~~] ~~←H~~

▶ eliminates the division's responsibility to conduct court-ordered home evaluations in custody proceedings.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**62A-4a-105**, as last amended by Laws of Utah 2011, Chapter 186

**78A-6-105**, as last amended by Laws of Utah 2011, Chapter 320

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

Section 1. Section **62A-4a-105** is amended to read:

**62A-4a-105. Division responsibilities.**

H.B. 232



183 (ii) under the jurisdiction of the juvenile court.

184 (23) "Molestation" means that a person, with the intent to arouse or gratify the sexual  
185 desire of any person:

186 (a) touches the anus or any part of the genitals of a child;

187 (b) takes indecent liberties with a child; or

188 (c) causes a child to take indecent liberties with the perpetrator or another.

189 (24) "Natural parent" means a minor's biological or adoptive parent, and includes the  
190 minor's noncustodial parent.

191 (25) (a) "Neglect" means action or inaction ~~H→ [that is willful, wanton, or reckless~~  
192 negligence,] ←H causing:

193 (i) abandonment of a child, except as provided in Title 62A, Chapter 4a, Part 8, Safe  
194 Relinquishment of a Newborn Child;

195 (ii) lack of proper parental care of a child by reason of the fault or habits of the parent,  
196 guardian, or custodian;

197 (iii) failure or refusal of a parent, guardian, or custodian to provide proper or necessary  
198 subsistence, education, or medical care, or any other care necessary for the child's health,  
199 safety, morals, or well-being; or

200 (iv) a child to be at risk of being neglected or abused because another child in the same  
201 home is neglected or abused.

202 (b) The aspect of neglect relating to education, described in Subsection (25)(a)(iii),  
203 means that, after receiving a notice of compulsory education violation under Section  
204 53A-11-101.5, or notice that a parent or guardian has failed to cooperate with school  
205 authorities in a reasonable manner as required under Subsection 53A-11-101.7(5)(a), the parent  
206 or guardian fails to make a good faith effort to ensure that the child receives an appropriate  
207 education.

208 (c) A parent or guardian legitimately practicing religious beliefs and who, for that  
209 reason, does not provide specified medical treatment for a child, is not guilty of neglect.

210 (d) (i) Notwithstanding Subsection (25)(a), a health care decision made for a child by  
211 the child's parent or guardian does not constitute neglect unless the state or other party to the  
212 proceeding shows, by clear and convincing evidence, that the health care decision is not  
213 reasonable and informed.