

**PROVISION OF INFORMATION TO PARENTS OF
CHILDREN IN STATE CUSTODY**

2012 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Christine F. Watkins

Senate Sponsor: David P. Hinkins

LONG TITLE

General Description:

This bill modifies Title 62A, Chapter 4a, Child and Family Services, by requiring the Division of Child and Family Services to provide a parent of a child in state custody with information about the parent's rights.

Highlighted Provisions:

This bill:

- ▶ requires the Division of Child and Family Services to prepare a pamphlet for distribution to a parent of a child in state custody explaining:
 - the parent's rights, including the right to contact an attorney;
 - the name and contact information of an individual at the division who can answer the parent's questions;
 - resources available to the parent; and
 - any other information the division considers necessary;
- ▶ requires the division to provide the pamphlet described above to a parent whenever a child is removed from a home, school, or taken into protective custody; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:



28 This bill takes effect on July 1, 2012.

29 **Utah Code Sections Affected:**

30 AMENDS:

31 **62A-4a-202.1**, as last amended by Laws of Utah 2008, Chapters 3 and 17



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

34 Section 1. Section **62A-4a-202.1** is amended to read:

35 **62A-4a-202.1. Entering home of a child -- Taking a child into protective custody**
36 **-- Caseworker accompanied by peace officer -- Preventive services -- Shelter facility or**
37 **emergency placement.**

38 (1) A peace officer or child welfare worker may not enter the home of a child who is
39 not under the jurisdiction of the court, remove a child from the child's home or school, or take a
40 child into protective custody unless authorized under Subsection 78A-6-106(2).

41 (2) A child welfare worker within the division may take action under Subsection (1)
42 accompanied by a peace officer, or without a peace officer when a peace officer is not
43 reasonably available.

44 (3) (a) If possible, consistent with the child's safety and welfare, before taking a child
45 into protective custody, the child welfare worker shall also determine whether there are
46 services available that, if provided to a parent or guardian of the child, would eliminate the
47 need to remove the child from the custody of the child's parent or guardian.

48 (b) If the services described in Subsection (3)(a) are reasonably available, they shall be
49 utilized.

50 (c) In determining whether the services described in Subsection (3)(a) are reasonably
51 available, and in making reasonable efforts to provide those services, the child's health, safety,
52 and welfare shall be the child welfare worker's paramount concern.

53 (4) (a) A child removed or taken into custody under this section may not be placed or
54 kept in a secure detention facility pending court proceedings unless the child is detainable
55 based on guidelines promulgated by the Division of Juvenile Justice Services.

56 (b) A child removed from the custody of the child's parent or guardian but who does
57 not require physical restriction shall be given temporary care in:

58 (i) a shelter facility; or

59 (ii) an emergency placement in accordance with Section 62A-4a-209.

60 (c) When making a placement under Subsection (4)(b), the Division of Child and
61 Family Services shall give priority to a placement with a noncustodial parent, relative, or
62 friend, in accordance with Section 62A-4a-209.

63 (5) When a child is removed from the child's home or school or taken into protective
64 custody, the caseworker shall give a parent of the child a pamphlet or flier explaining:

65 (a) the parent's rights under this part, including the right to be present and participate in
66 any court proceeding relating to the child's case;

67 (b) that it may be in the parent's best interest to contact an attorney and that, if the
68 parent cannot afford an attorney, the court will appoint one;

69 (c) the name and contact information of a division employee the parent may contact
70 with questions;

71 (d) resources that are available to the parent, including:

72 (i) mental health resources;

73 (ii) substance abuse resources; and

74 (iii) parenting classes; and

75 (e) any other information considered relevant by the division.

76 (6) The pamphlet or flier described in Subsection (5) shall be:

77 (a) evaluated periodically for its effectiveness at conveying necessary information and
78 revised accordingly;

79 (b) written in simple, easy-to-understand language; and

80 (c) available in English and other languages as the division determines to be
81 appropriate and necessary.

82 Section 2. **Effective date.**

83 This bill takes effect on July 1, 2012.

Legislative Review Note
as of 2-1-12 11:22 AM

Office of Legislative Research and General Counsel