



# House of Representatives *State of Utah*

UTAH STATE CAPITOL COMPLEX • 350 STATE CAPITOL  
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February 21, 2014

**CORRECTED on 2/28/2014**

Madam Speaker:

The Health and Human Services Committee reports a favorable recommendation on **H.B. 318**, RIGHTS OF PARENTS AND CHILDREN AMENDMENTS, by Representative L. Christensen, with the following amendments:

1. *Page 3, Lines 63 through 66:*

63           (d) shall give, or instruct the jury to give, full and careful consideration to all of the  
64 evidence presented with regard to the constitutional rights and claims of the parent [~~and, if~~  
a  
65 parent is found,].

**(9) (a) Unless the court finds that due process requires otherwise, in a jury trial pursuant to this section:**

**(i) a child may not be required or compelled to attend or testify unless the court finds that:**

**(A) the child desires an opportunity to be present or to testify and communicates the child's desire to the guardian ad litem;**

**(B) the child is sufficiently mature to articulate the child's wishes in relation to the jury trial; and**

**(C) it would not be detrimental to the child or impractical to have the child be present or to testify; and**

**(ii) the court shall take judicial notice of any adjudicated facts from an earlier hearing, including any testimony from the child or any admissible recording of a child's statement or testimony.**

Bill Number



HB0318

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**(b) The court shall instruct the jury as to the noticed fact described in Subsection  
(9)(a)(ii) in accordance with Rule 201 of the Utah Rule of Evidence.**

66            ~~{(9)}~~    (10)    If the jury, or the court in cases where the parent does not request  
a jury trial, finds

Respectfully,

Paul Ray  
Committee Chair

Voting: 5-4-0

3 HB0318.HC1.WPD 2/21/14 10:10 am jwade/MDA LAK/MDA

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