

584 (c) the court retains jurisdiction over the minor under conditions set by the court and
585 agreed upon by the recruiter or the unit commander to which the minor is eventually assigned.

586 (4) (a) A DNA specimen shall be obtained from a minor who is under the jurisdiction
587 of the court as described in Subsection 53-10-403(3). The specimen shall be obtained by
588 designated employees of the court or, if the minor is in the legal custody of the Division of
589 Juvenile Justice Services, then by designated employees of the division under Subsection
590 53-10-404(5)(b).

591 (b) The responsible agency shall ensure that employees designated to collect the saliva
592 DNA specimens receive appropriate training and that the specimens are obtained in accordance
593 with accepted protocol.

594 (c) Reimbursements paid under Subsection 53-10-404(2)(a) shall be placed in the DNA
595 Specimen Restricted Account created in Section 53-10-407.

596 (d) Payment of the reimbursement is second in priority to payments the minor is
597 ordered to make for restitution under this section and treatment under Section 78A-6-321.

598 Section 4. Section **78A-6-301.5** is enacted to read:

599 **78A-6-301.5. Second medical opinion.**

600 (1) In cases of alleged medical neglect where the division seeks protective custody,
601 temporary custody, or custody of the child based on the report or testimony of a physician, a
602 parent or guardian shall have a reasonable amount of time, as determined by the court, to obtain
603 a second medical opinion from another physician of the parent's or guardian's choosing who
604 has expertise in the applicable field.

605 (2) Unless there is an imminent risk of death or ~~Ĥ~~→ [substantial harm] a deteriorating
606a condition of the child's health ←Ĥ , the child shall remain
606 in the custody of the parent or guardian while the parent or guardian obtains a second medical
607 opinion.

608 (3) If the second medical opinion results in a different diagnosis or treatment
609 recommendation from that of the opinion of the physician the division used, the court shall
610 give deference to the second medical opinion as long as that opinion is reasonable and
611 informed, and is consistent with treatment that is regularly prescribed by medical experts in the
612 applicable field.

613 (4) Subsections (1) through (3) do not apply to emergency treatment or care when the
614 child faces an immediate threat of death or serious and irreparable harm and when there is

770 authorized to present relevant evidence pursuant to this section.

771 (8) (a) If necessary to protect the child, preserve the rights of a party, or for other good
772 cause shown, the court may grant no more than one continuance, not to exceed five judicial
773 days.

774 (b) A court shall honor, as nearly as practicable, the request by a parent or guardian for
775 a continuance under Subsection (8)(a).

776 (c) Notwithstanding Subsection (8)(a), if the division fails to provide the notice
777 described in Subsection (2) within the time described in Subsection (3), the court may grant the
778 request of a parent or guardian for a continuance, not to exceed five judicial days.

779 (9) (a) If the child is in the protective custody of the division, the court shall order that
780 the child be ~~[released from the protective custody of the division]~~ returned to the custody of the
781 parent or guardian unless it finds, by a preponderance of the evidence, consistent with the
782 protections and requirements provided in Subsection 62A-4a-201(1), that any one of the
783 following ~~[exist]~~ exists:

784 (i) subject to Subsection (9)(b)(i), there is a ~~[substantial]~~ serious danger to the physical
785 health or safety of the child and the child's physical health or safety may not be protected
786 without removing the child from the custody of the child's parent;

787 (ii) (A) the child is suffering ~~[emotional damage; and]~~ ~~H~~ → [substantial harm that results in
788 an observable and material impairment in the child's growth, development, or psychological
789 functioning] emotional damage that results in a serious impairment in the child's growth,
789a development, behavior, or psychological functioning ← ~~H~~ ;

790 (B) the parent or guardian is unwilling or unable to make reasonable changes that
791 would sufficiently prevent future damage; and

792 ~~[(B)]~~ (C) there are no reasonable means available by which the child's emotional health
793 may be protected without removing the child from the custody of the child's parent or guardian;

794 (iii) there is a substantial risk that the child will suffer abuse or neglect if the child is
795 not removed from the custody of the child's ~~[parents]~~ parent or guardian;

796 (iv) subject to Subsection (9)(b)(ii), the child or a minor residing in the same
797 household has been, or is considered to be at substantial risk of being, physically abused,
798 sexually abused, or sexually exploited by a:

799 (A) parent or guardian;

800 (B) member of the parent's household or the guardian's household; or