

CHILDREN'S JUSTICE CENTER AMENDMENTS

2016 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Ralph Okerlund

House Sponsor: Francis D. Gibson

LONG TITLE

General Description:

This bill amends provisions related to the Children's Justice Center Program.

Highlighted Provisions:

This bill:

- ▶ amends definitions;
- ▶ modifies the attorney general's and Children's Justice Centers' requirements in operating the Children's Justice Center Program;
- ▶ clarifies how appropriations may be spent;
- ▶ modifies membership of a Children's Justice Center's local advisory board;
- ▶ modifies membership of the Advisory Board on Children's Justice; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

67-5b-101, as last amended by Laws of Utah 2011, Chapter 129

67-5b-102, as last amended by Laws of Utah 2015, Chapter 334

67-5b-103, as last amended by Laws of Utah 2011, Chapter 129

67-5b-104, as repealed and reenacted by Laws of Utah 2011, Chapter 129

67-5b-105, as last amended by Laws of Utah 2011, Chapter 129

30 **67-5b-106**, as last amended by Laws of Utah 2009, Chapter 255



31
32 *Be it enacted by the Legislature of the state of Utah:*

33 Section 1. Section **67-5b-101** is amended to read:

34 **67-5b-101. Definitions.**

35 As used in this part:

36 [~~(1) "Abused child" means a child 17 years of age or younger who is a victim of:~~]

37 [~~(a) sexual abuse or physical abuse; or~~]

38 [~~(b) other crimes involving children where the child is a primary victim or a critical~~
39 ~~witness, such as in drug-related child endangerment cases.]~~

40 [(2)] (1) "Center" means a Children's Justice Center established in accordance with
41 Section **67-5b-102**.

42 (2) "Child abuse case" means a juvenile, civil, or criminal case involving a child abuse
43 victim.

44 (3) "Child abuse victim" means a child 17 years of age or younger who is:

45 (a) a victim of:

46 (i) sexual abuse; or

47 (ii) physical abuse; or

48 (b) a victim or a critical witness in any criminal case, such as a child endangerment
49 case described in Section **76-5-112.5**.

50 [(3)] (4) "Officers and employees" means any person performing services for two or
51 more public agencies as agreed in [~~memoranda~~] a memorandum of understanding in
52 accordance with Section **67-5b-104**.

53 [(4)] (5) "Public agency" means a municipality, a county, the attorney general, the
54 Division of Child and Family Services, the Division of Juvenile Justice Services, the
55 Department of Corrections, the juvenile court, [~~and~~] or the Administrative Office of the Courts.

56 (6) "Satellite office" means a child-friendly facility supervised by a Children's Justice
57 Center established in accordance with Section **67-5b-102**.

58 ~~[(5)]~~ (7) (a) "Volunteer" means any ~~[person]~~ individual who donates service without
59 pay or other compensation except expenses actually and reasonably incurred as approved by the
60 supervising agency.

61 (b) "Volunteer" does not include ~~[any person]~~ an individual participating in human
62 subjects research ~~[and]~~ or a court-ordered compensatory service ~~[workers]~~ worker as defined in
63 Section 67-20-2.

64 Section 2. Section **67-5b-102** is amended to read:

65 **67-5b-102. Children's Justice Center -- Requirements of center -- Purposes of**
66 **center.**

67 (1) (a) There is established a program, known as the Children's Justice Center Program,
68 that provides a comprehensive, multidisciplinary, ~~[nonprofit,]~~ intergovernmental response to
69 ~~[sexual abuse of children, physical abuse of children, and other crimes involving children~~
70 ~~where the child is a primary victim or a critical witness, such as in drug-related child~~
71 ~~endangerment cases,]~~ child abuse victims in a facility known as a Children's Justice Center.

72 (b) The attorney general shall administer the program.

73 (c) The attorney general shall:

74 (i) allocate the funds appropriated by a line item pursuant to Section 67-5b-103;

75 (ii) administer applications for state and federal grants and subgrants;

76 (iii) staff the Advisory Board on Children's Justice;

77 (iv) assist in the development of new centers; ~~[and]~~

78 (v) coordinate services between centers~~[-]~~;

79 (vi) contract with counties and other entities for the provision of services;

80 (vii) provide training, technical assistance, and evaluation to centers; and

81 (viii) provide other services to comply with established minimum practice standards as
82 required to maintain the state's and centers' eligibility for grants and subgrants.

83 (2) (a) The attorney general shall establish Children's Justice Centers ~~[or]~~, satellite
84 offices, or multidisciplinary teams in Beaver County, Box Elder County, Cache County,
85 Carbon County, Davis County, Duchesne County, Emery County, Grand County, Iron County,

86 Kane County, Salt Lake County, San Juan County, Sanpete County, Sevier County, Summit
87 County, Tooele County, Uintah County, Utah County, Wasatch County, Washington County,
88 and Weber County.

89 (b) The attorney general may establish other centers, satellites, or multidisciplinary
90 teams within a county and in other counties of the state.

91 (3) The attorney general and each center shall [~~fulfill the statewide purpose of each~~
92 ~~center by~~]:

93 [~~(a) minimizing the time and duplication of effort required to investigate, prosecute,~~
94 ~~and initiate treatment for the abused child in the state;~~]

95 [~~(b) facilitating the investigation of the alleged offense against the abused child;~~]

96 [~~(c) conducting interviews of abused children and their families in a professional~~
97 ~~manner;~~]

98 (a) coordinate the activities of the public agencies involved in the investigation and
99 prosecution of child abuse cases and the delivery of services to child abuse victims and child
100 abuse victims' families;

101 (b) provide a neutral, child-friendly program, where interviews are conducted and
102 services are provided to facilitate the effective and appropriate disposition of child abuse cases
103 in juvenile, civil, and criminal court proceedings;

104 (c) facilitate a process for interviews of child abuse victims to be conducted in a
105 professional and neutral manner;

106 (d) [~~obtaining~~] obtain reliable and admissible information [~~which~~] that can be used
107 effectively in [~~criminal and child protection proceedings~~] child abuse cases in the state;

108 [~~(e) coordinating and tracking;~~]

109 [~~(i) the use of limited medical and psychiatric services;~~]

110 (e) maintain a multidisciplinary team that includes representatives of public agencies
111 involved in the investigation and prosecution of child abuse cases and in the delivery of
112 services to child abuse victims and child abuse victims' families;

113 (f) hold regularly scheduled case reviews with the multidisciplinary team;

- 114 (g) coordinate and track:
- 115 [~~(ii)~~] (i) investigation of the alleged offense; and
- 116 [~~(iii)~~] (ii) preparation of prosecution;
- 117 [~~(iv) treatment of the abused child and family; and~~]
- 118 [~~(v) education and training of persons who provide services to the abused child and its~~
- 119 ~~family in the state;~~]
- 120 [~~(f) expediting the processing of the case through the courts in the state;~~]
- 121 [~~(g) protecting the interest of the abused child and the community in the state;~~]
- 122 [~~(h) reducing trauma to the abused child in the state;~~]
- 123 [~~(i) enhancing the community understanding of sexual abuse of children, physical~~
- 124 ~~abuse of children, and other crimes in the state involving children where the child is a primary~~
- 125 ~~victim or a critical witness, such as in drug-related child endangerment cases;~~]
- 126 (h) maintain a working protocol that addresses the center's procedures for conducting
- 127 forensic interviews and case reviews, and for ensuring a child abuse victim's access to medical
- 128 and mental health services;
- 129 (i) maintain a system to track the status of cases and the provision of services to child
- 130 abuse victims and child abuse victims' families;
- 131 (j) provide training for professionals involved in the investigation and prosecution of
- 132 child abuse cases and in the provision of related treatment and services;
- 133 (k) enhance community understanding of child abuse cases; and
- 134 [~~(j) providing~~] (l) provide as many services as possible that are required for the
- 135 thorough and effective investigation of child abuse cases[; ~~and~~].
- 136 [~~(k) enhancing the community understanding of criminal offenses committed against or~~
- 137 ~~in the presence of children.~~]
- 138 (4) To assist a center in fulfilling the requirements and statewide purposes as provided
- 139 in Subsection (3), each center may obtain access to any relevant juvenile court legal records
- 140 and adult court legal records, unless sealed by the court.
- 141 [~~(5) The statewide purpose of this chapter is to establish a program that provides a~~

142 ~~comprehensive, multidisciplinary, nonprofit, intergovernmental response to sexual abuse of~~
143 ~~children, physical abuse of children, and other crimes involving children where the child is a~~
144 ~~primary victim or a critical witness, such as drug-related child endangerment cases, in a facility~~
145 ~~known as a Children's Justice Center.]~~

146 Section 3. Section **67-5b-103** is amended to read:

147 **67-5b-103. Appropriation and funding.**

148 (1) Funding for centers under this section is intended to be broad-based, provided by a
149 line item appropriation by the Legislature to the attorney general, and is intended to include
150 federal grant money, local government money, and private donations.

151 (2) The money appropriated shall be used to contract with ~~[each public agency~~
152 ~~designated to oversee]~~ the county responsible for the operation and accountability of a center
153 ~~[and to cover administrative costs of coordination of the centers' operations]~~ in accordance with
154 Section 67-5b-102.

155 (3) The money appropriated may be used by the program to provide resources and
156 contract as needed to support the development of the program and the implementation of
157 evidence-based practices and requirements.

158 Section 4. Section **67-5b-104** is amended to read:

159 **67-5b-104. Requirements of a memorandum of understanding.**

160 (1) Before a center may be established, a memorandum of understanding regarding
161 participation in operation of the center shall be executed among:

162 (a) the contracting ~~[public agency]~~ county designated to oversee the operation and
163 accountability of the center, including the budget, costs, personnel, and management pursuant
164 to Title 51, Chapter 2a, Accounting Reports from Political Subdivisions, Interlocal
165 Organizations, and Other Local Entities Act;

166 (b) the Office of the Attorney General;

167 (c) at least one representative of a county or municipal law enforcement agency that
168 investigates child abuse in the area to be served by the center;

169 (d) the division of Child and Family Services;

170 (e) the county or district attorney who routinely prosecutes child abuse cases in the area
171 to be served by the center; and

172 (f) at least one representative of any other governmental entity that participates in child
173 abuse investigations or offers services to child abuse victims that desires to participate in the
174 operation of the center.

175 (2) A memorandum of understanding executed under this section shall include the
176 agreement of each [~~participating entity~~] public agency, or its representative, described in
177 Subsection (1) to cooperate in:

178 (a) developing a comprehensive and cooperative multidisciplinary team approach to
179 investigating child abuse;

180 (b) reducing, to the greatest extent possible, the number of interviews required of a
181 victim of child abuse to minimize the negative impact of the investigation on the child; and

182 (c) developing, maintaining, and supporting, through the center, an environment that
183 emphasizes the best interests of children.

184 Section 5. Section **67-5b-105** is amended to read:

185 **67-5b-105. Local advisory boards -- Membership.**

186 (1) The cooperating public agencies and other persons shall make up each center's local
187 advisory board, which shall be composed of the following people from the county or area:

188 (a) the local center director or the director's designee;

189 (b) a district attorney or county attorney having criminal jurisdiction or any designee;

190 (c) a representative of the attorney general's office, designated by the attorney general;

191 [~~(d) a county sheriff or a chief of police or their designee;~~]

192 (d) at least one official from a local law enforcement agency or the local law
193 enforcement agency's designee;

194 (e) the county executive or the county executive's designee;

195 (f) a licensed nurse practitioner or physician;

196 (g) a licensed mental health professional;

197 (h) a criminal defense attorney;

198 (i) at least four members of the community at large provided, however, that the [state
199 ~~advisory board~~] Advisory Board on Children's Justice may authorize fewer members, although
200 not less than two, if the local advisory board so requests;

201 (j) a guardian ad litem or representative of the Office of Guardian Ad Litem,
202 designated by the director; [~~and~~]

203 (k) a representative of the Division of Child and Family Services within the
204 Department of Human Services, designated by the employee of the division who has
205 supervisory responsibility for the county served by the center[-];

206 (l) if a center serves more than one county, one representative from each county served,
207 appointed by the county executive; and

208 (m) additional members appointed as needed by the county executive.

209 (2) The members on each local advisory board who serve due to public office as
210 provided in Subsections (1)(b) through (e) shall select the remaining members. The members
211 on each local advisory board shall select a chair of the local advisory board.

212 (3) The local advisory board may not supersede the authority of the contracting [~~public~~
213 ~~agency~~] county as designated in Section [67-5b-104](#).

214 (4) Appointees and designees shall serve a term or terms as designated in the bylaws of
215 the local advisory board.

216 Section 6. Section **67-5b-106** is amended to read:

217 **67-5b-106. Advisory Board on Children's Justice -- Membership -- Terms --**
218 **Duties -- Authority.**

219 (1) The attorney general shall create an Advisory Board on Children's Justice to advise
220 him about the Children's Justice Center Program.

221 (2) The board shall be composed of:

222 (a) the director of each Children's Justice Center;

223 (b) the attorney general or the attorney general's designee;

224 (c) a representative of the Utah Sheriffs Association, appointed by the attorney general;

225 (d) a chief of police, appointed by the attorney general;

226 (e) one juvenile court judge and one district court judge, appointed by the chief justice
227 of the Supreme Court;

228 (f) one representative of the ~~[guardians ad litem]~~ Office of Guardian Ad Litem and one
229 representative of the Court Appointed Special Advocates, appointed by the chief justice of the
230 Supreme Court;

231 (g) a designated representative of the Division of Child and Family Services within the
232 Department of Human Services, appointed by the director of that division;

233 (h) a licensed mental health professional, appointed by the attorney general;

234 (i) a person experienced in working with children with disabilities, appointed by the
235 attorney general;

236 (j) one criminal defense attorney, licensed by the Utah State Bar and in good standing,
237 appointed by the Utah Bar Commission;

238 (k) one criminal prosecutor, licensed by the Utah State Bar and in good standing,
239 appointed by the Utah Prosecution Council;

240 (l) a member of the governor's staff, appointed by the governor;

241 (m) a member from the public, appointed by the attorney general, who exhibits
242 sensitivity to the concerns of parents;

243 (n) a licensed nurse practitioner or physician, appointed by the attorney general; ~~[and]~~

244 (o) one senator, appointed by the president of the Senate;

245 (p) one representative, appointed by the speaker of the House; and

246 ~~[(o)]~~ (q) additional members appointed as needed by the attorney general.

247 (3) (a) Except as required by Subsection (3)(b), as terms of current board members
248 expire, the appointing authority shall appoint each new member or reappointed member to a
249 four-year term.

250 (b) Notwithstanding the requirements of Subsection (3)(a), the appointing authority
251 shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the
252 terms of board members are staggered so that approximately half of the board is appointed
253 every two years.

- 254 (4) The Advisory Board on Children's Justice shall:
- 255 (a) coordinate and support the statewide purpose of the program;
- 256 (b) recommend statewide guidelines for the administration of the program;
- 257 (c) recommend training and improvements in training;
- 258 (d) review, evaluate, and make recommendations concerning state investigative,
- 259 administrative, and judicial handling in [~~both civil and criminal cases of child abuse, child~~
- 260 ~~sexual abuse, neglect, and other crimes involving children where the child is a primary victim~~
- 261 ~~or a critical witness, such as in drug-related child endangerment cases]~~ child abuse cases;
- 262 (e) recommend programs to improve the prompt and fair resolution of civil and
- 263 criminal court proceedings; and
- 264 (f) recommend changes to state laws and procedures to provide comprehensive
- 265 protection for children from abuse, child sexual abuse, neglect, and other crimes involving
- 266 children where the child is a primary victim or a critical witness, such as in drug-related child
- 267 endangerment cases.
- 268 (5) The Advisory Board on Children's Justice may not supersede the authority of
- 269 contracting [~~public agencies to oversee~~] counties regarding operation of the centers, including
- 270 the budget, costs, personnel, and management pursuant to Section [67-5b-104](#) and Title 51,
- 271 Chapter 2a, Accounting Reports from Political Subdivisions, Interlocal Organizations, and
- 272 Other Local Entities Act.