

**COMPULSORY EDUCATION REVISIONS**

2017 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Jacob L. Anderegg**

House Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

This bill amends provisions related to compulsory education.

**Highlighted Provisions:**

This bill:

- ▶ amends penalties for a parent of a truant school-age child;
- ▶ amends requirements related to excusing a home-schooled student;
- ▶ amends provisions related to a violation of a court order by a habitual truant; and
- ▶ makes technical and conforming changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**53A-11-101.5**, as last amended by Laws of Utah 2012, Chapter 203

**53A-11-102**, as last amended by Laws of Utah 2014, Chapter 374

**78A-6-117**, as last amended by Laws of Utah 2016, Chapter 418

**78A-6-1101**, as renumbered and amended by Laws of Utah 2008, Chapter 3

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



28 Section 1. Section 53A-11-101.5 is amended to read:

29 **53A-11-101.5. Compulsory education.**

30 (1) ~~[For purposes of]~~ As used in this section:

31 (a) "Intentionally" ~~[is as]~~ means the same as that term is defined in Section 76-2-103.

32 (b) "Recklessly" ~~[is as]~~ means the same as that term is defined in Section 76-2-103.

33 (c) "Remainder of the school year" means the portion of the school year beginning on  
34 the day after the day on which the notice of compulsory education violation described in  
35 Subsection (3) is served and ending on the last day of the school year.

36 (d) "School-age child" means a school-age minor under the age of 14.

37 (2) Except as provided in Section 53A-11-102 or 53A-11-102.5, the parent of a  
38 school-age minor shall enroll and send the school-age minor to a public or regularly established  
39 private school.

40 (3) A school administrator, a designee of a school administrator, a law enforcement  
41 officer acting as a school resource officer, or a truancy specialist may issue a notice of  
42 compulsory education violation to a parent of a school-age child if the school-age child is  
43 absent without a valid excuse at least five times during the school year.

44 (4) The notice of compulsory education violation, described in Subsection (3):

45 (a) shall direct the parent of the school-age child to:

46 (i) meet with school authorities to discuss the school-age child's school attendance  
47 problems; and

48 (ii) cooperate with the school board, local charter board, or school district in securing  
49 regular attendance by the school-age child;

50 (b) shall designate the school authorities with whom the parent is required to meet;

51 (c) shall state that:

52 (i) it is ~~[a class B misdemeanor]~~ an infraction for the parent of the school-age child to  
53 intentionally or recklessly fail to:

54 ~~[(i) fail to]~~ (A) meet with the designated school authorities to discuss the school-age  
55 child's school attendance problems; or

56 ~~[(ii) fail to]~~ (B) prevent the school-age child from being absent without a valid excuse  
57 five or more times during the remainder of the school year; and

58 (ii) it is a class C misdemeanor for an individual who is convicted of an infraction

59 described in Subsection (4)(c)(i) if, after receiving an additional notice of compulsory  
60 education violation for the same child in the same school year, the individual intentionally or  
61 recklessly fails to:

62 (A) meet with the designated school authorities to discuss the school-age child's school  
63 attendance problems; or

64 (B) prevent the school-age child from being absent without a valid excuse five or more  
65 times during the remainder of the school year;

66 (d) shall be served on the school-age child's parent by personal service or certified  
67 mail; and

68 (e) may not be issued unless the school-age child has been truant at least five times  
69 during the school year.

70 ~~[(5) It is a class B misdemeanor for a parent of a school-age minor to intentionally or~~  
71 ~~recklessly fail to enroll the school-age minor in school, unless the school-age minor is exempt~~  
72 ~~from enrollment under Section 53A-11-102 or 53A-11-102.5.]~~

73 ~~[(6) It is a class B misdemeanor]~~

74 (5) Except as provided in Subsection (6), it is an infraction for a parent of a school-age  
75 child to, after being served with a notice of compulsory education violation in accordance with  
76 Subsections (3) and (4), intentionally or recklessly fail to:

77 (a) ~~[fail to]~~ meet with the school authorities designated in the notice of compulsory  
78 education violation to discuss the school-age child's school attendance problems; or

79 (b) ~~[fail to]~~ prevent the school-age child from being absent without a valid excuse five  
80 or more times during the remainder of the school year.

81 (6) It is a class C misdemeanor for an individual who is found guilty of an infraction  
82 described in Subsection (5) if, after receiving an additional notice of compulsory education  
83 violation for the same child in the same school year, the individual intentionally or recklessly  
84 fails to:

85 (a) meet with the designated school authorities to discuss the school-age child's school  
86 attendance problems; or

87 (b) prevent the school-age child from being absent without a valid excuse five or more  
88 times during the remainder of the school year.

89 (7) It is a class C misdemeanor for a parent of a school-age minor to intentionally or

90 recklessly fail to enroll the school-age minor in school, unless the school-age minor is exempt  
91 from enrollment under Section 53A-11-102 or 53A-11-102.5.

92 [(7)] (8) A local school board, local charter board, or school district shall report  
93 violations of this section to the appropriate county or district attorney.

94 Section 2. Section 53A-11-102 is amended to read:

95 **53A-11-102. Minors exempt from school attendance.**

96 (1) (a) A local school board or charter school governing board may excuse a school-age  
97 minor from attendance for any of the following reasons:

98 (i) a school-age minor over age 16 may receive a partial release from school to enter  
99 employment, or attend a trade school, if the school-age minor has completed the eighth grade;

100 or

101 (ii) on an annual basis, a school-age minor may receive a full release from attending a  
102 public, regularly established private, or part-time school or class if:

103 (A) the school-age minor has already completed the work required for graduation from  
104 high school, or has demonstrated mastery of required skills and competencies in accordance  
105 with Subsection 53A-15-102(1);

106 (B) the school-age minor is in a physical or mental condition, certified by a competent  
107 physician if required by the local school board or charter school governing board, which  
108 renders attendance inexpedient and impracticable;

109 (C) proper influences and adequate opportunities for education are provided in  
110 connection with the school-age minor's employment; or

111 (D) the district superintendent or charter school governing board has determined that a  
112 school-age minor over the age of 16 is unable to profit from attendance at school because of  
113 inability or a continuing negative attitude toward school regulations and discipline.

114 (b) A school-age minor receiving a partial release from school under Subsection  
115 (1)(a)(i) is required to attend:

116 (i) school part time as prescribed by the local school board or charter school governing  
117 board; or

118 (ii) a home school part time.

119 (c) In each case, evidence of reasons for granting an exemption under Subsection (1)  
120 must be sufficient to satisfy the local school board or charter school governing board.

121 (d) A local school board or charter school governing board that excuses a school-age  
122 minor from attendance as provided by this Subsection (1) shall issue a certificate that the minor  
123 is excused from attendance during the time specified on the certificate.

124 (2) (a) A local school board shall excuse a school-age minor from attendance, if the  
125 school-age minor's parent files a signed [~~and notarized affidavit~~] statement with the school-age  
126 minor's school district of residence, as defined in Section 53A-2-201, that:

127 (i) the school-age minor will attend a home school; and

128 (ii) the parent assumes sole responsibility for the education of the school-age minor,  
129 except to the extent the school-age minor is dual enrolled in a public school as provided in  
130 Section 53A-11-102.5.

131 (b) A signed [~~and notarized affidavit~~] statement filed in accordance with Subsection  
132 (2)(a) shall remain in effect as long as:

133 (i) the school-age minor attends a home school; and

134 (ii) the school district where the [~~affidavit~~] signed statement was filed remains the  
135 school-age minor's district of residence.

136 (c) A parent of a school-age minor who attends a home school is solely responsible for:

137 (i) the selection of instructional materials and textbooks;

138 (ii) the time, place, and method of instruction; and

139 (iii) the evaluation of the home school instruction.

140 (d) A local school board may not:

141 (i) require a parent of a school-age minor who attends a home school to maintain  
142 records of instruction or attendance;

143 (ii) require credentials for individuals providing home school instruction;

144 (iii) inspect home school facilities; or

145 (iv) require standardized or other testing of home school students.

146 (e) Upon the request of a parent, a local school board shall identify the knowledge,  
147 skills, and competencies a student is recommended to attain by grade level and subject area to  
148 assist the parent in achieving college and career readiness through home schooling.

149 (f) A local school board that excuses a school-age minor from attendance as provided  
150 by this Subsection (2) shall annually issue a certificate stating that the school-age minor is  
151 excused from attendance for the specified school year.

152 (g) A local school board shall issue a certificate excusing a school-age minor from  
153 attendance:

154 (i) within 30 days after receipt of a signed [~~and notarized affidavit~~] statement filed by  
155 the school-age minor's parent pursuant to Subsection (2); and

156 (ii) on or before August 1 each year thereafter unless:

157 (A) the school-age minor enrolls in a school within the school district;

158 (B) the school-age minor's parent or guardian notifies the school district that the  
159 school-age minor no longer attends a home school; or

160 (C) the school-age minor's parent or guardian notifies the school district that the  
161 school-age minor's school district of residence has changed.

162 (3) A parent who files a signed [~~and notarized affidavit~~] statement as provided in  
163 Subsection (2)(a) is exempt from the [~~application of Subsections 53A-11-101.5(2), (5), and (6)~~]  
164 requirements described in Section 53A-11-101.5.

165 (4) Nothing in this section may be construed to prohibit or discourage voluntary  
166 cooperation, resource sharing, or testing opportunities between a school or school district and a  
167 parent or guardian of a minor attending a home school.

168 Section 3. Section 78A-6-117 is amended to read:

169 **78A-6-117. Adjudication of jurisdiction of juvenile court -- Disposition of cases --**  
170 **Enumeration of possible court orders -- Considerations of court -- Obtaining DNA**  
171 **sample.**

172 (1) (a) When a minor is found to come within the provisions of Section 78A-6-103, the  
173 court shall so adjudicate. The court shall make a finding of the facts upon which it bases its  
174 jurisdiction over the minor. However, in cases within the provisions of Subsection  
175 78A-6-103(1), findings of fact are not necessary.

176 (b) If the court adjudicates a minor for a crime of violence or an offense in violation of  
177 Title 76, Chapter 10, Part 5, Weapons, it shall order that notice of the adjudication be provided  
178 to the school superintendent of the district in which the minor resides or attends school. Notice  
179 shall be made to the district superintendent within three days of the adjudication and shall  
180 include:

181 (i) the specific offenses for which the minor was adjudicated; and

182 (ii) if available, if the victim:

- 183 (A) resides in the same school district as the minor; or
- 184 (B) attends the same school as the minor.
- 185 (2) Upon adjudication the court may make the following dispositions by court order:
- 186 (a) (i) The court may place the minor on probation or under protective supervision in
- 187 the minor's own home and upon conditions determined by the court, including compensatory
- 188 service as provided in Subsection (2)(m)(iii).
- 189 (ii) The court may place the minor in state supervision with the probation department
- 190 of the court, under the legal custody of:
  - 191 (A) the minor's parent or guardian;
  - 192 (B) the Division of Juvenile Justice Services; or
  - 193 (C) the Division of Child and Family Services.
- 194 (iii) If the court orders probation or state supervision, the court shall direct that notice
- 195 of its order be provided to designated persons in the local law enforcement agency and the
- 196 school or transferee school, if applicable, that the minor attends. The designated persons may
- 197 receive the information for purposes of the minor's supervision and student safety.
- 198 (iv) Any employee of the local law enforcement agency and the school that the minor
- 199 attends who discloses the court's order of probation is not:
  - 200 (A) civilly liable except when the disclosure constitutes fraud or willful misconduct as
  - 201 provided in Section [63G-7-202](#); and
  - 202 (B) civilly or criminally liable except when the disclosure constitutes a knowing
  - 203 violation of Section [63G-2-801](#).
- 204 (b) The court may place the minor in the legal custody of a relative or other suitable
- 205 person, with or without probation or protective supervision, but the juvenile court may not
- 206 assume the function of developing foster home services.
- 207 (c) (i) The court may:
  - 208 (A) vest legal custody of the minor in the Division of Child and Family Services,
  - 209 Division of Juvenile Justice Services, or the Division of Substance Abuse and Mental Health;
  - 210 and
  - 211 (B) order the Department of Human Services to provide dispositional
  - 212 recommendations and services.
- 213 (ii) For minors who may qualify for services from two or more divisions within the

214 Department of Human Services, the court may vest legal custody with the department.

215 (iii) (A) A minor who is committed to the custody of the Division of Child and Family  
216 Services on grounds other than abuse or neglect is subject to the provisions of Title 78A,  
217 Chapter 6, Part 4, Minors in Custody on Grounds Other than Abuse or Neglect, and Title 62A,  
218 Chapter 4a, Part 2a, Minors in Custody on Grounds Other than Abuse or Neglect.

219 (B) Before the court entering an order to place a minor in the custody of the Division of  
220 Child and Family Services on grounds other than abuse or neglect, the court shall provide the  
221 division with notice of the hearing no later than five days before the time specified for the  
222 hearing so the division may attend the hearing.

223 (C) Before committing a child to the custody of the Division of Child and Family  
224 Services, the court shall make a finding as to what reasonable efforts have been attempted to  
225 prevent the child's removal from the child's home.

226 (iv) (A) A minor who is 18 years old or older, but younger than 21 years old, may  
227 petition the court to express the minor's desire to be removed from the jurisdiction of the  
228 juvenile court and from the custody of the Division of Child and Family Services if the minor  
229 is in the division's custody on grounds of abuse, neglect, or dependency.

230 (B) If the minor's parent's rights have not been terminated in accordance with Part 5,  
231 Termination of Parental Rights Act, the minor's petition shall contain a statement from the  
232 minor's parent or guardian agreeing that the minor should be removed from the custody of the  
233 Division of Child and Family Services.

234 (C) The minor and the minor's parent or guardian shall sign the petition.

235 (D) The court shall review the petition within 14 days.

236 (E) The court shall remove the minor from the custody of the Division of Child and  
237 Family Services if the minor and the minor's parent or guardian have met the requirements  
238 described in Subsections (2)(c)(iv)(B) and (C) and if the court finds, based on input from the  
239 Division of Child and Family Services, the minor's guardian ad litem, and the Office of the  
240 Attorney General, that the minor does not pose an imminent threat to self or others.

241 (F) A minor removed from custody under Subsection (2)(c)(iv)(E) may, within 90 days  
242 of the date of removal, petition the court to re-enter custody of the Division of Child and  
243 Family Services.

244 (G) Upon receiving a petition under Subsection (2)(c)(iv)(F), the court shall order the



245 Division of Child and Family Services to take custody of the minor based on the findings the  
246 court entered when the court originally vested custody in the Division of Child and Family  
247 Services.

248 (d) (i) The court may commit a minor to the Division of Juvenile Justice Services for  
249 secure confinement.

250 (ii) A minor under the jurisdiction of the court solely on the ground of abuse, neglect,  
251 or dependency under Subsection 78A-6-103(1)(c) may not be committed to the Division of  
252 Juvenile Justice Services.

253 (e) The court may commit a minor, subject to the court retaining continuing  
254 jurisdiction over the minor, to the temporary custody of the Division of Juvenile Justice  
255 Services for observation and evaluation for a period not to exceed 45 days, which period may  
256 be extended up to 15 days at the request of the director of the Division of Juvenile Justice  
257 Services.

258 (f) (i) The court may commit a minor to a place of detention or an alternative to  
259 detention for a period not to exceed 30 days subject to the court retaining continuing  
260 jurisdiction over the minor. This commitment may be stayed or suspended upon conditions  
261 ordered by the court.

262 (ii) This Subsection (2)(f) applies only to a minor adjudicated for:

263 (A) an act which if committed by an adult would be a criminal offense; or

264 (B) except as provided in Subsection 78A-6-1101(3), contempt of court under Section  
265 78A-6-1101.

266 (g) The court may vest legal custody of an abused, neglected, or dependent minor in  
267 the Division of Child and Family Services or any other appropriate person in accordance with  
268 the requirements and procedures of Title 78A, Chapter 6, Part 3, Abuse, Neglect, and  
269 Dependency Proceedings.

270 (h) The court may place a minor on a ranch or forestry camp, or similar facility for care  
271 and also for work, if possible, if the person, agency, or association operating the facility has  
272 been approved or has otherwise complied with all applicable state and local laws. A minor  
273 placed in a forestry camp or similar facility may be required to work on fire prevention,  
274 forestation and reforestation, recreational works, forest roads, and on other works on or off the  
275 grounds of the facility and may be paid wages, subject to the approval of and under conditions

276 set by the court.

277 (i) (i) The court may order a minor to repair, replace, or otherwise make restitution for  
278 damage or loss caused by the minor's wrongful act, including costs of treatment as stated in  
279 Section 78A-6-321 and impose fines in limited amounts.

280 (ii) The court may also require a minor to reimburse an individual, entity, or  
281 governmental agency who offered and paid a reward to a person or persons for providing  
282 information resulting in a court adjudication that the minor is within the jurisdiction of the  
283 juvenile court due to the commission of a criminal offense.

284 (iii) If a minor is returned to this state under the Interstate Compact on Juveniles, the  
285 court may order the minor to make restitution for costs expended by any governmental entity  
286 for the return.

287 (j) The court may issue orders necessary for the collection of restitution and fines  
288 ordered by the court, including garnishments, wage withholdings, and executions.

289 (k) (i) The court may through its probation department encourage the development of  
290 employment or work programs to enable minors to fulfill their obligations under Subsection  
291 (2)(i) and for other purposes considered desirable by the court.

292 (ii) Consistent with the order of the court, the probation officer may permit a minor  
293 found to be within the jurisdiction of the court to participate in a program of work restitution or  
294 compensatory service in lieu of paying part or all of the fine imposed by the court.

295 (l) (i) In violations of traffic laws within the court's jurisdiction, the court may, in  
296 addition to any other disposition authorized by this section:

297 (A) restrain the minor from driving for periods of time the court considers necessary;  
298 and

299 (B) take possession of the minor's driver license.

300 (ii) The court may enter any other disposition under Subsection (2)(l)(i). However, the  
301 suspension of driving privileges for an offense under Section 78A-6-606 is governed only by  
302 Section 78A-6-606.

303 (m) (i) When a minor is found within the jurisdiction of the juvenile court under  
304 Section 78A-6-103 because of violating Section 58-37-8, Title 58, Chapter 37a, Utah Drug  
305 Paraphernalia Act, or Title 58, Chapter 37b, Imitation Controlled Substances Act, the court  
306 shall, in addition to any fines or fees otherwise imposed, order that the minor perform a

307 minimum of 20 hours, but no more than 100 hours, of compensatory service. Satisfactory  
308 completion of an approved substance abuse prevention or treatment program may be credited  
309 by the court as compensatory service hours.

310 (ii) When a minor is found within the jurisdiction of the juvenile court under Section  
311 78A-6-103 because of a violation of Section 32B-4-409 or Subsection 76-9-701(1), the court  
312 may, upon the first adjudication, and shall, upon a second or subsequent adjudication, order  
313 that the minor perform a minimum of 20 hours, but no more than 100 hours of compensatory  
314 service, in addition to any fines or fees otherwise imposed. Satisfactory completion of an  
315 approved substance abuse prevention or treatment program may be credited by the court as  
316 compensatory service hours.

317 (iii) When a minor is found within the jurisdiction of the juvenile court under Section  
318 78A-6-103 because of a violation of Section 76-6-106 or 76-6-206 using graffiti, the court may  
319 order the minor to clean up graffiti created by the minor or any other person at a time and place  
320 within the jurisdiction of the court. Compensatory service required under this section may be  
321 performed in the presence and under the direct supervision of the minor's parent or legal  
322 guardian. The parent or legal guardian shall report completion of the order to the court. The  
323 minor or the minor's parent or legal guardian, if applicable, shall be responsible for removal  
324 costs as determined under Section 76-6-107, unless waived by the court for good cause. The  
325 court may also require the minor to perform other alternative forms of restitution or repair to  
326 the damaged property pursuant to Subsection 77-18-1(8).

327 (A) For a first adjudication, the court may require the minor to clean up graffiti for not  
328 less than eight hours.

329 (B) For a second adjudication, the court may require the minor to clean up graffiti for  
330 not less than 16 hours.

331 (C) For a third adjudication, the court may require the minor to clean up graffiti for not  
332 less than 24 hours.

333 (n) (i) Subject to Subsection (2)(n)(iii), the court may order that a minor:

334 (A) be examined or treated by a physician, surgeon, psychiatrist, or psychologist; or

335 (B) receive other special care.

336 (ii) For purposes of receiving the examination, treatment, or care described in  
337 Subsection (2)(n)(i), the court may place the minor in a hospital or other suitable facility.

338 (iii) In determining whether to order the examination, treatment, or care described in  
339 Subsection (2)(n)(i), the court shall consider:

340 (A) the desires of the minor;

341 (B) if the minor is under the age of 18, the desires of the parents or guardian of the  
342 minor; and

343 (C) whether the potential benefits of the examination, treatment, or care outweigh the  
344 potential risks and side-effects, including behavioral disturbances, suicidal ideation, brain  
345 function impairment, or emotional or physical harm resulting from the compulsory nature of  
346 the examination, treatment, or care.

347 (iv) The Division of Child and Family Services shall take reasonable measures to  
348 notify a parent or guardian of any non-emergency health treatment or care scheduled for a  
349 child, shall include the parent or guardian as fully as possible in making health care decisions  
350 for the child, and shall defer to the parent's or guardian's reasonable and informed decisions  
351 regarding the child's health care to the extent that the child's health and well being are not  
352 unreasonably compromised by the parent's or guardian's decision.

353 (v) The Division of Child and Family Services shall notify the parent or guardian of a  
354 child within five business days after a child in the custody of the Division of Child and Family  
355 Services receives emergency health care or treatment.

356 (vi) The Division of Child and Family Services shall use the least restrictive means to  
357 accomplish a compelling interest in the care and treatment of a child described in this  
358 Subsection (2)(n).

359 (o) (i) The court may appoint a guardian for the minor if it appears necessary in the  
360 interest of the minor, and may appoint as guardian a public or private institution or agency in  
361 which legal custody of the minor is vested.

362 (ii) In placing a minor under the guardianship or legal custody of an individual or of a  
363 private agency or institution, the court shall give primary consideration to the welfare of the  
364 minor. When practicable, the court may take into consideration the religious preferences of the  
365 minor and of a child's parents.

366 (p) (i) In support of a decree under Section [78A-6-103](#), the court may order reasonable  
367 conditions to be complied with by a minor's parents or guardian, a minor, a minor's custodian,  
368 or any other person who has been made a party to the proceedings. Conditions may include:

- 369 (A) parent-time by the parents or one parent;
- 370 (B) restrictions on the minor's associates;
- 371 (C) restrictions on the minor's occupation and other activities; and
- 372 (D) requirements to be observed by the parents or custodian.
- 373 (ii) A minor whose parents or guardians successfully complete a family or other
- 374 counseling program may be credited by the court for detention, confinement, or probation time.
- 375 (q) The court may order the child to be committed to the physical custody of a local
- 376 mental health authority, in accordance with the procedures and requirements of Title 62A,
- 377 Chapter 15, Part 7, Commitment of Persons Under Age 18 to Division of Substance Abuse and
- 378 Mental Health.
- 379 (r) (i) The court may make an order committing a minor within the court's jurisdiction
- 380 to the Utah State Developmental Center if the minor has an intellectual disability in accordance
- 381 with the provisions of Title 62A, Chapter 5, Part 3, Admission to an Intermediate Care Facility
- 382 for People with an Intellectual Disability.
- 383 (ii) The court shall follow the procedure applicable in the district courts with respect to
- 384 judicial commitments to the Utah State Developmental Center when ordering a commitment
- 385 under Subsection (2)(r)(i).
- 386 (s) The court may terminate all parental rights upon a finding of compliance with the
- 387 provisions of Title 78A, Chapter 6, Part 5, Termination of Parental Rights Act.
- 388 (t) The court may make any other reasonable orders for the best interest of the minor or
- 389 as required for the protection of the public, except that a child may not be committed to jail or
- 390 prison.
- 391 (u) The court may combine the dispositions listed in this section if they are compatible.
- 392 (v) Before depriving any parent of custody, the court shall give due consideration to the
- 393 rights of parents concerning their child. The court may transfer custody of a minor to another
- 394 person, agency, or institution in accordance with the requirements and procedures of Title 78A,
- 395 Chapter 6, Part 3, Abuse, Neglect, and Dependency Proceedings.
- 396 (w) Except as provided in Subsection (2)(y)(i), an order under this section for
- 397 probation or placement of a minor with an individual or an agency shall include a date certain
- 398 for a review of the case by the court. A new date shall be set upon each review.
- 399 (x) In reviewing foster home placements, special attention shall be given to making

400 adoptable children available for adoption without delay.

401 (y) (i) The juvenile court may enter an order of permanent custody and guardianship  
402 with an individual or relative of a child where the court has previously acquired jurisdiction as  
403 a result of an adjudication of abuse, neglect, or dependency. The juvenile court may enter an  
404 order for child support on behalf of the child against the natural or adoptive parents of the  
405 child.

406 (ii) Orders under Subsection (2)(y)(i):

407 (A) shall remain in effect until the child reaches majority;

408 (B) are not subject to review under Section 78A-6-118; and

409 (C) may be modified by petition or motion as provided in Section 78A-6-1103.

410 (iii) Orders permanently terminating the rights of a parent, guardian, or custodian and  
411 permanent orders of custody and guardianship do not expire with a termination of jurisdiction  
412 of the juvenile court.

413 (3) In addition to the dispositions described in Subsection (2), when a minor comes  
414 within the court's jurisdiction, the minor may be given a choice by the court to serve in the  
415 National Guard in lieu of other sanctions, provided:

416 (a) the minor meets the current entrance qualifications for service in the National  
417 Guard as determined by a recruiter, whose determination is final;

418 (b) the minor is not under the jurisdiction of the court for any act that:

419 (i) would be a felony if committed by an adult;

420 (ii) is a violation of Title 58, Chapter 37, Utah Controlled Substances Act; or

421 (iii) was committed with a weapon; and

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

424 (4) (a) A DNA specimen shall be obtained from a minor who is under the jurisdiction  
425 of the court as described in Subsection 53-10-403(3). The specimen shall be obtained by  
426 designated employees of the court or, if the minor is in the legal custody of the Division of  
427 Juvenile Justice Services, then by designated employees of the division under Subsection  
428 53-10-404(5)(b).

429 (b) The responsible agency shall ensure that employees designated to collect the saliva  
430 DNA specimens receive appropriate training and that the specimens are obtained in accordance

431 with accepted protocol.

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

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

436 Section 4. Section 78A-6-1101 is amended to read:

437 **78A-6-1101. Violation of order of court -- Contempt -- Penalty.**

438 (1) Any person who willfully violates or refuses to obey any order of the court may be  
439 proceeded against for contempt of court.

440 (2) Any person 18 years of age or older found in contempt of court may be punished in  
441 accordance with Section 78B-6-310.

442 (3) (a) ~~[Any]~~ Except as provided in Subsection (3)(c), a person younger than 18 years  
443 of age found in contempt of court may be punished by any disposition permitted under Section  
444 78A-6-117, except for commitment to a secure facility.

445 (b) The court may stay or suspend all or part of the punishment upon compliance with  
446 conditions imposed by the court.

447 (c) The court may not order detention for, or place in state custody, a minor found in  
448 contempt of court based on a violation of orders directly related to a citation for habitual  
449 truancy.

450 (4) The court may enforce orders of fines, fees, or restitution through garnishments,  
451 wage withholdings, supplementary proceedings, or executions.

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**Legislative Review Note**  
**Office of Legislative Research and General Counsel**