

CHILD PLACEMENT AMENDMENTS

2018 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jeremy A. Peterson

Senate Sponsor: Todd Weiler

LONG TITLE

General Description:

This bill enacts provisions in the Juvenile Court Act related to a child in the custody, protective custody, or temporary custody of the Division of Child and Family Services.

Highlighted Provisions:

This bill:

- ▶ amends definitions;
- ▶ requires the Division of Child and Family Services to determine whether a parent or guardian has an outstanding felony arrest warrant before recommending the return of the child to the custody of that parent or guardian;
- ▶ allows the juvenile court to deny the return of a child to the custody of a parent or guardian who has an outstanding felony arrest warrant; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

78A-6-301, as last amended by Laws of Utah 2017, Chapter 323

ENACTS:



28 [78A-6-308.5](#), Utah Code Annotated 1953



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

31 Section 1. Section **78A-6-301** is amended to read:

32 **78A-6-301. Definitions.**

33 As used in this part:

34 (1) "Custody" means ~~[the custody of a minor in the Division of Child and Family~~
35 ~~Services as of the date of disposition]~~ the same as that term is defined in Section [62A-4a-101](#).

36 (2) "Immediate family member" means a spouse, child, parent, sibling, grandparent, or
37 grandchild.

38 ~~[(2)]~~ (3) "Protective custody" means the shelter of a child by the ~~[Division of Child and~~
39 ~~Family Services]~~ division from the time the child is removed from home until the earlier of:

40 (a) the shelter hearing; or

41 (b) the child's return home.

42 ~~[(3)]~~ (4) "Sibling" means the same as that term is defined in Section [62A-4a-101](#).

43 ~~[(4)]~~ (5) "Sibling visitation" means the same as that term is defined in Section
44 [62A-4a-101](#).

45 ~~[(5)]~~ (6) "Temporary custody" means the custody of a child in the ~~[Division of Child~~
46 ~~and Family Services]~~ division from the date of the shelter hearing until disposition.

47 Section 2. Section **78A-6-308.5** is enacted to read:

48 **78A-6-308.5. Outstanding arrest warrant check before return of custody.**

49 (1) Before the division may recommend that a child who is in the custody, protective
50 custody, or temporary custody of the division be returned to the custody of a parent or guardian
51 of the child, the division shall determine whether the parent or guardian has an outstanding
52 felony arrest warrant in any state where the parent or guardian has resided or in any state where
53 an immediate family member of the parent or guardian resides.

54 (2) The division shall file the results of the felony arrest warrant check with the court.

55 (3) If the parent or guardian of a child who is in the custody, protective custody, or
56 temporary custody of the division has an outstanding arrest warrant in any state, the court may
57 deny the return of the child to the custody of that parent or guardian. The court shall consider
58 the best interest of the child when making the determination.

Legislative Review Note
Office of Legislative Research and General Counsel