

Representative Karianne Lisonbee proposes the following substitute bill:

CHILD PROTECTION UNIT AMENDMENTS

2021 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Karianne Lisonbee

Senate Sponsor: Luz Escamilla

LONG TITLE

General Description:

This bill addresses child protection units and teams.

Highlighted Provisions:

This bill:

- ▶ repeals the Child Protection Unit Pilot Program;
- ▶ removes references to a "child protection unit";
- ▶ amends the membership of a child protection team;
- ▶ allows a sheriff or chief of police to select a representative of law enforcement to serve as a member of a child protection team;
- ▶ modifies when a child protection team may assemble for certain cases;
- ▶ allows a member of a child protection team to share case-specific information with other members of the child protection team; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:



26 AMENDS:

27 **10-3-913**, as last amended by Laws of Utah 2019, Chapter 472

28 **17-22-2**, as last amended by Laws of Utah 2019, Chapter 197

29 **62A-4a-101**, as last amended by Laws of Utah 2019, Chapters 259 and 335

30 **62A-4a-202.3**, as last amended by Laws of Utah 2017, Chapter 459

31 **62A-4a-202.8**, as last amended by Laws of Utah 2017, Chapter 459

32 **62A-4a-409**, as last amended by Laws of Utah 2020, Fifth Special Session, Chapter 20

33 **62A-4a-412**, as last amended by Laws of Utah 2020, Chapters 193 and 258

34 **63I-1-262**, as last amended by Laws of Utah 2020, Chapters 154, 303, 304, and 358

35 **78A-6-322**, as last amended by Laws of Utah 2017, Chapter 459

36 REPEALS:

37 **62A-4a-202.9**, as last amended by Laws of Utah 2020, Chapter 354



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

40 Section 1. Section **10-3-913** is amended to read:

41 **10-3-913. Authority of chief of police -- Oversight.**

42 (1) The chief of police has the same authority as the sheriff within the boundaries of
43 the municipality of appointment. The chief has authority to:

44 (a) suppress riots, disturbances, and breaches of the peace;

45 (b) apprehend all persons violating state laws or city ordinances;

46 (c) diligently discharge his duties and enforce all ordinances of the city to preserve the
47 peace, good order, and protection of the rights and property of all persons;

48 (d) attend the municipal justice court located within the city when required, provide
49 security for the court, and obey its orders and directions; and

50 (e) ~~create a~~ select a representative of law enforcement to serve as a member of a child
51 protection [unit] team, as defined in Section **62A-4a-101**.

52 (2) This section is not a limitation of a police chief's statewide authority as otherwise
53 provided by law.

54 (3) The chief of police shall adopt a written policy that prohibits the stopping,
55 detention, or search of any person when the action is solely motivated by considerations of
56 race, color, ethnicity, age, or gender.

57 (4) (a) Notwithstanding Sections 10-3-918 and 10-3-919, a municipality may not
58 establish a board, committee, or other entity that:

59 (i) has authority independent of the chief of police; and

60 (ii) (A) has authority to overrule a hiring or appointment proposal of the chief of
61 police;

62 (B) is required to review or approve a police department's rules, regulations, policies,
63 or procedures in order for the rules, regulations, policies, or procedures to take effect;

64 (C) has authority to veto a new policy, or strike down an existing policy, established
65 under the authority of the chief of police;

66 (D) is required to review or approve a police department's budget in order for the
67 budget to take effect; or

68 (E) has authority to review or approve a contract the police department makes with a
69 police union or other organization.

70 (b) Nothing in this Subsection (4):

71 (i) limits the authority the Utah Code provides over the chief of police;

72 (ii) prohibits the municipal council or chief executive officer from taking a lawful
73 action described in Subsection (4)(a)(ii) that is allowed by law; or

74 (iii) limits the authority of a civil service commission established in accordance with
75 Title 10, Chapter 3, Part 10, Civil Service Commission.

76 (5) Subject to Subsection (4), a municipality may establish a board, committee, or other
77 entity that relates to the provision of law enforcement services and that has authority
78 independent of the chief of police if the municipality:

79 (a) directly appoints the board, committee, or other entity's members; and

80 (b) provides direct oversight of the board, committee, or other entity.

81 Section 2. Section 17-22-2 is amended to read:

82 **17-22-2. Sheriff -- General duties.**

83 (1) The sheriff shall:

84 (a) preserve the peace;

85 (b) make all lawful arrests;

86 (c) attend in person or by deputy the Supreme Court and the Court of Appeals when
87 required or when the court is held within his county, all courts of record, and court

88 commissioner and referee sessions held within his county, obey their lawful orders and
89 directions, and comply with the court security rule, Rule 3-414, of the Utah Code of Judicial
90 Administration;

91 (d) upon request of the juvenile court, aid the court in maintaining order during
92 hearings and transport a minor to and from youth corrections facilities, other institutions, or
93 other designated places;

94 (e) attend county justice courts if the judge finds that the matter before the court
95 requires the sheriff's attendance for security, transportation, and escort of jail prisoners in his
96 custody, or for the custody of jurors;

97 (f) command the aid of as many inhabitants of his county as he considers necessary in
98 the execution of these duties;

99 (g) take charge of and keep the county jail and the jail prisoners;

100 (h) receive and safely keep all persons committed to his custody, file and preserve the
101 commitments of those persons, and record the name, age, place of birth, and description of
102 each person committed;

103 (i) release on the record all attachments of real property when the attachment he
104 receives has been released or discharged;

105 (j) endorse on all process and notices the year, month, day, hour, and minute of
106 reception, and, upon payment of fees, issue a certificate to the person delivering process or
107 notice showing the names of the parties, title of paper, and the time of receipt;

108 (k) serve all process and notices as prescribed by law;

109 (l) if he makes service of process or notice, certify on the process or notices the
110 manner, time, and place of service, or, if he fails to make service, certify the reason upon the
111 process or notice, and return them without delay;

112 (m) extinguish fires occurring in the undergrowth, trees, or wooded areas on the public
113 land within his county;

114 (n) perform as required by any contracts between the county and private contractors for
115 management, maintenance, operation, and construction of county jails entered into under the
116 authority of Section [17-53-311](#);

117 (o) for the sheriff of a county of the second through sixth class that enters into an
118 interlocal agreement for law enforcement service under Title 11, Chapter 13, Interlocal

119 Cooperation Act, provide law enforcement service as provided in the interlocal agreement;

120 (p) manage search and rescue services in his county;

121 (q) obtain saliva DNA specimens as required under Section [53-10-404](#);

122 (r) on or before January 1, 2003, adopt a written policy that prohibits the stopping,
123 detention, or search of any person when the action is solely motivated by considerations of
124 race, color, ethnicity, age, or gender;

125 (s) ~~[create a child protection unit, as defined in Section [62A-4a-101](#), if the sheriff~~
126 ~~determines that creation of a child protection unit is warranted]~~ as applicable, select a
127 representative of law enforcement to serve as a member of a child protection team, as defined
128 in Section [62A-4a-101](#); and

129 (t) perform any other duties that are required by law.

130 (2) Violation of Subsection (1)(j) is a class C misdemeanor. Violation of any other
131 subsection under Subsection (1) is a class A misdemeanor.

132 (3) (a) As used in this Subsection (3):

133 (i) "Police interlocal entity" has the same meaning as defined in Sections [17-30-3](#) and
134 [17-30a-102](#).

135 (ii) "Police local district" has the same meaning as defined in Section [17-30-3](#).

136 (b) Except as provided in Subsections (3)(c) and [11-13-202\(4\)](#), a sheriff in a county
137 which includes within its boundary a police local district or police interlocal entity, or both:

138 (i) serves as the chief executive officer of each police local district and police interlocal
139 entity within the county with respect to the provision of law enforcement service within the
140 boundary of the police local district or police interlocal entity, respectively; and

141 (ii) is subject to the direction of the police local district board of trustees or police
142 interlocal entity governing body, as the case may be, as and to the extent provided by
143 agreement between the police local district or police interlocal entity, respectively, and the
144 sheriff.

145 (c) Notwithstanding Subsection (3)(b), and except as provided in Subsection
146 [11-13-202\(4\)](#), if a police interlocal entity or police local district enters an interlocal agreement
147 with a public agency, as defined in Section [11-13-103](#), for the provision of law enforcement
148 service, the sheriff:

149 (i) does not serve as the chief executive officer of any interlocal entity created under

150 that interlocal agreement, unless the agreement provides for the sheriff to serve as the chief
 151 executive officer; and

152 (ii) shall provide law enforcement service under that interlocal agreement as provided
 153 in the agreement.

154 Section 3. Section **62A-4a-101** is amended to read:

155 **62A-4a-101. Definitions.**

156 As used in this chapter:

157 (1) "Abuse" means the same as that term is defined in Section [78A-6-105](#).

158 (2) "Adoption services" means:

159 (a) placing children for adoption;

160 (b) subsidizing adoptions under Section [62A-4a-105](#);

161 (c) supervising adoption placements until the adoption is finalized by the court;

162 (d) conducting adoption studies;

163 (e) preparing adoption reports upon request of the court; and

164 (f) providing postadoptive placement services, upon request of a family, for the
 165 purpose of stabilizing a possible disruptive placement.

166 (3) "Child" means, except as provided in Part 7, Interstate Compact on Placement of
 167 Children, a person under 18 years of age.

168 (4) "Child protection team" means a team consisting of:

169 (a) the caseworker assigned to the case;

170 (b) if applicable, the caseworker who made the decision to remove the child;

171 (c) a representative of the school or school district where the child attends school;

172 (d) if applicable, the ~~[peace officer]~~ law enforcement officer who removed the child
 173 from the home;

174 (e) a representative of the appropriate Children's Justice Center, if one is established
 175 within the county where the child resides;

176 (f) if appropriate, and known to the division, a therapist or counselor who is familiar
 177 with the child's circumstances;

178 ~~Ŝ → [(g)] ←Ŝ [members of a child protection unit] Ŝ → [a victim advocate]; ←Ŝ [and]~~

179 ~~Ŝ → [(h)] (g) ←Ŝ~~ if appropriate, a representative of law enforcement selected by the chief of
 179a police or
 180 sheriff in the city or county where the child resides; and

181 ~~§~~ → [H] ← ~~§~~ (h) ~~§~~ → [H] ← ~~§~~ any other individuals determined appropriate and necessary
 181a by the team
 182 coordinator and chair.

183 ~~[(5)]~~ "Child protection unit" means any unit created by a chief of police or a sheriff of a
 184 city, town, metro township, or county that is composed of at least the following individuals
 185 who are trained in the prevention, identification, and treatment of abuse or neglect:]

186 ~~[(a)]~~ a law enforcement officer, as defined in Section ~~53-13-103~~, and]

187 ~~[(b)]~~ a child advocate selected by the chief of police or a sheriff.]

188 ~~[(6)]~~ (5) (a) "Chronic abuse" means repeated or patterned abuse.

189 (b) "Chronic abuse" does not mean an isolated incident of abuse.

190 ~~[(7)]~~ (6) (a) "Chronic neglect" means repeated or patterned neglect.

191 (b) "Chronic neglect" does not mean an isolated incident of neglect.

192 ~~[(8)]~~ (7) "Consult" means an interaction between two persons in which the initiating
 193 person:

194 (a) provides information to another person;

195 (b) provides the other person an opportunity to respond; and

196 (c) takes the other person's response, if any, into consideration.

197 ~~[(9)]~~ (8) "Consumer" means a person who receives services offered by the division in
 198 accordance with this chapter.

199 ~~[(10)]~~ (9) "Custody," with regard to the division, means the custody of a minor in the
 200 division as of the date of disposition.

201 ~~[(11)]~~ (10) "Day-care services" means care of a child for a portion of the day which is
 202 less than 24 hours:

203 (a) in the child's own home by a responsible person; or

204 (b) outside of the child's home in a:

205 (i) day-care center;

206 (ii) family group home; or

207 (iii) family child care home.

208 ~~[(12)]~~ (11) "Dependent child" or "dependency" means a child, or the condition of a
 209 child, who is homeless or without proper care through no fault of the child's parent, guardian,
 210 or custodian.

211 ~~[(13)]~~ (12) "Director" means the director of the Division of Child and Family Services.

- 212 [(14)] (13) "Division" means the Division of Child and Family Services.
- 213 [(15)] (14) "Domestic violence services" means:
- 214 (a) temporary shelter, treatment, and related services to:
- 215 (i) a person who is a victim of abuse, as defined in Section 78B-7-102; and
- 216 (ii) the dependent children of a person who is a victim of abuse, as defined in Section
- 217 78B-7-102; and
- 218 (b) treatment services for a person who is alleged to have committed, has been
- 219 convicted of, or has pled guilty to, an act of domestic violence as defined in Section 77-36-1.
- 220 [(16)] (15) "Harm" means the same as that term is defined in Section 78A-6-105.
- 221 [(17)] (16) "Homemaking service" means the care of individuals in their domiciles, and
- 222 help given to individual caretaker relatives to achieve improved household and family
- 223 management through the services of a trained homemaker.
- 224 [(18)] (17) "Incest" means the same as that term is defined in Section 78A-6-105.
- 225 [(19)] (18) "Indian child" means the same as that term is defined in 25 U.S.C. Sec.
- 226 1903.
- 227 [(20)] (19) "Indian tribe" means the same as that term is defined in 25 U.S.C. Sec.
- 228 1903.
- 229 [(21)] (20) "Minor" means, except as provided in Part 7, Interstate Compact on
- 230 Placement of Children:
- 231 (a) a child; or
- 232 (b) a person:
- 233 (i) who is at least 18 years ~~[of age]~~ old and younger than 21 years ~~[of age]~~ old; and
- 234 (ii) for whom the division has been specifically ordered by the juvenile court to provide
- 235 services.
- 236 [(22)] (21) "Molestation" means the same as that term is defined in Section 78A-6-105.
- 237 [(23)] (22) "Mutual case" means a case that has been:
- 238 (a) opened by the division under the division's discretion and procedures;
- 239 (b) opened by the law enforcement agency with jurisdiction over the case; and
- 240 (c) accepted for investigation by ~~[the child protection unit established by the chief of~~
- 241 ~~police or sheriff]~~ a child protection team, as applicable.
- 242 [(24)] (23) "Natural parent" means a minor's biological or adoptive parent, and

243 includes a minor's noncustodial parent.

244 [~~(25)~~] (24) "Neglect" means the same as that term is defined in Section 78A-6-105.

245 [~~(26)~~] (25) "Protective custody," with regard to the division, means the shelter of a
246 child by the division from the time the child is removed from the child's home until the earlier
247 of:

248 (a) the shelter hearing; or

249 (b) the child's return home.

250 [~~(27)~~] (26) "Protective services" means expedited services that are provided:

251 (a) in response to evidence of neglect, abuse, or dependency of a child;

252 (b) to a cohabitant who is neglecting or abusing a child, in order to:

253 (i) help the cohabitant develop recognition of the cohabitant's duty of care and of the
254 causes of neglect or abuse; and

255 (ii) strengthen the cohabitant's ability to provide safe and acceptable care; and

256 (c) in cases where the child's welfare is endangered:

257 (i) to bring the situation to the attention of the appropriate juvenile court and law
258 enforcement agency;

259 (ii) to cause a protective order to be issued for the protection of the child, when
260 appropriate; and

261 (iii) to protect the child from the circumstances that endanger the child's welfare
262 including, when appropriate:

263 (A) removal from the child's home;

264 (B) placement in substitute care; and

265 (C) petitioning the court for termination of parental rights.

266 [~~(28)~~] (27) "Severe abuse" means the same as that term is defined in Section
267 78A-6-105.

268 [~~(29)~~] (28) "Severe neglect" means the same as that term is defined in Section
269 78A-6-105.

270 [~~(30)~~] (29) "Sexual abuse" means the same as that term is defined in Section
271 78A-6-105.

272 [~~(31)~~] (30) "Sexual exploitation" means the same as that term is defined in Section
273 78A-6-105.

274 [~~(32)~~] (31) "Shelter care" means the temporary care of a minor in a nonsecure facility.

275 [~~(33)~~] (32) "Sibling" means a child who shares or has shared at least one parent in

276 common either by blood or adoption.

277 [~~(34)~~] (33) "Sibling visitation" means services provided by the division to facilitate the

278 interaction between a child in division custody with a sibling of that child.

279 [~~(35)~~] (34) "State" means:

280 (a) a state of the United States;

281 (b) the District of Columbia;

282 (c) the Commonwealth of Puerto Rico;

283 (d) the Virgin Islands;

284 (e) Guam;

285 (f) the Commonwealth of the Northern Mariana Islands; or

286 (g) a territory or possession administered by the United States.

287 [~~(36)~~] (35) "State plan" means the written description of the programs for children,

288 youth, and family services administered by the division in accordance with federal law.

289 [~~(37)~~] (36) "Status offense" means a violation of the law that would not be a violation

290 but for the age of the offender.

291 [~~(38)~~] (37) "Substance abuse" means the same as that term is defined in Section

292 [78A-6-105](#).

293 [~~(39)~~] (38) "Substantiated" or "substantiation" means a judicial finding based on a

294 preponderance of the evidence that abuse or neglect occurred. Each allegation made or

295 identified in a given case shall be considered separately in determining whether there should be

296 a finding of substantiated.

297 [~~(40)~~] (39) "Substitute care" means:

298 (a) the placement of a minor in a family home, group care facility, or other placement

299 outside the minor's own home, either at the request of a parent or other responsible relative, or

300 upon court order, when it is determined that continuation of care in the minor's own home

301 would be contrary to the minor's welfare;

302 (b) services provided for a minor awaiting placement; and

303 (c) the licensing and supervision of a substitute care facility.

304 [~~(41)~~] (40) "Supported" means a finding by the division based on the evidence

305 available at the completion of an investigation that there is a reasonable basis to conclude that
306 abuse, neglect, or dependency occurred. Each allegation made or identified during the course
307 of the investigation shall be considered separately in determining whether there should be a
308 finding of supported.

309 ~~[(42)]~~ (41) "Temporary custody," with regard to the division, means the custody of a
310 child in the division from the date of the shelter hearing until disposition.

311 ~~[(43)]~~ (42) "Threatened harm" means the same as that term is defined in Section
312 78A-6-105.

313 ~~[(44)]~~ (43) "Transportation services" means travel assistance given to an individual
314 with escort service, if necessary, to and from community facilities and resources as part of a
315 service plan.

316 ~~[(45)]~~ (44) "Unsubstantiated" means a judicial finding that there is insufficient
317 evidence to conclude that abuse or neglect occurred.

318 ~~[(46)]~~ (45) "Unsupported" means a finding by the division at the completion of an
319 investigation that there is insufficient evidence to conclude that abuse, neglect, or dependency
320 occurred. However, a finding of unsupported means also that the division did not conclude
321 that the allegation was without merit.

322 ~~[(47)]~~ (46) "Without merit" means a finding at the completion of an investigation by
323 the division, or a judicial finding, that the alleged abuse, neglect, or dependency did not occur,
324 or that the alleged perpetrator was not responsible for the abuse, neglect, or dependency.

325 Section 4. Section **62A-4a-202.3** is amended to read:

326 **62A-4a-202.3. Investigation -- Supported or unsupported reports -- Child in**
327 **protective custody.**

328 (1) When a child is taken into protective custody in accordance with Section
329 62A-4a-202.1, 78A-6-106, or 78A-6-302, or when the division takes any other action that
330 would require a shelter hearing under Subsection 78A-6-306(1), the division shall immediately
331 initiate an investigation of the:

332 (a) circumstances of the child; and

333 (b) grounds upon which the decision to place the child into protective custody was
334 made.

335 (2) The division's investigation shall conform to reasonable professional standards, and

336 shall include:

337 (a) a search for and review of any records of past reports of abuse or neglect involving:

338 (i) the same child;

339 (ii) any sibling or other child residing in the same household as the child; and

340 (iii) the alleged perpetrator;

341 (b) with regard to a child who is five years of age or older, a personal interview with

342 the child:

343 (i) outside of the presence of the alleged perpetrator; and

344 (ii) conducted in accordance with the requirements of Subsection (7);

345 (c) if a parent or guardian can be located, an interview with at least one of the child's

346 parents or guardian;

347 (d) an interview with the person who reported the abuse, unless the report was made

348 anonymously;

349 (e) where possible and appropriate, interviews with other third parties who have had

350 direct contact with the child, including:

351 (i) school personnel; and

352 (ii) the child's health care provider;

353 (f) an unscheduled visit to the child's home, unless:

354 (i) there is a reasonable basis to believe that the reported abuse was committed by a

355 person who:

356 (A) is not the child's parent; and

357 (B) does not:

358 (I) live in the child's home; or

359 (II) otherwise have access to the child in the child's home; or

360 (ii) an unscheduled visit is not necessary to obtain evidence for the investigation; and

361 (g) if appropriate and indicated in any case alleging physical injury, sexual abuse, or

362 failure to meet the child's medical needs, a medical examination, obtained no later than 24

363 hours after the child is placed in protective custody.

364 (3) The division may rely on a written report of a prior interview rather than

365 conducting an additional interview, if:

366 (a) law enforcement:

- 367 (i) previously conducted a timely and thorough investigation regarding the alleged
368 abuse, neglect, or dependency; and
- 369 (ii) produced a written report;
- 370 (b) the investigation described in Subsection (3)(a)(i) included one or more of the
371 interviews required by Subsection (2); and
- 372 (c) the division finds that an additional interview is not in the best interest of the child.
- 373 (4) (a) The division's determination of whether a report is supported or unsupported
374 may be based on the child's statements alone.
- 375 (b) Inability to identify or locate the perpetrator may not be used by the division as a
376 basis for:
- 377 (i) determining that a report is unsupported; or
378 (ii) closing the case.
- 379 (c) The division may not determine a case to be unsupported or identify a case as
380 unsupported solely because the perpetrator was an out-of-home perpetrator.
- 381 (d) Decisions regarding whether a report is supported, unsupported, or without merit
382 shall be based on the facts of the case at the time the report was made.
- 383 (5) The division should maintain protective custody of the child if it finds that one or
384 more of the following conditions exist:
- 385 (a) the child does not have a natural parent, guardian, or responsible relative who is
386 able and willing to provide safe and appropriate care for the child;
- 387 (b) (i) shelter of the child is a matter of necessity for the protection of the child; and
388 (ii) there are no reasonable means by which the child can be protected in:
- 389 (A) the child's home; or
390 (B) the home of a responsible relative;
- 391 (c) there is substantial evidence that the parent or guardian is likely to flee the
392 jurisdiction of the court; or
- 393 (d) the child has left a previously court ordered placement.
- 394 (6) (a) Within 24 hours after receipt of a child into protective custody, excluding
395 weekends and holidays, the division shall:
- 396 (i) convene a child protection team to review the circumstances regarding removal of
397 the child from the child's home or school; and

398 (ii) prepare the testimony and evidence that will be required of the division at the
399 shelter hearing, in accordance with Section 78A-6-306.

400 ~~[(b) The child protection team may include members of a child protection unit.]~~

401 ~~[(c)]~~ (b) At the 24-hour meeting, the division shall have available for review and
402 consideration the complete child protective services and foster care history of the child and the
403 child's parents and siblings.

404 (7) (a) After receipt of a child into protective custody and prior to the adjudication
405 hearing, all investigative interviews with the child that are initiated by the division shall be:

406 (i) except as provided in Subsection (7)(b), audio or video taped; and

407 (ii) except as provided in Subsection (7)(c), conducted with a support person of the
408 child's choice present.

409 (b) (i) Subject to Subsection (7)(b)(ii), an interview described in Subsection (7)(a) may
410 be conducted without being taped if the child:

411 (A) is at least nine years old;

412 (B) refuses to have the interview audio taped; and

413 (C) refuses to have the interview video taped.

414 (ii) If, pursuant to Subsection (7)(b)(i), an interview is conducted without being taped,
415 the child's refusal shall be documented, as follows:

416 (A) the interviewer shall attempt to get the child's refusal on tape, including the reasons
417 for the refusal; or

418 (B) if the child does not allow the refusal, or the reasons for the refusal, to be taped, the
419 interviewer shall:

420 (I) state on the tape that the child is present, but has refused to have the interview,
421 refusal, or the reasons for the refusal taped; or

422 (II) if complying with Subsection (7)(b)(ii)(B)(I) will result in the child, who would
423 otherwise consent to be interviewed, to refuse to be interviewed, the interviewer shall
424 document, in writing, that the child refused to allow the interview to be taped and the reasons
425 for that refusal.

426 (iii) The division shall track the number of interviews under this Subsection (7) that are
427 not taped, and the number of refusals that are not taped, for each interviewer, in order to
428 determine whether a particular interviewer has a higher incidence of refusals, or taped refusals,

429 than other interviewers.

430 (c) (i) Notwithstanding Subsection (7)(a)(ii), the support person who is present for an
431 interview of a child may not be an alleged perpetrator.

432 (ii) Subsection (7)(a)(ii) does not apply if the child refuses to have a support person
433 present during the interview.

434 (iii) If a child described in Subsection (7)(c)(ii) refuses to have a support person
435 present in the interview, the interviewer shall document, in writing, the refusal and the reasons
436 for the refusal.

437 (iv) The division shall track the number of interviews under this Subsection (7) where
438 a child refuses to have a support person present for each interviewer, in order to determine
439 whether a particular interviewer has a higher incidence of refusals than other interviewers.

440 (8) The division shall cooperate with law enforcement investigations and with [~~a child~~
441 ~~protection unit~~] the members of a child protection team, if applicable, regarding the alleged
442 perpetrator.

443 (9) The division may not close an investigation solely on the grounds that the division
444 investigator is unable to locate the child until all reasonable efforts have been made to locate
445 the child and family members including:

446 (a) visiting the home at times other than normal work hours;

447 (b) contacting local schools;

448 (c) contacting local, county, and state law enforcement agencies; and

449 (d) checking public assistance records.

450 Section 5. Section ~~62A-4a-202.8~~ is amended to read:

451 **62A-4a-202.8. Child protection team meeting -- Timing.**

452 (1) A child protection team may assemble for a particular case when:

453 (a) the case demonstrates:

454 (i) the likelihood of severe child abuse or neglect; or

455 (ii) a high risk of repetition as evidenced by previous involvements with law
456 enforcement or the division; and

457 (b) the child protection team is assembled for the purpose of information sharing and
458 identification of resources, services, or actions that support the child and the child's family.

459 ~~[(+)]~~ (2) Subject to Subsection ~~[(2)]~~ (3), if the division files a petition under Section

460 78A-6-304, the division shall convene a child protection team meeting to:

461 (a) review the circumstances of the filing of the petition; and

462 (b) develop or review implementation of a safety plan to protect the child from further
463 abuse, neglect, or dependency.

464 ~~[(2)]~~ (3) The child protection team meeting required under Subsection ~~[(1)]~~ (2) shall be
465 held within the shorter of:

466 (a) 14 days of the day on which the petition is filed under Section 78A-6-304 if the
467 conditions of Subsection ~~[(2)]~~(3)(b) or (c) are not met;

468 (b) 24 hours of the filing of the petition under Section 78A-6-304, excluding weekends
469 and holidays, if the child who is the subject of the petition will likely be taken into protective
470 custody unless there is an expedited hearing and services ordered under the protective
471 supervision of the court; or

472 (c) 24 hours after receipt of a child into protective custody, excluding weekends and
473 holidays, if the child is taken into protective custody as provided in Section 62A-4a-202.3.

474 ~~[(3) The child protection team may include members of a child protection unit.]~~

475 (4) At its meeting the child protection team shall review the complete child protective
476 services and foster care history of the child and the child's parents and siblings.

477 Section 6. Section 62A-4a-409 is amended to read:

478 **62A-4a-409. Investigation by division -- Temporary protective custody --**
479 **Preremoval interviews of children.**

480 (1) (a) Except as provided in Subsection (1)(c), the division shall conduct a thorough
481 preremoval investigation upon receiving either an oral or written report of alleged abuse or
482 neglect, or an oral or written report under Subsection 62A-4a-404(2), when there is reasonable
483 cause to suspect that a situation of abuse, neglect, or the circumstances described under
484 Subsection 62A-4a-404(2) exist.

485 (b) The primary purpose of the investigation described in Subsection (1)(a) shall be
486 protection of the child.

487 (c) The division is not required to conduct an investigation under Subsection (1)(a) if
488 the division determines the person responsible for the child's care:

489 (i) is not the alleged perpetrator; and

490 (ii) is willing and able to ensure the alleged perpetrator does not have access to the

491 child.

492 (2) The preremoval investigation described in Subsection (1)(a) shall include the same
493 investigative requirements described in Section [62A-4a-202.3](#).

494 (3) The division shall make a written report of its investigation that shall include a
495 determination regarding whether the alleged abuse or neglect is supported, unsupported, or
496 without merit.

497 (4) (a) The division shall use an interdisciplinary approach when appropriate in dealing
498 with reports made under this part.

499 (b) The division shall convene a child protection team to assist the division in the
500 division's protective, diagnostic, assessment, treatment, and coordination services.

501 (c) The division may include members of a child protection ~~[unit]~~ team in the division's
502 protective, diagnostic, assessment, treatment, and coordination services.

503 (d) A representative of the division shall serve as the team's coordinator and chair.
504 Members of the team shall serve at the coordinator's invitation. Whenever possible, the team
505 shall include representatives of:

506 (i) health, mental health, education, and law enforcement agencies;

507 (ii) the child;

508 (iii) parent and family support groups unless the parent is alleged to be the perpetrator;

509 and

510 (iv) other appropriate agencies or individuals.

511 (5) If a report of neglect is based upon or includes an allegation of educational neglect,
512 the division shall immediately consult with school authorities to verify the child's status in
513 accordance with Sections [53G-6-201](#) through [53G-6-206](#).

514 (6) When the division completes the division's initial investigation under this part, the
515 division shall give notice of that completion to the person who made the initial report.

516 (7) Division workers or other child protection team members have authority to enter
517 upon public or private premises, using appropriate legal processes, to investigate reports of
518 alleged abuse or neglect, upon notice to parents of their rights under the Child Abuse
519 Prevention and Treatment Act, 42 U.S.C. Sec. 5106, or any successor thereof.

520 (8) With regard to any interview of a child prior to removal of that child from the
521 child's home:

522 (a) except as provided in Subsection (8)(b) or (c), the division shall inform a parent of
523 the child prior to the interview of:

- 524 (i) the specific allegations concerning the child; and
- 525 (ii) the time and place of the interview;

526 (b) if a child's parent or stepparent, or a parent's paramour has been identified as the
527 alleged perpetrator, the division is not required to comply with Subsection (8)(a);

528 (c) if the perpetrator is unknown, or if the perpetrator's relationship to the child's family
529 is unknown, the division may conduct a minimal interview or conversation, not to exceed 15
530 minutes, with the child prior to complying with Subsection (8)(a);

531 (d) in all cases described in Subsection (8)(b) or (c), a parent of the child shall be
532 notified as soon as practicable after the child has been interviewed, but in no case later than 24
533 hours after the interview has taken place;

534 (e) a child's parents shall be notified of the time and place of all subsequent interviews
535 with the child; and

536 (f) the child shall be allowed to have a support person of the child's choice present,
537 who:

538 (i) may include:

539 (A) a school teacher;

540 (B) an administrator;

541 (C) a guidance counselor;

542 (D) a child care provider;

543 (E) a family member;

544 (F) a family advocate; or

545 (G) a member of the clergy; and

546 (ii) may not be an individual who is alleged to be, or potentially may be, the
547 perpetrator.

548 (9) In accordance with the procedures and requirements of Sections [62A-4a-202.1](#)
549 through [62A-4a-202.3](#), a division worker or child protection team member may take a child
550 into protective custody and deliver the child to a law enforcement officer, or place the child in
551 an emergency shelter facility approved by the juvenile court, at the earliest opportunity
552 subsequent to the child's removal from the child's original environment. Control and

553 jurisdiction over the child is determined by the provisions of Title 78A, Chapter 6, Juvenile
554 Court Act, and as otherwise provided by law.

555 (10) With regard to cases in which law enforcement has or is conducting an
556 investigation of alleged abuse or neglect of a child:

557 (a) the division shall coordinate with law enforcement to ensure that there is an
558 adequate safety plan to protect the child from further abuse or neglect; and

559 (b) the division is not required to duplicate an aspect of the investigation that, in the
560 division's determination, has been satisfactorily completed by law enforcement.

561 (11) With regard to a mutual case in which a child protection [unit] team was involved
562 in the investigation of alleged abuse or neglect of a child, the division shall consult with the
563 child protection [unit] team before closing the case.

564 Section 7. Section **62A-4a-412** is amended to read:

565 **62A-4a-412. Reports, information, and referrals confidential -- Exceptions.**

566 (1) Except as otherwise provided in this chapter, reports made under this part, as well
567 as any other information in the possession of the division obtained as the result of a report are
568 private, protected, or controlled records under Title 63G, Chapter 2, Government Records
569 Access and Management Act, and may only be made available to:

570 (a) a police or law enforcement agency investigating a report of known or suspected
571 abuse or neglect, including members of a child protection [unit] team;

572 (b) a physician who reasonably believes that a child may be the subject of abuse or
573 neglect;

574 (c) an agency that has responsibility or authority to care for, treat, or supervise a minor
575 who is the subject of a report;

576 (d) a contract provider that has a written contract with the division to render services to
577 a minor who is the subject of a report;

578 (e) except as provided in Subsection [63G-2-202\(10\)](#), a subject of the report, the natural
579 parents of the child, and the guardian ad litem;

580 (f) a court, upon a finding that access to the records may be necessary for the
581 determination of an issue before the court, provided that in a divorce, custody, or related
582 proceeding between private parties, the record alone is:

583 (i) limited to objective or undisputed facts that were verified at the time of the

584 investigation; and

585 (ii) devoid of conclusions drawn by the division or any of the division's workers on the
586 ultimate issue of whether or not a person's acts or omissions constituted any level of abuse or
587 neglect of another person;

588 (g) an office of the public prosecutor or its deputies in performing an official duty;

589 (h) a person authorized by a Children's Justice Center, for the purposes described in
590 Section [67-5b-102](#);

591 (i) a person engaged in bona fide research, when approved by the director of the
592 division, if the information does not include names and addresses;

593 (j) the State Board of Education, acting on behalf of itself or on behalf of a local
594 education agency, as defined in Section [63J-5-102](#), for the purpose of evaluating whether an
595 individual should be permitted to obtain or retain a license as an educator or serve as an
596 employee or volunteer in a school, limited to information with substantiated or supported
597 findings involving an alleged sexual offense, an alleged felony or class A misdemeanor drug
598 offense, or any alleged offense against the person under Title 76, Chapter 5, Offenses Against
599 the Person, and with the understanding that the office must provide the subject of a report
600 received under Subsection (1)(k) with an opportunity to respond to the report before making a
601 decision concerning licensure or employment;

602 (k) any person identified in the report as a perpetrator or possible perpetrator of abuse
603 or neglect, after being advised of the screening prohibition in Subsection (2);

604 (l) except as provided in Subsection [63G-2-202](#)(10), a person filing a petition for a
605 child protective order on behalf of a child who is the subject of the report;

606 (m) a licensed child-placing agency or person who is performing a preplacement
607 adoptive evaluation in accordance with the requirements of Sections [78B-6-128](#) and
608 [78B-6-130](#);

609 (n) an Indian tribe to:

610 (i) certify or license a foster home;

611 (ii) render services to a subject of a report; or

612 (iii) investigate an allegation of abuse, neglect, or dependency; or

613 (o) the Division of Substance Abuse and Mental Health, the Department of Health, or a
614 local substance abuse authority, described in Section [17-43-201](#), for the purpose of providing

615 substance abuse treatment to a pregnant woman, or the services described in Subsection
616 62A-15-103(2)(o).

617 (2) (a) A person, unless listed in Subsection (1), may not request another person to
618 obtain or release a report or any other information in the possession of the division obtained as
619 a result of the report that is available under Subsection (1)(k) to screen for potential
620 perpetrators of abuse or neglect.

621 (b) A person who requests information knowing that the request is a violation of
622 Subsection (2)(a) is subject to the criminal penalty in Subsection (4).

623 (3) (a) Except as provided in Section 62A-4a-1007 and Subsection (3)(b), the division
624 and law enforcement officials shall ensure the anonymity of the person or persons making the
625 initial report and any others involved in its subsequent investigation.

626 (b) Notwithstanding any other provision of law, excluding Section 78A-6-317, but
627 including this chapter and Title 63G, Chapter 2, Government Records Access and Management
628 Act, when the division makes a report or other information in the division's possession
629 available under Subsection (1)(e) to a subject of the report or a parent of a child, the division
630 shall remove from the report or other information only the names, addresses, and telephone
631 numbers of individuals or specific information that could:

- 632 (i) identify the referent;
633 (ii) impede a criminal investigation; or
634 (iii) endanger a person's safety.

635 (4) Any person who [~~wilfully~~] willfully permits, or aides and abets the release of data
636 or information obtained as a result of this part, in the possession of the division or contained on
637 any part of the Management Information System, in violation of this part or Sections
638 62A-4a-1003 through 62A-4a-1007, is guilty of a class C misdemeanor.

639 (5) The physician-patient privilege is not a ground for excluding evidence regarding a
640 child's injuries or the cause of those injuries, in any proceeding resulting from a report made in
641 good faith pursuant to this part.

642 (6) A child-placing agency or person who receives a report in connection with a
643 preplacement adoptive evaluation pursuant to Sections 78B-6-128 and 78B-6-130:

- 644 (a) may provide this report to the person who is the subject of the report; and
645 (b) may provide this report to a person who is performing a preplacement adoptive

646 evaluation in accordance with the requirement of Sections 78B-6-128 and 78B-6-130, or to a
647 licensed child-placing agency or to an attorney seeking to facilitate an adoption.

648 (7) A member of a child protection team may, before the day on which the child is
649 removed, share case-specific information obtained from the division under this section with
650 other members of the child protection team.

651 Section 8. Section 63I-1-262 is amended to read:

652 **63I-1-262. Repeal dates, Title 62A.**

653 (1) Subsections 62A-1-120(8)(g), (h), and (i) relating to completion of premarital
654 counseling or education under Section 30-1-34 are repealed July 1, 2023.

655 (2) Section 62A-3-209 is repealed July 1, 2023.

656 [~~3~~] Section 62A-4a-202.9 is repealed December 31, 2021.]

657 [~~4~~] (3) Section 62A-4a-213 is repealed July 1, 2024.

658 [~~5~~] (4) Sections 62A-5a-101, 62A-5a-102, 62A-5a-103, and 62A-5a-104, which
659 create the Coordinating Council for Persons with Disabilities, are repealed July 1, 2022.

660 [~~6~~] (5) Section 62A-15-114 is repealed December 31, 2021.

661 [~~7~~] (6) Subsections 62A-15-116(1) and [~~4~~] (5), the language that states "In
662 consultation with the Behavioral Health Crisis Response Commission, established in Section
663 63C-18-202," is repealed January 1, 2023.

664 [~~8~~] (7) Section 62A-15-118 is repealed December 31, 2023.

665 [~~9~~] (8) Subsections 62A-15-605(3)(h) and (4) relating to the study of long-term needs
666 for adult beds in the state hospital are repealed July 1, 2022.

667 [~~10~~] (9) Section 62A-15-605, which creates the Forensic Mental Health Coordinating
668 Council, is repealed July 1, 2023.

669 [~~11~~] (10) Subsections 62A-15-1100(1) and 62A-15-1101(9), in relation to the Utah
670 Substance Use and Mental Health Advisory Council, are repealed January 1, 2023.

671 [~~12~~] (11) In relation to the Behavioral Health Crisis Response Commission, on July
672 1, 2023:

673 (a) Subsections 62A-15-1301(2) and 62A-15-1401(1) are repealed;

674 (b) Subsection 62A-15-1302(1)(b), the language that states "and in consultation with
675 the commission" is repealed;

676 (c) [~~Section~~] Subsection 62A-15-1303(1), the language that states "In consultation with

677 the commission," is repealed;

678 (d) Subsection 62A-15-1402(2)(a), the language that states "With recommendations
679 from the commission," is repealed; and

680 (e) Subsection 62A-15-1702(6) is repealed.

681 Section 9. Section 78A-6-322 is amended to read:

682 **78A-6-322. Abuse, neglect, or dependency of child -- Coordination of**
683 **proceedings.**

684 (1) In each case where an information or indictment has been filed against a defendant
685 concerning abuse, neglect, or dependency of a child, and a petition has been filed in juvenile
686 court concerning the victim, the appropriate county attorney's or district attorney's office shall
687 coordinate with the attorney general's office.

688 (2) Law enforcement personnel, Division of Child and Family Services personnel, the
689 appointed guardian ad litem, pretrial services personnel, and corrections personnel shall make
690 reasonable efforts to facilitate the coordination required by this section.

691 (3) Members of interdisciplinary child protection teams, established under Section
692 62A-4a-409, may participate in the coordination required by this section.

693 (4) [~~Members of a child protection unit, established under Section 10-3-913 or~~
694 ~~17-22-2;~~] A member of a child protection team, as defined in Section 62A-4a-101, may
695 coordinate with the attorney general's office, Division of Child and Family Services personnel,
696 the appointed guardian ad litem, pretrial services personnel, and corrections personnel as
697 appropriate.

698 Section 10. **Repealer.**

699 This bill repeals:

700 Section 62A-4a-202.9, **Child protection unit pilot program.**