Enrolled Copy **H.B. 285**

JUVENILE RECODIFICATION

2021 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: V. Lowry Snow

Senate Sponsor: Todd D. Weiler

LONG TITLE

General Description:

This bill reorganizes, renumbers, amends, repeals, and enacts statutes related to juveniles.

Highlighted Provisions:

This bill:

- defines terms and amends definitions;
- reorganizes and renumbers Title 78A, Chapter 6, Juvenile Court Act;
- reorganizes and renumbers Title 62A, Chapter 7, Juvenile Justice Services;
- enacts Title 80, Utah Juvenile Code;
- renumbers and amends statutes in Title 62A, Chapter 7, Juvenile Justice Services, and Title 78A, Chapter 6, Juvenile Court Act, to Title 80, Utah Juvenile Code;
- reorganizes and clarifies provisions related to removal of a child from the home and placement of a child in protective custody;
- amends the notice requirements for removal of a child from the home or placement of the child in protective custody;
- clarifies the notice requirements for release of a minor who is committed to a local mental health authority or the Utah State Developmental Center;
- renumbers a statute related to aiding or concealing a juvenile offender, and trespassing in a secure care facility, to Title 76, Utah Criminal Code;
- clarifies that an offense for damaging a jail or other place of confinement is applicable to a child;
- renumbers statutes regarding the Office of the Guardian Ad Litem;

30 ▸ clarifies the original and concurrent jurisdiction of the juvenile court;
31 ▸ enacts a statute on the exclusive jurisdiction of the juvenile court;
32 ▸ modifies the continuing jurisdiction of the juvenile court;
33 ▸ clarifies jurisdiction for proceedings to determine parentage;
34 ▸ repeals a provision allowing delinquency records for an individual charged with a
35 felony as an adult to be made available upon request;
36 ▸ clarifies provisions related to venue for juvenile court proceedings;
37 ▸ repeals provisions related to venue transfer in the juvenile court;
38 ▸ clarifies requirements for emergency medical or surgical treatment after a petition is
39 filed in the juvenile court;
40 ▸ clarifies the requirements and punishments for contempt of court in the juvenile
41 court;
42 ▸ repeals provisions related to hearings after an adjudication in the juvenile court;
43 ▸ clarifies the requirements for modifying an order or decree in the juvenile court;
44 ▸ provides that a county or district attorney may file a criminal information for an
45 adult in the juvenile court for certain offenses;
46 ▸ clarifies the jurisdiction and requirements for adult criminal proceedings in the
47 juvenile court;
48 ▸ provides that certain agencies and courts assist and cooperate to further the
49 provisions of Title 80, Utah Juvenile Code;
50 ▸ clarifies provisions related to abuse, neglect, and dependency proceedings,
51 including provisions related to:
52 • individuals entitled to be present at abuse, neglect, and dependency proceedings;
53 • consolidating abuse, neglect, and dependency proceedings;
54 • records of abuse, neglect, and dependency proceedings;
55 • disclosures made by parties in abuse, neglect, and dependency proceedings;
56 • physical and mental health examinations for a minor in abuse, neglect, and
57 dependency proceedings;

58 • consideration of an individual's cannabis use in abuse, neglect, and dependency
59 proceedings;
60 • amending a petition for abuse, neglect, or dependency;
61 • referrals for mediation in an abuse, neglect, and dependency proceeding;
62 • temporary custody and protective services of a child who is the subject of a
63 petition for abuse, neglect, or dependency;
64 • shelter hearings;
65 • dispositions that may be ordered after an adjudication on a petition for abuse,
66 neglect, or dependency;
67 • permanency hearings; and
68 • removal of a minor from the jurisdiction of the juvenile court and custody of the
69 Division of Child and Family Services;
70 ▸ clarifies provisions related to proceedings for the termination and restoration of
71 parental rights, including provisions related to:
72 • the rules of procedure that apply to termination proceedings;
73 • individuals entitled to be present at termination proceedings;
74 • records of termination proceedings;
75 • physical or mental health examinations for termination proceedings;
76 • temporary custody of a child after a petition for termination of parental rights is
77 filed;
78 • consideration of an individual's use of cannabis in termination proceedings;
79 • amending a petition for termination of parental rights; and
80 • referrals for mediation in termination proceedings;
81 ▸ repeals provisions regarding the contents of a petition for termination of parental
82 rights;
83 ▸ clarifies the responsibilities of the Division of Juvenile Justice Services;
84 ▸ grants rulemaking authority to the Division of Juvenile Justice Services regarding
85 the operation of certain programs and facilities;

86 ▸ requires the Division of Juvenile Justice Services to provide prenatal and postnatal
87 care to a pregnant minor who is in secure detention or secure care;
88 ▸ allows the Division of Juvenile Justice Services to refer a minor, who has a child
89 while the minor is in secure detention or secure care, and the minor's child to the
90 Division of Child and Family Services to receive services;
91 ▸ requires a report for a runaway be given to the Division of Juvenile Justice Services;
92 ▸ requires the Division of Juvenile Justice Services to refer a runaway to the Division
93 of Child and Family Services to determine whether the runaway is abused,
94 neglected, or dependent;
95 ▸ reorganizes and clarifies statutes regarding the Youth Parole Authority;
96 ▸ modifies school notification requirements for minors who are taken into custody,
97 admitted to detention, or adjudicated by the juvenile court for certain offenses;
98 ▸ amends the grounds for which a minor may be taken into custody by a peace officer
99 or a juvenile probation officer;
100 ▸ provides the warrant requirements for taking a minor into custody after a
101 delinquency petition is filed;
102 ▸ clarifies the requirements for holding a minor in custody and releasing a minor from
103 custody;
104 ▸ clarifies the requirements for admitting a minor to detention;
105 ▸ provides the rights that a minor has in a detention facility;
106 ▸ provides the requirements for interviewing a minor who is taken into custody or
107 admitted to a detention facility;
108 ▸ clarifies when bail is allowed for a minor who is in a detention facility;
109 ▸ provides the types of pleas that a minor may enter in the juvenile court and the
110 requirements for a minor to withdraw a plea in the juvenile court;
111 ▸ clarifies that, in preparing a dispositional report or recommendation, a juvenile
112 probation officer or the juvenile court shall consider the dispositional guidelines;
113 ▸ provides that competency proceedings apply to a petition or an information filed in

114 the juvenile court for a minor;
115 ▸ clarifies competency proceedings for minors in juvenile court, including
116 commitment proceedings for a minor who is 18 years old or older;
117 ▸ clarifies provisions regarding delinquency proceedings, including:
118 • when the juvenile court or the Division of Juvenile Justice Services is required
119 to take photographs or fingerprints of a minor;
120 • the types of dispositions that a juvenile court may order after a minor is
121 adjudicated for an offense;
122 • the requirements for placing a minor in detention after an adjudication; and
123 • the time periods for probation and supervision by the juvenile court and the
124 Youth Parole Authority;
125 ▸ enacts provisions on the rights that minors have for delinquency proceedings;
126 ▸ provides the burden of proof for an adjudication of an offense;
127 ▸ amends the time period for suspending a disposition after an adjudication of an
128 offense;
129 ▸ clarifies provisions regarding the commitment and parole of a minor, including:
130 • commitment of a minor to a local mental health authority or the Utah State
131 Developmental Center; and
132 • the presumptive terms of commitment to secure care, parole supervision, and
133 aftercare services;
134 ▸ provides the rights that a juvenile offender has in secure care;
135 ▸ clarifies provisions regarding youth courts;
136 ▸ provides that a criminal defense attorney be appointed to the Youth Court Board;
137 ▸ clarifies provisions regarding juvenile records and expungement;
138 ▸ clarifies provisions regarding emancipation of a minor;
139 ▸ repeals statutes relating to the Division of Juvenile Justice Services, Youth Parole
140 Authority, and juvenile court proceedings; and
141 ▸ makes technical and conforming changes.

142 **Money Appropriated in this Bill:**

143 None

144 **Other Special Clauses:**

145 This bill provides a special effective date.

146 This bill provides coordination clauses.

147 **Utah Code Sections Affected:**

148 AMENDS:

149 **53G-6-201**, as last amended by Laws of Utah 2020, Chapter 20

150 **62A-4a-101**, as last amended by Laws of Utah 2019, Chapters 259 and 335

151 **62A-4a-202.2**, as last amended by Laws of Utah 2008, Chapter 3

152 **62A-5-308**, as last amended by Laws of Utah 2011, Chapter 366

153 **62A-5-309**, as last amended by Laws of Utah 2011, Chapter 366

154 **62A-15-705**, as last amended by Laws of Utah 2018, Chapter 322

155 **76-8-418**, as last amended by Laws of Utah 2005, Chapter 13

156 **78A-6-101**, as last amended by Laws of Utah 2012, Chapter 316

157 **78A-6-102**, as renumbered and amended by Laws of Utah 2008, Chapter 3

158 **78A-6-103**, as last amended by Laws of Utah 2020, Chapters 142, 214, and 250

159 **78A-6-120**, as last amended by Laws of Utah 2020, Chapter 214

160 **78A-6-201**, as renumbered and amended by Laws of Utah 2008, Chapter 3

161 **78A-6-202**, as renumbered and amended by Laws of Utah 2008, Chapter 3

162 **78A-6-203**, as last amended by Laws of Utah 2009, Chapter 356

163 **78A-6-204**, as renumbered and amended by Laws of Utah 2008, Chapter 3

164 **78A-6-205**, as renumbered and amended by Laws of Utah 2008, Chapter 3

165 **78A-6-206**, as renumbered and amended by Laws of Utah 2008, Chapter 3

166 **78A-6-207**, as renumbered and amended by Laws of Utah 2008, Chapter 3

167 **78A-6-208**, as last amended by Laws of Utah 2012, Chapter 316

168 **78A-6-209**, as last amended by Laws of Utah 2017, Chapter 326

169 **78A-6-210**, as last amended by Laws of Utah 2020, Chapter 312

170 **78A-6-211**, as renumbered and amended by Laws of Utah 2008, Chapter 3
171 **78B-6-105**, as last amended by Laws of Utah 2020, Chapter 214
172 **78B-15-104**, as last amended by Laws of Utah 2010, Chapter 237
173 ENACTS:
174 **78A-2-801**, Utah Code Annotated 1953
175 **78A-6-101.5**, Utah Code Annotated 1953
176 **78A-6-103.5**, Utah Code Annotated 1953
177 **78A-6-357**, Utah Code Annotated 1953
178 **80-1-101**, Utah Code Annotated 1953
179 **80-2-101**, Utah Code Annotated 1953
180 **80-3-101**, Utah Code Annotated 1953
181 **80-3-105**, Utah Code Annotated 1953
182 **80-3-106**, Utah Code Annotated 1953
183 **80-3-107**, Utah Code Annotated 1953
184 **80-3-203**, Utah Code Annotated 1953
185 **80-3-206**, Utah Code Annotated 1953
186 **80-3-207**, Utah Code Annotated 1953
187 **80-3-405**, Utah Code Annotated 1953
188 **80-3-503**, Utah Code Annotated 1953
189 **80-4-103**, Utah Code Annotated 1953
190 **80-4-106**, Utah Code Annotated 1953
191 **80-4-107**, Utah Code Annotated 1953
192 **80-4-109**, Utah Code Annotated 1953
193 **80-4-205**, Utah Code Annotated 1953
194 **80-4-206**, Utah Code Annotated 1953
195 **80-4-207**, Utah Code Annotated 1953
196 **80-5-101**, Utah Code Annotated 1953
197 **80-5-102**, Utah Code Annotated 1953

198 **80-5-202**, Utah Code Annotated 1953
199 **80-5-702**, Utah Code Annotated 1953
200 **80-5-703**, Utah Code Annotated 1953
201 **80-6-101**, Utah Code Annotated 1953
202 **80-6-102**, Utah Code Annotated 1953
203 **80-6-103**, Utah Code Annotated 1953
204 **80-6-203**, Utah Code Annotated 1953
205 **80-6-205**, Utah Code Annotated 1953
206 **80-6-206**, Utah Code Annotated 1953
207 **80-6-301**, Utah Code Annotated 1953
208 **80-6-306**, Utah Code Annotated 1953
209 **80-6-602**, Utah Code Annotated 1953
210 **80-6-603**, Utah Code Annotated 1953
211 **80-6-604**, Utah Code Annotated 1953
212 **80-6-606**, Utah Code Annotated 1953
213 **80-6-701**, Utah Code Annotated 1953
214 **80-6-702**, Utah Code Annotated 1953
215 **80-6-703**, Utah Code Annotated 1953
216 **80-6-704**, Utah Code Annotated 1953
217 **80-6-705**, Utah Code Annotated 1953
218 **80-6-706**, Utah Code Annotated 1953
219 **80-6-708**, Utah Code Annotated 1953
220 **80-6-709**, Utah Code Annotated 1953
221 **80-6-710**, Utah Code Annotated 1953
222 **80-6-711**, Utah Code Annotated 1953
223 **80-6-712**, Utah Code Annotated 1953
224 **80-6-801**, Utah Code Annotated 1953
225 **80-6-1003**, Utah Code Annotated 1953

226 **80-7-101**, Utah Code Annotated 1953
227 REPEALS AND REENACTS:
228 **62A-4a-202.1**, as last amended by Laws of Utah 2018, Third Special Session, Chapter 1
229 **78A-6-104**, as last amended by Laws of Utah 2020, Chapter 214
230 RENUMBERS AND AMENDS:
231 **53G-6-210**, (Renumbered from 78A-6-319, as last amended by Laws of Utah 2018,
232 Chapter 415)
233 **53G-6-211**, (Renumbered from 78A-6-320, as renumbered and amended by Laws of
234 Utah 2008, Chapter 3)
235 **76-8-311.5**, (Renumbered from 62A-7-402, as last amended by Laws of Utah 2020,
236 Chapter 214)
237 **78A-2-802**, (Renumbered from 78A-6-901, as last amended by Laws of Utah 2014,
238 Chapter 267)
239 **78A-2-803**, (Renumbered from 78A-6-902, as last amended by Laws of Utah 2019,
240 Chapter 335)
241 **78A-2-804**, (Renumbered from 78A-6-903, as enacted by Laws of Utah 2020, Chapter
242 230)
243 **78A-6-212**, (Renumbered from 62A-7-105.5, as last amended by Laws of Utah 2020,
244 Chapter 214)
245 **78A-6-350**, (Renumbered from 78A-6-110, as renumbered and amended by Laws of
246 Utah 2008, Chapter 3)
247 **78A-6-351**, (Renumbered from 78A-6-109, as last amended by Laws of Utah 2017,
248 Chapter 330)
249 **78A-6-352**, (Renumbered from 78A-6-111, as last amended by Laws of Utah 2018,
250 Chapter 148)
251 **78A-6-353**, (Renumbered from 78A-6-1101, as last amended by Laws of Utah 2019,
252 Chapter 162)
253 **78A-6-354**, (Renumbered from 78A-6-114, as last amended by Laws of Utah 2020,

254 Chapter 142)
255 **78A-6-355**, (Renumbered from 78A-6-1112, as renumbered and amended by Laws of
256 Utah 2008, Chapter 3)
257 **78A-6-356**, (Renumbered from 78A-6-1106, as last amended by Laws of Utah 2018,
258 Chapter 56)
259 **78A-6-358**, (Renumbered from 78A-6-118, as last amended by Laws of Utah 2020,
260 Chapter 214)
261 **78A-6-359**, (Renumbered from 78A-6-1109, as last amended by Laws of Utah 2013,
262 Chapter 245)
263 **78A-6-450**, (Renumbered from 78A-6-1001, as last amended by Laws of Utah 2018,
264 Chapter 415)
265 **78A-6-451**, (Renumbered from 78A-6-1002, as last amended by Laws of Utah 2013,
266 Chapter 237)
267 **78A-6-452**, (Renumbered from 78A-6-1003, as renumbered and amended by Laws of
268 Utah 2008, Chapter 3)
269 **80-1-102**, (Renumbered from 78A-6-105, as last amended by Laws of Utah 2020,
270 Chapters 214, 312 and last amended by Coordination Clause, Laws of Utah 2020,
271 Chapter 214)
272 **80-1-103**, (Renumbered from 78A-6-1110, as renumbered and amended by Laws of
273 Utah 2008, Chapter 3)
274 **80-3-102**, (Renumbered from 78A-6-301, as last amended by Laws of Utah 2018,
275 Chapter 46)
276 **80-3-103**, (Renumbered from 78A-6-303, as renumbered and amended by Laws of Utah
277 2008, Chapter 3)
278 **80-3-104**, (Renumbered from 78A-6-317, as last amended by Laws of Utah 2019,
279 Chapters 326 and 335)
280 **80-3-108**, (Renumbered from 78A-6-305, as last amended by Laws of Utah 2019,
281 Chapter 71)

282 **80-3-109**, (Renumbered from 78A-6-324, as renumbered and amended by Laws of Utah
283 2008, Chapter 3)
284 **80-3-110**, (Renumbered from 78A-6-115, as last amended by Laws of Utah 2020,
285 Chapters 12, 132, 250, and 354)
286 **80-3-201**, (Renumbered from 78A-6-304, as last amended by Laws of Utah 2020,
287 Chapter 158)
288 **80-3-202**, (Renumbered from 78A-6-107, as renumbered and amended by Laws of Utah
289 2008, Chapter 3)
290 **80-3-204**, (Renumbered from 78A-6-302, as last amended by Laws of Utah 2020,
291 Chapter 158)
292 **80-3-205**, (Renumbered from 78A-6-322, as last amended by Laws of Utah 2017,
293 Chapter 459)
294 **80-3-301**, (Renumbered from 78A-6-306, as last amended by Laws of Utah 2020,
295 Chapters 158 and 214)
296 **80-3-302**, (Renumbered from 78A-6-307, as last amended by Laws of Utah 2020,
297 Chapter 250)
298 **80-3-303**, (Renumbered from 78A-6-307.5, as last amended by Laws of Utah 2019,
299 Chapter 71)
300 **80-3-304**, (Renumbered from 78A-6-301.5, as enacted by Laws of Utah 2015, Chapter
301 274)
302 **80-3-305**, (Renumbered from 78A-6-308, as last amended by Laws of Utah 2012,
303 Chapter 293)
304 **80-3-306**, (Renumbered from 78A-6-308.5, as enacted by Laws of Utah 2018, Chapter
305 46)
306 **80-3-401**, (Renumbered from 78A-6-309, as renumbered and amended by Laws of Utah
307 2008, Chapter 3)
308 **80-3-402**, (Renumbered from 78A-6-311, as renumbered and amended by Laws of Utah
309 2008, Chapter 3)

310 **80-3-403**, (Renumbered from 78A-6-321, as renumbered and amended by Laws of Utah
311 2008, Chapter 3)
312 **80-3-404**, (Renumbered from 78A-6-323, as last amended by Laws of Utah 2015,
313 Chapters 255 and 307)
314 **80-3-406**, (Renumbered from 78A-6-312, as last amended by Laws of Utah 2020,
315 Chapter 214)
316 **80-3-407**, (Renumbered from 78A-6-313, as renumbered and amended by Laws of Utah
317 2008, Chapter 3)
318 **80-3-408**, (Renumbered from 78A-6-315, as last amended by Laws of Utah 2009,
319 Chapter 161)
320 **80-3-409**, (Renumbered from 78A-6-314, as last amended by Laws of Utah 2020,
321 Chapter 158)
322 **80-3-501**, (Renumbered from 78A-6-311.5, as last amended by Laws of Utah 2020,
323 Chapter 250)
324 **80-3-502**, (Renumbered from 78A-6-318, as last amended by Laws of Utah 2018,
325 Chapter 285)
326 **80-4-101**, (Renumbered from 78A-6-501, as renumbered and amended by Laws of Utah
327 2008, Chapter 3)
328 **80-4-102**, (Renumbered from 78A-6-502, as renumbered and amended by Laws of Utah
329 2008, Chapter 3)
330 **80-4-104**, (Renumbered from 78A-6-503, as last amended by Laws of Utah 2020,
331 Chapter 158)
332 **80-4-105**, (Renumbered from 78A-6-513, as last amended by Laws of Utah 2013,
333 Chapters 340, 416 and last amended by Coordination Clause, Laws of Utah 2013,
334 Chapter 416)
335 **80-4-108**, (Renumbered from 78A-6-515, as last amended by Laws of Utah 2012,
336 Chapter 120)
337 **80-4-201**, (Renumbered from 78A-6-504, as renumbered and amended by Laws of Utah

338 2008, Chapter 3)
339 **80-4-202**, (Renumbered from 78A-6-505, as renumbered and amended by Laws of Utah
340 2008, Chapter 3)
341 **80-4-203**, (Renumbered from 78A-6-316, as renumbered and amended by Laws of Utah
342 2008, Chapter 3)
343 **80-4-204**, (Renumbered from 78A-6-506, as last amended by Laws of Utah 2018,
344 Chapter 359)
345 **80-4-301**, (Renumbered from 78A-6-507, as last amended by Laws of Utah 2020,
346 Chapter 158)
347 **80-4-302**, (Renumbered from 78A-6-508, as last amended by Laws of Utah 2018, Third
348 Special Session, Chapter 1)
349 **80-4-303**, (Renumbered from 78A-6-509, as renumbered and amended by Laws of Utah
350 2008, Chapter 3)
351 **80-4-304**, (Renumbered from 78A-6-510, as renumbered and amended by Laws of Utah
352 2008, Chapter 3)
353 **80-4-305**, (Renumbered from 78A-6-511, as last amended by Laws of Utah 2013,
354 Chapter 416 and last amended by Coordination Clause, Laws of Utah 2013, Chapter
355 416)
356 **80-4-306**, (Renumbered from 78A-6-512, as last amended by Laws of Utah 2009,
357 Chapter 32)
358 **80-4-307**, (Renumbered from 78A-6-514, as renumbered and amended by Laws of Utah
359 2008, Chapter 3)
360 **80-4-401**, (Renumbered from 78A-6-1403, as last amended by Laws of Utah 2015,
361 Chapter 272)
362 **80-4-402**, (Renumbered from 78A-6-1404, as last amended by Laws of Utah 2015,
363 Chapter 272)
364 **80-5-103**, (Renumbered from 62A-7-102, as last amended by Laws of Utah 2019,
365 Chapter 246)

366 **80-5-104**, (Renumbered from 62A-7-103, as last amended by Laws of Utah 2019,
367 Chapter 246)
368 **80-5-201**, (Renumbered from 62A-7-104, as last amended by Laws of Utah 2020,
369 Chapter 214)
370 **80-5-203**, (Renumbered from 78A-6-124, as enacted by Laws of Utah 2017, Chapter
371 330)
372 **80-5-204**, (Renumbered from 62A-7-106.5, as last amended by Laws of Utah 2019,
373 Chapter 246)
374 **80-5-205**, (Renumbered from 62A-7-107.5, as last amended by Laws of Utah 2020,
375 Chapter 214)
376 **80-5-206**, (Renumbered from 62A-7-108.5, as last amended by Laws of Utah 2020,
377 Chapter 214)
378 **80-5-207**, (Renumbered from 62A-7-109.5, as last amended by Laws of Utah 2020,
379 Chapter 214)
380 **80-5-208**, (Renumbered from 62A-7-403, as last amended by Laws of Utah 2020,
381 Chapter 214)
382 **80-5-301**, (Renumbered from 62A-7-104.5, as enacted by Laws of Utah 2013, Chapter
383 452)
384 **80-5-302**, (Renumbered from 62A-7-112, as enacted by Laws of Utah 2019, Chapter
385 162)
386 **80-5-303**, (Renumbered from 62A-7-113, as last amended by Laws of Utah 2020,
387 Chapter 214)
388 **80-5-401**, (Renumbered from 62A-7-601, as last amended by Laws of Utah 2019,
389 Chapter 246)
390 **80-5-402**, (Renumbered from 62A-7-701, as last amended by Laws of Utah 2020,
391 Chapter 214)
392 **80-5-403**, (Renumbered from 62A-7-702, as last amended by Laws of Utah 2020,
393 Chapter 214)

394 **80-5-501**, (Renumbered from 62A-7-202, as last amended by Laws of Utah 2017,
395 Chapter 330)
396 **80-5-502**, (Renumbered from 62A-7-203, as last amended by Laws of Utah 2012,
397 Chapter 242)
398 **80-5-503**, (Renumbered from 62A-7-401.5, as last amended by Laws of Utah 2020,
399 Chapter 214)
400 **80-5-601**, (Renumbered from 62A-4a-501, as last amended by Laws of Utah 2019,
401 Chapter 242)
402 **80-5-602**, (Renumbered from 62A-4a-502, as enacted by Laws of Utah 2019, Chapter
403 242)
404 **80-5-603**, (Renumbered from 78A-6-117.5, as last amended by Laws of Utah 2020,
405 Chapter 250)
406 **80-5-701**, (Renumbered from 62A-7-501, as last amended by Laws of Utah 2020,
407 Chapters 214 and 352)
408 **80-6-201**, (Renumbered from 78A-6-112, as last amended by Laws of Utah 2020,
409 Chapter 214)
410 **80-6-202**, (Renumbered from 78A-6-106.5, as enacted by Laws of Utah 2017, Chapter
411 330)
412 **80-6-204**, (Renumbered from 62A-7-201, as last amended by Laws of Utah 2020,
413 Chapter 214)
414 **80-6-207**, (Renumbered from 78A-6-113, as last amended by Laws of Utah 2020,
415 Chapters 214, 250, and 312)
416 **80-6-302**, (Renumbered from 78A-6-603, as last amended by Laws of Utah 2020,
417 Chapters 214, 312 and last amended by Coordination Clause, Laws of Utah 2020,
418 Chapter 214)
419 **80-6-303**, (Renumbered from 78A-6-601, as last amended by Laws of Utah 2020,
420 Chapters 214, 312 and last amended by Coordination Clause, Laws of Utah 2020,
421 Chapter 214)

422 **80-6-304**, (Renumbered from 78A-6-602, as last amended by Laws of Utah 2020, Fifth
423 Special Session, Chapter 4)
424 **80-6-305**, (Renumbered from 78A-6-602.5, as last amended by Laws of Utah 2020,
425 Fifth Special Session, Chapter 4)
426 **80-6-307**, (Renumbered from 78A-6-605, as renumbered and amended by Laws of Utah
427 2008, Chapter 3)
428 **80-6-401**, (Renumbered from 78A-6-1301, as last amended by Laws of Utah 2019,
429 Chapter 388)
430 **80-6-402**, (Renumbered from 78A-6-1302, as last amended by Laws of Utah 2019,
431 Chapters 136, 335, and 388)
432 **80-6-403**, (Renumbered from 78A-6-1303, as last amended by Laws of Utah 2019,
433 Chapter 388)
434 **80-6-501**, (Renumbered from 78A-6-703.1, as enacted by Laws of Utah 2020, Chapter
435 214)
436 **80-6-502**, (Renumbered from 78A-6-703.2, as enacted by Laws of Utah 2020, Chapter
437 214)
438 **80-6-503**, (Renumbered from 78A-6-703.3, as enacted by Laws of Utah 2020, Chapter
439 214)
440 **80-6-504**, (Renumbered from 78A-6-703.5, as enacted by Laws of Utah 2020, Chapter
441 214)
442 **80-6-505**, (Renumbered from 78A-6-703.6, as enacted by Laws of Utah 2020, Chapter
443 214)
444 **80-6-506**, (Renumbered from 78A-6-704, as last amended by Laws of Utah 2020,
445 Chapter 214)
446 **80-6-507**, (Renumbered from 78A-6-705, as last amended by Laws of Utah 2020,
447 Chapter 214)
448 **80-6-601**, (Renumbered from 78A-6-116, as last amended by Laws of Utah 2020,
449 Chapters 214, 218, 312 and last amended by Coordination Clause, Laws of Utah

450 2020, Chapter 214)
451 **80-6-605**, (Renumbered from 78A-6-703.4, as enacted by Laws of Utah 2020, Chapter
452 214)
453 **80-6-607**, (Renumbered from 78A-6-123, as last amended by Laws of Utah 2020,
454 Chapter 142)
455 **80-6-608**, (Renumbered from 78A-6-1104, as last amended by Laws of Utah 2012,
456 Chapter 369)
457 **80-6-609**, (Renumbered from 78A-6-122, as enacted by Laws of Utah 2015, Chapter
458 338)
459 **80-6-610**, (Renumbered from 78A-6-1113, as last amended by Laws of Utah 2015,
460 Chapter 258)
461 **80-6-707**, (Renumbered from 78A-6-606, as last amended by Laws of Utah 2017,
462 Chapter 330)
463 **80-6-802**, (Renumbered from 62A-7-404, as repealed and reenacted by Laws of Utah
464 2020, Chapter 214)
465 **80-6-803**, (Renumbered from 62A-7-111.5, as last amended by Laws of Utah 2020,
466 Chapter 214)
467 **80-6-804**, (Renumbered from 62A-7-404.5, as enacted by Laws of Utah 2020, Chapter
468 214)
469 **80-6-805**, (Renumbered from 62A-7-502, as last amended by Laws of Utah 2020,
470 Chapter 214)
471 **80-6-806**, (Renumbered from 62A-7-504, as last amended by Laws of Utah 2020,
472 Chapter 214)
473 **80-6-807**, (Renumbered from 62A-7-506, as last amended by Laws of Utah 2020,
474 Chapter 214)
475 **80-6-808**, (Renumbered from 62A-7-507, as last amended by Laws of Utah 2020,
476 Chapter 214)
477 **80-6-901**, (Renumbered from 78A-6-1202, as last amended by Laws of Utah 2017,

478 Chapter 330)
479 **80-6-902**, (Renumbered from 78A-6-1203, as last amended by Laws of Utah 2018,
480 Chapter 415)
481 **80-6-903**, (Renumbered from 78A-6-1204, as renumbered and amended by Laws of
482 Utah 2008, Chapter 3)
483 **80-6-904**, (Renumbered from 78A-6-1205, as last amended by Laws of Utah 2009,
484 Chapter 356)
485 **80-6-905**, (Renumbered from 78A-6-1206, as last amended by Laws of Utah 2009,
486 Chapter 356)
487 **80-6-906**, (Renumbered from 78A-6-1207, as last amended by Laws of Utah 2013,
488 Chapter 27)
489 **80-6-907**, (Renumbered from 78A-6-1208, as last amended by Laws of Utah 2013,
490 Chapter 27)
491 **80-6-908**, (Renumbered from 78A-6-1209, as renumbered and amended by Laws of
492 Utah 2008, Chapter 3)
493 **80-6-909**, (Renumbered from 78A-6-1210, as renumbered and amended by Laws of
494 Utah 2008, Chapter 123)
495 **80-6-1001**, (Renumbered from 78A-6-1502, as enacted by Laws of Utah 2020, Chapter
496 218)
497 **80-6-1002**, (Renumbered from 78A-6-1114, as last amended by Laws of Utah 2020,
498 Chapter 108)
499 **80-6-1004**, (Renumbered from 78A-6-1503, as renumbered and amended by Laws of
500 Utah 2020, Chapter 218)
501 **80-6-1005**, (Renumbered from 78A-6-1504, as enacted by Laws of Utah 2020, Chapter
502 218)
503 **80-6-1006**, (Renumbered from 78A-6-1505, as enacted by Laws of Utah 2020, Chapter
504 218)
505 **80-6-1007**, (Renumbered from 78A-6-1506, as enacted by Laws of Utah 2020, Chapter

506 218)
507 **80-7-102**, (Renumbered from 78A-6-802, as renumbered and amended by Laws of Utah
508 2008, Chapter 3)
509 **80-7-103**, (Renumbered from 78A-6-803, as renumbered and amended by Laws of Utah
510 2008, Chapter 3)
511 **80-7-104**, (Renumbered from 78A-6-804, as last amended by Laws of Utah 2010,
512 Chapter 259)
513 **80-7-105**, (Renumbered from 78A-6-805, as renumbered and amended by Laws of Utah
514 2008, Chapter 3)
515 REPEALS:
516 **62A-4a-203.5**, as last amended by Laws of Utah 2008, Chapter 3
517 **62A-7-101**, as last amended by Laws of Utah 2020, Chapter 214
518 **62A-7-503**, as renumbered and amended by Laws of Utah 2005, Chapter 13
519 **62A-7-505**, as last amended by Laws of Utah 2020, Chapter 214
520 **78A-6-106**, as last amended by Laws of Utah 2018, Chapter 285
521 **78A-6-108**, as last amended by Laws of Utah 2020, Chapter 214
522 **78A-6-117**, as last amended by Laws of Utah 2020, Fifth Special Session, Chapters 20
523 and 20
524 **78A-6-119**, as last amended by Laws of Utah 2019, Chapter 162
525 **78A-6-121**, as last amended by Laws of Utah 2017, Chapter 330
526 **78A-6-310**, as renumbered and amended by Laws of Utah 2008, Chapter 3
527 **78A-6-604**, as last amended by Laws of Utah 2019, Chapter 162
528 **78A-6-801**, as renumbered and amended by Laws of Utah 2008, Chapter 3
529 **78A-6-1102**, as renumbered and amended by Laws of Utah 2008, Chapter 3
530 **78A-6-1103**, as last amended by Laws of Utah 2019, Chapters 136 and 335
531 **78A-6-1107**, as last amended by Laws of Utah 2020, Chapter 214
532 **78A-6-1108**, as last amended by Laws of Utah 2020, Chapter 214
533 **78A-6-1111**, as last amended by Laws of Utah 2020, Chapters 371, 392, and 395

534 **78A-6-1201**, as renumbered and amended by Laws of Utah 2008, Chapter 3
535 **78A-6-1401**, as enacted by Laws of Utah 2013, Chapter 340
536 **78A-6-1402**, as enacted by Laws of Utah 2013, Chapter 340
537 **78A-6-1501**, as enacted by Laws of Utah 2020, Chapter 218
538 **Utah Code Sections Affected by Coordination Clause:**
539 **62A-4a-101**, as last amended by Laws of Utah 2019, Chapters 259 and 335
540 **76-3-201**, as last amended by Laws of Utah 2017, Chapter 304
541 **76-3-401.5**, Utah Code Annotated 1953
542 **77-40-105**, as last amended by Laws of Utah 2020, Chapters 177 and 218
543 **80-3-102**, Utah Code Annotated 1953
544 **80-3-110**, Utah Code Annotated 1953
545 **80-6-206**, Utah Code Annotated 1953
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547 *Be it enacted by the Legislature of the state of Utah:*
548 Section 1. Section **53G-6-201** is amended to read:
549 **53G-6-201. Definitions.**
550 As used in this part:
551 (1) (a) "Absence" or "absent" means the failure of a school-age child assigned to a class
552 or class period to attend a class or class period.
553 (b) "Absence" or "absent" does not mean multiple tardies used to calculate an absence
554 for the sake of a truancy.
555 [~~(2) "Minor" means a person under the age of 18 years.~~]
556 (2) "Educational neglect" means the same as that term is defined in Section 80-1-102.
557 (3) "Minor" means an individual who is under 18 years old.
558 [~~(3)~~] (4) "Parent" includes:
559 (a) a custodial parent of the minor;
560 (b) a legally appointed guardian of a minor; or
561 (c) any other person purporting to exercise any authority over the minor which could be

562 exercised by a person described in Subsection [~~(3)~~] (4)(a) or (b).
563 [~~(4)~~] (5) "School day" means the portion of a day that school is in session in which a
564 school-age child is required to be in school for purposes of receiving instruction.
565 [~~(5)~~] (6) "School year" means the period of time designated by a local school board or
566 charter school governing board as the school year for the school where the school-age child:
567 (a) is enrolled; or
568 (b) should be enrolled, if the school-age child is not enrolled in school.
569 [~~(6)~~] (7) "School-age child" means a minor who:
570 (a) is at least six years old but younger than 18 years old; and
571 (b) is not emancipated.
572 [~~(7)~~] (8) (a) "Truant" means a condition in which a school-age child, without a valid
573 excuse, and subject to Subsection [~~(7)~~] (8)(b), is absent for at least:
574 (i) half of the school day; or
575 (ii) if the school-age child is enrolled in a learner verified program, as that term is
576 defined by the state board, the relevant amount of time under the LEA's policy regarding the
577 LEA's continuing enrollment measure as it relates to truancy.
578 (b) A school-age child may not be considered truant under this part more than one time
579 during one day.
580 [~~(8)~~] (9) "Truant minor" means a school-age child who:
581 (a) is subject to the requirements of Section 53G-6-202 or 53G-6-203; and
582 (b) is truant.
583 [~~(9)~~] (10) (a) "Valid excuse" means:
584 (i) an illness, which may be either mental or physical;
585 (ii) a family death;
586 (iii) an approved school activity;
587 (iv) an absence permitted by a school-age child's:
588 (A) individualized education program; or
589 (B) Section 504 accommodation plan;

590 (v) an absence permitted in accordance with Subsection 53G-6-803(5); or
591 (vi) any other excuse established as valid by a local school board, charter school
592 governing board, or school district.
593 (b) "Valid excuse" does not mean a parent acknowledgment of an absence for a reason
594 other than a reason described in Subsections [~~(9)~~] (10)(a)(i) through (vi), unless specifically
595 permitted by the local school board, charter school governing board, or school district under
596 Subsection [~~(9)~~] (10)(a)(vi).
597 Section 2. Section **53G-6-210**, which is renumbered from Section 78A-6-319 is
598 renumbered and amended to read:
599 **[~~78A-6-319~~]. 53G-6-210. Educational neglect of a minor -- Procedures --**
600 **Defenses.**
601 (1) With regard to a [~~child~~] minor who is the subject of a petition [~~under this chapter~~]
602 under Section 80-3-201 based on educational neglect:
603 (a) if allegations include failure of a [~~child~~] minor to make adequate educational
604 progress, the juvenile court shall permit demonstration of the [~~child's~~] minor's educational
605 skills and abilities based upon any of the criteria used in granting school credit, in accordance
606 with Section 53G-6-702;
607 (b) parental refusal to comply with actions taken by school authorities in violation of
608 Section 53G-10-202, 53G-10-205, 53G-10-403, or 53G-10-203, does not constitute educational
609 neglect;
610 (c) parental refusal to support efforts by a school to encourage a [~~child~~] minor to act in
611 accordance with any educational objective that focuses on the adoption or expression of a
612 personal philosophy, attitude, or belief that is not reasonably necessary to maintain order and
613 discipline in the school, prevent unreasonable endangerment of persons or property, or to
614 maintain concepts of civility and propriety appropriate to a school setting, does not constitute
615 educational neglect; and
616 (d) an allegation of educational neglect may not be sustained, based solely on a
617 [~~child's~~] minor's absence from school, unless the [~~child~~] minor has been absent from school or

618 from any given class, without good cause, for more than 10 consecutive school days or more
619 than 1/16 of the applicable school term.
620 (2) A [~~child~~] minor may not be considered to be educationally neglected, for purposes
621 of this chapter:
622 (a) unless there is clear and convincing evidence that:
623 (i) the [~~child~~] minor has failed to make adequate educational progress, and school
624 officials have complied with the requirements of Section 53G-6-206; and
625 (ii) the [~~child~~] minor is two or more years behind the local public school's age group
626 expectations in one or more basic skills, and is not receiving special educational services or
627 systematic remediation efforts designed to correct the problem;
628 (b) if the [~~child's~~] minor's parent or guardian establishes by a preponderance of the
629 evidence that:
630 (i) school authorities have failed to comply with the requirements of [~~Title 53G, Public~~
631 ~~Education System -- Local Administration~~] this title;
632 (ii) the [~~child~~] minor is being instructed at home in compliance with Section
633 53G-6-204;
634 (iii) there is documentation that the [~~child~~] minor has demonstrated educational
635 progress at a level commensurate with the [~~child's~~] minor's ability;
636 (iv) the parent, guardian, or other person in control of the [~~child~~] minor has made a
637 good faith effort to secure the [~~child's~~] minor's regular attendance in school;
638 (v) good cause or a valid excuse exists for the [~~child's~~] minor's absence from school;
639 (vi) the [~~child~~] minor is not required to attend school [~~pursuant to~~] under court order or
640 is exempt under other applicable state or federal law;
641 (vii) the [~~student~~] minor has performed above the twenty-fifth percentile of the local
642 public school's age group expectations in all basic skills, as measured by a standardized
643 academic achievement test administered by the school district where the [~~student~~] minor
644 resides; or
645 (viii) the parent or guardian [~~has proffered~~] presented a reasonable alternative

646 curriculum to required school curriculum, in accordance with Section 53G-10-205 or
647 53G-10-403, [~~that~~] and the alternative curriculum was rejected by the school district, but the
648 parents have implemented the alternative curriculum; or
649 (c) if the [~~child~~] minor is attending school on a regular basis.
650 Section 3. Section **53G-6-211**, which is renumbered from Section 78A-6-320 is
651 renumbered and amended to read:
652 **[~~78A-6-320~~]. 53G-6-211. Proceedings arising from failure to attend public**
653 **school.**
654 (1) (a) When a proceeding under Title 80, Chapter 3, Abuse, Neglect, and Dependency
655 Proceedings, arises from a [~~child's~~] minor's failure to attend public school based upon the
656 assertion of a constitutional or statutory right or duty, raised either by the [~~child or by the~~
657 ~~child's custodial~~] minor, or by the minor's parent, guardian, or custodian, the juvenile court
658 shall hear the petition and resolve the issues associated with the asserted constitutional or
659 statutory claims within 15 days after the day on which the petition is filed.
660 (b) The parties may waive the time limitation described in this subsection.
661 (2) Absent an emergency situation or other exigent circumstances, the juvenile court
662 may not enter any order changing the educational status of the [~~child~~] minor that existed at the
663 time the petition was filed, until the hearing described in Subsection (1) is concluded.
664 (3) [~~Parties~~] A party proceeding under this section shall, insofar as it is possible,
665 provide the juvenile court with factual stipulations and make all other efforts that are
666 reasonably available to minimize the time required to hear the claims described in Subsection
667 (1).
668 Section 4. Section **62A-4a-101** is amended to read:
669 **62A-4a-101. Definitions.**
670 As used in this chapter:
671 (1) "Abuse" means the same as that term is defined in Section [~~78A-6-105~~] 80-1-102.
672 (2) "Adoption services" means:
673 (a) placing children for adoption;

674 (b) subsidizing adoptions under Section 62A-4a-105;
675 (c) supervising adoption placements until the adoption is finalized by the court;
676 (d) conducting adoption studies;
677 (e) preparing adoption reports upon request of the court; and
678 (f) providing postadoptive placement services, upon request of a family, for the
679 purpose of stabilizing a possible disruptive placement.
680 (3) "Child" means, except as provided in Part 7, Interstate Compact on Placement of
681 Children, [~~a person~~] an individual under 18 years [~~of age~~] old.
682 (4) "Child protection team" means a team consisting of:
683 (a) the caseworker assigned to the case;
684 (b) the caseworker who made the decision to remove the child;
685 (c) a representative of the school or school district where the child attends school;
686 (d) the peace officer who removed the child from the home;
687 (e) a representative of the appropriate Children's Justice Center, if one is established
688 within the county where the child resides;
689 (f) if appropriate, and known to the division, a therapist or counselor who is familiar
690 with the child's circumstances;
691 (g) members of a child protection unit; and
692 (h) any other individuals determined appropriate and necessary by the team coordinator
693 and chair.
694 (5) "Child protection unit" means any unit created by a chief of police or a sheriff of a
695 city, town, metro township, or county that is composed of at least the following individuals
696 who are trained in the prevention, identification, and treatment of abuse or neglect:
697 (a) a law enforcement officer, as defined in Section 53-13-103; and
698 (b) a child advocate selected by the chief of police or a sheriff.
699 (6) (a) "Chronic abuse" means repeated or patterned abuse.
700 (b) "Chronic abuse" does not mean an isolated incident of abuse.
701 (7) (a) "Chronic neglect" means repeated or patterned neglect.

702 (b) "Chronic neglect" does not mean an isolated incident of neglect.
703 (8) "Consult" means an interaction between two persons in which the initiating person:
704 (a) provides information to another person;
705 (b) provides the other person an opportunity to respond; and
706 (c) takes the other person's response, if any, into consideration.
707 (9) "Consumer" means a person who receives services offered by the division in
708 accordance with this chapter.
709 (10) "Custody," with regard to the division, means the custody of a minor in the
710 division as of the date of disposition.
711 (11) "Day-care services" means care of a child for a portion of the day which is less
712 than 24 hours:
713 (a) in the child's own home by a responsible person; or
714 (b) outside of the child's home in a:
715 (i) day-care center;
716 (ii) family group home; or
717 (iii) family child care home.
718 (12) "Dependent child" or "dependency" means a child, or the condition of a child, who
719 is homeless or without proper care through no fault of the child's parent, guardian, or custodian.
720 (13) "Director" means the director of the Division of Child and Family Services created
721 in Section 62A-4a-103.
722 (14) "Division" means the Division of Child and Family Services.
723 (15) "Domestic violence services" means:
724 (a) temporary shelter, treatment, and related services to:
725 (i) a person who is a victim of abuse, as defined in Section 78B-7-102; and
726 (ii) the dependent children of a person who is a victim of abuse, as defined in Section
727 78B-7-102; and
728 (b) treatment services for a person who is alleged to have committed, has been
729 convicted of, or has pled guilty to, an act of domestic violence as defined in Section 77-36-1.

730 (16) "Educational neglect" means the same as that term is defined in Section 80-1-102.
731 [~~(16)~~] (17) "Harm" means the same as that term is defined in Section [~~78A-6-105~~]
732 80-1-102.
733 [~~(17)~~] (18) "Homemaking service" means the care of individuals in their domiciles, and
734 help given to individual caretaker relatives to achieve improved household and family
735 management through the services of a trained homemaker.
736 [~~(18)~~] (19) "Incest" means the same as that term is defined in Section [~~78A-6-105~~]
737 80-1-102.
738 [~~(19)~~] (20) "Indian child" means the same as that term is defined in 25 U.S.C. Sec.
739 1903.
740 [~~(20)~~] (21) "Indian tribe" means the same as that term is defined in 25 U.S.C. Sec.
741 1903.
742 [~~(21)~~] (22) "Minor" means, except as provided in Part 7, Interstate Compact on
743 Placement of Children[~~:~~], the same as that term is defined in Section 80-1-102.
744 [~~(a) a child; or~~]
745 [~~(b) a person:~~]
746 [~~(i) who is at least 18 years of age and younger than 21 years of age; and~~]
747 [~~(ii) for whom the division has been specifically ordered by the juvenile court to~~
748 ~~provide services.~~]
749 [~~(22)~~] (23) "Molestation" means the same as that term is defined in Section
750 [~~78A-6-105~~] 80-1-102.
751 [~~(23)~~] (24) "Mutual case" means a case that has been:
752 (a) opened by the division under the division's discretion and procedures;
753 (b) opened by the law enforcement agency with jurisdiction over the case; and
754 (c) accepted for investigation by the child protection unit established by the chief of
755 police or sheriff, as applicable.
756 [~~(24) "Natural parent" means a minor's biological or adoptive parent, and includes a~~
757 ~~minor's noncustodial parent.~~]

758 (25) "Natural parent" means the same as that term is defined in Section 80-1-102.
759 [~~(25)~~] (26) "Neglect" means the same as that term is defined in Section [~~78A-6-105~~]
760 80-1-102.
761 [~~(26) "Protective custody," with regard to the division, means the shelter of a child by~~
762 ~~the division from the time the child is removed from the child's home until the earlier of:~~]
763 [~~(a) the shelter hearing; or~~]
764 [~~(b) the child's return home.~~]
765 (27) "Protective custody" means the same as that term is defined in Section 80-1-102.
766 [~~(27)~~] (28) "Protective services" means expedited services that are provided:
767 (a) in response to evidence of neglect, abuse, or dependency of a child;
768 (b) to a cohabitant who is neglecting or abusing a child, in order to:
769 (i) help the cohabitant develop recognition of the cohabitant's duty of care and of the
770 causes of neglect or abuse; and
771 (ii) strengthen the cohabitant's ability to provide safe and acceptable care; and
772 (c) in cases where the child's welfare is endangered:
773 (i) to bring the situation to the attention of the appropriate juvenile court and law
774 enforcement agency;
775 (ii) to cause a protective order to be issued for the protection of the child, when
776 appropriate; and
777 (iii) to protect the child from the circumstances that endanger the child's welfare
778 including, when appropriate:
779 (A) removal from the child's home;
780 (B) placement in substitute care; and
781 (C) petitioning the court for termination of parental rights.
782 [~~(28)~~] (29) "Severe abuse" means the same as that term is defined in Section
783 [~~78A-6-105~~] 80-1-102.
784 [~~(29)~~] (30) "Severe neglect" means the same as that term is defined in Section
785 [~~78A-6-105~~] 80-1-102.

786 [~~(30)~~] (31) "Sexual abuse" means the same as that term is defined in Section
787 [~~78A-6-105~~] 80-1-102.
788 [~~(31)~~] (32) "Sexual exploitation" means the same as that term is defined in Section
789 [~~78A-6-105~~] 80-1-102.
790 [~~(32)~~] (33) "Shelter care" means the temporary care of a minor in a nonsecure facility.
791 (34) "Shelter facility" means a nonsecure facility that provides shelter care for a minor.
792 [~~(33)~~] (35) "Sibling" means a child who shares or has shared at least one parent in
793 common either by blood or adoption.
794 [~~(34)~~] (36) "Sibling visitation" means services provided by the division to facilitate the
795 interaction between a child in division custody with a sibling of that child.
796 [~~(35)~~] (37) "State" means:
797 (a) a state of the United States;
798 (b) the District of Columbia;
799 (c) the Commonwealth of Puerto Rico;
800 (d) the Virgin Islands;
801 (e) Guam;
802 (f) the Commonwealth of the Northern Mariana Islands; or
803 (g) a territory or possession administered by the United States.
804 [~~(36)~~] (38) "State plan" means the written description of the programs for children,
805 youth, and family services administered by the division in accordance with federal law.
806 [~~(37)~~] (39) "Status offense" means [~~a violation of the law that would not be a violation~~
807 ~~but for the age of the offender~~] the same as that term is defined in Section 80-1-102.
808 [~~(38)~~] (40) "Substance abuse" means the same as that term is defined in Section
809 [~~78A-6-105~~] 80-1-102.
810 [~~(39)~~] (41) "Substantiated" or "substantiation" means a judicial finding based on a
811 preponderance of the evidence that abuse or neglect occurred. Each allegation made or
812 identified in a given case shall be considered separately in determining whether there should be
813 a finding of substantiated.

814 [~~(40)~~] (42) "Substitute care" means:
815 (a) the placement of a minor in a family home, group care facility, or other placement
816 outside the minor's own home, either at the request of a parent or other responsible relative, or
817 upon court order, when it is determined that continuation of care in the minor's own home
818 would be contrary to the minor's welfare;
819 (b) services provided for a minor awaiting placement; and
820 (c) the licensing and supervision of a substitute care facility.
821 [~~(41)~~] (43) "Supported" means a finding by the division based on the evidence
822 available at the completion of an investigation that there is a reasonable basis to conclude that
823 abuse, neglect, or dependency occurred. Each allegation made or identified during the course
824 of the investigation shall be considered separately in determining whether there should be a
825 finding of supported.
826 [~~(42) "Temporary custody," with regard to the division, means the custody of a child in~~
827 ~~the division from the date of the shelter hearing until disposition.~~]
828 (44) "Temporary custody" means, with regard to the division, the custody of a child
829 from the day on which the shelter hearing described in Section 80-3-301 is held until the day
830 on which the juvenile court enters a disposition under Section 80-3-405.
831 [~~(43)~~] (45) "Threatened harm" means the same as that term is defined in Section
832 [~~78A-6-105~~] 80-1-102.
833 [~~(44)~~] (46) "Transportation services" means travel assistance given to an individual
834 with escort service, if necessary, to and from community facilities and resources as part of a
835 service plan.
836 [~~(45)~~] (47) "Unsubstantiated" means a judicial finding that there is insufficient
837 evidence to conclude that abuse or neglect occurred.
838 [~~(46)~~] (48) "Unsupported" means a finding by the division at the completion of an
839 investigation that there is insufficient evidence to conclude that abuse, neglect, or dependency
840 occurred. However, a finding of unsupported means also that the division did not conclude
841 that the allegation was without merit.

842 [~~(47)~~] (49) "Without merit" means a finding at the completion of an investigation by
843 the division, or a judicial finding, that the alleged abuse, neglect, or dependency did not occur,
844 or that the alleged perpetrator was not responsible for the abuse, neglect, or dependency.
845 Section 5. Section **62A-4a-202.1** is repealed and reenacted to read:
846 **62A-4a-202.1. Removal or protective custody of a child -- Search warrants --**
847 **Temporary care of a child.**
848 (1) A peace officer or a child welfare worker may not enter the home of a child whose
849 case is not under the jurisdiction of the court, remove a child from the child's home or school,
850 or take a child into protective custody unless:
851 (a) there exist exigent circumstances sufficient to relieve the peace officer or the child
852 welfare worker of the requirement to obtain a search warrant under Subsection (4) or (8);
853 (b) the peace officer or the child welfare worker obtains a search warrant under
854 Subsection (4) or (8);
855 (c) the peace officer or the child welfare worker obtains a court order after the child's
856 parent or guardian is given notice and an opportunity to be heard; or
857 (d) the peace officer or the child welfare worker obtains the consent of the child's
858 parent or guardian.
859 (2) A peace officer or a child welfare worker may not remove a child from the child's
860 home or take a child into custody under this section solely on the basis of:
861 (a) educational neglect, truancy, or failure to comply with a court order to attend
862 school; or
863 (b) the possession or use, in accordance with Title 26, Chapter 61a, Utah Medical
864 Cannabis Act, of cannabis in a medicinal dosage form, a cannabis product in a medicinal
865 dosage form, or a medical cannabis device, as those terms are defined in Section 26-61a-102.
866 (3) (a) A child welfare worker may take action under Subsection (1) accompanied by a
867 peace officer or without a peace officer if a peace officer is not reasonably available.
868 (b) Before taking a child into protective custody, and if possible and if consistent with
869 the child's safety and welfare, a child welfare worker shall determine whether there are services

870 available that, if provided to a parent or guardian of the child, would eliminate the need to
871 remove the child from the custody of the child's parent or guardian.
872 (c) If the services described in Subsection (3)(b) are reasonably available, the services
873 described in Subsection (3)(b) shall be utilized.
874 (d) In determining whether the services described in Subsection (3)(b) are reasonably
875 available, and in making reasonable efforts to provide the services described in Subsection
876 (3)(b), the child's health, safety, and welfare shall be the child welfare worker's paramount
877 concern.
878 (4) (a) The juvenile court may issue a warrant authorizing a peace officer or a child
879 welfare worker to search for a child and take the child into protective custody if it appears to
880 the juvenile court upon a verified petition, recorded sworn testimony or an affidavit sworn to
881 by a peace officer or any other individual, and upon the examination of other witnesses if
882 required by the juvenile court, that there is probable cause to believe that:
883 (i) there is a threat of substantial harm to the child's health or safety;
884 (ii) it is necessary to take the child into protective custody to avoid the harm described
885 in Subsection (4)(a)(i); and
886 (iii) it is likely that the child will suffer substantial harm if the parent or guardian of the
887 child is given notice and an opportunity to be heard before the child is taken into protective
888 custody.
889 (b) In accordance with Section 77-23-210, a peace officer making the search may enter
890 a house or premises by force, if necessary, in order to remove the child.
891 (c) The individual executing the warrant shall take the child to a shelter facility
892 designated by the juvenile court or the division or to an emergency placement if the division
893 makes an emergency placement under Section 62A-4a-209.
894 (5) If a peace officer or a child welfare worker takes a child into protective custody
895 under Subsection (1), the peace officer or the child welfare worker shall:
896 (a) notify the child's parent or guardian as described in Section 62A-4a-202.2;
897 (b) release the child to the care of the child's parent, guardian, or another responsible

898 adult, unless:
899 (i) the child's immediate welfare requires the child remain in protective custody; or
900 (ii) the protection of the community requires the child's detention in accordance with
901 Title 80, Chapter 6, Part 2, Custody and Detention.
902 (6) If a peace officer or a child welfare worker takes a child to a shelter facility, the
903 peace officer or the child welfare worker shall promptly file a written report, on a form
904 provided by the division, with the shelter facility.
905 (7) (a) A child removed or taken into protective custody under this section may not be
906 placed or kept in detention, as defined in Section 80-1-102, pending court proceedings, unless
907 the child may be held in detention under Title 80, Chapter 6, Part 2, Custody and Detention.
908 (b) A child removed from the custody of the child's parent or guardian but who does
909 not require physical restriction shall be given temporary care in:
910 (i) a shelter facility; or
911 (ii) an emergency placement in accordance with Section 62A-4a-209.
912 (c) When making a placement under Subsection (7)(b), the division shall give priority
913 to a placement with a noncustodial parent, relative, or friend in accordance with Section
914 62A-4a-209.
915 (d) If the child is not placed with a noncustodial parent, a relative, or a designated
916 friend, the caseworker assigned to the child shall file a report with the caseworker's supervisor
917 explaining why a different placement was in the child's best interest.
918 (8) A juvenile court shall issue a warrant authorizing a peace officer or a child welfare
919 worker to search for a child who is missing, has been abducted, or has run away, and take the
920 child into custody if the court determines that:
921 (a) the child is in the legal custody of the division; and
922 (b) the child is missing, has been abducted, or has run away.
923 (9) When a juvenile court issues a warrant under Subsection (8):
924 (a) the division shall notify the child's parent or guardian who has a right to parent-time
925 with the child;

926 (b) the court shall order:
927 (i) the law enforcement agency that has jurisdiction over the location from which the
928 child ran away to enter a record of the warrant into the National Crime Information Center
929 database within 24 hours after the time in which the law enforcement agency receives a copy of
930 the warrant; and
931 (ii) the division to notify the law enforcement agency described in Subsection (9)(b)(i)
932 of the order described in Subsection (9)(b)(i); and
933 (c) the court shall specify the location to which the peace officer or the child welfare
934 worker shall transport the child.
935 (10) (a) The parent or guardian to be notified under Subsection (9) must be:
936 (i) the child's primary caregiver; or
937 (ii) the parent or guardian who has custody of the child when the order is sought.
938 (b) The person required to provide notice under Subsection (9) shall make a good faith
939 effort to provide notice to a parent or guardian who:
940 (i) is not required to be notified under Subsection (10)(a); and
941 (ii) has a right to parent-time with the child.
942 Section 6. Section **62A-4a-202.2** is amended to read:
943 **62A-4a-202.2. Notice upon removal of a child -- Locating noncustodial parent --**
944 **Information provided to parent, guardian, or responsible adult.**
945 (1) (a) [~~Any peace officer or caseworker~~] A peace officer or a child welfare worker
946 who takes a child into protective custody [~~pursuant to Section 62A-4a-202.1~~] under Subsection
947 62A-4a-202.1(1), shall immediately use reasonable efforts to locate and inform, through the
948 most efficient means available, the parents, including a noncustodial parent, the guardian, or
949 responsible relative:
950 (i) that the child has been taken into protective custody;
951 (ii) the reasons for removal and placement of the child in protective custody;
952 (iii) that [~~a written statement is available that explains~~] the parent, guardian, or relative
953 will be provided with information on:

954 (A) the parent's or guardian's procedural rights; and
955 (B) the preliminary stages of the investigation and shelter hearing;
956 (iv) of a telephone number where the parent or guardian may access further
957 information;
958 (v) that the child and the child's parent or guardian are entitled to have an attorney
959 present at the shelter hearing;
960 (vi) that if the child's parent or guardian is [~~impecunious~~] an indigent individual, as
961 defined in Section 78B-22-102, and desires to have an attorney, one will be provided; and
962 (vii) that resources are available to assist the child's parent or guardian, including:
963 (A) a parent advocate;
964 (B) a qualified attorney; or
965 (C) potential expert witnesses to testify on behalf of the[~~:~~] child, the child's parent or
966 guardian, or the child's family.
967 [~~(I) child;~~]
968 [~~(II) child's parent;~~]
969 [~~(III) child's guardian; or~~]
970 [~~(IV) child's family.~~]
971 (b) For purposes of locating and informing the noncustodial parent as required in
972 Subsection (1)(a), the division shall search for the noncustodial parent through the national
973 parent locator database if the division is unable to locate the noncustodial parent through other
974 reasonable efforts.
975 [~~(2) (a) The Office of the Attorney General shall adopt, print, and distribute a form for~~
976 ~~the written statement described in Subsection (1)(a)(iii).~~]
977 [~~(b) The statement described in Subsections (1)(a)(iii) and (2)(a) shall:~~]
978 [~~(i) be made available to the division and for distribution in:~~]
979 (2) At the time that a child is taken into protective custody under Subsection
980 62A-4a-202.1(1), the child's parent or a guardian shall be provided an informational packet
981 with:

982 (a) all of the information described in Subsection (1);
983 (b) information on the conditions under which a child may be released;
984 (c) information on resources that are available to the parent or guardian, including:
985 (i) mental health resources;
986 (ii) substance abuse resources; and
987 (iii) parenting classes; and
988 (d) any other information considered relevant by the division.
989 (3) The informational packet described in Subsection (2) shall be:
990 (a) evaluated periodically for the effectiveness of the informational packet at conveying
991 necessary information and revised accordingly;
992 (b) written in simple, easy-to-understand language;
993 (c) available in English and other languages as the division determines to be
994 appropriate and necessary; and
995 (d) made available for distribution in:
996 [~~(A)~~] (i) schools;
997 [~~(B)~~] (ii) health care facilities;
998 [~~(C)~~] (iii) local police and sheriff's offices;
999 [~~(D)~~] (iv) the division; and
1000 [~~(E)~~] (v) any other appropriate office within the Department of Human Services[~~;~~].
1001 [~~(ii) be in simple language; and~~]
1002 [~~(iii) include at least the following information:~~]
1003 [~~(A) the conditions under which a child may be released;~~]
1004 [~~(B) hearings that may be required;~~]
1005 [~~(C) the means by which the parent or guardian may access further specific information~~
1006 ~~about a child's case and conditions of protective and temporary custody; and~~]
1007 [~~(D) the rights of a child and of the parent or guardian to legal counsel and to appeal.~~]
1008 [~~(3)~~] (4) If reasonable efforts are made by the peace officer or caseworker to notify the
1009 parent or guardian or a responsible relative in accordance with the requirements of Subsection

1010 (1), failure to notify:
1011 (a) shall be considered to be due to circumstances beyond the control of the peace
1012 officer or caseworker; and
1013 (b) may not be construed to:
1014 (i) permit a new defense to any juvenile or judicial proceeding; or
1015 (ii) interfere with any rights, procedures, or investigations provided for by this chapter
1016 or [~~Title 78A, Chapter 6, Juvenile Court Act of 1996~~] Title 80, Chapter 3, Abuse, Neglect, and
1017 Dependency Proceedings, or Chapter 4, Termination and Restoration of Parental Rights.
1018 Section 7. Section **62A-5-308** is amended to read:
1019 **62A-5-308. Commitment -- Individual who is under 18 years old.**
1020 (1) [~~Beginning July 1, 1993, the~~] The director of the division, or the director's designee,
1021 may commit an individual under 18 years [~~of age~~] old who has an intellectual disability or
1022 symptoms of an intellectual disability, to the division for observation, diagnosis, care, and
1023 treatment if that commitment is based on:
1024 [~~(1) involuntary commitment under the provisions of Section 62A-5-312. Proceedings~~
1025 ~~for involuntary commitment of an individual under 18 years of age may be commenced by~~
1026 ~~filing a written petition with the juvenile court under Section 62A-5-312. The juvenile court~~
1027 ~~has jurisdiction to proceed in the same manner and with the same authority as the district court;~~
1028 ~~or~~]
1029 [~~(2) an emergency commitment in accordance with the provisions of Section~~
1030 ~~62A-5-311.~~]
1031 (a) an emergency commitment in accordance with Section 62A-5-311; or
1032 (b) involuntary commitment in accordance with Section 62A-5-312.
1033 (2) A proceeding for involuntary commitment under Subsection (1)(a) may be
1034 commenced by filing a written petition with the juvenile court under Section 62A-5-312.
1035 (3) (a) A juvenile court has jurisdiction over the proceeding under Subsection (2) as
1036 described in Subsection 78A-6-103(2)(f).
1037 (b) A juvenile court shall proceed with the written petition in the same manner and

1038 with the same authority as the district court.
1039 (4) If an individual who is under 18 years old is committed to the custody of the Utah
1040 State Developmental Center by the juvenile court, the director or the director's designee shall
1041 give the juvenile court written notice of the intention to release the individual not fewer than
1042 five days before the day on which the individual is released.
1043 Section 8. Section **62A-5-309** is amended to read:
1044 **62A-5-309. Commitment -- Individual who is 18 years old or older.**
1045 (1) [~~Beginning July 1, 1993, the~~] The director, or [~~his~~] the director's designee may
1046 commit to the division an individual 18 years [~~of age~~] old or older who has an intellectual
1047 disability, for observation, diagnosis, care, and treatment if that commitment is based on:
1048 [~~(1)~~] (a) involuntary commitment [~~under the provisions of~~] in accordance with Section
1049 62A-5-312; or
1050 [~~(2)~~] (b) temporary emergency commitment [~~under the provisions of~~] in accordance
1051 with Section 62A-5-311.
1052 (2) If an individual who is 18 years old or older is committed to the custody of the Utah
1053 State Developmental Center by the juvenile court, the director or the director's designee shall
1054 give the juvenile court written notice of the intention to release the individual not fewer than
1055 five days before the day on which the individual is released.
1056 Section 9. Section **62A-15-705** is amended to read:
1057 **62A-15-705. Commitment proceedings in juvenile court -- Criteria -- Custody.**
1058 (1) (a) Subject to Subsection (1)(b), [~~commitment proceedings~~] a commitment
1059 proceeding for a child may be commenced by filing a written application with the juvenile
1060 court of the county in which the child resides or is found, in accordance with the procedures
1061 described in Section 62A-15-631.
1062 (b) [~~Commitment proceedings~~] A commitment proceeding under this section may be
1063 commenced only after a commitment proceeding under Section 62A-15-703 has concluded
1064 without the child being committed.
1065 (2) The juvenile court shall order commitment to the physical custody of a local mental

1066 health authority if, upon completion of the hearing and consideration of the record, [~~it~~] the
1067 juvenile court finds by clear and convincing evidence that:
1068 (a) the child has a mental illness, as defined in Section 62A-15-602;
1069 (b) the child demonstrates a risk of harm to [~~himself~~] the child or others;
1070 (c) the child is experiencing significant impairment in the child's ability to perform
1071 socially;
1072 (d) the child will benefit from the proposed care and treatment; and
1073 (e) there is no appropriate less restrictive alternative.
1074 (3) The juvenile court may not commit a child under Subsection (1) directly to the
1075 Utah State Hospital.
1076 [~~(3)~~] (4) The local mental health authority has an affirmative duty to:
1077 (a) conduct periodic reviews of children committed to [~~its custody pursuant to~~] the
1078 local mental health authority's custody in accordance with this section[~~, and to~~]; and
1079 (b) release any child who has sufficiently improved so that the local mental health
1080 authority, or [~~its~~] the local mental authority's designee, determines that commitment is no
1081 longer appropriate.
1082 (5) If a child is committed to the custody of a local mental health authority, or the local
1083 mental health authority's designee, by the juvenile court, the local mental health authority, or
1084 the local mental health authority's designee, shall give the juvenile court written notice of the
1085 intention to release the child not fewer than five days before the day on which the child is
1086 released.
1087 Section 10. Section **76-8-311.5**, which is renumbered from Section 62A-7-402 is
1088 renumbered and amended to read:
1089 **[~~62A-7-402~~]. 76-8-311.5. Aiding or concealing a juvenile offender --**
1090 **Trespass of a secure care facility -- Criminal penalties.**
1091 (1) As used in this section:
1092 (a) "Division" means the Division of Juvenile Justice Services created in Section
1093 80-5-103.

1094 (b) "Juvenile offender" means the same as that term is defined in Section 80-1-102.
1095 (c) "Secure care" means the same as that term is defined in Section 80-1-102.
1096 (d) "Secure care facility" means the same as that term is defined in Section 80-1-102.
1097 [~~(1)~~] (2) An individual who commits any of the following offenses is guilty of a class
1098 A misdemeanor:
1099 (a) entering, or attempting to enter, a building or enclosure appropriated to the use of
1100 juvenile offenders, without permission;
1101 (b) entering any premises belonging to a secure care facility and committing or
1102 attempting to commit a trespass or damage on [~~those premises~~] the premises of a secure care
1103 facility; or
1104 (c) willfully annoying or disturbing the peace and quiet of a secure care facility or of a
1105 juvenile offender in a secure care facility.
1106 [~~(2)~~] (3) An individual is guilty of a third degree felony who:
1107 (a) knowingly harbors or conceals a juvenile offender who has:
1108 (i) escaped from [~~a secure facility~~] secure care; or
1109 (ii) as described in Subsection (4), absconded from:
1110 (A) a facility or supervision; or
1111 (B) supervision of the division; or
1112 (b) willfully aided or assisted a juvenile offender who has been lawfully committed to a
1113 secure care facility in escaping or attempting to escape from [~~that~~] the secure care facility.
1114 [~~(3)~~] (4) As used in this section:
1115 (a) a juvenile offender absconds from a facility under this section when the juvenile
1116 offender:
1117 (i) leaves the facility without permission; or
1118 (ii) fails to return at a prescribed time.
1119 (b) A juvenile offender absconds from supervision when the juvenile offender:
1120 (i) changes the juvenile offender's residence from the residence that the juvenile
1121 offender reported to the division as the juvenile offender's correct address to another residence,

1122 without notifying the division or obtaining permission; or
1123 (ii) for the purpose of avoiding supervision:
1124 (A) hides at a different location from the juvenile offender's reported residence; or
1125 (B) leaves the juvenile offender's reported residence.
1126 Section 11. Section **76-8-418** is amended to read:
1127 **76-8-418. Damaging jails or other places of confinement.**
1128 (1) As used in this section:
1129 (a) "Child" means the same as that term is defined in Section 80-1-102.
1130 (b) "Detention facility" means the same as that term is defined in Section 80-1-102.
1131 (c) "Secure care facility" means the same as that term is defined in Section 80-1-102.
1132 (d) "Shelter facility" means the same as that term is defined in Section 62A-4a-101.
1133 (2) A person who willfully and intentionally breaks down, pulls down, destroys, floods,
1134 or otherwise damages any public jail or other place of confinement, including a detention[~~,~~
1135 ~~shelter, or secure confinement facility for juveniles~~] facility, a shelter facility, or a secure care
1136 facility, is guilty of a felony of the third degree.
1137 (3) This section is applicable to a child who willfully and intentionally commits an
1138 offense against a public jail, a detention facility, a shelter facility, or a secure care facility.
1139 Section 12. Section **78A-2-801** is enacted to read:
1140 **Part 8. Guardian Ad Litem**
1141 **78A-2-801. Definitions.**
1142 As used in this chapter:
1143 (1) "Abuse, neglect, or dependency petition" means the same as that term is defined in
1144 Section 80-3-102.
1145 (2) "Attorney guardian ad litem" means an attorney employed by the office.
1146 (3) "Director" means the director of the office.
1147 (4) "Division" means the Division of Child and Family Services created in Section
1148 62A-4a-103.
1149 (5) "Guardian ad litem" means an attorney guardian ad litem or a private attorney

1150 guardian ad litem.

1151 (6) "Indigent individual" means the same as that term is defined in Section

1152 78B-22-102.

1153 (7) "Minor" means the same as that term is defined in Section 80-1-102.

1154 (8) "Office" means the Office of Guardian ad Litem created in Section 78A-2-802.

1155 (9) "Private attorney guardian ad litem" means an attorney designated by the office in

1156 accordance with Section 78A-2-705 who is not an employee of the office.

1157 Section 13. Section **78A-2-802**, which is renumbered from Section 78A-6-901 is

1158 renumbered and amended to read:

1159 **[~~78A-6-901~~]. 78A-2-802. Office of Guardian ad Litem -- Appointment of**

1160 **director -- Duties of director -- Contracts in second, third, and fourth districts.**

1161 [~~(1) As used in this part:~~]

1162 [~~(a) "Attorney guardian ad litem" means an attorney employed by the office.~~]

1163 [~~(b) "Director" means the director of the office.~~]

1164 [~~(c) "Office" means the Office of Guardian ad Litem, created in this section.~~]

1165 [~~(d) "Private attorney guardian ad litem" means an attorney designated by the office~~

1166 ~~pursuant to Section 78A-2-705 who is not an employee of the office.~~]

1167 [~~(2)~~] (1) There is created the Office of Guardian ad Litem under the direct supervision

1168 of the Guardian ad Litem Oversight Committee described in Subsection 78A-2-104(13).

1169 [~~(3)~~] (2) (a) The Guardian ad Litem Oversight Committee shall appoint one [~~person~~]

1170 individual to serve full time as the guardian ad litem director for the state.

1171 (b) The guardian ad litem director shall:

1172 (i) serve at the pleasure of the Guardian ad Litem Oversight Committee, in consultation

1173 with the state court administrator[~~.~~];

1174 [~~(b)~~] (ii) [~~The director shall~~] be an attorney licensed to practice law in this state and

1175 selected on the basis of:

1176 [~~(i)~~] (A) professional ability;

1177 [~~(ii)~~] (B) experience in abuse, neglect, and dependency proceedings;

1178 [~~(iii)~~] (C) familiarity with the role, purpose, and function of guardians ad litem in both
1179 juvenile and district courts; and
1180 [~~(iv)~~] (D) ability to develop training curricula and reliable methods for data collection
1181 and evaluation[~~.~~]; and
1182 [~~(c)~~] (iii) [~~The director shall, prior to~~] before or immediately after the director's
1183 appointment, be trained in nationally recognized standards for an attorney guardian ad litem.
1184 [~~(4)~~] (3) The guardian ad litem director shall:
1185 (a) establish policy and procedure for the management of a statewide guardian ad litem
1186 program;
1187 (b) manage the guardian ad litem program to assure that [~~minors receive~~] a minor
1188 receives qualified guardian ad litem services in an abuse, neglect, and dependency
1189 [~~proceedings~~] proceeding under Title 80, Chapter 3, Abuse, Neglect, and Dependency
1190 Proceedings, in accordance with state and federal law and policy;
1191 (c) develop standards for contracts of employment and contracts with independent
1192 contractors, and employ or contract with attorneys licensed to practice law in this state, to act
1193 as attorney guardians ad litem in accordance with Section [~~78A-6-902~~] 78A-2-803;
1194 (d) develop and provide training programs for volunteers in accordance with the United
1195 States Department of Justice National Court Appointed Special Advocates Association
1196 standards;
1197 (e) develop and update a guardian ad litem manual that includes:
1198 (i) best practices for an attorney guardian ad litem; and
1199 (ii) statutory and case law relating to an attorney guardian ad litem;
1200 (f) develop and provide a library of materials for the continuing education of attorney
1201 guardians ad litem and volunteers;
1202 (g) educate court personnel regarding the role and function of guardians ad litem;
1203 (h) develop needs assessment strategies, perform needs assessment surveys, and ensure
1204 that guardian ad litem training programs correspond with actual and perceived needs for
1205 training;

1206 (i) design and implement evaluation tools based on specific objectives targeted in the
1207 needs assessments described in Subsection [~~(4)~~] (3)(h);
1208 (j) prepare and submit an annual report to the Guardian ad Litem Oversight Committee
1209 and the Child Welfare Legislative Oversight Panel created in Section 62A-4a-207 regarding:
1210 (i) the development, policy, and management of the statewide guardian ad litem
1211 program;
1212 (ii) the training and evaluation of attorney guardians ad litem and volunteers; and
1213 (iii) the number of minors served by the office;
1214 (k) hire, train, and supervise investigators; and
1215 (l) administer the program of private attorney guardians ad litem established by Section
1216 78A-2-705.
1217 [~~(5)~~] (4) A contract of employment or independent contract described under Subsection
1218 [~~(4)~~] (3)(c) shall provide that [~~attorney guardians~~] an attorney guardian ad litem in the second,
1219 third, and fourth judicial districts devote [~~their~~] the attorney guardian's ad litem full time and
1220 attention to the role of attorney guardian ad litem, having no clients other than the minors
1221 whose interest [~~they represent~~] the attorney guardian ad litem represents within the guardian ad
1222 litem program.
1223 Section 14. Section **78A-2-803**, which is renumbered from Section 78A-6-902 is
1224 renumbered and amended to read:
1225 **[~~78A-6-902~~]. 78A-2-803. Appointment of attorney guardian ad litem --**
1226 **Duties and responsibilities -- Training -- Trained staff and court-appointed special**
1227 **advocate volunteers -- Costs -- Immunity -- Annual report.**
1228 (1) (a) The court:
1229 (i) may appoint an attorney guardian ad litem to represent the best interest of a minor
1230 involved in any case before the court; and
1231 (ii) shall consider the best interest of a minor, consistent with the provisions of Section
1232 62A-4a-201, in determining whether to appoint a guardian ad litem.
1233 (b) In all cases where an attorney guardian ad litem is appointed, the court shall make a

1234 finding that establishes the necessity of the appointment.

1235 (2) An attorney guardian ad litem shall represent the best interest of each [~~child~~] minor

1236 who may become the subject of [~~a petition alleging abuse, neglect, or dependency,~~] an abuse,

1237 neglect, or dependency petition from the earlier of [~~the day that~~]:

1238 (a) the [~~child~~] day on which the minor is removed from the [~~child's~~] minor's home by

1239 the division; or

1240 (b) the day on which the abuse, neglect, or dependency petition is filed.

1241 (3) The director shall ensure that each attorney guardian ad litem employed by the

1242 office:

1243 (a) represents the best interest of each client of the office in all venues, including:

1244 (i) court proceedings; and

1245 (ii) meetings to develop, review, or modify the child and family plan with the [~~Division~~

1246 ~~of Child and Family Services~~] division in accordance with Section 62A-4a-205;

1247 (b) [~~prior to~~] before representing any minor before the court, be trained in:

1248 (i) applicable statutory, regulatory, and case law; and

1249 (ii) nationally recognized standards for an attorney guardian ad litem;

1250 (c) conducts or supervises an ongoing, independent investigation in order to obtain,

1251 first-hand, a clear understanding of the situation and needs of the minor;

1252 (d) (i) personally meets with the minor, unless:

1253 (A) the minor is outside of the state; or

1254 (B) meeting with the minor would be detrimental to the minor;

1255 (ii) personally interviews the minor, unless:

1256 (A) the minor is not old enough to communicate;

1257 (B) the minor lacks the capacity to participate in a meaningful interview; or

1258 (C) the interview would be detrimental to the minor; and

1259 (iii) if the minor is placed in an out-of-home placement, or is being considered for

1260 placement in an out-of-home placement, unless it would be detrimental to the minor:

1261 (A) to the extent possible, determines the minor's goals and concerns regarding

1262 placement; and
1263 (B) personally assesses or supervises an assessment of the appropriateness and safety
1264 of the minor's environment in each placement;
1265 (e) personally attends all review hearings pertaining to the minor's case;
1266 (f) participates in all appeals, unless excused by order of the court;
1267 (g) is familiar with local experts who can provide consultation and testimony regarding
1268 the reasonableness and appropriateness of efforts made by the [~~Division of Child and Family~~
1269 ~~Services~~] division to:
1270 (i) maintain a minor in the minor's home; or
1271 (ii) reunify [~~a child with the child's parent~~] a minor with a minor's parent;
1272 (h) to the extent possible, and unless it would be detrimental to the minor, personally
1273 or through a trained volunteer, paralegal, or other trained staff, keeps the minor advised of:
1274 (i) the status of the minor's case;
1275 (ii) all court and administrative proceedings;
1276 (iii) discussions with, and proposals made by, other parties;
1277 (iv) court action; and
1278 (v) the psychiatric, medical, or other treatment or diagnostic services that are to be
1279 provided to the minor;
1280 (i) in cases where a child and family plan is required, personally or through a trained
1281 volunteer, paralegal, or other trained staff, monitors implementation of a minor's child and
1282 family plan and any dispositional orders to:
1283 (i) determine whether services ordered by the court:
1284 (A) are actually provided; and
1285 (B) are provided in a timely manner; and
1286 (ii) attempt to assess whether services ordered by the court are accomplishing the
1287 intended goal of the services; and
1288 (j) makes all necessary court filings to advance the [~~guardian ad litem's~~] guardian's ad
1289 litem position regarding the best interest of the [~~child~~] minor.

1290 (4) (a) Consistent with this Subsection (4), an attorney guardian ad litem may use
1291 trained volunteers, in accordance with Title 67, Chapter 20, Volunteer Government Workers
1292 Act, trained paralegals, and other trained staff to assist in investigation and preparation of
1293 information regarding the cases of individual minors before the court.
1294 (b) [~~All volunteers, paralegals, and staff utilized pursuant to~~] A volunteer, paralegal, or
1295 other staff utilized under this section shall be trained in and follow, at a minimum, the
1296 guidelines established by the United States Department of Justice Court Appointed Special
1297 Advocate Association.
1298 (5) The attorney guardian ad litem shall continue to represent the best interest of the
1299 minor until released from that duty by the court.
1300 (6) (a) Consistent with Subsection (6)(b), the juvenile court is responsible for:
1301 (i) all costs resulting from the appointment of an attorney guardian ad litem; and
1302 (ii) the costs of volunteer, paralegal, and other staff appointment and training.
1303 (b) The court shall use funds appropriated by the Legislature for the guardian ad litem
1304 program to cover the costs described in Subsection (6)(a).
1305 (c) (i) When the court appoints an attorney guardian ad litem under this section, the
1306 court may assess all or part of the attorney fees, court costs, and paralegal, staff, and volunteer
1307 expenses against the [~~child's~~] minor's parents, parent, or legal guardian in a proportion that the
1308 court determines to be just and appropriate, taking into consideration costs already borne by the
1309 parents, parent, or legal guardian, including:
1310 (A) private attorney fees;
1311 (B) counseling for the [~~child~~] minor;
1312 (C) counseling for the parent, if mandated by the court or recommended by the
1313 [~~Division of Child and Family Services~~] division; and
1314 (D) any other cost the court determines to be relevant.
1315 (ii) The court may not assess [~~those~~] the fees or costs described in Subsection (6)(c)(i)
1316 against:
1317 (A) a legal guardian, when that guardian is the state; or

1318 (B) consistent with Subsection (6)(d), a parent who is found to be [~~impecunious~~] an
1319 indigent individual.
1320 (d) For purposes of Subsection (6)(c)(ii)(B), if [~~a person~~] an individual claims to be
1321 [~~impecunious~~] an indigent individual, the court shall:
1322 (i) require [~~that person~~] the individual to submit an affidavit of [~~impecuniosity~~]
1323 indigence as provided in Section 78A-2-302; and
1324 (ii) follow the procedures and make the determinations as provided in Section
1325 78A-2-304.
1326 (e) The [~~child's~~] minor's parents, parent, or legal guardian may appeal the court's
1327 determination, under Subsection (6)(c), of fees, costs, and expenses.
1328 (7) An attorney guardian ad litem appointed under this section, when serving in the
1329 scope of the attorney [~~guardian ad litem's~~] guardian's ad litem duties as guardian ad litem is
1330 considered an employee of the state for purposes of indemnification under Title 63G, Chapter
1331 7, Governmental Immunity Act of Utah.
1332 (8) (a) An attorney guardian ad litem shall represent the best interest of a minor.
1333 (b) If the minor's wishes differ from the attorney's determination of the minor's best
1334 interest, the attorney guardian ad litem shall communicate the minor's wishes to the court in
1335 addition to presenting the attorney's determination of the minor's best interest.
1336 (c) A difference between the minor's wishes and the attorney's determination of best
1337 interest may not be considered a conflict of interest for the attorney.
1338 (d) The guardian ad litem shall disclose the wishes of the [~~child unless the child~~] minor
1339 unless the minor:
1340 (i) instructs the guardian ad litem to not disclose the [~~child's~~] minor's wishes; or
1341 (ii) has not expressed any wishes.
1342 (e) The court may appoint one attorney guardian ad litem to represent the best interests
1343 of more than one [~~child~~] minor of a marriage.
1344 (9) [~~An~~] The division shall provide an attorney guardian ad litem [~~shall be provided~~]
1345 access to all [~~Division of Child and Family Services~~] division records regarding the minor at

1346 issue and the minor's family.
1347 (10) (a) An attorney guardian ad litem shall conduct an independent investigation
1348 regarding the minor at issue, the minor's family, and what [~~constitutes~~] is in the best interest of
1349 the minor.
1350 (b) An attorney guardian ad litem may interview the minor's [~~Division of Child and~~
1351 ~~Family Services caseworker~~] child welfare worker, but may not:
1352 (i) rely exclusively on the conclusions and findings of the [~~Division of Child and~~
1353 ~~Family Services~~] division; or
1354 (ii) except as provided in Subsection (10)(c), conduct a visit with the client in
1355 conjunction with the visit of a [~~Division of Child and Family Services caseworker~~] child
1356 welfare worker.
1357 (c) (i) An attorney guardian ad litem may meet with a client during a team meeting,
1358 court hearing, or similar venue when a [~~Division of Child and Family Services caseworker~~]
1359 child welfare worker is present for a purpose other than the attorney guardian ad litem's
1360 meeting with the client.
1361 (ii) A party and the party's counsel may attend a team meeting in accordance with the
1362 Utah Rules of Professional Conduct.
1363 (11) (a) An attorney guardian ad litem shall maintain current and accurate records
1364 regarding:
1365 (i) the number of times the attorney has had contact with each minor; and
1366 (ii) the actions the attorney has taken in representation of the minor's best interest.
1367 (b) In every hearing where the attorney guardian ad litem makes a recommendation
1368 regarding the best interest of the [~~child~~] minor, the court shall require the attorney guardian ad
1369 litem to disclose the factors that form the basis of the recommendation.
1370 (12) (a) Except as provided in Subsection (12)(b), and notwithstanding Title 63G,
1371 Chapter 2, Government Records Access and Management Act, all records of an attorney
1372 guardian ad litem are confidential and may not be released or made public upon subpoena,
1373 search warrant, discovery proceedings, or otherwise. [~~This subsection supersedes Title 63G,~~

1374 ~~Chapter 2, Government Records Access and Management Act.~~]
1375 (b) Consistent with Subsection (12)(d), all records of an attorney guardian ad litem:
1376 (i) are subject to legislative subpoena, under Title 36, Chapter 14, Legislative
1377 Subpoena Powers; and
1378 (ii) shall be released to the Legislature.
1379 (c) (i) Except as provided in Subsection (12)(c)(ii), the Legislature shall maintain
1380 records released in accordance with Subsection (12)(b) [~~shall be maintained~~] as confidential
1381 [~~by the Legislature~~].
1382 (ii) Notwithstanding Subsection (12)(c)(i), the Office of the Legislative Auditor
1383 General may include summary data and nonidentifying information in [~~its~~] the office's audits
1384 and reports to the Legislature.
1385 (d) (i) Subsection (12)(b) [~~constitutes~~] is an exception to Rules of Professional
1386 Conduct, Rule 1.6, as provided by Rule 1.6(b)(4), because of:
1387 (A) the unique role of an attorney guardian ad litem described in Subsection (8); and
1388 (B) the state's role and responsibility[~~: (I)~~] to provide a guardian ad litem program[~~; and~~
1389 ~~(II)~~], and as parens patriae, to protect minors.
1390 (ii) A claim of attorney-client privilege does not bar access to the records of an attorney
1391 guardian ad litem by the Legislature, through legislative subpoena.
1392 Section 15. Section **78A-2-804**, which is renumbered from Section 78A-6-903 is
1393 renumbered and amended to read:
1394 **[~~78A-6-903~~]. 78A-2-804. Guardian Ad Litem Services Account established**
1395 **-- Funding.**
1396 (1) There is created [~~in the General Fund~~] a restricted account in the General Fund
1397 known as the Guardian Ad Litem Services Account, for the purpose of funding the [~~Office of~~
1398 ~~Guardian Ad Litem~~] office, in accordance with [~~the provisions of Sections 78A-6-901 and~~
1399 ~~78A-6-902~~] this part.
1400 (2) The account shall be funded by the donation described in Subsection
1401 41-1a-422(1)(a)(i)(F).

1402 Section 16. Section **78A-6-101** is amended to read:

1403 **CHAPTER 6. JUVENILE COURT**

1404 **78A-6-101. Title.**

1405 This chapter is known as [~~the~~] "Juvenile Court [~~Act~~]."

1406 Section 17. Section **78A-6-101.5** is enacted to read:

1407 **78A-6-101.5. Definitions.**

1408 The terms defined in Section 80-1-102 apply to this chapter.

1409 Section 18. Section **78A-6-102** is amended to read:

1410 **78A-6-102. Establishment of juvenile court -- Organization and status of court --**
1411 **Purpose.**

1412 (1) There is established a juvenile court for the state [~~a juvenile court~~].

1413 (2) (a) The juvenile court is a court of record. [~~It~~]

1414 (b) The juvenile court shall have a seal[~~, and its~~].

1415 (c) The juvenile court's judges, clerks, and referees have the power to administer oaths
1416 and affirmations.

1417 (d) The juvenile court has the authority to issue search warrants, subpoenas, or
1418 investigative subpoenas under Section 62A-4a-202.1, Chapter 4a, Adult Criminal Proceedings,
1419 and Title 80, Chapter 3, Abuse, Neglect, and Dependency Proceedings, Chapter 4, Termination
1420 and Restoration of Parental Rights, and Chapter 6, Juvenile Justice, for the same purposes and
1421 in the same manner as described in Title 77, Utah Code of Criminal Procedure, and the Utah
1422 Rules of Criminal Procedure, for the issuance of search warrants, subpoenas, or investigative
1423 subpoenas in other trial courts in the state.

1424 (3) The juvenile court is of equal status with the district courts of the state.

1425 (4) The juvenile court is established as a forum for the resolution of all matters
1426 properly brought before [~~it~~] the juvenile court, consistent with applicable constitutional and
1427 statutory requirements of due process.

1428 (5) The purpose of the court under this chapter is to:

1429 (a) promote public safety and individual accountability by the imposition of

1430 appropriate sanctions on persons who have committed acts in violation of law;
1431 (b) order appropriate measures to promote guidance and control, preferably in the
1432 minor's own home, as an aid in the prevention of future unlawful conduct and the development
1433 of responsible citizenship;
1434 (c) where appropriate, order rehabilitation, reeducation, and treatment for persons who
1435 have committed acts bringing them within the court's jurisdiction;
1436 (d) adjudicate matters that relate to minors who are beyond parental or adult control
1437 and to establish appropriate authority over these minors by means of placement and control
1438 orders;
1439 (e) adjudicate matters that relate to abused, neglected, and dependent children and to
1440 provide care and protection for minors by placement, protection, and custody orders;
1441 (f) remove a minor from parental custody only where the minor's safety or welfare, or
1442 the public safety, may not otherwise be adequately safeguarded; and
1443 (g) consistent with the ends of justice, act in the best interests of the minor in all cases
1444 and preserve and strengthen family ties.
1445 Section 19. Section **78A-6-103** is amended to read:
1446 **78A-6-103. Original jurisdiction of the juvenile court -- Magistrate functions --**
1447 **Findings -- Transfer of a case from another court.**
1448 (1) Except as otherwise provided by Subsections 78A-5-102(9), 78A-5-102(10), and
1449 78A-7-106(2), the juvenile court has original jurisdiction over:
1450 (a) a felony, misdemeanor, infraction, or violation of an ordinance, under municipal,
1451 state, or federal law, that was committed by a child; and
1452 (b) a felony, misdemeanor, infraction, or violation of an ordinance, under municipal,
1453 state, or federal law, that was committed by an individual:
1454 (i) who is under 21 years old at the time of all court proceedings; and
1455 (ii) who was under 18 years old at the time the offense was committed.
1456 (2) The juvenile court has original jurisdiction over any proceeding concerning:
1457 (a) a child who is an abused child, neglected child, or dependent child[~~, as those terms~~

1458 ~~are defined in Section 78A-6-105~~];
1459 (b) a protective order for a child in accordance with Title 78B, Chapter 7, Part 2, Child
1460 Protective Orders[~~, which the juvenile court may transfer to the district court if the juvenile~~
1461 ~~court has entered an ex parte protective order and finds that:~~];
1462 [~~(i) the petitioner and the respondent are the natural parent, adoptive parent, or step~~
1463 ~~parent of the child who is the object of the petition;~~]
1464 [~~(ii) the district court has a petition pending or an order related to custody or~~
1465 ~~parent-time entered under Title 30, Chapter 3, Divorce, Title 78B, Chapter 7, Part 6,~~
1466 ~~Cohabitant Abuse Protective Orders, or Title 78B, Chapter 15, Utah Uniform Parentage Act, in~~
1467 ~~which the petitioner and the respondent are parties; and~~]
1468 [~~(iii) the best interests of the child will be better served in the district court;~~]
1469 (c) the appointment of a guardian of the individual or other guardian of a minor who
1470 comes within the court's jurisdiction under other provisions of this section;
1471 (d) the emancipation of a minor in accordance with [~~Part 8, Emancipation~~] Title 80,
1472 Chapter 7, Emancipation;
1473 (e) the termination of [~~the legal parent-child relationship~~] parental rights in accordance
1474 with [~~Part 5, Termination of Parental Rights Act~~] Title 80, Chapter 4, Termination and
1475 Restoration of Parental Rights, including termination of residual parental rights and duties;
1476 (f) the treatment or commitment of a minor who has an intellectual disability;
1477 (g) the judicial consent to the marriage of a minor who is 16 or 17 years old [~~upon a~~
1478 ~~determination of voluntariness or where otherwise required by law~~] in accordance with Section
1479 30-1-9;
1480 [~~(h) any parent of a child committed to a secure youth facility, to order, at the~~
1481 ~~discretion of the court and on the recommendation of a secure facility, the parent of a child~~
1482 ~~committed to a secure facility for a custodial term, to undergo group rehabilitation therapy~~
1483 ~~under the direction of a secure facility therapist, who has supervision of that parent's child, or~~
1484 ~~any other therapist the court may direct, for a period directed by the court as recommended by a~~
1485 ~~secure facility;~~]

1486 (h) an order for a parent or a guardian of a child under Subsection 80-6-705(3);
1487 (i) a minor under Title 55, Chapter 12, Interstate Compact for Juveniles;
1488 (j) the treatment or commitment of a child with a mental illness [~~in accordance with~~
1489 ~~Subsection (11)~~];
1490 (k) the commitment of a child to a secure drug or alcohol facility in accordance with
1491 Section 62A-15-301;
1492 (l) a minor found not competent to proceed in accordance with [~~Section 78A-6-1301~~]
1493 Title 80, Chapter 6, Part 4, Competency;
1494 (m) de novo review of final agency actions resulting from an informal adjudicative
1495 proceeding as provided in Section 63G-4-402; [~~and~~]
1496 (n) adoptions conducted in accordance with the procedures described in Title 78B,
1497 Chapter 6, Part 1, Utah Adoption Act, [~~when~~] if the juvenile court has previously entered an
1498 order terminating the rights of a parent and finds that adoption is in the best interest of the
1499 child[~~.~~];
1500 [~~(3) (a) Except as provided in Subsection (3)(c), the juvenile court has exclusive~~
1501 ~~jurisdiction over a felony, misdemeanor, infraction, or violation of an ordinance:~~]
1502 [~~(i) committed by a child and that arises from a single criminal episode containing an~~
1503 ~~offense for which:~~]
1504 [~~(A) a citation, petition, indictment, or criminal information is filed; and~~]
1505 [~~(B) the court has original jurisdiction; and~~]
1506 [~~(ii) committed by an individual who is under 21 years old at the time of all court~~
1507 ~~proceedings, but committed before the individual was 18 years old, and that arises from a~~
1508 ~~single criminal episode containing an offense for which:~~]
1509 [~~(A) a citation, petition, indictment, or criminal information is filed; and~~]
1510 [~~(B) the court has original jurisdiction.~~]
1511 [~~(b) For purposes of this Subsection (3), the juvenile court has jurisdiction over the~~
1512 ~~following offenses committed by an individual who is under 21 years old at the time of all~~
1513 ~~court proceedings, but was under 18 years old at the time the offense was committed:~~]

1514 [~~(i) Title 41, Chapter 6a, Part 5, Driving Under the Influence and Reckless Driving;~~
1515 ~~and~~]
1516 [~~(ii) Section 73-18-12.~~]
1517 [~~(c) If a juvenile court transfers jurisdiction of an offense to the district court under~~
1518 ~~Section 78A-6-703.5, the exclusive jurisdiction of the juvenile court over that offense is~~
1519 ~~terminated.~~]
1520 [~~(4) (a) As used in this Subsection (4):~~]
1521 [~~(i) "Qualifying offense" means an offense described in Sections 78A-6-703.2 and~~
1522 ~~78A-6-703.3.~~]
1523 [~~(ii) "Separate offense" means any offense that is not a qualifying offense.~~]
1524 [~~(b) The juvenile court:~~]
1525 [~~(i) regains exclusive jurisdiction over any separate offense described in Subsection~~
1526 ~~(3)(a) if:~~]
1527 [~~(A) the individual who is alleged to have committed the separate offense is bound~~
1528 ~~over to the district court for a qualifying offense under Section 78A-6-703.5; and~~]
1529 [~~(B) the qualifying offense results in an acquittal, a finding of not guilty, or a dismissal;~~
1530 ~~and~~]
1531 [~~(ii) gains exclusive jurisdiction over any separate offense described in Subsection~~
1532 ~~(3)(a) if:~~]
1533 [~~(A) the individual who is alleged to have committed the separate offense is charged~~
1534 ~~for a qualifying offense under Section 78A-6-703.2 in the district court; and~~]
1535 [~~(B) the qualifying offense results in an acquittal, a finding of not guilty, or a dismissal~~
1536 ~~in the district court.~~]
1537 [~~(5)~~] (o) [~~The juvenile court has jurisdiction over~~] an ungovernable or runaway child
1538 who is referred to the juvenile court by the Division of Juvenile Justice Services [~~when~~] if,
1539 despite earnest and persistent efforts by the Division of Juvenile Justice Services, the child has
1540 demonstrated that the child:
1541 [~~(a)~~] (i) is beyond the control of the child's parent, guardian, or [~~lawful~~] custodian to

1542 the extent that the child's behavior or condition endangers the child's own welfare or the
1543 welfare of others; or
1544 [~~(b)~~] (ii) has run away from home[~~.~~]; and
1545 [~~(6) The juvenile court has continuing jurisdiction over a minor's case for an offense~~
1546 ~~that is adjudicated under Section 78A-6-117 until jurisdiction is terminated in accordance with~~
1547 ~~Section 78A-6-120.~~]
1548 (p) a criminal information filed under Part 4a, Adult Criminal Proceedings, for an adult
1549 alleged to have committed an offense under Subsection 78A-6-352(4)(b) for failure to comply
1550 with a promise to appear and bring a child to the juvenile court.
1551 (3) It is not necessary for a minor to be adjudicated for an offense or violation of the
1552 law under Section 80-6-701, for the juvenile court to exercise jurisdiction under Subsection
1553 (2)(p).
1554 [~~(7)~~] (4) This section does not restrict the right of access to the juvenile court by private
1555 agencies or other persons.
1556 [~~(8)~~] (5) The juvenile court has jurisdiction of all magistrate functions relative to cases
1557 arising under [~~Part 7, Transfer of Jurisdiction~~] Title 80, Chapter 6, Part 5, Transfer to District
1558 Court.
1559 [~~(9)~~] (6) The juvenile court has jurisdiction to make a finding of substantiated,
1560 unsubstantiated, or without merit, in accordance with Section [~~78A-6-323~~] 80-3-404.
1561 [~~(10)~~] (7) The juvenile court has [~~subject matter~~] jurisdiction over matters transferred
1562 to the juvenile court by another trial court in accordance with Subsection 78A-7-106(4) and
1563 Section [~~78A-6-601~~] 80-6-303.
1564 [~~(11) The juvenile court may commit a child to the physical custody of a local mental~~
1565 ~~health authority in accordance with Title 62A, Chapter 15, Part 7, Commitment of Persons~~
1566 ~~Under Age 18 to Division of Substance Abuse and Mental Health, but not directly to the Utah~~
1567 ~~State Hospital.~~]
1568 Section 20. Section **78A-6-103.5** is enacted to read:
1569 **78A-6-103.5. Exclusive jurisdiction of the juvenile court.**

1570 (1) Except as provided in Subsection (3), the juvenile court has exclusive jurisdiction
1571 over a felony, misdemeanor, infraction, or violation of an ordinance:
1572 (a) committed by a child and that arises from a single criminal episode containing an
1573 offense for which:
1574 (i) a citation, petition, indictment, or criminal information is filed; and
1575 (ii) the court has original jurisdiction; and
1576 (b) committed by an individual who is under 21 years old at the time of all court
1577 proceedings, but committed before the individual was 18 years old, and that arises from a
1578 single criminal episode containing an offense for which:
1579 (i) a citation, petition, indictment, or criminal information is filed; and
1580 (ii) the court has original jurisdiction.
1581 (2) For purposes of this section, the juvenile court has jurisdiction over the following
1582 offenses committed by an individual who is under 21 years old at the time of all court
1583 proceedings, but was under 18 years old at the time the offense was committed:
1584 (a) Title 41, Chapter 6a, Part 5, Driving Under the Influence and Reckless Driving; and
1585 (b) Section 73-18-12.
1586 (3) If a juvenile court transfers jurisdiction of an offense to the district court under
1587 Section 80-6-504, the exclusive jurisdiction of the juvenile court over that offense is
1588 terminated.
1589 (4) (a) As used in this Subsection (4):
1590 (i) "Qualifying offense" means an offense described in Sections 80-6-502 and
1591 80-6-503.
1592 (ii) "Separate offense" means any offense that is not a qualifying offense.
1593 (b) The juvenile court:
1594 (i) regains exclusive jurisdiction over any separate offense described in Subsection (1)
1595 if:
1596 (A) the individual who is alleged to have committed the separate offense is bound over
1597 to the district court for a qualifying offense under Section 80-6-504; and

1598 (B) the qualifying offense results in an acquittal, a finding of not guilty, or a dismissal;
1599 and
1600 (ii) gains exclusive jurisdiction over any separate offense described in Subsection (1)
1601 if:
1602 (A) the individual who is alleged to have committed the separate offense is charged for
1603 a qualifying offense under Section 80-6-502 in the district court; and
1604 (B) the qualifying offense results in an acquittal, a finding of not guilty, or a dismissal
1605 in the district court.
1606 Section 21. Section **78A-6-104** is repealed and reenacted to read:
1607 **78A-6-104. Concurrent jurisdiction of the juvenile court -- Transfer of a**
1608 **protective order.**
1609 (1) (a) The juvenile court has jurisdiction, concurrent with the district court:
1610 (i) to establish paternity, or to order testing for purposes of establishing paternity, for a
1611 child in accordance with Title 78B, Chapter 15, Utah Uniform Parentage Act, when a
1612 proceeding is initiated under Title 80, Chapter 3, Abuse, Neglect, and Dependency
1613 Proceedings, or Chapter 4, Termination and Restoration of Parental Rights, that involves the
1614 child;
1615 (ii) over a petition to modify a minor's birth certificate if the juvenile court has
1616 jurisdiction over the minor's case under Section 78A-6-103; and
1617 (iii) over questions of custody, support, and parent-time of a minor if the juvenile court
1618 has jurisdiction over the minor's case under Section 78A-6-103.
1619 (b) If the juvenile court obtains jurisdiction over a paternity action under Subsection
1620 (1)(a)(i), the juvenile court may:
1621 (i) retain jurisdiction over the paternity action until paternity of the child is adjudicated;
1622 or
1623 (ii) transfer jurisdiction over the paternity action to the district court.
1624 (2) (a) The juvenile court has jurisdiction, concurrent with the district court or the
1625 justice court otherwise having jurisdiction, over a criminal information filed under Part 4a,

1626 Adult Criminal Proceedings, for an adult alleged to have committed:
1627 (i) an offense under Section 32B-4-403, unlawful sale, offer for sale, or furnishing to a
1628 minor;
1629 (ii) an offense under Section 53G-6-202, failure to comply with compulsory education
1630 requirements;
1631 (iii) an offense under Section 62A-4a-411, failure to report;
1632 (iv) a misdemeanor offense under Section 76-5-303, custodial interference;
1633 (v) an offense under Section 76-10-2301, contributing to the delinquency of a minor; or
1634 (vi) an offense under Section 80-5-601, harboring a runaway.
1635 (b) It is not necessary for a minor to be adjudicated for an offense or violation of the
1636 law under Section 80-6-701 for the juvenile court to exercise jurisdiction under Subsection
1637 (2)(a).
1638 (3) (a) When a support, custody, or parent-time award has been made by a district court
1639 in a divorce action or other proceeding, and the jurisdiction of the district court in the case is
1640 continuing, the juvenile court may acquire jurisdiction in a case involving the same child if the
1641 child comes within the jurisdiction of the juvenile court under Section 78A-6-103.
1642 (b) (i) The juvenile court may, by order, change the custody subject to Subsection
1643 30-3-10(6), support, parent-time, and visitation rights previously ordered in the district court as
1644 necessary to implement the order of the juvenile court for the safety and welfare of the child.
1645 (ii) An order by the juvenile court under Subsection (3)(b)(i) remains in effect so long
1646 as the juvenile court continues to exercise jurisdiction.
1647 (c) If a copy of the findings and order of the juvenile court under this Subsection (3)
1648 are filed with the district court, the findings and order of the juvenile court are binding on the
1649 parties to the divorce action as though entered in the district court.
1650 (4) This section does not deprive the district court of jurisdiction to:
1651 (a) appoint a guardian for a child;
1652 (b) determine the support, custody, and parent-time of a child upon writ of habeas
1653 corpus; or

1654 (c) determine a question of support, custody, and parent-time that is incidental to the
1655 determination of an action in the district court.
1656 (5) A juvenile court may transfer a petition for a protective order for a child to the
1657 district court if the juvenile court has entered an ex parte protective order and finds that:
1658 (a) the petitioner and the respondent are the natural parent, adoptive parent, or step
1659 parent of the child who is the object of the petition;
1660 (b) the district court has a petition pending or an order related to custody or parent-time
1661 entered under Title 30, Chapter 3, Divorce, Title 78B, Chapter 7, Part 6, Cohabitant Abuse
1662 Protective Orders, or Title 78B, Chapter 15, Utah Uniform Parentage Act, in which the
1663 petitioner and the respondent are parties; and
1664 (c) the best interests of the child will be better served in the district court.
1665 Section 22. Section **78A-6-120** is amended to read:
1666 **78A-6-120. Continuing jurisdiction of juvenile court -- Period of and termination**
1667 **of jurisdiction.**
1668 (1) Except as provided in Subsection (2), if the [~~court retains jurisdiction over a~~
1669 ~~minor's case under Section 78A-6-117~~] juvenile court obtains jurisdiction of a minor's case, the
1670 juvenile court's jurisdiction over the minor's case continues until:
1671 (a) the minor is 21 years old; or
1672 (b) if the juvenile court extends jurisdiction over the minor's case [~~until the minor is 25~~
1673 ~~years old~~] under Section [~~78A-6-703.4~~] 80-6-605, the minor is 25 years old.
1674 (2) (a) The juvenile court's continuing jurisdiction under Subsection (1) terminates:
1675 (i) upon order of the court;
1676 (ii) upon [~~commitment to a secure facility~~] an order for secure care under Section
1677 80-6-705; or
1678 [~~(iii) upon commencement of proceedings in adult cases under Section 78A-6-1001;~~
1679 ~~or~~]
1680 [~~(iv)~~] (iii) in accordance with [~~Sections 62A-7-404 and 78A-6-117~~] Section 80-6-712.
1681 (b) The continuing jurisdiction of the juvenile court over a minor's case is not

1682 terminated:
1683 (i) by marriage; or
1684 (ii) when a minor commits an offense under municipal, state, or federal law that is
1685 under the jurisdiction of another court [~~and the minor is at least 18 years old at the time of the~~
1686 ~~offense~~].
1687 (c) Notwithstanding Subsection (2)(a)(ii), the juvenile court retains jurisdiction to
1688 make and enforce orders related to restitution until the Youth Parole Authority discharges the
1689 minor under Section 80-6-807.
1690 [~~(3) When a minor has been committed by the court to the physical custody of a local~~
1691 ~~mental health authority or the local mental health authority's designee or to the Utah State~~
1692 ~~Developmental Center, the local mental health authority or the local mental health authority's~~
1693 ~~designee or the superintendent of the Utah State Developmental Center shall give the court~~
1694 ~~written notice of the intention to discharge, release, or parole the minor not fewer than five~~
1695 ~~days before the discharge, release, or parole.~~]
1696 [~~(4) (a) The court may transfer a case of a minor who is on probation or under~~
1697 ~~protective supervision, or of a minor who is otherwise under the continuing jurisdiction of the~~
1698 ~~court, to a court of another district, if the receiving court consents, or upon direction of the~~
1699 ~~chair of the Board of Juvenile Court Judges.~~]
1700 [~~(b) The receiving court has the same powers with respect to the minor that the court~~
1701 ~~would have if the proceedings originated in that court.~~]
1702 [~~(5) A minor shall undergo a validated risk and needs assessment within seven days of~~
1703 ~~the day on which an order terminating jurisdiction is issued if:~~]
1704 [~~(a) the minor is adjudicated under Section 78A-6-117; and~~]
1705 [~~(b) the minor underwent a validated risk and needs assessment under Subsection~~
1706 ~~78A-6-117(1)(d).~~]
1707 Section 23. Section **78A-6-201** is amended to read:
1708 **78A-6-201. Judges of juvenile court -- Appointments -- Terms.**
1709 (1) (a) [~~Judges of the juvenile court~~] A judge of the juvenile court shall be appointed

1710 initially to serve until the first general election held more than three years after [~~the effective~~
1711 ~~date of the appointment. Thereafter,~~] the day on which the appointment is effective.
1712 (b) After the initial term described in Subsection (1)(a), the term of office of a [~~judge~~
1713 ~~of a juvenile court~~] juvenile court judge is six years and commences on the first Monday in
1714 January next following the date of election.
1715 (2) A juvenile court judge whose term expires may serve, upon request of the Judicial
1716 Council, until a successor is appointed and qualified.
1717 Section 24. Section **78A-6-202** is amended to read:
1718 **78A-6-202. Sessions of juvenile court.**
1719 (1) In each county, regular juvenile court sessions shall be held at a place designated by
1720 the judge or judges of the juvenile court district, with the approval of the board.
1721 (2) [~~Court~~] Juvenile court sessions shall be held in each county when the presiding
1722 judge of the juvenile court directs, except that a judge of the district may hold court in any
1723 county within the district at any time[~~,~~] if required by the urgency of the case.
1724 Section 25. Section **78A-6-203** is amended to read:
1725 **78A-6-203. Board of Juvenile Court Judges -- Composition -- Purpose --**
1726 **Presiding judge.**
1727 (1) (a) The Judicial Council shall, by rule, establish a Board of Juvenile Court Judges.
1728 (b) The board shall establish general policies for the operation of the juvenile courts
1729 and uniform rules and forms governing practice, consistent with the provisions of this chapter,
1730 the rules of the Judicial Council, and the rules of the Supreme Court.
1731 (c) (i) The board may receive and expend any funds that may become available from
1732 the federal government or private sources to carry out any of the purposes [~~of this chapter~~]
1733 described in Subsection 78A-6-102(5).
1734 [~~(i)~~] (ii) The board may meet any federal requirements that are conditions precedent to
1735 receiving the funds.
1736 [~~(ii)~~] (iii) The board may cooperate with the federal government in a program for
1737 training personnel employed, or preparing for employment, by the juvenile court and may

1738 receive and expend funds from federal or state sources or from private donations for these
1739 purposes.
1740 [~~(iii)~~] (iv) Funds donated or paid to the juvenile court by private sources for the
1741 purpose of compensatory service programs [~~shall be~~] are nonlapsing.
1742 [~~(iv)~~] (v) The board may:
1743 (A) contract with public or nonprofit institutions of higher learning for the training of
1744 personnel;
1745 (B) conduct short-term training courses of [~~its~~] the board's own and hire experts on a
1746 temporary basis for this purpose; and
1747 (C) cooperate with the Division of Child and Family Services and other state
1748 departments or agencies in personnel training programs.
1749 (d) The board may contract, on behalf of the juvenile court, with the United States
1750 Forest Service or other agencies or departments of the federal government or with agencies or
1751 departments of other states for the care and placement of minors adjudicated under [~~this~~
1752 ~~chapter~~] Title 80, Utah Juvenile Code.
1753 (e) The powers to contract and expend funds are subject to budgetary control and
1754 procedures as provided by law.
1755 (2) Under the direction of the presiding officer of the council, the chair shall supervise
1756 the juvenile courts to:
1757 (a) ensure uniform adherence to law and to the rules and forms adopted by the Supreme
1758 Court and Judicial Council[~~, and to~~]; and
1759 (b) promote the proper and efficient functioning of the juvenile courts.
1760 (3) (a) The judges of districts having more than one juvenile court judge shall elect a
1761 presiding juvenile court judge.
1762 (b) In districts comprised of five or more juvenile court judges and court
1763 commissioners, the presiding juvenile court judge shall receive an additional $1,000 per annum
1764 as compensation.
1765 [~~(4) Consistent with policies of the Judicial Council, the presiding judge shall:~~]

1766 (4) The presiding juvenile court judge, in accordance with the policies of the Judicial
1767 Council, shall:
1768 (a) implement policies of the Judicial Council;
1769 (b) exercise powers and perform administrative duties as authorized by the Judicial
1770 Council;
1771 (c) manage the judicial business of the district; and
1772 (d) call and preside over meetings of juvenile court judges of the district.
1773 Section 26. Section **78A-6-204** is amended to read:
1774 **78A-6-204. Administrator of juvenile court -- Appointment -- Qualifications --**
1775 **Powers and duties.**
1776 (1) With the approval of the board, the state court administrator shall appoint a chief
1777 administrative officer of the juvenile court.
1778 (2) The chief administrative officer shall:
1779 (a) be selected on the basis of professional ability and experience in the field of public
1780 administration [~~and shall~~]; and
1781 (b) possess an understanding of court procedures[~~, as well as~~] and the nature and
1782 significance of probation services and other court services.
1783 Section 27. Section **78A-6-205** is amended to read:
1784 **78A-6-205. Court executives -- Selection -- Duties.**
1785 (1) (a) The chief administrative officer of the juvenile court, with the approval of the
1786 juvenile court judge of each district or the presiding juvenile court judge of multiple judge
1787 districts, shall appoint a court executive for each district.
1788 (b) [~~The court executive~~] A court executive appointed under Subsection (1)(a) serves at
1789 the pleasure of the chief administrative officer.
1790 (2) The court executive shall:
1791 (a) appoint a clerk of the court, [~~deputy court clerks, probation officers, and other~~
1792 ~~persons~~] district managers, and other staff, including juvenile probation officers, as required to
1793 carry out the work of the court;

1794 (b) supervise the work of all nonjudicial court staff of the district; and
1795 (c) serve as administrative officer of the district.
1796 (3) (a) The clerk shall keep a record of court proceedings [~~and~~].
1797 (b) The clerk may issue all process and [~~notice~~] notices required.
1798 Section 28. Section **78A-6-206** is amended to read:
1799 **78A-6-206. Juvenile court employees -- Salaries -- State courts personnel system**
1800 **-- Exemptions and discharge.**
1801 (1) All employees, except juvenile court judges and commissioners, shall be selected,
1802 promoted, and discharged through the state courts personnel system for the juvenile court[~~,~~]
1803 under the direction and rules of the [~~Board of Juvenile Court Judges~~] board and the Judicial
1804 Council.
1805 (2) (a) An employee under the state courts personnel system may not be discharged
1806 except for cause and after a hearing before the appointing authority[~~,~~] with an appeal as
1807 provided by the state courts personnel system.
1808 (b) An employee may be suspended pending the hearing and appeal under Subsection
1809 (2)(a).
1810 Section 29. Section **78A-6-207** is amended to read:
1811 **78A-6-207. Volunteers.**
1812 (1) The [~~names of volunteers~~] name of a volunteer serving in a case under Section
1813 [~~78A-6-902~~] 78A-2-803 shall be stated in the court records of the [~~cases they work with.~~
1814 ~~Volunteers of record with the court are considered to be volunteers to the juvenile court and are~~
1815 ~~volunteers under Title 67, Chapter 20, Volunteer Government Workers Act~~] case.
1816 (2) A volunteer of record under Subsection (1) is:
1817 (a) considered a volunteer to the juvenile court; and
1818 (b) a volunteer under Title 67, Chapter 20, Volunteer Government Workers Act.
1819 Section 30. Section **78A-6-208** is amended to read:
1820 **78A-6-208. Mental health evaluations -- Duty of administrator.**
1821 (1) The [~~administrator~~] chief administrative officer of the juvenile court, with the

1822 approval of the board, and the executive director of the Department of Health, and director of
1823 the Division of Substance Abuse and Mental Health shall from time to time agree upon an
1824 appropriate plan:
1825 (a) for obtaining mental health services and health services for the juvenile court from
1826 the state and local health departments and programs of mental health; and
1827 (b) for assistance by the Department of Health [~~and~~] or the Division of Substance
1828 Abuse and Mental Health in securing for the juvenile court special health, mental health,
1829 juvenile competency evaluations, and related services including community mental health
1830 services not already available from the Department of Health and the Division of Substance
1831 Abuse and Mental Health.
1832 (2) The Legislature may provide an appropriation to the Department of Health and the
1833 Division of Substance Abuse and Mental Health for [~~this purpose~~] the services under
1834 Subsection (1).
1835 Section 31. Section **78A-6-209** is amended to read:
1836 **78A-6-209. Court records -- Inspection.**
1837 (1) The juvenile court and the juvenile court's probation department shall keep records
1838 as required by the board and the presiding judge.
1839 (2) [~~Court records~~] A court record shall be open to inspection by:
1840 (a) the parents or guardian of a child, a minor who is at least 18 years [~~of age~~] old,
1841 other parties in the case, the attorneys, and agencies to which custody of a minor has been
1842 transferred;
1843 (b) for information relating to adult offenders alleged to have committed a sexual
1844 offense, a felony or class A misdemeanor drug offense, or an offense against the person under
1845 Title 76, Chapter 5, Offenses Against the Person, the State Board of Education for the purpose
1846 of evaluating whether an individual should be permitted to obtain or retain a license as an
1847 educator or serve as an employee or volunteer in a school, with the understanding that the State
1848 Board of Education must provide the individual with an opportunity to respond to any
1849 information gathered from [~~its~~] the State Board of Education's inspection of the records before

1850 [~~it~~] the State Board of Education makes a decision concerning licensure or employment;
1851 (c) the Criminal Investigations and Technical Services Division, established in Section
1852 53-10-103, for the purpose of a criminal history background check for the purchase of a firearm
1853 and establishing good character for issuance of a concealed firearm permit as provided in
1854 Section 53-5-704;
1855 (d) the Division of Child and Family Services for the purpose of Child Protective
1856 Services Investigations in accordance with Sections 62A-4a-403 and 62A-4a-409 and
1857 administrative hearings in accordance with Section 62A-4a-1009;
1858 (e) the Office of Licensing for the purpose of conducting a background check in
1859 accordance with Section 62A-2-120;
1860 (f) for information related to a [~~juvenile offender~~] minor who has committed a sexual
1861 offense, a felony, or an offense that if committed by an adult would be a misdemeanor, the
1862 Department of Health for the purpose of evaluating under the provisions of Subsection
1863 26-39-404(3) whether a licensee should be permitted to obtain or retain a license to provide
1864 child care, with the understanding that the department must provide the individual who
1865 committed the offense with an opportunity to respond to any information gathered from [~~its~~]
1866 the Department of Health's inspection of records before [~~it~~] the Department of Health makes a
1867 decision concerning licensure;
1868 (g) for information related to a [~~juvenile offender~~] minor who has committed a sexual
1869 offense, a felony, or an offense that if committed by an adult would be a misdemeanor, the
1870 Department of Health to determine whether an individual meets the background screening
1871 requirements of Title 26, Chapter 21, Part 2, Clearance for Direct Patient Access, with the
1872 understanding that the department must provide the individual who committed the offense an
1873 opportunity to respond to any information gathered from [~~its~~] the Department of Health's
1874 inspection of records before [~~it~~] the Department of Health makes a decision under that part; and
1875 (h) for information related to a [~~juvenile offender~~] minor who has committed a sexual
1876 offense, a felony, or an offense that if committed by an adult would be a misdemeanor, the
1877 Department of Health to determine whether to grant, deny, or revoke background clearance

1878 under Section 26-8a-310 for an individual who is seeking or who has obtained an emergency
1879 medical service personnel license under Section 26-8a-302, with the understanding that the
1880 [~~department~~] Department of Health must provide the individual who committed the offense an
1881 opportunity to respond to any information gathered from the [~~department's~~] Department of
1882 Health's inspection of records before [~~it~~] the Department of Health makes a determination.
1883 (3) With the consent of the [~~judge, court records~~] juvenile court, a court record may be
1884 inspected by the child, by persons having a legitimate interest in the proceedings, and by
1885 persons conducting pertinent research studies.
1886 (4) If a petition is filed charging a minor who is 14 years [~~of age~~] old or older with an
1887 offense that would be a felony if committed by an adult, the juvenile court shall make available
1888 to any person upon request the petition, any adjudication or disposition orders, and the
1889 delinquency history summary of the minor charged unless the records are closed by the juvenile
1890 court upon findings on the record for good cause.
1891 (5) [~~Probation officers'~~] A juvenile probation officer's records and reports of social and
1892 clinical studies are not open to inspection, except by consent of the juvenile court, given under
1893 rules adopted by the board.
1894 [~~(6) (a) Any juvenile delinquency adjudication or disposition orders and the~~
1895 ~~delinquency history summary of any person charged as an adult with a felony offense shall be~~
1896 ~~made available to any person upon request.~~]
1897 [~~(b) This provision does not apply to records that have been destroyed or expunged in~~
1898 ~~accordance with court rules.~~]
1899 [~~(c)~~] (6) The juvenile court may charge a reasonable fee to cover the costs associated
1900 with retrieving a requested record that has been archived.
1901 Section 32. Section **78A-6-210** is amended to read:
1902 **78A-6-210. Fines -- Fees -- Deposit with state treasurer -- Restricted account.**
1903 (1) There is created [~~within the General Fund~~] a restricted account in the General Fund
1904 known as the "Nonjudicial Adjustment Account."
1905 (2) (a) The account shall be funded from the financial penalty established under

1906 Subsection [~~78A-6-602(8)(a)~~] 80-6-304(6)(a).
1907 (b) The court shall deposit all money collected as a result of penalties assessed as part
1908 of the nonjudicial adjustment of a case [~~in~~] into the account.
1909 (c) The account shall be used to pay the expenses of juvenile compensatory service,
1910 victim restitution, and diversion programs.
1911 (3) (a) Except under Subsection (3)(b) or (4) and as otherwise provided by law, the
1912 juvenile court shall pay all fines, fees, penalties, and forfeitures imposed and collected by the
1913 juvenile court [~~shall be paid~~] to the state treasurer for deposit into the General Fund.
1914 (b) [~~Not~~] No more than 50% of any fine or forfeiture collected may be paid to a state
1915 rehabilitative employment program for [~~delinquent minors~~] a minor adjudicated under Section
1916 80-6-701 that provides for employment of the minor in the county of the minor's residence if:
1917 (i) reimbursement for the minor's labor is paid to the victim of the [~~minor's delinquent~~
1918 ~~behavior~~] offense or wrongful act committed by the minor;
1919 (ii) the amount earned and paid is set by court order;
1920 (iii) the minor is not paid more than the hourly minimum wage; and
1921 (iv) no payments to victims are made without the minor's involvement in a
1922 rehabilitative work program.
1923 (c) Fines withheld under Subsection (3)(b) and any private contributions to the
1924 rehabilitative employment program are accounted for separately and are subject to audit at any
1925 time by the state auditor.
1926 (d) (i) Funds withheld under Subsection (3)(b) and private contributions are
1927 nonlapsing.
1928 (ii) The [~~Board of Juvenile Court Judges~~] board shall establish policies for the use of
1929 the funds described in this [~~subsection~~] Subsection (3)(d).
1930 (4) For fines and forfeitures collected by the court for a violation of Section
1931 41-6a-1302 in instances where evidence of the violation was obtained by an automated traffic
1932 enforcement safety device as described in Section 41-6a-1310, the court shall allocate 20% to
1933 the school district or private school that owns or contracts for the use of the bus, and the state

1934 treasurer shall allocate 80% to the General Fund.

1935 (5) [~~No fee may be charged by any state or local public officer~~] A state or local public
1936 officer may not charge a fee for the service of process in any proceedings initiated by a public
1937 agency.

1938 Section 33. Section **78A-6-211** is amended to read:

1939 **78A-6-211. Courtrooms -- Physical facilities.**

1940 (1) Suitable courtrooms and office space in each county shall be provided or made
1941 available to the juvenile court by the county for the hearing of cases, except in counties where
1942 the state has provided courtrooms and offices as needed.

1943 (2) Equipment and supplies for the use of the judges, officers, and employees of the
1944 juvenile court and the cost of maintaining the juvenile courts shall be paid from the General
1945 Fund or other funds for those purposes.

1946 Section 34. Section **78A-6-212**, which is renumbered from Section 62A-7-105.5 is
1947 renumbered and amended to read:

1948 **[~~62A-7-105.5~~]. 78A-6-212. Information supplied to the Division of Juvenile**
1949 **Justice Services.**

1950 (1) [~~Juvenile court probation sections~~] A juvenile probation officer shall render full and
1951 complete cooperation to the [~~division~~] Division of Juvenile Justice Services in supplying the
1952 [~~division~~] Division of Juvenile Justice Services with all pertinent information relating to
1953 [~~juvenile offenders who have been~~] a juvenile offender committed to the [~~division~~] Division of
1954 Juvenile Justice Services.

1955 (2) Information under Subsection (1) [~~may include, but is not limited to,~~] includes prior
1956 criminal history, social history, psychological evaluations, and identifying information
1957 specified by the [~~division~~] Division of Juvenile Justice Services.

1958 Section 35. Section **78A-6-350**, which is renumbered from Section 78A-6-110 is
1959 renumbered and amended to read:

1960 **Part 3a. Juvenile Court Proceedings**

1961 **[~~78A-6-110~~]. 78A-6-350. Venue -- Dismissal without adjudication on**

1962 **merits.**

1963 (1) [~~Proceedings in minor's cases~~] Notwithstanding Title 78B, Chapter 3, Part 3, Place
1964 of Trial -- Venue, a proceeding for a minor's case in the juvenile court shall be commenced in
1965 the court of the district in which [~~the minor is living or is found, or in which an alleged~~
1966 ~~violation of law or ordinance occurred.~~]:

1967 [~~(2) After the filing of a petition, the court may transfer the case to the district where~~
1968 ~~the minor resides or to the district where the violation of law or ordinance is alleged to have~~
1969 ~~occurred. The court may, in its discretion, after adjudication certify the case for disposition to~~
1970 ~~the court of the district in which the minor resides.~~]

1971 [~~(3) The transferring or certifying court shall transmit all documents and legal and~~
1972 ~~social records, or certified copies to the receiving court, and the receiving court shall proceed~~
1973 ~~with the case as if the petition had been originally filed or the adjudication had been originally~~
1974 ~~made in that court.~~]

1975 (a) for a proceeding under Title 80, Chapter 6, Juvenile Justice:
1976 (i) the minor is living or found; or
1977 (ii) the alleged offense occurred; or
1978 (b) for all other proceedings, the minor is living or found.

1979 (2) If a party seeks to transfer a case to another district after a petition has been filed in
1980 the juvenile court, the juvenile court may transfer the case in accordance with the Utah Rules of
1981 Juvenile Procedure.

1982 [~~(4)~~] (3) The dismissal of a petition in one district where the dismissal is without
1983 prejudice and where there has been no adjudication upon the merits [~~shall~~] may not preclude
1984 refiling within the same district or another district where there is venue [~~of~~] for the case.

1985 Section 36. Section **78A-6-351**, which is renumbered from Section 78A-6-109 is
1986 renumbered and amended to read:

1987 **[~~78A-6-109~~]. 78A-6-351. Summons -- Service and process -- Issuance and**
1988 **contents -- Notice to absent parent or guardian -- Emergency medical or surgical**
1989 **treatment -- Compulsory process for attendance of witnesses when authorized.**

1990 (1) (a) After a petition is filed [~~the~~] in the juvenile court, the juvenile court shall
1991 promptly issue a summons, unless the [~~judge~~] juvenile court directs that a further investigation
1992 is needed. [~~No summons is required as to any person who~~]
1993 (b) A summons is not required for a person who:
1994 (i) appears voluntarily; or [~~who~~]
1995 (ii) files a written waiver of service with the clerk of the court at or before the hearing.
1996 (2) [~~The~~] A summons under Subsection (1)(a) shall contain:
1997 (a) the name of the court;
1998 (b) the title of the proceedings; and
1999 (c) except for a published summons, a brief statement of the substance of the
2000 allegations in the petition.
2001 (3) A published summons shall state:
2002 (a) that a proceeding concerning the minor is pending in the court; and
2003 (b) an adjudication will be made.
2004 (4) (a) The summons shall require [~~the person or persons who have~~]:
2005 (i) a minor to appear personally in the juvenile court at a time and place stated; or
2006 (ii) if a person who has physical custody of the minor, for the person to:
2007 (A) appear personally; and
2008 (B) bring the minor before the court at a time and place stated. [~~If the person or~~
2009 ~~persons summoned are not the parent, parents, or guardian~~]
2010 (b) If the minor is a child and a person summoned is not the parent or guardian of the
2011 minor, [~~the summons shall also be issued to the parent, parents, or guardian,~~] the juvenile court
2012 shall issue the summons to the minor's parent or guardian, as the case may be, notifying [~~them~~]
2013 the parent or guardian of the pendency of the case and of the time and place set for the hearing.
2014 (5) [~~Summons~~] A summons may be issued requiring the appearance of any other
2015 person whose presence the juvenile court finds necessary.
2016 (6) If it appears to the juvenile court that the welfare of the minor or of the public
2017 requires that the minor be taken into temporary custody under Section 80-6-201 or protective

2018 custody under Section 62A-4a-202.1, and it does not conflict with Section [~~78A-6-106.5~~]
2019 80-6-202, the court may by endorsement upon the summons direct that the person serving the
2020 summons take the minor into custody at once.
2021 (7) (a) [~~Subject to Subsection 78A-6-117(2), upon~~] Upon the sworn testimony of one
2022 or more reputable physicians, the juvenile court may order emergency medical or surgical
2023 treatment that is immediately necessary for a minor [~~concerning~~] for whom a petition has been
2024 filed pending the service of summons upon the minor's [~~parents~~] parent, guardian, or custodian.
2025 (b) If the juvenile court orders emergency medical or surgical treatment:
2026 (i) if a petition for delinquency has been filed under Section 80-6-305, Subsection
2027 80-6-706(4) shall apply to the juvenile court's decision to order treatment;
2028 (ii) if a petition has been filed under Section 80-3-201, Subsection 80-3-109(3) shall
2029 apply to the juvenile court's decision to order treatment; or
2030 (iii) if a petition has been filed under Section 80-4-201, Subsection 80-4-108(4) shall
2031 apply to the juvenile court's decision to order treatment.
2032 (8) (a) A minor is entitled to the issuance of compulsory process for the attendance of
2033 witnesses on the minor's own behalf.
2034 [~~(8)~~] (b) A minor's parent or guardian is entitled to the issuance of compulsory process
2035 for the attendance of witnesses on the parent's or guardian's own behalf or on behalf of the
2036 minor.
2037 (c) A guardian ad litem or a juvenile probation officer is entitled to compulsory process
2038 for the attendance of witnesses on behalf of the minor.
2039 (9) Service of summons and process and proof of service shall be made in the manner
2040 provided in the Utah Rules of [~~Civil~~] Juvenile Procedure.
2041 (10) (a) Service of summons or process shall be made by the sheriff of the county
2042 where the service is to be made, or by the sheriff's deputy.
2043 (b) Notwithstanding Subsection (10)(a), upon request of the juvenile court, service
2044 shall be made by any other peace officer[~~,~~] or by another suitable person selected by the court.
2045 (11) Service of summons in the state shall be made personally, by delivering a copy to

2046 the person summoned[~~; provided, however, that~~], except that the parents of a [~~minor~~] child
2047 living together at [~~their~~] the parents' usual place of abode may both be served by personal
2048 delivery [~~to either parent of copies of the summons, one copy for each parent~~] with one copy of
2049 the summons for each parent.
2050 (12) (a) If the [~~judge~~] juvenile court makes a written finding that the [~~judge~~] juvenile
2051 court has reason to believe that personal service of the summons will be unsuccessful, or will
2052 not accomplish notification within a reasonable time after issuance of the summons, the [~~judge~~]
2053 juvenile court may order service by registered mail, with a return receipt to be signed by the
2054 addressee only, to be addressed to the last-known address of the person to be served in the
2055 state.
2056 (b) Service [~~shall be~~] is complete upon return to the juvenile court of the signed
2057 receipt.
2058 (13) (a) If the [~~parents, parent,~~] child's parent or guardian required to be summoned
2059 under Subsection (4) cannot be found within the state, the fact of [~~their minor's~~] the child's
2060 presence within the state shall confer jurisdiction on the juvenile court in proceedings in a
2061 [~~minor's~~] child's case under this [~~chapter~~] title as to any absent parent or guardian[~~, provided~~
2062 ~~that due notice has been given in the following manner~~] when:
2063 [~~(a)~~] (i) [~~If~~] if the address of the parent or guardian is known, due notice is given by
2064 sending the parent or guardian a copy of the summons by registered mail with a return receipt
2065 to be signed by the addressee only, or by personal service outside the state, as provided in the
2066 Utah Rules of [~~Civil~~] Juvenile Procedure[~~. Service by registered mail shall be complete upon~~
2067 ~~return to the court of the signed receipt.~~]; or
2068 [~~(b) (i)~~] (ii) [~~If~~] if the address or whereabouts of the parent or guardian outside the state
2069 cannot after diligent inquiry be ascertained, due notice is given by publishing a summons:
2070 (A) in a newspaper having general circulation in the county in which the proceeding is
2071 pending once a week for four successive weeks; and
2072 (B) in accordance with Section 45-1-101 for four weeks.
2073 [~~(ii) Service shall be complete on the day of the last publication.~~]

2074 (b) (i) If service is by registered mail under Subsection (13)(a)(i), service is complete
2075 upon return to the juvenile court of the signed receipt.
2076 (ii) If service is by publication under Subsection (13)(a)(ii), service is complete on the
2077 day of the last publication.
2078 (c) Service of summons as provided in this [~~subsection~~] Subsection (13) shall vest the
2079 court with jurisdiction over the parent or guardian served in the same manner and to the same
2080 extent as if the person served was served personally within the state.
2081 (14) (a) In the case of service in the state, service completed not less than 48 hours
2082 before the time set in the summons for the appearance of the person served, shall be sufficient
2083 to confer jurisdiction.
2084 (b) In the case of service outside the state, service completed not less than five days
2085 before the time set in the summons for appearance of the person served, shall be sufficient to
2086 confer jurisdiction.
2087 (15) Computation of periods of time under this chapter and Title 80, Utah Juvenile
2088 Code, shall be made in accordance with [~~the~~] Utah Rules of [~~Civil~~] Juvenile Procedure, Rule 4.
2089 Section 37. Section **78A-6-352**, which is renumbered from Section 78A-6-111 is
2090 renumbered and amended to read:
2091 **[~~78A-6-111~~]. 78A-6-352. Appearances -- Parents, guardian, or custodian**
2092 **to appear with minor or child -- Failure to appear -- Warrant of arrest, when authorized**
2093 **-- Parent's, guardian's, or custodian's employer to grant time off -- Appointment of**
2094 **guardian ad litem.**
2095 [~~(1) Any person required to appear who, without reasonable cause, fails to appear may~~
2096 ~~be proceeded against for contempt of court, and the court may cause a bench warrant to be~~
2097 ~~issued to produce the person in court.~~]
2098 [~~(2) In a case when a minor is required to appear in court, the parents, guardian, or~~
2099 ~~other person with legal custody of the minor shall appear with the minor unless excused by the~~
2100 ~~judge.~~]
2101 (1) If a person is required to appear in a proceeding in the juvenile court and the person

2102 fails, without reasonable cause, to appear before the juvenile court, the juvenile court may issue
2103 a bench warrant to produce the person in court.
2104 (2) If a child is required to appear in juvenile court, the child's parent, guardian, or
2105 custodian shall appear with the child in the juvenile court, unless the child's parent, guardian, or
2106 custodian is excused by the juvenile court.
2107 (3) (a) [~~An employee~~] A child's parent, guardian, or custodian may request permission
2108 from the parent's, guardian's, or custodian's employer to leave the workplace for the purpose of
2109 attending court if the [~~employee has been~~] parent, guardian, or custodian is notified by the
2110 juvenile court that the [~~employee's minor~~] child is required to appear before the court.
2111 (b) An employer must grant the parent, guardian, or custodian permission to leave the
2112 workplace with or without pay if the [~~employee has requested~~] parent, guardian, or custodian
2113 requests permission at least seven days in advance or within 24 hours of the [~~employee~~] parent,
2114 guardian, or custodian receiving notice of the hearing.
2115 [~~(3)~~] (4) (a) If a parent, guardian, custodian or other person [~~who~~] to whom a child is
2116 released, signed a written promise to appear and bring the child to juvenile court under Section
2117 [~~78A-6-112 or 78A-6-113~~] 80-6-203 and fails to appear and bring the child to the juvenile
2118 court on the date set in the promise[~~;~~] or, if the date was to be set, after notification by the
2119 juvenile court, a warrant may be issued for the apprehension of [~~that person~~] the parent,
2120 guardian, custodian, or other person.
2121 [~~(4)~~] (b) [~~Willful~~] A willful failure to perform the promise described in Subsection
2122 (4)(a) is a class B misdemeanor if, at the time of the execution of the promise, the promisor is
2123 given a copy of the promise [~~which~~] that clearly states [~~that~~] a failure to appear and have the
2124 child appear as promised is a class B misdemeanor. [~~The juvenile court shall have jurisdiction~~
2125 ~~to proceed against the promisor in adult proceedings pursuant to Part 10, Adult Offenses.~~]
2126 [~~(5) The court shall endeavor, through use of the warrant of arrest if necessary, as~~
2127 ~~provided in Subsection (6), or by other means, to ensure the presence at all hearings of one or~~
2128 ~~both parents or of the guardian of a child. If neither a parent nor guardian is present at the~~
2129 ~~court proceedings, the court may appoint a guardian ad litem to protect the interest of a minor.~~

2130 ~~A guardian ad litem may also be appointed whenever necessary for the welfare of a minor,~~
2131 ~~whether or not a parent or guardian is present.~~]
2132 (5) (a) A juvenile court shall make every effort to ensure the presence of the parent,
2133 guardian, or custodian of a child at all hearings through the use of a warrant of arrest, if
2134 necessary, or by other means.
2135 (b) A juvenile court may appoint a guardian ad litem whenever necessary for the
2136 welfare of a child, regardless of whether the child's parent or guardian is present at the juvenile
2137 court proceedings.
2138 (6) A [~~warrant may be issued~~] juvenile court may issue a warrant for a child's parent,
2139 [~~a~~] guardian, [~~a~~] or custodian[~~, or a minor~~] if:
2140 (a) a summons is issued but cannot be served;
2141 (b) [~~it is made to appear to the~~] it appears to the juvenile court that the person to be
2142 served will not obey the summons; or
2143 (c) serving the summons will be ineffectual.
2144 Section 38. Section **78A-6-353**, which is renumbered from Section 78A-6-1101 is
2145 renumbered and amended to read:
2146 **[~~78A-6-1101~~]. 78A-6-353. Contempt -- Penalty -- Enforcement of fine, fee,**
2147 **or restitution.**
2148 (1) [~~A person~~] An individual who willfully violates or refuses to obey any order of the
2149 juvenile court may be proceeded against for contempt of court.
2150 [~~(2) A person 18 years of age or older found in contempt of court may be punished in~~
2151 ~~accordance with Section 78B-6-310.~~]
2152 [~~(3) (a) A person younger than 18 years of age found in contempt of court may be~~
2153 ~~punished by disposition permitted under Section 78A-6-117, except the court may only order a~~
2154 ~~disposition that changes the custody of the minor, including community placement or~~
2155 ~~commitment to a secure facility, if the disposition is commitment to a secure detention~~
2156 ~~pursuant to Subsection 78A-6-117(2)(h) for no longer than 72 hours, excluding weekends and~~
2157 ~~legal holidays.~~]

2158 (2) If a juvenile court finds an individual who is 18 years old or older in contempt of
2159 court, the juvenile court may impose sanctions on the individual in accordance with Title 78B,
2160 Chapter 6, Part 3, Contempt.
2161 (3) (a) Except as otherwise provided in this Subsection (3), if a juvenile court finds a
2162 child in contempt of court, the juvenile court may:
2163 (i) place the child on probation in accordance with Section 80-6-702;
2164 (ii) order the child to detention, or an alternative to detention, in accordance with
2165 Section 80-6-704; or
2166 (iii) require the child to pay a fine or fee in accordance with Section 80-6-709.
2167 (b) The juvenile court may only order a child to secure detention under Subsection
2168 (3)(a)(ii) for no longer than 72 hours, excluding weekends and legal holidays.
2169 [~~(b) A~~] (c) The juvenile court may not suspend all or part of [~~the punishment~~] an order
2170 to secure detention upon compliance with conditions imposed by the juvenile court.
2171 [~~(4) In accordance with Section 78A-6-117, the court may enforce orders of fines, fees,~~
2172 ~~or restitution through garnishments, wage withholdings, supplementary proceedings, or~~
2173 ~~executions. An order described in this Subsection (4) may not be enforced through an order of~~
2174 ~~detention, community placement, or commitment to a secure facility.~~]
2175 (d) The juvenile court may not enforce a disposition under Subsection (3)(a)(iii)
2176 through an order for detention, a community-based program, or secure care.
2177 (4) On the sole basis of a child's absence from placement, a juvenile court may not hold
2178 a child in contempt under this section if the child:
2179 (a) is in the legal custody of the Division of Child and Family Services; and
2180 (b) is missing, has been abducted, or has run away.
2181 Section 39. Section **78A-6-354**, which is renumbered from Section 78A-6-114 is
2182 renumbered and amended to read:
2183 **[~~78A-6-114~~]. 78A-6-354. Hearings -- Minors cases heard separately from**
2184 **adult cases -- Minor or parents or custodian heard separately -- Continuance of hearing.**
2185 (1) [~~Hearings in minors' cases~~] A hearing for a minor's case shall be held before the

2186 juvenile court without a jury and may be conducted in an informal manner.

2187 [~~(a) (i) In abuse, neglect, and dependency cases the court shall admit any person to a~~
2188 ~~hearing, including a hearing under Section 78A-6-322, unless the court makes a finding upon~~
2189 ~~the record that the person's presence at the hearing would:~~]

2190 [~~(A) be detrimental to the best interest of a child who is a party to the proceeding;~~]

2191 [~~(B) impair the fact-finding process; or~~]

2192 [~~(C) be otherwise contrary to the interests of justice.~~]

2193 [~~(ii) The court may exclude a person from a hearing under Subsection (1)(a)(i) on its~~
2194 ~~own motion or by motion of a party to the proceeding.~~]

2195 [~~(b) In delinquency cases the court shall admit all persons who have a direct interest in~~
2196 ~~the case and may admit persons requested by the parent or legal guardian to be present. The~~
2197 ~~court shall exclude all other persons except as provided in Subsection (1)(c).~~]

2198 [~~(c) In delinquency cases in which the minor charged is 14 years of age or older, the~~
2199 ~~court shall admit any person unless the hearing is closed by the court upon findings on the~~
2200 ~~record for good cause if:~~]

2201 [~~(i) the minor has been charged with an offense which would be a felony if committed~~
2202 ~~by an adult; or~~]

2203 [~~(ii) the minor is charged with an offense that would be a class A or B misdemeanor if~~
2204 ~~committed by an adult, and the minor has been previously charged with an offense which~~
2205 ~~would be a misdemeanor or felony if committed by an adult.~~]

2206 [~~(d) The victim of any act charged in a petition or information involving an offense~~
2207 ~~committed by a minor which if committed by an adult would be a felony or a class A or class B~~
2208 ~~misdemeanor shall, upon request, be afforded all rights afforded victims in Title 77, Chapter~~
2209 ~~36, Cohabitant Abuse Procedures Act, Title 77, Chapter 37, Victims' Rights, Title 77, Chapter~~
2210 ~~38, Rights of Crime Victims Act, and Title 78B, Chapter 7, Part 8, Criminal Protective Orders.~~
2211 ~~The notice provisions in Section 77-38-3 do not apply to important juvenile justice hearings as~~
2212 ~~defined in Section 77-38-2.~~]

2213 [~~(e) A victim, upon request to appropriate juvenile court personnel, shall have the right~~

2214 ~~to inspect and duplicate juvenile court legal records that have not been expunged concerning:~~]
2215 [~~(i) the scheduling of any court hearings on the petition;~~]
2216 [~~(ii) any findings made by the court; and~~]
2217 [~~(iii) any sentence or decree imposed by the court.~~]
2218 (2) (a) [~~Minors' cases~~] A minor's case under Title 80, Chapter 3, Abuse, Neglect, and
2219 Dependency Proceedings, Chapter 4, Termination and Restoration of Parental Rights, and
2220 Chapter 6, Juvenile Justice, shall be heard separately from [~~adult cases~~] any adult case.
2221 (b) The minor or the [~~parents or custodian of a minor~~] minor's parent or guardian may
2222 be heard separately when considered necessary by the juvenile court.
2223 (c) [~~The~~] A hearing may be continued [~~from time to time~~] to a date specified by court
2224 order.
2225 [~~(3) When more than one child is involved in a home situation which may be found to~~
2226 ~~constitute neglect or dependency, or when more than one minor is alleged to be involved in the~~
2227 ~~same law violation, the proceedings may be consolidated, except that separate hearings may be~~
2228 ~~held with respect to disposition.~~]
2229 Section 40. Section **78A-6-355**, which is renumbered from Section 78A-6-1112 is
2230 renumbered and amended to read:
2231 **[~~78A-6-1112~~]. 78A-6-355. Exchange of information with agency or**
2232 **institution having legal custody.**
2233 (1) [~~Whenever~~] If legal custody of a minor is vested in an institution or agency, the
2234 juvenile court shall transmit, with the court order, copies of the social study, any clinical
2235 reports, and other information pertinent to the care and treatment of the minor to the institution
2236 or agency with legal custody of the minor.
2237 (2) The institution or agency shall give the juvenile court any information concerning
2238 the minor that the juvenile court may at any time require.
2239 [~~(2) The Division of Juvenile Justice Services or any other institution or agency to~~
2240 ~~whom a minor is committed under Section 78A-6-117 may not transfer custody of the minor to~~
2241 ~~the state prison or any other institution for the correction of adult offenders.~~]

2242 Section 41. Section **78A-6-356**, which is renumbered from Section 78A-6-1106 is
2243 renumbered and amended to read:
2244 **[~~78A-6-1106~~]. 78A-6-356. Child support obligation when custody of a child**
2245 **is vested in an individual or institution.**
2246 (1) As used in this section:
2247 (a) "Office" means the Office of Recovery Services.
2248 (b) "State custody" means that a child is in the custody of a state department, division,
2249 or agency, including [~~a secure youth corrections facility~~] secure care.
2250 (2) Under this section, a juvenile court may not issue a child support order against an
2251 individual unless:
2252 (a) the individual is served with notice that specifies the date and time of a hearing to
2253 determine the financial support of a specified child;
2254 (b) the individual makes a voluntary appearance; or
2255 (c) the individual submits a waiver of service.
2256 (3) Except as provided in Subsection (11), when a juvenile court places a child in state
2257 custody or if the guardianship of the child has been granted to another party and an agreement
2258 for a guardianship subsidy has been signed by the guardian, the juvenile court:
2259 (a) shall order [~~the parents, a parent, or other obligated individual~~] the child's parent,
2260 guardian, or other obligated individual to pay child support for each month the child is in state
2261 custody or cared for under a grant of guardianship; [~~and~~]
2262 (b) shall inform [~~the parents, a parent, or other obligated individual,~~] the child's parent,
2263 guardian, or other obligated individual, verbally and in writing, of the requirement to pay child
2264 support in accordance with Title 78B, Chapter 12, Utah Child Support Act; and
2265 (c) may refer the establishment of a child support order to the office.
2266 (4) When a juvenile court chooses to refer a case to the office to determine support
2267 obligation amounts in accordance with Title 78B, Chapter 12, Utah Child Support Act, the
2268 juvenile court shall:
2269 (a) make the referral within three working days after the day on which the juvenile

2270 court holds the hearing described in Subsection (2)(a); and
2271 (b) inform [~~the parents, a parent, or other obligated individual~~] the child's parent,
2272 guardian, or other obligated individual of:
2273 (i) the requirement to contact the office within 30 days after the day on which the
2274 juvenile court holds the hearing described in Subsection (2)(a); and
2275 (ii) the penalty described in Subsection (6) for failure to contact the office.
2276 (5) Liability for child support ordered under Subsection (3) shall accrue:
2277 (a) except as provided in Subsection (5)(b), beginning on day 61 after the day on which
2278 the juvenile court holds the hearing described in Subsection (2)(a)[~~,~~] if there is no existing
2279 child support order for the child; or
2280 (b) beginning on the day the child is removed from the child's home, including time
2281 spent in detention or sheltered care, if the child is removed after having been returned to the
2282 child's home from state custody.
2283 (6) (a) If the [~~parents, a parent, or other obligated individual~~] child's parent, guardian,
2284 or other obligated individual contacts the office within 30 days after the day on which the court
2285 holds the hearing described in Subsection (2)(a), the child support order may not include a
2286 judgment for past due support for more than two months.
2287 (b) Notwithstanding Subsections (5) and (6)(a), the juvenile court may order the
2288 liability of support to begin to accrue from the date of the proceeding referenced in Subsection
2289 (3) if:
2290 (i) the court informs [~~the parents, a parent, or other obligated individual~~] the child's
2291 parent, guardian, or other obligated individual, as described in Subsection (4)(b), and the
2292 [~~parents, a parent, or other obligated individual~~] parent, guardian, or other obligated individual
2293 fails to contact the office within 30 days after the day on which the court holds the hearing
2294 described in Subsection (2)(a); and
2295 (ii) the office took reasonable steps under the circumstances to contact [~~the parents,~~
2296 ~~parent, or other obligated individual~~] the child's parent, guardian, or other obligated individual
2297 within 30 days after the last day on which [~~the parents, a parent, or other obligated individual~~]

2298 the parent, guardian, or other obligated individual was required to contact the office to facilitate
2299 the establishment of a child support order.
2300 (c) For purposes of Subsection (6)(b)(ii), the office is presumed to have taken
2301 reasonable steps if the office:
2302 (i) has a signed, returned receipt for a certified letter mailed to the address of the
2303 [~~parents, a parent, or other obligated individual~~] child's parent, guardian, or other obligated
2304 individual regarding the requirement that a child support order be established; or
2305 (ii) has had a documented conversation, whether by telephone or in person, with the
2306 [~~parents, parent, or other obligated individual~~] child's parent, guardian, or other obligated
2307 individual regarding the requirement that a child support order be established.
2308 (7) In collecting arrears, the office shall comply with Section 62A-11-320 in setting a
2309 payment schedule or demanding payment in full.
2310 (8) (a) Unless a court orders otherwise, the [~~parents, a parent, or other obligated~~
2311 ~~individual~~] child's parent, guardian, or other obligated individual shall pay the child support to
2312 the office.
2313 (b) The clerk of the juvenile court, the office, or the Department of Human Services
2314 and [~~its~~] the department's divisions shall have authority to receive periodic payments for the
2315 care and maintenance of the child, such as [~~Social Security~~] social security payments or
2316 railroad retirement payments made in the name of or for the benefit of the child.
2317 (9) An existing child support order payable to a parent or other individual shall be
2318 assigned to the Department of Human Services as provided in Section 62A-1-117.
2319 (10) (a) Subsections (4) through (9) do not apply if legal custody of a child is vested by
2320 the juvenile court in an individual.
2321 (b) (i) If legal custody of a child is vested by the juvenile court in an individual, the
2322 court may order the [~~parents, a parent, or other obligated individual~~] child's parent, guardian, or
2323 other obligated individual to pay child support to the individual in whom custody is vested.
2324 (ii) In the same proceeding, the juvenile court shall inform the [~~parents, a parent, or~~
2325 ~~other obligated individual~~] child's parent, guardian, or other obligated individual, verbally and

2326 in writing, of the requirement to pay child support in accordance with Title 78B, Chapter 12,
2327 Utah Child Support Act.
2328 (11) The juvenile court may not order an individual to pay child support for a child in
2329 state custody if:
2330 (a) the individual's only form of income is a government-issued disability benefit;
2331 (b) the benefit described in Subsection (11)(a) is issued because of the individual's
2332 disability, and not the child's disability; and
2333 (c) the individual provides the juvenile court and the office evidence that the individual
2334 meets the requirements of Subsections (11)(a) and (b).
2335 (12) After the juvenile court or the office establishes an individual's child support
2336 obligation ordered under Subsection (3), the office shall waive the obligation without further
2337 order of the juvenile court if:
2338 (a) the individual's child support obligation is established under Subsection
2339 78B-12-205(6) or Section 78B-12-302; or
2340 (b) the individual's only source of income is a means-tested, income replacement
2341 payment of aid, including:
2342 (i) cash assistance provided under Title 35A, Chapter 3, Part 3, Family Employment
2343 Program; or
2344 (ii) cash benefits received under General Assistance, social security income, or social
2345 security disability income.
2346 Section 42. Section **78A-6-357** is enacted to read:
2347 **78A-6-357. New hearings -- Modification of order or decree -- Requirements for**
2348 **changing or terminating custody, probation, or protective supervision.**
2349 (1) If a party seeks a new hearing after an adjudication under Title 80, Utah Juvenile
2350 Code, Utah Rules of Juvenile Procedure, Rule 48, shall govern the matter of granting a new
2351 hearing.
2352 (2) (a) Except as provided in Subsection (3), a juvenile court may modify or set aside
2353 any order or decree made by the juvenile court.

2354 (b) A modification of an order placing a minor on probation may not:
2355 (i) include an order under Section 80-3-405, 80-6-703, 80-6-704, or 80-6-705; or
2356 (ii) extend supervision over a minor, except in accordance with Section 80-6-712.
2357 (3) (a) A parent or guardian of a child whose legal custody has been transferred by the
2358 juvenile court to an individual, agency, or institution may petition the juvenile court for
2359 restoration of custody or other modification or revocation of the juvenile court's order or
2360 decree, except as provided in Subsections (3)(b), (c), and (d) and for a transfer of legal custody
2361 for secure care.
2362 (b) A parent or guardian may only petition the juvenile court under Subsection (3)(a)
2363 on the ground that a change of circumstances has occurred that requires modification or
2364 revocation in the best interest of the child or the public.
2365 (c) A parent may not file a petition after the parent's parental rights have been
2366 terminated in accordance with Title 80, Chapter 4, Termination and Restoration of Parental
2367 Rights.
2368 (d) A parent may not file a petition for restoration of custody under this section during
2369 the existence of a permanent guardianship established for the child under Subsection
2370 80-3-405(2)(d).
2371 (4) (a) An individual, agency, or institution vested with legal custody of a child may
2372 petition the juvenile court for a modification of the custody order on the ground that the change
2373 is necessary for the welfare of the child or in the public interest.
2374 (b) The juvenile court shall proceed upon the petition in accordance with this section.
2375 (5) Notice of hearing is required in any case in which the effect of modifying or setting
2376 aside an order or decree may be to make any change in the minor's legal custody under Section
2377 80-3-405 or 80-6-703.
2378 (6) (a) Upon the filing of a petition under Subsection (3)(a), the juvenile court shall
2379 make a preliminary investigation.
2380 (b) After the preliminary investigation described in Subsection (6)(a), the juvenile
2381 court:

2382 (i) may dismiss the petition if the juvenile court finds the alleged change of
2383 circumstances, if proved, would not affect the decree; or
2384 (ii) shall conduct a hearing, if the juvenile court finds that further examination of the
2385 facts is needed, or if the juvenile court on the juvenile court's own motion determines that the
2386 juvenile court's order or decree should be reviewed.
2387 (c) Notice of the hearing described in Subsection (6)(b)(ii) shall be given to all
2388 interested persons.
2389 (d) At a hearing under Subsection (6)(b)(ii), the juvenile court may enter an order
2390 continuing, modifying, or terminating the juvenile court's order or decree.
2391 (7) Notice of an order terminating probation or protective supervision of a child shall
2392 be given to the child's:
2393 (a) parent;
2394 (b) guardian;
2395 (c) custodian; and
2396 (d) where appropriate, to the child.
2397 (8) Notice of an order terminating probation or protective supervision of a minor who
2398 is at least 18 years old shall be given to the minor.
2399 Section 43. Section **78A-6-358**, which is renumbered from Section 78A-6-118 is
2400 renumbered and amended to read:
2401 **[~~78A-6-118~~]. 78A-6-358. Period of effect for a judgment, decree, or order**
2402 **by a juvenile court.**
2403 (1) A judgment, order, or decree of the juvenile court is no longer in effect after a
2404 minor is 21 years old, except:
2405 (a) for an order of commitment to the Utah State Developmental Center or to the
2406 custody of the Division of Substance Abuse and Mental Health;
2407 (b) for an adoption under Subsection 78A-6-103[~~(1)~~](2)(n);
2408 (c) for an order permanently terminating the rights of a parent, guardian, or custodian
2409 under Title 80, Chapter 4, Termination and Restoration of Parental Rights;

2410 (d) for a permanent order of custody and guardianship under Subsection
2411 80-3-405(2)(d); [~~and~~]
2412 (e) an order establishing paternity under Subsection 78A-6-104(1)(a)(i); and
2413 [~~(e)~~] (f) as provided in Subsection (2).
2414 (2) If the juvenile court enters a judgment or order for a minor for whom the juvenile
2415 court has extended continuing jurisdiction over the minor's case until the minor is 25 years old
2416 under Section [~~78A-6-703.4~~] 80-6-605, the juvenile court's judgment or order is no longer in
2417 effect after the minor is 25 years old.
2418 Section 44. Section **78A-6-359**, which is renumbered from Section 78A-6-1109 is
2419 renumbered and amended to read:
2420 **[~~78A-6-1109~~]. 78A-6-359. Appeals.**
2421 (1) An appeal to the Court of Appeals may be taken from any order, decree, or
2422 judgment of the juvenile court.
2423 [~~(2) Appeals of right from juvenile court orders related to abuse, neglect, dependency,~~
2424 ~~termination, and adoption proceedings, shall be taken within 15 days from entry of the order,~~
2425 ~~decree, or judgment appealed from. In addition, the~~]
2426 (2) (a) An appeal of right from an order, decree, or judgment by a juvenile court related
2427 to a proceeding under Title 78B, Chapter 6, Part 1, Utah Adoption Act, Title 80, Chapter 3,
2428 Abuse, Neglect, and Dependency Proceedings, and Title 80, Chapter 4, Termination and
2429 Restoration of Parental Rights, shall be filed within 15 days after the day on which the juvenile
2430 court enters the order, decree, or judgment.
2431 (b) A notice of appeal must be signed by appellant's counsel, if any, and by appellant,
2432 unless the appellant is a child or state agency.
2433 (c) If an appellant fails to timely sign a notice of appeal, the appeal shall be dismissed.
2434 (3) [~~The disposition order~~] An order for a disposition from the juvenile court shall
2435 include the following information:
2436 (a) notice that the right to appeal described in Subsection (2)(a) is time sensitive and
2437 must be taken within 15 days [~~from entry of~~] after the day on which the juvenile court enters

2438 the order, decree, or judgment appealed from;
2439 (b) the right to appeal within the specified time limits;
2440 (c) the need for the signature of the parties on a notice of appeal in [~~appeals from~~
2441 ~~juvenile court orders related to abuse, neglect, dependency, termination, and adoption~~
2442 ~~proceedings~~] an appeal described in Subsection (2)(a); and
2443 (d) the need for parties to maintain regular contact with [~~their~~] the parties' counsel and
2444 to keep all other parties and the appellate court informed of [~~their~~] the parties' whereabouts.
2445 (4) If the parties are not present in the courtroom, the juvenile court shall [~~mail a~~
2446 ~~written statement~~] provide a statement containing the information provided in Subsection (3) to
2447 the parties at [~~their~~] the parties' last known address.
2448 (5) (a) The juvenile court shall inform the parties' counsel at the conclusion of the
2449 proceedings that, if an appeal is filed, [~~they~~] the parties' counsel must represent [~~their clients~~]
2450 the parties throughout the appellate process unless relieved of that obligation by the juvenile
2451 court upon a showing of extraordinary circumstances.
2452 (b) (i) Until the petition on appeal is filed, claims of ineffective assistance of counsel
2453 do not constitute extraordinary circumstances.
2454 (ii) If a claim is raised by trial counsel or a party, [~~it~~] the claim must be included in the
2455 petition on appeal.
2456 (6) During the pendency of an appeal [~~from juvenile court orders related to abuse,~~
2457 ~~neglect, dependency, termination, and adoption proceedings~~] under Subsection (2)(a), parties
2458 shall maintain regular contact with [~~their~~] the parties' counsel, if any, and keep all other parties
2459 and the appellate court informed of [~~their~~] the parties' whereabouts.
2460 (7) (a) In all other appeals of right, the appeal shall be taken within 30 days [~~from the~~
2461 ~~entry of the order, decree, or judgment appealed from and the~~] after the day on which the
2462 juvenile court enters the order, decree, or judgment.
2463 (b) A notice of appeal under Subsection (7)(a) must be signed by appellant's counsel, if
2464 any, or by appellant.
2465 (8) The attorney general shall represent the state in all appeals under this chapter and

2466 Title 80, Chapter 3, Abuse, Neglect, and Dependency Proceedings, Chapter 4, Termination and
2467 Restoration of Parental Rights, and Chapter 6, Juvenile Justice.
2468 [~~(8)~~] (9) Unless the juvenile court stays [~~its~~] the juvenile court's order, the pendency of
2469 an appeal does not stay the order or decree appealed from in a minor's case, unless otherwise
2470 ordered by the Court of Appeals, if suitable provision for the care and custody of the minor
2471 involved is made pending the appeal.
2472 [~~(9)~~] (10) Access to the record on appeal [~~shall be~~] is governed by Title 63G, Chapter
2473 2, Government Records Access and Management Act.
2474 Section 45. Section **78A-6-450**, which is renumbered from Section 78A-6-1001 is
2475 renumbered and amended to read:
2476 **Part 4a. Adult Criminal Proceedings**
2477 **[~~78A-6-1001~~]. 78A-6-450. Criminal information for an adult in juvenile**
2478 **court.**
2479 [~~(1) The court shall have jurisdiction, concurrent with the district court or justice court~~
2480 ~~otherwise having subject matter jurisdiction, to try adults for the following offenses committed~~
2481 ~~against minors:~~]
2482 A county attorney or district attorney may file a criminal information in the juvenile
2483 court charging an adult for:
2484 [~~(a)~~] (1) unlawful sale or furnishing of an alcoholic product to minors in violation of
2485 Section 32B-4-403;
2486 [~~(b)~~] (2) failure to report abuse or neglect[~~, as required by Title 62A, Chapter 4a, Part~~
2487 ~~4, Child Abuse or Neglect Reporting Requirements~~] in violation of Section 62A-4a-411;
2488 [~~(c)~~] (3) harboring a runaway in violation of Section [~~62A-4a-501~~] 80-5-601;
2489 [~~(d)~~] (4) misdemeanor custodial interference in violation of Section 76-5-303;
2490 [~~(e)~~] (5) contributing to the delinquency of a minor in violation of Section 76-10-2301;
2491 [~~and~~]
2492 [~~(f)~~] (6) failure to comply with compulsory education requirements in violation of
2493 Section 53G-6-202[~~.~~]; or

2494 [~~(2) It is not necessary for the minor to be found to be delinquent or to have committed~~
2495 ~~a delinquent act for the court to exercise jurisdiction under Subsection (1).~~]
2496 (7) a willful failure to perform a promise to appear under Subsection 78A-6-352(4)(b).
2497 Section 46. Section **78A-6-451**, which is renumbered from Section 78A-6-1002 is
2498 renumbered and amended to read:
2499 **[~~78A-6-1002~~]. 78A-6-451. Who may prosecute an adult in juvenile court --**
2500 **Transfer to district court.**
2501 (1) The county attorney or district attorney, as provided in Title 17, Chapter 18a,
2502 Powers and Duties of County and District Attorney, shall prosecute any case brought under this
2503 part.
2504 (2) [~~Proceedings~~] Any proceeding under this part [~~shall be~~] is governed by the statutes
2505 and rules governing criminal proceedings in the district court, except the juvenile court may,
2506 [~~and~~] on stipulation of the parties, [~~shall,~~] transfer the case to the district court.
2507 Section 47. Section **78A-6-452**, which is renumbered from Section 78A-6-1003 is
2508 renumbered and amended to read:
2509 **[~~78A-6-1003~~]. 78A-6-452. Costs and expenses of trial.**
2510 [~~The fees and expenses, the cost of publication of summons, and the expense of a trial~~
2511 ~~of an adult, when approved by the court, are paid by the state, except prosecution costs and~~
2512 ~~public defender costs are paid by the county where the hearing or trial is held.~~]
2513 (1) Except as provided in Subsection (2), the state shall pay, when approved by the
2514 court, the cost of publication of a summons, the expense of a trial, and any other fee or expense
2515 of a trial of an adult under this part.
2516 (2) The county where the hearing or trial is held shall pay the prosecution costs and
2517 public defender costs.
2518 Section 48. Section **78B-6-105** is amended to read:
2519 **78B-6-105. District court venue -- Jurisdiction of juvenile court -- Jurisdiction**
2520 **over nonresidents -- Time for filing.**
2521 (1) [~~Adoption proceedings~~] An adoption proceeding shall be commenced by filing a

2522 petition [~~with the clerk of the district court either~~] in:
2523 (a) the district court in the district where the prospective adoptive parent resides;
2524 (b) if the prospective adoptive parent is not a resident of this state, the district court in
2525 the district where:
2526 (i) the adoptee was born;
2527 (ii) the adoptee resides on the day on which the petition is filed; or
2528 (iii) a parent of the proposed adoptee resides on the day on which the petition is filed;
2529 or
2530 (c) [~~with~~] the juvenile court as provided in Subsection 78A-6-103(2)(n) and Section
2531 78A-6-350.
2532 (2) All orders, decrees, agreements, and notices in [~~the proceedings~~] an adoption
2533 proceeding shall be filed with the clerk of the court where the adoption [~~proceedings were~~]
2534 proceeding is commenced under Subsection (1).
2535 (3) A petition for adoption:
2536 (a) may be filed before the birth of a child;
2537 (b) may be filed before or after the adoptee is placed in the home of the petitioner for
2538 the purpose of adoption; and
2539 (c) shall be filed no later than 30 days after the day on which the adoptee is placed in
2540 the home of the petitioners for the purpose of adoption, unless:
2541 (i) the time for filing has been extended by the court; or
2542 (ii) the adoption is arranged by a child-placing agency in which case the agency may
2543 extend the filing time.
2544 (4) (a) If a person whose consent for the adoption is required under Section 78B-6-120
2545 or 78B-6-121 cannot be found within the state, the fact of the minor's presence within the state
2546 shall confer jurisdiction on the court in proceedings under this chapter as to such absent person,
2547 provided that due notice has been given in accordance with the Utah Rules of Civil Procedure.
2548 (b) The notice may not include the name of:
2549 (i) a prospective adoptive parent; or

2550 (ii) an unmarried mother without her consent.

2551 (5) Service of notice [~~as provided in~~] described in Subsection (6) shall vest the court
2552 with jurisdiction over the person served in the same manner and to the same extent as if the
2553 person served was served personally within the state.

2554 (6) In the case of service outside the state, service completed not less than five days
2555 before the time set in the notice for appearance of the person served [~~shall be~~] is sufficient to
2556 confer jurisdiction.

2557 (7) Computation of periods of time not otherwise set forth in this section shall be made
2558 in accordance with the Utah Rules of Civil Procedure.

2559 Section 49. Section **78B-15-104** is amended to read:

2560 **78B-15-104. Jurisdiction -- Authority of Office of Recovery Services -- Dismissal**
2561 **of petition.**

2562 [~~(1) The district court, the juvenile court, and the Office of Recovery Services in~~
2563 ~~accordance with Section 62A-11-304.2 and Title 63G, Chapter 4, Administrative Procedures~~
2564 ~~Act, are authorized to adjudicate parentage under Part 1, General Provisions, Part 2, Parent and~~
2565 ~~Child Relationship, Part 3, Voluntary Declaration of Paternity Act, Part 4, Registry, Part 5,~~
2566 ~~Genetic Testing, Part 6, Adjudication of Parentage, and Part 9, Miscellaneous.~~]

2567 [~~(2) The district court and the juvenile court have jurisdiction over proceedings under~~
2568 ~~Part 7, Assisted Reproduction, and Part 8, Gestational Agreement.~~]

2569 (1) (a) Except as provided in Subsection 78A-6-104(1)(a)(i), the district court has
2570 original jurisdiction over any action brought under this chapter.

2571 (b) If the juvenile court has concurrent jurisdiction under Subsection
2572 78A-6-104(1)(a)(i) over a paternity action filed in the district court, the district court may
2573 transfer jurisdiction over the paternity action to the juvenile court.

2574 (2) The Office of Recovery Services is authorized to establish paternity in accordance
2575 with this chapter, Title 62A, Chapter 11, Recovery Services, and Title 63G, Chapter 4,
2576 Administrative Procedures Act.

2577 (3) [~~The~~] A court shall, without adjudicating paternity, dismiss a petition that is filed

2578 under this chapter by an unmarried biological father if he is not entitled to consent to the
2579 adoption of the child under Sections 78B-6-121 and 78B-6-122.
2580 Section 50. Section **80-1-101** is enacted to read:
2581 **TITLE 80. UTAH JUVENILE CODE**
2582 **CHAPTER 1. GENERAL PROVISIONS**
2583 **80-1-101. Title.**
2584 (1) This title is known as the "Utah Juvenile Code."
2585 (2) This chapter is known as "General Provisions."
2586 Section 51. Section **80-1-102**, which is renumbered from Section 78A-6-105 is
2587 renumbered and amended to read:
2588 **[~~78A-6-105~~]. 80-1-102. Juvenile code definitions.**
2589 As used in this [~~chapter~~] title:
2590 (1) (a) "Abuse" means:
2591 (i) (A) nonaccidental harm of a child;
2592 (B) threatened harm of a child;
2593 (C) sexual exploitation;
2594 (D) sexual abuse; or
2595 (E) human trafficking of a child in violation of Section 76-5-308.5; or
2596 (ii) that a child's natural parent:
2597 (A) intentionally, knowingly, or recklessly causes the death of another parent of the
2598 child;
2599 (B) is identified by a law enforcement agency as the primary suspect in an investigation
2600 for intentionally, knowingly, or recklessly causing the death of another parent of the child; or
2601 (C) is being prosecuted for or has been convicted of intentionally, knowingly, or
2602 recklessly causing the death of another parent of the child.
2603 (b) "Abuse" does not include:
2604 (i) reasonable discipline or management of a child, including withholding privileges;
2605 (ii) conduct described in Section 76-2-401; or

2606 (iii) the use of reasonable and necessary physical restraint or force on a child:
2607 (A) in self-defense;
2608 (B) in defense of others;
2609 (C) to protect the child; or
2610 (D) to remove a weapon in the possession of a child for any of the reasons described in
2611 Subsections (1)(b)(iii)(A) through (C).
2612 (2) "Abused child" means a child who has been subjected to abuse.
2613 (3) (a) "Adjudication" means a finding by the court, incorporated in a decree, that the
2614 facts alleged in the petition have been proved.
2615 (b) "Adjudication" does not mean a finding of not competent to proceed in accordance
2616 with Section [~~78A-6-1302~~] 80-6-402.
2617 (4) (a) "Adult" means an individual who is 18 years old or older.
2618 (b) "Adult" does not include an individual:
2619 (i) who is 18 years old or older; and
2620 [~~(ii) whose case is under the continuing jurisdiction of the juvenile court in accordance~~
2621 ~~with Section 78A-6-120.~~]
2622 (ii) who is a minor.
2623 (5) "Attorney guardian ad litem" means the same as that term is defined in Section
2624 78A-2-801.
2625 [~~(5)~~] (6) "Board" means the Board of Juvenile Court Judges.
2626 [~~(6)~~] (7) "Child" means an individual who is under 18 years old.
2627 (8) "Child and family plan" means a written agreement between a child's parents or
2628 guardian and the Division of Child and Family Services as described in Section 62A-4a-205.
2629 [~~(7)~~] (9) "Child placement agency" means:
2630 (a) a private agency licensed to receive a child for placement or adoption under this
2631 code; or
2632 (b) a private agency that receives a child for placement or adoption in another state,
2633 which [~~agency~~] is licensed or approved where such license or approval is required by law.

2634 [~~(8)~~] (10) "Clandestine laboratory operation" means the same as that term is defined in
2635 Section 58-37d-3.
2636 [~~(9)~~] (11) "Commit" or "committed" means, unless specified otherwise:
2637 (a) with respect to a child, to transfer legal custody; and
2638 (b) with respect to a minor who is at least 18 years old, to transfer custody.
2639 [~~(10) "Court" means the juvenile court.~~]
2640 (12) "Community-based program" means a nonsecure residential or nonresidential
2641 program, designated to supervise and rehabilitate juvenile offenders, that prioritizes the least
2642 restrictive setting, consistent with public safety, and operated by or under contract with the
2643 Division of Juvenile Justice Services.
2644 (13) "Community placement" means placement of a minor in a community-based
2645 program described in Section 80-5-402.
2646 (14) "Correctional facility" means:
2647 (a) a county jail; or
2648 (b) a secure correctional facility as defined in Section 64-13-1.
2649 [~~(11)~~] (15) "Criminogenic risk factors" means evidence-based factors that are
2650 associated with a minor's likelihood of reoffending.
2651 [~~(12) "Delinquent act" means an act that would constitute a felony or misdemeanor if~~
2652 ~~committed by an adult.~~]
2653 [~~(13)~~] (16) "Department" means the Department of Human Services created in Section
2654 62A-1-102.
2655 [~~(14)~~] (17) "Dependent child" [~~includes~~] or "dependency" means a child who is
2656 homeless or without proper care through no fault of the child's parent, guardian, or custodian.
2657 [~~(15)~~] (18) "Deprivation of custody" means transfer of legal custody by the juvenile
2658 court from a parent [~~or the parents~~] or a previous [~~legal~~] custodian to another person, agency, or
2659 institution.
2660 [~~(16) "Detention" means home detention and secure detention as defined in Section~~
2661 ~~62A-7-101 for the temporary care of a minor who requires secure custody in a physically~~

2662 ~~restricting facility:~~]
2663 [~~(a) pending court disposition or transfer to another jurisdiction; or~~]
2664 [~~(b) while the minor's case is under the continuing jurisdiction of the court.~~]
2665 [~~(17) "Detention risk assessment tool" means an evidence-based tool established under~~
2666 ~~Section 78A-6-124, on and after July 1, 2018, that assesses a minor's risk of failing to appear in~~
2667 ~~court or reoffending pre-adjudication and designed to assist in making detention~~
2668 ~~determinations.~~]
2669 (19) "Detention" means home detention or secure detention.
2670 (20) "Detention risk assessment tool" means an evidence-based tool established under
2671 Section 80-5-203 that:
2672 (a) assesses a minor's risk of failing to appear in court or reoffending before
2673 adjudication; and
2674 (b) is designed to assist in making a determination of whether a minor shall be held in
2675 detention.
2676 [~~(18)~~] (21) "Developmental immaturity" means incomplete development in one or
2677 more domains [~~which~~] that manifests as a functional limitation in the minor's present ability to:
2678 (a) consult with counsel with a reasonable degree of rational understanding; and
2679 (b) have a rational as well as factual understanding of the proceedings.
2680 [~~(19) "Division" means the Division of Child and Family Services.~~]
2681 (22) "Disposition" means an order by a juvenile court, after the adjudication of a
2682 minor, under Section 80-3-405 or 80-4-305 or Chapter 6, Part 7, Adjudication and Disposition.
2683 [~~(20)~~] (23) "Educational neglect" means that, after receiving a notice of compulsory
2684 education violation under Section 53G-6-202, the parent or guardian fails to make a good faith
2685 effort to ensure that the child receives an appropriate education.
2686 [~~(21)~~] (24) "Educational series" means an evidence-based instructional series:
2687 (a) obtained at a substance abuse program that is approved by the Division of
2688 Substance Abuse and Mental Health in accordance with Section 62A-15-105; and
2689 (b) designed to prevent substance use or the onset of a mental health disorder.

2690 (25) "Emancipated" means the same as that term is defined in Section 80-7-102.
2691 [~~(22)~~] (26) "Evidence-based" means a program or practice that has had multiple
2692 randomized control studies or a meta-analysis demonstrating that the program or practice is
2693 effective for a specific population or has been rated as effective by a standardized program
2694 evaluation tool.
2695 [~~(23)~~] (27) "Forensic evaluator" means the same as that term is defined in Section
2696 77-15-2.
2697 [~~(24)~~] (28) "Formal probation" means a minor is [~~under field supervision by the~~
2698 ~~probation department or other agency designated by the court and~~]:
2699 (a) supervised in the community by, and reports to, a juvenile probation officer or an
2700 agency designated by the juvenile court; and
2701 (b) subject to return to the juvenile court in accordance with Section [~~78A-6-123 on~~
2702 ~~and after July 1, 2018~~] 80-6-607.
2703 [~~(25) "Formal referral" means a written report from a peace officer or other person~~
2704 ~~informing the court that a minor is, or appears to be, within the court's jurisdiction and that the~~
2705 ~~minor's case must be reviewed by the court's probation department or a prosecuting attorney.~~]
2706 [~~(26)~~] (29) "Group rehabilitation therapy" means psychological and social counseling
2707 of one or more individuals in the group, depending upon the recommendation of the therapist.
2708 [~~(27)~~] (30) [~~"Guardianship of the person" includes~~] "Guardian" means a person
2709 appointed by a court to make decisions regarding a minor, including the authority to consent to:
2710 (a) marriage;
2711 (b) enlistment in the armed forces;
2712 (c) major medical, surgical, or psychiatric treatment; or
2713 (d) legal custody, if legal custody is not vested in another individual, agency, or
2714 institution.
2715 [~~(28) "Habitual truant" means the same as that term is defined in Section 53G-6-201.~~]
2716 (31) "Guardian ad litem" means the same as that term is defined in Section 78A-2-801.
2717 [~~(29)~~] (32) "Harm" means:

2718 (a) physical or developmental injury or damage;
2719 (b) emotional damage that results in a serious impairment in the child's growth,
2720 development, behavior, or psychological functioning;
2721 (c) sexual abuse; or
2722 (d) sexual exploitation.
2723 (33) "Home detention" means placement of a minor:
2724 (a) if prior to a disposition, in the minor's home, or in a surrogate home with the
2725 consent of the minor's parent, guardian, or custodian, under terms and conditions established by
2726 the Division of Juvenile Justice Services or the juvenile court; or
2727 (b) if after a disposition, and in accordance with Section 78A-6-353 or 80-6-704, in the
2728 minor's home, or in a surrogate home with the consent of the minor's parent, guardian, or
2729 custodian, under terms and conditions established by the Division of Juvenile Justice Services
2730 or the juvenile court.
2731 [~~(30)~~] (34) (a) "Incest" means engaging in sexual intercourse with an individual whom
2732 the perpetrator knows to be the perpetrator's ancestor, descendant, brother, sister, uncle, aunt,
2733 nephew, niece, or first cousin.
2734 [~~(b) The relationships described in Subsection (30)(a) include:~~]
2735 (b) "Incest" includes:
2736 (i) blood relationships of the whole or half blood, without regard to legitimacy;
2737 (ii) relationships of parent and child by adoption; and
2738 (iii) relationships of stepparent and stepchild while the marriage creating the
2739 relationship of a stepparent and stepchild exists.
2740 [~~(31) "Intake probation" means a period of court monitoring that does not include field~~
2741 ~~supervision, but is overseen by a juvenile probation officer, during which a minor is subject to~~
2742 ~~return to the court in accordance with Section 78A-6-123 on and after July 1, 2018.~~]
2743 (35) "Indian child" means the same as that term is defined in 25 U.S.C. Sec. 1903.
2744 (36) "Indian tribe" means the same as that term is defined in 25 U.S.C. Sec. 1903.
2745 (37) "Indigent defense service provider" means the same as that term is defined in

2746 Section 78B-22-102.
2747 (38) "Indigent defense services" means the same as that term is defined in Section
2748 78B-22-102.
2749 (39) "Indigent individual" means the same as that term is defined in Section
2750 78B-22-102.
2751 (40) (a) "Intake probation" means a minor is:
2752 (i) monitored by a juvenile probation officer; and
2753 (ii) subject to return to the juvenile court in accordance with Section 80-6-607.
2754 (b) "Intake probation" does not include formal probation.
2755 [~~(32)~~] (41) "Intellectual disability" means a significant subaverage general intellectual
2756 functioning existing concurrently with deficits in adaptive behavior that constitutes a
2757 substantial limitation to the individual's ability to function in society.
2758 (42) "Juvenile offender" means:
2759 (a) a serious youth offender; or
2760 (b) a youth offender.
2761 (43) "Juvenile probation officer" means a probation officer appointed under Section
2762 78A-6-205.
2763 (44) "Juvenile receiving center" means a nonsecure, nonresidential program established
2764 by the Division of Juvenile Justice Services, or under contract with the Division of Juvenile
2765 Justice Services, that is responsible for minors taken into temporary custody under Section
2766 80-6-201.
2767 [~~(33)~~] (45) "Legal custody" means a relationship embodying [~~the following rights and~~
2768 ~~duties~~]:
2769 (a) the right to physical custody of the minor;
2770 (b) the right and duty to protect, train, and discipline the minor;
2771 (c) the duty to provide the minor with food, clothing, shelter, education, and ordinary
2772 medical care;
2773 (d) the right to determine where and with whom the minor shall live; and

2774 (e) the right, in an emergency, to authorize surgery or other extraordinary care.
2775 [~~(34) "Material loss" means an uninsured:~~]
2776 [~~(a) property loss;~~]
2777 [~~(b) out-of-pocket monetary loss for property that is stolen, damaged, or destroyed;~~]
2778 [~~(c) lost wages because of an injury, time spent as a witness, or time spent assisting the~~
2779 ~~police or prosecution; or~~]
2780 [~~(d) medical expense.~~]
2781 [~~(35)~~] (46) "Mental illness" means:
2782 (a) a psychiatric disorder that substantially impairs an individual's mental, emotional,
2783 behavioral, or related functioning; or
2784 (b) the same as that term is defined in:
2785 (i) the current edition of the Diagnostic and Statistical Manual of Mental Disorders
2786 published by the American Psychiatric Association; or
2787 (ii) the current edition of the International Statistical Classification of Diseases and
2788 Related Health Problems.
2789 [~~(36) "Minor" means:~~]
2790 [~~(a) for the purpose of juvenile delinquency:~~]
2791 [~~(i) a child; or~~]
2792 [~~(ii) an individual:~~]
2793 [~~(A) who is at least 18 years old and younger than 25 years old; and~~]
2794 [~~(B) whose case is under the jurisdiction of the juvenile court; and~~]
2795 [~~(b) for all other purposes in this chapter:~~]
2796 [~~(i) a child; or~~]
2797 [~~(ii) an individual:~~]
2798 [~~(A) who is at least 18 years old and younger than 21 years old; and~~]
2799 [~~(B) whose case is under the jurisdiction of the juvenile court.~~]
2800 (47) "Minor" means, except as provided in Sections 80-6-901 and 80-7-102:
2801 (a) a child; or

2802 (b) an individual:
2803 (i) (A) who is at least 18 years old and younger than 21 years old; and
2804 (B) for whom the Division of Child and Family Services has been specifically ordered
2805 by the juvenile court to provide services because the individual was an abused, neglected, or
2806 dependent child or because the individual was adjudicated for an offense; or
2807 (ii) (A) who is at least 18 years old and younger than 25 years old; and
2808 (B) whose case is under the continuing jurisdiction of the juvenile court under Chapter
2809 6, Juvenile Justice.
2810 [~~(37)~~] (48) "Mobile crisis outreach team" means [~~a crisis intervention service for a~~
2811 ~~minor or the family of a minor experiencing a behavioral health or psychiatric emergency.~~] the
2812 same as that term is defined in Section 62A-15-102.
2813 [~~(38)~~] (49) "Molestation" means that an individual, with the intent to arouse or gratify
2814 the sexual desire of any individual, touches the anus, buttocks, pubic area, or genitalia of any
2815 child, or the breast of a female child, or takes indecent liberties with a child as defined in
2816 Section 76-5-416.
2817 [~~(39)~~] (50) (a) "Natural parent" means a minor's biological or adoptive parent.
2818 (b) "Natural parent" includes the minor's noncustodial parent.
2819 [~~(40)~~] (51) (a) "Neglect" means action or inaction causing:
2820 (i) abandonment of a child, except as provided in Title 62A, Chapter 4a, Part 8, Safe
2821 Relinquishment of a Newborn Child;
2822 (ii) lack of proper parental care of a child by reason of the fault or habits of the parent,
2823 guardian, or custodian;
2824 (iii) failure or refusal of a parent, guardian, or custodian to provide proper or necessary
2825 subsistence or medical care, or any other care necessary for the child's health, safety, morals, or
2826 well-being;
2827 (iv) a child to be at risk of being neglected or abused because another child in the same
2828 home is neglected or abused;
2829 (v) abandonment of a child through an unregulated custody transfer; or

2830 (vi) educational neglect.
2831 (b) "Neglect" does not include:
2832 (i) a parent or guardian legitimately practicing religious beliefs and who, for that
2833 reason, does not provide specified medical treatment for a child;
2834 (ii) a health care decision made for a child by the child's parent or guardian, unless the
2835 state or other party to a proceeding shows, by clear and convincing evidence, that the health
2836 care decision is not reasonable and informed;
2837 (iii) a parent or guardian exercising the right described in Section [~~78A-6-301.5~~]
2838 80-3-304; or
2839 (iv) permitting a child, whose basic needs are met and who is of sufficient age and
2840 maturity to avoid harm or unreasonable risk of harm, to engage in independent activities,
2841 including:
2842 (A) traveling to and from school, including by walking, running, or bicycling;
2843 (B) traveling to and from nearby commercial or recreational facilities;
2844 (C) engaging in outdoor play;
2845 (D) remaining in a vehicle unattended, except under the conditions described in
2846 Subsection 76-10-2202(2);
2847 (E) remaining at home unattended; or
2848 (F) engaging in a similar independent activity.
2849 [~~(41)~~] (52) "Neglected child" means a child who has been subjected to neglect.
2850 [~~(42)~~] (53) "Nonjudicial adjustment" means closure of the case by the assigned juvenile
2851 probation officer, without [~~judicial determination~~] an adjudication of the minor's case under
2852 Section 80-6-701, upon the consent in writing of:
2853 (a) the assigned juvenile probation officer; and
2854 (b) (i) the minor; or
2855 (ii) the minor and the minor's parent, legal guardian, or custodian.
2856 [~~(43)~~] (54) "Not competent to proceed" means that a minor, due to a mental illness,
2857 intellectual disability or related condition, or developmental immaturity, lacks the ability to:

2858 (a) understand the nature of the proceedings against the minor or of the potential
2859 disposition for the offense charged; or
2860 (b) consult with counsel and participate in the proceedings against the minor with a
2861 reasonable degree of rational understanding.
2862 (55) "Parole" means a conditional release of a juvenile offender from residency in
2863 secure care to live outside of secure care under the supervision of the Division of Juvenile
2864 Justice Services, or another person designated by the Division of Juvenile Justice Services.
2865 [~~(44)~~] (56) "Physical abuse" means abuse that results in physical injury or damage to a
2866 child.
2867 [~~(45)~~] (57) (a) "Probation" means a legal status created by court order, following an
2868 adjudication [~~on the ground of a violation of law or under Section 78A-6-103,~~] under Section
2869 80-6-701, whereby the minor is permitted to remain in the minor's home under prescribed
2870 conditions.
2871 (b) "Probation" includes intake probation or formal probation.
2872 [~~(46)~~] (58) "Prosecuting attorney" means:
2873 (a) the attorney general and any assistant attorney general;
2874 (b) any district attorney or deputy district attorney;
2875 (c) any county attorney or assistant county attorney; and
2876 (d) any other attorney authorized to commence an action on behalf of the state.
2877 (59) "Protective custody" means the shelter of a child by the Division of Child and
2878 Family Services from the time the child is removed from the home until the earlier of:
2879 (a) the day on which the shelter hearing is held under Section 80-3-301; or
2880 (b) the day on which the child is returned home.
2881 [~~(47)~~] (60) "Protective supervision" means a legal status created by court order,
2882 following an adjudication on the ground of abuse, neglect, or dependency, whereby:
2883 (a) the minor is permitted to remain in the minor's home[~~,~~]; and
2884 (b) supervision and assistance to correct the abuse, neglect, or dependency is provided
2885 by [~~the probation department or other agency designated by the court~~] an agency designated by

2886 the juvenile court.
2887 [~~(48)~~] (61) (a) "Related condition" means a condition that:
2888 (i) is found to be closely related to intellectual disability;
2889 (ii) results in impairment of general intellectual functioning or adaptive behavior
2890 similar to that of an intellectually disabled individual;
2891 (iii) is likely to continue indefinitely; and
2892 (iv) constitutes a substantial limitation to the individual's ability to function in society.
2893 (b) "Related condition" does not include mental illness, psychiatric impairment, or
2894 serious emotional or behavioral disturbance.
2895 [~~(49)~~] (62) (a) "Residual parental rights and duties" means [~~those~~] the rights and duties
2896 remaining with [~~the~~] a parent after legal custody or guardianship, or both, have been vested in
2897 another person or agency, including:
2898 (i) the responsibility for support;
2899 (ii) the right to consent to adoption;
2900 (iii) the right to determine the child's religious affiliation; and
2901 (iv) the right to reasonable parent-time unless restricted by the court.
2902 (b) If no guardian has been appointed, "residual parental rights and duties" includes the
2903 right to consent to:
2904 (i) marriage;
2905 (ii) enlistment; and
2906 (iii) major medical, surgical, or psychiatric treatment.
2907 [~~(50) "Secure facility" means any facility operated by or under contract with the~~
2908 ~~Division of Juvenile Justice Services, that provides 24-hour supervision and confinement for~~
2909 ~~youth offenders committed to the division for custody and rehabilitation in accordance with~~
2910 ~~Subsection 78A-6-117(2)(d).~~]
2911 (63) "Runaway" means a child, other than an emancipated child, who willfully leaves
2912 the home of the child's parent or guardian, or the lawfully prescribed residence of the child,
2913 without permission.

2914 (64) "Secure care" means placement of a minor, who is committed to the Division of
2915 Juvenile Justice Services for rehabilitation, in a facility operated by, or under contract with, the
2916 Division of Juvenile Justice Services, that provides 24-hour supervision and confinement of the
2917 minor.
2918 (65) "Secure care facility" means a facility, established in accordance with Section
2919 80-5-503, for juvenile offenders in secure care.
2920 (66) "Secure detention" means temporary care of a minor who requires secure custody
2921 in a physically restricting facility operated by, or under contract with, the Division of Juvenile
2922 Justice Services:
2923 (a) before disposition of an offense that is alleged to have been committed by the
2924 minor; or
2925 (b) under Section 80-6-704.
2926 (67) "Serious youth offender" means an individual who:
2927 (a) is at least 14 years old, but under 25 years old;
2928 (b) committed a felony listed in Subsection 80-6-503(1) and the continuing jurisdiction
2929 of the juvenile court was extended over the individual's case until the individual was 25 years
2930 old in accordance with Section 80-6-605; and
2931 (c) is committed by the juvenile court to the Division of Juvenile Justice Services for
2932 secure care under Sections 80-6-703 and 80-6-705.
2933 [~~(51)~~] (68) "Severe abuse" means abuse that causes or threatens to cause serious harm
2934 to a child.
2935 [~~(52)~~] (69) "Severe neglect" means neglect that causes or threatens to cause serious
2936 harm to a child.
2937 [~~(53)~~] (70) "Sexual abuse" means:
2938 (a) an act or attempted act of sexual intercourse, sodomy, incest, or molestation by an
2939 adult directed towards a child;
2940 (b) an act or attempted act of sexual intercourse, sodomy, incest, or molestation
2941 committed by a child towards another child if:

2942 (i) there is an indication of force or coercion;
2943 (ii) the children are related, as described in Subsection [~~(30)~~] (34), including siblings
2944 by marriage while the marriage exists or by adoption;
2945 (iii) there have been repeated incidents of sexual contact between the two children,
2946 unless the children are 14 years old or older; or
2947 (iv) there is a disparity in chronological age of four or more years between the two
2948 children;
2949 (c) engaging in any conduct with a child that would constitute an offense under any of
2950 the following, regardless of whether the individual who engages in the conduct is actually
2951 charged with, or convicted of, the offense:
2952 (i) Title 76, Chapter 5, Part 4, Sexual Offenses, except for Section 76-5-401, if the
2953 alleged perpetrator of an offense described in Section 76-5-401 is a minor;
2954 (ii) child bigamy, Section 76-7-101.5;
2955 (iii) incest, Section 76-7-102;
2956 (iv) lewdness, Section 76-9-702;
2957 (v) sexual battery, Section 76-9-702.1;
2958 (vi) lewdness involving a child, Section 76-9-702.5; or
2959 (vii) voyeurism, Section 76-9-702.7; or
2960 (d) subjecting a child to participate in or threatening to subject a child to participate in
2961 a sexual relationship, regardless of whether that sexual relationship is part of a legal or cultural
2962 marriage.
2963 [~~(54)~~] (71) "Sexual exploitation" means knowingly:
2964 (a) employing, using, persuading, inducing, enticing, or coercing any child to:
2965 (i) pose in the nude for the purpose of sexual arousal of any individual; or
2966 (ii) engage in any sexual or simulated sexual conduct for the purpose of photographing,
2967 filming, recording, or displaying in any way the sexual or simulated sexual conduct;
2968 (b) displaying, distributing, possessing for the purpose of distribution, or selling
2969 material depicting a child:

2970 (i) in the nude, for the purpose of sexual arousal of any individual; or
2971 (ii) engaging in sexual or simulated sexual conduct; or
2972 (c) engaging in any conduct that would constitute an offense under Section 76-5b-201,
2973 sexual exploitation of a minor, regardless of whether the individual who engages in the conduct
2974 is actually charged with, or convicted of, the offense.
2975 [~~(55)~~] (72) "Shelter" means the temporary care of a child in a physically unrestricted
2976 facility pending [~~court~~] a disposition or transfer to another jurisdiction.
2977 (73) "Shelter facility" means the same as that term is defined in Section 62A-4a-101.
2978 [~~(56)~~] (74) "Single criminal episode" means the same as that term is defined in Section
2979 76-1-401.
2980 [~~(57)~~] (75) "Status offense" means [~~a violation of the law that would not be a violation~~]
2981 an offense that would not be an offense but for the age of the offender.
2982 [~~(58)~~] (76) "Substance abuse" means the misuse or excessive use of alcohol or other
2983 drugs or substances.
2984 [~~(59)~~] (77) "Substantiated" means the same as that term is defined in Section
2985 62A-4a-101.
2986 [~~(60)~~] (78) "Supported" means the same as that term is defined in Section 62A-4a-101.
2987 [~~(61)~~] (79) "Termination of parental rights" means the permanent elimination of all
2988 parental rights and duties, including residual parental rights and duties, by court order.
2989 [~~(62)~~] (80) "Therapist" means:
2990 (a) an individual employed by a state division or agency for the purpose of conducting
2991 psychological treatment and counseling of a minor in [~~its~~] the division's or agency's custody; or
2992 (b) any other individual licensed or approved by the state for the purpose of conducting
2993 psychological treatment and counseling.
2994 [~~(63)~~] (81) "Threatened harm" means actions, inactions, or credible verbal threats,
2995 indicating that the child is at an unreasonable risk of harm or neglect.
2996 (82) "Ungovernable" means a child in conflict with a parent or guardian, and the
2997 conflict:

2998 (a) results in behavior that is beyond the control or ability of the child, or the parent or
2999 guardian, to manage effectively;
3000 (b) poses a threat to the safety or well-being of the child, the child's family, or others;
3001 or
3002 (c) results in the situations described in Subsections (82)(a) and (b).
3003 [~~(64)~~] (83) "Unregulated custody transfer" means the placement of a child:
3004 (a) with an individual who is not the child's parent, step-parent, grandparent, adult
3005 sibling, adult uncle or aunt, or legal guardian, or a friend of the family who is an adult and with
3006 whom the child is familiar, or a member of the child's federally recognized tribe;
3007 (b) with the intent of severing the child's existing parent-child or guardian-child
3008 relationship; and
3009 (c) without taking:
3010 (i) reasonable steps to ensure the safety of the child and permanency of the placement;
3011 and
3012 (ii) the necessary steps to transfer the legal rights and responsibilities of parenthood or
3013 guardianship to the individual taking custody of the child.
3014 [~~(65)~~] (84) "Unsupported" means the same as that term is defined in Section
3015 62A-4a-101.
3016 [~~(66)~~] (85) "Unsubstantiated" means the same as that term is defined in Section
3017 62A-4a-101.
3018 [~~(67)~~] (86) "Validated risk and needs assessment" means an evidence-based tool that
3019 assesses a minor's risk of reoffending and a minor's criminogenic needs.
3020 [~~(68) (a) "Victim" means a person that the court determines has suffered a material loss~~
3021 ~~as a result of a minor's wrongful act or conduct.~~]
3022 [~~(b) "Victim" includes the Utah Office for Victims of Crime.~~]
3023 [~~(69)~~] (87) "Without merit" means the same as that term is defined in Section
3024 62A-4a-101.
3025 (88) "Youth offender" means an individual who is:

3026 (a) at least 12 years old, but under 21 years old; and
3027 (b) committed by the juvenile court to the Division of Juvenile Justice Services for
3028 secure care under Sections 80-6-703 and 80-6-705.
3029 Section 52. Section **80-1-103**, which is renumbered from Section 78A-6-1110 is
3030 renumbered and amended to read:
3031 **[~~78A-6-1110~~]. 80-1-103. Cooperation of political subdivisions and public or**
3032 **private agencies and organizations.**
3033 (1) Every county, municipality, and school district, and the Department of Human
3034 Services, the Division of Juvenile Justice Services, the Division of Child and Family Services,
3035 the Department of Health, the Division of Substance Abuse and Mental Health, the State Board
3036 of Education, and state and local law enforcement officers, shall render all assistance and
3037 cooperation within their jurisdiction and power to further the [~~objects~~] provisions of this
3038 [~~chapter, and the juvenile courts are~~] title.
3039 (2) A juvenile court is authorized to seek the cooperation of all agencies and
3040 organizations, public or private, whose [~~object~~] objective is the protection or aid of minors.
3041 Section 53. Section **80-2-101** is enacted to read:
3042 **80-2-101. Title.**
3043 Reserved
3044 Section 54. Section **80-3-101** is enacted to read:
3045 **CHAPTER 3. ABUSE, NEGLECT, AND DEPENDENCY PROCEEDINGS**
3046 **Part 1. General Provisions**
3047 **80-3-101. Title.**
3048 This chapter is known as "Abuse, Neglect, and Dependency Proceedings."
3049 Section 55. Section **80-3-102**, which is renumbered from Section 78A-6-301 is
3050 renumbered and amended to read:
3051 **[~~78A-6-301~~]. 80-3-102. Definitions.**
3052 As used in this [~~part~~] chapter:
3053 (1) "Abuse, neglect, or dependency petition" means a petition filed in accordance with

3054 this chapter to commence proceedings in a juvenile court alleging that a child is:
3055 (a) abused;
3056 (b) neglected; or
3057 (c) dependent.
3058 (2) "Child protection team" means the same as that term is defined in Section
3059 62A-4a-101.
3060 (3) "Child protection unit" means the same as that term is defined in Section
3061 62A-4a-101.
3062 [~~(1)~~] (4) "Custody" means the same as that term is defined in Section 62A-4a-101.
3063 (5) "Division" means the Division of Child and Family Services created in Section
3064 62A-4a-103.
3065 (6) "Friend" means an adult who:
3066 (a) has an established relationship with the child or a family member of the child; and
3067 (b) is not the natural parent of the child.
3068 [~~(2)~~] (7) "Immediate family member" means a spouse, child, parent, sibling,
3069 grandparent, or grandchild.
3070 [~~(3) "Protective custody" means the shelter of a child by the division from the time the~~
3071 ~~child is removed from home until the earlier of:~~]
3072 [~~(a) the shelter hearing; or~~]
3073 [~~(b) the child's return home.~~]
3074 (8) "Relative" means an adult who:
3075 (a) is the child's grandparent, great grandparent, aunt, great aunt, uncle, great uncle,
3076 brother-in-law, sister-in-law, stepparent, first cousin, stepsibling, or sibling;
3077 (b) is a first cousin of the child's parent;
3078 (c) is an adoptive parent of the child's sibling; or
3079 (d) in the case of a child who is an Indian child, is an extended family member as
3080 defined in 25 U.S.C. Sec. 1903.
3081 (9) "Shelter care" means the same as that term is defined in Section 62A-4a-101.

3082 [~~(4)~~] (10) "Sibling" means the same as that term is defined in Section 62A-4a-101.
3083 [~~(5)~~] (11) "Sibling visitation" means the same as that term is defined in Section
3084 62A-4a-101.
3085 (12) "Substitute care" means the same as that term is defined in Section 62A-4a-101.
3086 [~~(6)~~] (13) "Temporary custody" means [~~the custody of a child in the division from the~~
3087 ~~date of the shelter hearing until disposition~~] the same as that term is defined in Section
3088 62A-4a-101.
3089 Section 56. Section **80-3-103**, which is renumbered from Section 78A-6-303 is
3090 renumbered and amended to read:
3091 **[~~78A-6-303~~]. 80-3-103. Nature of proceedings -- Rules of procedure -- Ex**
3092 **parte communications.**
3093 [~~(1) The Utah Rules of Civil Procedure and the Utah Rules of Juvenile Procedure apply~~
3094 ~~to abuse, neglect, and dependency proceedings unless the provisions of this part specify~~
3095 ~~otherwise.~~]
3096 (1) The proceedings under this chapter are civil in nature and are governed by the Utah
3097 Rules of Civil Procedure and the Utah Rules of Juvenile Procedure.
3098 (2) Any unauthorized ex parte communication concerning a pending case between a
3099 judge and a party to an abuse, neglect, or dependency proceeding shall be recorded for
3100 subsequent review, if necessary, by the Judicial Conduct Commission.
3101 Section 57. Section **80-3-104**, which is renumbered from Section 78A-6-317 is
3102 renumbered and amended to read:
3103 **[~~78A-6-317~~]. 80-3-104. Individuals entitled to be present at proceedings --**
3104 **Legal representation -- Attorney general responsibilities.**
3105 (1) (a) A [~~child~~] minor who is the subject of a juvenile court hearing, any person
3106 entitled to notice [~~pursuant to Section 78A-6-306 or 78A-6-310~~] under Section 80-3-201 or
3107 80-3-301, preadoptive parents, foster parents, and any relative providing care for the [~~child~~]
3108 minor, are:
3109 [~~(a)~~] (i) entitled to notice of, and to be present at, each hearing and proceeding held

3110 under this [~~part~~] chapter, including administrative reviews; and
3111 [~~(b)~~] (ii) have a right to be heard at each hearing and proceeding described in
3112 Subsection (1)(a)(i).
3113 [~~(2) A child shall be represented at each hearing by the guardian ad litem appointed to~~
3114 ~~the child's case by the court. The child has a right to be present at each hearing, subject to the~~
3115 ~~discretion of the guardian ad litem or the court regarding any possible detriment to the child.~~]
3116 (b) A child's right to be present at a hearing under Subsection (1)(a) is subject to the
3117 discretion of the guardian ad litem, as defined in Section 78A-2-801, appointed under
3118 Subsection (3) or the juvenile court regarding any possible detriment to the child.
3119 [~~(3)~~] (2) (a) The parent or guardian of a [~~child~~] minor who is the subject of [~~a~~] an
3120 abuse, neglect, or dependency petition [~~under this part~~] has the right to be represented by
3121 counsel, and to present evidence, at each hearing.
3122 [~~(b) A court may appoint an indigent defense service provider as provided in Title 78B,~~
3123 ~~Chapter 22, Indigent Defense Act.~~]
3124 (b) If a parent or guardian is the subject of an abuse, neglect, or dependency petition,
3125 the juvenile court shall:
3126 (i) appoint an indigent defense service provider for a parent or guardian determined to
3127 be an indigent individual in accordance with Title 78B, Chapter 22, Part 2, Appointment of
3128 Counsel; and
3129 (ii) order indigent defense services for the parent or legal guardian who is determined
3130 to be an indigent individual in accordance with Title 78B, Chapter 22, Part 2, Appointment of
3131 Counsel.
3132 [~~(4)~~] (3) (a) In [~~every~~] an abuse, neglect, or dependency proceeding under this chapter,
3133 the juvenile court shall order that the child be represented by [~~a~~] an attorney guardian ad litem,
3134 in accordance with Section [~~78A-6-902. The~~] 78A-2-803.
3135 (b) A guardian ad litem appointed under Subsection (3)(a) shall represent the best
3136 interest of the [~~child~~] minor, in accordance with the requirements of [~~that section,~~] Section
3137 78A-2-803:

3138 (i) at the shelter hearing and at all subsequent court and administrative proceedings,
3139 including any proceeding for termination of parental rights in accordance with [~~Part 5,~~
3140 ~~Termination of Parental Rights Act.~~] Chapter 4, Termination and Restoration of Parental
3141 Rights; and
3142 (ii) in other actions initiated under this chapter when appointed by the court under
3143 Section 78A-2-803 or as otherwise provided by law.
3144 (4) Subject to the attorney general's prosecutorial discretion in civil enforcement
3145 actions, the attorney general shall, in accordance with Section 62A-4a-113, enforce all
3146 provisions of this chapter and Title 62A, Chapter 4a, Child and Family Services, relating to
3147 protection or custody of an abused, neglected, or dependent minor and the termination of
3148 parental rights.
3149 (5) (a) The juvenile court shall admit any individual to a hearing, including a hearing
3150 under Section 80-3-205, unless the juvenile court makes a finding upon the record that the
3151 individual's presence at the hearing would:
3152 (i) be detrimental to the best interest of a minor who is a party to the proceeding;
3153 (ii) impair the fact-finding process; or
3154 (iii) be otherwise contrary to the interests of justice.
3155 (b) The juvenile court may exclude an individual from a hearing under Subsection
3156 (5)(a) on the juvenile court's own motion or by motion of a party to the proceeding.
3157 [~~(5) (a) Except as provided in Subsection (5)(b), and notwithstanding any other~~
3158 ~~provision of law:~~]
3159 [~~(i) counsel for all parties to the action shall be given access to all records, maintained~~
3160 ~~by the division or any other state or local public agency, that are relevant to the abuse, neglect,~~
3161 ~~or dependency proceeding under this chapter; and~~]
3162 [~~(ii) if the natural parent of a child is not represented by counsel, the natural parent~~
3163 ~~shall have access to the records described in Subsection (5)(a)(i).~~]
3164 [~~(b) The disclosures described in Subsection (5)(a) are not required in the following~~
3165 ~~circumstances:~~]

3166 [~~(i) subject to Subsection (5)(c), the division or other state or local public agency did~~
3167 ~~not originally create the record being requested;~~]
3168 [~~(ii) disclosure of the record would jeopardize the life or physical safety of a child who~~
3169 ~~has been a victim of abuse or neglect, or any person who provided substitute care for the child;~~]
3170 [~~(iii) disclosure of the record would jeopardize the anonymity of the person or persons~~
3171 ~~making the initial report of abuse or neglect or any others involved in the subsequent~~
3172 ~~investigation;~~]
3173 [~~(iv) disclosure of the record would jeopardize the life or physical safety of an~~
3174 ~~individual who has been a victim of domestic violence;~~]
3175 [~~(v) the record is a report maintained in the Management Information System, for~~
3176 ~~which a finding of unsubstantiated, unsupported, or without merit has been made, unless the~~
3177 ~~person requesting the information is the alleged perpetrator in the report or counsel for the~~
3178 ~~alleged perpetrator in the report; or~~]
3179 [~~(vi) the record is a Children's Justice Center interview, including a video or audio~~
3180 ~~recording, and a transcript of the recording, the release of which is governed by Section~~
3181 ~~77-37-4.~~]
3182 [~~(c) If a disclosure is denied under Subsection (5)(b)(i), the division shall inform the~~
3183 ~~person making the request of the following:~~]
3184 [~~(i) the existence of all records in the possession of the division or any other state or~~
3185 ~~local public agency;~~]
3186 [~~(ii) the name and address of the person or agency that originally created the record;~~
3187 ~~and~~]
3188 [~~(iii) that the requesting person must seek access to the record from the person or~~
3189 ~~agency that originally created the record.~~]
3190 Section 58. Section **80-3-105** is enacted to read:
3191 **80-3-105. Consolidation of proceedings.**
3192 (1) Subject to Subsection (2), when more than one child is involved in a home situation
3193 that may be found to constitute abuse, neglect, or dependency, the proceedings may be

3194 consolidated.
3195 (2) Separate hearings may be held in proceedings consolidated under Subsection (1)
3196 with respect to disposition.
3197 Section 59. Section **80-3-106** is enacted to read:
3198 **80-3-106. Record of proceedings.**
3199 (1) As used in this section:
3200 (a) "Record of a proceeding" does not include documentary materials of any type
3201 submitted to the juvenile court as part of the proceeding, including items submitted under Utah
3202 Rules of Juvenile Procedure, Rule 45.
3203 (b) "Subjects of the record" includes the child's attorney guardian ad litem, the child's
3204 guardian, the division, and any other party to the proceeding.
3205 (2) (a) Except as provided in Subsection (2)(b), the juvenile court shall take a verbatim
3206 record of the proceedings under this chapter, unless dispensed with by the juvenile court.
3207 (b) A juvenile court shall take a verbatim record of the proceedings in all cases under
3208 this chapter that might result in deprivation of custody.
3209 (3) Notwithstanding any other provision, including Title 63G, Chapter 2, Government
3210 Records Access and Management Act, the juvenile court shall release a record of a proceeding
3211 made under Subsection (2) to any person upon a finding on the record for good cause.
3212 (4) Following a petition for a record of a proceeding made under Subsection (2), the
3213 juvenile court shall:
3214 (a) provide notice to all subjects of the record that a request for release of the record
3215 has been made; and
3216 (b) allow sufficient time for the subjects of the record to respond before making a
3217 finding on the petition.
3218 (5) A record of a proceeding may not be released under this section if the juvenile
3219 court's jurisdiction over the subjects of the proceeding ended more than 12 months before the
3220 day on which the request is made.
3221 Section 60. Section **80-3-107** is enacted to read:

3222 **80-3-107. Disclosure of records -- Record sharing.**
3223 (1) (a) Except as provided in Subsections (1)(c) through (e), in an abuse, neglect, or
3224 dependency proceeding occurring after the commencement of a shelter hearing under Section
3225 80-3-301, or the filing of an abuse, neglect, or dependency petition, each party to the
3226 proceeding shall provide in writing to any other party or the other party's counsel any
3227 information that the party:
3228 (i) plans to report to the juvenile court at the proceeding; or
3229 (ii) could reasonably expect would be requested of the party by the juvenile court at the
3230 proceeding.
3231 (b) A party providing the disclosure required under Subsection (1)(a) shall make the
3232 disclosure:
3233 (i) for a dispositional hearing under Part 4, Adjudication, Disposition, and Permanency,
3234 no less than five days before the day on which the dispositional hearing is held; and
3235 (ii) for all other proceedings, no less than five days before the day on which the
3236 proceeding is held.
3237 (c) The division is not required to provide a court report or a child and family plan
3238 described in Section 62A-4a-205 to each party to the proceeding if:
3239 (i) the information is electronically filed with the juvenile court; and
3240 (ii) each party to the proceeding has access to the electronically filed information.
3241 (d) If a party to a proceeding obtains information after the deadline described in
3242 Subsection (1)(b), the information is exempt from the disclosure required under Subsection
3243 (1)(a) if the party certifies to the juvenile court that the information was obtained after the
3244 deadline.
3245 (e) Subsection (1)(a) does not apply to:
3246 (i) pretrial hearings; and
3247 (ii) the frequent, periodic review hearings held in a dependency drug court case to
3248 assess and promote the parent's progress in substance use disorder treatment.
3249 (2) (a) Except as provided in Subsection (2)(b), and notwithstanding any other

3250 provision of law:
3251 (i) counsel for all parties to the action shall be given access to all records, maintained
3252 by the division or any other state or local public agency, that are relevant to the abuse, neglect,
3253 or dependency proceeding under this chapter; and
3254 (ii) if the natural parent of a child is not represented by counsel, the natural parent shall
3255 have access to the records described in Subsection (2)(a)(i).
3256 (b) The disclosures described in Subsection (2)(a) are not required if:
3257 (i) subject to Subsection (2)(c), the division or other state or local public agency did not
3258 originally create the record being requested;
3259 (ii) disclosure of the record would jeopardize the life or physical safety of a child who
3260 has been a victim of abuse or neglect, or any individual who provided substitute care for the
3261 child;
3262 (iii) disclosure of the record would jeopardize the anonymity of the individual making
3263 the initial report of abuse or neglect or any others involved in the subsequent investigation;
3264 (iv) disclosure of the record would jeopardize the life or physical safety of an
3265 individual who has been a victim of domestic violence;
3266 (v) the record is a report maintained in the Management Information System, for which
3267 a finding of unsubstantiated, unsupported, or without merit has been made, unless the
3268 individual requesting the information is the alleged perpetrator in the report or counsel for the
3269 alleged perpetrator in the report; or
3270 (vi) the record is a Children's Justice Center interview, including a video or audio
3271 recording, and a transcript of the recording, the release of which is governed by Section
3272 77-37-4.
3273 (c) If a disclosure is denied under Subsection (2)(b)(i), the division shall inform the
3274 individual making the request:
3275 (i) of the existence of all records in the possession of the division or any other state or
3276 local public agency;
3277 (ii) of the name and address of the individual or agency that originally created the

3278 record; and
3279 (iii) that the individual making the request must seek access to the record from the
3280 individual or agency that originally created the record.
3281 Section 61. Section **80-3-108**, which is renumbered from Section 78A-6-305 is
3282 renumbered and amended to read:
3283 **[~~78A-6-305~~]. 80-3-108. Opportunity for a minor to address the juvenile**
3284 **court -- Consideration of minor's statement outside of court.**
3285 (1) [~~For purposes of~~] As used in this section, "postadjudication hearing" means:
3286 (a) a dispositional hearing;
3287 (b) a permanency hearing; or
3288 (c) a review hearing, except a drug court review hearing.
3289 (2) A minor shall be present at any postadjudication hearing in a case relating to the
3290 abuse, neglect, or dependency of the minor, unless the juvenile court determines that:
3291 (a) requiring the minor to be present at the postadjudication hearing would be
3292 detrimental to the minor or impractical; or
3293 (b) the minor is not sufficiently mature to articulate the minor's wishes in relation to the
3294 hearing.
3295 (3) A juvenile court may, in the juvenile court's discretion, order that a minor described
3296 in Subsection (2) be present at a hearing that is not a postadjudication hearing.
3297 (4) (a) Except as provided in Subsection (4)(b), at any hearing in a case relating to the
3298 abuse, neglect, or dependency of a minor, when the minor is present at the hearing, the juvenile
3299 court shall:
3300 (i) ask the minor whether the minor desires the opportunity to address the juvenile
3301 court or testify; and
3302 (ii) if the minor desires an opportunity to address the juvenile court or testify, allow the
3303 minor to address the juvenile court or testify.
3304 (b) Subsection (4)(a) does not apply if the juvenile court determines that:
3305 (i) it would be detrimental to the minor to comply with Subsection (4)(a); or

3306 (ii) the minor is not sufficiently mature to articulate the minor's wishes in relation to
3307 the hearing.
3308 (c) Subject to applicable court rules, the juvenile court may allow the minor to address
3309 the court in camera.
3310 (d) If a minor 14 years [~~of age~~] old or older desires an opportunity to address the
3311 juvenile court or testify, the juvenile court shall give the minor's desires added weight, but may
3312 not treat the minor's desires as the single controlling factor in a postadjudication hearing or
3313 other hearing described in Subsection (3).
3314 (e) For the purpose of establishing the fact of abuse, neglect, or dependency, the
3315 juvenile court may, in the juvenile court's discretion, consider evidence of statements made by
3316 a child under eight years old to an individual in a trust relationship.
3317 (5) [~~Nothing in this section prohibits~~] This section does not prohibit a minor from
3318 being present at a hearing that the minor is not required to be at [~~by~~] under this section or by
3319 court order, unless the juvenile court orders otherwise.
3320 Section 62. Section **80-3-109**, which is renumbered from Section 78A-6-324 is
3321 renumbered and amended to read:
3322 **[~~78A-6-324~~]. 80-3-109. Physical or mental health examination during**
3323 **proceedings -- Division duties.**
3324 [~~(1) When a mental health practitioner is appointed in any juvenile court proceeding to~~
3325 ~~evaluate the mental health of a parent or a minor, or to provide mental health services to a~~
3326 ~~parent or minor, the court:~~]
3327 (1) In a proceeding under this chapter, the juvenile court:
3328 (a) may appoint any mental health therapist, as defined in Section 58-60-102, [~~which~~]
3329 who the juvenile court finds to be qualified[~~; and~~] to:
3330 (i) evaluate the mental health of a minor or provide mental health services to the minor;
3331 or
3332 (ii) after notice and a hearing set for the specific purpose, evaluate the mental health of
3333 the minor's parent or guardian or provide mental health services to the parent or guardian if the

3334 juvenile court finds from the evidence presented at the hearing that the parent's or guardian's
3335 mental or emotional condition may be a factor in causing the abuse, neglect, or dependency of
3336 the minor; or
3337 (b) may appoint a physician or a physician assistant who the juvenile court finds to be
3338 qualified to:
3339 (i) physically examine the minor; or
3340 (ii) after notice and a hearing set for the specific purpose, physically examine the
3341 minor's parent or guardian if the juvenile court finds from the evidence presented at the hearing
3342 that the parent's or guardian's physical condition may be a factor in causing the abuse, neglect,
3343 or dependency of the minor.
3344 [~~(b)~~] (2) The juvenile court may not refuse to appoint a mental health therapist under
3345 Subsection (1) for the reason that the therapist's recommendations in another case [~~have not~~
3346 ~~followed~~] did not follow the recommendations of the [~~Division of Child and Family Services~~]
3347 division.
3348 [~~(2) This section applies to all juvenile court proceedings involving:~~]
3349 (3) The division shall, with regard to a minor in the division's custody:
3350 (a) take reasonable measures to notify a minor's parent or guardian of any
3351 non-emergency health treatment or care scheduled for a minor;
3352 (b) include the minor's parent or guardian as fully as possible in making health care
3353 decisions for the minor;
3354 (c) defer to the minor's parent's or guardian's reasonable and informed decisions
3355 regarding the minor's health care to the extent that the minor's health and well-being are not
3356 unreasonably compromised by the parent's or guardian's decision; and
3357 (d) notify the minor's parent or guardian within five business days after the day on
3358 which the minor receives emergency health care or treatment.
3359 (4) An examination conducted in accordance with Subsection (1) is not a privileged
3360 communication under Utah Rules of Evidence, Rule 506(d)(3), and is exempt from the general
3361 rule of privilege.

3362 (5) Subsection (1) applies to a proceeding under this chapter involving:
3363 (a) parents and minors; or
3364 (b) the [~~Division of Child and Family Services~~] division.
3365 Section 63. Section **80-3-110**, which is renumbered from Section 78A-6-115 is
3366 renumbered and amended to read:
3367 **[~~78A-6-115~~]. 80-3-110. Consideration of cannabis during proceedings.**
3368 [~~(1) (a) A verbatim record of the proceedings shall be taken in all cases that might~~
3369 ~~result in deprivation of custody as defined in this chapter. In all other cases a verbatim record~~
3370 ~~shall also be made unless dispensed with by the court.~~]
3371 [~~(b) (i) For purposes of this Subsection (1)(b):~~]
3372 [~~(A) "Record of a proceeding" does not include documentary materials of any type~~
3373 ~~submitted to the court as part of the proceeding, including items submitted under Subsection~~
3374 ~~(4)(a).~~]
3375 [~~(B) "Subjects of the record" includes the child's guardian ad litem, the child's legal~~
3376 ~~guardian, the Division of Child and Family Services, and any other party to the proceeding.~~]
3377 [~~(ii) Notwithstanding any other provision, including Title 63G, Chapter 2, Government~~
3378 ~~Records Access and Management Act, the court shall release a record of a proceeding made~~
3379 ~~under Subsection (1)(a) to any person upon a finding on the record for good cause.~~]
3380 [~~(iii) Following a petition for a record of a proceeding made under Subsection (1)(a),~~
3381 ~~the court shall:~~]
3382 [~~(A) provide notice to all subjects of the record that a request for release of the record~~
3383 ~~has been made; and~~]
3384 [~~(B) allow sufficient time for the subjects of the record to respond before making a~~
3385 ~~finding on the petition.~~]
3386 [~~(iv) A record of a proceeding may not be released under this Subsection (1)(b) if the~~
3387 ~~court's jurisdiction over the subjects of the proceeding ended more than 12 months before the~~
3388 ~~day on which the request is made.~~]
3389 [~~(2) (a) Except as provided in Subsection (2)(b), the county attorney or, if within a~~

3390 ~~prosecution district, the district attorney shall represent the state in any proceeding in a minor's~~
3391 ~~case.~~]
3392 [~~(b) Subject to the attorney general's prosecutorial discretion in civil enforcement~~
3393 ~~actions, the attorney general shall enforce all provisions of Title 62A, Chapter 4a, Child and~~
3394 ~~Family Services, and this chapter, relating to:~~]
3395 [~~(i) protection or custody of an abused, neglected, or dependent child; and~~]
3396 [~~(ii) petitions for termination of parental rights.~~]
3397 [~~(3) The board may adopt special rules of procedure to govern proceedings involving~~
3398 ~~violations of traffic laws or ordinances, wildlife laws, and boating laws. However, proceedings~~
3399 ~~involving offenses under Section 78A-6-606 are governed by that section regarding suspension~~
3400 ~~of driving privileges.~~]
3401 [~~(4) (a) For the purposes of determining proper disposition of the minor in~~
3402 ~~dispositional hearings and establishing the fact of abuse, neglect, or dependency in adjudication~~
3403 ~~hearings and in hearings upon petitions for termination of parental rights, written reports and~~
3404 ~~other material relating to the minor's mental, physical, and social history and condition may be~~
3405 ~~received in evidence and may be considered by the court along with other evidence. The court~~
3406 ~~may require that the individual who wrote the report or prepared the material appear as a~~
3407 ~~witness if the individual is reasonably available.~~]
3408 [~~(b) For the purpose of determining proper disposition of a minor alleged to be or~~
3409 ~~adjudicated as abused, neglected, or dependent, dispositional reports prepared by the division~~
3410 ~~under Section 78A-6-315 may be received in evidence and may be considered by the court~~
3411 ~~along with other evidence. The court may require any individual who participated in preparing~~
3412 ~~the dispositional report to appear as a witness, if the individual is reasonably available.~~]
3413 [~~(5) (a) Except as provided in Subsections (5)(c) through (e), in an abuse, neglect, or~~
3414 ~~dependency proceeding occurring after the commencement of a shelter hearing under Section~~
3415 ~~78A-6-306 or the filing of a petition under Section 78A-6-304, each party to the proceeding~~
3416 ~~shall provide in writing to the other parties or their counsel any information which the party:~~]
3417 [~~(i) plans to report to the court at the proceeding; or~~]

3418 [~~(ii) could reasonably expect would be requested of the party by the court at the~~
3419 ~~proceeding.~~]
3420 [~~(b) The disclosure required under Subsection (5)(a) shall be made:~~]
3421 [~~(i) for dispositional hearings under Sections 78A-6-311 and 78A-6-312, no less than~~
3422 ~~five days before the day on which the proceeding is held;~~]
3423 [~~(ii) for proceedings under Chapter 6, Part 5, Termination of Parental Rights Act, in~~
3424 ~~accordance with Utah Rules of Civil Procedure; and~~]
3425 [~~(iii) for all other proceedings, no less than five days before the day on which the~~
3426 ~~proceeding is held.~~]
3427 [~~(c) The division is not required to provide a court report or a child and family plan to~~
3428 ~~each party to the proceeding if:~~]
3429 [~~(i) the information is electronically filed with the court; and~~]
3430 [~~(ii) each party to the proceeding has access to the electronically filed information.~~]
3431 [~~(d) If a party to a proceeding obtains information after the deadline in Subsection~~
3432 ~~(5)(b), the information is exempt from the disclosure required under Subsection (5)(a) if the~~
3433 ~~party certifies to the court that the information was obtained after the deadline.~~]
3434 [~~(e) Subsection (5)(a) does not apply to:~~]
3435 [~~(i) pretrial hearings; and~~]
3436 [~~(ii) the frequent, periodic review hearings held in a dependency drug court case to~~
3437 ~~assess and promote the parent's progress in substance use disorder treatment.~~]
3438 [~~(6) For the purpose of establishing the fact of abuse, neglect, or dependency, the court~~
3439 ~~may, in the court's discretion, consider evidence of statements made by a child under eight~~
3440 ~~years of age to an individual in a trust relationship.~~]
3441 [~~(7)~~] (1) [~~(a)~~] As used in this [~~Subsection (7)~~] section:
3442 [~~(i)~~] (a) "Cannabis" means the same as that term is defined in Section 26-61a-102.
3443 [~~(ii)~~] (b) "Cannabis product" means the same as that term is defined in Section
3444 26-61a-102.
3445 [~~(iii) (A)~~] (c) (i) "Chronic" means repeated or patterned.

3446 [~~(B)~~] (ii) "Chronic" does not mean an isolated incident.
3447 [~~(iv)~~] (d) "Directions of use" means the same as that term is defined in Section
3448 26-61a-102.
3449 [~~(v)~~] (e) "Dosing guidelines" means the same as that term is defined in Section
3450 26-61a-102.
3451 [~~(vi)~~] (f) "Medical cannabis" means the same as that term is defined in Section
3452 26-61a-102.
3453 [~~(vii)~~] (g) "Medical cannabis cardholder" means the same as that term is defined in
3454 Section 26-61a-102.
3455 [~~(viii)~~] (h) "Qualified medical provider" means the same as that term is defined in
3456 Section 26-61a-102.
3457 [~~(b)~~] (2) In [~~any child welfare proceeding~~] a proceeding under this chapter, in which
3458 the juvenile court makes a finding, determination, or otherwise considers an individual's
3459 possession or use of medical cannabis, a cannabis product, or a medical cannabis device, the
3460 juvenile court may not consider or treat the individual's possession or use any differently than
3461 the lawful possession or use of any prescribed controlled substance if:
3462 [~~(i)~~] (a) the individual's possession or use complies with Title 4, Chapter 41a, Cannabis
3463 Production Establishments;
3464 [~~(ii)~~] (b) the individual's possession or use complies with Subsection 58-37-3.7(2) or
3465 (3); or
3466 [~~(iii) (A)~~] (c) (i) the individual's possession or use complies with Title 26, Chapter 61a,
3467 Utah Medical Cannabis Act; and
3468 [~~(B)~~] (ii) the individual reasonably complies with the directions of use and dosing
3469 guidelines determined by the individual's qualified medical provider or through a consultation
3470 described in Subsection 26-61a-502(4) or (5).
3471 [~~(c)~~] (3) In a [~~child welfare proceeding~~] proceeding under this chapter, a child's parent's
3472 or guardian's use of cannabis or a cannabis product is not abuse or neglect of [~~a~~] the child
3473 [~~under Section 78A-6-105~~] unless there is evidence showing that:

3474 [~~(i)~~] (a) the child is harmed because of the child's inhalation or ingestion of cannabis,
3475 or because of cannabis being introduced to the child's body in another manner; or
3476 [~~(ii)~~] (b) the child is at an unreasonable risk of harm because of chronic inhalation or
3477 ingestion of cannabis or chronic introduction of cannabis to the child's body in another manner.
3478 [~~(d)~~] (4) Unless there is harm or an unreasonable risk of harm to the child as described
3479 in Subsection [~~(7)(c)~~] (3), in a child welfare proceeding under this chapter, a child's parent's or
3480 guardian's use of medical cannabis or a cannabis product is not contrary to the best interests of
3481 [~~a~~] the child if:
3482 [~~(i)~~] (a) for a medical cannabis cardholder after January 1, 2021, the parent's or
3483 guardian's possession or use complies with Title 26, Chapter 61a, Utah Medical Cannabis Act,
3484 and there is no evidence that the parent's or guardian's use of medical cannabis unreasonably
3485 deviates from the directions of use and dosing guidelines determined by the parent's or
3486 guardian's qualified medical provider or through a consultation described in Subsection
3487 26-61a-502(4) or (5); or
3488 [~~(ii)~~] (b) before January 1, 2021, the parent's or guardian's possession or use complies
3489 with Subsection 58-37-3.7(2) or (3).
3490 [~~(e)~~] (5) Subsection [~~(7)(c)~~] (3) does not prohibit a finding of abuse or neglect of a
3491 child [~~under Section 78A-6-105~~], and Subsection [~~(7)(d)~~] (3) does not prohibit a finding that a
3492 parent's or guardian's use of medical cannabis or a cannabis product is contrary to the best
3493 interests of a child, if there is evidence showing a nexus between the parent's or guardian's use
3494 of cannabis or a cannabis product and behavior that would separately constitute abuse or
3495 neglect of the child.
3496 Section 64. Section **80-3-201**, which is renumbered from Section 78A-6-304 is
3497 renumbered and amended to read:
3498 **Part 2. Petition Alleging Abuse, Neglect, or Dependency**
3499 **[~~78A-6-304~~]. 80-3-201. Petition -- Who may file -- Timing -- Dismissal --**
3500 **Notice.**
3501 [~~(1) For purposes of this section, "petition" means a petition to commence proceedings~~

3502 ~~in a juvenile court alleging that a child is:~~]
3503 [~~(a) abused;~~]
3504 [~~(b) neglected; or~~]
3505 [~~(c) dependent.~~]
3506 [~~(2) (a)~~] (1) Subject to Subsection (2)[~~(b)~~], any interested person may file [~~a~~] an abuse,
3507 neglect, or dependency petition.
3508 [~~(b)~~] (2) A person described in Subsection [~~(2)(a)~~] (1) shall make a referral with the
3509 division before the person files [~~a~~] an abuse, neglect, or dependency petition.
3510 [~~(3) If the child who is the subject of a petition is removed from the child's home by the~~
3511 ~~division, the petition shall be filed on or before the date of the initial shelter hearing described~~
3512 ~~in Section 78A-6-306.~~]
3513 [~~(4) The petition shall be verified, and contain all of the following:~~]
3514 [~~(a) the name, age, and address, if any, of the child upon whose behalf the petition is~~
3515 ~~brought;~~]
3516 [~~(b) the names and addresses, if known to the petitioner, of both parents and any~~
3517 ~~guardian of the child;~~]
3518 [~~(c) a concise statement of facts, separately stated, to support the conclusion that the~~
3519 ~~child upon whose behalf the petition is being brought is abused, neglected, or dependent; and~~]
3520 [~~(d) a statement regarding whether the child is in protective custody, and if so, the date~~
3521 ~~and precise time the child was taken into protective custody.~~]
3522 [~~(5) If a petition is filed under this section, and a petition for termination of parental~~
3523 ~~rights is filed under Section 78A-6-504 before a dispositional hearing, a party may request a~~
3524 ~~hearing on whether reunification services are appropriate in accordance with the factors~~
3525 ~~described in Subsections 78A-6-312(21) and (23).~~]
3526 (3) If a child who is the subject of an abuse, neglect, or dependency petition is removed
3527 from the child's home by the division, the petition shall be filed on or before the day on which
3528 the initial shelter hearing described in Section 80-3-301 is held.
3529 (4) An abuse, neglect, or dependency petition shall include:

3530 (a) a concise statement of facts, separately stated, to support the conclusion that the
3531 child upon whose behalf the abuse, neglect, or dependency petition is brought is abused,
3532 neglected, or dependent; and
3533 (b) a statement regarding whether the child is in protective custody, and if so, the date
3534 and precise time the child was taken into protective custody.
3535 (5) (a) Upon the filing of an abuse, neglect, or dependency petition, the petitioner shall
3536 serve the petition and notice on:
3537 (i) the guardian ad litem;
3538 (ii) both parents and any guardian of the child; and
3539 (iii) the child's foster parents.
3540 (b) The notice described in Subsection (5) shall contain all of the following:
3541 (i) the name and address of the person to whom the notice is directed;
3542 (ii) the date, time, and place of the hearing on the petition;
3543 (iii) the name of the child on whose behalf the petition is brought;
3544 (iv) a statement that the parent or guardian to whom notice is given, and the child, are
3545 entitled to have an attorney present at the hearing on the petition, and that if the parent or
3546 guardian is indigent and cannot afford an attorney, and desires to be represented by an attorney,
3547 one will be provided; and
3548 (v) a statement that the parent or legal guardian is liable for the cost of support of the
3549 child in the protective custody, temporary custody, and custody of the division, and for legal
3550 counsel appointed for the parent or guardian under Subsection (5)(b)(iv), according to the
3551 parent's or guardian's financial ability.
3552 (6) The petitioner shall serve the abuse, neglect, or dependency petition and notice
3553 under this section on all individuals described in Subsection (5)(a) as soon as possible after the
3554 petition is filed and at least five days before the day on which the hearing is set.
3555 (7) The juvenile court may dismiss an abuse, neglect, or dependency petition at any
3556 stage of the proceedings.
3557 (8) If an abuse, neglect, or dependency petition includes an allegation of educational

3558 neglect, Sections 53G-6-210 and 53G-6-211 are applicable to the proceedings under this
3559 chapter.
3560 Section 65. Section **80-3-202**, which is renumbered from Section 78A-6-107 is
3561 renumbered and amended to read:
3562 **[~~78A-6-107~~]. 80-3-202. Expedited filing of petition.**
3563 [~~(1) For purposes of this section, "petition" means a petition, under Section 78A-6-304,~~
3564 ~~to commence proceedings in a juvenile court alleging that a child is:~~]
3565 [~~(a) abused;~~]
3566 [~~(b) neglected; or~~]
3567 [~~(c) dependent.~~]
3568 [~~(2) If a~~] (1) If an abuse, neglect, or dependency petition is requested by the division,
3569 the attorney general shall file the abuse, neglect, or dependency petition within 72 hours [~~of~~]
3570 after the completion of the division's investigation and request, excluding weekends and
3571 holidays, if:
3572 (a) the child who is the subject of the requested abuse, neglect, or dependency petition
3573 is not removed from the child's home by the division; and
3574 (b) without an expedited hearing and services ordered under the protective supervision
3575 of the juvenile court, the child will likely be taken into protective custody.
3576 [~~(3)~~] (2) The juvenile court shall give scheduling priority to the pretrial and
3577 adjudication hearings on [~~a~~] an abuse, neglect, or dependency petition if:
3578 (a) the child who is the subject of the petition is not in:
3579 (i) protective custody; or
3580 (ii) temporary custody; and
3581 (b) the division indicates in the petition that, without expedited hearings and services
3582 ordered under the protective supervision of the court, the child will likely be taken into
3583 protective custody.
3584 Section 66. Section **80-3-203** is enacted to read:
3585 **80-3-203. Expedited hearing for temporary custody.**

3586 (1) After an abuse, neglect, or dependency petition is filed, the juvenile court may
3587 make an order:
3588 (a) providing for temporary custody of the child who is the subject of the petition; or
3589 (b) that the division provide protective services to the child who is the subject of the
3590 petition if the juvenile court determines that:
3591 (i) the child is at risk of being removed from the child's home due to abuse or neglect;
3592 and
3593 (ii) the provision of protective services may make the removal described in Subsection
3594 (1)(b)(i) unnecessary.
3595 (2) (a) The juvenile court shall hold an expedited hearing to determine whether a child
3596 should be placed in temporary custody if:
3597 (i) a person files an abuse, neglect, or dependency petition;
3598 (ii) a party to the proceeding files a motion for expedited placement in temporary
3599 custody; and
3600 (iii) notice of the hearing described in this Subsection (1)(a) is served consistent with
3601 the requirements for notice of a shelter hearing under Section 80-3-301.
3602 (b) The hearing described in Subsection (2)(a):
3603 (i) shall be held within 72 hours, excluding weekends and holidays, after the time in
3604 which the motion described in Subsection (2)(a)(ii) is filed; and
3605 (ii) shall be considered a shelter hearing under Section 80-3-301 and Utah Rules of
3606 Juvenile Procedure, Rule 13.
3607 (3) (a) The hearing and notice described in Subsection (1) are subject to:
3608 (i) Section 80-3-301;
3609 (ii) Section 80-3-302; and
3610 (iii) the Utah Rules of Juvenile Procedure.
3611 (b) After the hearing described in Subsection (1), the juvenile court may order a child
3612 placed in the temporary custody of the division.
3613 Section 67. Section **80-3-204**, which is renumbered from Section 78A-6-302 is

3614 renumbered and amended to read:

3615 **[~~78A-6-302~~]. 80-3-204. Protective custody of a child after a petition is filed**
3616 **-- Grounds.**

3617 (1) When [~~a~~] an abuse, neglect, or dependency petition is filed [~~under Section~~
3618 ~~78A-6-304~~], the juvenile court shall apply, in addressing the petition, the least restrictive means
3619 and alternatives available to accomplish a compelling state interest and to prevent irretrievable
3620 destruction of family life as described in Subsections 62A-4a-201(1) and (7)(a) and Section
3621 [~~78A-6-503~~] 80-4-104.

3622 (2) After [~~a petition has been filed under Section 78A-6-304~~] an abuse, neglect, or
3623 dependency petition is filed, if the child who is the subject of the petition is not in [~~the~~]
3624 protective custody [~~of the division~~], a juvenile court may order that the child be removed from
3625 the child's home or otherwise taken into protective custody if the juvenile court finds, by a
3626 preponderance of the evidence, that any one or more of the following circumstances exist:

3627 (a) (i) there is an imminent danger to the physical health or safety of the child; and

3628 (ii) the child's physical health or safety may not be protected without removing the
3629 child from the custody of the child's parent or guardian;

3630 (b) (i) a parent or guardian engages in or threatens the child with unreasonable conduct
3631 that causes the child to suffer harm; and

3632 (ii) there are no less restrictive means available by which the child's emotional health
3633 may be protected without removing the child from the custody of the child's parent or guardian;

3634 (c) the child or another child residing in the same household has been, or is considered
3635 to be at substantial risk of being, physically abused, sexually abused, or sexually exploited, by a
3636 parent or guardian, a member of the parent's or guardian's household, or other [~~person~~]
3637 individual known to the parent or guardian;

3638 (d) the parent or guardian is unwilling to have physical custody of the child;

3639 (e) the child is abandoned or left without any provision for the child's support;

3640 (f) a parent or guardian who has been incarcerated or institutionalized has not arranged
3641 or cannot arrange for safe and appropriate care for the child;

3642 (g) (i) a relative or other adult custodian with whom the child is left by the parent or
3643 guardian is unwilling or unable to provide care or support for the child;
3644 (ii) the whereabouts of the parent or guardian are unknown; and
3645 (iii) reasonable efforts to locate the parent or guardian are unsuccessful;
3646 (h) subject to [~~Subsections 78A-6-105(39)~~] Subsection 80-1-102(51)(b) and
3647 [~~78A-6-117(2) and Section 78A-6-301.5~~] Sections 80-3-109 and 80-3-304, the child is in
3648 immediate need of medical care;
3649 (i) (i) a parent's or guardian's actions, omissions, or habitual action create an
3650 environment that poses a serious risk to the child's health or safety for which immediate
3651 remedial or preventive action is necessary; or
3652 (ii) a parent's or guardian's action in leaving a child unattended would reasonably pose
3653 a threat to the child's health or safety;
3654 (j) the child or another child residing in the same household has been neglected;
3655 (k) the child's natural parent:
3656 (i) intentionally, knowingly, or recklessly causes the death of another parent of the
3657 child;
3658 (ii) is identified by a law enforcement agency as the primary suspect in an investigation
3659 for intentionally, knowingly, or recklessly causing the death of another parent of the child; or
3660 (iii) is being prosecuted for or has been convicted of intentionally, knowingly, or
3661 recklessly causing the death of another parent of the child;
3662 (l) an infant has been abandoned, as defined in Section [~~78A-6-316~~] 80-4-203;
3663 (m) (i) the parent or guardian, or an adult residing in the same household as the parent
3664 or guardian, is charged or arrested pursuant to Title 58, Chapter 37d, Clandestine Drug Lab
3665 Act; and
3666 (ii) any clandestine laboratory operation was located in the residence or on the property
3667 where the child resided; or
3668 (n) the child's welfare is otherwise endangered.
3669 (3) (a) For purposes of Subsection (2)(a), if a child has previously been adjudicated as

3670 abused, neglected, or dependent, and a subsequent incident of abuse, neglect, or dependency
3671 occurs involving the same substantiated abuser or under similar circumstance as the previous
3672 abuse, that fact [~~constitutes~~] is prima facie evidence that the child cannot safely remain in the
3673 custody of the child's parent.
3674 (b) For purposes of Subsection (2)(c):
3675 (i) another child residing in the same household may not be removed from the home
3676 unless that child is considered to be at substantial risk of being physically abused, sexually
3677 abused, or sexually exploited as described in Subsection (2)(c) or Subsection (3)(b)(ii); and
3678 (ii) if a parent or guardian has received actual notice that physical abuse, sexual abuse,
3679 or sexual exploitation by [~~a person~~] an individual known to the parent has occurred, and there
3680 is evidence that the parent or guardian failed to protect the child, after having received the
3681 notice, by allowing the child to be in the physical presence of the alleged abuser, that fact
3682 [~~constitutes~~] is prima facie evidence that the child is at substantial risk of being physically
3683 abused, sexually abused, or sexually exploited.
3684 (4) (a) For purposes of Subsection (2), if the division files [~~a~~] an abuse, neglect, or
3685 dependency petition [~~under Section 78A-6-304~~], the juvenile court shall consider the division's
3686 safety and risk assessments described in Section 62A-4a-203.1 to determine whether a child
3687 should be removed from the custody of the child's parent or guardian or should otherwise be
3688 taken into protective custody.
3689 (b) The division shall make a diligent effort to provide the safety and risk assessments
3690 described in Section 62A-4a-203.1 to the juvenile court, guardian ad litem, and counsel for the
3691 parent or guardian, as soon as practicable before the shelter hearing described in Section
3692 [~~78A-6-306~~] 80-3-301.
3693 (5) In the absence of one of the factors described in Subsection (2), a juvenile court
3694 may not remove a child from the parent's or guardian's custody on the basis of:
3695 (a) educational neglect, truancy, or failure to comply with a court order to attend
3696 school;
3697 (b) mental illness or poverty of the parent or guardian; [~~or~~]

3698 (c) disability of the parent or guardian, as defined in Section 57-21-2[~~.~~]; or
3699 (d) the possession or use, in accordance with Title 26, Chapter 61a, Utah Medical
3700 Cannabis Act, of cannabis in a medicinal dosage form, a cannabis product in a medicinal
3701 dosage form, or a medical cannabis device, as those terms are defined in Section 26-61a-102.
3702 (6) A child removed from the custody of the child's parent or guardian under this
3703 section may not be placed or kept in [~~a secure detention facility pending further court~~
3704 ~~proceedings unless the child is detainable based on guidelines promulgated by the Division of~~
3705 ~~Juvenile Justice Services~~] detention, unless the child may be admitted to detention under
3706 Chapter 6, Part 2, Custody and Detention.
3707 (7) This section does not preclude removal of a child from the child's home without a
3708 warrant or court order under Section 62A-4a-202.1.
3709 (8) (a) Except as provided in Subsection (8)(b), [~~a court or the Division of Child and~~
3710 ~~Family Services may not~~] a juvenile court and the division may not remove a child from the
3711 custody of the child's parent or guardian on the sole or primary basis that the parent or guardian
3712 refuses to consent to:
3713 (i) the administration of a psychotropic medication to a child;
3714 (ii) a psychiatric, psychological, or behavioral treatment for a child; or
3715 (iii) a psychiatric or behavioral health evaluation of a child.
3716 (b) Notwithstanding Subsection (8)(a), [~~a court or the Division of Child and Family~~
3717 ~~Services~~] a juvenile court or the division may remove a child under conditions that would
3718 otherwise be prohibited under Subsection (8)(a) if failure to take an action described under
3719 Subsection (8)(a) would present a serious, imminent risk to the child's physical safety or the
3720 physical safety of others.
3721 Section 68. Section **80-3-205**, which is renumbered from Section 78A-6-322 is
3722 renumbered and amended to read:
3723 **[~~78A-6-322~~]. 80-3-205. Coordination of proceedings.**
3724 (1) In each case where an information or indictment [~~has been~~] is filed against a
3725 defendant concerning abuse, neglect, or dependency of a child, and a petition [~~has been~~] is filed

3726 in juvenile court concerning the victim, the appropriate county attorney's or district attorney's
3727 office shall coordinate with the attorney general's office.
3728 (2) Law enforcement personnel, [~~Division of Child and Family Services~~] division
3729 personnel, the appointed guardian ad litem, pretrial services personnel, and corrections
3730 personnel shall make reasonable efforts to facilitate the coordination required [~~by~~] under this
3731 section.
3732 (3) [~~Members of interdisciplinary child protection teams, established under Section~~
3733 ~~62A-4a-409~~;] A member of a child protection team may participate in the coordination required
3734 [~~by~~] under this section.
3735 (4) [~~Members of a child protection unit, established under Section 10-3-913 or~~
3736 ~~17-22-2~~;] A member of a child protection unit may coordinate with the attorney general's
3737 office, [~~Division of Child and Family Services~~] division personnel, the appointed guardian ad
3738 litem, pretrial services personnel, and corrections personnel as appropriate under this section.
3739 Section 69. Section **80-3-206** is enacted to read:
3740 **80-3-206. Mediation.**
3741 If an abuse, neglect, or dependency petition is filed, or if a matter is referred to the
3742 juvenile court under Subsection 78A-6-104(1)(a)(iii), the juvenile court may require the parties
3743 to participate in mediation in accordance with Title 78B, Chapter 6, Part 2, Alternative Dispute
3744 Resolution Act.
3745 Section 70. Section **80-3-207** is enacted to read:
3746 **80-3-207. Modification of petition -- Continuance.**
3747 (1) When it appears in a proceeding under this chapter that evidence presented points
3748 to material facts not alleged in the abuse, neglect, or dependency petition, the juvenile court
3749 may consider the additional or different matters raised by the evidence if the parties consent.
3750 (2) The juvenile court on motion of any interested party, or on the juvenile court's own
3751 motion, shall direct that the abuse, neglect, or dependency petition be amended to conform to
3752 the evidence described in Subsection (1).
3753 (3) If the amendment described in Subsection (2) results in a substantial departure from

3754 the facts originally alleged in the abuse, neglect, or dependency petition, the juvenile court shall
3755 grant a continuance as justice may require in accordance with Utah Rules of Juvenile
3756 Procedure, Rule 54.
3757 Section 71. Section **80-3-301**, which is renumbered from Section 78A-6-306 is
3758 renumbered and amended to read:
3759 **Part 3. Shelter Proceedings and Placement of a Child**
3760 **[~~78A-6-306~~]. 80-3-301. Shelter hearing -- Court considerations.**
3761 (1) A juvenile court shall hold a shelter hearing [~~shall be held~~] to determine the
3762 temporary custody of a child within 72 hours, excluding weekends and holidays, after any one
3763 or all of the following occur:
3764 (a) removal of the child from the child's home by the division;
3765 (b) placement of the child in [~~the~~] protective custody [~~of the division~~];
3766 (c) emergency placement under Subsection 62A-4a-202.1[~~(4)~~](7);
3767 (d) as an alternative to removal of the child, a parent enters a domestic violence shelter
3768 at the request of the division; or
3769 [~~(e) a "Motion for Expedited Placement in Temporary Custody" is filed under~~
3770 ~~Subsection 78A-6-106(4)~~]
3771 (e) a motion for expedited placement in temporary custody is filed under Section
3772 80-3-203.
3773 (2) If one of the circumstances described in Subsections (1)(a) through (e) occurs, the
3774 division shall issue a notice that contains all of the following:
3775 (a) the name and address of the [~~person~~] individual to whom the notice is directed;
3776 (b) the date, time, and place of the shelter hearing;
3777 (c) the name of the child on whose behalf [~~a~~] an abuse, neglect, or dependency petition
3778 is [~~being~~] brought;
3779 (d) a concise statement regarding:
3780 (i) the reasons for removal or other action of the division under Subsection (1); and
3781 (ii) the allegations and code sections under which the proceeding [~~has been~~] is

3782 instituted;
3783 (e) a statement that the parent or guardian to whom notice is given, and the child, are
3784 entitled to have an attorney present at the shelter hearing, and that if the parent or guardian is
3785 [~~indigent~~] an indigent individual and cannot afford an attorney, and desires to be represented by
3786 an attorney, one will be provided in accordance with Title 78B, Chapter 22, Indigent Defense
3787 Act; and
3788 (f) a statement that the parent or guardian is liable for the cost of support of the child in
3789 the protective custody, temporary custody, and custody of the division, and the cost for legal
3790 counsel appointed for the parent or guardian under Subsection (2)(e), according to the financial
3791 ability of the parent or guardian.
3792 (3) The notice described in Subsection (2) shall be personally served as soon as
3793 possible, but no later than one business day after [~~removal of~~] the day on which the child is
3794 removed from the child's home, or the [~~filing of a "Motion for Expedited Placement in~~
3795 ~~Temporary Custody" under Subsection 78A-6-106(4)~~] day on which a motion for expedited
3796 placement in temporary custody under Section 80-3-203 is filed, on:
3797 (a) the appropriate guardian ad litem; and
3798 (b) both parents and any guardian of the child, unless the parents or guardians cannot
3799 be located.
3800 (4) [~~The~~] Notwithstanding Section 80-3-104, the following [~~persons~~] individuals shall
3801 be present at the shelter hearing:
3802 (a) the child, unless it would be detrimental for the child;
3803 (b) the child's parents or guardian, unless the parents or guardian cannot be located, or
3804 fail to appear in response to the notice;
3805 (c) counsel for the parents, if one is requested;
3806 (d) the child's guardian ad litem;
3807 (e) the [~~caseworker~~] child welfare worker from the division who is assigned to the
3808 case; and
3809 (f) the attorney from the attorney general's office who is representing the division.

3810 (5) (a) At the shelter hearing, the juvenile court shall:
3811 (i) provide an opportunity to provide relevant testimony to:
3812 (A) the child's parent or guardian, if present; and
3813 (B) any other [~~person having~~] individual with relevant knowledge;
3814 (ii) subject to Section [~~78A-6-305~~] 80-3-108, provide an opportunity for the child to
3815 testify; and
3816 (iii) in accordance with Subsections [~~78A-6-307(18)(c)~~] 80-3-302(8)(c) through (e),
3817 grant preferential consideration to a relative or friend for the temporary placement of the child.
3818 (b) The juvenile court:
3819 (i) may consider all relevant evidence, in accordance with the Utah Rules of Juvenile
3820 Procedure;
3821 (ii) shall hear relevant evidence presented by the child, the child's parent or guardian,
3822 the requesting party, or [~~their~~] the requesting party's counsel; and
3823 (iii) may in [~~its~~] the juvenile court's discretion limit testimony and evidence to only that
3824 which goes to the issues of removal and the child's need for continued protection.
3825 (6) If the child is in [~~the~~] protective custody [~~of the division~~], the division shall report
3826 to the juvenile court:
3827 (a) the reason why the child was removed from the parent's or guardian's custody;
3828 (b) any services provided to the child and the child's family in an effort to prevent
3829 removal;
3830 (c) the need, if any, for continued shelter;
3831 (d) the available services that could facilitate the return of the child to the custody of
3832 the child's parent or guardian; and
3833 (e) subject to Subsections [~~78A-6-307(18)(c)~~] 80-3-302(8)(c) through (e), whether any
3834 relatives of the child or friends of the child's parents may be able and willing to accept
3835 temporary placement of the child.
3836 (7) The juvenile court shall consider all relevant evidence provided by [~~persons or~~
3837 ~~entities~~] an individual or entity authorized to present relevant evidence [~~pursuant to~~] under this

3838 section.
3839 (8) (a) If necessary to protect the child, preserve the rights of a party, or for other good
3840 cause shown, the juvenile court may grant no more than one continuance, not to exceed five
3841 judicial days.
3842 (b) A juvenile court shall honor, as nearly as practicable, the request by a parent or
3843 guardian for a continuance under Subsection (8)(a).
3844 (c) Notwithstanding Subsection (8)(a), if the division fails to provide the notice
3845 described in Subsection (2) within the time described in Subsection (3), the juvenile court may
3846 grant the request of a parent or guardian for a continuance, not to exceed five judicial days.
3847 (9) (a) If the child is in [~~the~~] protective custody [~~of the division~~], the juvenile court
3848 shall order that the child be returned to the custody of the parent or guardian unless [~~it~~] the
3849 juvenile court finds, by a preponderance of the evidence, consistent with the protections and
3850 requirements provided in Subsection 62A-4a-201(1), that any one of the following exists:
3851 (i) subject to Subsection (9)(b)(i), there is a serious danger to the physical health or
3852 safety of the child and the child's physical health or safety may not be protected without
3853 removing the child from the custody of the child's parent;
3854 (ii) (A) the child is suffering emotional damage that results in a serious impairment in
3855 the child's growth, development, behavior, or psychological functioning;
3856 (B) the parent or guardian is unwilling or unable to make reasonable changes that
3857 would sufficiently prevent future damage; and
3858 (C) there are no reasonable means available by which the child's emotional health may
3859 be protected without removing the child from the custody of the child's parent or guardian;
3860 (iii) there is a substantial risk that the child will suffer abuse or neglect if the child is
3861 not removed from the custody of the child's parent or guardian;
3862 (iv) subject to Subsection (9)(b)(ii), the child or a minor residing in the same
3863 household has been, or is considered to be at substantial risk of being, physically abused,
3864 sexually abused, or sexually exploited by [~~a~~]:
3865 (A) a parent or guardian;

3866 (B) a member of the parent's household or the guardian's household; or
3867 (C) [~~person~~] an individual known to the parent or guardian;
3868 (v) the parent or guardian is unwilling to have physical custody of the child;
3869 (vi) the child is without any provision for the child's support;
3870 (vii) a parent who is incarcerated or institutionalized has not or cannot arrange for safe
3871 and appropriate care for the child;
3872 (viii) (A) a relative or other adult custodian with whom the child is left by the parent or
3873 guardian is unwilling or unable to provide care or support for the child;
3874 (B) the whereabouts of the parent or guardian are unknown; and
3875 (C) reasonable efforts to locate the parent or guardian are unsuccessful;
3876 [~~(ix) subject to Subsections 78A-6-105(40)(b) and 78A-6-117(2) and Section~~
3877 ~~78A-6-301.5, the child is in immediate need of medical care;~~]
3878 (ix) subject to Subsection 80-1-102(51)(b) and Sections 80-3-109 and 80-3-304, the
3879 child is in immediate need of medical care;
3880 (x) (A) the physical environment or the fact that the child is left unattended beyond a
3881 reasonable period of time poses a threat to the child's health or safety; and
3882 (B) the parent or guardian is unwilling or unable to make reasonable changes that
3883 would remove the threat;
3884 (xi) (A) the child or a minor residing in the same household has been neglected; and
3885 (B) the parent or guardian is unwilling or unable to make reasonable changes that
3886 would prevent the neglect;
3887 (xii) the parent, guardian, or an adult residing in the same household as the parent or
3888 guardian, is charged or arrested pursuant to Title 58, Chapter 37d, Clandestine Drug Lab Act,
3889 and any clandestine laboratory operation was located in the residence or on the property where
3890 the child resided;
3891 (xiii) (A) the child's welfare is substantially endangered; and
3892 (B) the parent or guardian is unwilling or unable to make reasonable changes that
3893 would remove the danger; or

3894 (xiv) the child's natural parent:
3895 (A) intentionally, knowingly, or recklessly causes the death of another parent of the
3896 child;
3897 (B) is identified by a law enforcement agency as the primary suspect in an investigation
3898 for intentionally, knowingly, or recklessly causing the death of another parent of the child; or
3899 (C) is being prosecuted for or has been convicted of intentionally, knowingly, or
3900 recklessly causing the death of another parent of the child.
3901 (b) (i) Prima facie evidence of the finding described in Subsection (9)(a)(i) is
3902 established if:
3903 (A) a court previously adjudicated that the child suffered abuse, neglect, or dependency
3904 involving the parent; and
3905 (B) a subsequent incident of abuse, neglect, or dependency involving the parent occurs.
3906 (ii) For purposes of Subsection (9)(a)(iv), if the juvenile court finds that the parent
3907 knowingly allowed the child to be in the physical care of [~~a person~~] an individual after the
3908 parent received actual notice that the [~~person~~] individual physically abused, sexually abused, or
3909 sexually exploited the child, that fact [~~constitutes~~] is prima facie evidence that there is a
3910 substantial risk that the child will be physically abused, sexually abused, or sexually exploited.
3911 (10) (a) (i) The juvenile court shall [~~also~~] make a determination on the record as to
3912 whether reasonable efforts were made to prevent or eliminate the need for removal of the child
3913 from the child's home and whether there are available services that would prevent the need for
3914 continued removal.
3915 (ii) If the juvenile court finds that the child can be safely returned to the custody of the
3916 child's parent or guardian through the provision of [~~those~~] the services described in Subsection
3917 (10)(a)(i), the juvenile court shall place the child with the child's parent or guardian and order
3918 that [~~those~~] the services be provided by the division.
3919 (b) In accordance with federal law, the juvenile court shall consider the child's health,
3920 safety, and welfare as the paramount concern when making the determination described in
3921 Subsection (10)(a), and in ordering and providing the services[~~, the child's health, safety, and~~

3922 ~~welfare shall be the paramount concern, in accordance with federal law~~] described in
3923 Subsection (10)(a).
3924 (11) Where the division's first contact with the family occurred during an emergency
3925 situation in which the child could not safely remain at home, the juvenile court shall make a
3926 finding that any lack of preplacement preventive efforts, as described in Section 62A-4a-203,
3927 was appropriate.
3928 (12) In cases where [~~actual~~] sexual abuse, sexual exploitation, abandonment, severe
3929 abuse, or severe neglect are involved, [~~neither the division nor the court has~~] the juvenile court
3930 and the division do not have any duty to make [~~"~~]reasonable efforts[~~"~~] or to, in any other way,
3931 attempt to maintain a child in the child's home, return a child to the child's home, provide
3932 reunification services, or attempt to rehabilitate the offending parent or parents.
3933 (13) The juvenile court may not order continued removal of a child solely on the basis
3934 of educational neglect [~~as defined in Section 78A-6-105~~], truancy, or failure to comply with a
3935 court order to attend school.
3936 (14) (a) Whenever a juvenile court orders continued removal of a child under this
3937 section, the juvenile court shall state the facts on which [~~that~~] the decision is based.
3938 (b) If no continued removal is ordered and the child is returned home, the juvenile
3939 court shall state the facts on which [~~that~~] the decision is based.
3940 (15) If the juvenile court finds that continued removal and temporary custody are
3941 necessary for the protection of a child [~~pursuant to~~] under Subsection (9)(a), the juvenile court
3942 shall order continued removal regardless of:
3943 (a) any error in the initial removal of the child;
3944 (b) the failure of a party to comply with notice provisions; or
3945 (c) any other procedural requirement of this chapter or Title 62A, Chapter 4a, Child
3946 and Family Services.
3947 Section 72. Section **80-3-302**, which is renumbered from Section 78A-6-307 is
3948 renumbered and amended to read:
3949 **[~~78A-6-307~~]. 80-3-302. Shelter hearing -- Placement.**

3950 [~~(1) As used in this section:~~]
3951 [~~(a) "Friend" means an adult who:~~]
3952 [~~(i) has an established relationship with the child or a family member of the child; and~~]
3953 [~~(ii) is not a natural parent of the child.~~]
3954 [~~(b) (i) "Natural parent," notwithstanding Section 78A-6-105, means:~~]
3955 (1) As used in this section:
3956 (a) "Natural parent," notwithstanding Section 80-1-102, means:
3957 [~~(A)~~] (i) a biological or adoptive mother of the child;
3958 [~~(B)~~] (ii) an adoptive father of the child; or
3959 [~~(C)~~] (iii) a biological father of the child who:
3960 [~~(I)~~] (A) was married to the child's biological mother at the time the child was
3961 conceived or born; or
3962 [~~(II)~~] (B) has strictly complied with Sections 78B-6-120 through 78B-6-122, before
3963 removal of the child or voluntary surrender of the child by the custodial parent.
3964 [~~(ii)~~] (b) [~~The definition of "natural parent" described in Subsection (1)(b)(i) applies~~]
3965 "Natural parent" includes the individuals described in Subsection (1)(a) regardless of whether
3966 the child has been or will be placed with adoptive parents or whether adoption has been or will
3967 be considered as a long-term goal for the child.
3968 [~~(c) "Relative" means:~~]
3969 [~~(i) an adult who is the child's grandparent, great grandparent, aunt, great aunt, uncle,~~
3970 ~~great uncle, brother-in-law, sister-in-law, stepparent, first cousin, stepsibling, or sibling;~~]
3971 [~~(ii) a first cousin of the child's parent;~~]
3972 [~~(iii) an adult who is an adoptive parent of the child's sibling; or~~]
3973 [~~(iv) in the case of a child defined as an "Indian" under the Indian Child Welfare Act,~~
3974 ~~25 U.S.C. Sec. 1903, "relative" also means an "extended family member" as defined by that~~
3975 ~~statute.~~]
3976 (2) (a) At the shelter hearing, when the juvenile court orders that a child be removed
3977 from the custody of the child's parent in accordance with the requirements of Section

3978 [~~78A-6-306~~] 80-3-301, the juvenile court shall first determine whether there is another natural
3979 parent with whom the child was not residing at the time the events or conditions that brought
3980 the child within the juvenile court's jurisdiction occurred, who desires to assume custody of the
3981 child.
3982 (b) [~~If~~] Subject to Subsection (8), if another natural parent requests custody under
3983 Subsection (2)(a), the juvenile court shall place the child with that parent unless the juvenile
3984 court finds that the placement would be unsafe or otherwise detrimental to the child.
3985 [~~(c) This Subsection (2) is limited by Subsection (18)(b).~~]
3986 [~~(d) (i)~~] (c) The juvenile court:
3987 (i) shall make a specific finding regarding the fitness of the parent described in
3988 Subsection (2)(b) to assume custody, and the safety and appropriateness of the placement[~~.~~];
3989 (ii) [~~The court~~] shall, at a minimum, order the division to visit the parent's home,
3990 comply with the criminal background check provisions described in Section [~~78A-6-308~~]
3991 80-3-305, and check the division's management information system for any previous reports of
3992 abuse or neglect received by the division regarding the parent at issue[~~.~~];
3993 (iii) [~~The court~~] may order the division to conduct any further investigation regarding
3994 the safety and appropriateness of the placement[~~.~~]; and
3995 [~~(iv) The division shall report the division's findings in writing to the court.~~]
3996 [~~(v)~~] (iv) [~~The court~~] may place the child in the temporary custody of the division,
3997 pending the juvenile court's determination regarding [~~that~~] the placement.
3998 (d) The division shall report the division's findings from an investigation regarding the
3999 child in writing to the juvenile court.
4000 (3) If the juvenile court orders placement with a parent under Subsection (2):
4001 (a) the child and the parent are under the continuing jurisdiction of the juvenile court;
4002 (b) the juvenile court may order:
4003 (i) that the parent [~~assume~~] take custody subject to the supervision of the juvenile
4004 court; and
4005 (ii) that services be provided to the parent from whose custody the child was removed,

4006 the parent who has assumed custody, or both; and
4007 (c) the juvenile court shall order reasonable parent-time with the parent from whose
4008 custody the child was removed, unless parent-time is not in the best interest of the child.
4009 (4) The juvenile court shall periodically review an order described in Subsection (3) to
4010 determine whether:
4011 (a) placement with the parent continues to be in the child's best interest;
4012 (b) the child should be returned to the original custodial parent;
4013 (c) the child should be placed [~~in the custody of~~] with a relative[~~, pursuant to~~] under
4014 Subsections (7) through [~~(12)~~] (10); or
4015 (d) the child should be placed in the temporary custody of the division.
4016 (5) The time limitations described in Section [~~78A-6-312~~] 80-3-406 with regard to
4017 reunification efforts apply to children placed with a previously noncustodial parent [~~in~~
4018 ~~accordance with~~] under Subsection (2).
4019 (6) (a) Legal custody of the child is not affected by an order entered under Subsection
4020 (2) or (3).
4021 (b) To affect a previous court order regarding legal custody, the party shall petition
4022 [~~that~~] the court for modification of [~~the order~~] legal custody.
4023 (7) [~~If~~] Subject to Subsection (8), if, at the time of the shelter hearing, a child is
4024 removed from the custody of the child's parent and is not placed in the custody of the child's
4025 other parent, the juvenile court:
4026 (a) shall, at that time, determine whether[~~, subject to Subsections (18)(c) through (e),~~]
4027 there is a relative or a friend who is able and willing to care for the child, which may include
4028 asking a child, who is of sufficient maturity to articulate the child's wishes in relation to a
4029 placement, if there is a relative or friend with whom the child would prefer to reside;
4030 (b) may order the division to conduct a reasonable search to determine whether[~~;~~
4031 ~~subject to Subsections (18)(c) through (e),~~] there are relatives or friends who are willing and
4032 appropriate, in accordance with the requirements of this [~~part~~] chapter and Title 62A, Chapter
4033 4a, Part 2, Child Welfare Services, for placement of the child;

4034 (c) shall order the parents to cooperate with the division, within five working days, to[~~,~~
4035 ~~subject to Subsections (18)(c) through (e),~~] provide information regarding relatives or friends
4036 who may be able and willing to care for the child; and
4037 (d) may order that the child be placed in the temporary custody of the division pending
4038 the determination under Subsection (7)(a).
4039 [~~(8) This section may not be construed as a guarantee that an identified relative or~~
4040 ~~friend will receive custody of the child.~~]
4041 [~~(9)~~] (8) (a) Subject to Subsections [~~(18)(c) through (e)~~] (8)(b) through (d), preferential
4042 consideration shall be given to a relative's or a friend's request for placement of the child, if [~~it~~]
4043 the placement is in the best interest of the child, and the provisions of this section are satisfied.
4044 (b) (i) The preferential consideration that a relative or friend is initially granted under
4045 Subsection (8)(a) expires 120 days after the day on which the shelter hearing occurs.
4046 (ii) After the day on which the time period described in Subsection (8)(b)(i) expires, a
4047 relative or friend, who has not obtained custody or asserted an interest in a child, may not be
4048 granted preferential consideration by the division or the juvenile court.
4049 (c) (i) The preferential consideration that a natural parent is initially granted under
4050 Subsection (2) is limited after 120 days after the day on which the shelter hearing occurs.
4051 (ii) After the time period described in Subsection (8)(c)(i), the juvenile court shall base
4052 the juvenile court's custody decision on the best interest of the child.
4053 (iii) Before the day on which the time period described in Subsection (8)(c)(i) expires,
4054 the following order of preference shall be applied when determining the individual with whom
4055 a child will be placed, provided that the individual is willing and able to care for the child:
4056 (A) a noncustodial parent of the child;
4057 (B) a relative of the child;
4058 (C) subject to Subsection (8)(d), a friend if the friend is a licensed foster parent; and
4059 (D) other placements that are consistent with the requirements of law.
4060 (d) In determining whether a friend is a willing, able, and appropriate placement for a
4061 child, the juvenile court or the division:

4062 (i) subject to Subsections (8)(d)(ii) through (iv), shall consider the child's preferences
4063 or level of comfort with the friend;
4064 (ii) is required to consider no more than one friend designated by each parent of the
4065 child and one friend designated by the child if the child is of sufficient maturity to articulate the
4066 child's wishes in relation to a placement;
4067 (iii) may limit the number of designated friends to two, one of whom shall be a friend
4068 designated by the child if the child is of sufficient maturity to articulate the child's wishes in
4069 relation to a placement; and
4070 (iv) shall give preference to a friend designated by the child if:
4071 (A) the child is of sufficient maturity to articulate the child's wishes; and
4072 (B) the basis for removing the child under Section 80-3-301 is sexual abuse of the
4073 child.
4074 (e) (i) If a parent of the child or the child, if the child is of sufficient maturity to
4075 articulate the child's wishes in relation to a placement, is not able to designate a friend who is a
4076 licensed foster parent for placement of the child, but is able to identify a friend who is willing
4077 to become licensed as a foster parent, the department shall fully cooperate to expedite the
4078 licensing process for the friend.
4079 (ii) If the friend described in Subsection (8)(e)(i) becomes licensed as a foster parent
4080 within the time frame described in Subsection (8)(b), the juvenile court shall determine
4081 whether it is in the best interest of the child to place the child with the friend.
4082 [~~(10)~~] (9) (a) If a [~~willing~~] relative or friend who is willing to cooperate with the child's
4083 permanency goal is identified under Subsection (7)(a), the juvenile court shall make a specific
4084 finding regarding:
4085 (i) the fitness of that relative or friend as a placement for the child; and
4086 (ii) the safety and appropriateness of placement with [~~that~~] the relative or friend.
4087 [~~(b) To be considered a "willing relative or friend" under this section, the relative or~~
4088 ~~friend shall be willing to cooperate with the child's permanency goal.~~]
4089 [~~(11) (a)~~] (b) In making the finding described in Subsection [~~(10)~~] (9)(a), the juvenile

4090 court shall, at a minimum, order the division to:
4091 (i) if the child may be placed with a relative, conduct a background check that includes:
4092 (A) completion of a nonfingerprint-based, Utah Bureau of Criminal Identification
4093 background check of the relative;
4094 (B) a completed search, relating to the relative, of the Management Information System
4095 described in Section 62A-4a-1003; and
4096 (C) a background check that complies with the criminal background check provisions
4097 described in Section [~~78A-6-308~~] 80-3-305, of each nonrelative, as defined in Section
4098 62A-4a-209, of the child who resides in the household where the child may be placed;
4099 (ii) if the child will be placed with a noncustodial parent, complete a background check
4100 that includes:
4101 (A) the background check requirements applicable to an emergency placement with a
4102 noncustodial parent that are described in Subsections 62A-4a-209(5) and (7);
4103 (B) a completed search, relating to the noncustodial parent of the child, of the
4104 Management Information System described in Section 62A-4a-1003; and
4105 (C) a background check that complies with the criminal background check provisions
4106 described in Section [~~78A-6-308~~] 80-3-305, of each nonrelative, as defined in Section
4107 62A-4a-209, of the child who resides in the household where the child may be placed;
4108 (iii) if the child may be placed with an individual other than a noncustodial parent or a
4109 relative, conduct a criminal background check of the individual, and each adult that resides in
4110 the household where the child may be placed, that complies with the criminal background
4111 check provisions described in Section [~~78A-6-308~~] 80-3-305;
4112 (iv) visit the relative's or friend's home;
4113 (v) check the division's management information system for any previous reports of
4114 abuse or neglect regarding the relative or friend at issue;
4115 (vi) report the division's findings in writing to the juvenile court; and
4116 (vii) provide sufficient information so that the juvenile court may determine whether:
4117 (A) the relative or friend has any history of abusive or neglectful behavior toward other

4118 children that may indicate or present a danger to this child;
4119 (B) the child is comfortable with the relative or friend;
4120 (C) the relative or friend recognizes the parent's history of abuse and is committed to
4121 protect the child;
4122 (D) the relative or friend is strong enough to resist inappropriate requests by the parent
4123 for access to the child, in accordance with court orders;
4124 (E) the relative or friend is committed to caring for the child as long as necessary; and
4125 (F) the relative or friend can provide a secure and stable environment for the child.
4126 [~~(b)~~] (c) The division may determine to conduct, or the juvenile court may order the
4127 division to conduct, any further investigation regarding the safety and appropriateness of the
4128 placement described in Subsection (9)(a).
4129 [~~(c)~~] (d) The division shall complete and file the division's assessment regarding
4130 placement with a relative or friend under Subsections (9)(a) and (b) as soon as practicable, in
4131 an effort to facilitate placement of the child with a relative or friend.
4132 [~~(12)~~] (10) (a) The juvenile court may place a child described in Subsection (2)(a) in
4133 the temporary custody of the division, pending the division's investigation [~~pursuant to~~
4134 ~~Subsections (10) and (11)~~] under Subsection (9), and the juvenile court's determination
4135 regarding the appropriateness of [~~that~~] the placement.
4136 (b) The juvenile court shall ultimately base the juvenile court's determination regarding
4137 the appropriateness of a placement with a relative or friend on the best interest of the child.
4138 [~~(13)~~] (11) When a juvenile court places a child described in Subsection (7) [~~in the~~
4139 ~~custody of~~] with the child's relative or friend:
4140 (a) the juvenile court:
4141 (i) shall order the relative or friend [~~assume~~] take custody, subject to the continuing
4142 supervision of the juvenile court; and
4143 (ii) may order the division provide necessary services to the child and the child's
4144 relative or friend, including the monitoring of the child's safety and well-being;
4145 (b) the child and the relative or friend in whose custody the child is placed are under

4146 the continuing jurisdiction of the juvenile court;
4147 (c) the juvenile court may enter any order that [~~it~~] the juvenile court considers
4148 necessary for the protection and best interest of the child;
4149 (d) the juvenile court shall provide for reasonable parent-time with the parent or
4150 parents from whose custody the child was removed, unless parent-time is not in the best
4151 interest of the child; and
4152 (e) the juvenile court shall conduct a periodic review no less often than every six
4153 months, to determine whether:
4154 (i) placement with the relative or friend continues to be in the child's best interest;
4155 (ii) the child should be returned home; or
4156 (iii) the child should be placed in the custody of the division.
4157 [~~(14)~~] (12) No later than 12 months after [~~placement with a relative or friend~~] the day
4158 on which the child was removed from the home, the juvenile court shall schedule a hearing for
4159 the purpose of entering a permanent order in accordance with the best interest of the child.
4160 [~~(15)~~] (13) The time limitations described in Section [~~78A-6-312~~] 80-3-406, with
4161 regard to reunification efforts, apply to children placed with a relative or friend [~~pursuant to~~]
4162 under Subsection (7).
4163 [~~(16)~~] (14) (a) If the juvenile court awards temporary custody of a child to the division,
4164 and the division places the child with a relative, the division shall:
4165 (i) conduct a criminal background check of the relative that complies with the criminal
4166 background check provisions described in Section [~~78A-6-308~~] 80-3-305; and
4167 (ii) if the results of the criminal background check described in Subsection [~~(16)~~]
4168 (14)(a)(i) would prohibit the relative from having direct access to the child under Section
4169 62A-2-120, the division shall:
4170 (A) take the child into physical custody; and
4171 (B) within three days, excluding weekends and holidays, after [~~taking the child~~] the day
4172 on which the child is taken into physical custody under Subsection [~~(16)~~] (14)(a)(ii)(A), give
4173 written notice to the juvenile court, and all parties to the proceedings, of the division's action.

4174 (b) [~~Nothing in Subsection (16)(a) prohibits~~] Subsection (14)(a) does not prohibit the
4175 division from placing a child with a relative, pending the results of the background check
4176 described in Subsection [~~(16)~~] (14)(a) on the relative.
4177 [~~(17)~~] (15) [~~When the~~] If the juvenile court orders that a child be removed from the
4178 custody of the child's parent and does not award custody and guardianship to another parent,
4179 relative, or friend under this section, the juvenile court shall order that the child be placed in
4180 the temporary custody of the division, to proceed to adjudication and disposition and to be
4181 provided with care and services in accordance with this chapter and Title 62A, Chapter 4a,
4182 Child and Family Services.
4183 [~~(18) (a) Any preferential consideration that a relative or friend is initially granted~~
4184 ~~pursuant to Subsection (9) expires 120 days from the date of the shelter hearing. After that time~~
4185 ~~period has expired, a relative or friend who has not obtained custody or asserted an interest in a~~
4186 ~~child, may not be granted preferential consideration by the division or the court.~~]
4187 [~~(b) When the time period described in Subsection (18)(a) has expired, the preferential~~
4188 ~~consideration, which is initially granted to a natural parent in accordance with Subsection (2),~~
4189 ~~is limited. After that time, the court shall base the court's custody decision on the best interest~~
4190 ~~of the child.~~]
4191 [~~(c) Before the expiration of the 120-day period described in Subsection (18)(a), the~~
4192 ~~following order of preference shall be applied when determining the individual with whom a~~
4193 ~~child will be placed, provided that the individual is willing, and has the ability, to care for the~~
4194 ~~child:~~]
4195 [~~(i) a noncustodial parent of the child;~~]
4196 [~~(ii) a relative of the child;~~]
4197 [~~(iii) subject to Subsection (18)(d), a friend, if the friend is a licensed foster parent;~~
4198 ~~and~~]
4199 [~~(iv) other placements that are consistent with the requirements of law.~~]
4200 [~~(d) In determining whether a friend is a willing and appropriate placement for a child,~~
4201 ~~the court or the division:~~]

4202 [~~(i) subject to Subsections (18)(d)(ii) through (iv), shall consider the child's preferences~~
4203 ~~or level of comfort with the friend;~~]
4204 [~~(ii) is required to consider no more than one friend designated by each parent of the~~
4205 ~~child and one friend designated by the child, if the child is of sufficient maturity to articulate~~
4206 ~~the child's wishes in relation to a placement;~~]
4207 [~~(iii) may limit the number of designated friends to two, one of whom shall be a friend~~
4208 ~~designated by the child, if the child is of sufficient maturity to articulate the child's wishes in~~
4209 ~~relation to a placement; and~~]
4210 [~~(iv) shall give preference to a friend designated by the child, if:~~]
4211 [~~(A) the child is of sufficient maturity to articulate the child's wishes; and~~]
4212 [~~(B) the basis for removing the child under Section 78A-6-306 is sexual abuse of the~~
4213 ~~child.~~]
4214 [~~(c) If a parent of the child or the child, if the child is of sufficient maturity to articulate~~
4215 ~~the child's wishes in relation to a placement, is not able to designate a friend who is a licensed~~
4216 ~~foster parent for placement of the child, but is able to identify a friend who is willing to become~~
4217 ~~licensed as a foster parent:~~]
4218 [~~(i) the department shall fully cooperate to expedite the licensing process for the friend;~~
4219 ~~and~~]
4220 [~~(ii) if the friend becomes licensed as a foster parent within the time frame described in~~
4221 ~~Subsection (18)(a), the court shall determine whether it is in the best interests of the child to~~
4222 ~~place the child with the friend.~~]
4223 [~~(19)~~] (16) If, following the shelter hearing, the child is placed with an individual who
4224 is not a parent, a relative, a friend, or a former foster parent of the child, priority shall be given
4225 to a foster placement with a married couple, unless it is in the best interests of the child to place
4226 the child with a single foster parent.
4227 [~~(20)~~] (17) In determining the placement of a child, [~~neither the court, nor the division,~~
4228 ~~may~~] the juvenile court and the division may not take into account, or discriminate against, the
4229 religion of an individual with whom the child may be placed, unless the purpose of taking

4230 religion into account is to place the child with an individual or family of the same religion as
4231 the child.
4232 [~~(21)~~] (18) If the juvenile court's decision differs from a child's express wishes if the
4233 child is of sufficient maturity to articulate the wishes in relation to the child's placement, the
4234 juvenile court shall make findings explaining why the juvenile court's decision differs from the
4235 child's wishes.
4236 (19) This section does not guarantee that an identified relative or friend will receive
4237 custody of the child.
4238 Section 73. Section **80-3-303**, which is renumbered from Section 78A-6-307.5 is
4239 renumbered and amended to read:
4240 **[~~78A-6-307.5~~]. 80-3-303. Post-shelter hearing placement of a child in**
4241 **division's temporary custody.**
4242 (1) If the juvenile court awards temporary custody of a [~~minor~~] child to the division
4243 under Section [~~78A-6-307~~] 80-3-302, or as otherwise permitted by law, the division shall
4244 determine ongoing placement of the [~~minor~~] child.
4245 (2) In placing a [~~minor~~] child under Subsection (1), the division:
4246 (a) except as provided in Subsections (2)(b) and (d), shall comply with the applicable
4247 background check provisions described in Section [~~78A-6-307~~] 80-3-302;
4248 (b) is not required to receive approval from the juvenile court before making the
4249 placement;
4250 (c) shall, within three days, excluding weekends and holidays, after [~~making the~~
4251 ~~placement~~] the day on which the placement is made, give written notice to the juvenile court,
4252 and the parties to the proceedings, that the placement has been made;
4253 (d) may place the [~~minor~~] child with a noncustodial parent, relative, or friend, using the
4254 same criteria established for an emergency placement under Section 62A-4a-209, pending the
4255 results of:
4256 (i) the background check described in Subsection [~~78A-6-307(16)(a)~~] 80-3-302(14)(a);
4257 and

4258 (ii) evaluation with the noncustodial parent, relative, or friend to determine the
4259 individual's capacity to provide ongoing care to the [~~minor~~] child; and
4260 (e) shall take into consideration the will of the [~~minor~~] child, if the [~~minor~~] child is of
4261 sufficient maturity to articulate the [~~minor's~~] child's wishes in relation to the [~~minor's~~] child's
4262 placement.
4263 (3) If the division's placement decision differs from a [~~minor's~~] child's express wishes
4264 if the [~~minor~~] child is of sufficient maturity to state the child's wishes in relation to the
4265 [~~minor's~~] child's placement, the division shall make findings explaining why the division's
4266 decision differs from the [~~minor's~~] child's wishes in a writing provided to the juvenile court and
4267 the [~~minor's~~] child's attorney guardian ad litem.
4268 Section 74. Section **80-3-304**, which is renumbered from Section 78A-6-301.5 is
4269 renumbered and amended to read:
4270 **[~~78A-6-301.5~~]. 80-3-304. Second medical opinion in cases of alleged medical**
4271 **neglect.**
4272 (1) In cases of alleged medical neglect where the division seeks protective custody,
4273 temporary custody, or custody of the child based on the report or testimony of a physician, a
4274 parent or guardian shall have a reasonable amount of time, as determined by the juvenile court,
4275 to obtain a second medical opinion from another physician of the parent's or guardian's
4276 choosing who has expertise in the applicable field.
4277 (2) Unless there is an imminent risk of death or a deteriorating condition of the child's
4278 health, the child shall remain in the custody of the parent or guardian while the parent or
4279 guardian obtains a second medical opinion.
4280 (3) If the second medical opinion results in a different diagnosis or treatment
4281 recommendation from that of the opinion of the physician the division used, the juvenile court
4282 shall give deference to the second medical opinion as long as that opinion is reasonable and
4283 informed and is consistent with treatment that is regularly prescribed by medical experts in the
4284 applicable field.
4285 (4) Subsections (1) through (3) do not apply to emergency treatment or care when the

4286 child faces an immediate threat of death or serious and irreparable harm and when there is
4287 insufficient time to safely allow the parent or guardian to provide alternative necessary care and
4288 treatment of the parent's or guardian's choosing.
4289 Section 75. Section **80-3-305**, which is renumbered from Section 78A-6-308 is
4290 renumbered and amended to read:
4291 **[~~78A-6-308~~]. 80-3-305. Criminal background checks necessary before**
4292 **out-of-home placement.**
4293 (1) Subject to Subsection (3), upon ordering removal of a child from the custody of the
4294 child's parent and placing that child in the temporary custody or custody of the [~~Division of~~
4295 ~~Child and Family Services, prior to the division's placement of that~~] division before the
4296 division places a child in out-of-home care, the juvenile court shall require the completion of a
4297 nonfingerprint-based background check by the Utah Bureau of Criminal Identification
4298 regarding the proposed placement.
4299 (2) (a) Except as provided in Subsection (4), the division and the Office of Guardian ad
4300 Litem may request, or the juvenile court upon the juvenile court's own motion, may order, the
4301 Department of Public Safety to conduct a complete Federal Bureau of Investigation criminal
4302 background check through the national criminal history system (NCIC).
4303 (b) (i) Except as provided in Subsection (4), upon request by the division or the Office
4304 of Guardian ad Litem, or upon the juvenile court's order, [~~persons~~] an individual subject to the
4305 requirements of Subsection (1) shall submit fingerprints and shall be subject to an FBI
4306 fingerprint background check.
4307 (ii) The child may be temporarily placed, pending the outcome of [~~that~~] the background
4308 check described in Subsection (2)(b)(i).
4309 (c) (i) [~~The~~] Except as provided in Subsection (2)(c)(ii), the cost of [~~those~~] the
4310 investigations described in Subsection (2)(a) shall be borne by whoever is to receive placement
4311 of the child[~~, except that the Division of Child and Family Services~~].
4312 (ii) The division may pay all or part of the cost of [~~those~~] the investigations described
4313 in Subsection (2)(a).

4314 (3) Except as provided in Subsection (5), a child who is in the legal custody of the
4315 [~~state~~] division may not be placed with a prospective foster parent or a prospective adoptive
4316 parent, unless, before the child is placed with the prospective foster parent or the prospective
4317 adoptive parent:
4318 (a) a fingerprint based FBI national criminal history records check is conducted on the
4319 prospective foster parent or prospective adoptive parent and any other adult residing in the
4320 household;
4321 (b) the [~~Department of Human Services~~] department conducts a check of the abuse and
4322 neglect registry in each state where the prospective foster parent or prospective adoptive parent
4323 resided in the five years immediately [~~preceding~~] before the day on which the prospective
4324 foster parent or prospective adoptive parent applied to be a foster parent or adoptive parent, to
4325 determine whether the prospective foster parent or prospective adoptive parent is listed in the
4326 registry as having a substantiated or supported finding of a severe type of abuse or neglect as
4327 defined in Section 62A-4a-1002;
4328 (c) the [~~Department of Human Services~~] department conducts a check of the abuse and
4329 neglect registry of each state where each adult living in the home of the prospective foster
4330 parent or prospective adoptive parent described in Subsection (3)(b) resided in the five years
4331 immediately [~~preceding~~] before the day on which the prospective foster parent or prospective
4332 adoptive parent applied to be a foster parent or adoptive parent, to determine whether the adult
4333 is listed in the registry as having a substantiated or supported finding of a severe type of abuse
4334 or neglect as defined in Section 62A-4a-1002; and
4335 (d) each [~~person~~] individual required to undergo a background check described in this
4336 Subsection (3) passes the background check, [~~pursuant to~~] in accordance with the provisions of
4337 Section 62A-2-120.
4338 (4) Subsections (2)(a) and (b) do not apply to a child who is placed with a noncustodial
4339 parent or relative under Section 62A-4a-209, [~~78A-6-307, or 78A-6-307.5~~] 80-3-302, or
4340 80-3-303, unless the juvenile court finds that compliance with Subsection (2)(a) or (b) is
4341 necessary to ensure the safety of the child.

4342 (5) The requirements under Subsection (3) do not apply to the extent that:
4343 (a) federal law or rule permits otherwise; or
4344 (b) the requirements would prohibit the division or a juvenile court from placing a
4345 child with:
4346 (i) a noncustodial parent, under Section 62A-4a-209, [~~78A-6-307, or 78A-6-307.5~~]
4347 80-3-302, or 80-3-303; or
4348 (ii) a relative, under Section 62A-4a-209, [~~78A-6-307, or 78A-6-307.5~~] 80-3-302, or
4349 80-3-303, pending completion of the background check described in Subsection (3).
4350 Section 76. Section **80-3-306**, which is renumbered from Section 78A-6-308.5 is
4351 renumbered and amended to read:
4352 **[~~78A-6-308.5~~]. 80-3-306. Outstanding arrest warrant check before return of**
4353 **custody.**
4354 (1) Before the division may recommend that a child who is in [~~the custody,~~] protective
4355 custody, [~~or~~] temporary custody, or custody of the division be returned to the custody of a
4356 parent or guardian of the child, the division shall determine whether the parent or guardian has
4357 an outstanding felony arrest warrant in any state where the parent or guardian has resided or in
4358 any state where an immediate family member of the parent or guardian resides.
4359 (2) The division shall file the results of the felony arrest warrant check with the
4360 juvenile court.
4361 (3) (a) If the parent or guardian of a child who is in [~~the custody,~~] protective custody,
4362 [~~or~~] temporary custody, or custody of the division has an outstanding arrest warrant in any
4363 state, the juvenile court may deny the return of the child to the custody of [~~that~~] the parent or
4364 guardian.
4365 (b) [~~The~~] When making a determination described in Subsection (3)(a), the juvenile
4366 court shall consider the best interest of the child [~~when making the determination~~].
4367 Section 77. Section **80-3-401**, which is renumbered from Section 78A-6-309 is
4368 renumbered and amended to read:
4369 **Part 4. Adjudication, Disposition, and Permanency**

4370 **[~~78A-6-309~~]. 80-3-401. Pretrial and adjudication hearing -- Time**
4371 **deadlines.**
4372 (1) (a) Upon the filing of [~~a~~] an abuse, neglect, or dependency petition, the clerk of the
4373 juvenile court shall set the pretrial hearing on the petition within 15 calendar days [~~from~~] after
4374 the later of:
4375 [~~(a) the date of the shelter hearing; or~~]
4376 [~~(b) the filing of the petition.~~]
4377 (i) the day on which the shelter hearing is held; or
4378 (ii) the day on which the abuse, neglect, or dependency petition is filed.
4379 [~~(2)~~] (b) The pretrial hearing may be continued upon motion of any party[~~,~~] for good
4380 cause shown[~~, but the~~] as described in Utah Rules of Juvenile Procedure, Rule 54.
4381 (2) The final adjudication hearing shall be held no later than 60 calendar days [~~from~~]
4382 after the later of:
4383 [~~(a) the date of the shelter hearing; or~~]
4384 [~~(b) the filing of the petition.~~]
4385 (a) the day on which the shelter hearing is held; or
4386 (b) the day on which the abuse, neglect, or dependency petition is filed.
4387 Section 78. Section **80-3-402**, which is renumbered from Section 78A-6-311 is
4388 renumbered and amended to read:
4389 **[~~78A-6-311~~]. 80-3-402. Adjudication hearing -- Dispositional hearing time**
4390 **deadlines -- Scheduling of review and permanency hearing.**
4391 (1) If, at the adjudication hearing, the juvenile court finds, by clear and convincing
4392 evidence, that the allegations contained in the abuse, neglect, or dependency petition are true,
4393 [~~it~~] the juvenile court shall conduct a dispositional hearing.
4394 (2) The dispositional hearing may be held on the same date as the adjudication hearing,
4395 but shall be held no later than 30 calendar days after the [~~date of the~~] day on which the
4396 adjudication hearing is held.
4397 (3) At the adjudication hearing or the dispositional hearing, the juvenile court shall

4398 schedule dates and times for:
4399 (a) the six-month periodic review; and
4400 (b) the permanency hearing.
4401 (4) If an abuse, neglect, or dependency petition is filed under this chapter and a petition
4402 for termination of parental rights is filed under Section 80-4-201, before the day on which a
4403 dispositional hearing is held on the abuse, neglect, or dependency petition, a party may request
4404 a hearing on whether reunification services are appropriate in accordance with the factors
4405 described in Subsections 80-3-406(5) and (7).
4406 Section 79. Section **80-3-403**, which is renumbered from Section 78A-6-321 is
4407 renumbered and amended to read:
4408 **[~~78A-6-321~~]. 80-3-403. Treatment for offender and victim -- Costs.**
4409 (1) Upon adjudication in the juvenile court of [~~a person or persons~~] an individual
4410 charged with child abuse, child sexual abuse, or sexual exploitation of a child, the juvenile
4411 court may order treatment for the adjudicated offender [~~and~~] or the victim [~~or the child victim~~].
4412 (2) [~~The adjudicated offender shall be required by the court~~] The juvenile court shall
4413 require the adjudicated offender described in Subsection (1) to pay, to the extent that [~~he~~] the
4414 adjudicated offender is able, the costs of [~~that treatment together with~~] the treatment described
4415 in Subsection (1) and the administrative costs incurred by the division in monitoring
4416 completion of the ordered therapy or treatment.
4417 (3) If the adjudicated offender is unable to pay the full cost of treatment under
4418 Subsection (2), the juvenile court:
4419 (a) may order the [~~Division of Child and Family Services~~] division to pay [~~those~~] the
4420 costs, to the extent that funding is provided by the Legislature for that purpose[~~,~~]; and
4421 (b) shall order the adjudicated offender [~~shall be required by the court~~] to perform
4422 public service work as compensation for the cost of the treatment.
4423 Section 80. Section **80-3-404**, which is renumbered from Section 78A-6-323 is
4424 renumbered and amended to read:
4425 **[~~78A-6-323~~]. 80-3-404. Finding of severe child abuse or neglect -- Petition**

4426 **for removal from Licensing Information System -- Court records.**
4427 (1) Upon the filing with the juvenile court of [~~a~~] an abuse, neglect, or dependency
4428 petition [~~under Section 78A-6-304 by the Division of Child and Family Services or any~~
4429 ~~interested person informing the court, among other things,~~] that informs the juvenile court that
4430 the division has made a supported finding that [~~a person~~] an individual committed a severe type
4431 of child abuse or neglect as defined in Section 62A-4a-1002, the juvenile court shall:
4432 (a) make a finding of substantiated, unsubstantiated, or without merit;
4433 (b) include the finding described in Subsection (1)(a) in a written order; and
4434 (c) deliver a certified copy of the order described in Subsection (1)(b) to the division.
4435 (2) The [~~judicial finding under Subsection (1) shall be made~~] juvenile court shall make
4436 the finding described in Subsection (1):
4437 (a) as part of the adjudication hearing;
4438 (b) at the conclusion of the adjudication hearing; or
4439 (c) as part of a court order entered pursuant to a written stipulation of the parties.
4440 (3) (a) [~~Any person~~] An individual described in Subsection 62A-4a-1010(1) may at any
4441 time file with the juvenile court a petition for removal of the [~~person's~~] individual's name from
4442 the Licensing Information System.
4443 (b) At the conclusion of the hearing on the petition described in Subsection (3), the
4444 juvenile court shall:
4445 (i) make a finding of substantiated, unsubstantiated, or without merit;
4446 (ii) include the finding described in Subsection (1)(a) in a written order; and
4447 (iii) deliver a certified copy of the order described in Subsection (1)(b) to the division.
4448 (4) A proceeding for adjudication of a supported finding under this section of a type of
4449 abuse or neglect that does not constitute a severe type of child abuse or neglect may be joined
4450 in the juvenile court with an adjudication of a severe type of child abuse or neglect.
4451 (5) If [~~a person~~] an individual whose name appears on the Licensing Information
4452 [~~system~~] System [~~prior to~~] before May 6, 2002, files a petition under Subsection (3) during the
4453 time that an alleged perpetrator's application for clearance to work with children or vulnerable

4454 adults is pending, the juvenile court shall hear the matter and enter a final decision no later than
4455 60 days after the [~~filing of the petition~~] day on which the petition is filed.
4456 (6) For the purposes of licensing under Sections 26-39-402, 62A-1-118, and
4457 62A-2-120, and for the purposes described in Sections 26-8a-310 and 62A-2-121 and Title 26,
4458 Chapter 21, Part 2, Clearance for Direct Patient Access:
4459 (a) the juvenile court shall make available records of [~~its~~] the juvenile court's findings
4460 under Subsections (1) and (2):
4461 (i) for those purposes; and
4462 (ii) only to [~~those~~] a person with statutory authority to access [~~also~~] the Licensing
4463 Information System created under Section 62A-4a-1006; and
4464 (b) any appellate court shall make available court records of appeals from juvenile
4465 court decisions under Subsections (1), (2), (3), and (4):
4466 (i) for those purposes; and
4467 (ii) only to [~~those~~] a person with statutory authority to [~~access also~~] also access the
4468 Licensing Information System.
4469 Section 81. Section **80-3-405** is enacted to read:
4470 **80-3-405. Dispositions after adjudication.**
4471 (1) (a) Upon adjudication under Subsection 80-3-402(1), the juvenile court may make
4472 the dispositions described in Subsection (2) at the dispositional hearing.
4473 (2) (a) (i) The juvenile court may vest custody of an abused, neglected, or dependent
4474 minor in the division or any other appropriate person, with or without court-specified child
4475 welfare services, in accordance with the requirements and procedures of this chapter.
4476 (ii) When placing a minor in the custody of the division or any other appropriate
4477 person, the juvenile court:
4478 (A) shall give primary consideration to the welfare of the minor;
4479 (B) shall give due consideration to the rights of the parent or parents concerning the
4480 minor; and
4481 (C) when practicable, may take into consideration the religious preferences of the

4482 minor and of the minor's parents or guardian.
4483 (b) (i) The juvenile court may appoint a guardian for the minor if it appears necessary
4484 in the interest of the minor.
4485 (ii) A guardian appointed under Subsection (2)(b)(i) may be a public or private
4486 institution or agency, but not a nonsecure residential placement provider, in which legal
4487 custody of the minor is vested.
4488 (iii) When placing a minor under the guardianship of an individual or of a private
4489 agency or institution, the juvenile court:
4490 (A) shall give primary consideration to the welfare of the minor; and
4491 (B) when practicable, may take into consideration the religious preferences of the
4492 minor and of the minor's parents or guardian.
4493 (c) The juvenile court may order:
4494 (i) protective supervision;
4495 (ii) family preservation;
4496 (iii) sibling visitation; or
4497 (iv) other services.
4498 (d) (i) If a minor has been placed with an individual or relative as a result of an
4499 adjudication under this chapter, the juvenile court may enter an order of permanent legal
4500 custody and guardianship with the individual or relative of the minor.
4501 (ii) If a juvenile court enters an order of permanent custody and guardianship with an
4502 individual or relative of a minor under Subsection (2)(d)(i), the juvenile court may, in
4503 accordance with Section 78A-6-356, enter an order for child support on behalf of the minor
4504 against the natural parents of the minor.
4505 (iii) An order under this Subsection (2)(d):
4506 (A) shall remain in effect until the minor is 18 years old;
4507 (B) is not subject to review under Section 78A-6-358; and
4508 (C) may be modified by petition or motion as provided in Section 78A-6-357.
4509 (e) The juvenile court may order a child be committed to the physical custody, as

4510 defined in Section 62A-15-701, of a local mental health authority, in accordance with the
4511 procedures and requirements of Title 62A, Chapter 15, Part 7, Commitment of Persons Under
4512 Age 18 to Division of Substance Abuse and Mental Health.
4513 (f) (i) If the child has an intellectual disability, the juvenile court may make an order
4514 committing a minor to the Utah State Developmental Center in accordance with Title 62A,
4515 Chapter 5, Part 3, Admission to an Intermediate Care Facility for People with an Intellectual
4516 Disability.
4517 (ii) The juvenile court shall follow the procedure applicable in the district court with
4518 respect to judicial commitments to the Utah State Developmental Center when ordering a
4519 commitment under Subsection (2)(f)(i).
4520 (g) (i) Subject to Subsection 80-1-102(51)(b) and Section 80-3-304, the juvenile court
4521 may order that a minor:
4522 (A) be examined or treated by a mental health therapist, as described in Section
4523 80-3-109; or
4524 (B) receive other special care.
4525 (ii) For purposes of receiving the examination, treatment, or care described in
4526 Subsection (2)(g)(i), the juvenile court may place the minor in a hospital or other suitable
4527 facility that is not secure care or secure detention.
4528 (iii) In determining whether to order the examination, treatment, or care described in
4529 Subsection (2)(g)(i), the juvenile court shall consider:
4530 (A) the desires of the minor;
4531 (B) the desires of the parent or guardian of the minor if the minor is younger than 18
4532 years old; and
4533 (C) whether the potential benefits of the examination, treatment, or care outweigh the
4534 potential risks and side-effects, including behavioral disturbances, suicidal ideation, brain
4535 function impairment, or emotional or physical harm resulting from the compulsory nature of
4536 the examination, treatment, or care.
4537 (h) The juvenile court may make other reasonable orders for the best interest of the

4538 minor.
4539 (3) Upon an adjudication under this chapter, the juvenile court may not:
4540 (a) commit a minor solely on the ground of abuse, neglect, or dependency to the
4541 Division of Juvenile Justice Services;
4542 (b) assume the function of developing foster home services; or
4543 (c) vest legal custody of an abused, neglected, or dependent minor in the division to
4544 primarily address the minor's ungovernable or other behavior, mental health, or disability,
4545 unless the division:
4546 (i) engages other relevant divisions within the department that are conducting an
4547 assessment of the minor and the minor's family's needs;
4548 (ii) based on the assessment described in Subsection (3)(c)(i), determines that vesting
4549 custody of the minor in the division is the least restrictive intervention for the minor that meets
4550 the minor's needs; and
4551 (iii) consents to legal custody of the minor being vested in the division.
4552 (4) The juvenile court may combine the dispositions listed in Subsection (2) if
4553 combining the dispositions is permissible and the dispositions are compatible.
4554 Section 82. Section **80-3-406**, which is renumbered from Section 78A-6-312 is
4555 renumbered and amended to read:
4556 **[~~78A-6-312~~]. 80-3-406. Permanency plan -- Reunification services.**
4557 [~~(1) The court may:~~]
4558 [~~(a) make any of the dispositions described in Section 78A-6-117;~~]
4559 [~~(b) place the minor in the custody or guardianship of any:~~]
4560 [~~(i) individual; or~~]
4561 [~~(ii) public or private entity or agency; or~~]
4562 [~~(c) order:~~]
4563 [~~(i) protective supervision;~~]
4564 [~~(ii) family preservation;~~]
4565 [~~(iii) subject to Subsections (12)(b), 78A-6-105(40), and 78A-6-117(2) and Section~~

4566 ~~78A-6-301.5, medical or mental health treatment;~~]
4567 [~~(iv) sibling visitation; or~~]
4568 [~~(v) other services.~~]
4569 [~~(2) Whenever~~]
4570 (1) If the juvenile court orders continued removal at the dispositional hearing under
4571 Section 80-3-402, and that the minor remain in the custody of the division, the juvenile court
4572 shall first:
4573 (a) establish a primary permanency plan and a concurrent permanency plan for the
4574 minor in accordance with this section; and
4575 (b) determine whether, in view of the primary permanency plan, reunification services
4576 are appropriate for the [~~minor and the minor's family, pursuant to Subsections (21) through~~
4577 ~~(23)~~] minor and the minor's family under Subsections (5) through (8).
4578 [~~(3) Subject to Subsections (6) and (7), if the court determines that reunification~~
4579 ~~services are appropriate for the minor and the minor's family, the court shall provide for~~
4580 ~~reasonable parent-time with the parent or parents from whose custody the minor was removed,~~
4581 ~~unless parent-time is not in the best interest of the minor.~~]
4582 [~~(4) In cases where obvious sexual abuse, sexual exploitation, abandonment, severe~~
4583 ~~abuse, or severe neglect are involved, neither the division nor the court has any duty to make~~
4584 ~~"reasonable efforts" or to, in any other way, attempt to provide reunification services, or to~~
4585 ~~attempt to rehabilitate the offending parent or parents.~~]
4586 [~~(5) In all cases, the minor's health, safety, and welfare shall be the court's paramount~~
4587 ~~concern in determining whether reasonable efforts to reunify should be made.~~]
4588 [~~(6) For purposes of Subsection (3), parent-time is in the best interests of a minor~~
4589 ~~unless the court makes a finding that it is necessary to deny parent-time in order to:~~]
4590 [~~(a) protect the physical safety of the minor;~~]
4591 [~~(b) protect the life of the minor; or~~]
4592 [~~(c) prevent the minor from being traumatized by contact with the parent due to the~~
4593 ~~minor's fear of the parent in light of the nature of the alleged abuse or neglect.~~]

4594 [~~(7) Notwithstanding Subsection (3), a court may not deny parent-time based solely on~~
4595 ~~a parent's failure to:~~]
4596 [~~(a) prove that the parent has not used legal or illegal substances; or~~]
4597 [~~(b) comply with an aspect of the child and family plan that is ordered by the court.~~]
4598 [~~(8) (a) In addition to the primary permanency plan, the court shall establish a~~]
4599 (2) (a) The concurrent permanency plan [~~that~~] shall include:
4600 (i) a representative list of the conditions under which the primary permanency plan will
4601 be abandoned in favor of the concurrent permanency plan; and
4602 (ii) an explanation of the effect of abandoning or modifying the primary permanency
4603 plan.
4604 (b) In determining the primary permanency plan and concurrent permanency plan, the
4605 juvenile court shall consider:
4606 (i) the preference for kinship placement over nonkinship placement;
4607 (ii) the potential for a guardianship placement if [~~the parent-child relationship is legally~~
4608 ~~terminated~~] parental rights are terminated and no appropriate adoption placement is available;
4609 and
4610 (iii) the use of an individualized permanency plan, only as a last resort.
4611 [~~(9) A permanency hearing shall be conducted in accordance with Subsection~~
4612 ~~78A-6-314(1)(b) within 30 days after the day on which the dispositional hearing ends if~~
4613 ~~something other than reunification is initially established as a minor's primary permanency~~
4614 ~~plan.~~]
4615 [~~(10)~~] (3) (a) The juvenile court may amend a minor's primary permanency plan before
4616 the establishment of a final permanency plan under Section [~~78A-6-314~~] 80-3-409.
4617 (b) The juvenile court is not limited to the terms of the concurrent permanency plan in
4618 the event that the primary permanency plan is abandoned.
4619 (c) If, at any time, the juvenile court determines that reunification is no longer a minor's
4620 primary permanency plan, the juvenile court shall conduct a permanency hearing in accordance
4621 with Section [~~78A-6-314~~] 80-3-409 on or before the earlier of:

4622 (i) 30 days after the day on which the juvenile court makes the determination described
4623 in this Subsection [~~(10)~~] (3)(c); or
4624 (ii) the day on which the provision of reunification services, described in Section
4625 [~~78A-6-314~~] 80-3-409, ends.
4626 (4) (a) Because of the state's interest in and responsibility to protect and provide
4627 permanency for minors who are abused, neglected, or dependent, the Legislature finds that a
4628 parent's interest in receiving reunification services is limited.
4629 (b) The juvenile court may determine that:
4630 (i) efforts to reunify a minor with the minor's family are not reasonable or appropriate,
4631 based on the individual circumstances; and
4632 (ii) reunification services should not be provided.
4633 (c) In determining reasonable efforts to be made with respect to a minor, and in making
4634 reasonable efforts, the juvenile court and the division shall consider the minor's health, safety,
4635 and welfare as the paramount concern.
4636 (5) There is a presumption that reunification services should not be provided to a
4637 parent if the juvenile court finds, by clear and convincing evidence, that any of the following
4638 circumstances exist:
4639 (a) the whereabouts of the parents are unknown, based upon a verified affidavit
4640 indicating that a reasonably diligent search has failed to locate the parent;
4641 (b) subject to Subsection (6)(a), the parent is suffering from a mental illness of such
4642 magnitude that the mental illness renders the parent incapable of utilizing reunification
4643 services;
4644 (c) the minor was previously adjudicated as an abused child due to physical abuse,
4645 sexual abuse, or sexual exploitation, and following the adjudication the child:
4646 (i) was removed from the custody of the minor's parent;
4647 (ii) was subsequently returned to the custody of the parent; and
4648 (iii) is being removed due to additional physical abuse, sexual abuse, or sexual
4649 exploitation;

4650 (d) the parent:
4651 (i) caused the death of another minor through abuse or neglect;
4652 (ii) committed, aided, abetted, attempted, conspired, or solicited to commit:
4653 (A) murder or manslaughter of a minor; or
4654 (B) child abuse homicide;
4655 (iii) committed sexual abuse against the minor;
4656 (iv) is a registered sex offender or required to register as a sex offender; or
4657 (v) (A) intentionally, knowingly, or recklessly causes the death of another parent of the
4658 minor;
4659 (B) is identified by a law enforcement agency as the primary suspect in an investigation
4660 for intentionally, knowingly, or recklessly causing the death of another parent of the minor; or
4661 (C) is being prosecuted for or has been convicted of intentionally, knowingly, or
4662 recklessly causing the death of another parent of the minor;
4663 (e) the minor suffered severe abuse by the parent or by any individual known by the
4664 parent if the parent knew or reasonably should have known that the individual was abusing the
4665 minor;
4666 (f) the minor is adjudicated as an abused minor as a result of severe abuse by the
4667 parent, and the juvenile court finds that it would not benefit the minor to pursue reunification
4668 services with the offending parent;
4669 (g) the parent's rights are terminated with regard to any other minor;
4670 (h) the minor was removed from the minor's home on at least two previous occasions
4671 and reunification services were offered or provided to the family at those times;
4672 (i) the parent has abandoned the minor for a period of six months or longer;
4673 (j) the parent permitted the minor to reside, on a permanent or temporary basis, at a
4674 location where the parent knew or should have known that a clandestine laboratory operation
4675 was located;
4676 (k) except as provided in Subsection (6)(b), with respect to a parent who is the minor's
4677 birth mother, the minor has fetal alcohol syndrome, fetal alcohol spectrum disorder, or was

4678 exposed to an illegal or prescription drug that was abused by the minor's mother while the
4679 minor was in utero, if the minor was taken into division custody for that reason, unless the
4680 mother agrees to enroll in, is currently enrolled in, or has recently and successfully completed a
4681 substance use disorder treatment program approved by the department; or
4682 (l) any other circumstance that the juvenile court determines should preclude
4683 reunification efforts or services.
4684 (6) (a) The juvenile court shall base the finding under Subsection (5)(b) on competent
4685 evidence from at least two medical or mental health professionals, who are not associates,
4686 establishing that, even with the provision of services, the parent is not likely to be capable of
4687 adequately caring for the minor within 12 months after the day on which the juvenile court
4688 finding is made.
4689 (b) The juvenile court may disregard the provisions of Subsection (5)(k) if the juvenile
4690 court finds, under the circumstances of the case, that the substance use disorder treatment
4691 described in Subsection (5)(k) is not warranted.
4692 (7) In determining whether reunification services are appropriate, the juvenile court
4693 shall take into consideration:
4694 (a) failure of the parent to respond to previous services or comply with a previous child
4695 and family plan;
4696 (b) the fact that the minor was abused while the parent was under the influence of
4697 drugs or alcohol;
4698 (c) any history of violent behavior directed at the minor or an immediate family
4699 member;
4700 (d) whether a parent continues to live with an individual who abused the minor;
4701 (e) any patterns of the parent's behavior that have exposed the minor to repeated abuse;
4702 (f) testimony by a competent professional that the parent's behavior is unlikely to be
4703 successful; and
4704 (g) whether the parent has expressed an interest in reunification with the minor.
4705 (8) If, under Subsections (5)(b) through (l), the juvenile court does not order

4706 reunification services, a permanency hearing shall be conducted within 30 days in accordance
4707 with Section 80-3-409.
4708 (9) (a) Subject to Subsections (9)(b) and (c), if the juvenile court determines that
4709 reunification services are appropriate for the minor and the minor's family, the juvenile court
4710 shall provide for reasonable parent-time with the parent or parents from whose custody the
4711 minor was removed, unless parent-time is not in the best interest of the minor.
4712 (b) Parent-time is in the best interests of a minor unless the juvenile court makes a
4713 finding that it is necessary to deny parent-time in order to:
4714 (i) protect the physical safety of the minor;
4715 (ii) protect the life of the minor; or
4716 (iii) prevent the minor from being traumatized by contact with the parent due to the
4717 minor's fear of the parent in light of the nature of the alleged abuse or neglect.
4718 (c) Notwithstanding Subsection (9)(a), a juvenile court may not deny parent-time based
4719 solely on a parent's failure to:
4720 (i) prove that the parent has not used legal or illegal substances; or
4721 (ii) comply with an aspect of the child and family plan that is ordered by the juvenile
4722 court.
4723 [~~(11)~~] (10) (a) If the juvenile court determines that reunification services are
4724 appropriate, the juvenile court shall order that the division make reasonable efforts to provide
4725 services to the minor and the minor's parent for the purpose of facilitating reunification of the
4726 family, for a specified period of time.
4727 (b) In providing the services described in Subsection [~~(11)~~] (10)(a), the [~~minor's~~]
4728 juvenile court and the division shall consider the minor's health, safety, and welfare [~~shall be~~
4729 ~~the division's~~] as the paramount concern[~~, and the court shall so order~~].
4730 (11) In cases where sexual abuse, sexual exploitation, abandonment, severe abuse, or
4731 severe neglect are involved:
4732 (a) the juvenile court does not have any duty to order reunification services; and
4733 (b) the division does not have a duty to make reasonable efforts to or in any other way

4734 attempt to provide reunification services or attempt to rehabilitate the offending parent or
4735 parents.
4736 (12) (a) The juvenile court shall:
4737 (i) determine whether the services offered or provided by the division under the child
4738 and family plan constitute [~~"reasonable efforts"~~] reasonable efforts on the part of the division;
4739 (ii) determine and define the responsibilities of the parent under the child and family
4740 plan in accordance with Subsection 62A-4a-205(6)(e); and
4741 (iii) identify verbally on the record, or in a written document provided to the parties,
4742 the responsibilities described in Subsection (12)(a)(ii), for the purpose of assisting in any future
4743 determination regarding the provision of reasonable efforts, in accordance with state and
4744 federal law.
4745 (b) If the parent is in a substance use disorder treatment program, other than a certified
4746 drug court program, the juvenile court may order the parent:
4747 (i) [~~the court may order the parent~~] to submit to supplementary drug or alcohol testing
4748 in addition to the testing recommended by the parent's substance use disorder program based
4749 on a finding of reasonable suspicion that the parent is abusing drugs or alcohol; and
4750 (ii) [~~the court may order the parent~~] to provide the results of drug or alcohol testing
4751 recommended by the substance use disorder program to the juvenile court or division.
4752 (13) (a) The time period for reunification services may not exceed 12 months from the
4753 [~~date that~~] day on which the minor was initially removed from the minor's home, unless the
4754 time period is extended under Subsection [~~78A-6-314(7)~~] 80-3-409(7).
4755 (b) Nothing in this section may be construed to entitle any parent to an entire 12
4756 months of reunification services.
4757 (14) (a) If reunification services are ordered, the juvenile court may terminate those
4758 services at any time.
4759 (b) If, at any time, continuation of reasonable efforts to reunify a minor is determined
4760 to be inconsistent with the final permanency plan for the minor established [~~pursuant to~~] under
4761 Section [~~78A-6-314~~] 80-3-409, then measures shall be taken, in a timely manner, to:

4762 (i) place the minor in accordance with the final permanency plan; and
4763 (ii) complete whatever steps are necessary to finalize the permanent placement of the
4764 minor.
4765 (15) Any physical custody of the minor by the parent or a relative during the period
4766 described in Subsections [~~(11)~~] (10) through (14) does not interrupt the running of the period.
4767 (16) (a) If reunification services are ordered, [~~a permanency hearing shall be conducted~~
4768 ~~by the court~~] the juvenile court shall conduct a permanency hearing in accordance with Section
4769 [~~78A-6-314 at the expiration of the time period for reunification services~~] 80-3-409 before the
4770 day on which the time period for reunification services expires.
4771 (b) The permanency hearing shall be held no later than 12 months after the original
4772 removal of the minor.
4773 (c) If reunification services are not ordered, a permanency hearing shall be conducted
4774 within 30 days[~~,~~] in accordance with Section [~~78A-6-314~~] 80-3-409.
4775 (17) With regard to a minor in the custody of the division whose parent or parents are
4776 ordered to receive reunification services but who have abandoned that minor for a period of six
4777 months from the [~~date that~~] day on which reunification services [~~were~~] are ordered:
4778 (a) the juvenile court shall terminate reunification services; and
4779 (b) the division shall petition the juvenile court for termination of parental rights.
4780 [~~(18) When a court conducts a permanency hearing for a minor under Section~~
4781 ~~78A-6-314, the court shall attempt to keep the minor's sibling group together if keeping the~~
4782 ~~sibling group together is:~~]
4783 [~~(a) practicable; and~~]
4784 [~~(b) in accordance with the best interest of the minor.~~]
4785 [~~(19)~~] (18) When a [~~child~~] minor is under the custody of the division and has been
4786 separated from a sibling due to foster care or adoptive placement, a juvenile court may order
4787 sibling visitation, subject to the division obtaining consent from the sibling's legal guardian,
4788 according to the juvenile court's determination of the best interests of the [~~child~~] minor for
4789 whom the hearing is held.

4790 [~~(20) (a) Because of the state's interest in and responsibility to protect and provide~~
4791 ~~permanency for minors who are abused, neglected, or dependent, the Legislature finds that a~~
4792 ~~parent's interest in receiving reunification services is limited.~~]
4793 [~~(b) The court may determine that:~~]
4794 [~~(i) efforts to reunify a minor with the minor's family are not reasonable or appropriate,~~
4795 ~~based on the individual circumstances; and~~]
4796 [~~(ii) reunification services should not be provided.~~]
4797 [~~(c) In determining "reasonable efforts" to be made with respect to a minor, and in~~
4798 ~~making "reasonable efforts," the minor's health, safety, and welfare shall be the paramount~~
4799 ~~concern.~~]
4800 [~~(21) There is a presumption that reunification services should not be provided to a~~
4801 ~~parent if the court finds, by clear and convincing evidence, that any of the following~~
4802 ~~circumstances exist:~~]
4803 [~~(a) the whereabouts of the parents are unknown, based upon a verified affidavit~~
4804 ~~indicating that a reasonably diligent search has failed to locate the parent;~~]
4805 [~~(b) subject to Subsection (22)(a), the parent is suffering from a mental illness of such~~
4806 ~~magnitude that it renders the parent incapable of utilizing reunification services;~~]
4807 [~~(c) the minor was previously adjudicated as an abused child due to physical abuse,~~
4808 ~~sexual abuse, or sexual exploitation, and following the adjudication the minor:~~]
4809 [~~(i) was removed from the custody of the minor's parent;~~]
4810 [~~(ii) was subsequently returned to the custody of the parent; and~~]
4811 [~~(iii) is being removed due to additional physical abuse, sexual abuse, or sexual~~
4812 ~~exploitation;~~]
4813 [~~(d) the parent:~~]
4814 [~~(i) caused the death of another minor through abuse or neglect;~~]
4815 [~~(ii) committed, aided, abetted, attempted, conspired, or solicited to commit:~~]
4816 [~~(A) murder or manslaughter of a child; or~~]
4817 [~~(B) child abuse homicide;~~]

4818 [~~(iii) committed sexual abuse against the child;~~]
4819 [~~(iv) is a registered sex offender or required to register as a sex offender; or~~]
4820 [~~(v) (A) intentionally, knowingly, or recklessly causes the death of another parent of~~
4821 ~~the child;~~]
4822 [~~(B) is identified by a law enforcement agency as the primary suspect in an~~
4823 ~~investigation for intentionally, knowingly, or recklessly causing the death of another parent of~~
4824 ~~the child; or~~]
4825 [~~(C) is being prosecuted for or has been convicted of intentionally, knowingly, or~~
4826 ~~recklessly causing the death of another parent of the child;~~]
4827 [~~(c) the minor suffered severe abuse by the parent or by any person known by the~~
4828 ~~parent, if the parent knew or reasonably should have known that the person was abusing the~~
4829 ~~minor;~~]
4830 [~~(f) the minor is adjudicated an abused child as a result of severe abuse by the parent,~~
4831 ~~and the court finds that it would not benefit the minor to pursue reunification services with the~~
4832 ~~offending parent;~~]
4833 [~~(g) the parent's rights are terminated with regard to any other minor;~~]
4834 [~~(h) the minor was removed from the minor's home on at least two previous occasions~~
4835 ~~and reunification services were offered or provided to the family at those times;~~]
4836 [~~(i) the parent has abandoned the minor for a period of six months or longer;~~]
4837 [~~(j) the parent permitted the child to reside, on a permanent or temporary basis, at a~~
4838 ~~location where the parent knew or should have known that a clandestine laboratory operation~~
4839 ~~was located;~~]
4840 [~~(k) except as provided in Subsection (22)(b), with respect to a parent who is the child's~~
4841 ~~birth mother, the child has fetal alcohol syndrome, fetal alcohol spectrum disorder, or was~~
4842 ~~exposed to an illegal or prescription drug that was abused by the child's mother while the child~~
4843 ~~was in utero, if the child was taken into division custody for that reason, unless the mother~~
4844 ~~agrees to enroll in, is currently enrolled in, or has recently and successfully completed a~~
4845 ~~substance use disorder treatment program approved by the department; or~~]

4846 [~~(l) any other circumstance that the court determines should preclude reunification~~
4847 ~~efforts or services.~~]
4848 [~~(22) (a) The finding under Subsection (21)(b) shall be based on competent evidence~~
4849 ~~from at least two medical or mental health professionals, who are not associates, establishing~~
4850 ~~that, even with the provision of services, the parent is not likely to be capable of adequately~~
4851 ~~caring for the minor within 12 months after the day on which the court finding is made.~~]
4852 [~~(b) A judge may disregard the provisions of Subsection (21)(k) if the court finds,~~
4853 ~~under the circumstances of the case, that the substance use disorder treatment described in~~
4854 ~~Subsection (21)(k) is not warranted.~~]
4855 [~~(23) In determining whether reunification services are appropriate, the court shall take~~
4856 ~~into consideration:~~]
4857 [~~(a) failure of the parent to respond to previous services or comply with a previous~~
4858 ~~child and family plan;~~]
4859 [~~(b) the fact that the minor was abused while the parent was under the influence of~~
4860 ~~drugs or alcohol;~~]
4861 [~~(c) any history of violent behavior directed at the child or an immediate family~~
4862 ~~member;~~]
4863 [~~(d) whether a parent continues to live with an individual who abused the minor;~~]
4864 [~~(e) any patterns of the parent's behavior that have exposed the minor to repeated~~
4865 ~~abuse;~~]
4866 [~~(f) testimony by a competent professional that the parent's behavior is unlikely to be~~
4867 ~~successful; and~~]
4868 [~~(g) whether the parent has expressed an interest in reunification with the minor.~~]
4869 [~~(24)~~] (19) (a) If reunification services are not ordered [~~pursuant to Subsections (20)~~
4870 ~~through (22)~~] under this section, and the whereabouts of a parent [~~become~~] becomes known
4871 within six months after the day on which the out-of-home placement of the minor is made, the
4872 juvenile court may order the division to provide reunification services.
4873 (b) The time limits described in [~~Subsections (2) through (18)~~] this section are not

4874 tolled by the parent's absence.

4875 [~~(25)~~] (20) (a) If a parent is incarcerated or institutionalized, the juvenile court shall
4876 order reasonable services unless the juvenile court determines that those services would be
4877 detrimental to the minor.

4878 (b) In making the determination described in Subsection [~~(25)~~] (20)(a), the juvenile
4879 court shall consider:

4880 (i) the age of the minor;

4881 (ii) the degree of parent-child bonding;

4882 (iii) the length of the sentence;

4883 (iv) the nature of the treatment;

4884 (v) the nature of the crime or illness;

4885 (vi) the degree of detriment to the minor if services are not offered;

4886 (vii) for a minor who is 10 years old or older, the minor's attitude toward the
4887 implementation of family reunification services; and

4888 (viii) any other appropriate factors.

4889 (c) Reunification services for an incarcerated parent are subject to the time limitations
4890 imposed in [~~Subsections (2) through (18)~~] this section.

4891 (d) Reunification services for an institutionalized parent are subject to the time
4892 limitations imposed in [~~Subsections (2) through (18)~~] this section, unless the juvenile court
4893 determines that continued reunification services would be in the minor's best interest.

4894 [~~(26) If, pursuant to Subsections (21)(b) through (l), the court does not order~~
4895 ~~reunification services, a permanency hearing shall be conducted within 30 days, in accordance~~
4896 ~~with Section 78A-6-314.~~]

4897 Section 83. Section **80-3-407**, which is renumbered from Section 78A-6-313 is
4898 renumbered and amended to read:

4899 **[~~78A-6-313~~]. 80-3-407. Six-month review hearing -- Court determination**
4900 **regarding reasonable efforts by the division and parental compliance with child and**
4901 **family plan requirements.**

4902 If reunification efforts have been ordered by the juvenile court under Section 80-3-406,
4903 [~~a hearing shall be held~~] the juvenile court shall hold a hearing no more than six months after
4904 [~~initial removal of a minor~~] the day on which the minor is initially removed from the minor's
4905 home, in order for the juvenile court to determine whether:
4906 (1) the division has provided and is providing [~~"reasonable efforts"~~] reasonable efforts
4907 to reunify [~~a~~] the family[~~;~~] in accordance with the child and family plan established under
4908 Section 62A-4a-205; and
4909 (2) the parent has fulfilled or is fulfilling identified duties and responsibilities in order
4910 to comply with the requirements of the child and family plan.
4911 Section 84. Section **80-3-408**, which is renumbered from Section 78A-6-315 is
4912 renumbered and amended to read:
4913 **[~~78A-6-315~~]. 80-3-408. Periodic review hearings -- Dispositional reports.**
4914 (1) At least every six months, the division or the juvenile court shall conduct a periodic
4915 review of the status of each [~~child~~] minor in the custody of the division, until the juvenile court
4916 terminates the division's custody of the [~~child~~] minor.
4917 (2) (a) The juvenile court or the division shall conduct the review described in
4918 Subsection (1) [~~shall be conducted~~] in accordance with the requirements of the case review
4919 system described in 42 U.S.C. Section 675.
4920 (b) If a review described in Subsection (1) is conducted by the division, the division
4921 shall:
4922 (i) conduct the review in accordance with the administrative review requirements of 42
4923 U.S.C. Section 675; and
4924 (ii) to the extent practicable, involve volunteer citizens in the administrative review
4925 process.
4926 (3) (a) Within 30 days after [~~completion of~~] the day on which a review described in
4927 Subsection (1) that is conducted by the division is completed, the division shall:
4928 (i) submit a copy of [~~its~~] the division's dispositional report to the juvenile court to be
4929 made a part of the juvenile court's legal file; and

4930 (ii) provide a copy of the dispositional report to each party in the case to which the
4931 review relates.
4932 (b) The juvenile court shall receive and review each dispositional report submitted
4933 under Subsection (3)(a)(i) in the same manner as the juvenile court receives and reviews a
4934 report described in Section [~~78A-6-605~~] 80-6-307.
4935 (c) If a report submitted under Subsection (3)(a)(i) is determined to be an ex parte
4936 communication with a judge, the report [~~shall be~~] is considered a communication authorized by
4937 law.
4938 [~~(d) A report described in Subsection (3)(a)(i) may be received as evidence, and may~~
4939 ~~be considered by the court along with other evidence. The court may require any person who~~
4940 ~~participated in the dispositional report to appear as a witness if the person is reasonably~~
4941 ~~available.~~]
4942 Section 85. Section **80-3-409**, which is renumbered from Section 78A-6-314 is
4943 renumbered and amended to read:
4944 **[~~78A-6-314~~]. 80-3-409. Permanency hearing -- Final plan -- Petition for**
4945 **termination of parental rights filed -- Hearing on termination of parental rights.**
4946 (1) (a) [~~When~~] If reunification services [~~have been ordered in accordance with Section~~
4947 ~~78A-6-312~~] are ordered under Section 80-3-406, with regard to a minor who is in the custody
4948 of the [~~Division of Child and Family Services, a permanency hearing shall be held by the court~~]
4949 division, the juvenile court shall hold a permanency hearing no later than 12 months after the
4950 day on which the minor [~~was~~] is initially removed from the minor's home.
4951 (b) If reunification services [~~were~~] are not ordered at the dispositional hearing, the
4952 juvenile court shall hold a permanency hearing [~~shall be held~~] within 30 days after the day on
4953 which the dispositional hearing ends.
4954 (2) (a) If reunification services [~~were~~] are ordered [~~by the court~~] in accordance with
4955 Section [~~78A-6-312~~] 80-3-406, the juvenile court shall, at the permanency hearing, determine,
4956 consistent with Subsection (3), whether the minor may safely be returned to the custody of the
4957 minor's parent.

4958 (b) If the juvenile court finds, by a preponderance of the evidence, that return of the
4959 minor to the minor's parent would create a substantial risk of detriment to the minor's physical
4960 or emotional well-being, the minor may not be returned to the custody of the minor's parent.
4961 (c) Prima facie evidence that return of the minor to a parent or guardian would create a
4962 substantial risk of detriment to the minor is established if:
4963 (i) the parent or guardian fails to:
4964 (A) participate in a court approved child and family plan;
4965 (B) comply with a court approved child and family plan in whole or in part; or
4966 (C) meet the goals of a court approved child and family plan; or
4967 (ii) the minor's natural parent:
4968 (A) intentionally, knowingly, or recklessly causes the death of another parent of the
4969 minor;
4970 (B) is identified by a law enforcement agency as the primary suspect in an investigation
4971 for intentionally, knowingly, or recklessly causing the death of another parent of the minor; or
4972 (C) is being prosecuted for or has been convicted of intentionally, knowingly, or
4973 recklessly causing the death of another parent of the minor.
4974 (3) In making a determination under Subsection (2)(a), the juvenile court shall:
4975 (a) review and consider:
4976 [~~(a)~~] (i) the report prepared by the [~~Division of Child and Family Services~~] division;
4977 [~~(b)~~] (ii) in accordance with the Utah Rules of Evidence, any admissible evidence
4978 offered by the minor's attorney guardian ad litem;
4979 [~~(c)~~] (iii) any report submitted by the division under Subsection [~~78A-6-315(3)(a)(i)~~]
4980 80-3-408(3)(a)(i);
4981 [~~(d)~~] (iv) any evidence regarding the efforts or progress demonstrated by the parent;
4982 and
4983 [~~(e)~~] (v) the extent to which the parent cooperated and used the services provided[~~.~~]; and
4985 (b) attempt to keep the minor's sibling group together if keeping the sibling group

4986 together is:
4987 (i) practicable; and
4988 (ii) in accordance with the best interest of the minor.
4989 (4) With regard to a case where reunification services [~~were~~] are ordered by the
4990 juvenile court, if a minor is not returned to the minor's parent or guardian at the permanency
4991 hearing, the juvenile court shall, unless the time for the provision of reunification services is
4992 extended under Subsection (7):
4993 (a) order termination of reunification services to the parent;
4994 (b) make a final determination regarding whether termination of parental rights,
4995 adoption, or permanent custody and guardianship is the most appropriate final plan for the
4996 minor, taking into account the minor's primary permanency plan established by the juvenile
4997 court [~~pursuant to Section 78A-6-312~~] under Section 80-3-406; and
4998 (c) in accordance with Subsection 80-3-406(2), establish a concurrent permanency plan
4999 that identifies the second most appropriate final plan for the minor, if appropriate.
5000 (5) The juvenile court may order another planned permanent living arrangement other
5001 than reunification for a minor who is 16 years old or older upon entering the following
5002 findings:
5003 (a) the [~~Division of Child and Family Services~~] division has documented intensive,
5004 ongoing, and unsuccessful efforts to reunify the minor with the minor's parent or parents, or to
5005 secure a placement for the minor with a guardian, an adoptive parent, or an individual
5006 described in Subsection [~~78A-6-306(6)(e)~~] 80-3-301(6)(e);
5007 (b) the [~~Division of Child and Family Services~~] division has demonstrated that the
5008 division has made efforts to normalize the life of the minor while in the division's custody, in
5009 accordance with Sections 62A-4a-210 through 62A-4a-212;
5010 (c) the minor prefers another planned permanent living arrangement; and
5011 (d) there is a compelling reason why reunification or a placement described in
5012 Subsection (5)(a) is not in the minor's best interest.
5013 (6) Except as provided in Subsection (7), the juvenile court may not extend

5014 reunification services beyond 12 months after the day on which the minor [~~was~~] is initially
5015 removed from the minor's home, in accordance with the provisions of Section [~~78A-6-312~~]
5016 80-3-406.
5017 (7) (a) Subject to Subsection (7)(b), the juvenile court may extend reunification
5018 services for no more than 90 days if the juvenile court finds, beyond a preponderance of the
5019 evidence, that:
5020 (i) there has been substantial compliance with the child and family plan;
5021 (ii) reunification is probable within that 90-day period; and
5022 (iii) the extension is in the best interest of the minor.
5023 (b) (i) Except as provided in Subsection (7)(c), the juvenile court may not extend any
5024 reunification services beyond 15 months after the day on which the minor [~~was~~] is initially
5025 removed from the minor's home.
5026 (ii) Delay or failure of a parent to establish paternity or seek custody does not provide a
5027 basis for the juvenile court to extend services for [~~that~~] the parent beyond the 12-month period
5028 described in Subsection (6).
5029 (c) In accordance with Subsection (7)(d), the juvenile court may extend reunification
5030 services for one additional 90-day period, beyond the 90-day period described in Subsection
5031 (7)(a), if:
5032 (i) the juvenile court finds, by clear and convincing evidence, that:
5033 (A) the parent has substantially complied with the child and family plan;
5034 (B) it is likely that reunification will occur within the additional 90-day period; and
5035 (C) the extension is in the best interest of the minor;
5036 (ii) the juvenile court specifies the facts upon which the findings described in
5037 Subsection (7)(c)(i) are based; and
5038 (iii) the juvenile court specifies the time period in which it is likely that reunification
5039 will occur.
5040 (d) A juvenile court may not extend the time period for reunification services without
5041 complying with the requirements of this Subsection (7) before the extension.

5042 (e) In determining whether to extend reunification services for a minor, a juvenile court
5043 shall take into consideration the status of the minor siblings of the minor.
5044 (8) The juvenile court may, in [~~its~~] the juvenile court's discretion:
5045 (a) enter any additional order that [~~it~~] the juvenile court determines to be in the best
5046 interest of the minor, so long as that order does not conflict with the requirements and
5047 provisions of Subsections (4) through (7); or
5048 (b) order the division to provide protective supervision or other services to a minor and
5049 the minor's family after the division's custody of a minor [~~has been~~] is terminated.
5050 (9) (a) If the final plan for the minor is to proceed toward termination of parental
5051 rights, the petition for termination of parental rights shall be filed, and a pretrial held, within 45
5052 calendar days after the day on which the permanency hearing is held.
5053 (b) If the division opposes the plan to terminate parental rights, the juvenile court may
5054 not require the division to file a petition for the termination of parental rights, except as
5055 required under Subsection [~~78A-6-316(2)~~] 80-4-203(2).
5056 (10) (a) Any party to an action may, at any time, petition the juvenile court for an
5057 expedited permanency hearing on the basis that continuation of reunification efforts are
5058 inconsistent with the permanency needs of the minor.
5059 (b) If the juvenile court so determines, [~~it~~] the juvenile court shall order, in accordance
5060 with federal law, that:
5061 (i) the minor be placed in accordance with the permanency plan; and
5062 (ii) whatever steps are necessary to finalize the permanent placement of the minor be
5063 completed as quickly as possible.
5064 (11) Nothing in this section may be construed to:
5065 (a) entitle any parent to reunification services for any specified period of time;
5066 (b) limit a juvenile court's ability to terminate reunification services at any time before
5067 a permanency hearing; or
5068 (c) limit or prohibit the filing of a petition for termination of parental rights by any
5069 party, or a hearing on termination of parental rights, at any time [~~prior to~~] before a permanency

5070 hearing provided that relative placement and custody options have been fairly considered in
5071 accordance with Sections 62A-4a-201 and [~~78A-6-503~~] 80-4-104.
5072 (12) (a) Subject to Subsection (12)(b), if a petition for termination of parental rights is
5073 filed [~~prior to~~] before the date scheduled for a permanency hearing, the juvenile court may
5074 consolidate the hearing on termination of parental rights with the permanency hearing.
5075 (b) For purposes of Subsection (12)(a), if the juvenile court consolidates the hearing on
5076 termination of parental rights with the permanency hearing:
5077 (i) the juvenile court shall first make a finding regarding whether reasonable efforts
5078 have been made by the [~~Division of Child and Family Services~~] division to finalize the
5079 permanency plan for the minor; and
5080 (ii) any reunification services shall be terminated in accordance with the time lines
5081 described in Section [~~78A-6-312~~] 80-3-406.
5082 (c) [~~A~~] The juvenile court shall make a decision on a petition for termination of
5083 parental rights [~~shall be made~~] within 18 months [~~from~~] after the day on which the minor is
5084 initially removed from the minor's home.
5085 (13) If a juvenile court determines that a minor will not be returned to a parent of the
5086 minor, the juvenile court shall consider appropriate placement options inside and outside of the
5087 state.
5088 (14) (a) [~~If~~] In accordance with Section 80-3-108, if a minor 14 years [~~of age~~] old or
5089 older desires an opportunity to address the juvenile court or testify regarding permanency or
5090 placement, the juvenile court shall give the minor's wishes added weight, but may not treat the
5091 minor's wishes as the single controlling factor under this section.
5092 (b) If the juvenile court's decision under this section differs from a minor's express
5093 wishes if the minor is of sufficient maturity to articulate the wishes in relation to permanency
5094 or the minor's placement, the juvenile court shall make findings explaining why the juvenile
5095 court's decision differs from the minor's wishes.
5096 Section 86. Section **80-3-501**, which is renumbered from Section 78A-6-311.5 is
5097 renumbered and amended to read:

5098 **Part 5. Miscellaneous Hearings**

5099 **[~~78A-6-311.5~~]. 80-3-501. Placement in a qualified residential treatment**
5100 **program -- Review hearings.**

5101 (1) As used in this section:

5102 (a) "Qualified individual" means the same as that term is defined in 42 U.S.C. Sec.
5103 675a.

5104 (b) "Qualified residential treatment program" means the same as that term is defined in
5105 42 U.S.C. Sec. 672.

5106 (2) Within 60 days [~~of the date when a child~~] of the day on which a minor is placed in a
5107 qualified residential treatment program under this chapter or Chapter 6, Juvenile Justice, the
5108 juvenile court shall:

5109 (a) review the assessment, determination, and documentation made by a qualified
5110 individual regarding the [~~child~~] minor;

5111 (b) determine whether the needs of the [~~child~~] minor can be met through placement in a
5112 foster home;

5113 (c) if the [~~child's~~] minor's needs cannot be met through placement in a foster home,
5114 determine whether:

5115 (i) placement of the [~~child~~] minor in a qualified residential treatment program provides
5116 the most effective and appropriate level of care for the [~~child~~] minor in the least restrictive
5117 environment; and

5118 (ii) placement in a qualified residential treatment program is consistent with the
5119 short-term and long-term goals for the [~~child~~] minor, as specified in the permanency plan for
5120 the [~~child~~] minor; and

5121 (d) approve or disapprove of the [~~child's~~] minor's placement in a qualified residential
5122 treatment program.

5123 (3) As long as a [~~child~~] minor remains placed in a qualified residential treatment
5124 program, the juvenile court shall review the placement decision at each subsequent review and
5125 permanency hearing held with respect to the [~~child.~~] minor.

5126 (4) When the juvenile court conducts a review described in Subsection (3), the juvenile
5127 court shall review evidence submitted by the custodial division to:
5128 (a) demonstrate an ongoing assessment of the strengths and needs of the [~~child~~] minor
5129 such that the [~~child's~~] minor's needs cannot be met through placement in a foster home;
5130 (b) demonstrate that placement in a qualified residential treatment program provides
5131 the most effective and appropriate level of care for the [~~child~~] minor in the least restrictive
5132 environment;
5133 (c) demonstrate that placement in the qualified residential treatment program is
5134 consistent with the short-term and long-term goals for the [~~child~~] minor, as specified by the
5135 permanency plan for the [~~child~~] minor;
5136 (d) document the specific treatment or service needs that will be met for the [~~child~~]
5137 minor in the placement;
5138 (e) document the length of time the [~~child~~] minor is expected to need the treatment or
5139 services; and
5140 (f) document the efforts made by the custodial division to prepare the [~~child~~] minor to
5141 return home or transition to another setting, such as with a relative, with a friend of the [~~child~~]
5142 minor, with a [~~legal~~] guardian, with an adoptive parent, a foster home, or independent living.
5143 Section 87. Section **80-3-502**, which is renumbered from Section 78A-6-318 is
5144 renumbered and amended to read:
5145 **[~~78A-6-318~~]. 80-3-502. Review of foster care removal -- Foster parent's**
5146 **standing.**
5147 (1) With regard to a [~~child~~] minor in the custody of the [~~Division of Child and Family~~
5148 ~~Services~~] division who is the subject of a petition alleging abuse, neglect, or dependency, and
5149 who has been placed in foster care with a foster family, the Legislature finds that:
5150 (a) except with regard to the [~~child's~~] minor's natural parents, a foster family has a very
5151 limited but recognized interest in its familial relationship with the [~~child~~] minor; and
5152 (b) [~~children~~] minors in the custody of the division are experiencing multiple changes
5153 in foster care placements with little or no documentation, and that numerous studies of child

5154 growth and development emphasize the importance of stability in foster care living
5155 arrangements.
5156 (2) For the reasons described in Subsection (1), the Legislature finds that, except with
5157 regard to the [~~child's~~] minor's natural parents, procedural due process protections must be
5158 provided to a foster family prior to removal of a foster [~~child~~] minor from the foster home.
5159 (3) (a) A foster parent who has had a foster [~~child~~] minor in the foster parent's home for
5160 12 months or longer may petition the juvenile court for a review and determination of the
5161 appropriateness of a decision by the [~~Division of Child and Family Services~~] division to
5162 remove the [~~child~~] minor from the foster home, unless the removal was for the purpose of:
5163 (i) returning the [~~child to the child's~~] minor to the minor's natural parent or legal
5164 guardian;
5165 (ii) immediately placing the [~~child~~] minor in an approved adoptive home;
5166 (iii) placing the [~~child~~] minor with a relative[~~, as defined in Subsection 78A-6-307(1),~~]
5167 who obtained custody or asserted an interest in the [~~child~~] minor within the preference period
5168 described in Subsection [~~78A-6-307(18)(a)~~] 80-3-302(8); or
5169 (iv) placing an Indian child in accordance with [~~preplacement~~] placement preferences
5170 and other requirements described in the Indian Child Welfare Act, 25 U.S.C. Sec. 1915.
5171 (b) The foster parent may petition the juvenile court under this section without
5172 exhausting administrative remedies within the division.
5173 (c) The juvenile court may order the division to place the [~~child~~] minor in a specified
5174 home, and shall base [~~its~~] the juvenile court's determination on the best interest of the [~~child~~]
5175 minor.
5176 (4) The requirements of this section do not apply to the removal of a [~~child~~] minor
5177 based on a foster parent's request for that removal.
5178 Section 88. Section **80-3-503** is enacted to read:
5179 **80-3-503. Minor's petition for removal from division custody -- Reentering**
5180 **division custody.**
5181 (1) (a) A minor who is 18 years old or older, but younger than 21 years old, may

5182 petition the juvenile court to express the minor's desire to have the minor be removed from the
5183 custody of the division if the minor is in the division's custody on grounds of abuse, neglect, or
5184 dependency.
5185 (b) If the minor's parent's rights have not been terminated in accordance with Chapter
5186 4, Termination and Restoration of Parental Rights, the minor's petition described in Subsection
5187 (1)(a) shall contain a statement from the minor's parent or guardian agreeing that the minor
5188 should be removed from the custody of the division.
5189 (c) The minor and the minor's parent or guardian shall sign the petition described in
5190 Subsection (1)(a).
5191 (2) The juvenile court shall:
5192 (a) review the petition described in Subsection (1)(a) within 14 days after the day on
5193 which the petition is filed; and
5194 (b) remove the minor from the custody of the division if:
5195 (i) the requirements under Subsections (1)(b) and (c) are met; and
5196 (ii) the court finds, based on input from the division, the minor's attorney guardian ad
5197 litem, and the Office of the Attorney General, that the minor does not pose an imminent threat
5198 to self or others.
5199 (3) (a) A minor removed from custody of the division under this section may, within 90
5200 days after the day on which the minor is removed from custody of the division, petition the
5201 court to re-enter custody of the division.
5202 (b) Upon receiving a petition described in Subsection (3)(a), the juvenile court shall
5203 order the division to take custody of the minor based on the findings the juvenile court entered
5204 when the juvenile court originally vested custody of the minor in the division.
5205 Section 89. Section **80-4-101**, which is renumbered from Section 78A-6-501 is
5206 renumbered and amended to read:
5207 **CHAPTER 4. TERMINATION AND RESTORATION OF PARENTAL RIGHTS**
5208 **Part 1. General Provisions**
5209 **[~~78A-6-501~~]. 80-4-101. Title.**

5210 This [~~part~~] chapter is known as [~~the "Termination of Parental Rights Act."~~]
5211 "Termination and Restoration of Parental Rights."
5212 Section 90. Section **80-4-102**, which is renumbered from Section 78A-6-502 is
5213 renumbered and amended to read:
5214 **[~~78A-6-502~~]. 80-4-102. Definitions.**
5215 As used in this chapter:
5216 (1) "Division" means the Division of Child and Family Services [~~within the~~
5217 ~~Department of Human Services~~] created in Section 62A-4a-103.
5218 (2) "Failure of parental adjustment" means that a parent or parents are unable or
5219 unwilling within a reasonable time to substantially correct the circumstances, conduct, or
5220 conditions that led to placement of their child outside of their home, notwithstanding
5221 reasonable and appropriate efforts made by the [~~Division of Child and Family Services~~]
5222 division to return the child to [~~that~~] the home.
5223 [~~(3) "Plan" means a written agreement between the parents of a child, who has been~~
5224 ~~removed from the child's home by the juvenile court, and the Division of Child and Family~~
5225 ~~Services or written conditions and obligations imposed upon the parents directly by the~~
5226 ~~juvenile court, that have a primary objective of reuniting the family or, if the parents fail or~~
5227 ~~refuse to comply with the terms and conditions of the case plan, freeing the child for adoption.~~]
5228 (3) "Former parent" means an individual whose legal parental rights were terminated
5229 under this chapter.
5230 (4) "Petition to restore parental rights" means a petition filed in accordance with this
5231 chapter to restore the rights of a parent with regard to a child.
5232 (5) "Petition for termination of parental rights" means a petition filed in accordance
5233 with this chapter to terminate the parental rights of a parent.
5234 (6) "Temporary custody" means the same as that term is defined in Section
5235 62A-4a-101.
5236 Section 91. Section **80-4-103** is enacted to read:
5237 **80-4-103. Nature of the proceedings -- Rules of procedure -- Burden of proof.**

5238 (1) The proceedings under this chapter are civil in nature and are governed by the Utah
5239 Rules of Civil Procedure and the Utah Rules of Juvenile Procedure.
5240 (2) The juvenile court shall:
5241 (a) in all cases filed under this chapter require the petitioner to establish the facts by
5242 clear and convincing evidence;
5243 (b) give full and careful consideration to all of the evidence presented with regard to
5244 the constitutional rights and claims of the parent; and
5245 (c) if a parent is found, by reason of the parent's conduct or condition, to be unfit or
5246 incompetent based upon any of the grounds for termination described in this chapter, consider
5247 the welfare and best interest of the child of paramount importance in determining whether to
5248 terminate parental rights.
5249 Section 92. Section **80-4-104**, which is renumbered from Section 78A-6-503 is
5250 renumbered and amended to read:
5251 **[~~78A-6-503~~]. 80-4-104. Judicial process for termination -- Parent unfit or**
5252 **incompetent -- Best interest of child.**
5253 (1) Under both the United States Constitution and the constitution of this state, a parent
5254 possesses a fundamental liberty interest in the care, custody, and management of the parent's
5255 child. For this reason, the termination of family ties by the state may only be done for
5256 compelling reasons.
5257 (2) The juvenile court shall provide a fundamentally fair process to a parent if a party
5258 moves to terminate the parent's parental rights.
5259 (3) If the party moving to terminate parental rights is a governmental entity, the
5260 juvenile court shall find that any actions or allegations made in opposition to the rights and
5261 desires of a parent regarding the parent's child are supported by sufficient evidence to satisfy a
5262 parent's constitutional entitlement to heightened protection against government interference
5263 with the parent's fundamental rights and liberty interests.
5264 (4) (a) The fundamental liberty interest of a parent concerning the care, custody, and
5265 management of the parent's child is recognized, protected, and does not cease to exist simply

5266 because:
5267 (i) a parent may fail to be a model parent; or
5268 (ii) the parent's child is placed in the temporary custody of the state.
5269 (b) The juvenile court should give serious consideration to the fundamental right of a
5270 parent to rear the parent's child, and concomitantly, of the right of the child to be reared by the
5271 child's natural parent.
5272 (5) At all times, a parent retains a vital interest in preventing the irretrievable
5273 destruction of family life.
5274 (6) [~~Prior to~~] Before an adjudication of unfitness, government action in relation to a
5275 parent and a parent's child may not exceed the least restrictive means or alternatives available
5276 to accomplish a compelling state interest.
5277 (7) Until parental unfitness is established and the children suffer, or are substantially
5278 likely to suffer, serious detriment as a result, the child and the child's parent share a vital
5279 interest in preventing erroneous termination of their relationship and the juvenile court may not
5280 presume that a child and the child's parents are adversaries.
5281 (8) It is in the best interest and welfare of a child to be raised under the care and
5282 supervision of the child's natural parents. A child's need for a normal family life in a permanent
5283 home, and for positive, nurturing family relationships is usually best met by the child's natural
5284 parents. Additionally, the integrity of the family unit and the right of parents to conceive and
5285 raise their children are constitutionally protected. For these reasons, the juvenile court should
5286 only transfer custody of a child from the child's natural parent for compelling reasons and when
5287 there is a jurisdictional basis to do so.
5288 (9) The right of a fit, competent parent to raise the parent's child without undue
5289 government interference is a fundamental liberty interest that has long been protected by the
5290 laws and Constitution of this state and of the United States, and is a fundamental public policy
5291 of this state.
5292 (10) (a) The state recognizes that:
5293 (i) a parent has the right, obligation, responsibility, and authority to raise, manage,

5294 train, educate, provide for, and reasonably discipline the parent's child; and
5295 (ii) the state's role is secondary and supportive to the primary role of a parent.
5296 (b) It is the public policy of this state that a parent retain the fundamental right and duty
5297 to exercise primary control over the care, supervision, upbringing, and education of the parent's
5298 child.
5299 (c) The interests of the state favor preservation and not severance of natural familial
5300 bonds in situations where a positive, nurturing parent-child relationship can exist, including
5301 extended family association and support.
5302 (11) This [~~part~~] chapter provides a judicial process for voluntary and involuntary
5303 severance of the parent-child relationship, designed to safeguard the rights and interests of all
5304 parties concerned and promote their welfare and that of the state.
5305 (12) (a) Wherever possible, family life should be strengthened and preserved, but if a
5306 parent is found, by reason of the parent's conduct or condition, to be unfit or incompetent based
5307 upon any of the grounds for termination described in this part, the juvenile court shall then
5308 consider the welfare and best interest of the child of paramount importance in determining
5309 whether termination of parental rights shall be ordered.
5310 (b) In determining whether termination is in the best interest of the child, and in
5311 finding that termination of parental rights, from the child's point of view, is strictly necessary,
5312 the juvenile court shall consider, among other relevant factors, whether:
5313 (i) sufficient efforts were dedicated to reunification in accordance with [~~Subsection~~
5314 ~~78A-6-507(3)(a)~~] Section 80-4-301; and
5315 (ii) the efforts to place the child with kin who have, or are willing to come forward to
5316 care for the child, were given due weight.
5317 Section 93. Section **80-4-105**, which is renumbered from Section 78A-6-513 is
5318 renumbered and amended to read:
5319 **[~~78A-6-513~~]. 80-4-105. Effect of decree.**
5320 (1) An order for the termination of [~~the parent-child legal relationship~~] parental rights
5321 divests the child and the parents of all legal rights, powers, immunities, duties, and obligations

5322 with respect to each other, except the right of the child to inherit from the parent.
5323 (2) An order or decree entered [~~pursuant to this part~~] under this chapter may not
5324 disentitle a child to any benefit due [~~him~~] to the child from any third person, including[~~, but not~~
5325 ~~limited to,~~] any Indian tribe, agency, state, or the United States.
5326 (3) Except as provided in Sections [~~78A-6-1401 through 78A-6-1404~~] 80-4-401 and
5327 80-4-402, after the termination of [~~a parent-child legal relationship~~] a parent's parental rights,
5328 the former parent:
5329 (a) is [~~neither~~] not entitled to any notice of proceedings for the adoption of the child
5330 [~~nor has~~]; and
5331 (b) does not have any right to object to the adoption or to participate in any other
5332 placement proceedings.
5333 (4) An order permanently terminating the rights of a parent, guardian, or custodian
5334 does not expire with termination of the jurisdiction of the juvenile court.
5335 Section 94. Section **80-4-106** is enacted to read:
5336 **80-4-106. Individuals entitled to be present at proceedings -- Legal representation**
5337 **-- Attorney general responsibilities.**
5338 (1) (a) The juvenile court shall admit any individual to a hearing unless the juvenile
5339 court makes a finding upon the record that the individual's presence at the hearing would:
5340 (i) be detrimental to the best interest of a child who is a party to the proceeding;
5341 (ii) impair the fact-finding process; or
5342 (iii) be otherwise contrary to the interests of justice.
5343 (b) The juvenile court may exclude an individual from a hearing under Subsection
5344 (1)(a) on the juvenile court's own motion or by motion of a party to the proceeding.
5345 (2) (a) The parties shall be advised of the parties' right to counsel, including the
5346 appointment of counsel for a parent or legal guardian facing any action initiated by a private
5347 party under this chapter or under Section 78B-6-112 for termination of parental rights.
5348 (b) If a parent or guardian is the subject of a petition for the termination of parental
5349 rights, the juvenile court shall:

5350 (i) appoint an indigent defense service provider for a parent or guardian determined to
5351 be an indigent individual in accordance with Title 78B, Chapter 22, Part 2, Appointment of
5352 Counsel; and
5353 (ii) order indigent defense services for the parent or legal guardian who is determined
5354 to be an indigent individual in accordance with Title 78B, Chapter 22, Part 2, Appointment of
5355 Counsel.
5356 (c) In any action under this chapter, a guardian ad litem, as defined in Section
5357 78A-2-801, shall represent the child in accordance with Sections 78A-2-803 and 80-3-104.
5358 (d) A guardian ad litem, as defined in Section 78A-2-801, shall represent the child in
5359 other actions initiated under this chapter when appointed by the juvenile court under Section
5360 78A-2-803 or as otherwise provided by law.
5361 (3) Subject to the attorney general's prosecutorial discretion in civil enforcement
5362 actions, the attorney general shall, in accordance with Section 62A-4a-113, enforce all
5363 provisions of this chapter and Title 62A, Chapter 4a, Child and Family Services, relating to the
5364 termination of parental rights.
5365 Section 95. Section **80-4-107** is enacted to read:
5366 **80-4-107. Record of proceedings -- Written reports and other materials --**
5367 **Statements of a child.**
5368 (1) As used in this section, "record of a proceeding" means the same as that term is
5369 defined in Section 80-3-106.
5370 (2) A record of a proceeding under this chapter:
5371 (a) shall be taken in accordance with Section 80-3-106; and
5372 (b) may be requested for release as described in Section 80-3-106.
5373 (3) (a) For purposes of determining proper disposition of a child in hearings upon a
5374 petition for termination of parental rights, written reports and other material relating to the
5375 minor's mental, physical, and social history and condition may be:
5376 (i) received in evidence; and
5377 (ii) considered by the court along with other evidence.

5378 (b) The court may require that an individual who wrote a report or prepared the
5379 material under Subsection (3)(a) to appear as a witness if the individual is reasonably available.
5380 (4) For the purpose of establishing abuse, neglect, or dependency under this chapter,
5381 the juvenile court may, in the juvenile court's discretion, consider evidence of statements made
5382 by a child under eight years old to an individual in a trust relationship.
5383 Section 96. Section **80-4-108**, which is renumbered from Section 78A-6-515 is
5384 renumbered and amended to read:
5385 **[~~78A-6-515~~]. 80-4-108. Physical or mental health examination during**
5386 **proceedings.**
5387 [~~(1) When a mental health practitioner is to be appointed in a parental rights action to~~
5388 ~~evaluate the mental health of a parent or a child, or to provide mental health services to a parent~~
5389 ~~or a child, the court:~~]
5390 [~~(a)~~] (1) In a proceeding under this chapter, the juvenile court may appoint any mental
5391 health therapist, as defined in Section 58-60-102, [~~which~~] who the juvenile court finds to be
5392 qualified[~~;~~] to:
5393 (a) evaluate the mental health of, or provide mental health services to, the child; or
5394 (b) after notice and a hearing set for the specific purpose, evaluate the mental health of
5395 a parent, or provide mental health services to a parent, if the juvenile court finds from the
5396 evidence presented at the hearing that the parent's mental or emotional condition may be a
5397 factor in the parent's unfitness.
5398 (2) The juvenile court:
5399 [~~(b)~~] (a) may not refuse to appoint a mental health therapist under Subsection (1) for
5400 the reason that the therapist's recommendations in another case [~~have not followed~~] did not
5401 follow the recommendations of the [~~Division of Child and Family Services~~] division or the
5402 Office of Guardian Ad Litem; and
5403 [~~(c)~~] (b) shall give strong consideration to the parent's or guardian's wishes regarding
5404 the selection of a mental health therapist.
5405 (3) In a proceeding under this chapter, the juvenile court may appoint a physician, or a

5406 physician assistant, who the court finds to be qualified to:
5407 (a) physically examine the child; or
5408 (b) after notice and a hearing set for a specific purpose, physically examine the parent
5409 if the juvenile court finds from the evidence presented at the hearing that the parent's physical
5410 condition may be a factor in causing the parent's unfitness.
5411 (4) The division shall, with regard to a child in the division's custody:
5412 (a) take reasonable measures to notify a parent of any non-emergency health treatment
5413 or care scheduled for a child;
5414 (b) include the parent as fully as possible in making health care decisions for the child;
5415 (c) defer to the parent's reasonable and informed decisions regarding the child's health
5416 care to the extent that the child's health and well-being are not unreasonably compromised by
5417 the parent's decision; and
5418 (d) notify the parent of the child within five business days after the day on which the
5419 child receives emergency health care or treatment.
5420 (5) An examination conducted in accordance with Subsection (1) or (2) is not a
5421 privileged communication under Utah Rules of Evidence, Rule 506(d)(3), and is exempt from
5422 the general rule of privilege.
5423 [~~(2)~~] (6) This section applies to all juvenile court proceedings under this chapter
5424 involving:
5425 (a) parents and children; or
5426 [~~(b) the Division of Child and Family Services.~~]
5427 (b) the division.
5428 Section 97. Section **80-4-109** is enacted to read:
5429 **80-4-109. Consideration of cannabis during proceedings.**
5430 (1) As used in this section:
5431 (a) "Cannabis" means the same as that term is defined in Section 26-61a-102.
5432 (b) "Cannabis product" means the same as that term is defined in Section 26-61a-102.
5433 (c) (i) "Chronic" means repeated or patterned.

5434 (ii) "Chronic" does not mean an isolated incident.
5435 (d) "Directions of use" means the same as that term is defined in Section 26-61a-102.
5436 (e) "Dosing guidelines" means the same as that term is defined in Section 26-61a-102.
5437 (f) "Medical cannabis" means the same as that term is defined in Section 26-61a-102.
5438 (g) "Medical cannabis cardholder" means the same as that term is defined in Section
5439 26-61a-102.
5440 (h) "Qualified medical provider" means the same as that term is defined in Section
5441 26-61a-102.
5442 (2) In a proceeding under this chapter in which the juvenile court makes a finding,
5443 determination, or otherwise considers an individual's possession or use of medical cannabis, a
5444 cannabis product, or a medical cannabis device, the juvenile court may not consider or treat the
5445 individual's possession or use any differently than the lawful possession or use of any
5446 prescribed controlled substance if:
5447 (a) the individual's possession or use complies with Title 4, Chapter 41a, Cannabis
5448 Production Establishments;
5449 (b) the individual's possession or use complies with Subsection 58-37-3.7(2) or (3); or
5450 (c) (i) the individual's possession or use complies with Title 26, Chapter 61a, Utah
5451 Medical Cannabis Act; and
5452 (ii) the individual reasonably complies with the directions of use and dosing guidelines
5453 determined by the individual's qualified medical provider or through a consultation described
5454 in Subsection 26-61a-502(4) or (5).
5455 (3) In a proceeding under this chapter, a parent's or guardian's use of cannabis or a
5456 cannabis product is not abuse or neglect of a child unless there is evidence showing that:
5457 (a) the child is harmed because of the child's inhalation or ingestion of cannabis, or
5458 because of cannabis being introduced to the child's body in another manner; or
5459 (b) the child is at an unreasonable risk of harm because of chronic inhalation or
5460 ingestion of cannabis or chronic introduction of cannabis to the child's body in another manner.
5461 (4) Unless there is harm or an unreasonable risk of harm to the child as described in

5462 Subsection (3), a parent's or guardian's use of medical cannabis or a cannabis product is not
5463 contrary to the best interests of a child if:
5464 (a) for a medical cannabis cardholder after January 1, 2021, the parent's or guardian's
5465 possession or use complies with Title 26, Chapter 61a, Utah Medical Cannabis Act, and there
5466 is no evidence that the parent's or guardian's use of medical cannabis unreasonably deviates
5467 from the directions of use and dosing guidelines determined by the parent's or guardian's
5468 qualified medical provider or through a consultation described in Subsection 26-61a-502(4) or
5469 (5); or
5470 (b) before January 1, 2021, the parent's or guardian's possession or use complies with
5471 Subsection 58-37-3.7(2) or (3).
5472 (5) Subsection (3) does not prohibit a finding of abuse or neglect of a child and
5473 Subsection (3) does not prohibit a finding that a parent's or guardian's use of medical cannabis
5474 or a cannabis product is contrary to the best interests of a child, if there is evidence showing a
5475 nexus between the parent's or guardian's use of cannabis or a cannabis product and behavior
5476 that would separately constitute abuse or neglect of the child.
5477 Section 98. Section **80-4-201**, which is renumbered from Section 78A-6-504 is
5478 renumbered and amended to read:
5479 **Part 2. Petition for Termination of Parental Rights**
5480 **[~~78A-6-504~~]. 80-4-201. Petition -- Who may file -- Dismissal.**
5481 (1) Any interested party, including a foster parent, may file a petition for termination of
5482 [~~the parent-child relationship with regard to a child~~] parental rights.
5483 (2) The attorney general shall file a petition for termination of parental rights under this
5484 [~~part~~] chapter on behalf of the division.
5485 (3) The juvenile court may dismiss a petition for termination of parental rights at any
5486 stage of the proceedings.
5487 Section 99. Section **80-4-202**, which is renumbered from Section 78A-6-505 is
5488 renumbered and amended to read:
5489 **[~~78A-6-505~~]. 80-4-202. Contents of petition.**

5490 (1) [~~The~~] A petition for termination of parental rights shall include, to the best
5491 information or belief of the petitioner:
5492 [~~(a) the name and place of residence of the petitioner;~~]
5493 [~~(b) the name, sex, date and place of birth, and residence of the child;~~]
5494 [~~(c) the relationship of the petitioner to the child;~~]
5495 [~~(d) the names, addresses, and dates of birth of the parents, if known;~~]
5496 [~~(e) the name and address of the person having legal custody or guardianship, or acting~~
5497 ~~in loco parentis to the child, or the organization or agency having legal custody or providing~~
5498 ~~care for the child;~~]
5499 (a) the information required by Utah Rules of Juvenile Procedure, Rule 17;
5500 [~~(f)~~] (b) the grounds on which termination of parental rights is sought, in accordance
5501 with Section [~~78A-6-507~~] 80-4-301; and
5502 [~~(g)~~] (c) the names and addresses of the [~~persons~~] individuals or the authorized agency
5503 to whom legal custody or guardianship of the child might be transferred.
5504 (2) [~~A~~] The petitioner shall attach a copy of [~~any~~] a relinquishment or consent, if any,
5505 previously executed by the parent or parents [~~shall be attached~~] to the petition described in
5506 Subsection (1).
5507 Section 100. Section **80-4-203**, which is renumbered from Section 78A-6-316 is
5508 renumbered and amended to read:
5509 **[~~78A-6-316~~]. 80-4-203. Mandatory petition for termination of parental**
5510 **rights.**
5511 (1) For purposes of this section, "abandoned infant" means a child who is 12 months
5512 [~~of age or younger~~] old or younger and whose parent or parents:
5513 (a) although having legal custody of the child, fail to maintain physical custody of the
5514 child without making arrangements for the care of the child;
5515 (b) have failed to:
5516 (i) maintain physical custody; and
5517 (ii) exhibit the normal interest of a natural parent without just cause; or

5518 (c) are unwilling to have physical custody of the child.
5519 (2) Except as provided in Subsection (3), notwithstanding any other provision of this
5520 chapter or of Title 62A, Chapter 4a, Child and Family Services, the division shall file a petition
5521 for termination of parental rights with regard to:
5522 (a) an abandoned infant; or
5523 (b) the child of a parent, whenever a court has determined that the parent has:
5524 (i) committed murder or child abuse homicide of another child of that parent;
5525 (ii) committed manslaughter of another child of that parent;
5526 (iii) aided, abetted, attempted, conspired, or solicited to commit murder, child abuse
5527 homicide, or manslaughter against another child of that parent; or
5528 (iv) committed a felony assault or abuse that results in serious physical injury to:
5529 (A) another child of that parent; or
5530 (B) the other parent of the child.
5531 (3) The division is not required to file a petition for termination of parental rights under
5532 Subsection (2) if:
5533 (a) the child is being cared for by a relative;
5534 (b) the division has:
5535 (i) documented in the child's child and family plan a compelling reason for determining
5536 that filing a petition for termination of parental rights is not in the child's best interest; and
5537 (ii) made that child and family plan available to the juvenile court for [~~its~~] the juvenile
5538 court's review; or
5539 (c) (i) the juvenile court has previously determined, in accordance with the provisions
5540 and limitations of Sections 62A-4a-201, 62A-4a-203, [~~78A-6-306, and 78A-6-312~~] 80-3-301,
5541 and 80-3-406, that reasonable efforts to reunify the child with the child's parent or parents were
5542 required; and
5543 (ii) the division has not provided, within the time period specified in the child and
5544 family plan, services that had been determined to be necessary for the safe return of the child.
5545 Section 101. Section **80-4-204**, which is renumbered from Section 78A-6-506 is

5546 renumbered and amended to read:

5547 **[~~78A-6-506~~]. 80-4-204. Notice of petition.**

5548 (1) (a) After a petition for termination of parental rights [~~has been~~] is filed, notice shall:

5549 [~~(a)~~] (i) be provided to the parents, the guardian, the [~~person~~] individual or agency

5550 having legal custody of the child, and any [~~person~~] individual acting in loco parentis to the

5551 child; and

5552 [~~(b)~~] (ii) indicate the:

5553 [~~(i)~~] (A) nature of the petition;

5554 [~~(ii)~~] (B) time and place of the hearing;

5555 [~~(iii)~~] (C) right to counsel; and

5556 [~~(iv)~~] (D) right to the appointment of counsel for a party whom the juvenile court

5557 determines is indigent and at risk of losing the party's parental rights.

5558 (b) The notice described in Subsection (1)(a), or a separate notice subsequently issued,

5559 shall contain a statement to the effect that the rights of the parent or parents are proposed to be

5560 permanently terminated in the proceedings.

5561 (2) [~~A hearing shall be held~~] The juvenile court shall hold a hearing specifically on the

5562 question of termination of parental rights no sooner than 10 days after [~~service of summons is~~

5563 ~~complete. A verbatim record of the proceedings shall be taken and the parties shall be advised~~

5564 ~~of their right to counsel, including the appointment of counsel for an indigent parent or legal~~

5565 ~~guardian facing any action initiated by a private party under this part or termination of parental~~

5566 ~~rights under Section 78B-6-112. The summons shall contain a statement to the effect that the~~

5567 ~~rights of the parent or parents are proposed to be permanently terminated in the proceedings.~~

5568 ~~That statement may be contained in the summons originally issued in the proceeding or in a~~

5569 ~~separate summons subsequently issued.~~] the day on which the notice described in Subsection

5570 (1) is served.

5571 [~~(3) The proceedings are civil in nature and are governed by the Utah Rules of Civil~~

5572 ~~Procedure. The court shall in all cases require the petitioner to establish the facts by clear and~~

5573 ~~convincing evidence, and shall give full and careful consideration to all of the evidence~~

5574 ~~presented with regard to the constitutional rights and claims of the parent and, if a parent is~~
5575 ~~found, by reason of the parent's conduct or condition, to be unfit or incompetent based upon~~
5576 ~~any of the grounds for termination described in this part, the court shall then consider the~~
5577 ~~welfare and best interest of the child of paramount importance in determining whether~~
5578 ~~termination of parental rights shall be ordered.~~]
5579 Section 102. Section **80-4-205** is enacted to read:
5580 **80-4-205. Expedited hearing for temporary custody.**
5581 (1) At any time after a petition for termination of parental rights is filed, the juvenile
5582 court may make an order in accordance with this chapter:
5583 (a) providing for temporary custody of the child who is the subject of the petition; or
5584 (b) that the division provide protective services to the child who is the subject of the
5585 petition if the juvenile court determines that:
5586 (i) the child is at risk of being removed from the child's home due to abuse and neglect;
5587 and
5588 (ii) the provision of protective services may make the removal described in Subsection
5589 (1)(b)(i) unnecessary.
5590 (2) (a) The juvenile court shall hold an expedited hearing to determine whether a child
5591 should be placed in temporary custody if:
5592 (i) a person files a petition for termination of parental rights;
5593 (ii) a party to the proceeding files a motion for expedited placement in temporary
5594 custody; and
5595 (iii) notice of the hearing described in this Subsection (1)(a) is served consistent with
5596 the requirements for notice of a shelter hearing under Section 80-3-301.
5597 (b) The hearing described in Subsection (2)(a):
5598 (i) shall be held within 72 hours, excluding weekends and holidays, after the time in
5599 which the motion described in Subsection (2)(a)(ii) is filed; and
5600 (ii) shall be considered a shelter hearing under Section 80-3-301 and Utah Rules of
5601 Juvenile Procedure, Rule 13.

5602 (3) (a) The hearing and notice described in Subsection (1) are subject to:
5603 (i) Section 80-3-301;
5604 (ii) Section 80-3-302; and
5605 (iii) the Utah Rules of Juvenile Procedure.
5606 (b) After the hearing described in Subsection (1), the juvenile court may order a child
5607 placed in the temporary custody of the division.
5608 Section 103. Section **80-4-206** is enacted to read:
5609 **80-4-206. Mediation.**
5610 If a petition for termination of parental rights is filed, or if the matter is referred to the
5611 juvenile court under Subsection 78A-6-104(1)(a)(iii), the juvenile court may require the parties
5612 to participate in mediation in accordance with Title 78B, Chapter 6, Part 2, Alternative Dispute
5613 Resolution Act.
5614 Section 104. Section **80-4-207** is enacted to read:
5615 **80-4-207. Modification of petition -- Continuance.**
5616 (1) When it appears that evidence presented in a proceeding under this chapter points
5617 to material facts not alleged in the petition for termination of parental rights, the juvenile court
5618 may consider the additional or different matters raised by the evidence if the parties consent.
5619 (2) The juvenile court, by a motion of any interested party or on the juvenile court's
5620 own motion, shall direct that the petition for termination of parental rights be amended to
5621 conform to the evidence described in Subsection (1).
5622 (3) If the amendment described in Subsection (2) results in a substantial departure from
5623 the facts originally alleged in the petition for the termination of parental rights, the juvenile
5624 court shall grant a continuance as justice may require in accordance with Utah Rules of
5625 Juvenile Procedure, Rule 54.
5626 Section 105. Section **80-4-301**, which is renumbered from Section 78A-6-507 is
5627 renumbered and amended to read:
5628 **Part 3. Termination and Post-termination of Parental Rights**
5629 **[~~78A-6-507~~]. 80-4-301. Grounds for termination of parental rights --**

5630 **Findings regarding reasonable efforts.**
5631 (1) Subject to the protections and requirements of Section [~~78A-6-503~~] 80-4-104, and
5632 if the juvenile court finds termination of [~~a parent's~~] parental rights, from the child's point of
5633 view, is strictly necessary, the juvenile court may terminate all parental rights with respect to
5634 the parent if the juvenile court finds any one of the following:
5635 (a) that the parent has abandoned the child;
5636 (b) that the parent has neglected or abused the child;
5637 (c) that the parent is unfit or incompetent;
5638 (d) (i) that the child is being cared for in an out-of-home placement under the
5639 supervision of the juvenile court or the division;
5640 (ii) that the parent has substantially neglected, [~~wilfully~~] willfully refused, or has been
5641 unable or unwilling to remedy the circumstances that cause the child to be in an out-of-home
5642 placement; and
5643 (iii) that there is a substantial likelihood that the parent will not be capable of
5644 exercising proper and effective parental care in the near future;
5645 (e) failure of parental adjustment, as defined in this chapter;
5646 (f) that only token efforts have been made by the parent:
5647 (i) to support or communicate with the child;
5648 (ii) to prevent neglect of the child;
5649 (iii) to eliminate the risk of serious harm to the child; or
5650 (iv) to avoid being an unfit parent;
5651 (g) (i) that the parent has voluntarily relinquished the parent's parental rights to the
5652 child; and
5653 (ii) that termination is in the child's best interest;
5654 (h) that, after a period of trial during which the child was returned to live in the child's
5655 own home, the parent substantially and continuously or repeatedly refused or failed to give the
5656 child proper parental care and protection; or
5657 (i) the terms and conditions of safe relinquishment of a newborn child have been

5658 complied with, [~~pursuant to~~] in accordance with Title 62A, Chapter 4a, Part 8, Safe
5659 Relinquishment of a Newborn Child.
5660 (2) The juvenile court may not terminate the parental rights of a parent because the
5661 parent has failed to complete the requirements of a child and family plan.
5662 (3) (a) Except as provided in Subsection (3)(b), in any case in which the juvenile court
5663 has directed the division to provide reunification services to a parent, the juvenile court must
5664 find that the division made reasonable efforts to provide those services before the juvenile
5665 court may terminate the parent's rights under Subsection (1)(b), (c), (d), (e), (f), or (h).
5666 (b) Notwithstanding Subsection (3)(a), the juvenile court is not required to make the
5667 finding under Subsection (3)(a) before terminating a parent's rights:
5668 (i) under Subsection (1)(b), if the juvenile court finds that the abuse or neglect occurred
5669 subsequent to adjudication; or
5670 (ii) if reasonable efforts to provide the services described in Subsection (3)(a) are not
5671 required under federal law, and federal law is not inconsistent with Utah law.
5672 Section 106. Section **80-4-302**, which is renumbered from Section 78A-6-508 is
5673 renumbered and amended to read:
5674 **[~~78A-6-508~~]. 80-4-302. Evidence of grounds for termination.**
5675 (1) In determining whether a parent or parents have abandoned a child, it is prima facie
5676 evidence of abandonment that the parent or parents:
5677 (a) although having legal custody of the child, have surrendered physical custody of the
5678 child, and for a period of six months following the surrender have not manifested to the child
5679 or to the person having the physical custody of the child a firm intention to resume physical
5680 custody or to make arrangements for the care of the child;
5681 (b) have failed to communicate with the child by mail, telephone, or otherwise for six
5682 months;
5683 (c) failed to have shown the normal interest of a natural parent, without just cause; or
5684 (d) have abandoned an infant, as described in [~~Subsection 78A-6-316(1)~~] Section
5685 80-4-203.

5686 (2) In determining whether a parent or parents are unfit or have neglected a child the
5687 juvenile court shall consider[~~, but is not limited to, the following circumstances, conduct, or~~
5688 ~~conditions~~]:
5689 (a) emotional illness, mental illness, or mental deficiency of the parent that renders the
5690 parent unable to care for the immediate and continuing physical or emotional needs of the child
5691 for extended periods of time;
5692 (b) conduct toward a child of a physically, emotionally, or sexually cruel or abusive
5693 nature;
5694 (c) habitual or excessive use of intoxicating liquors, controlled substances, or
5695 dangerous drugs that render the parent unable to care for the child;
5696 (d) repeated or continuous failure to provide the child with adequate food, clothing,
5697 shelter, education, or other care necessary for the child's physical, mental, and emotional health
5698 and development by a parent or parents who are capable of providing that care;
5699 (e) whether the parent is incarcerated as a result of conviction of a felony, and the
5700 sentence is of such length that the child will be deprived of a normal home for more than one
5701 year;
5702 (f) a history of violent behavior; [~~or~~]
5703 (g) whether the parent has intentionally exposed the child to pornography or material
5704 harmful to a minor, as defined in Section 76-10-1201[~~.~~]; or
5705 (h) any other circumstance, conduct, or condition that the court considers relevant in
5706 the determination of whether a parent or parents are unfit or have neglected the child.
5707 (3) Notwithstanding Subsection (2)(c), the juvenile court may not discriminate against
5708 a parent because of or otherwise consider the parent's lawful possession or consumption of
5709 cannabis in a medicinal dosage form, a cannabis product, as those terms are defined in Section
5710 26-61a-102 or a medical cannabis device, in accordance with Title 26, Chapter 61a, Utah
5711 Medical Cannabis Act.
5712 (4) A parent who, legitimately practicing the parent's religious beliefs, does not provide
5713 specified medical treatment for a child is not, for that reason alone, a negligent or unfit parent.

5714 (5) (a) Notwithstanding Subsection (2), a parent may not be considered neglectful or
5715 unfit because of a health care decision made for a child by the child's parent unless the state or
5716 other party to the proceeding shows, by clear and convincing evidence, that the health care
5717 decision is not reasonable and informed.
5718 (b) Nothing in Subsection (5)(a) may prohibit a parent from exercising the right to
5719 obtain a second health care opinion.
5720 (6) If a child has been placed in the custody of the division and the parent or parents
5721 fail to comply substantially with the terms and conditions of a plan within six months after the
5722 date on which the child was placed or the plan was commenced, whichever occurs later, that
5723 failure to comply is evidence of failure of parental adjustment.
5724 (7) The following circumstances [~~constitute~~] are prima facie evidence of unfitness:
5725 (a) sexual abuse, sexual exploitation, injury, or death of a sibling of the child, or of any
5726 child, due to known or substantiated abuse or neglect by the parent or parents;
5727 (b) conviction of a crime, if the facts surrounding the crime are of such a nature as to
5728 indicate the unfitness of the parent to provide adequate care to the extent necessary for the
5729 child's physical, mental, or emotional health and development;
5730 (c) a single incident of life-threatening or gravely disabling injury to or disfigurement
5731 of the child;
5732 (d) the parent has committed, aided, abetted, attempted, conspired, or solicited to
5733 commit murder or manslaughter of a child or child abuse homicide; or
5734 (e) the parent intentionally, knowingly, or recklessly causes the death of another parent
5735 of the child, without legal justification.
5736 Section 107. Section **80-4-303**, which is renumbered from Section 78A-6-509 is
5737 renumbered and amended to read:
5738 **[~~78A-6-509~~]. 80-4-303. Specific considerations when child is not in**
5739 **physical custody of parent.**
5740 (1) If a child is not in the physical custody of the child's parent or parents, the juvenile
5741 court, in determining whether parental rights should be terminated, shall consider[~~, but is not~~

5742 ~~limited to, the following~~]:
5743 (a) the physical, mental, or emotional condition and needs of the child and [~~his~~] the
5744 child's desires regarding the termination, if the juvenile court determines [~~he~~] the child is of
5745 sufficient capacity to express [~~his~~] the child's desires; [~~and~~]
5746 (b) the effort the child's parent or parents have made to adjust [~~their~~] the parent's or
5747 parents' circumstances, conduct, or conditions to make it in the child's best interest to return
5748 [~~him to his~~] the child to the child's home after a reasonable length of time, including [~~but not~~
5749 ~~limited to~~]:
5750 (i) payment of a reasonable portion of substitute physical care and maintenance, if
5751 financially able;
5752 (ii) maintenance of regular parent-time or other contact with the child that was
5753 designed and carried out in a plan to reunite the child with the parent or parents; and
5754 (iii) maintenance of regular contact and communication with the custodian of the
5755 child[~~.~~]; and
5756 (c) any other factor that the juvenile court considers relevant in the determination of
5757 whether to terminate parental rights.
5758 (2) For purposes of this section, the juvenile court shall disregard incidental conduct,
5759 contributions, contacts, and communications.
5760 Section 108. Section **80-4-304**, which is renumbered from Section 78A-6-510 is
5761 renumbered and amended to read:
5762 **[~~78A-6-510~~]. 80-4-304. Specific considerations when child is placed in**
5763 **foster home.**
5764 If a child is in the custody of the division and has been placed and resides in a foster
5765 home and the division institutes proceedings under this [~~part~~] chapter regarding the child, with
5766 an ultimate goal of having the child's foster parent or parents adopt [~~him~~] the child, the juvenile
5767 court shall consider:
5768 (1) whether the child has become integrated into the foster family to the extent that
5769 [~~his~~] the child's familial identity is with [~~that family, and~~] the foster family;

5770 (2) whether the foster family is able and willing permanently to treat the child as a
5771 member of the family[~~. The court shall also consider, but is not limited to, the following:~~];
5772 [~~(1)~~] (3) the love, affection, and other emotional ties existing between the child and the
5773 parents, and the child's ties with the foster family;
5774 [~~(2)~~] (4) the capacity and disposition of the child's parents from whom the child was
5775 removed as compared with that of the foster family to give the child love, affection, and
5776 guidance and to continue the education of the child;
5777 [~~(3)~~] (5) the length of time the child has lived in a stable, satisfactory foster home and
5778 the desirability of [~~his~~] the child continuing to live in that environment;
5779 [~~(4)~~] (6) the permanence as a family unit of the foster family; and
5780 [~~(5)~~] (7) any other factor [~~considered by the court to be~~] that the juvenile court
5781 considers relevant to a particular placement of a child.
5782 Section 109. Section **80-4-305**, which is renumbered from Section 78A-6-511 is
5783 renumbered and amended to read:
5784 **[~~78A-6-511~~]. 80-4-305. Court disposition of child upon termination of**
5785 **parental rights -- Posttermination reunification.**
5786 (1) As used in this section, "relative" means:
5787 (a) an adult who is a grandparent, great-grandparent, aunt, great aunt, uncle, great
5788 uncle, brother-in-law, sister-in-law, stepparent, first cousin, sibling, or stepsibling of a child;
5789 and
5790 [~~(b) in the case of a child defined as an "Indian" under the Indian Child Welfare Act, 25~~
5791 ~~U.S.C. Sec. 1903, "relative" also means an "extended family member" as defined by that~~
5792 ~~statute.~~]
5793 (b) in the case of a child who is an Indian child, an extended family member as defined
5794 in 25 U.S.C. Sec. 1903.
5795 (2) Upon entry of an order under this [~~part~~] chapter, the juvenile court may:
5796 (a) place the child in the legal custody and guardianship of a licensed child placement
5797 agency or the division for adoption; or

5798 (b) make any other disposition of the child authorized under Section [~~78A-6-117~~]
5799 80-3-405.
5800 (3) Subject to the requirements of Subsections (4) and (5), all adoptable children
5801 placed in the custody of the division shall be placed for adoption.
5802 (4) If the parental rights of all parents of an adoptable child placed in the custody of the
5803 division have been terminated and a suitable adoptive placement is not already available, the
5804 juvenile court:
5805 (a) shall determine whether there is a relative who desires to adopt the child;
5806 (b) may order the division to conduct a reasonable search to determine whether there
5807 are relatives who are willing to adopt the child; and
5808 (c) shall, if a relative desires to adopt the child:
5809 (i) make a specific finding regarding the fitness of the relative to adopt the child; and
5810 (ii) place the child for adoption with that relative unless [~~it~~] the juvenile court finds that
5811 adoption by the relative is not in the best interest of the child.
5812 (5) This section does not guarantee that a relative will be permitted to adopt the child.
5813 (6) A parent whose rights were terminated under this [~~part~~] chapter, or a relative of the
5814 child, as defined by Section [~~78A-6-307~~] 80-3-102, may petition for guardianship of the child
5815 if:
5816 (a) (i) following an adoptive placement, the child's adoptive parent returns the child to
5817 the custody of the division; or
5818 (ii) the child is in the custody of the division for one year following the day on which
5819 the parent's rights were terminated, and no permanent placement has been found or is likely to
5820 be found; and
5821 (b) reunification with the child's parent, or guardianship by the child's relative, is in the
5822 best interest of the child.
5823 Section 110. Section **80-4-306**, which is renumbered from Section 78A-6-512 is
5824 renumbered and amended to read:
5825 **[~~78A-6-512~~]. 80-4-306. Review following termination.**

5826 (1) At the conclusion of the hearing in which the juvenile court orders termination of
5827 [~~the parent-child relationship, the~~] parental rights, the juvenile court shall order that a review
5828 hearing be held within 90 days after the day on which [~~the parent-child relationship is~~] parental
5829 rights are terminated[~~,~~] if the child has not been permanently placed.
5830 (2) At [~~that~~] the review hearing[~~,~~] described in Subsection (1):
5831 (a) the agency or individual vested with custody of the child shall report to the juvenile
5832 court regarding the plan for permanent placement of the child[~~. The~~]; and
5833 (b) the guardian ad litem shall make recommendations to the juvenile court, based on
5834 an independent investigation, for disposition meeting the best interests of the child.
5835 (3) The juvenile court may order the agency or individual vested with custody of the
5836 child to report, at appropriate intervals, on the status of the child until the plan for permanent
5837 placement of the child [~~has been~~] is accomplished.
5838 Section 111. Section **80-4-307**, which is renumbered from Section 78A-6-514 is
5839 renumbered and amended to read:
5840 **[~~78A-6-514~~]. 80-4-307. Voluntary relinquishment -- Irrevocable.**
5841 [~~(1) Voluntary relinquishment or consent for termination of parental rights shall be~~
5842 ~~signed or confirmed under oath either:~~]
5843 (1) The individual consenting to termination of parental rights or voluntarily
5844 relinquishing parental rights shall sign or confirm the consent or relinquishment under oath:
5845 (a) before a judge of any court that has jurisdiction over proceedings for termination of
5846 parental rights in this state or any other state, or a public officer appointed by that court for the
5847 purpose of taking consents or relinquishments; or
5848 (b) except as provided in Subsection (2), any person authorized to take consents or
5849 relinquishments under Subsections 78B-6-124(1) and (2).
5850 (2) Only the juvenile court is authorized to take consents or relinquishments from a
5851 parent who has any child who is in the custody of a state agency or who has a child who is
5852 otherwise under the jurisdiction of the juvenile court.
5853 (3) The court, appointed officer, or other authorized person shall certify to the best of

5854 that person's information and belief that the [~~person~~] individual executing the consent or
5855 relinquishment has read and understands the consent or relinquishment and has signed [~~it~~] the
5856 consent or relinquishment freely and voluntarily.
5857 (4) A voluntary relinquishment or consent for termination of parental rights is effective
5858 when [~~it~~] the voluntary relinquishment or consent is signed and may not be revoked.
5859 (5) (a) The requirements and processes described in [~~Sections 78A-6-503 through~~
5860 ~~78A-6-510~~] Section 80-4-104, Sections 80-4-301 through 80-4-304, and Part 2, Petition for
5861 Termination of Parental Rights, do not apply to a voluntary relinquishment or consent for
5862 termination of parental rights.
5863 (b) [~~The~~] When determining voluntary relinquishment or consent for termination of
5864 parental rights, the juvenile court need only find that the relinquishment or termination is in the
5865 child's best interest.
5866 (6) (a) There is a presumption that voluntary relinquishment or consent for termination
5867 of parental rights is not in the child's best interest where it appears to the juvenile court that the
5868 primary purpose for relinquishment or consent for termination is to avoid a financial support
5869 obligation.
5870 (b) The presumption described in Subsection (6)(a) may be rebutted[~~, however,~~] if the
5871 juvenile court finds the relinquishment or consent to termination of parental rights will
5872 facilitate the establishment of stability and permanency for the child.
5873 (7) Upon granting a voluntary relinquishment the juvenile court may make orders
5874 relating to the child's care and welfare that the juvenile court considers to be in the child's best
5875 interest.
5876 Section 112. Section **80-4-401**, which is renumbered from Section 78A-6-1403 is
5877 renumbered and amended to read:
5878 **Part 4. Restoration of Parental Rights**
5879 **[~~78A-6-1403~~]. 80-4-401. Petition to restore parental rights -- Division**
5880 **duties.**
5881 (1) A child, who is 12 years [~~of age~~] old or older, or an authorized representative acting

5882 on behalf of a child of any age, may file a petition to restore parental rights if:
5883 (a) 24 months have passed since the day on which the juvenile court ordered
5884 termination of [~~the parent-child legal relationship~~] the former parent's parental rights; and
5885 (b) the child:
5886 (i) has not been adopted and is not in an adoptive placement, or is unlikely to be
5887 adopted before the child is 18 years [~~of age~~] old; or
5888 (ii) was previously adopted following a termination of [~~a parent-child legal~~
5889 ~~relationship~~] parental rights, but the adoption failed and the child was returned to the custody
5890 of the division.
5891 (2) The petition [~~described in Subsection (1)~~] to restore parental rights shall be:
5892 (a) filed in the juvenile court that previously terminated [~~the parent-child relationship~~]
5893 parental rights; and
5894 (b) served on the division.
5895 (3) The division shall notify and inform a child who is 12 years [~~of age or~~] old or older
5896 and who qualifies for restoration of parental rights under Subsection (1) that the child is
5897 eligible to file a petition [~~for restoration~~] to restore parental rights under this part.
5898 (4) Upon the receipt of a petition to restore parental rights, filed by a child or an
5899 authorized representative acting on behalf of a child, the division shall:
5900 (a) make a diligent effort to locate the former parent whose rights may be restored
5901 under this part; and
5902 (b) if the former parent is found, as described in Subsection (4)(a), notify the former
5903 parent of:
5904 (i) the legal effects of restoration; and
5905 (ii) the time and date of the hearing on the petition to restore parental rights.
5906 (5) The juvenile court shall set a hearing on the petition to restore parental rights at
5907 least 30 days, but no more than 60 days, after the day on which the petition to restore parental
5908 rights is filed with the juvenile court.
5909 (6) Before the hearing described in Subsection (5), the division may submit a

5910 confidential report to the juvenile court that includes the following information:
5911 (a) material changes in circumstances since the termination of parental rights;
5912 (b) a summary of the reasons why parental rights were terminated;
5913 (c) the date on which parental rights were terminated;
5914 (d) the willingness of the former parent to resume contact with the child and have
5915 parental rights restored;
5916 (e) the ability of the former parent to be involved in the life of the child and accept
5917 physical custody of, and responsibility for, the child; and
5918 (f) any other information the division reasonably considers appropriate and
5919 determinative.
5920 (7) (a) A former parent who remedies the circumstances that resulted in the termination
5921 of the former parent's parental rights and who is capable of exercising proper and effective
5922 parental care, shall notify the division that if the circumstances described in Subsection (1) are
5923 established, the former parent desires and requests to have the former parent's parental rights
5924 restored.
5925 (b) The former parent's request to the division shall be fully and fairly considered by
5926 the division for appropriate submittal to the court.
5927 Section 113. Section **80-4-402**, which is renumbered from Section 78A-6-1404 is
5928 renumbered and amended to read:
5929 **[~~78A-6-1404~~]. 80-4-402. Hearing on petition to restore parental rights.**
5930 (1) The juvenile court may restore [~~the parent-child legal relationship~~] a parent's
5931 parental rights if:
5932 (a) the child meets the requirements of Subsection [~~78A-6-1403~~] 80-4-401(1);
5933 (b) considering the age and maturity of the child, the child consents to the restoration;
5934 (c) the former parent consents to the restoration; and
5935 (d) the juvenile court finds by clear and convincing evidence that restoration is in the
5936 best interest of the child.
5937 (2) In determining whether reunification under this section is appropriate and in the

5938 best interest of the child, the juvenile court shall consider:
5939 (a) whether the former parent has been sufficiently rehabilitated from the behavior that
5940 resulted in the termination of [~~the parent-child relationship~~] parental rights;
5941 (b) extended family support for the former parent; and
5942 (c) other material changes of circumstances, if any, that may have occurred that warrant
5943 the granting of the motion.
5944 (3) At the hearing on a petition [~~described in Section 78A-6-1403~~] to restore parental
5945 rights, if the former parent consents and if the juvenile court finds by clear and convincing
5946 evidence that it is in the best interest of the child, the juvenile court may:
5947 (a) allow contact between the former parent and the child, and describe the conditions
5948 under which contact may take place;
5949 (b) order that the child be placed with the former parent, in a temporary custody and
5950 guardianship relationship, to be reevaluated after the child has been placed with the former
5951 parent for six months; or
5952 (c) restore the parental rights of the parent.
5953 (4) If the juvenile court orders the child to be placed in the physical custody of the
5954 former parent under Subsection (3), the juvenile court shall specify in the order:
5955 (a) whether that custody is subject to:
5956 (i) continued evaluation by the court; or
5957 (ii) the supervision of the division; and
5958 (b) the terms and conditions of reunification.
5959 Section 114. Section **80-5-101** is enacted to read:
5960 **CHAPTER 5. JUVENILE JUSTICE SERVICES**
5961 **Part 1. Division of Juvenile Justice Services**
5962 **80-5-101. Title.**
5963 This chapter is known as "Juvenile Justice Services."
5964 Section 115. Section **80-5-102** is enacted to read:
5965 **80-5-102. Definitions.**

5966 As used in this chapter:
5967 (1) "Account" means the Juvenile Justice Reinvestment Restricted Account created in
5968 Section 80-5-302.
5969 (2) (a) "Adult" means an individual who is 18 years old or older.
5970 (b) "Adult" does not include a juvenile offender.
5971 (3) "Aftercare services" means the same as the term "aftercare" is defined in 45 C.F.R.
5972 1351.1.
5973 (4) "Authority" means the Youth Parole Authority created in Section 80-5-701.
5974 (5) "Control" means the authority to detain, restrict, and supervise a juvenile offender
5975 in a manner consistent with public safety and the well-being of the juvenile offender and
5976 division employees.
5977 (6) "Director" means the director of the Division of Juvenile Justice Services.
5978 (7) "Discharge" means the same as that term is defined in Section 80-6-102.
5979 (8) "Division" means the Division of Juvenile Justice Services created in Section
5980 80-5-103.
5981 (9) "Homeless youth" means a child, other than an emancipated minor:
5982 (a) who is a runaway; or
5983 (b) who is:
5984 (i) not accompanied by the child's parent or guardian; and
5985 (ii) without care, as defined in Section 80-5-602.
5986 (10) "Observation and assessment program" means a nonresidential service program
5987 operated or purchased by the division that is responsible only for diagnostic assessment of
5988 minors, including for substance use disorder, mental health, psychological, and sexual behavior
5989 risk assessments.
5990 (11) "Performance based contracting" means a system of contracting with service
5991 providers for the provision of residential or nonresidential services that:
5992 (a) provides incentives for the implementation of evidence-based juvenile justice
5993 programs or programs rated as effective for reducing recidivism by a standardized tool in

5994 accordance with Section 63M-7-208; and
5995 (b) provides a premium rate allocation for a minor who receives the evidence-based
5996 dosage of treatment and successfully completes the program within three months.
5997 (12) "Rescission" means the same as that term is defined in Section 80-6-102.
5998 (13) "Restitution" means the same as that term is defined in Section 80-6-102.
5999 (14) "Revocation" means the same as that term is defined in Section 80-6-102.
6000 (15) "Temporary custody" means the same as that term is defined in Section 80-6-102.
6001 (16) "Temporary homeless youth shelter" means a facility that:
6002 (a) provides temporary shelter to homeless youth; and
6003 (b) is licensed by the Office of Licensing, created under Section 62A-1-105, as a
6004 residential support program.
6005 (17) "Termination" means the same as that term is defined in Section 80-6-102.
6006 (18) "Victim" means the same as that term is defined in Section 80-6-102.
6007 (19) "Work program" means a nonresidential public or private service work project
6008 established and administered by the division for juvenile offenders for the purpose of
6009 rehabilitation, education, and restitution to victims.
6010 (20) (a) "Youth services" means services provided in an effort to resolve family
6011 conflict:
6012 (i) for families in crisis when a minor is ungovernable or a runaway; or
6013 (ii) involving a minor and the minor's parent or guardian.
6014 (b) "Youth services" include efforts to:
6015 (i) resolve family conflict;
6016 (ii) maintain or reunite minors with the minors' families; and
6017 (iii) divert minors from entering or escalating in the juvenile justice system.
6018 (c) "Youth services" may provide:
6019 (i) crisis intervention;
6020 (ii) short-term shelter;
6021 (iii) time-out placement; and

6022 (iv) family counseling.
6023 (21) "Youth services center" means a center established by, or under contract with, the
6024 division to provide youth services.
6025 Section 116. Section **80-5-103**, which is renumbered from Section 62A-7-102 is
6026 renumbered and amended to read:
6027 **[~~62A-7-102~~]. 80-5-103. Creation of division -- Jurisdiction.**
6028 (1) There is created the Division of Juvenile Justice Services within the department[~~,~~].
6029 (2) The division shall be under the administration and supervision of the executive
6030 director of the department.
6031 [~~(2)~~] (3) The division has jurisdiction over all [~~youth committed to the division under~~
6032 ~~Section 78A-6-117~~] minors committed to the division under Sections 80-6-703 and 80-6-705.
6033 Section 117. Section **80-5-104**, which is renumbered from Section 62A-7-103 is
6034 renumbered and amended to read:
6035 **[~~62A-7-103~~]. 80-5-104. Division director -- Qualifications --**
6036 **Responsibility.**
6037 [~~(1) The director of the division shall be appointed by the executive director.~~]
6038 (1) The executive director of the department shall appoint the director of the division.
6039 (2) The director shall have a bachelor's degree from an accredited university or college,
6040 be experienced in administration, and be knowledgeable in [~~youth corrections~~] juvenile justice.
6041 (3) The director is the administrative head of the division.
6042 Section 118. Section **80-5-201**, which is renumbered from Section 62A-7-104 is
6043 renumbered and amended to read:
6044 **Part 2. Division Responsibilities**
6045 **[~~62A-7-104~~]. 80-5-201. Division responsibilities.**
6046 (1) The division is responsible for all [~~juvenile offenders~~] minors committed to the
6047 division by juvenile courts [~~for secure confinement or supervision and treatment in the~~
6048 ~~community in accordance with Section 78A-6-117~~] under Sections 80-6-703 and 80-6-705.
6049 (2) The division shall:

6050 (a) establish and administer a continuum of community, secure, and nonsecure
6051 programs for all [~~juvenile offenders~~] minors committed to the division;
6052 (b) establish and maintain all detention and secure care facilities and set minimum
6053 standards for [~~those~~] all detention and secure care facilities;
6054 (c) establish and operate prevention and early intervention youth services programs for
6055 nonadjudicated [~~youth~~] minors placed with the division; [~~and~~]
6056 (d) establish observation and assessment programs necessary to serve [~~juvenile~~
6057 ~~offenders~~] minors in a nonresidential setting under Subsection [~~78A-6-117(2)(c).~~] 80-6-706(1);
6058 [~~(3) The division shall~~]
6059 (e) place [~~juvenile offenders~~] minors committed to [~~it~~] the division under Section
6060 80-6-703 in the most appropriate program for supervision and treatment[~~.~~];
6061 [~~(4) (a) In an order committing a juvenile offender to the division, the court shall find~~
6062 ~~whether the juvenile offender is being committed for secure confinement under Subsection~~
6063 ~~78A-6-117(2)(c), or placement in a community-based program under Subsection~~
6064 ~~78A-6-117(2)(c), and specify the criteria under Subsection 78A-6-117(2)(c) or (d) underlying~~
6065 ~~the commitment.~~]
6066 [~~(b) The division shall place a juvenile offender in the most appropriate program within~~
6067 ~~the category specified by the court.~~]
6068 [~~(5) The division shall~~]
6069 (f) employ staff necessary to:
6070 [~~(a)~~] (i) supervise and control [~~juvenile offenders in secure facilities or in the~~
6071 ~~community~~] minors committed to the division for secure care or placement in the community;
6072 [~~(b)~~] (ii) supervise and coordinate treatment of [~~juvenile offenders~~] minors committed
6073 to the division for placement in community-based programs; and
6074 [~~(c)~~] (iii) control and supervise adjudicated and nonadjudicated [~~youth~~] minors placed
6075 with the division for temporary services in juvenile receiving centers, youth services, and other
6076 programs established by the division[~~.~~];
6077 [~~(6) (a) Youth in the custody or temporary custody of the division are controlled or~~

6078 ~~detained in a manner consistent with public safety and rules made by the division. In the event~~
6079 ~~of an unauthorized leave from a secure facility, detention center, community-based program,~~
6080 ~~receiving center, home, or any other designated placement, division employees have the~~
6081 ~~authority and duty to locate and apprehend the youth, or to initiate action with local law~~
6082 ~~enforcement agencies for assistance.~~]
6083 [~~(b) A rule made by the division under this Subsection (6) may not permit secure~~
6084 ~~detention based solely on the existence of multiple status offenses, misdemeanors, or~~
6085 ~~infractions alleged in the same criminal episode.~~]
6086 [~~(7) The division shall~~]
6087 (g) control or detain a minor committed to the division, or in the temporary custody of
6088 the division, in a manner that is consistent with public safety and rules made by the division;
6089 (h) establish and operate [~~compensatory-service~~] work programs for [~~juvenile~~
6090 ~~offenders~~] minors committed to the division by the [~~court. The compensatory-service work~~
6091 ~~program may not be residential and shall:~~] juvenile court that:
6092 (i) are not residential;
6093 [~~(a)~~] (ii) provide labor to help in the operation, repair, and maintenance of public
6094 facilities, parks, highways, and other programs designated by the division;
6095 [~~(b)~~] (iii) provide educational and prevocational programs in cooperation with the State
6096 Board of Education for [~~juvenile offenders~~] minors placed in the program; and
6097 [~~(c)~~] (iv) provide counseling to [~~juvenile offenders.~~] minors;
6098 [~~(8) The division shall~~]
6099 (i) establish minimum standards for the operation of all private residential and
6100 nonresidential rehabilitation facilities that provide services to [~~juveniles~~] minors who have
6101 committed [~~a delinquent act or infraction~~] an offense in this state or in any other state[~~.~~];
6102 [~~(9) The division shall~~]
6103 (j) provide regular training for [~~staff of secure facilities~~] secure care staff, detention
6104 staff, case management staff, and staff of the community-based programs[~~.~~];
6105 [~~(10) (a) The division is authorized to employ special function officers, as defined in~~

6106 ~~Section 53-13-105, to locate and apprehend minors who have absconded from division~~
6107 ~~custody, transport minors taken into custody pursuant to division policy, investigate cases, and~~
6108 ~~carry out other duties as assigned by the division.~~]
6109 [~~(b) Special function officers may be employed through contract with the Department~~
6110 ~~of Public Safety, any P.O.S.T. certified law enforcement agency, or directly hired by the~~
6111 ~~division.~~]
6112 [~~(11) The division shall~~]
6113 (k) designate employees to obtain the saliva DNA specimens required under Section
6114 53-10-403[~~. The division shall~~];
6115 (l) ensure that the designated employees receive appropriate training and that the
6116 specimens are obtained in accordance with accepted protocol[~~.~~];
6117 [~~(12) The division shall~~]
6118 (m) register an individual with the Department of Corrections who:
6119 [~~(a)~~] (i) is adjudicated [~~delinquent~~] for an offense listed in Subsection 77-41-102(17)(a)
6120 or 77-43-102(2);
6121 [~~(b)~~] (ii) is committed to the division for secure [~~confinement~~] care; and
6122 [~~(c) (i)~~] (iii) (A) if the individual is a youth offender, remains in the division's custody
6123 30 days before the individual's 21st birthday; or
6124 [~~(ii)~~] (B) if the individual is a serious youth offender, remains in the division's custody
6125 30 days before the individual's 25th birthday[~~.~~]; and
6126 [~~(13) The division shall~~]
6127 (n) ensure that a program delivered to a [~~juvenile offender~~] minor under this section is
6128 [~~evidence based~~] an evidence-based program in accordance with Section 63M-7-208.
6129 (3) (a) The division is authorized to employ special function officers, as defined in
6130 Section 53-13-105, to:
6131 (i) locate and apprehend minors who have absconded from division custody;
6132 (ii) transport minors taken into custody in accordance with division policy;
6133 (iii) investigate cases; and

6134 (iv) carry out other duties as assigned by the division.
6135 (b) A special function officer may be:
6136 (i) employed through a contract with the Department of Public Safety, or any law
6137 enforcement agency certified by the Peace Officer Standards and Training Division; or
6138 (ii) directly hired by the division.
6139 (4) In the event of an unauthorized leave from secure care, detention, a
6140 community-based program, a juvenile receiving center, a home, or any other designated
6141 placement of a minor, a division employee has the authority and duty to locate and apprehend
6142 the minor, or to initiate action with a local law enforcement agency for assistance.
6143 Section 119. Section **80-5-202** is enacted to read:
6144 **80-5-202. Division rulemaking authority.**
6145 (1) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
6146 division shall make rules:
6147 (a) establishing standards for the admission of a minor to detention;
6148 (b) that describe good behavior for which credit may be earned under Subsection
6149 80-6-704(4); and
6150 (c) that establish a formula, in consultation with the Office of the Legislative Fiscal
6151 Analyst, to calculate savings from General Fund appropriations under 2017 Laws of Utah,
6152 Chapter 330, resulting from the reduction in out-of-home placements for juvenile offenders
6153 with the division.
6154 (2) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
6155 division may make rules:
6156 (a) that govern the operation of prevention and early intervention programs, youth
6157 service programs, juvenile receiving centers, and other programs described in Section
6158 80-5-401; and
6159 (b) that govern the operation of detention and secure care facilities.
6160 (3) A rule made by the division under Subsection (1)(a):
6161 (a) may not permit secure detention based solely on the existence of multiple status

6162 offenses, misdemeanors, or infractions arising out of a single criminal episode; and
6163 (b) shall prioritize use of home detention for a minor who might otherwise be held in
6164 secure detention.
6165 Section 120. Section **80-5-203**, which is renumbered from Section 78A-6-124 is
6166 renumbered and amended to read:
6167 **[~~78A-6-124~~]. 80-5-203. Detention risk assessment tool.**
6168 (1) The [~~Division of Juvenile Justice Services~~] division, in conjunction with the
6169 Administrative Office of the Courts, shall develop or adopt, and validate on the Utah juvenile
6170 population, a statewide detention risk assessment tool.
6171 (2) (a) The [~~Division of Juvenile Justice Services~~] division shall administer the
6172 detention risk assessment tool for each [~~youth~~] minor under consideration for detention. [~~The~~
6173 ~~detention risk assessment tool shall be administered by a designated individual who has~~
6174 ~~completed training to conduct the detention risk assessment tool.~~]
6175 (b) A designated individual who has completed training to conduct the detention risk
6176 assessment tool shall administer the detention risk assessment tool.
6177 (3) The [~~Division of Juvenile Justice Services~~] division and the Administrative Office
6178 of the Courts shall establish a scoring system to inform eligibility for placement of a minor in a
6179 [~~juvenile~~] detention facility or for referral to an alternative to detention.
6180 Section 121. Section **80-5-204**, which is renumbered from Section 62A-7-106.5 is
6181 renumbered and amended to read:
6182 **[~~62A-7-106.5~~]. 80-5-204. Annual review of programs and facilities.**
6183 (1) (a) The division shall:
6184 (i) annually review all programs and facilities that provide services to [~~juveniles who~~
6185 ~~have committed a delinquent act~~] minors who have committed an offense, in this state or in any
6186 other state, which would constitute a felony or misdemeanor if committed by an adult[~~,~~]; and
6187 (ii) license [~~those programs and facilities~~] all programs and facilities under Subsection
6188 (1)(a)(i) that are in compliance with standards established by the division.
6189 (b) The division shall provide [~~written reviews to the managers of those programs and~~

6190 ~~facilities~~] a written review to the manager of a program or facility under Subsection (1)(a).
6191 [~~(b) Programs or facilities that are~~]
6192 (c) A program or facility that is unable or unwilling to comply with the standards
6193 established by the division may not be licensed.
6194 (2) Any private facility or program providing services under this chapter that willfully
6195 fails to comply with the standards established by the division is guilty of a class B
6196 misdemeanor.
6197 Section 122. Section **80-5-205**, which is renumbered from Section 62A-7-107.5 is
6198 renumbered and amended to read:
6199 **[~~62A-7-107.5~~]. 80-5-205. Contracts with private providers.**
6200 (1) This chapter does not prohibit the division from contracting with private providers
6201 or other agencies for:
6202 (a) the construction, operation, and maintenance of juvenile facilities; or
6203 (b) the provision of care, treatment, and supervision of [~~juvenile offenders~~] minors who
6204 have been committed to [~~the care of~~] the division.
6205 (2) All programs for the care, treatment, and supervision of [~~juvenile offenders~~] minors
6206 committed to the division shall be licensed in compliance with division standards within six
6207 months after commencing operation.
6208 (3) A contract for the care, treatment, and supervision of a [~~juvenile offender~~] minor
6209 committed to the division shall be executed in accordance with the performance-based
6210 contracting system developed under Section 63M-7-208.
6211 Section 123. Section **80-5-206**, which is renumbered from Section 62A-7-108.5 is
6212 renumbered and amended to read:
6213 **[~~62A-7-108.5~~]. 80-5-206. Records -- Property of division.**
6214 (1) All records maintained by programs that are under contract with the division to
6215 provide services to [~~juvenile offenders~~] minors, are the property of the division and shall be
6216 returned to the division when the [~~juvenile offender~~] minor is terminated from the program.
6217 (2) The division shall maintain an accurate audit trail of information provided to other

6218 programs or agencies regarding [~~juvenile offenders~~] minors under the division's jurisdiction.
6219 Section 124. Section **80-5-207**, which is renumbered from Section 62A-7-109.5 is
6220 renumbered and amended to read:
6221 **[~~62A-7-109.5~~]. 80-5-207. Restitution by a minor committed to the division.**
6222 (1) (a) The division shall make reasonable efforts to ensure that restitution is made to
6223 the victim of a [~~juvenile offender. Restitution~~] minor who is committed to the division.
6224 (b) Except as provided in Subsection (1)(c), restitution shall be made through the
6225 employment of [~~juvenile offenders~~] minors in work programs. [~~However, reimbursement~~]
6226 (c) Reimbursement to the victim of a [~~juvenile offender~~] minor is conditional upon the
6227 [~~juvenile offender's~~] minor's involvement in the work program.
6228 [~~(2) Restitution ordered by the court may be made a condition of release, placement, or~~
6229 ~~parole by the division.~~]
6230 [~~(3)~~] (2) The division shall notify the juvenile court of all restitution paid to victims
6231 through the employment of [~~juvenile offenders in work programs~~] a minor, who is committed
6232 to the division, in a work program.
6233 Section 125. Section **80-5-208**, which is renumbered from Section 62A-7-403 is
6234 renumbered and amended to read:
6235 **[~~62A-7-403~~]. 80-5-208. Care of pregnant minor in secure detention or**
6236 **secure care.**
6237 (1) When a [~~juvenile offender in a secure facility~~] minor in secure detention or secure
6238 care is pregnant, the division shall:
6239 (a) ensure that adequate prenatal and postnatal care is provided[~~, and shall~~]; and
6240 (b) place the [~~juvenile offender~~] minor in an accredited hospital before delivery.
6241 (2) As soon as the [~~juvenile offender's~~] minor's condition after delivery will permit, the
6242 [~~juvenile offender may be returned to the secure facility~~] minor may be returned to:[~~.~~]
6243 [~~(2) If the division has concern regarding the juvenile offender's fitness to raise the~~
6244 ~~juvenile offender's child, the division shall petition the juvenile court to hold a custody~~
6245 ~~hearing.~~]

6246 (a) secure detention if the minor was placed in secure detention; or
6247 (b) secure care if the minor was committed to secure care.
6248 (3) If the division has concerns regarding the minor's fitness to raise the minor's child,
6249 the division shall make a referral for services for the minor and the minor's child to the
6250 Division of Child and Family Services.
6251 Section 126. Section **80-5-301**, which is renumbered from Section 62A-7-104.5 is
6252 renumbered and amended to read:
6253 **Part 3. Funds and Accounts**
6254 **[~~62A-7-104.5~~]. 80-5-301. Appropriation and funding of juvenile receiving**
6255 **centers.**
6256 Funding for juvenile receiving centers and youth services programs under this part is
6257 intended to be broad based, be provided by an appropriation by the Legislature to the division,
6258 and include federal grant money, local government money, and private donations.
6259 Section 127. Section **80-5-302**, which is renumbered from Section 62A-7-112 is
6260 renumbered and amended to read:
6261 **[~~62A-7-112~~]. 80-5-302. Juvenile Justice Reinvestment Restricted Account.**
6262 (1) There is created in the General Fund a restricted account known as the "Juvenile
6263 Justice Reinvestment Restricted Account."
6264 (2) The account shall be funded by savings calculated from General Fund
6265 appropriations by the Division of Finance as described in Subsection (3).
6266 (3) At the end of the fiscal year, the Division of Finance shall:
6267 (a) use the formula established in [~~Subsection 62A-7-113(1)~~] Subsection
6268 80-5-202(1)(c) to calculate the savings from General Fund appropriations; and
6269 (b) lapse the calculated savings into the account.
6270 (4) Upon appropriation by the Legislature, the department may expend funds from the
6271 account:
6272 (a) for the statewide expansion of nonresidential community-based programs,
6273 including:

6274 (i) receiving centers;
6275 (ii) mobile crisis outreach teams [~~as defined in Section 78A-6-105~~];
6276 (iii) youth courts under Title 80, Chapter 6, Part 9, Youth Court; and
6277 (iv) victim-offender mediation under Section 80-6-304 and Subsection 80-6-710(7);
6278 (b) for nonresidential evidence-based programs and practices in cognitive, behavioral,
6279 and family therapy;
6280 (c) to implement:
6281 (i) nonresidential diagnostic assessment; and
6282 (ii) nonresidential early intervention programs, including family strengthening
6283 programs, family wraparound services, and truancy interventions; or
6284 (d) for infrastructure in nonresidential evidence-based juvenile justice programs,
6285 including staffing and transportation.
6286 Section 128. Section **80-5-303**, which is renumbered from Section 62A-7-113 is
6287 renumbered and amended to read:
6288 **[~~62A-7-113~~]. 80-5-303. Report on the Juvenile Justice Reinvestment**
6289 **Restricted Account.**
6290 [~~(1) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,~~
6291 ~~the division shall make rules that establish a formula, in consultation with the Office of the~~
6292 ~~Legislative Fiscal Analyst, to calculate savings from General Fund appropriations under 2017~~
6293 ~~Laws of Utah, Chapter 330 resulting from the reduction in out-of-home placements for juvenile~~
6294 ~~offenders with the division.~~]
6295 [~~(2)~~] No later than December 31 of each year, the division shall provide to the
6296 Executive Offices and Criminal Justice Appropriations Subcommittee a written report of the
6297 division's activities under [~~this section and Section 62A-7-112~~] Subsection 80-5-202(1)(c) and
6298 Section 80-5-302, including:
6299 [~~(a)~~] (1) for the report submitted in 2019, the formula used to calculate the savings
6300 from General Fund appropriations under Subsection [~~(1)~~] 80-5-202(1)(c);
6301 [~~(b)~~] (2) the amount of savings from General Fund appropriations calculated by the

6302 division for the previous fiscal year;
6303 [~~(c)~~] (3) an accounting of the money expended or committed to be expended under
6304 Subsection [~~62A-7-112~~] 80-5-302(4); and
6305 [~~(d)~~] (4) the balance of the account.
6306 Section 129. Section **80-5-401**, which is renumbered from Section 62A-7-601 is
6307 renumbered and amended to read:
6308 **Part 4. Programs**
6309 **[~~62A-7-601~~]. 80-5-401. Youth services for prevention and early**
6310 **intervention -- Program standards -- Program services.**
6311 (1) The division shall establish and operate prevention and early intervention youth
6312 services programs.
6313 (2) The division shall adopt statewide policies and procedures, including minimum
6314 standards for the organization and operation of youth services programs.
6315 (3) The division shall establish housing, programs, and procedures to ensure that
6316 [~~youth~~] minors who are receiving services under this section and who are not [~~in the custody~~
6317 ~~of~~] committed to the division are served separately from [~~youth who are in custody of the~~
6318 ~~division~~] minors who are committed to the division.
6319 (4) The division may enter into contracts with state and local governmental entities and
6320 private providers to provide the youth services.
6321 (5) The division shall establish and administer juvenile receiving centers and other
6322 programs to provide temporary custody, care, risk-needs assessments, evaluations, and control
6323 for nonadjudicated and adjudicated [~~youth~~] minors placed with the division.
6324 (6) The division shall prioritize use of evidence-based juvenile justice programs and
6325 practices.
6326 Section 130. Section **80-5-402**, which is renumbered from Section 62A-7-701 is
6327 renumbered and amended to read:
6328 **[~~62A-7-701~~]. 80-5-402. Community-based programs.**
6329 (1) (a) The division shall operate residential and nonresidential community-based

6330 programs to provide care, treatment, and supervision for [~~juvenile offenders~~] minors committed
6331 to the division by juvenile courts.
6332 (b) The division shall operate or contract for nonresidential community-based
6333 programs and independent living programs to provide care, treatment, and supervision of
6334 paroled juvenile offenders.
6335 (2) The division shall adopt minimum standards for the organization and operation of
6336 community-based [~~corrections~~] programs for [~~juvenile offenders~~] minors.
6337 (3) The division shall place [~~juvenile offenders~~] minors committed to the division for
6338 community-based programs in the most appropriate program based upon the division's
6339 evaluation of the [~~juvenile offender's~~] minor's needs and the division's available resources in
6340 accordance with Sections [~~62A-7-404.5 and 78A-6-117~~] 80-6-703 and 80-6-804.
6341 Section 131. Section **80-5-403**, which is renumbered from Section 62A-7-702 is
6342 renumbered and amended to read:
6343 **[~~62A-7-702~~]. 80-5-403. Case management staff.**
6344 (1) The division shall provide a sufficient number of case management staff members
6345 to provide care, treatment, and supervision for juvenile offenders on parole and for [~~juvenile~~
6346 ~~offenders~~] minors committed to the division by the juvenile courts for community-based
6347 programs.
6348 (2) (a) Case management staff shall develop treatment programs for each [~~juvenile~~
6349 ~~offender~~] minor in the community, provide appropriate services, and monitor individual
6350 progress.
6351 (b) Progress reports shall be filed every three months with:
6352 (i) the juvenile court for each [~~juvenile offender~~] minor committed to the division for
6353 community-based programs; and [~~with~~]
6354 (ii) the authority for each [~~parolee~~] juvenile offender on parole.
6355 (c) The authority, in the case of [~~parolees~~] juvenile offenders on parole, or the juvenile
6356 court, in the case of [~~youth~~] minors committed to the division for placement in community
6357 programs, shall be immediately notified, in writing, of any violation of law or of conditions of

6358 parole or placement.
6359 (3) Case management staff shall:
6360 (a) conduct investigations and make reports requested by [~~the courts~~] a juvenile court
6361 to aid [~~them~~] the juvenile court in determining appropriate case dispositions; and
6362 (b) conduct investigations and make reports requested by the authority to aid [~~it~~] the
6363 authority in making appropriate dispositions in cases of parole, revocation, and termination.
6364 Section 132. Section **80-5-501**, which is renumbered from Section 62A-7-202 is
6365 renumbered and amended to read:
6366 **Part 5. Facilities**
6367 **[~~62A-7-202~~]. 80-5-501. Detention facilities and services.**
6368 (1) The division shall provide detention facilities and services in each county, or group
6369 of counties, as the population demands, in accordance with this chapter.
6370 (2) (a) The division is responsible for development, implementation, and
6371 administration of home detention services available in every judicial district[~~, and~~].
6372 (b) The division shall establish criteria for placement [~~on~~] in home detention.
6373 [~~(3) (a) The division shall make rules, in accordance with Title 63G, Chapter 3, Utah~~
6374 ~~Administrative Rulemaking Act, establishing standards for admission to secure detention and~~
6375 ~~home detention programs.~~]
6376 [~~(b) The rules made under this Subsection (3) shall prioritize use of home detention for~~
6377 ~~a minor who might otherwise be held in secure detention.~~]
6378 [~~(4)~~] (3) The division shall provide training regarding implementation of the rules
6379 made under Subsection 80-5-202(1)(a) to law enforcement agencies, division employees,
6380 juvenile court employees, and other affected agencies and individuals upon their request.
6381 Section 133. Section **80-5-502**, which is renumbered from Section 62A-7-203 is
6382 renumbered and amended to read:
6383 **[~~62A-7-203~~]. 80-5-502. New detention facilities.**
6384 (1) The division may issue requests for proposals to allow for the private construction
6385 of facilities suitable to meet the detention requirements of any county or group of counties,

6386 subject to approval by the governor.
6387 (2) The governor shall furnish an analysis of the benefits of the proposals received to
6388 the Infrastructure and General Government Appropriations Subcommittee for [~~its~~] the
6389 subcommittee's review.
6390 Section 134. Section **80-5-503**, which is renumbered from Section 62A-7-401.5 is
6391 renumbered and amended to read:
6392 **[~~62A-7-401.5~~]. 80-5-503. Secure care facilities.**
6393 (1) The division shall maintain and operate [~~secure facilities~~] secure care facilities for
6394 the custody and rehabilitation of juvenile offenders:
6395 (a) who pose a danger of serious bodily harm to others[~~,~~];
6396 (b) who cannot be controlled in a less secure setting[~~,~~]; or
6397 (c) who have engaged in a pattern of conduct characterized by persistent and serious
6398 criminal offenses [~~which~~] that, as demonstrated through the use of other alternatives, cannot be
6399 controlled in a less secure setting.
6400 (2) (a) The director shall appoint an administrator for each [~~secure facility~~] secure care
6401 facility.
6402 (b) An administrator of a secure care facility shall have experience in social work, law,
6403 criminology, corrections, or a related field, and [~~also~~] in administration.
6404 (3) (a) (i) The division, in cooperation with the State Board of Education, shall provide
6405 instruction, or make instruction available, to juvenile offenders in secure care facilities.
6406 (ii) The instruction shall be appropriate to the age, needs, and range of abilities of the
6407 juvenile offender.
6408 (b) [~~An assessment shall be made of~~] A secure care facility shall:
6409 (i) assess each juvenile offender [~~by the appropriate secure facility~~] to determine the
6410 juvenile offender's abilities, possible learning disabilities, interests, attitudes, and other
6411 attributes related to appropriate educational programs[~~.~~]; and
6412 [~~(c) Prevocational education shall be provided~~]
6413 (ii) provide prevocational education to juvenile offenders to acquaint juvenile

6414 offenders with vocations, and vocational requirements and opportunities.
6415 (4) The division shall place juvenile offenders who have been committed to the
6416 division for [~~secure confinement and rehabilitation in a secure facility~~] secure care in a secure
6417 care facility, operated by the division or by a private entity, that is appropriate to ensure that
6418 humane care and rehabilitation opportunities are afforded to the juvenile offender.
6419 (5) The division shall adopt standards, policies, and procedures for the regulation and
6420 operation of secure care facilities, consistent with state and federal law.
6421 Section 135. Section **80-5-601**, which is renumbered from Section 62A-4a-501 is
6422 renumbered and amended to read:
6423 **Part 6. Runaways and Ungovernable Children**
6424 **[~~62A-4a-501~~]. 80-5-601. Harboring a runaway -- Reporting requirements --**
6425 **Division of Child and Family Services to provide assistance -- Affirmative defense --**
6426 **Providing shelter after notice.**
6427 [~~(1) As used in this section:~~]
6428 [~~(a) "Harbor" means to provide shelter in:~~]
6429 [~~(i) the home of the person who is providing the shelter; or~~]
6430 [~~(ii) any structure over which the person providing the shelter has any control.~~]
6431 [~~(b) "Homeless youth" means a child, other than an emancipated minor:~~]
6432 [~~(i) who is a runaway; or~~]
6433 [~~(ii) who is not accompanied by the child's parent or legal guardian.~~]
6434 [~~(c) "Receiving center" means the same as that term is defined in Section 62A-7-101.~~]
6435 [~~(d) "Runaway" means a child, other than an emancipated minor, who is absent from~~
6436 ~~the home or lawfully prescribed residence of the child's parent or legal guardian without the~~
6437 ~~permission of the parent or legal guardian.~~]
6438 [~~(e) "Temporary homeless youth shelter" means a facility that:~~]
6439 [~~(i) provides temporary shelter to a homeless youth; and~~]
6440 [~~(ii) is licensed by the Office of Licensing, created in Section 62A-1-105, as a~~
6441 ~~residential support program.~~]

6442 [~~(f) "Youth services center" means a center established by, or under contract with, the~~
6443 ~~Division of Juvenile Justice Services, created in Section 62A-1-105, to provide youth services,~~
6444 ~~as defined in Section 62A-7-101.~~]
6445 (1) As used in this section, "harbor" means to provide shelter in:
6446 (a) the home of the person who is providing shelter; or
6447 (b) any structure over which the person providing the shelter has any control.
6448 (2) Except as provided in Subsection (3), a person[~~, including a temporary homeless~~
6449 ~~youth shelter,~~] is guilty of a class B misdemeanor if the person:
6450 (a) knowingly and intentionally harbors a child;
6451 (b) knows at the time of harboring the child that the child is a runaway;
6452 (c) fails to notify one of the following, by telephone or other reasonable means, of the
6453 location of the child:
6454 (i) the parent or [~~legal~~] guardian of the child;
6455 (ii) the division; or
6456 (iii) a youth services center; and
6457 (d) fails to notify a person described in Subsection (2)(c) within eight hours after the
6458 later of:
6459 (i) the time that the person becomes aware that the child is a runaway; or
6460 (ii) the time that the person begins harboring the child.
6461 (3) A person described in Subsection (2)[~~, including a temporary homeless youth~~
6462 ~~shelter,~~] is not guilty of a violation of Subsection (2) and is not required to comply with
6463 Subsections (2)(c) and (d), if:
6464 (a) (i) a court order is issued authorizing a peace officer to take the child into custody;
6465 and
6466 (ii) the person notifies a peace officer [~~or the nearest detention center, as defined in~~
6467 ~~Section 62A-7-101~~], or the nearest detention facility, by telephone or other reasonable means,
6468 of the location of the child, within eight hours after the later of:
6469 (A) the time that the person becomes aware that the child is a runaway; or

6470 (B) the time that the person begins harboring the child; or
6471 (b) (i) the child is a runaway who consents to shelter, care, or licensed services under
6472 Section [~~62A-4a-502~~] 80-5-602; and
6473 (ii) (A) the person is unable to locate the child's parent or [~~legal~~] guardian; or
6474 (B) the child refuses to disclose the contact information for the child's parent or [~~legal~~]
6475 guardian.
6476 (4) A person described in Subsection (2)[~~, including a temporary homeless youth~~
6477 ~~shelter,~~] shall provide a report to the division:
6478 (a) if the person has an obligation under Section 62A-4a-403 to report child abuse or
6479 neglect; or
6480 (b) if, within 48 hours after the person begins harboring the child:
6481 (i) the person continues to harbor the child; and
6482 (ii) the person does not make direct contact with:
6483 (A) a parent or legal guardian of the child;
6484 (B) the division;
6485 (C) a youth services center; or
6486 (D) a peace officer or the nearest [~~detention center, as defined in Section 62A-7-101,~~]
6487 detention facility if a court order is issued authorizing a peace officer to take the child into
6488 custody.
6489 (5) It is an affirmative defense to the crime described in Subsection (2) that:
6490 (a) the person failed to provide notice as described in Subsection (2) or (3) due to
6491 circumstances beyond the control of the person providing the shelter; and
6492 (b) the person provided the notice described in Subsection (2) or (3) as soon as it was
6493 reasonably practicable to provide the notice.
6494 (6) Upon receipt of a report that a runaway is being harbored by a person:
6495 (a) a youth services center shall:
6496 (i) notify the [~~parent or legal~~] runaway's parent or guardian that a report has been made;
6497 and

6498 (ii) inform the [~~parent or legal~~] runaway's parent or guardian of assistance available
6499 from the youth services center; or
6500 (b) the division shall:
6501 (i) make a referral to the Division of Child and Family Services to determine whether
6502 the runaway is abused, neglected, or dependent; and
6503 (ii) if appropriate, make a referral for services for the runaway.
6504 (7) (a) A parent or [~~legal~~] guardian of a runaway who is aware that the runaway is
6505 being harbored may notify a law enforcement agency and request assistance in retrieving the
6506 runaway.
6507 (b) The local law enforcement agency may assist the parent or [~~legal~~] guardian in
6508 retrieving the runaway.
6509 (8) Nothing in this section prohibits a person[~~, including a temporary homeless youth~~
6510 ~~shelter,~~] from continuing to provide shelter to a runaway, after giving the notice described in
6511 Subsections (2) through (4), if:
6512 (a) a parent or [~~legal guardian of the child~~] guardian of the runaway consents to the
6513 continued provision of shelter; or
6514 (b) a peace officer or a parent or [~~legal guardian of the child~~] guardian of the runaway
6515 fails to retrieve the runaway.
6516 (9) Nothing in this section prohibits a person [~~or a temporary homeless youth shelter~~]
6517 from providing shelter to a child whose parent or [~~legal~~] guardian has intentionally:
6518 (a) ceased to maintain physical custody of the child; and
6519 (b) failed to make reasonable arrangements for the safety, care, and physical custody of
6520 the child.
6521 (10) Nothing in this section prohibits:
6522 (a) a juvenile receiving center or a youth services center from providing shelter to a
6523 runaway in accordance with the requirements of [~~Title 62A, Chapter 7, Juvenile Justice~~
6524 ~~Services,~~] this chapter and the rules relating to a juvenile receiving center or a youth services
6525 center; or

6526 (b) a government agency from taking custody of a child as otherwise provided by law.
6527 Section 136. Section **80-5-602**, which is renumbered from Section 62A-4a-502 is
6528 renumbered and amended to read:
6529 **[~~62A-4a-502~~]. 80-5-602. Homeless youth -- Consent to shelter, care, or**
6530 **services by a homeless youth.**
6531 (1) As used in this section:
6532 (a) "Care" means providing:
6533 (i) assistance to obtain food, clothing, hygiene products, or other basic necessities;
6534 (ii) access to a bed, showering facility, or transportation; or
6535 (iii) assistance with school enrollment or attendance.
6536 [~~(b) "Homeless youth" means the same as that term is defined in Section 62A-4a-501.~~]
6537 [~~(c)~~] (b) "Licensed services" means a service provided by a temporary homeless youth
6538 shelter, a youth services center, or other facility that is licensed to provide the service to a
6539 homeless youth.
6540 [~~(d)~~] (c) "Service" means:
6541 (i) youth services[~~, as defined in Section 62A-7-101~~];
6542 (ii) child welfare or juvenile court case management or advocacy;
6543 (iii) aftercare services[~~, as defined in 45 C.F.R. 1351.1~~]; or
6544 (iv) independent living skills training.
6545 [~~(e) "Temporary homeless youth shelter" means the same as that term is defined in~~
6546 ~~Section 62A-4a-501.~~]
6547 [~~(f) "Youth services center" means the same as that term is defined in Section~~
6548 ~~62A-4a-501.~~]
6549 (2) A homeless youth may consent to temporary shelter, care, or licensed services if the
6550 homeless youth:
6551 (a) is at least 15 years old; and
6552 (b) manages the homeless youth's own financial affairs, regardless of the source of
6553 income.

6554 (3) In determining consent under Subsection (2), a person may rely on the homeless
6555 youth's verbal or written statement describing the homeless youth's ability to consent to
6556 temporary shelter, care, or licensed services.
6557 (4) A person who provides shelter, care, or licensed services to a homeless youth who
6558 consents to the shelter, care, or licensed services under Subsection (2):
6559 (a) shall report to the division as required under [~~Section 62A-4a-403 and~~] Subsection
6560 [~~62A-4a-501~~] 80-5-601(4); and
6561 (b) may provide the homeless youth a referral to safe permanent housing, employment
6562 services, medical or dental care, or counseling.
6563 Section 137. Section **80-5-603**, which is renumbered from Section 78A-6-117.5 is
6564 renumbered and amended to read:
6565 **[~~78A-6-117.5~~]. 80-5-603. Assessment of an ungovernable or runaway child**
6566 **for services.**
6567 [~~(1) Notwithstanding Subsections 78A-6-117(2)(c) and (d), the court may not vest~~
6568 ~~custody in the Division of Child and Family Services except pursuant to Title 78A, Chapter 6,~~
6569 ~~Part 3, Abuse, Neglect, and Dependency Proceedings.~~]
6570 [~~(2) Notwithstanding Section 78A-6-117, a court may not place a minor on a ranch,~~
6571 ~~forestry camp, or other residential work program for care or work.~~]
6572 [~~(3) Notwithstanding Section 78A-6-117, a court may not commit a minor to the~~
6573 ~~temporary custody of the Division of Juvenile Justice Services for residential observation and~~
6574 ~~evaluation or residential observation and assessment.~~]
6575 [~~(4) (a) If the court~~]
6576 (1) If a juvenile court finds that a child is ungovernable or a runaway, [~~as those terms~~
6577 ~~are defined in Section 62A-7-101,~~] or that the family is in crisis, the [~~court may order the~~
6578 ~~Division of Juvenile Justice Services~~] juvenile court may order the division to conduct an
6579 assessment to determine [~~if provision of~~] whether it would be appropriate for the division to
6580 provide prevention and early intervention youth services, as described in Section [~~62A-7-601,~~
6581 ~~is appropriate~~] 80-5-401, to the child.

6582 [~~(b)~~] (2) If the [~~Division of Juvenile Justice Services~~] division determines that
6583 provision of prevention and early intervention youth services is appropriate under Subsection
6584 [~~(4)(a), the Division of Juvenile Justice Services~~] (1), the division shall provide the services to
6585 the ungovernable or runaway child.
6586 Section 138. Section **80-5-701**, which is renumbered from Section 62A-7-501 is
6587 renumbered and amended to read:
6588 **Part 7. Youth Parole Authority**
6589 **[~~62A-7-501~~]. 80-5-701. Youth Parole Authority -- Creation -- Members.**
6590 (1) There is created the Youth Parole Authority within the division.
6591 (2) (a) The authority is composed of 10 part-time members and five pro tempore
6592 members who are residents of this state.
6593 (b) No more than three pro tempore members may serve on the authority at any one
6594 time.
6595 [~~(b) Throughout this section, the term "member" refers to both part-time and pro~~
6596 ~~tempore members of the Youth Parole Authority.~~]
6597 [~~(3) (a) Except as required by Subsection (3)(b), members shall be appointed to~~
6598 ~~four-year terms by the governor with the advice and consent of the Senate.~~]
6599 [~~(b) The governor shall, at the time of appointment or reappointment, adjust the length~~
6600 ~~of terms to ensure that the terms of authority members are staggered so that approximately half~~
6601 ~~of the authority is appointed every two years.~~]
6602 [~~(4) Each member shall have training or experience in social work, law, juvenile or~~
6603 ~~criminal justice, or related behavioral sciences.~~]
6604 [~~(5) When a vacancy occurs in the membership for any reason, the replacement~~
6605 ~~member shall be appointed for the unexpired term.~~]
6606 [~~(6) During the tenure of the member's appointment, a member may not:~~]
6607 [~~(a) be an employee of the department, other than in the member's capacity as a~~
6608 ~~member of the authority;~~]
6609 [~~(b) hold any public office;~~]

6610 [~~(c) hold any position in the state's juvenile justice system; or~~]
6611 [~~(d) be an employee, officer, advisor, policy board member, or subcontractor of any~~
6612 ~~juvenile justice agency or its contractor.~~]
6613 [~~(7) In extraordinary circumstances or when a regular member is absent or otherwise~~
6614 ~~unavailable, the chair may assign a pro tempore member to act in the absent member's place.~~]
6615 [~~(8) A member may not receive compensation or benefits for the member's service but~~
6616 ~~may receive per diem and travel expenses in accordance with:~~]
6617 [~~(a) Section 63A-3-106;~~]
6618 [~~(b) Section 63A-3-107; and~~]
6619 [~~(c) rules made by the Division of Finance in accordance with Sections 63A-3-106 and~~
6620 ~~63A-3-107.~~]
6621 [~~(9) The authority shall determine appropriate parole dates for juvenile offenders in~~
6622 ~~accordance with Section 62A-7-404.5.~~]
6623 [~~(10) A juvenile offender may be paroled to the juvenile offender's home, to an~~
6624 ~~independent living program contracted or operated by the division, to an approved independent~~
6625 ~~living setting, or to other appropriate residences of qualifying relatives or guardians, but shall~~
6626 ~~remain on parole until parole is terminated by the authority in accordance with Section~~
6627 ~~62A-7-404.5.~~]
6628 [~~(11) The division's case management staff shall implement parole release plans and~~
6629 ~~shall supervise juvenile offenders while on parole.~~]
6630 [~~(12) The division shall permit the authority to have reasonable access to juvenile~~
6631 ~~offenders in secure facilities and shall furnish all pertinent data requested by the authority in~~
6632 ~~matters of parole, revocation, and termination.~~]
6633 Section 139. Section **80-5-702** is enacted to read:
6634 **80-5-702. Member qualifications -- Expenses.**
6635 (1) As used in this section, "member" means both a part-time member and a pro
6636 tempore member of the authority.
6637 (2) (a) Except as required by Subsection (2)(b), the governor, with the advice and

6638 consent of the Senate, shall appoint members to four-year terms.
6639 (b) The governor shall, at the time of appointment or reappointment, adjust the length
6640 of terms to ensure that the terms of members are staggered so that approximately half of the
6641 authority is appointed every two years.
6642 (3) A member shall have training or experience in social work, law, juvenile or
6643 criminal justice, or related behavioral sciences.
6644 (4) When a vacancy occurs in the membership for any reason, the replacement member
6645 shall be appointed for the unexpired term.
6646 (5) During the tenure of the member's appointment, a member may not:
6647 (a) be an employee of the department, other than in the member's capacity as a member
6648 of the authority;
6649 (b) hold any public office;
6650 (c) hold any position in the state's juvenile justice system; or
6651 (d) be an employee, officer, advisor, policy board member, or subcontractor of any
6652 juvenile justice agency or the juvenile justice agency's contractor.
6653 (6) In extraordinary circumstances or when a regular member is absent or otherwise
6654 unavailable, the chair may assign a pro tempore member to act in the absent member's place.
6655 (7) A member may not receive compensation or benefits for the member's service but
6656 may receive per diem and travel expenses in accordance with:
6657 (a) Section 63A-3-106;
6658 (b) Section 63A-3-107; and
6659 (c) rules made by the Division of Finance in accordance with Sections 63A-3-106 and
6660 63A-3-107.
6661 Section 140. Section **80-5-703** is enacted to read:
6662 **80-5-703. Authority responsibilities -- Administrative officer of the authority.**
6663 (1) The authority is responsible for:
6664 (a) the release of a juvenile offender from secure care; and
6665 (b) the rescission, revocation, and termination of parole for a juvenile offender.

6666 (2) In accordance with Chapter 6, Part 8, Commitment and Parole, the authority shall:
6667 (a) determine when and under what conditions a juvenile offender in secure care is
6668 eligible for parole;
6669 (b) establish policies and procedures regarding:
6670 (i) the authority's governance, meetings, and hearings;
6671 (ii) the conduct of proceedings before the authority;
6672 (iii) the parole of a juvenile offender; and
6673 (iv) for which parole for a juvenile offender may be granted, rescinded, revoked,
6674 modified, and terminated; and
6675 (c) determine appropriate parole dates for juvenile offenders.
6676 (3) The division's case management staff shall:
6677 (a) implement plans for parole; and
6678 (b) supervise a juvenile offender on parole.
6679 (4) The division shall:
6680 (a) permit the authority to have reasonable access to a juvenile offender in secure care;
6681 and
6682 (b) furnish all pertinent data requested by the authority in matters of parole, revocation,
6683 and termination.
6684 (5) The director shall appoint an administrative officer of the authority.
6685 (6) The administrative officer is responsible for the day-to-day operations of the
6686 authority.
6687 (7) The authority and the administrative officer have power to:
6688 (a) issue subpoenas;
6689 (b) compel attendance of witnesses;
6690 (c) compel production of books, papers, and other documents; and
6691 (d) administer oaths and take testimony under oath for the purposes of conducting the
6692 hearings.
6693 (8) The administrative officer shall maintain summary records of all hearings and

6694 provide written notice to the juvenile offender of a decision and the reason for the decision.
6695 Section 141. Section **80-6-101** is enacted to read:
6696 **CHAPTER 6. JUVENILE JUSTICE**
6697 **80-6-101. Title.**
6698 This chapter is known as "Juvenile Justice."
6699 Section 142. Section **80-6-102** is enacted to read:
6700 **80-6-102. Definitions.**
6701 As used in this chapter:
6702 (1) "Aftercare services" means the same as the term "aftercare" is defined in 45 C.F.R.
6703 1351.1.
6704 (2) "Authority" means the Youth Parole Authority created in Section 80-5-701.
6705 (3) "Commission" means the State Commission on Criminal and Juvenile Justice
6706 created in Section 63M-7-201.
6707 (4) "Compensatory service" means service or unpaid work performed by a minor in
6708 lieu of the payment of a fine, fee, or restitution.
6709 (5) "Control" means the same as that term is defined in Section 80-5-102.
6710 (6) "Detention hearing" means a proceeding under Section 80-6-207 to determine
6711 whether a minor should remain in detention.
6712 (7) "Detention guidelines" means standards, established by the division in accordance
6713 with Subsection 80-5-202(1)(a), for the admission of a minor to detention.
6714 (8) "Discharge" means a written order of the authority that removes a juvenile offender
6715 from the authority's jurisdiction.
6716 (9) "Division" means the Division of Juvenile Justice Services created in Section
6717 80-5-103.
6718 (10) "Formal referral" means a written report from a peace officer, or other person,
6719 informing the juvenile court that:
6720 (a) an offense committed by a minor is, or appears to be, within the juvenile court's
6721 jurisdiction; and

6722 (b) the minor's case must be reviewed by a juvenile probation officer or a prosecuting
6723 attorney.
6724 (11) "Material loss" means an uninsured:
6725 (a) property loss;
6726 (b) out-of-pocket monetary loss for property that is stolen, damaged, or destroyed;
6727 (c) lost wages because of an injury, time spent as a witness, or time spent assisting the
6728 police or prosecution; or
6729 (d) medical expense.
6730 (12) "Referral" means a formal referral, a referral to the juvenile court under Section
6731 53G-8-211, or a citation issued to a minor for which the juvenile court receives notice under
6732 Section 80-6-302.
6733 (13) "Rescission" means a written order of the authority that rescinds a date for parole.
6734 (14) "Restitution" means money or services that the juvenile court, or a juvenile
6735 probation officer if the minor agrees to a nonjudicial adjustment, orders a minor to pay or
6736 render to a victim for the minor's wrongful act or conduct.
6737 (15) "Revocation" means a written order of the authority that, after a hearing and
6738 determination under Section 80-6-806:
6739 (a) terminates supervision of a juvenile offender's parole; and
6740 (b) directs a juvenile offender to return to secure care.
6741 (16) "Temporary custody" means the control and responsibility of a minor, before an
6742 adjudication under Section 80-6-701, until the minor is released to a parent, guardian,
6743 responsible adult, or to an appropriate agency.
6744 (17) "Termination" means a written order of the authority that terminates a juvenile
6745 offender from parole.
6746 (18) (a) "Victim" means a person that the juvenile court determines suffered a material
6747 loss as a result of a minor's wrongful act or conduct.
6748 (b) "Victim" includes:
6749 (i) any person directly harmed by the minor's wrongful act or conduct in the course of

6750 the scheme, conspiracy, or pattern if the minor's wrongful act or conduct is an offense that
6751 involves an element of a scheme, a conspiracy, or a pattern of criminal activity; and
6752 (ii) the Utah Office for Victims of Crime.
6753 (19) "Violent felony" means the same as that term is defined in Section 76-3-203.5.
6754 (20) "Work program" means the same as that term is defined in Section 80-5-102.
6755 (21) "Youth services" means the same as that term is defined in Section 80-5-102.
6756 Section 143. Section **80-6-103** is enacted to read:
6757 **80-6-103. Notification to a school -- Civil and criminal liability.**
6758 (1) As used in this section:
6759 (a) "School official" means:
6760 (i) the school superintendent of the district in which the minor resides or attends
6761 school; or
6762 (ii) if there is no school superintendent for the school, the principal of the school where
6763 the minor attends.
6764 (b) "Transferee school official" means:
6765 (i) the school superintendent of the district in which the minor resides or attends school
6766 if the minor is admitted to home detention; or
6767 (ii) if there is no school superintendent for the school, the principal of the school where
6768 the minor attends if the minor is admitted to home detention.
6769 (2) A notification under this section is provided for a minor's supervision and student
6770 safety.
6771 (3) (a) (i) If a minor is taken into temporary custody under Section 80-6-201, or
6772 admitted to a detention facility under Section 80-6-205, for a violent felony, or an offense in
6773 violation of Title 76, Chapter 10, Part 5, Weapons, the peace officer, or other person who has
6774 taken the minor into temporary custody, shall notify a school official as soon as practicable or
6775 as established under Subsection 53G-8-402(2).
6776 (ii) A notification under this section shall only disclose:
6777 (A) the name of the minor;

6778 (B) the offense for which the minor was taken into temporary custody or admitted to
6779 detention; and
6780 (C) if available, the name of the victim if the victim resides in the same school district
6781 as the minor or attends the same school as the minor.
6782 (b) After a detention hearing for a minor who is alleged to have committed a violent
6783 felony, or an offense in violation of Title 76, Chapter 10, Part 5, Weapons, the juvenile court
6784 shall order that a school official, or a transferee school official, and the appropriate local law
6785 enforcement agency are notified of the juvenile court's decision, including any disposition,
6786 order, or no-contact order.
6787 (4) If a designated staff member of a detention facility admits a minor to home
6788 detention under Section 80-6-205 and notifies the juvenile court of that admission, the juvenile
6789 court shall order that a school official, or a transferee school official, and the appropriate local
6790 law enforcement agency are notified that the minor has been admitted to home detention.
6791 (5) (a) If the juvenile court adjudicates a minor for an offense of violence or an offense
6792 in violation of Title 76, Chapter 10, Part 5, Weapons, the court shall order that a school
6793 official, or a transferee school official, is notified of the adjudication.
6794 (b) A notification under Subsection (5)(a) shall be given to a school official, or a
6795 transferee school official, within three days after the day on which the minor is adjudicated.
6796 (c) A notification under this section shall include:
6797 (i) the name of the minor;
6798 (ii) the offense for which the minor was adjudicated; and
6799 (iii) if available, the name of the victim if the victim:
6800 (A) resides in the same school district as the minor; or
6801 (B) attends the same school as the minor.
6802 (6) If the juvenile court orders probation under Section 80-6-702, the juvenile court
6803 may order that the appropriate local law enforcement agency and the school official are notified
6804 of the juvenile court's order for probation.
6805 (7) (a) An employee of the local law enforcement agency, or the school the minor

6806 attends, who discloses a notification under this section is not:
6807 (i) civilly liable except when the disclosure constitutes fraud or willful misconduct as
6808 provided in Section 63G-7-202; and
6809 (ii) civilly or criminally liable except when the disclosure constitutes a knowing
6810 violation of Section 63G-2-801.
6811 (b) An employee of a governmental agency is immune from any criminal liability for
6812 failing to provide the information required by this section, unless the employee fails to act due
6813 to malice, gross negligence, or deliberate indifference to the consequences.
6814 (8) (a) A notification under this section shall be classified as a protected record under
6815 Section 63G-2-305.
6816 (b) All other records of disclosures under this section are governed by Title 63G,
6817 Chapter 2, Government Records Access and Management Act, and the Family Educational
6818 Rights and Privacy Act, 20 U.S.C. Sec. 1232g.
6819 Section 144. Section **80-6-201**, which is renumbered from Section 78A-6-112 is
6820 renumbered and amended to read:
6821 **Part 2. Custody and Detention**
6822 **[~~78A-6-112~~]. 80-6-201. Minor taken into temporary custody by peace**
6823 **officer, private citizen, or probation officer -- Grounds -- Protective custody.**
6824 (1) A minor may be taken into temporary custody by a peace officer without a court
6825 order, or a warrant under Section 80-6-202, if the peace officer has probable cause to believe
6826 that:
6827 (a) the minor has committed an offense under municipal, state, or federal law;
6828 [~~(b) the minor has committed an act which if committed by an adult would be a~~
6829 ~~felony;~~]
6830 [~~(c) the minor:~~]
6831 [~~(i) (A) is seriously endangered in the minor's surroundings; or~~]
6832 [~~(B) seriously endangers others; and~~]
6833 [~~(ii) immediate removal appears to be necessary for the minor's protection or the~~

6834 ~~protection of others;~~]
6835 (b) the minor seriously endangers the minor's own welfare or the welfare of others and
6836 taking the minor into temporary custody appears to be necessary for the protection of the minor
6837 or others;
6838 [~~(d)~~] (c) the minor has run away or escaped from the minor's parents, guardian, or
6839 custodian; or
6840 [~~(e) that~~] (d) the minor is:
6841 (i) subject to the state's compulsory education law; and
6842 (ii) subject to Section 53G-6-208, absent from school without legitimate or valid
6843 excuse[~~, subject to Section 53G-6-208~~].
6844 (2) [~~(a)~~] A private citizen [~~or a probation officer~~] may take a minor into temporary
6845 custody if under the circumstances the private citizen [~~or probation officer~~] could make a
6846 citizen's arrest under Section 77-7-3 if the minor was an adult.
6847 [~~(b)~~] (3) A juvenile probation officer may take a minor into temporary custody:
6848 [~~(i)~~] (a) under the same circumstances as a peace officer in Subsection (1); or
6849 [~~(ii)~~] (b) if the juvenile probation officer has a reasonable suspicion that the minor has
6850 violated the conditions of the minor's probation[~~;~~].
6851 [~~(iii) if the minor is under the continuing jurisdiction of the juvenile court; or~~]
6852 [~~(iv) in emergency situations in which a peace officer is not immediately available.~~]
6853 [~~(3) (a) (i) If an officer or other person takes a minor into temporary custody under~~
6854 ~~Subsection (1) or (2), the officer or person shall, without unnecessary delay, notify the parents,~~
6855 ~~guardian, or custodian.~~]
6856 [~~(ii) The minor shall then be released to the care of the minor's parent or other~~
6857 ~~responsible adult, unless the minor's immediate welfare or the protection of the community~~
6858 ~~requires the minor's detention.~~]
6859 [~~(b) If the minor is taken into custody under Subsection (1) or (2) or placed in detention~~
6860 ~~under Subsection (4) for a violent felony, as defined in Section 76-3-203.5, or an offense in~~
6861 ~~violation of Title 76, Chapter 10, Part 5, Weapons, the officer or other law enforcement agent~~

6862 ~~taking the minor into custody shall, as soon as practicable or as established under Subsection~~
6863 ~~53G-8-402(2), notify the school superintendent of the district in which the minor resides or~~
6864 ~~attends school for the purposes of the minor's supervision and student safety.~~]
6865 [~~(i) The notice shall disclose only:~~]
6866 [~~(A) the name of the minor;~~]
6867 [~~(B) the offense for which the minor was taken into custody or detention; and~~]
6868 [~~(C) if available, the name of the victim, if the victim:~~]
6869 [~~(I) resides in the same school district as the minor; or~~]
6870 [~~(II) attends the same school as the minor.~~]
6871 [~~(ii) The notice shall be classified as a protected record under Section 63G-2-305.~~]
6872 [~~(iii) All other records disclosures are governed by Title 63G, Chapter 2, Government~~
6873 ~~Records Access and Management Act, and the federal Family Educational Rights and Privacy~~
6874 ~~Act.~~]
6875 [~~(c) Employees of a governmental agency are immune from any criminal liability for~~
6876 ~~providing or failing to provide the information required by this section unless the person acts or~~
6877 ~~fails to act due to malice, gross negligence, or deliberate indifference to the consequences.~~]
6878 [~~(d) Before the minor is released, the parent or other person to whom the minor is~~
6879 ~~released shall be required to sign a written promise on forms supplied by the court to bring the~~
6880 ~~minor to the court at a time set or to be set by the court.~~]
6881 [~~(4) (a) A child may not be held in temporary custody by law enforcement any longer~~
6882 ~~than is reasonably necessary to obtain the child's name, age, residence, and other necessary~~
6883 ~~information and to contact the child's parents, guardian, or custodian.~~]
6884 [~~(b) If the minor is not released under Subsection (3), the minor shall be taken to a~~
6885 ~~place of detention or shelter without unnecessary delay.~~]
6886 [~~(5) (a) The person who takes a minor to a detention or shelter facility shall promptly~~
6887 ~~file with the detention or shelter facility a written report on a form provided by the division~~
6888 ~~stating:~~]
6889 [~~(i) the details of the presently alleged offense;~~]

6890 [~~(ii) the facts that bring the minor within the jurisdiction of the juvenile court;~~]
6891 [~~(iii) the reason the minor was not released by law enforcement; and~~]
6892 [~~(iv) the eligibility of the minor under the division guidelines for detention admissions~~
6893 ~~established by the Division of Juvenile Justice Services under Section 62A-7-202 if the minor~~
6894 ~~is under consideration for detention.~~]
6895 [~~(b) (i) The designated facility staff person shall immediately review the form and~~
6896 ~~determine, based on the guidelines for detention admissions established by the Division of~~
6897 ~~Juvenile Justice Services under Section 62A-7-202, the results of the detention risk assessment,~~
6898 ~~and the criteria for detention eligibility under Section 78A-6-113, whether to:~~]
6899 [~~(A) admit the minor to secure detention;~~]
6900 [~~(B) admit the minor to home detention;~~]
6901 [~~(C) place the minor in another alternative to detention; or~~]
6902 [~~(D) return the minor home upon written promise to bring the minor to the court at a~~
6903 ~~time set, or without restriction.~~]
6904 [~~(ii) If the designated facility staff person determines to admit the minor to home~~
6905 ~~detention, that staff person shall notify the juvenile court of that determination. The court shall~~
6906 ~~order that notice be provided to the designated persons in the local law enforcement agency and~~
6907 ~~the school or transferee school, if applicable, which the minor attends of the home detention.~~
6908 ~~The designated persons may receive the information for purposes of the minor's supervision~~
6909 ~~and student safety.~~]
6910 [~~(iii) Any employee of the local law enforcement agency and the school that the minor~~
6911 ~~attends who discloses the notification of home detention is not:~~]
6912 [~~(A) civilly liable except when disclosure constitutes fraud or willful misconduct as~~
6913 ~~provided in Section 63G-7-202; and~~]
6914 [~~(B) civilly or criminally liable except when disclosure constitutes a knowing violation~~
6915 ~~of Section 63G-2-801.~~]
6916 [~~(iv) The person who takes a minor to a detention facility or the designated facility staff~~
6917 ~~person may release a minor to a less restrictive alternative even if the minor is eligible for~~

6918 ~~secure detention under this Subsection (5).~~]
6919 [~~(c) A minor may not be admitted to detention unless:~~]
6920 [~~(i) the minor is detainable based on the guidelines; or~~]
6921 [~~(ii) the minor has been brought to detention in accordance with:~~]
6922 [~~(A) a judicial order; or~~]
6923 [~~(B) a division warrant in accordance with Section 62A-7-504.~~]
6924 [~~(d) If a minor taken to detention does not qualify for admission under the guidelines~~
6925 ~~established by the division under Section 62A-7-104 or the eligibility criteria under Subsection~~
6926 ~~(4) and this Subsection (5), detention staff shall arrange an appropriate alternative.~~]
6927 [~~(e) If a minor is taken into custody and admitted to a secure detention or shelter~~
6928 ~~facility, facility staff shall:~~]
6929 [~~(i) immediately notify the minor's parents, guardian, or custodian; and~~]
6930 [~~(ii) promptly notify the court of the placement.~~]
6931 [~~(f) If the minor is admitted to a secure detention or shelter facility outside the county~~
6932 ~~of the minor's residence and it is determined in the hearing held under Subsection~~
6933 ~~78A-6-113(3) that detention shall continue, the judge or commissioner shall direct the sheriff~~
6934 ~~of the county of the minor's residence to transport the minor to a detention or shelter facility as~~
6935 ~~provided in this section.~~]
6936 [~~(6) An individual may be taken into custody by a peace officer without a court order:~~]
6937 [~~(a) if the individual is in apparent violation of a protective order; or~~]
6938 [~~(b) if there is reason to believe that a child is being abused by the individual and any~~
6939 ~~of the situations described in Section 77-7-2 exist.~~]
6940 (4) (a) Nothing in this part shall be construed to prevent a peace officer or the Division
6941 of Child and Family Services from taking a minor into protective custody under Section
6942 62A-4a-202.1 or 80-3-204.
6943 (b) If a peace officer or the Division of Child and Family Services takes a minor into
6944 protective custody, the provisions of Chapter 3, Abuse, Neglect, and Dependency Proceedings,
6945 and Title 62A, Chapter 4a, Child and Family Services, shall govern.

6946 Section 145. Section **80-6-202**, which is renumbered from Section 78A-6-106.5 is
6947 renumbered and amended to read:
6948 **[~~78A-6-106.5~~]. 80-6-202. Warrants for minors.**
6949 (1) (a) Except as otherwise provided in this section, after a petition is filed under
6950 Section 80-6-305, or a criminal information under Section 80-6-503, a juvenile court may issue
6951 a warrant for a minor to be taken into temporary custody if:
6952 (i) there is probable cause to believe that:
6953 (A) the minor has committed an offense that would be a felony if committed by an
6954 adult;
6955 (B) the minor has failed to appear after the minor or the minor's parent, guardian, or
6956 custodian has been legally served with a summons in accordance with Section 78A-6-351 and
6957 the Utah Rules of Juvenile Procedure;
6958 (C) there is a substantial likelihood the minor will not respond to a summons;
6959 (D) a summons cannot be served and the minor's present whereabouts are unknown;
6960 (E) serving a summons for the minor will be ineffectual;
6961 (F) the minor seriously endangers others or the public and temporary custody appears
6962 to be necessary for the protection of others or the public; or
6963 (G) the minor is a runaway or has escaped from the minor's parent, guardian, or
6964 custodian; or
6965 (ii) the minor is under the continuing jurisdiction of the juvenile court and there is
6966 probable cause to believe that the minor:
6967 (A) has left the custody of the person or agency vested by a court with legal custody, or
6968 guardianship of the minor, without permission; or
6969 (B) has violated a court order.
6970 (b) A warrant issued under this Subsection (1) shall be:
6971 (i) filed in accordance with Utah Rules of Juvenile Procedure, Rule 7; and
6972 (ii) executed in accordance with Title 77, Chapter 7, Arrest, by Whom, and How Made.
6973 [~~(1) Except as otherwise provided in this section, a~~]

6974 (2) A juvenile court may not issue a warrant [~~of arrest~~] for a minor to be taken into
6975 temporary custody for:
6976 (a) a status offense; or
6977 (b) an infraction.
6978 [~~(2) A~~] (3) (a) For a minor not eligible for a warrant under Subsection (2), a juvenile
6979 court may issue a warrant that directs [~~the~~] a minor to be returned home, to the juvenile court,
6980 or to a shelter or other nonsecure facility [~~for a minor not eligible for a warrant under~~
6981 ~~Subsection (1). A warrant under this Subsection (2) may not direct placement in a secure~~
6982 ~~facility, including secure detention~~].
6983 (b) A warrant under Subsection (3)(a) may not direct a minor to secure care or secure
6984 detention.
6985 [~~(3)~~] (4) Subsection [~~(1)~~] (2) does not apply to a minor who is under Title 55, Chapter
6986 12, Interstate Compact for Juveniles.
6987 Section 146. Section **80-6-203** is enacted to read:
6988 **80-6-203. Temporary custody of a minor -- Notification of a child's parent,**
6989 **guardian, or custodian -- Taking a minor to a detention facility.**
6990 (1) (a) Except as provided in Subsection (3), if a peace officer, or other person, takes a
6991 child into temporary custody under Section 80-6-201, the peace officer, or other person, may
6992 not take the child into temporary custody for any longer than is reasonably necessary to:
6993 (i) obtain the child's name, age, residence, and other necessary information;
6994 (ii) contact the child's parent, guardian, or custodian; and
6995 (iii) release the child to the child's parent, guardian, or custodian.
6996 (b) Before a child is released under Subsection (1)(a), the parent, or other person to
6997 whom the child is released, shall sign a written promise on forms supplied by the juvenile court
6998 to bring the child to the juvenile court at a time set or to be set by the court.
6999 (2) Except as provided in Subsection (3), if a peace officer, or other person, takes a
7000 minor who is 18 years old or older into temporary custody under Section 80-6-201, the peace
7001 officer, or other person, may not take the minor into temporary custody for any longer than is

7002 reasonably necessary to obtain the minor's name, age, residence, and other necessary
7003 information.
7004 (3) (a) A minor may remain in the temporary custody of a peace officer or other person
7005 if:
7006 (i) the protection of the community requires the minor's detention; or
7007 (ii) a warrant has been issued for the minor's arrest under Section 80-6-202 or
7008 80-6-806.
7009 (b) If a minor remains in temporary custody, the minor shall be taken to a detention
7010 facility without unnecessary delay.
7011 (c) If the peace officer, or other person, takes a minor to a detention facility, the peace
7012 officer, or other person, shall promptly file a written report, on a form provided by the division,
7013 with the detention facility stating:
7014 (i) the details of the offense that the minor is alleged to have committed;
7015 (ii) the facts that bring the offense within the jurisdiction of the juvenile court;
7016 (iii) the reason that the minor was not released by the peace officer or other person; and
7017 (iv) if the minor is under consideration for detention, the eligibility of the minor for
7018 detention under the detention guidelines.
7019 Section 147. Section **80-6-204**, which is renumbered from Section 62A-7-201 is
7020 renumbered and amended to read:
7021 **[~~62A-7-201~~]. 80-6-204. Detention or confinement of a minor --**
7022 **Restrictions.**
7023 (1) Except as provided in Subsection (2) or [~~by another statute~~] this chapter, if a child
7024 is apprehended by [~~an~~] a peace officer, or brought before a court for examination under state
7025 law, the child may not be confined:
7026 (a) in a jail, lockup, or cell used for an adult who is charged with a crime; or
7027 (b) in [~~a secure facility operated by the division~~] secure care.
7028 (2) (a) The division shall detain a child in accordance with Sections [~~78A-6-703.2~~,
7029 ~~78A-6-703.5~~, ~~and~~ ~~78A-6-703.6~~] 80-6-502, 80-6-504, and 80-6-505 if:

7030 (i) the child is charged with an offense under Section [~~78A-6-703.2 or 78A-6-703.3~~]
7031 80-6-502 or 80-6-503;
7032 (ii) the district court has obtained jurisdiction over the offense because the child is
7033 bound over to the district court under Section [~~78A-6-703.5~~] 80-6-504; and
7034 (iii) the juvenile or district court orders the detention of the child.
7035 (b) (i) If a child is detained before a detention hearing [~~under Subsection 78A-6-113(3)~~
7036 ~~or Section 78A-6-703.5~~], or a preliminary hearing under Section 80-6-504 if a criminal
7037 information is filed for the child under Section 80-6-503, the child may only be held in certified
7038 juvenile detention accommodations in accordance with rules made by the commission.
7039 (ii) The commission's rules shall include rules for acceptable sight and sound
7040 separation from adult inmates.
7041 (iii) The commission shall certify that a correctional facility is in compliance with the
7042 commission's rules.
7043 (iv) This Subsection (2)(b) does not apply to a child held in [~~an adult detention facility~~]
7044 a correctional facility in accordance with Subsection (2)(a).
7045 (3) (a) In an area of low density population, the commission may, by rule, approve a
7046 juvenile detention accommodation within a correctional facility that has acceptable sight and
7047 sound separation.
7048 (b) An accommodation described in Subsection (3)(a) shall be used only:
7049 (i) for short-term holding of a child who is alleged to have committed an act that would
7050 be a criminal offense if committed by an adult; and
7051 (ii) for a maximum confinement period of six hours.
7052 (c) A child may only be held in an accommodation described in Subsection (3)(a) for:
7053 (i) identification;
7054 (ii) notification of a juvenile court official;
7055 (iii) processing; and
7056 (iv) allowance of adequate time for evaluation of needs and circumstances regarding
7057 the release or transfer of the child to a shelter or detention facility.

7058 (d) This Subsection (3) does not apply to a child held in a correctional facility in
7059 accordance with Subsection (2)(a).
7060 (4) (a) If a child is alleged to have committed an act that would be a criminal offense if
7061 committed by an adult, the child may be detained in a holding room in a local law enforcement
7062 agency facility:
7063 (i) for a maximum of two hours; and
7064 (ii) (A) for identification or interrogation; or
7065 (B) while awaiting release to a parent or other responsible adult.
7066 (b) A holding room described in Subsection (4)(a) shall be certified by the commission
7067 in accordance with the commission's rules.
7068 (c) The commission's rules shall include provisions for constant supervision and for
7069 sight and sound separation from adult inmates.
7070 (5) Willful failure to comply with this section is a class B misdemeanor.
7071 (6) (a) The division is responsible for the custody and detention of:
7072 (i) a child who requires [~~detention care~~] detention before trial or examination, [~~or is~~
7073 ~~awaiting assignment to a home or facility, as a dispositional placement under Subsection~~
7074 ~~78A-6-117(2)(f)(i)~~] or is placed in secure detention after an adjudication under Section
7075 80-6-704; and
7076 (ii) a juvenile offender under Subsection [~~62A-7-504(9)~~] 80-6-806(7).
7077 (b) Subsection (6)(a) does not apply to a child held in a correctional facility in
7078 accordance with Subsection (2)(a).
7079 (c) (i) The commission shall provide standards for custody or detention under
7080 Subsections (2)(b), (3), and (4).
7081 (ii) The division shall determine and set standards for conditions of care and
7082 confinement of children in detention facilities.
7083 (d) (i) The division, or a public or private agency willing to undertake temporary
7084 custody or detention upon agreed terms in a contract with the division, shall provide all other
7085 custody or detention in suitable premises distinct and separate from the general jails, lockups,

7086 or cells used in law enforcement and corrections systems.
7087 (ii) This Subsection (6)(d) does not apply to a child held in a correctional facility in
7088 accordance with Subsection (2)(a).
7089 (7) Except as otherwise provided by this chapter, if an individual who is, or appears to
7090 be, under 18 years old is received at a correctional facility, the sheriff, warden, or other official,
7091 in charge of the correctional facility shall:
7092 (a) immediately notify the juvenile court of the individual; and
7093 (b) make arrangements for the transfer of the individual to a detention facility, unless
7094 otherwise ordered by the juvenile court.
7095 Section 148. Section **80-6-205** is enacted to read:
7096 **80-6-205. Admission to detention -- Alternative to detention -- Rights of a minor**
7097 **in detention.**
7098 (1) If a minor is taken to a detention facility under Section 80-6-203, a designated staff
7099 member of the detention facility shall immediately review the form and determine, based on
7100 the results of the detention risk assessment tool and Subsection (2), whether to:
7101 (a) admit the minor to secure detention;
7102 (b) admit the minor to home detention;
7103 (c) place the minor in another alternative to detention; or
7104 (d) if the minor is a child, return the minor home upon a written promise by the minor's
7105 parent, guardian, or custodian to bring the minor to the juvenile court at a time set or without
7106 restriction.
7107 (2) A minor may not be admitted to detention unless:
7108 (a) the minor is detainable based on the detention guidelines; or
7109 (b) the minor has been brought to detention in accordance with:
7110 (i) a court order;
7111 (ii) a warrant in accordance with Section 80-6-202; or
7112 (iii) a division warrant in accordance with Section 80-6-806.
7113 (3) If the designated staff member determines to admit a minor to home detention, the

7114 staff member shall notify the juvenile court of that determination.
7115 (4) Even if a minor is eligible for secure detention, a peace officer or other person who
7116 takes a minor to a detention facility, or the designated staff member of the detention facility,
7117 may release a minor to a less restrictive alternative than secure detention.
7118 (5) (a) If a minor taken to a detention facility does not qualify for admission under
7119 detention guidelines or this section, a designated staff member of the detention facility shall
7120 arrange an appropriate alternative, including admitting a minor to a juvenile receiving center or
7121 a shelter facility.
7122 (b) (i) Except as otherwise provided by this section, a minor may not be placed or kept
7123 in secure detention while court proceedings are pending.
7124 (ii) A child may not be placed or kept in a shelter facility while court proceedings are
7125 pending, unless the child is in protective custody in accordance with Chapter 3, Abuse,
7126 Neglect, and Dependency Proceedings.
7127 (6) If a minor is taken into temporary custody and admitted to a secure detention, or
7128 another alternative to detention, a designated staff member of the detention facility shall:
7129 (a) immediately notify the minor's parent, guardian, or custodian; and
7130 (b) promptly notify the juvenile court of the placement.
7131 (7) If a minor is admitted to secure detention, or another alternative to detention,
7132 outside the county of the minor's residence and a juvenile court determines, in a detention
7133 hearing, that secure detention, or an alternative to detention, of the minor shall continue, the
7134 juvenile court shall direct the sheriff of the county of the minor's residence to transport the
7135 minor to secure detention or another alternative to detention in that county.
7136 (8) (a) Subject to Subsection (8)(b), a minor admitted to detention has a right to:
7137 (i) phone the minor's parent, guardian, or attorney immediately after the minor is
7138 admitted to detention; and
7139 (ii) confer in private, at any time, with an attorney, cleric, parent, guardian, or
7140 custodian.
7141 (b) The division may:

7142 (i) establish a schedule for which a minor in detention may visit or phone a person
7143 described in Subsection (8)(a);
7144 (ii) allow a minor in detention to visit or call persons described in Subsection (8)(a) in
7145 special circumstances;
7146 (iii) limit the number and length of calls and visits for a minor in detention to persons
7147 described in Subsection (8)(a) on account of scheduling, facility, or personnel constraints; or
7148 (iv) limit the minor's rights under Subsection (8)(a) if a compelling reason exists to
7149 limit the minor's rights.
7150 Section 149. Section **80-6-206** is enacted to read:
7151 **80-6-206. Interview of a child in detention.**
7152 (1) If a child is admitted to a detention facility, a juvenile probation officer, or a staff
7153 member at the detention facility, may interview the child regarding an offense the child is
7154 alleged to have committed without the child's parent, guardian, or custodian present.
7155 (2) Except as provided in Subsection (1), a person may not interview a child, who is
7156 under 14 years old and admitted to a detention facility, regarding an offense the child is alleged
7157 to have committed, without the child's parent, guardian, or custodian present at the interview,
7158 unless:
7159 (a) the parent, guardian, or custodian has given written permission for the interview to
7160 be held outside the presence of the parent, guardian, or custodian;
7161 (b) the parent, guardian, or custodian has been advised of the child's rights under
7162 Section 80-6-603 and has knowingly and voluntarily waived the child's right under Subsection
7163 80-6-603(9); and
7164 (c) the child has been advised of the child's rights under Section 80-6-603 and has
7165 knowingly and voluntarily waived the child's right under Subsection 80-6-603(9).
7166 (3) A person may not interview a minor who is 14 years old or older and admitted to a
7167 detention facility regarding an offense the minor is alleged to have committed without the
7168 consent of the minor or the minor's parent, guardian, or custodian, unless:
7169 (a) the minor has been advised of the minor's rights under Section 80-6-603; and

7170 (b) the minor has knowingly and voluntarily waived the minor's right under Subsection
7171 80-6-603(9).
7172 (4) If a child's parent, guardian, or custodian is not available to consent to an interview
7173 of a child in a detention facility, the consent of the juvenile court shall be obtained before
7174 interviewing the child.
7175 (5) If a guardian ad litem is appointed for a minor, the division may not consent to the
7176 interview of the minor by a law enforcement officer, unless consent for the interview is
7177 obtained from the minor's guardian ad litem.
7178 Section 150. Section **80-6-207**, which is renumbered from Section 78A-6-113 is
7179 renumbered and amended to read:
7180 **[~~78A-6-113~~]. 80-6-207. Detention hearings -- Period of detention -- Bail.**
7181 [~~(1) (a) A minor may not be placed or kept in a secure detention facility pending court~~
7182 ~~proceedings, except in accordance with Section 78A-6-112.~~]
7183 [~~(b) A child may not be placed or kept in a shelter facility pending court proceedings~~
7184 ~~unless it is unsafe to leave the child with the child's parents, guardian, or custodian.~~]
7185 [~~(2)~~] (1) (a) After admission of a child to a detention facility [~~pursuant to Section~~
7186 ~~78A-6-112~~] under Section 80-6-205 and immediate investigation by [~~an authorized officer of~~
7187 ~~the court~~] a juvenile probation officer, the [~~judge or the officer~~] juvenile court or the juvenile
7188 probation officer shall order the release of the child to the child's parent, guardian, or custodian
7189 if the [~~judge or~~] juvenile court or the juvenile probation officer finds that the child can be safely
7190 returned to the parent's, the guardian's, or the custodian's care, [~~either~~] upon written promise to
7191 bring the child to the juvenile court at a time set or without restriction.
7192 (b) If a child's parent, guardian, or custodian fails to retrieve the child from a detention
7193 facility within 24 hours after notification of release, the parent, guardian, or custodian is
7194 responsible for the cost of care for the time the child remains in the detention facility in
7195 accordance with Section 78A-6-356.
7196 (c) The detention facility shall determine the cost of care.
7197 (d) Any money collected under this Subsection [~~(2)~~] (1) shall be retained by the

7198 [~~Division of Juvenile Justice Services~~] division to recover the cost of care for the time the child
7199 remains in the facility.
7200 [~~(3)~~] (2) (a) When a child is [~~detained in~~] admitted to a detention [~~or shelter~~] facility,
7201 the [~~parents or~~] child's parent, guardian, or custodian shall be informed by the [~~person~~]
7202 individual in charge of the detention facility that the parent's [~~or~~], the guardian's, or the
7203 custodian's child has the right to a prompt hearing in a juvenile court to determine whether the
7204 child is to be further detained or released.
7205 (b) [~~When a minor is detained in~~] If a minor is admitted to a detention facility, the
7206 minor shall be informed by the person in charge of the facility that the minor has the right to a
7207 prompt hearing in a juvenile court to determine whether the minor is to be further detained or
7208 released.
7209 [~~(c) Detention hearings shall be held by the judge or by a commissioner.~~]
7210 [~~(d)~~] (3) (a) The juvenile court may, at any time, order the release of the minor, from
7211 detention, regardless of whether a detention hearing is held or not.
7212 [~~(e)~~] (b) If a child is released, and the child remains in the detention facility, because
7213 the [~~parents~~] child's parents, guardian, or custodian fails to retrieve the child, the [~~parents~~]
7214 parent, guardian, or custodian shall be responsible for the cost of care as provided in
7215 Subsections [~~(2)~~] (1)(b), (c), and (d) in accordance with Section 78A-6-356.
7216 (4) (a) As used in this Subsection (4), "arrest" means being apprehended, detained,
7217 taken into temporary custody under Section 80-6-201 or 80-6-202, held for investigation, or
7218 restrained by a peace officer or other person due to an accusation or suspicion that the minor
7219 committed an offense.
7220 (b) A minor may not be held in a detention facility longer than 24 hours, unless a
7221 juvenile court determines that there is probable cause for the minor's arrest.
7222 (5) (a) A detention hearing under this section shall be held by a juvenile court judge or
7223 commissioner.
7224 (b) [~~The court~~] A juvenile court shall hold a detention hearing within 48 hours of the
7225 minor's [~~arrest~~] admission to a detention facility, excluding weekends and holidays, to

7226 determine whether the minor should:
7227 (i) remain in detention in accordance with Subsection [~~(4)(f)~~] (8);
7228 (ii) be released to a parent or guardian; or
7229 (iii) be placed in any other party's custody as authorized by statute.
7230 [~~(c)~~] (6) The probable cause determination under Subsection (4)[~~(a)~~] and the detention
7231 hearing under Subsection [~~(4)(b)~~] (5) may occur at the same time if the probable cause
7232 determination and the detention hearing occur within the time [~~frames~~] frame under Subsection
7233 (4)[~~(a) and (4)(b)~~].
7234 [~~(d) A child may not be held in a shelter facility longer than 48 hours before a shelter~~
7235 ~~hearing, excluding weekends and holidays, unless a court order for extended shelter has been~~
7236 ~~entered by the court after notice to all parties described in Section 78A-6-306.~~]
7237 [~~(e) (i) A hearing for detention or shelter~~]
7238 (7) (a) A detention hearing may not be waived.
7239 [~~(ii) Detention staff~~]
7240 (b) Staff at the detention facility shall provide the juvenile court with all information
7241 received from the individual who brought the minor to the detention facility.
7242 [~~(f) The judge or commissioner~~]
7243 (8) (a) The juvenile court may only order a minor to be held in the detention facility or
7244 be placed in another appropriate facility, subject to further order of the court, if the court finds
7245 at a detention hearing that:
7246 [~~(i)~~] (i) releasing the minor to the minor's parent, guardian, or custodian presents an
7247 unreasonable risk to public safety;
7248 [~~(ii)~~] (ii) less restrictive nonresidential alternatives to detention have been considered
7249 and, where appropriate, attempted; and
7250 [~~(iii)~~] (iii) the minor is eligible for detention under the [~~division guidelines for~~
7251 ~~detention admissions established by the Division of Juvenile Justice Services, under Section~~
7252 ~~62A-7-202 and under Section 78A-6-112~~] detention guidelines and Section 80-6-205.
7253 (b) The juvenile court may not vest custody of a minor admitted to detention in the

7254 Division of Child and Family Services, except as provided in Chapter 3, Abuse, Neglect, and
7255 Dependency Proceedings.
7256 [~~(g) (i)~~] (9) (a) After a detention hearing has been held, only the juvenile court may
7257 release a minor from detention.
7258 (b) If a minor remains in a detention facility, periodic reviews shall be held in
7259 accordance with the Utah Rules of Juvenile Procedure to ensure that continued detention of the
7260 minor is necessary.
7261 [~~(ii) After a detention hearing for a violent felony, as defined in Section 76-3-203.5, or~~
7262 ~~an offense in violation of Title 76, Chapter 10, Part 5, Weapons, the court shall direct that~~
7263 ~~notice of the court's decision, including any disposition, order, or no contact orders, be~~
7264 ~~provided to designated persons in the appropriate local law enforcement agency and the district~~
7265 ~~superintendent or the school or transferee school, if applicable, that the minor attends. The~~
7266 ~~designated persons may receive the information for purposes of the minor's supervision and~~
7267 ~~student safety.~~]
7268 [~~(iii) Any employee of the local law enforcement agency, the school district, and the~~
7269 ~~school that the minor attends who discloses the court's order of probation is not:~~]
7270 [~~(A) civilly liable except when the disclosure constitutes fraud or willful misconduct as~~
7271 ~~provided in Section 63G-7-202; and~~]
7272 [~~(B) civilly or criminally liable except when disclosure constitutes a knowing violation~~
7273 ~~of Section 63G-2-801.~~]
7274 [~~(5) A minor may not be held in a detention facility, following a dispositional order of~~
7275 ~~the court for nonsecure substitute care as defined in Section 62A-4a-101, or for~~
7276 ~~community-based placement under Section 62A-7-101.~~]
7277 [~~(6) (a) Except as otherwise provided in this section, a minor may not be held in a~~
7278 ~~detention facility following a disposition order of the court for longer than 72 hours, excluding~~
7279 ~~weekends and holidays.~~]
7280 [~~(b) The period of detention may be extended by the court for a cumulative total of~~
7281 ~~seven calendar days if:~~]

7282 [~~(i) the Division of Juvenile Justice Services, or another agency responsible for~~
7283 ~~placement, files a written petition with the court requesting the extension and setting forth good~~
7284 ~~cause; and~~]
7285 [~~(ii) the court enters a written finding that it is in the best interests of both the minor~~
7286 ~~and the community to extend the period of detention.~~]
7287 [~~(c) The court may extend the period of detention beyond the seven calendar days if the~~
7288 ~~court finds by clear and convincing evidence that:~~]
7289 [~~(i) the Division of Juvenile Justice Services or another agency responsible for~~
7290 ~~placement does not have space for the minor; and~~]
7291 [~~(ii) the safety of the minor and community requires an extension of the period of~~
7292 ~~detention.~~]
7293 [~~(d) The Division of Juvenile Justice Services shall report to the court every 48 hours,~~
7294 ~~excluding weekends and holidays, regarding whether the Division of Juvenile Justice Services~~
7295 ~~or another agency responsible for placement has space for the minor.~~]
7296 [~~(7) The agency requesting an extension shall promptly notify the detention facility that~~
7297 ~~a written petition has been filed.~~]
7298 [~~(8) The court shall promptly notify the detention facility regarding the court's initial~~
7299 ~~disposition and any ruling on a petition for an extension, whether granted or denied.~~]
7300 [~~(9) (a) (i) A child who is younger than 16 years old may not be held in a jail, lockup,~~
7301 ~~or other place for adult detention, except as provided by Section 62A-7-201, 78A-6-703.5, or~~
7302 ~~78A-6-703.6.~~]
7303 [~~(ii) Section 62A-7-201 regarding confinement facilities applies to this Subsection (9).~~]
7304 [~~(b) (i) A child who is 16 years old or older and whose conduct or condition endangers~~
7305 ~~the safety or welfare of others in the detention facility for children may, by court order that~~
7306 ~~specifies the reasons, be detained in another place of confinement considered appropriate by~~
7307 ~~the court, including a jail or other place of confinement for adults.~~]
7308 [~~(ii) A secure facility is not an appropriate place of confinement for detention purposes~~
7309 ~~under this section.~~]

7310 [~~(10) A sheriff, warden, or other official in charge of a jail or other facility for the~~
7311 ~~detention of adult offenders or individuals charged with an offense shall immediately notify the~~
7312 ~~juvenile court when an individual who is or appears to be under 18 years old is received at the~~
7313 ~~facility and shall make arrangements for the transfer of the individual to a detention facility,~~
7314 ~~unless otherwise ordered by the juvenile court.~~]
7315 [~~(11)~~] (10) This section does not apply to a minor who is brought to [~~the adult facility~~]
7316 a correctional facility in accordance with Section [~~78A-6-703.2, 78A-6-703.5, or 78A-6-703.6~~]
7317 80-6-502, 80-6-504, or 80-6-505.
7318 [~~(12) A provision of law regarding bail is not applicable to minors detained or taken~~
7319 ~~into custody under this chapter, except that bail may be allowed:~~]
7320 [~~(a) if a minor who need not be detained lives outside this state; or~~]
7321 [~~(b) when a minor who need not be detained comes within one of the classes in Section~~
7322 ~~78A-6-1101.~~]
7323 [~~(13) Section 76-8-418 is applicable to a child who willfully and intentionally commits~~
7324 ~~an act against a jail or other place of confinement, including a Division of Juvenile Justice~~
7325 ~~Services detention, shelter, or secure confinement facility that would be a third degree felony if~~
7326 ~~committed by an adult.~~]
7327 (11) Notwithstanding Title 77, Chapter 20, Bail, a minor in a detention facility does not
7328 have a right to bail, except that bail is allowed if:
7329 (a) a minor is cited under Section 80-6-302;
7330 (b) a minor is charged in accordance with Section 80-6-502;
7331 (c) a minor is bound over to the district court in accordance with Section 80-6-504;
7332 (d) a minor, who need not be detained, lives outside this state; and
7333 (e) a minor, who need not be detained, is held in contempt under Section 78A-6-353.
7334 Section 151. Section **80-6-301** is enacted to read:
7335 **Part 3. Referral and Prosecution**
7336 **80-6-301. Referral to juvenile court.**
7337 (1) Except as provided in Subsections (2) and (3), a peace officer, or a public official of

7338 the state, a county, a city, or a town charged with the enforcement of the laws of the state or
7339 local jurisdiction, shall file a formal referral with the juvenile court within 10 days after the day
7340 on which a minor is taken into temporary custody under Section 80-6-201.
7341 (2) If a minor is taken to a detention facility, a peace officer or a public official of the
7342 state, a county, a city, or a town charged with the enforcement of laws of the state or local
7343 jurisdiction shall file the formal referral with the juvenile court within 24 hours after the time
7344 in which the minor is taken into temporary custody under Section 80-6-201.
7345 (3) A peace officer, public official, school district, or school may only refer a minor to
7346 the juvenile court under Section 53G-8-211 for an offense that is subject to referral under
7347 Section 53G-8-211.
7348 Section 152. Section **80-6-302**, which is renumbered from Section 78A-6-603 is
7349 renumbered and amended to read:
7350 **[~~78A-6-603~~]. 80-6-302. Citation -- Procedure -- Time limits -- Failure to**
7351 **appear.**
7352 (1) A petition is not required to commence a proceeding against a minor for an
7353 adjudication of an alleged offense if a citation is issued for an offense for which the juvenile
7354 court has jurisdiction over and the offense listed in the citation is for:
7355 (a) a violation of a wildlife law;
7356 (b) a violation of a boating law;
7357 (c) a class B or C misdemeanor or an infraction other than a misdemeanor or
7358 infraction:
7359 (i) for a traffic violation; or
7360 (ii) designated as a citable offense by general order of the Board of Juvenile Court
7361 Judges;
7362 (d) a class B misdemeanor or infraction for a traffic violation where the individual is
7363 15 years old or younger at the time the offense was alleged to have occurred;
7364 (e) an infraction or misdemeanor designated as a citable offense by a general order of
7365 the Board of Juvenile Court Judges; or

7366 (f) a violation of Subsection 76-10-105(2).
7367 (2) Except as provided in Subsection (6) and Section [~~53G-8-211~~] 80-6-301, a citation
7368 for an offense listed in Subsection (1) shall be submitted to the juvenile court within five days
7369 of issuance to a minor.
7370 (3) A copy of the citation shall contain:
7371 (a) the name and address of the juvenile court before which the minor may be required
7372 to appear;
7373 (b) the name of the minor cited;
7374 (c) the statute or local ordinance that the minor is alleged to have violated;
7375 (d) a brief description of the offense charged;
7376 (e) the date, time, and location at which the offense is alleged to have occurred;
7377 (f) the date the citation was issued;
7378 (g) the name and badge or identification number of the peace officer or public official
7379 who issued the citation;
7380 (h) the name of the arresting person if an arrest was made by a private party and the
7381 citation was issued in lieu of taking the [~~arrested~~] minor into temporary custody as provided in
7382 Section [~~78A-6-112~~] 80-6-201;
7383 (i) a statement that the minor and [~~parent or legal guardian~~] the minor's parent or
7384 guardian are to appear when notified by the juvenile court; and
7385 (j) the signature of the minor and [~~the parent or legal guardian~~] the minor's parent or
7386 guardian, if present, agreeing to appear at the juvenile court when notified by the court.
7387 (4) A copy of the citation shall contain space for the following information to be
7388 entered if known:
7389 (a) the minor's address;
7390 (b) the minor's date of birth;
7391 (c) the name and address of the child's custodial parent [~~or legal guardian~~] or guardian,
7392 if different from the child; and
7393 (d) if there is a victim, the victim's name, address, and an estimate of loss, except that

7394 this information shall be removed from the documents the minor receives.
7395 (5) A citation received by the juvenile court beyond the time designated in Subsection
7396 (2) shall include a written explanation for the delay.
7397 (6) A minor offense, as defined in Section [~~78A-6-1202~~] 80-6-901, alleged to have
7398 been committed by an enrolled child on school property or related to school attendance, may
7399 only be referred to the prosecuting attorney or the juvenile court in accordance with Section
7400 53G-8-211.
7401 (7) If a juvenile court receives a citation described in Subsection (1), [~~the court's~~
7402 ~~probation department~~] a juvenile probation officer shall make a preliminary inquiry as to
7403 whether the minor is eligible for a nonjudicial adjustment in accordance with Subsection
7404 [~~78A-6-602(7)~~] 80-6-304(5).
7405 (8) (a) Except as provided in Subsection (8)(b), if a citation is issued to a minor, a
7406 prosecuting attorney may commence a proceeding against a minor, without filing a petition, for
7407 an adjudication of the offense in the citation only if:
7408 (i) the minor is not eligible for, or does not complete, a nonjudicial adjustment in
7409 accordance with Section [~~78A-6-602~~] 80-6-304; and
7410 (ii) the prosecuting attorney conducts an inquiry under Subsection (9).
7411 (b) Except as provided in Subsection [~~78A-6-602.5(2)~~] 80-6-305(2), a prosecuting
7412 attorney may not commence a proceeding against an individual for any offense listed in a
7413 citation alleged to have occurred before the individual was 12 years old.
7414 (9) The prosecuting attorney shall conduct an inquiry to determine, upon reasonable
7415 belief, that:
7416 (a) the charge listed in the citation is supported by probable cause;
7417 (b) admissible evidence will be sufficient to support adjudication beyond a reasonable
7418 doubt; and
7419 (c) the decision to charge is in the interests of justice.
7420 (10) If a proceeding is commenced against a minor under Subsection (8)(a), the minor
7421 shall appear at the juvenile court at a date and time established by the juvenile court.

7422 (11) If a minor willfully fails to appear before the juvenile court for a proceeding under
7423 Subsection (8)(a), the juvenile court may:
7424 (a) find the minor in contempt of court; and
7425 (b) proceed against the minor as provided in Section [~~78A-6-1101~~] 78A-6-353.
7426 (12) [~~When~~] If a proceeding is commenced under this section, bail may be posted and
7427 forfeited under Section [~~78A-6-113~~] 80-6-207 with the consent of:
7428 (a) the juvenile court; and
7429 (b) if the minor is a child, the parent or [~~legal~~] guardian of the child cited.
7430 Section 153. Section **80-6-303**, which is renumbered from Section 78A-6-601 is
7431 renumbered and amended to read:
7432 **[~~78A-6-601~~]. 80-6-303. Criminal proceedings involving minors -- Transfer**
7433 **to juvenile court -- Exception.**
7434 (1) (a) If while a criminal or quasi-criminal proceeding is pending, a district court or
7435 justice court determines that an individual being charged is under 21 years old and was younger
7436 than 18 years old at the time of committing the alleged offense, the district court or justice
7437 court shall transfer the case to the juvenile court with all the papers, documents, and transcripts
7438 of any testimony.
7439 (b) (i) Notwithstanding Subsection (1)(a), a district court may not transfer an offense
7440 that is:
7441 (A) filed in the district court in accordance with Section [~~78A-6-703.2~~] 80-6-502; or
7442 (B) transferred to the district court in accordance with Section [~~78A-6-703.5~~] 80-6-504.
7443 (ii) Notwithstanding Subsection (1)(a), a justice court may decline to transfer an
7444 offense for which the justice court has original jurisdiction under Subsection 78A-7-106(2).
7445 (2) (a) Except as provided in Subsection (2)(b), the district court or justice court making
7446 the transfer shall:
7447 (i) order the individual to be taken immediately to the juvenile court or to a place of
7448 detention designated by the juvenile court; or
7449 (ii) release the individual to the custody of the individual's parent or guardian or other

7450 person legally responsible for the individual, to be brought before the juvenile court at a time
7451 designated by the juvenile court.
7452 (b) If the alleged offense under Subsection (1) occurred before the individual was 12
7453 years old:
7454 (i) the district court or justice court making the transfer shall release the individual to
7455 the custody of the individual's parent or guardian, or other person legally responsible for the
7456 individual;
7457 (ii) the juvenile court shall treat the transfer as a referral under [~~Subsection~~
7458 ~~78A-6-602(3)~~] Section 80-6-301; and
7459 (iii) [~~the juvenile court's probation department~~] a juvenile probation officer shall make
7460 a preliminary inquiry to determine whether the individual is eligible for a nonjudicial
7461 adjustment in accordance with Section [~~78A-6-602~~] 80-6-304.
7462 (c) If the case is transferred to the juvenile court under this section, the juvenile court
7463 shall then proceed in accordance with this chapter.
7464 (3) A district court or justice court does not have to transfer a case under Subsection
7465 (1) if the district court or justice court would have had jurisdiction over the case at the time the
7466 individual committed the offense in accordance with Subsections 78A-5-102(9) and
7467 78A-7-106(2).
7468 Section 154. Section **80-6-304**, which is renumbered from Section 78A-6-602 is
7469 renumbered and amended to read:
7470 **[~~78A-6-602~~]. 80-6-304. Nonjudicial adjustments.**
7471 [~~(1) As used in this section, "referral" means a formal referral, a referral to the court~~
7472 ~~under Section 53G-8-211 or Subsection 78A-6-601(2)(b), or a citation issued to a minor for~~
7473 ~~which the court receives notice under Section 78A-6-603.~~]
7474 [~~(2) (a) A peace officer, or a public official of the state, a county, city, or town charged~~
7475 ~~with the enforcement of the laws of the state or local jurisdiction, shall file a formal referral~~
7476 ~~with the court within 10 days of a minor's arrest.~~]
7477 [~~(b) If the arrested minor is taken to a detention facility, the peace officer, or public~~

7478 ~~official, shall file the formal referral with the court within 24 hours.~~]
7479 [~~(c) A peace officer, public official, school district, or school may only make a referral~~
7480 ~~to the court under Section 53G-8-211 for an offense that is subject to referral under Section~~
7481 ~~53G-8-211.~~]
7482 [~~(3)~~] (1) If the juvenile court receives a referral for [~~a minor who~~] an offense
7483 committed by a minor that is, or appears to be, within the juvenile court's jurisdiction, [~~the~~
7484 ~~court's probation department~~] a juvenile probation officer shall make a preliminary inquiry in
7485 accordance with Subsections [~~(5), (6), and (7)~~] (3), (4), and (5) to determine whether the minor
7486 is eligible to enter into a nonjudicial adjustment.
7487 [~~(4)~~] (2) If a minor is referred to the juvenile court for multiple offenses arising from a
7488 single criminal episode, and the minor is eligible under this section for a nonjudicial
7489 adjustment, [~~the court's probation department~~] the juvenile probation officer shall offer the
7490 minor one nonjudicial adjustment for all offenses arising from the single criminal episode.
7491 [~~(5)~~] (3) (a) [~~The court's probation department~~] The juvenile probation officer may:
7492 (i) conduct a validated risk and needs assessment; and
7493 (ii) request that a prosecuting attorney review a referral in accordance with Subsection
7494 [~~(11)~~] (9) if:
7495 (A) the results of the validated risk and needs assessment indicate the minor is high
7496 risk; or
7497 (B) the results of the validated risk and needs assessment indicate the minor is
7498 moderate risk and the referral is for a class A misdemeanor violation under Title 76, Chapter 5,
7499 Offenses Against the Person, or Title 76, Chapter 9, Part 7, Miscellaneous Provisions.
7500 (b) If a minor violates Section 41-6a-502, the minor shall:
7501 (i) undergo a drug and alcohol screening;
7502 (ii) if found appropriate by the screening, participate in an assessment; and
7503 (iii) if warranted by the screening and assessment, follow the recommendations of the
7504 assessment.
7505 [~~(6)~~] (4) Except as provided in Subsection [~~(7)~~] (5)(b), the [~~probation department~~]

7506 juvenile probation officer shall request that a prosecuting attorney review a referral in
7507 accordance with Subsection [~~(11)~~] (9) if:
7508 (a) the referral involves:
7509 (i) a felony offense; or
7510 (ii) a violation of:
7511 (A) Section 41-6a-502, driving under the influence;
7512 (B) Section 76-5-112, reckless endangerment creating a substantial risk of death or
7513 serious bodily injury;
7514 (C) Section 76-5-206, negligent homicide;
7515 (D) Section 76-9-702.1, sexual battery;
7516 (E) Section 76-10-505.5, possession of a dangerous weapon, firearm, or short barreled
7517 shotgun on or about school premises; or
7518 (F) Section 76-10-509, possession of a dangerous weapon by minor, but only if the
7519 dangerous weapon is a firearm;
7520 (b) the minor has a current suspended order for custody under [~~Subsection~~
7521 ~~78A-6-117(5)(a)~~] Section 80-6-711; or
7522 (c) the referral involves an offense alleged to have occurred before an individual was
7523 12 years old and the offense is a felony violation of:
7524 (i) Section 76-5-103, aggravated assault resulting in serious bodily injury to another;
7525 (ii) Section 76-5-202, aggravated murder or attempted aggravated murder;
7526 (iii) Section 76-5-203, murder or attempted murder;
7527 (iv) Section 76-5-302, aggravated kidnapping;
7528 (v) Section 76-5-405, aggravated sexual assault;
7529 (vi) Section 76-6-103, aggravated arson;
7530 (vii) Section 76-6-203, aggravated burglary;
7531 (viii) Section 76-6-302, aggravated robbery; or
7532 (ix) Section 76-10-508.1, felony discharge of a firearm.
7533 [~~(7)~~] (5) (a) Except as provided in Subsections [~~(5) and (6), the court's probation~~

7534 ~~department~~] (3) and (4), the juvenile probation officer shall offer a nonjudicial adjustment to a
7535 minor if the minor:
7536 (i) is referred for an offense that is a misdemeanor, infraction, or status offense;
7537 (ii) has no more than two prior adjudications; and
7538 (iii) has no more than three prior unsuccessful nonjudicial adjustment attempts.
7539 (b) If the juvenile court receives a referral for an offense that is alleged to have
7540 occurred before an individual was 12 years old, [~~the court's probation department~~] the juvenile
7541 probation officer shall offer a nonjudicial adjustment to the individual, unless the referral
7542 includes an offense described in Subsection [~~(6)~~] (4)(c).
7543 (c) (i) For purposes of determining a minor's eligibility for a nonjudicial adjustment
7544 under this Subsection [~~(7), the court's probation department~~] (5), the juvenile probation officer
7545 shall treat all offenses arising out of a single criminal episode that resulted in a nonjudicial
7546 adjustment as one prior nonjudicial adjustment.
7547 (ii) For purposes of determining a minor's eligibility for a nonjudicial adjustment under
7548 this Subsection [~~(7), the court's probation department~~] (5), the juvenile probation officer shall
7549 treat all offenses arising out of a single criminal episode that resulted in one or more prior
7550 adjudications as a single adjudication.
7551 (d) Except as provided in Subsection [~~(6), the court's probation department~~] (4), the
7552 juvenile probation officer may offer a nonjudicial adjustment to a minor who does not meet the
7553 criteria provided in Subsection [~~(7)~~] (5)(a).
7554 [~~(8)~~] (6) For a nonjudicial adjustment, [~~the court's probation department~~] the juvenile
7555 probation officer may require a minor to:
7556 (a) pay a financial penalty of no more than $250 to the juvenile court, subject to the
7557 terms established under Subsection [~~(10)~~] (8)(c);
7558 (b) pay restitution to any victim;
7559 (c) complete community or compensatory service;
7560 (d) attend counseling or treatment with an appropriate provider;
7561 (e) attend substance abuse treatment or counseling;

7562 (f) comply with specified restrictions on activities or associations;
7563 (g) attend victim-offender mediation if requested by the victim; and
7564 (h) comply with any other reasonable action that is in the interest of the minor, the
7565 community, or the victim.
7566 [~~(9)~~] (7) (a) Within seven days of receiving a referral that appears to be eligible for a
7567 nonjudicial adjustment in accordance with Subsection [~~(7), the court's probation department~~]
7568 (5), the juvenile probation officer shall provide an initial notice to reasonably identifiable and
7569 locatable victims of the offense contained in the referral.
7570 (b) The victim shall be responsible to provide to [~~the probation department~~] the
7571 juvenile probation officer upon request:
7572 (i) invoices, bills, receipts, and any other evidence of injury, loss of earnings, and
7573 out-of-pocket loss;
7574 (ii) documentation and evidence of compensation or reimbursement from an insurance
7575 company or an agency of the state, any other state, or the federal government received as a
7576 direct result of the crime for injury, loss of earnings, or out-of-pocket loss; and
7577 (iii) proof of identification, including home and work address and telephone numbers.
7578 (c) The inability, failure, or refusal of the victim to provide all or part of the requested
7579 information shall result in [~~the probation department~~] the juvenile probation officer
7580 determining restitution based on the best information available.
7581 [~~(10)~~] (8) (a) The [~~court's probation department~~] juvenile probation officer may not
7582 predicate acceptance of an offer of a nonjudicial adjustment on an admission of guilt.
7583 (b) The [~~court's probation department~~] juvenile probation officer may not deny a minor
7584 an offer of a nonjudicial adjustment due to a minor's inability to pay a financial penalty under
7585 Subsection [~~(8)~~] (6).
7586 (c) The [~~court's probation department~~] juvenile probation officer shall base a fee, fine,
7587 or the restitution for a nonjudicial adjustment under Subsection [~~(8)~~] (6) upon the ability of the
7588 minor's family to pay as determined by a statewide sliding scale developed in accordance with
7589 Section 63M-7-208 [~~on or after July 1, 2018~~].

7590 (d) A nonjudicial adjustment may not extend for more than 90 days, unless a juvenile
7591 court judge extends the nonjudicial adjustment for an additional 90 days.
7592 (e) (i) Notwithstanding Subsection [~~(10)~~] (8)(d), a juvenile court judge may extend a
7593 nonjudicial adjustment beyond the 180 days permitted under Subsection [~~(10)~~] (8)(d) for a
7594 minor who is offered a nonjudicial adjustment under Subsection [~~(7)~~] (5)(b) for a sexual
7595 offense under Title 76, Chapter 5, Part 4, Sexual Offenses, or is referred under Subsection
7596 [~~(11)~~] (9)(b)(ii) for a sexual offense under Title 76, Chapter 5, Part 4, Sexual Offenses, that the
7597 minor committed before the minor was 12 years old, if the judge determines that:
7598 (A) the nonjudicial adjustment requires specific treatment for the sexual offense;
7599 (B) the treatment cannot be completed within 180 days after the day on which the
7600 minor entered into the nonjudicial adjustment; and
7601 (C) the treatment is necessary based on a clinical assessment that is developmentally
7602 appropriate for the minor.
7603 (ii) If a juvenile court judge extends a minor's nonjudicial adjustment under Subsection
7604 [~~(10)~~] (8)(e)(i), the judge may extend the nonjudicial adjustment until the minor completes the
7605 treatment under this Subsection [~~(10)~~] (8)(e), but the judge may only grant each extension for
7606 90 days at a time.
7607 (f) If a minor violates Section 76-10-105, the minor may be required to pay a fine or
7608 penalty and participate in a court-approved tobacco education program with a participation fee.
7609 [~~(11)~~] (9) If a prosecuting attorney is requested to review a referral in accordance with
7610 Subsection [~~(5) or (6)~~] (3) or (4), a minor fails to substantially comply with a condition agreed
7611 upon as part of the nonjudicial adjustment, or a minor is not offered or declines a nonjudicial
7612 adjustment in accordance with Subsection [~~(7)~~] (5), the prosecuting attorney shall:
7613 (a) review the case; and
7614 (b) (i) dismiss the case;
7615 (ii) refer the case back to the [~~probation department~~] juvenile probation officer for a
7616 new attempt at nonjudicial adjustment; or
7617 (iii) except as provided in Subsections [~~(12)~~] (10)(b), [~~(13)~~] (11), and [~~78A-6-602.5(2)~~]

7618 80-6-305(2), file a petition with the juvenile court.
7619 [~~(12)~~] (10) (a) A prosecuting attorney may file a petition only upon reasonable belief
7620 that:
7621 (i) the charges are supported by probable cause;
7622 (ii) admissible evidence will be sufficient to support adjudication beyond a reasonable
7623 doubt; and
7624 (iii) the decision to charge is in the interests of justice.
7625 (b) Failure to pay a fine or fee may not serve as a basis for filing of a petition under
7626 Subsection [~~(11)~~] (9)(b)(iii) if the minor has substantially complied with the other conditions
7627 agreed upon in accordance with Subsection [~~(8)~~] (6) or conditions imposed through any other
7628 court diversion program.
7629 [~~(13)~~] (11) A prosecuting attorney may not file a petition against a minor unless:
7630 (a) the prosecuting attorney has statutory authority to file the petition under Section
7631 [~~78A-6-602.5~~] 80-6-305; and
7632 (b) (i) the minor does not qualify for a nonjudicial adjustment under Subsection [~~(7)~~]
7633 (5);
7634 (ii) the minor declines a nonjudicial adjustment;
7635 (iii) the minor fails to substantially comply with the conditions agreed upon as part of
7636 the nonjudicial adjustment;
7637 (iv) the minor fails to respond to the [~~probation department's~~] juvenile probation
7638 officer's inquiry regarding eligibility for or an offer of a nonjudicial adjustment after being
7639 provided with notice for preliminary inquiry; or
7640 (v) the prosecuting attorney is acting under Subsection [~~(11)~~] (9).
7641 [~~(14)~~] (12) If the prosecuting attorney files a petition in a juvenile court, or a
7642 proceeding is commenced against a minor under Section [~~78A-6-603~~] 80-6-302, the juvenile
7643 court may refer the case to [~~the probation department~~] the juvenile probation officer for another
7644 offer of nonjudicial adjustment.
7645 Section 155. Section **80-6-305**, which is renumbered from Section 78A-6-602.5 is

7646 renumbered and amended to read:

7647 **[~~78A-6-602.5~~]. 80-6-305. Petition for a delinquency proceeding -- Amending**
7648 **a petition -- Continuance.**

7649 (1) A prosecuting attorney shall file a petition, in accordance with Utah Rules of
7650 Juvenile Procedure, Rule 17, to commence a proceeding against a minor for an adjudication of
7651 an alleged offense, except as provided in:

7652 (a) Subsection (2);

7653 (b) Section [~~78A-6-603~~] 80-6-302;

7654 (c) Section [~~78A-6-703.2~~] 80-6-502; and

7655 (d) Section [~~78A-6-703.3~~] 80-6-503.

7656 (2) A prosecuting attorney may not file a petition under Subsection (1) against an
7657 individual for an offense alleged to have occurred before the individual was 12 years old,
7658 unless:

7659 (a) the individual is alleged to have committed a felony violation of:

7660 (i) Section 76-5-103, aggravated assault resulting in serious bodily injury to another;

7661 (ii) Section 76-5-202, aggravated murder or attempted aggravated murder;

7662 (iii) Section 76-5-203, murder or attempted murder;

7663 (iv) Section 76-5-302, aggravated kidnapping;

7664 (v) Section 76-5-405, aggravated sexual assault;

7665 (vi) Section 76-6-103, aggravated arson;

7666 (vii) Section 76-6-203, aggravated burglary;

7667 (viii) Section 76-6-302, aggravated robbery; or

7668 (ix) Section 76-10-508.1, felony discharge of a firearm; or

7669 (b) an offer for a nonjudicial adjustment is made under Section [~~78A-6-602~~] 80-6-304
7670 and the minor:

7671 (i) declines to accept the offer for the nonjudicial adjustment; or

7672 (ii) fails to substantially comply with the conditions agreed upon as part of the
7673 nonjudicial adjustment.

7674 (3) A juvenile court may dismiss a petition under this section at any stage of the
7675 proceedings.
7676 (4) (a) When evidence is presented during any proceeding in a minor's case that points
7677 to material facts not alleged in the petition, the juvenile court may consider the additional or
7678 different material facts raised by the evidence if the parties consent.
7679 (b) The juvenile court, on a motion from any interested party or on the court's own
7680 motion, shall direct that the petition be amended to conform to the evidence.
7681 (c) If an amended petition under Subsection (4)(b) results in a substantial departure
7682 from the material facts originally alleged, the juvenile court shall grant a continuance as justice
7683 may require in accordance with Utah Rules of Juvenile Procedure, Rule 54.
7684 Section 156. Section **80-6-306** is enacted to read:
7685 **80-6-306. Plea -- Withdrawal of a plea.**
7686 (1) If a minor is facing a delinquency proceeding under this chapter, the minor may
7687 enter:
7688 (a) a denial of the alleged offense;
7689 (b) an admission of the alleged offense; or
7690 (c) with the consent of the juvenile court, a plea of no contest as described in Section
7691 77-13-2.
7692 (2) (a) If a minor enters an admission under Subsection (1), the juvenile court may:
7693 (i) delay in entering the admission for a defined period of time; and
7694 (ii) impose conditions on the minor for the period of time under Subsection (2)(a)(i).
7695 (b) If the minor successfully completes the conditions imposed under Subsection
7696 (2)(a)(ii), the juvenile court shall dismiss the petition filed under this chapter.
7697 (c) If the minor fails to complete the conditions imposed under Subsection (2)(a)(ii),
7698 the juvenile court shall:
7699 (i) enter the minor's admission; and
7700 (ii) proceed with ordering a disposition in accordance with Section 80-6-701.
7701 (3) If a minor declines to enter a plea, the juvenile court shall enter a denial.

7702 (4) A minor's counsel may enter a denial in the absence of the minor or the minor's
7703 parent, guardian, or custodian.
7704 (5) The minor may enter an admission to:
7705 (a) a lesser included offense;
7706 (b) an offense of a lesser degree; or
7707 (c) a different offense for which the juvenile court may enter after amending the
7708 petition.
7709 (6) A plea under this section shall be conducted in accordance with Utah Rules of
7710 Juvenile Procedure, Rule 25.
7711 (7) A minor may withdraw a denial of an offense at any time before an adjudication
7712 under Section 80-6-701.
7713 (8) A minor may only withdraw an admission or a plea of no contest upon:
7714 (a) leave of the court; and
7715 (b) a showing that the admission or plea was not knowingly and voluntarily made.
7716 (9) (a) Even if the juvenile court has ordered a disposition under Part 7, Adjudication
7717 and Disposition, a minor shall make a request to withdraw an admission, or a plea of no
7718 contest, within 30 days after the day on which the minor entered the admission or plea.
7719 (b) If the juvenile court has not entered a disposition, the juvenile court may not
7720 announce a disposition until the motion to withdraw under Subsection (9)(a) is denied.
7721 Section 157. Section **80-6-307**, which is renumbered from Section 78A-6-605 is
7722 renumbered and amended to read:
7723 **[~~78A-6-605~~]. 80-6-307. Dispositional report required in minors' cases --**
7724 **Exceptions.**
7725 (1) [~~The probation department~~] A juvenile probation officer, or other agency
7726 designated by the juvenile court, shall make a dispositional report in writing in all [~~minor's~~]
7727 minors' cases in which a petition has been filed, except [~~that the court may dispense with the~~
7728 ~~study and report~~] in cases involving violations of traffic laws or ordinances, violations of
7729 wildlife laws[~~,~~] and boating laws, and other minor cases.

7730 (2) When preparing a dispositional report and recommendation in [~~a delinquency~~
7731 ~~action, the probation department~~] a minor's case, the juvenile probation officer, or other agency
7732 designated by the juvenile court, shall consider the juvenile [~~sentencing guidelines developed~~
7733 ~~in accordance with Section 63M-7-404 and any aggravating or mitigating circumstances~~]
7734 disposition guidelines developed in accordance with Section 63M-7-404 and any other factors
7735 relevant to the disposition designated in the juvenile disposition guidelines.
7736 (3) Where the allegations of a petition filed under [~~Subsection 78A-6-103(1)~~] Section
7737 80-6-305 are denied, the investigation may not be made until the juvenile court has made an
7738 adjudication.
7739 Section 158. Section **80-6-401**, which is renumbered from Section 78A-6-1301 is
7740 renumbered and amended to read:
7741 **Part 4. Competency**
7742 **[~~78A-6-1301~~]. 80-6-401. Competency to proceed.**
7743 (1) [~~In a case alleging that a minor has violated any federal, state, or local law~~] If a
7744 petition is filed under Section 80-6-305, or a criminal information is filed under Section
7745 80-6-503, in the juvenile court, a written motion may be filed alleging reasonable grounds to
7746 believe the minor is not competent to proceed.
7747 (2) The written motion shall contain:
7748 (a) a certificate that it is filed in good faith and on reasonable grounds to believe the
7749 minor is not competent to proceed due to:
7750 (i) a mental illness;
7751 (ii) an intellectual disability or a related condition; or
7752 (iii) developmental immaturity;
7753 (b) a recital of the facts, observations, and conversations with the minor that have
7754 formed the basis for the motion; and
7755 (c) if filed by defense counsel, the motion shall contain information that can be
7756 revealed without invading the lawyer-client privilege.
7757 (3) The motion may be:

7758 (a) based upon knowledge or information and belief; and [~~may be~~]
7759 (b) filed by:
7760 [~~(a)~~] (i) the minor alleged not competent to proceed;
7761 [~~(b)~~] (ii) any person acting on the minor's behalf;
7762 [~~(c)~~] (iii) the prosecuting attorney;
7763 [~~(d)~~] (iv) the attorney guardian ad litem; or
7764 [~~(e)~~] (v) any person having custody or supervision over the minor.
7765 (4) (a) The [~~court in which a petition is pending~~] juvenile court may raise the issue of a
7766 minor's competency at any time.
7767 (b) If raised by the juvenile court, counsel for each party shall be permitted to address
7768 the issue of competency[~~, and the~~].
7769 (c) The juvenile court shall state the basis for the finding that there are reasonable
7770 grounds to believe the minor is not competent to proceed.
7771 Section 159. Section **80-6-402**, which is renumbered from Section 78A-6-1302 is
7772 renumbered and amended to read:
7773 **[~~78A-6-1302~~]. 80-6-402. Procedure -- Standard.**
7774 (1) When a written motion is filed [~~pursuant to Section 78A-6-1301~~] in accordance
7775 with Section 80-6-401 raising the issue of a minor's competency to proceed, or when the
7776 juvenile court raises the issue of a minor's competency to proceed, the juvenile court [~~in which~~
7777 ~~proceedings are pending~~] shall stay all [~~delinquency~~] proceedings under this chapter.
7778 (2) (a) If a motion for inquiry is opposed by either party, the juvenile court shall, [~~prior~~
7779 ~~to~~] before granting or denying the motion, hold a limited hearing solely for the purpose of
7780 determining the sufficiency of the motion.
7781 (b) If the juvenile court finds that the allegations of incompetency raise a bona fide
7782 doubt as to the minor's competency to proceed, [~~it~~] the juvenile court shall:
7783 (i) enter an order for an evaluation of the minor's competency to proceed[~~,~~]; and [~~shall~~]
7784 (ii) set a date for a hearing on the issue of the minor's competency.
7785 (3) After the granting of a motion, and [~~prior to~~] before a full competency hearing, the

7786 juvenile court may order the [~~Department of Human Services~~] department to evaluate the
7787 minor and to report to the juvenile court concerning the minor's mental condition.
7788 (4) [~~(a)~~] The minor shall be evaluated by a forensic evaluator [~~with~~] who:
7789 (a) has experience in juvenile forensic evaluations and juvenile brain development[~~,~~
7790 ~~who~~];
7791 (b) if it becomes apparent that the minor is not competent due to an intellectual
7792 disability or related condition, has experience in intellectual disability or related conditions;
7793 and
7794 (c) is not involved in the current treatment of the minor.
7795 [~~(b) If it becomes apparent that the minor may be not competent due to an intellectual~~
7796 ~~disability or related condition, the forensic evaluator shall be experienced in intellectual~~
7797 ~~disability or related condition evaluations of minors.~~]
7798 (5) The petitioner or other party, as directed by the juvenile court, shall provide all
7799 information and materials relevant to a determination of the minor's competency to the
7800 department within seven days of the juvenile court's order, including:
7801 (a) the motion;
7802 (b) the arrest or incident reports pertaining to the charged offense;
7803 (c) the minor's known delinquency history information;
7804 (d) the minor's probation record relevant to competency;
7805 (e) known prior mental health evaluations and treatments; and
7806 (f) consistent with 20 U.S.C. Sec. 1232g (b)(1)(E)(ii)(I), records pertaining to the
7807 minor's education.
7808 (6) (a) The minor's [~~parents or guardian~~] parent or guardian, the [~~prosecutor~~]
7809 prosecuting attorney, the defense attorney, and the attorney guardian ad litem, shall cooperate,
7810 by executing releases of information when necessary, in providing the relevant information and
7811 materials to the forensic evaluator, including:
7812 (i) medical records;
7813 (ii) prior mental evaluations; or

7814 (iii) records of diagnosis or treatment of substance abuse disorders.
7815 (b) The minor shall cooperate, by executing a release of information when necessary,
7816 in providing the relevant information and materials to the forensic evaluator regarding records
7817 of diagnosis or treatment of a substance abuse disorder.
7818 (7) (a) In conducting the evaluation and in the report determining if a minor is
7819 competent to proceed, the forensic evaluator shall inform the juvenile court of the forensic
7820 evaluator's opinion whether:
7821 (i) the minor has a present ability to consult with counsel with a reasonable degree of
7822 rational understanding; and [~~whether~~]
7823 (ii) the minor has a rational as well as factual understanding of the proceedings.
7824 (b) In evaluating the minor, the forensic evaluator shall consider the minor's present
7825 ability to:
7826 (i) understand the charges or allegations against the minor;
7827 (ii) communicate facts, events, and states of mind;
7828 (iii) understand the range of possible penalties associated with the allegations against
7829 the minor;
7830 (iv) engage in reasoned choice of legal strategies and options;
7831 (v) understand the adversarial nature of the proceedings against the minor;
7832 (vi) manifest behavior sufficient to allow the juvenile court to proceed;
7833 (vii) testify relevantly; and
7834 (viii) any other factor determined to be relevant to the forensic evaluator.
7835 (8) (a) The forensic evaluator shall provide an initial report to the juvenile court, the
7836 prosecuting and defense attorneys, and the attorney guardian ad litem, if applicable, within 30
7837 days of the receipt of the juvenile court's order.
7838 (b) If the forensic evaluator informs the juvenile court that additional time is needed,
7839 the juvenile court may grant, taking into consideration the custody status of the minor, up to an
7840 additional 15 days to provide the report to the juvenile court and counsel.
7841 (c) The forensic evaluator must provide the report within 45 days from the receipt of

7842 the juvenile court's order unless, for good cause shown, the juvenile court authorizes an
7843 additional period of time to complete the evaluation and provide the report.
7844 (d) The report shall inform the juvenile court of the forensic evaluator's opinion
7845 concerning the minor's competency.
7846 (9) If the forensic evaluator's opinion is that the minor is not competent to proceed, the
7847 report shall indicate:
7848 (a) the nature of the minor's:
7849 (i) mental illness;
7850 (ii) intellectual disability or related condition; or
7851 (iii) developmental immaturity;
7852 (b) the relationship of the minor's mental illness, intellectual disability, related
7853 condition, or developmental immaturity to the minor's incompetence;
7854 (c) whether there is a substantial likelihood that the minor may attain competency in
7855 the foreseeable future;
7856 (d) the amount of time estimated for the minor to achieve competency if the minor
7857 undergoes competency attainment treatment, including medication;
7858 (e) the sources of information used by the forensic evaluator; and
7859 (f) the basis for clinical findings and opinions.
7860 (10) Any statement made by the minor in the course of any competency evaluation,
7861 whether the evaluation is with or without the consent of the minor, any testimony by the
7862 forensic evaluator based upon any statement, and any other fruits of the statement:
7863 (a) may not be admitted in evidence against the minor in [~~any delinquency or criminal~~
7864 ~~proceeding~~] a proceeding under this chapter except on an issue respecting the mental condition
7865 on which the minor has introduced evidence; and
7866 (b) may be admitted where relevant to a determination of the minor's competency.
7867 (11) Before evaluating the minor, a forensic evaluator shall specifically advise the
7868 minor, and, if reasonably available, the parents or guardian, of the limits of confidentiality as
7869 provided under Subsection (10).

7870 (12) When the report is received, the juvenile court shall set a date for a competency
7871 hearing that shall be held in not less than five and not more than 15 days, unless the juvenile
7872 court enlarges the time for good cause.
7873 (13) (a) A minor shall be presumed competent unless the juvenile court, by a
7874 preponderance of the evidence, finds the minor not competent to proceed.
7875 (b) The burden of proof is upon the proponent of incompetency to proceed.
7876 (14) (a) Following the hearing, the juvenile court shall determine by a preponderance
7877 of evidence whether the minor is:
7878 (i) competent to proceed;
7879 (ii) not competent to proceed with a substantial probability that the minor may attain
7880 competency in the foreseeable future; or
7881 (iii) not competent to proceed without a substantial probability that the minor may
7882 attain competency in the foreseeable future.
7883 (b) If the juvenile court enters a finding [~~pursuant to~~] described in Subsection
7884 (14)(a)(i), the juvenile court shall proceed with [~~the delinquency~~] the proceedings in the
7885 minor's case.
7886 (c) If the juvenile court enters a finding [~~pursuant to~~] described in Subsection
7887 (14)(a)(ii), the juvenile court shall proceed [~~consistent~~] in accordance with Section
7888 [~~78A-6-1303~~] 80-6-403.
7889 (d) (i) If the juvenile court enters a finding [~~pursuant to~~] described in Subsection
7890 (14)(a)(iii), the juvenile court shall terminate the competency proceeding, dismiss the
7891 [~~delinquency~~] charges against the minor without prejudice, and release the minor from any
7892 custody order related to the pending [~~delinquency~~] proceeding, unless the prosecutor informs
7893 the court that commitment proceedings will be initiated [~~pursuant to~~] in accordance with:
7894 (A) Title 62A Chapter 5, Part 3, Admission to an Intermediate Care Facility for People
7895 with an Intellectual Disability; [~~or~~]
7896 (B) if the minor is 18 years old or older, Title 62A, Chapter 15, Part 6, Utah State
7897 Hospital and Other Mental Health Facilities; or

7898 [~~(B)~~] (C) if the minor is a child, Title 62A Chapter 15, Part 7, Commitment of Persons
7899 Under Age 18 to Division of Substance Abuse and Mental Health.
7900 (ii) The commitment proceedings described in Subsection (14)(d)(i) shall be initiated
7901 within seven days after the [~~court's order~~] day on which the juvenile court enters the order
7902 under Subsection (14)(a), unless the court enlarges the time for good cause shown.
7903 (iii) The juvenile court may order the minor to remain in custody until the commitment
7904 proceedings have been concluded.
7905 (15) If the juvenile court finds the minor not competent to proceed, the juvenile court's
7906 order shall contain findings addressing each of the factors in Subsection (7)(b).
7907 Section 160. Section **80-6-403**, which is renumbered from Section 78A-6-1303 is
7908 renumbered and amended to read:
7909 **[~~78A-6-1303~~]. 80-6-403. Disposition on finding of not competent to proceed**
7910 **-- Subsequent hearings -- Notice to prosecuting attorneys.**
7911 (1) If the juvenile court determines that the minor is not competent to proceed, and
7912 there is a substantial likelihood that the minor may attain competency in the foreseeable future,
7913 the juvenile court shall notify the department of the finding[;] and allow the department 30
7914 days to develop an attainment plan for the minor.
7915 (2) The attainment plan shall include:
7916 (a) any services or treatment the minor has been or is currently receiving that are
7917 necessary to attain competency;
7918 (b) any additional services or treatment the minor may require to attain competency;
7919 (c) an assessment of the parent, custodian, or guardian's ability to access or provide any
7920 recommended treatment or services;
7921 (d) any special conditions or supervision that may be necessary for the safety of the
7922 minor or others during the attainment period; and
7923 (e) the likelihood that the minor will attain competency and the amount of time likely
7924 required for the minor to attain competency.
7925 (3) The department shall provide the attainment plan to the juvenile court, [~~prosecutor~~]

7926 the prosecuting attorney, the defense attorney, and the attorney guardian ad litem at least three
7927 days [~~prior to~~] before the competency disposition hearing.
7928 (4) (a) During the attainment period, the minor shall remain in the least restrictive
7929 appropriate setting.
7930 (b) A finding of not competent to proceed does not grant authority for a juvenile court
7931 to place a minor in the custody of a division of the department, or create eligibility for services
7932 from the Division of Services for People With Disabilities.
7933 (c) If the juvenile court orders the minor to be held in detention during the attainment
7934 period, the juvenile court shall make the following findings on the record:
7935 (i) the placement is the least restrictive appropriate setting;
7936 (ii) the placement is in the best interest of the minor;
7937 (iii) the minor will have access to the services and treatment required by the attainment
7938 plan in the placement; and
7939 (iv) the placement is necessary for the safety of the minor or others.
7940 (d) A juvenile court shall terminate an order of detention related to the pending
7941 [~~delinquency~~] proceeding for a minor who is not competent to proceed in that matter if:
7942 (i) the most severe allegation against the minor if committed by an adult is a class B
7943 misdemeanor;
7944 (ii) more than 60 days have passed after the day on which the juvenile court
7945 adjudicated the minor not competent to proceed; and
7946 (iii) the minor has not attained competency.
7947 (5) (a) At any time that the minor becomes competent to proceed during the attainment
7948 period, the department shall notify the juvenile court, [~~prosecutor~~] the prosecuting attorney, the
7949 defense attorney, and the attorney guardian ad litem.
7950 (b) The juvenile court shall hold a hearing with 15 business days of notice from the
7951 department described in Subsection (5)(a).
7952 (6) (a) If at any time during the attainment period the juvenile court finds that there is
7953 not a substantial probability that the minor will attain competency in the foreseeable future, the

7954 juvenile court shall terminate the competency proceeding, dismiss the [~~delinquency charges~~
7955 ~~without prejudice~~] petition or information without prejudice, and release the minor from any
7956 custody order related to the pending [~~delinquency~~] proceeding, unless the [~~prosecutor~~]
7957 prosecuting attorney or any other individual informs the juvenile court that commitment
7958 proceedings will be initiated [~~pursuant to~~] in accordance with:
7959 (i) Title 62A Chapter 5, Part 3, Admission to an Intermediate Care Facility for People
7960 with an Intellectual Disability; [~~or~~]
7961 (ii) if the minor is 18 years old or older, Title 62A, Chapter 15, Part 6, Utah State
7962 Hospital and Other Mental Health Facilities; or
7963 [~~(ii)~~] (iii) if the minor is a child, Title 62A, Chapter 15, Part 7, Commitment of Persons
7964 Under Age 18 to Division of Substance Abuse and Mental Health.
7965 (b) The [~~prosecutor~~] prosecuting attorney shall initiate the proceedings described in
7966 Subsection (6)(a) within seven days after the juvenile court's order, unless the juvenile court
7967 enlarges the time for good cause shown.
7968 (7) During the attainment period, the juvenile court may order a hearing or rehearing at
7969 anytime on [~~its~~] the juvenile court's own motion or upon recommendation of any interested
7970 party or the department.
7971 (8) (a) Within three months of the juvenile court's approval of the attainment plan, the
7972 department shall provide a report on the minor's progress towards competence.
7973 (b) The report described in Subsection (8)(a) shall address the minor's:
7974 (i) compliance with the attainment plan;
7975 (ii) progress towards competency based on the issues identified in the original
7976 competency evaluation; and
7977 (iii) current mental illness, intellectual disability or related condition, or developmental
7978 immaturity, and need for treatment, if any, and whether there is substantial likelihood of the
7979 minor attaining competency within six months.
7980 (9) (a) Within 30 days of receipt of the report, the juvenile court shall hold a hearing to
7981 determine the minor's current status.

7982 (b) At the hearing, the burden of proving the minor is competent is on the proponent of
7983 competency.
7984 (c) The juvenile court shall determine by a preponderance of the evidence whether the
7985 minor is competent to proceed.
7986 (10) If the minor has not attained competency after the initial three month attainment
7987 period but is showing reasonable progress towards attainment of competency, the juvenile
7988 court may extend the attainment period up to an additional three months.
7989 (11) The department shall provide an updated juvenile competency evaluation at the
7990 conclusion of the six month attainment period to advise the juvenile court on the minor's
7991 current competency status.
7992 (12) If the minor does not attain competency within six months after the juvenile court
7993 initially finds the minor not competent to proceed, the court shall terminate the competency
7994 proceedings and dismiss the [~~delinquency charges~~] petition or information filed without
7995 prejudice, unless good cause is shown that there is a substantial likelihood the minor will attain
7996 competency within one year from the initial finding of not competent to proceed.
7997 (13) In the event a minor has an unauthorized leave lasting more than 24 hours, the
7998 attainment period shall toll until the minor returns.
7999 Section 161. Section **80-6-501**, which is renumbered from Section 78A-6-703.1 is
8000 renumbered and amended to read:
8001 **Part 5. Transfer to District Court**
8002 **[~~78A-6-703.1~~]. 80-6-501. Definitions.**
8003 As used in this part:
8004 (1) "Qualifying offense" means an offense described in Subsection [~~78A-6-703.3~~]
8005 80-6-503(1) or (2)(b).
8006 (2) "Separate offense" means any offense that is not a qualifying offense.
8007 Section 162. Section **80-6-502**, which is renumbered from Section 78A-6-703.2 is
8008 renumbered and amended to read:
8009 **[~~78A-6-703.2~~]. 80-6-502. Criminal information for a minor in district court.**

8010 (1) If a prosecuting attorney charges a minor with aggravated murder under Section
8011 76-5-202 or murder under Section 76-5-203, the prosecuting attorney shall file a criminal
8012 information in the district court if the minor was the principal actor in an offense and the
8013 information alleges:
8014 (a) the minor was 16 or 17 years old at the time of the offense; and
8015 (b) the offense for which the minor is being charged is:
8016 (i) Section 76-5-202, aggravated murder; or
8017 (ii) Section 76-5-203, murder.
8018 (2) If the prosecuting attorney files a criminal information in the district court in
8019 accordance with Subsection (1), the district court shall try the minor as an adult, except:
8020 (a) the minor is not subject to a sentence of death in accordance with Subsection
8021 76-3-206(2)(b); and
8022 (b) the minor is not subject to a sentence of life without parole in accordance with
8023 Subsection 76-3-206(2)(b) or 76-3-207.5(3) or Section 76-3-209.
8024 (3) Except for a minor who is subject to the authority of the Board of Pardons and
8025 Parole, a minor shall be held in a [~~juvenile~~] detention facility until the district court determines
8026 where the minor will be held until the time of trial if:
8027 (a) the minor is 16 or 17 years old; and
8028 (b) the minor is arrested for aggravated murder or murder.
8029 (4) In considering where a minor will be detained until the time of trial, the district
8030 court shall consider:
8031 (a) the age of the minor;
8032 (b) the nature, seriousness, and circumstances of the alleged offense;
8033 (c) the minor's history of prior criminal acts;
8034 (d) whether [~~detention~~] the minor being detained in a [~~juvenile~~] detention facility will
8035 adequately serve the need for community protection pending the outcome of any criminal
8036 proceedings;
8037 (e) the relative ability of the facility to meet the needs of the minor and protect the

8038 public;
8039 (f) the physical maturity of the minor;
8040 (g) the current mental state of the minor as evidenced by relevant mental health or a
8041 psychological assessment or screening that is made available to the district court; and
8042 (h) any other factors that the district court considers relevant.
8043 (5) A minor ordered to a [~~juvenile~~] detention facility under Subsection (4) shall remain
8044 in the facility:
8045 (a) until released by the district court; or
8046 (b) if convicted, until sentencing.
8047 (6) If a minor is held in a [~~juvenile~~] detention facility under Subsection (4), the district
8048 court shall:
8049 (a) advise the minor of the right to bail; and
8050 (b) set initial bail in accordance with Title 77, Chapter 20, Bail.
8051 (7) If the minor ordered to a [~~juvenile~~] detention facility under Subsection (4) attains
8052 the age of 18 years, the minor shall be transferred within 30 days to an adult jail until:
8053 (a) released by the district court [~~judge~~]; or
8054 (b) if convicted, sentencing.
8055 (8) If a minor is ordered to a [~~juvenile~~] detention facility under Subsection (4) and the
8056 minor's conduct or condition endangers the safety or welfare of others in the [~~juvenile~~]
8057 detention facility, the district court may find that the minor shall be detained in another place of
8058 confinement considered appropriate by the district court, including a jail or an adult facility for
8059 pretrial confinement.
8060 (9) If a minor is charged for aggravated murder or murder in the district court under
8061 this section, and all charges for aggravated murder or murder result in an acquittal, a finding of
8062 not guilty, or a dismissal:
8063 (a) the juvenile court gains jurisdiction over all other offenses committed by the minor;
8064 and
8065 (b) the [~~Division of Juvenile Justice Services~~] division gains jurisdiction over the

8066 minor.

8067 Section 163. Section **80-6-503**, which is renumbered from Section 78A-6-703.3 is
8068 renumbered and amended to read:

8069 **[~~78A-6-703.3~~]. 80-6-503. Criminal information for a minor in juvenile court**
8070 **-- Extending juvenile court jurisdiction.**

8071 [~~Notwithstanding Section 78A-6-602.5, if~~]

8072 (1) If a prosecuting attorney charges a minor with a felony, the prosecuting attorney
8073 may file a criminal information in the juvenile court if the minor was a principal actor in an
8074 offense and the information alleges:

8075 [~~(1) (a)~~] (a) (i) the minor was 16 or 17 years old at the time of the offense; and

8076 [~~(b)~~] (ii) the offense for which the minor is being charged is a felony violation of:

8077 [~~(i)~~] (A) Section 76-5-103, aggravated assault resulting in serious bodily injury to
8078 another;

8079 [~~(ii)~~] (B) Section 76-5-202, attempted aggravated murder;

8080 [~~(iii)~~] (C) Section 76-5-203, attempted murder;

8081 [~~(iv)~~] (D) Section 76-5-302, aggravated kidnapping;

8082 [~~(v)~~] (E) Section 76-5-405, aggravated sexual assault;

8083 [~~(vi)~~] (F) Section 76-6-103, aggravated arson;

8084 [~~(vii)~~] (G) Section 76-6-203, aggravated burglary;

8085 [~~(viii)~~] (H) Section 76-6-302, aggravated robbery;

8086 [~~(ix)~~] (I) Section 76-10-508.1, felony discharge of a firearm; or

8087 [~~(x)~~] (J) an offense other than an offense listed in Subsections [~~(1)(b)(i)~~] (1)(a)(ii)(A)
8088 through [~~(ix)~~] (I) involving the use of a dangerous weapon[~~:(A)~~] if the offense would be a
8089 felony had an adult committed the offense[~~;~~], and [~~(B)~~] the minor has been previously
8090 adjudicated or convicted of an offense involving the use of a dangerous weapon that would
8091 have been a felony if committed by an adult; or

8092 [~~(2) (a)~~] (b) (i) the minor was 14 or 15 years old at the time of the offense; and

8093 [~~(b)~~] (ii) the offense for which the minor is being charged is a felony violation of:

8094 [~~(i)~~] (A) Section 76-5-202, aggravated murder or attempted aggravated murder; or
8095 [~~(ii)~~] (B) Section 76-5-203, murder or attempted murder.
8096 (2) At the time that a prosecuting attorney files an information under this section, a
8097 party may file a motion to extend the juvenile court's continuing jurisdiction in accordance with
8098 Section 80-6-605.
8099 Section 164. Section **80-6-504**, which is renumbered from Section 78A-6-703.5 is
8100 renumbered and amended to read:
8101 **[~~78A-6-703.5~~]. 80-6-504. Preliminary hearing -- Grounds for transfer --**
8102 **Detention of a minor bound over to the district court.**
8103 (1) If a prosecuting attorney files a criminal information in accordance with Section
8104 [~~78A-6-703.3~~] 80-6-503, the juvenile court shall conduct a preliminary hearing to determine
8105 whether a minor should be bound over to the district court for a qualifying offense.
8106 (2) At the preliminary hearing under Subsection (1), the prosecuting attorney shall have
8107 the burden of establishing:
8108 (a) probable cause to believe that a qualifying offense was committed and the minor
8109 committed that offense; and
8110 (b) by a preponderance of the evidence, that it is contrary to the best interests of the
8111 minor and the public for the juvenile court to retain jurisdiction over the offense.
8112 (3) In making a determination under Subsection (2)(b), the juvenile court shall consider
8113 and make findings on:
8114 (a) the seriousness of the qualifying offense and whether the protection of the
8115 community requires that the minor is detained beyond the amount of time allowed under
8116 Subsection [~~78A-6-117(2)(h)~~] 80-6-802(1), or beyond the age of continuing jurisdiction that
8117 the juvenile court may exercise under Section [~~78A-6-703.4~~] 80-6-605;
8118 (b) the extent to which the minor's actions in the qualifying offense were committed in
8119 an aggressive, violent, premeditated, or willful manner;
8120 (c) the minor's mental, physical, educational, trauma, and social history;
8121 (d) the criminal record or history of the minor; and

8122 (e) the likelihood of the minor's rehabilitation by the use of services and facilities that
8123 are available to the juvenile court.
8124 (4) The amount of weight that each factor in Subsection (3) is given is in the juvenile
8125 court's discretion.
8126 (5) (a) The juvenile court may consider any written report or other material that relates
8127 to the minor's mental, physical, educational, trauma, and social history.
8128 (b) Upon request by the minor, the minor's parent, guardian, or other interested party,
8129 the juvenile court shall require the person preparing the report, or other material, under
8130 Subsection (5)(a) to appear and be subject to direct and cross-examination.
8131 (6) At the preliminary hearing under Subsection (1), a minor may testify under oath,
8132 call witnesses, cross-examine witnesses, and present evidence on the factors described in
8133 Subsection (3).
8134 (7) (a) A proceeding before the juvenile court related to a charge filed under this part
8135 shall be conducted in conformity with the Utah Rules of Juvenile Procedure.
8136 (b) [~~Title 78B, Chapter 22, Indigent Defense Act, and Section 78A-6-115~~] Sections
8137 80-6-602, 80-6-603, and 80-6-604 are applicable to the preliminary hearing under this section.
8138 (8) If the juvenile court finds that the prosecuting attorney has met the burden of proof
8139 under Subsection (2), the juvenile court shall bind the minor over to the district court to be held
8140 for trial.
8141 (9) (a) If the juvenile court finds that a qualifying offense has been committed by a
8142 minor, but the prosecuting attorney has not met the burden of proof under Subsection (2)(b),
8143 the juvenile court shall:
8144 (i) proceed upon the criminal information as if the information were a petition under
8145 Section [~~78A-6-602.5~~] 80-6-305;
8146 (ii) release or detain the minor in accordance with [~~Section 78A-6-113~~] Section
8147 80-6-207; and
8148 (iii) proceed with an adjudication for the minor in accordance with this chapter.
8149 (b) If the juvenile court finds that the prosecuting attorney has not met the burden

8150 under Subsection (2) to bind a minor over to the district court, the prosecuting attorney may file
8151 a motion to extend the juvenile court's continuing jurisdiction over the minor's case until the
8152 minor is 25 years old in accordance with Section [~~78A-6-703.4~~] 80-6-605.
8153 (10) (a) A prosecuting attorney may charge a minor with a separate offense in the same
8154 criminal information as the qualifying offense if the qualifying offense and separate offense
8155 arise from a single criminal episode.
8156 (b) If the prosecuting attorney charges a minor with a separate offense as described in
8157 Subsection (10)(a):
8158 (i) the prosecuting attorney shall have the burden of establishing probable cause to
8159 believe that the separate offense was committed and the minor committed the separate offense;
8160 and
8161 (ii) if the prosecuting attorney establishes probable cause for the separate offense under
8162 Subsection (10)(b)(i) and the juvenile court binds the minor over to the district court for the
8163 qualifying offense, the juvenile court shall also bind the minor over for the separate offense to
8164 the district court.
8165 (11) If a grand jury indicts a minor for a qualifying offense:
8166 (a) the prosecuting attorney does not need to establish probable cause under Subsection
8167 (2)(a) for the qualifying offense and any separate offense included in the indictment; and
8168 (b) the juvenile court shall proceed with determining whether the minor should be
8169 bound over to the district court for the qualifying offense and any separate offense included in
8170 the indictment in accordance with Subsections (2)(b) and (3).
8171 (12) If a minor is bound over to the district court, the juvenile court shall:
8172 (a) issue a criminal warrant of arrest;
8173 (b) advise the minor of the right to bail; and
8174 (c) set initial bail in accordance with Title 77, Chapter 20, Bail.
8175 (13) (a) At the time that a minor is bound over to the district court, the juvenile court
8176 shall make an initial determination on where the minor is held until the time of trial.
8177 (b) In determining where a minor is held until the time of trial, the juvenile court shall

8178 consider:
8179 (i) the age of the minor;
8180 (ii) the minor's history of prior criminal acts;
8181 (iii) whether [~~detention~~] the minor being detained in a [~~juvenile~~] detention facility will
8182 adequately serve the need for community protection pending the outcome of any criminal
8183 proceedings;
8184 (iv) the relative ability of the facility to meet the needs of the minor and protect the
8185 public;
8186 (v) the physical maturity of the minor;
8187 (vi) the current mental state of the minor as evidenced by relevant mental health or
8188 psychological assessments or screenings that are made available to the juvenile court; and
8189 (vii) any other factors that the court considers relevant.
8190 (14) If the juvenile court orders a minor to be detained in a [~~juvenile~~] detention facility
8191 under Subsection (13), the minor shall remain in the detention facility:
8192 (a) until released by a district court; or
8193 (b) if convicted, until sentencing.
8194 (15) If the juvenile court orders the minor to be detained in a [~~juvenile~~] detention
8195 facility under Subsection (13) and the minor attains the age of 18 while detained at the facility,
8196 the minor shall be transferred within 30 days to an adult jail to remain:
8197 (a) until released by the district court; or
8198 (b) if convicted, until sentencing.
8199 (16) Except as provided in Subsection (17) and Section [~~78A-6-705~~] 80-6-507, if a
8200 minor is bound over to the district court under this section, the jurisdiction of the [~~Division of~~
8201 ~~Juvenile Justice Services~~] division and the juvenile court over the minor is terminated for the
8202 qualifying offense and any other separate offense for which the minor is bound over.
8203 (17) If a minor is bound over to the district court for a qualifying offense and the
8204 qualifying offense results in an acquittal, a finding of not guilty, or a dismissal:
8205 (a) the juvenile court regains jurisdiction over any separate offense committed by the

8206 minor; and
8207 (b) the [~~Division of Juvenile Justice Services~~] division regains jurisdiction over the
8208 minor.
8209 Section 165. Section **80-6-505**, which is renumbered from Section 78A-6-703.6 is
8210 renumbered and amended to read:
8211 **[~~78A-6-703.6~~]. 80-6-505. Criminal proceedings for a minor bound over to**
8212 **district court.**
8213 (1) If the juvenile court binds a minor over to the district court in accordance with
8214 Section [~~78A-6-703.5~~] 80-6-504, the prosecuting attorney shall try the minor as if the minor is
8215 an adult in the district court except:
8216 (a) the minor is not subject to a sentence of death in accordance with Subsection
8217 76-3-206(2)(b); and
8218 (b) the minor is not subject to a sentence of life without parole in accordance with
8219 Subsection 76-3-206(2)(b) or 76-3-207.5(3) or Section 76-3-209.
8220 (2) A minor who is bound over to the district court to answer as an adult is not entitled
8221 to a preliminary hearing in the district court.
8222 (3) (a) If a minor is bound over to the district court by the juvenile court, the district
8223 court may reconsider the juvenile court's decision under Subsection [~~78A-6-703.5~~]
8224 80-6-504(13) as to where the minor is being held until trial.
8225 (b) If the district court reconsiders the juvenile court's decision as to where the minor is
8226 held, the district court shall consider and make findings on:
8227 (i) the age of the minor;
8228 (ii) the minor's history of prior criminal acts;
8229 (iii) whether [~~detention~~] the minor being detained in a [~~juvenile~~] detention facility will
8230 adequately serve the need for community protection pending the outcome of any criminal
8231 proceedings;
8232 (iv) the relative ability of the detention facility to meet the needs of the minor and
8233 protect the public;

8234 (v) the physical maturity of the minor;
8235 (vi) the current mental state of the minor as evidenced by relevant mental health or
8236 psychological assessments or screenings that are made available to the district court; and
8237 (vii) any other factors the district court considers relevant.
8238 (4) A minor who is ordered to a [~~juvenile~~] detention facility under Subsection (3) shall
8239 remain in the facility:
8240 (a) until released by a district court; or
8241 (b) if convicted, until sentencing.
8242 (5) If the district court orders the minor to be detained in a [~~juvenile~~] detention facility
8243 under Subsection (3) and the minor attains the age of 18 while detained at the detention facility,
8244 the minor shall be transferred within 30 days to an adult jail to remain:
8245 (a) until released by the district court; or
8246 (b) if convicted, until sentencing.
8247 (6) If a minor is bound over to the district court and detained in a [~~juvenile~~] detention
8248 facility, the district court may order the minor be detained in another place of confinement that
8249 is considered appropriate by the district court, including a jail or other place of pretrial
8250 confinement for adults if the minor's conduct or condition endangers the safety and welfare of
8251 others in the detention facility.
8252 (7) If the district court obtains jurisdiction over a minor under Section [~~78A-6-703.5~~]
8253 80-6-504, the district court is not divested of jurisdiction for a qualifying offense or a separate
8254 offense listed in the criminal information when the minor is allowed to enter a plea to, or is
8255 found guilty of, another offense in the same criminal information.
8256 Section 166. Section **80-6-506**, which is renumbered from Section 78A-6-704 is
8257 renumbered and amended to read:
8258 **[~~78A-6-704~~]. 80-6-506. Appeals from bind over proceedings.**
8259 (1) A minor may, as a matter of right, appeal from an order of the juvenile court
8260 binding the minor over to the district court under Section [~~78A-6-703.5~~] 80-6-504.
8261 (2) The prosecuting attorney may, as a matter of right, appeal an order of the juvenile

8262 court that a minor charged in accordance with Section [~~78A-6-703.3~~] 80-6-503 will be
8263 adjudicated in the juvenile court.
8264 Section 167. Section **80-6-507**, which is renumbered from Section 78A-6-705 is
8265 renumbered and amended to read:
8266 **[~~78A-6-705~~]. 80-6-507. Commitment of a minor by a district court.**
8267 (1) (a) Before sentencing a minor, who was bound over to the district court under
8268 Section [~~78A-6-703.5~~] 80-6-504 to be tried as an adult, to prison, the district court shall request
8269 a report from the [~~Division of Juvenile Justice Services~~] division regarding the potential risk to
8270 other minors if the minor were to be committed to the [~~custody of the Division of Juvenile~~
8271 ~~Justice Services~~] division.
8272 (b) The [~~Division of Juvenile Justice Services~~] division shall submit the requested
8273 report to the district court as part of the [~~pre-sentence~~] presentence report or as a separate
8274 report.
8275 (2) If, after receiving the report described in Subsection (1), the district court
8276 determines that probation is not appropriate and commitment to prison is an appropriate
8277 sentence, the district court shall order the minor committed to prison and the minor shall be
8278 provisionally housed [~~in a secure facility operated by the Division of Juvenile Justice Services~~]
8279 in a secure care facility until the minor reaches 18 years old, unless released earlier from
8280 incarceration by the Board of Pardons and Parole.
8281 (3) The district court may order the minor committed directly to the legal and physical
8282 custody of the Department of Corrections if the district court finds that:
8283 (a) the minor would present an unreasonable risk to others while in the custody of the
8284 [~~Division of Juvenile Justice Services~~] division;
8285 (b) the minor has previously been committed to a prison for adult offenders; or
8286 (c) housing the minor in [~~a secure facility operated by the Division of Juvenile Justice~~
8287 ~~Services~~] a secure care facility would be contrary to the interests of justice.
8288 (4) (a) The [~~Division of Juvenile Justice Services~~] division shall adopt procedures by
8289 rule, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, regarding

8290 the transfer of a minor provisionally housed in [~~a division facility~~] a secure care facility under
8291 Subsection (2) to the custody of the Department of Corrections.
8292 (b) If, in accordance with the rules adopted under Subsection (4)(a), the [~~Division of~~
8293 ~~Juvenile Justice Services~~] division determines that housing the minor in [~~a division facility~~] a
8294 secure care facility presents an unreasonable risk to others or that it is not in the best interest of
8295 the minor, the [~~Division of Juvenile Justice Services~~] division shall transfer the physical
8296 custody of the minor to the Department of Corrections.
8297 (5) (a) When a minor is committed to prison but ordered by a district court to be
8298 housed in [~~a Division of Juvenile Justice Services facility~~] a secure care facility under this
8299 section, the district court and the [~~Division of Juvenile Justice Services~~] division shall
8300 immediately notify the Board of Pardons and Parole so that the minor may be scheduled for a
8301 hearing according to board procedures.
8302 (b) If a minor who is provisionally housed in [~~a Division of Juvenile Justice Services~~
8303 ~~facility~~] a secure care facility under this section has not been paroled or otherwise released
8304 from incarceration by the time the minor reaches 18 years old, the [~~Division of Juvenile Justice~~
8305 ~~Services~~] division shall as soon as reasonably possible, but not later than when the minor
8306 reaches 18 years and 6 months old, transfer the minor to the physical custody of the
8307 Department of Corrections.
8308 (6) Upon the commitment of a minor to the custody of the [~~Division of Juvenile Justice~~
8309 ~~Services~~] division or the Department of Corrections under this section, the Board of Pardons
8310 and Parole has authority over the minor for purposes of parole, pardon, commutation,
8311 termination of sentence, remission of fines or forfeitures, orders of restitution, and all other
8312 purposes authorized by law.
8313 (7) The [~~Youth Parole Authority~~] authority may hold hearings, receive reports, or
8314 otherwise keep informed of the progress of a minor in the custody of the [~~Division of Juvenile~~
8315 ~~Justice Services~~] division under this section and may forward to the Board of Pardons and
8316 Parole any information or recommendations concerning the minor.
8317 (8) Commitment of a minor under this section is a prison commitment for all

8318 sentencing purposes.

8319 Section 168. Section **80-6-601**, which is renumbered from Section 78A-6-116 is
8320 renumbered and amended to read:

8321 **Part 6. Delinquency Proceedings**

8322 **[~~78A-6-116~~]. 80-6-601. Minors' cases considered civil proceedings --**
8323 **Minor not to be charged with crime -- Exception for a prior adjudication -- Traffic**
8324 **violation cases.**

8325 (1) Except as provided in [~~Section 78A-6-703.2, 78A-6-703.5, or 78A-6-703.6~~] Part 5,
8326 Transfer to District Court, a proceeding in a minor's case under this chapter is a civil
8327 proceeding with the juvenile court exercising equitable powers.

8328 (2) (a) An adjudication by a juvenile court of a minor under [~~Section 78A-6-117~~] this
8329 chapter is not considered a conviction of a crime, except in cases involving traffic violations.

8330 (b) An adjudication may not:

8331 (i) operate to impose any civil disabilities upon the minor; or

8332 (ii) disqualify the minor for any civil service or military service or appointment.

8333 (3) (a) Except in cases involving traffic violations, and as provided in [~~Section~~
8334 ~~78A-6-703.2, 78A-6-703.3, or 78A-6-703.5~~] Part 5, Transfer to District Court, a minor may not
8335 be charged with a crime and convicted in any court.

8336 (b) Except as provided in Section [~~78A-6-703.5~~] 80-6-504, if a petition is filed in the
8337 juvenile court, the minor may not later be subject to criminal prosecution based on the same
8338 facts.

8339 (c) Except as provided in Section [~~78A-6-602~~] 80-6-305, an individual may not be
8340 subject to a [~~delinquency~~] proceeding under this chapter for an offense that the individual is
8341 alleged to have committed before the individual was 12 years old.

8342 (4) (a) An adjudication by a juvenile court of a minor under [~~Section 78A-6-117~~] this
8343 chapter is considered a conviction for the purposes of determining the level of offense for
8344 which a minor may be charged and enhancing the level of an offense in the juvenile court.

8345 (b) A prior adjudication may be used to enhance the level or degree of an offense

8346 committed by an adult only as otherwise specifically provided.

8347 [~~(5) Abstracts of court records for all adjudications of traffic violations shall be~~
8348 ~~submitted to the Department of Public Safety as provided in Section 53-3-218.~~]

8349 [~~(6) A court or state agency with custody of an individual's record related to an offense~~
8350 ~~that the individual is alleged to have committed, or an offense that the individual committed,~~
8351 ~~before the individual was 18 years old may not disclose the record to a federal agency that is~~
8352 ~~responsible for criminal justice research or proceedings unless the court or state agency is~~
8353 ~~required to share the record under state or federal law.~~]

8354 [~~(7) Information necessary to collect unpaid fines, fees, assessments, bail, or restitution~~
8355 ~~may be forwarded to employers, financial institutions, law enforcement, constables, the Office~~
8356 ~~of Recovery Services, or other agencies for purposes of enforcing the order as provided in~~
8357 ~~Section 78A-6-117.~~]

8358 Section 169. Section **80-6-602** is enacted to read:

8359 **80-6-602. Hearings or proceedings for minors -- Prosecuting attorney -- Order for**
8360 **indigent defense -- Custody in the Division of Child and Family Services.**

8361 (1) In a hearing or proceeding under this chapter, the juvenile court:

8362 (a) shall admit any person who has a direct interest in the case;

8363 (b) may admit any person whose presence is requested by the minor's parent or
8364 guardian; and

8365 (c) shall exclude any other person except as provided in Subsection (2).

8366 (2) In a hearing or proceeding under this chapter for a minor who is 14 years old or
8367 older, the juvenile court shall admit any person, unless the hearing or proceeding is closed by
8368 the juvenile court upon findings, on the record, for good cause if:

8369 (a) the minor has been charged with an offense that would be a felony if committed by
8370 an adult; or

8371 (b) the minor is charged with an offense that would be a class A or B misdemeanor if
8372 committed by an adult and the minor has been previously charged with an offense that would
8373 be a misdemeanor or felony if committed by an adult.

8374 (3) If more than one minor is alleged to be involved in a violation of a law or
8375 ordinance, the proceedings for the violation may be consolidated, except a separate hearing
8376 may be held with respect to a disposition for a minor.
8377 (4) The county attorney, or the district attorney if within a prosecution district, shall
8378 represent the state in a proceeding under this chapter.
8379 (5) If a minor is facing a proceeding under this chapter, a juvenile court shall:
8380 (a) appoint an indigent defense service provider for the minor in accordance with Title
8381 78B, Chapter 22, Part 2, Appointment of Counsel; and
8382 (b) order indigent defense services for the minor in accordance with Title 78B, Chapter
8383 22, Part 2, Appointment of Counsel.
8384 (6) A juvenile court may appoint an attorney guardian ad litem under Section
8385 78A-2-803, or as otherwise provided by law, to represent a child under this chapter.
8386 (7) A juvenile court may not vest custody of a minor facing a delinquency proceeding
8387 under this chapter in the Division of Child and Family Services, except as provided in Chapter
8388 3, Abuse, Neglect, and Dependency Proceedings.
8389 Section 170. Section **80-6-603** is enacted to read:
8390 **80-6-603. Rights of minors facing delinquency proceedings.**
8391 If a minor is facing a delinquency proceeding under this chapter, the minor has the right
8392 to:
8393 (1) appear in person in the proceeding for the petition or the criminal information;
8394 (2) defend, in person or by counsel, against the allegations in the petition or the
8395 criminal information;
8396 (3) receive a copy of the petition or the criminal information;
8397 (4) testify on the minor's own behalf;
8398 (5) confront the witnesses against the minor;
8399 (6) secure the attendance of witnesses on the minor's behalf under Section 78A-6-351;
8400 (7) be represented by counsel at all stages of the proceedings;
8401 (8) be appointed an indigent defense service provider and be provided indigent defense

8402 services in accordance with Title 78B, Chapter 22, Part 2, Appointment of Counsel;
8403 (9) remain silent and be advised that anything the minor says can and will be used
8404 against the minor in any court proceedings; and
8405 (10) appeal any adjudication under this chapter.
8406 Section 171. Section **80-6-604** is enacted to read:
8407 **80-6-604. Victim's rights -- Access to juvenile court records.**
8408 (1) (a) If a minor is charged in a petition or information under this chapter for an
8409 offense that if committed by an adult would be a felony or a class A or class B misdemeanor, a
8410 victim of any act charged in the petition or information shall, upon request, be afforded all
8411 rights afforded to victims in:
8412 (i) Title 77, Chapter 36, Cohabitant Abuse Procedures Act;
8413 (ii) Title 77, Chapter 37, Victims' Rights;
8414 (iii) Title 77, Chapter 38, Rights of Crime Victims Act; and
8415 (iv) Title 78B, Chapter 7, Part 8, Criminal Protective Orders.
8416 (b) The notice provisions in Section 77-38-3 do not apply to important juvenile justice
8417 hearings as defined in Section 77-38-2.
8418 (2) A victim, upon request to the appropriate juvenile court personnel, shall have the
8419 right to inspect and duplicate juvenile court records related to the offense against the victim
8420 that have not been expunged under Part 10, Juvenile Records and Expungement, concerning:
8421 (a) the scheduling of any juvenile court hearings on a petition or information filed
8422 under this chapter;
8423 (b) any findings made by the juvenile court; and
8424 (c) any order or disposition imposed by the juvenile court.
8425 Section 172. Section **80-6-605**, which is renumbered from Section 78A-6-703.4 is
8426 renumbered and amended to read:
8427 **[~~78A-6-703.4~~]. 80-6-605. Extension of juvenile court jurisdiction --**
8428 **Procedure.**
8429 (1) At the time that a prosecuting attorney [~~charges~~] files a petition under Section

8430 80-6-305, or a criminal information under Section 80-6-503, for a felony offense alleged to
8431 have been committed by a minor who is 14 years old or older [~~with a felony~~], either party may
8432 file a motion to extend the juvenile court's continuing jurisdiction over the minor's case until
8433 the minor is 25 years old if:
8434 (a) the minor was the principal actor in the offense; and
8435 (b) the petition or [~~criminal~~] information alleges a felony violation of:
8436 (i) Section 76-5-103, aggravated assault resulting in serious bodily injury to another;
8437 (ii) Section 76-5-202, aggravated murder or attempted aggravated murder;
8438 (iii) Section 76-5-203, murder or attempted murder;
8439 (iv) Section 76-5-302, aggravated kidnapping;
8440 (v) Section 76-5-405, aggravated sexual assault;
8441 (vi) Section 76-6-103, aggravated arson;
8442 (vii) Section 76-6-203, aggravated burglary;
8443 (viii) Section 76-6-302, aggravated robbery;
8444 (ix) Section 76-10-508.1, felony discharge of a firearm; or
8445 (x) (A) an offense other than the offenses listed in Subsections (1)(b)(i) through (ix)
8446 involving the use of a dangerous weapon that would be a felony if committed by an adult; and
8447 (B) the minor has been previously adjudicated or convicted of an offense involving the
8448 use of a dangerous weapon that would have been a felony if committed by an adult.
8449 (2) (a) Notwithstanding Subsection (1), either party may file a motion to extend the
8450 juvenile court's continuing jurisdiction after a determination by the juvenile court that the
8451 minor will not be bound over to the district court under Section [~~78A-6-703.5~~] 80-6-504.
8452 (3) The juvenile court shall make a determination on a motion under Subsection (1) or
8453 (2) at the time of disposition.
8454 (4) The juvenile court shall extend the continuing jurisdiction over the minor's case
8455 until the minor is 25 years old if the juvenile court finds, by a preponderance of the evidence,
8456 that extending continuing jurisdiction is in the best interest of the minor and the public.
8457 (5) In considering whether it is in the best interest of the minor and the public for the

8458 court to extend jurisdiction over the minor's case until the minor is 25 years old, the juvenile
8459 court shall consider and base the juvenile court's decision on:
8460 (a) whether the protection of the community requires an extension of jurisdiction
8461 beyond the age of 21;
8462 (b) the extent to which the minor's actions in the offense were committed in an
8463 aggressive, violent, premeditated, or willful manner;
8464 (c) the minor's mental, physical, educational, trauma, and social history; and
8465 (d) the criminal record and previous history of the minor.
8466 (6) The amount of weight that each factor in Subsection (5) is given is in the juvenile
8467 court's discretion.
8468 (7) (a) The juvenile court may consider written reports and other materials relating to
8469 the minor's mental, physical, educational, trauma, and social history.
8470 (b) Upon request by the minor, the minor's parent, guardian, or other interested party,
8471 the juvenile court shall require the person preparing the report or other material to appear and
8472 be subject to both direct and cross-examination.
8473 (8) A minor may testify under oath, call witnesses, cross-examine witnesses, and
8474 present evidence on the factors described in Subsection (5).
8475 Section 173. Section **80-6-606** is enacted to read:
8476 **80-6-606. Validated risk and needs assessment -- Examination of minor or minor's**
8477 **parent or guardian.**
8478 (1) (a) If a minor is adjudicated for an offense under this chapter, the minor shall
8479 undergo a risk screening or, if indicated, a validated risk and needs assessment.
8480 (b) If a minor undergoes a risk screening or a validated risk and needs assessment, the
8481 results of the screening or assessment shall be used to inform the juvenile court's disposition
8482 and any case planning for the minor.
8483 (c) If a minor undergoes a validated risk and needs assessment, the results of the
8484 assessment may not be shared with the juvenile court before the adjudication of the minor.
8485 (2) If the juvenile court's continuing jurisdiction over a minor's case is terminated, the

8486 minor shall undergo a validated risk and needs assessment within seven days of the day on
8487 which an order terminating the juvenile court's continuing jurisdiction is issued if:
8488 (a) the minor is adjudicated under this chapter; and
8489 (b) the minor underwent a validated risk and needs assessment under Subsection (1).
8490 (3) (a) If a petition under this chapter has been filed for a minor, a juvenile court may:
8491 (i) order that the minor be examined by a physician, surgeon, psychiatrist, or
8492 psychologist; and
8493 (ii) place the minor in a hospital or other facility for examination.
8494 (b) After notice and a hearing set for the specific purpose, the juvenile court may order
8495 an examination of a minor's parent or guardian whose ability to care for a minor is at issue if
8496 the juvenile court finds from the evidence presented at the hearing that the parent's or
8497 guardian's physical, mental, or emotional condition may be a factor in causing the delinquency
8498 of the minor.
8499 (c) An examination conducted in accordance with this Subsection (3) is not a
8500 privileged communication under Utah Rules of Evidence, Rule 506(d)(3), and is exempt from
8501 the general rule of privilege.
8502 Section 174. Section **80-6-607**, which is renumbered from Section 78A-6-123 is
8503 renumbered and amended to read:
8504 **[~~78A-6-123~~]. 80-6-607. Case planning and appropriate responses.**
8505 (1) For a minor adjudicated and placed on probation under Section 80-6-702 or [~~into~~
8506 ~~the custody of the Division of Juvenile Justice Services~~] committed to the division under
8507 Section [~~78A-6-117~~] 80-6-703, a case plan shall be created and [~~shall be~~]:
8508 (a) developed in collaboration with the minor and the minor's family;
8509 (b) individualized to the minor;
8510 (c) informed by the results of a validated risk and needs assessment under Section
8511 80-6-606; and
8512 (d) tailored to the minor's offense and history.
8513 (2) (a) The Administrative Office of the Courts and the[~~ Division of Juvenile Justice~~

8514 ~~Services~~] division shall develop a statewide system of appropriate responses to guide responses
8515 to the behaviors of minors:
8516 (i) undergoing nonjudicial adjustments;
8517 (ii) whose case is under the jurisdiction of the juvenile court; and
8518 (iii) in the custody of the [~~Division of Juvenile Justice Services~~] division.
8519 (b) The system of responses shall include both sanctions and incentives that:
8520 (i) are swift and certain;
8521 (ii) include a continuum of community based responses for minors living at home;
8522 (iii) target a minor's criminogenic risks and needs, as determined by the results of a
8523 validated risk and needs assessment under Section 80-6-606, and the severity of the violation;
8524 and
8525 (iv) authorize earned discharge credits as one incentive for compliance.
8526 (c) After considering the juvenile disposition guidelines established by the Sentencing
8527 Commission, [~~pursuant to~~] in accordance with Section 63M-7-404, the system of appropriate
8528 responses under Subsections (2)(a) and (b) shall be developed.
8529 (3) (a) A response to [~~a~~] compliant or noncompliant behavior under Subsection (2)
8530 shall be documented in the minor's case plan.
8531 (b) Documentation under Subsection (3)(a) shall include:
8532 [~~(a)~~] (i) positive behaviors and incentives offered;
8533 [~~(b)~~] (ii) violations and corresponding sanctions; and
8534 [~~(c)~~] (iii) whether the minor has a subsequent violation after a sanction.
8535 (4) Before referring a minor to a juvenile court for judicial review, or to the [~~Youth~~
8536 ~~Parole Authority~~] authority if the minor is under the jurisdiction of the [~~Youth Parole~~
8537 ~~Authority~~] authority, in response to [~~a violation, either through~~] a contempt filing under Section
8538 [~~78A-6-1101~~] 78A-6-353 or an order to show cause, [~~pursuant to Subsections (2)(a) and (b),~~] a
8539 pattern of appropriate responses shall be documented in the minor's case plan in accordance
8540 with Subsections (3)(a) and (b).
8541 (5) Notwithstanding Subsection (4), [~~violations of protective orders or ex parte~~

8542 ~~protective orders~~] if a minor violates a protective order or an ex parte protective order listed in
8543 Section 78B-7-803 [~~with victims and violations that constitute new delinquency offenses~~], the
8544 violation may be filed directly with the juvenile court.
8545 Section 175. Section **80-6-608**, which is renumbered from Section 78A-6-1104 is
8546 renumbered and amended to read:
8547 **[~~78A-6-1104~~]. 80-6-608. When photographs, fingerprints, or HIV infection**
8548 **tests may be taken -- Distribution -- DNA collection -- Reimbursement.**
8549 (1) The[~~ Division of Juvenile Justice Services~~] division shall take a photograph and
8550 fingerprints of [~~all minors~~] a minor who is:
8551 (a) 14 years [~~of age~~] old or older [~~who are~~] at the time of the alleged commission of an
8552 offense that would be a felony if the minor were 18 years old or older; and
8553 (b) admitted to a detention facility [~~operated by the Division of Juvenile Justice~~
8554 ~~Services for the alleged commission of an offense that would be a felony if the minor were 18~~
8555 ~~years of age or older~~] for the alleged commission of the offense.
8556 (2) The [~~Juvenile Court~~] juvenile court shall order a minor who is 14 years [~~of age~~] old
8557 or older at the time that the minor is alleged to have committed an offense described in
8558 Subsection (2)(a) or (b) to have the minor's fingerprints taken at a detention facility [~~operated~~
8559 ~~by the Division of Juvenile Justice Services~~] or a local law enforcement agency if the minor is:
8560 (a) adjudicated for an offense that would be a class A misdemeanor if the minor were
8561 18 years [~~of age~~] old or older; or
8562 (b) adjudicated for an offense that would be a felony if the minor were 18 years [~~of~~
8563 ~~age~~] old or older and the minor was not admitted to a detention facility [~~operated by the~~
8564 ~~Division of Juvenile Justice Services~~].
8565 (3) The [~~Juvenile Court~~] juvenile court shall take a photograph of [~~all minors~~] a minor
8566 who is:
8567 (a) 14 years [~~of age~~] old or older [~~who are~~] at the time the minor was alleged to have
8568 committed an offense that would be a felony or a class A misdemeanor if the minor were 18
8569 years old or older; and

8570 (b) adjudicated for [~~an offense that would be a felony or a class A misdemeanor if the~~
8571 ~~minor were 18 years of age or older~~] the offense described in Subsection (3)(a).
8572 (4) [~~Fingerprints~~] If a minor's fingerprints are taken under this section, the minor's
8573 fingerprints shall be forwarded to the Bureau of Criminal Identification and may be stored by
8574 electronic medium.
8575 (5) HIV testing shall be conducted on a minor who is taken into custody after having
8576 been adjudicated [~~to have violated state law prohibiting~~] for a sexual offense under Title 76,
8577 Chapter 5, Part 4, Sexual Offenses, upon the request of:
8578 (a) the victim[~~,~~];
8579 (b) the parent or guardian of a victim who is younger than 14 years [~~of age,~~] old; or
8580 (c) the [~~legal~~] guardian of the alleged victim if the victim is a vulnerable adult as
8581 defined in Section 62A-3-301.
8582 (6) HIV testing shall be conducted on a minor against whom a petition has been filed
8583 or a pickup order has been issued for the commission of any offense under Title 76, Chapter 5,
8584 Part 4, Sexual Offenses[~~,~~]:
8585 (a) upon the request of:
8586 (i) the victim[~~,~~];
8587 (ii) the parent or guardian of a victim who is younger than 14 years [~~of age,~~] old; or
8588 (iii) the [~~legal~~] guardian of the alleged victim if the victim is a vulnerable adult as
8589 defined in Section 62A-3-301[~~, and regarding which:~~]; and
8590 (b) in which:
8591 [~~(a) a judge~~] (i) the juvenile court has signed an accompanying arrest warrant, pickup
8592 order, or any other order based upon probable cause regarding the alleged offense; and
8593 [~~(b) the judge~~] (ii) the juvenile court has found probable cause to believe that the
8594 alleged victim has been exposed to HIV infection as a result of the alleged offense.
8595 (7) HIV tests, photographs, and fingerprints may not be taken of a child who is younger
8596 than 14 years [~~of age~~] old without the consent of the juvenile court.
8597 (8) (a) Photographs taken under this section may be distributed or disbursed to [~~the~~

8598 ~~following individuals or agencies~~]:
8599 (i) state and local law enforcement agencies;
8600 (ii) the judiciary; and
8601 (iii) the [~~Division of Juvenile Justice Services~~] division.
8602 (b) Fingerprints may be distributed or disbursed to [~~the following individuals or~~
8603 ~~agencies~~]:
8604 (i) state and local law enforcement agencies;
8605 (ii) the judiciary;
8606 (iii) the [~~Division of Juvenile Justice Services~~] division; and
8607 (iv) agencies participating in the Western Identification Network.
8608 [~~(9) When a minor's juvenile record is expunged, all photographs and other records as~~
8609 ~~ordered shall upon court order be destroyed by the law enforcement agency. Fingerprint~~
8610 ~~records may not be destroyed.~~]
8611 (9) (a) A DNA specimen shall be obtained from a minor who is under the jurisdiction
8612 of the juvenile court as described in Subsection 53-10-403(3).
8613 (b) The DNA specimen shall be obtained, in accordance with Subsection 53-10-404(4),
8614 by:
8615 (i) designated employees of the juvenile court; or
8616 (ii) if the minor is committed to the division, designated employees of the division.
8617 (c) The responsible agency under Subsection (9)(b) shall ensure that an employee
8618 designated to collect the saliva DNA specimens receives appropriate training and that the
8619 specimens are obtained in accordance with accepted protocol.
8620 (d) Reimbursements paid under Subsection 53-10-404(2)(a) shall be placed in the
8621 DNA Specimen Restricted Account created in Section 53-10-407.
8622 (e) Payment of the reimbursement is second in priority to payments the minor is
8623 ordered to make for restitution under Section 80-6-710 and for treatment ordered under Section
8624 80-3-403.
8625 Section 176. Section **80-6-609**, which is renumbered from Section 78A-6-122 is

8626 renumbered and amended to read:

8627 **[~~78A-6-122~~]. 80-6-609. Restraint of a minor.**

8628 (1) As used in this section, "restrained" means the use of handcuffs, chains, shackles,
8629 zip ties, irons, straightjackets, and any other device or method [~~which may be~~] that is used to
8630 immobilize a [~~juvenile~~] minor.

8631 (2) (a) The Judicial Council shall adopt rules that address the circumstances under
8632 which a [~~juvenile~~] minor may be restrained while appearing in juvenile court.

8633 (b) The Judicial Council shall ensure that the rules consider both the welfare of the
8634 [~~juvenile~~] minor and the safety of the juvenile court.

8635 (c) A [~~juvenile~~] minor may not be restrained during a juvenile court proceeding unless
8636 restraint is authorized by rules of the Judicial Council.

8637 Section 177. Section **80-6-610**, which is renumbered from Section 78A-6-1113 is
8638 renumbered and amended to read:

8639 **[~~78A-6-1113~~]. 80-6-610. Property damage caused by a minor -- Liability of**
8640 **parent or guardian.**

8641 (1) [~~The parent or legal guardian having~~] A parent or guardian with legal custody of
8642 [~~the~~] a minor is liable for damages sustained to property not to exceed $2,000 when:

8643 (a) the minor intentionally damages, defaces, destroys, or takes the property of another;

8644 (b) the minor recklessly or willfully shoots or propels a missile, or other object at or
8645 against a motor vehicle, bus, airplane, boat, locomotive, train, railway car, or caboose, whether
8646 moving or standing; or

8647 (c) the minor intentionally and unlawfully tampers with the property of another and
8648 thereby recklessly endangers human life or recklessly causes or threatens a substantial
8649 interruption or impairment of any public utility service.

8650 (2) [~~The parent or legal guardian having~~] A parent or guardian with legal custody of
8651 [~~the~~] a minor is liable for damages sustained to property not to exceed $5,000 when the minor
8652 [~~commits an~~] is adjudicated for an offense under [~~Section~~] Subsection (1):

8653 (a) for the benefit of, at the direction of, or in association with any criminal street gang

8654 as defined in Section 76-9-802; or
8655 (b) to gain recognition, acceptance, membership, or increased status with a criminal
8656 street gang.
8657 (3) [~~The~~] A juvenile court may make an order for [~~the~~] restitution [~~authorized in this~~
8658 ~~section~~] under Subsection (1) or (2) to be paid by the minor's parent or guardian [~~as part of the~~
8659 ~~minor's disposition order~~] if the minor is adjudicated for an offense.
8660 (4) As used in this section, property damage described under Subsection (1)(a) or (c),
8661 or Subsection (2), includes graffiti, as defined in Section 76-6-107.
8662 (5) A court may waive part or all of the liability for damages under this section by the
8663 [~~parent or legal guardian if the offender is adjudicated in the juvenile court under Section~~
8664 ~~78A-6-117 only upon stating on the record that the court finds~~] minor's parent or guardian if,
8665 after the minor is adjudicated, the court finds, upon the record:
8666 (a) good cause; or
8667 (b) the parent or [~~legal~~] guardian:
8668 (i) made a reasonable effort to restrain the wrongful conduct; and
8669 (ii) reported the conduct to the property owner involved or the law enforcement agency
8670 having primary jurisdiction after the parent or guardian knew of the minor's unlawful act.
8671 (6) A report is not required under Subsection (5)(b) from a parent or [~~legal~~] guardian if
8672 the minor was arrested or apprehended by a peace officer or by anyone acting on behalf of the
8673 property owner involved.
8674 (7) A conviction for criminal mischief under Section 76-6-106, criminal trespass under
8675 Section 76-6-206, or an adjudication under Section [~~78A-6-117~~] 80-6-701 is not a condition
8676 precedent to a civil action authorized under Subsection (1) or (2).
8677 (8) A parent or guardian is not liable under Subsection (1) or (2) if the parent or
8678 guardian made a reasonable effort to supervise and direct [~~their minor child~~] the minor, or, in
8679 the event the parent or guardian knew in advance of the possible taking, injury, or destruction
8680 by [~~their minor child~~] the minor, made a reasonable effort to restrain the [~~child~~] minor.
8681 Section 178. Section **80-6-701** is enacted to read:

8682 **Part 7. Adjudication and Disposition**

8683 **80-6-701. Adjudication of an offense.**

8684 (1) (a) If the juvenile court finds, by beyond a reasonable doubt, that the allegations in
8685 a petition under Section 80-6-305, or a criminal information under Section 80-6-503, are true at
8686 the adjudication hearing, the juvenile court may order a disposition for a minor under this part.

8687 (b) In determining the proper disposition for a minor under Subsection (1), the juvenile
8688 court may consider written reports and materials in accordance with Utah Rules of Juvenile
8689 Procedure, Rule 45.

8690 (c) Except as otherwise provided by this chapter, the juvenile court may combine the
8691 dispositions under this part if the dispositions are compatible.

8692 (d) If the juvenile court orders any disposition under this part, including an order for
8693 secure detention under Section 80-6-704, the disposition shall be served concurrently with any
8694 other disposition for detention or secure care.

8695 (2) The juvenile court shall adjudicate a minor's case in accordance with the Utah
8696 Rules of Juvenile Procedure.

8697 (3) (a) If an offense committed by a minor comes within the juvenile court's
8698 jurisdiction, the juvenile court is not required to make findings of fact upon which the juvenile
8699 court bases the juvenile court's jurisdiction for an offense described in Subsection
8700 78A-6-103(1).

8701 (b) For an offense not described in Subsection 78A-6-103(1), the juvenile court shall
8702 make findings of fact upon which the juvenile court bases the juvenile court's jurisdiction.

8703 Section 179. Section **80-6-702** is enacted to read:

8704 **80-6-702. Probation or protective supervision -- Conditions for probation.**

8705 (1) If a minor is adjudicated under Section 80-6-701, the juvenile court may place the
8706 minor on probation, or under protective supervision in accordance with Subsection (3) if the
8707 minor is a child, in the minor's own home and upon conditions determined by the juvenile
8708 court, including community or compensatory service.

8709 (2) (a) If the juvenile court orders a condition under Subsection (1), the condition shall

8710 be:
8711 (i) individualized and address a specific risk or need;
8712 (ii) based on information provided to the juvenile court, including the results of a
8713 validated risk and needs assessment conducted under Section 80-6-606; and
8714 (iii) if the juvenile court orders substance abuse treatment or an educational series,
8715 based on a validated risk and needs assessment conducted under Section 80-6-606.
8716 (b) A juvenile court may not issue a standard order that contains control-oriented
8717 conditions.
8718 (c) If the juvenile court orders a prohibition on weapon possession as a condition under
8719 Subsection (1), the prohibition shall be specific to the minor and not the minor's family.
8720 (3) If the juvenile court orders protective supervision, the Division of Child and Family
8721 Services may not provide protective supervision unless there is a petition filed under Section
8722 80-3-201 that requests that the Division of Child and Family Services provide protective
8723 supervision.
8724 (4) (a) If the juvenile court places a minor on probation, the juvenile court shall
8725 establish the period of time that a minor is on probation in accordance with Section 80-6-712.
8726 (b) An order for probation or protective supervision shall include a date for review and
8727 presumptive termination of the case by the juvenile court in accordance with Section 80-6-712.
8728 (c) For each review of a minor's case under Subsection (4)(b), the juvenile court shall
8729 set a new date for a review and presumptive termination of the minor's case.
8730 (5) (a) If a minor is adjudicated under this chapter, the juvenile court may order a
8731 minor's parent, guardian, or custodian, or any other person who has been made a party to the
8732 proceedings, to comply with reasonable conditions, including:
8733 (i) parent-time by the minor's parent;
8734 (ii) restrictions on the individuals that the minor associates with;
8735 (iii) restrictions on the minor's occupation and any other activity; and
8736 (iv) requirements to be observed by the minor's parent, guardian, or custodian.
8737 (b) If a minor's parent, guardian, or custodian successfully completes a family or other

8738 counseling program, the minor may be credited by the juvenile court for time spent in
8739 detention, in secure care, or on probation.
8740 Section 180. Section **80-6-703** is enacted to read:
8741 **80-6-703. Placement of a child -- Commitment of a minor to the division --**
8742 **Limitations.**
8743 (1) (a) If a child is adjudicated for an offense under Section 80-6-701, the juvenile
8744 court may:
8745 (i) place the child in the legal custody of a relative or other suitable individual
8746 regardless of whether the minor is placed on probation under Subsection 80-6-702(1); or
8747 (ii) appoint a guardian for the child if it appears that a guardian is necessary in the
8748 interest of the child.
8749 (b) The juvenile court may not assume the function of developing foster home services
8750 in placing a child in the legal custody of a relative or other suitable individual under Subsection
8751 (1)(a).
8752 (c) (i) If the juvenile court appoints a guardian for a child under Subsection (1)(a)(ii),
8753 the juvenile court:
8754 (A) may appoint a public or private institution or agency as the guardian of the child;
8755 and
8756 (B) may not appoint a nonsecure residential placement provider for which legal
8757 custody of the child is vested.
8758 (d) In placing a child under the guardianship or legal custody of an individual or
8759 private agency or institution under Subsection (1)(a)(ii), the juvenile court:
8760 (i) shall give primary consideration to the welfare of the child; and
8761 (ii) may take into consideration the religious preferences of the child and the child's
8762 parent.
8763 (2) If a minor is adjudicated under Section 80-6-701, the juvenile court shall only
8764 commit the minor to the division and order the division to provide recommendations and
8765 services if:

8766 (a) nonresidential treatment options have been exhausted or nonresidential treatment
8767 options are not appropriate; and
8768 (b) the minor is adjudicated under this chapter for:
8769 (i) a felony;
8770 (ii) a misdemeanor when the minor has five prior misdemeanors or felony
8771 adjudications arising from separate criminal episodes; or
8772 (iii) a misdemeanor involving the use of a dangerous weapon as defined in Section
8773 76-1-601.
8774 (3) A juvenile court may not commit a minor to the division:
8775 (a) for residential observation and evaluation or residential observation and
8776 assessment;
8777 (b) for contempt of court, except to the extent permitted under Section 78A-6-353;
8778 (c) for a violation of probation;
8779 (d) for failure to pay a fine, fee, restitution, or other financial obligation;
8780 (e) for unfinished compensatory or community service hours;
8781 (f) for an infraction; or
8782 (g) for a status offense.
8783 (4) If the juvenile court commits a minor to the division, the juvenile court shall:
8784 (a) find whether the minor is being committed to the division for placement in a
8785 community-based program, secure detention under Section 80-6-704, or secure care under
8786 Section 80-6-705;
8787 (b) specify the criteria under Subsection (3) for which the juvenile court is committing
8788 the minor to the division; and
8789 (c) establish the period of time that the minor is committed to the division in
8790 accordance with Section 80-6-712.
8791 (5) (a) Except for an order for secure care under Section 80-6-705, if the juvenile court
8792 commits a minor to the division, or places the minor with an individual under this section, the
8793 juvenile court shall include in the order a date for a review and presumptive termination of the

8794 minor's case by the juvenile court in accordance with Section 80-6-712.
8795 (b) For each review of a minor's case under Subsection (5)(a), the juvenile court shall
8796 set a new date for a review and presumptive termination of the minor's case.
8797 (6) If a minor is adjudicated for an offense under Section 80-6-701, a juvenile court
8798 may not commit a minor to:
8799 (a) except as provided in Subsection (7), the Division of Child and Family Services; or
8800 (b) a correctional facility.
8801 (7) The juvenile court may not commit a minor to the Division of Child and Family
8802 Services to address the minor's ungovernable or other behavior, mental health, or disability,
8803 unless the Division of Child and Family Services:
8804 (a) engages other relevant divisions of the department in conducting an assessment of
8805 the minor and the minor's family's needs;
8806 (b) based on an assessment under Subsection (7)(a), determines that committing the
8807 minor to the Division of Child and Family Services is the least restrictive intervention for the
8808 minor that meets the minor's needs; and
8809 (c) consents to the minor being committed to the Division of Child and Family
8810 Services.
8811 (8) If a minor is committed to the division under this section, the division may not
8812 transfer custody of the minor to a correctional facility.
8813 Section 181. Section **80-6-704** is enacted to read:
8814 **80-6-704. Detention or alternative to detention -- Limitations.**
8815 (1) (a) The juvenile court may order a minor to detention, or an alternative to detention,
8816 if the minor is adjudicated for:
8817 (i) an offense under Section 80-6-701; or
8818 (ii) contempt of court under Section 78A-6-353.
8819 (b) Except as provided in Subsection 78A-6-353(3), and subject to the juvenile court
8820 retaining continuing jurisdiction over a minor's case, the juvenile court may order a minor to
8821 detention, or an alternative to detention, under Subsection (1) for a period not to exceed 30

8822 cumulative days for an adjudication.
8823 (c) If a minor is held in detention before an adjudication, the time spent in detention
8824 before the adjudication shall be credited toward the 30 cumulative days eligible as a disposition
8825 under Subsection (1)(a).
8826 (d) If a minor spent more than 30 days in detention before a disposition under
8827 Subsection (1), the juvenile court may not order the minor to detention under this section.
8828 (2) An order for detention under Subsection (1) may not be suspended upon conditions
8829 ordered by the juvenile court.
8830 (3) A juvenile court may not order a minor to detention for:
8831 (a) contempt of court, except to the extent permitted under Section 78A-6-353;
8832 (b) a violation of probation;
8833 (c) failure to pay a fine, fee, restitution, or other financial obligation;
8834 (d) unfinished compensatory or community service hours;
8835 (e) an infraction; or
8836 (f) a status offense.
8837 (4) (a) If a minor is held in detention under this section, the minor is eligible to receive
8838 credit for good behavior against the period of detention.
8839 (b) The rate of credit is one day of credit for good behavior for every three days spent
8840 in detention.
8841 (5) (a) A minor may not be held in secure detention following a disposition by the
8842 juvenile court:
8843 (i) under Chapter 3, Abuse, Neglect, and Dependency Proceedings; or
8844 (ii) except as provided in Subsection (5)(b), for a community-based program.
8845 (b) If a minor is awaiting placement by the division under Section 80-6-703, a minor
8846 may not be held in secure detention for longer than 72 hours, excluding weekends and
8847 holidays.
8848 (c) The period of detention under Subsection (5)(b) may be extended by the juvenile
8849 court for a cumulative total of seven calendar days if:

8850 (i) the division, or another agency responsible for placement, files a written petition
8851 with the juvenile court requesting the extension and setting forth good cause; and
8852 (ii) the juvenile court enters a written finding that it is in the best interests of both the
8853 minor and the community to extend the period of detention.
8854 (d) The juvenile court may extend the period of detention beyond the seven calendar
8855 days if the juvenile court finds, by clear and convincing evidence, that:
8856 (i) the division, or another agency responsible for placement, does not have space for
8857 the minor; and
8858 (ii) the safety of the minor and community requires an extension of the period of
8859 detention.
8860 (e) The division, or the agency with custody of the minor, shall report to the juvenile
8861 court every 48 hours, excluding weekends and holidays, regarding whether the division, or
8862 another agency responsible for placement, has space for the minor.
8863 (f) The division, or agency, requesting an extension shall promptly notify the detention
8864 facility that a written petition has been filed.
8865 (g) The juvenile court shall promptly notify the detention facility regarding the juvenile
8866 court's initial disposition and any ruling on a petition for an extension, whether granted or
8867 denied.
8868 Section 182. Section **80-6-705** is enacted to read:
8869 **80-6-705. Secure care -- Limitations -- Order for therapy for parent with minor in**
8870 **secure care.**
8871 (1) If a minor is adjudicated for an offense under Section 80-6-701, the juvenile court
8872 may order the minor to secure care if the juvenile court finds that:
8873 (a) (i) the minor poses a risk of harm to others; or
8874 (ii) the minor's conduct resulted in the victim's death; and
8875 (b) the minor is adjudicated for:
8876 (i) a felony offense;
8877 (ii) a misdemeanor offense if the minor has five prior misdemeanor or felony

8878 adjudications arising from separate criminal episodes; or
8879 (iii) a misdemeanor offense involving use of a dangerous weapon as defined in Section
8880 76-1-601.
8881 (2) A juvenile court may not order a minor to secure care for:
8882 (a) contempt of court;
8883 (b) a violation of probation;
8884 (c) failure to pay a fine, fee, restitution, or other financial obligation;
8885 (d) unfinished compensatory or community service hours;
8886 (e) an infraction; or
8887 (f) a status offense.
8888 (3) The juvenile court may, on the recommendation of the division, order a parent of a
8889 minor in secure care to undergo group rehabilitation therapy under the direction of a therapist,
8890 who has supervision of the minor in secure care, or any other therapist for a period
8891 recommended by the division.
8892 Section 183. Section **80-6-706** is enacted to read:
8893 **80-6-706. Treatment -- Commitment to local mental health authority or Utah**
8894 **State Developmental Center.**
8895 (1) If a minor is adjudicated under Section 80-6-701, the juvenile court may order:
8896 (a) a nonresidential, diagnostic assessment for the minor, including a risk assessment
8897 for substance use disorder, mental health, psychological, or sexual behavior;
8898 (b) the minor to be examined or treated by a physician, surgeon, psychiatrist, or
8899 psychologist; or
8900 (c) other care for the minor.
8901 (2) For purposes of receiving the examination, treatment, or care described in
8902 Subsection (1), the juvenile court may place the minor in a hospital or other suitable facility
8903 that is not secure care or secure detention.
8904 (3) In determining whether to order the examination, treatment, or care described in
8905 Subsection (1), the juvenile court shall consider:

8906 (a) the desires of the minor;
8907 (b) if the minor is a child, the desires of the minor's parent or guardian; and
8908 (c) whether the potential benefits of the examination, treatment, or care outweigh the
8909 potential risks and side-effects, including behavioral disturbances, suicidal ideation, brain
8910 function impairment, or emotional or physical harm resulting from the compulsory nature of
8911 the examination, treatment, or care.
8912 (4) (a) If the juvenile court orders examination, treatment, or care for a child under
8913 Subsection (1) and the child is committed to the division under Subsection 80-6-703(2), the
8914 division shall:
8915 (i) take reasonable measures to notify the child's parent or guardian of any
8916 non-emergency health treatment or care scheduled for the child;
8917 (ii) include the child's parent or guardian as fully as possible in making health care
8918 decisions for the child; and
8919 (iii) defer to the child's parent's or guardian's reasonable and informed decisions
8920 regarding the child's health care to the extent that the child's health and well-being are not
8921 unreasonably compromised by the parent's or guardian's decision.
8922 (b) The division shall notify the parent or guardian of a child within five business days
8923 after a child committed to the division receives emergency health care or treatment.
8924 (c) The division shall use the least restrictive means to accomplish the care and
8925 treatment of a child described under Subsection (1).
8926 (5) If a child is adjudicated for an offense under Section 80-6-701, the juvenile court
8927 may commit the child to the physical custody, as defined in Section 62A-15-701, of a local
8928 mental health authority in accordance with the procedures and requirements in Title 62A,
8929 Chapter 15, Part 7, Commitment of Persons Under Age 18 to Division of Substance Abuse and
8930 Mental Health.
8931 (6) (a) If a minor is adjudicated for an offense under Section 80-6-701, and the minor
8932 has an intellectual disability, the juvenile court may commit the minor to the Utah State
8933 Developmental Center in accordance with Title 62A, Chapter 5, Part 3, Admission to an

8934 Intermediate Care Facility for People with an Intellectual Disability.
8935 (b) The juvenile court shall follow the procedure applicable in the district courts with
8936 respect to judicial commitments to the Utah State Developmental Center when ordering a
8937 commitment under Subsection (6)(a).
8938 Section 184. Section **80-6-707**, which is renumbered from Section 78A-6-606 is
8939 renumbered and amended to read:
8940 **[~~78A-6-606~~]. 80-6-707. Suspension of driving privileges.**
8941 [~~(1) This section applies to a minor who is at least the age eligible for a driver license~~
8942 ~~under Section 53-3-204 when found by the court to be within its jurisdiction by the~~
8943 ~~commission of an offense under:~~]
8944 [~~(a) Section 32B-4-409;~~]
8945 [~~(b) Section 32B-4-410;~~]
8946 [~~(c) Section 32B-4-411;~~]
8947 [~~(d) Section 58-37-8;~~]
8948 [~~(e) Title 58, Chapter 37a, Utah Drug Paraphernalia Act;~~]
8949 [~~(f) Title 58, Chapter 37b, Imitation Controlled Substances Act; or~~]
8950 [~~(g) Subsection 76-9-701(1).~~]
8951 [~~(2) This section only applies when the minor is found by the court to be in actual~~
8952 ~~physical control of a motor vehicle during the commission of one of the offenses under~~
8953 ~~Subsection (1).~~]
8954 [~~(3) If the court hearing the case determines that the minor committed an offense under~~
8955 ~~Section 58-37-8 or Title 58, Chapter 37a, Utah Drug Paraphernalia Act, or Chapter 37b,~~
8956 ~~Imitation Controlled Substances Act, the court may prepare and send to the Driver License~~
8957 ~~Division of the Department of Public Safety an order to suspend that minor's driving~~
8958 ~~privileges.~~]
8959 [~~(4) (a) The court hearing the case may suspend the minor's driving privileges if the~~
8960 ~~minor violated Section 32B-4-409, Section 32B-4-410, or Subsection 76-9-701(1).~~]
8961 (1) This section applies to a minor who:

8962 (a) at the time that the minor is adjudicated under Section 80-6-701, is at least the age
8963 eligible for a driver license under Section 53-3-204; and
8964 (b) is found by the juvenile court to be in actual physical control of a motor vehicle
8965 during the commission of the offense for which the minor is adjudicated.
8966 (2) (a) Except as otherwise provided by this section, if a minor is adjudicated for a
8967 violation of a traffic law by the juvenile court under Section 80-6-701, the juvenile court may:
8968 (i) suspend the minor's driving privileges; and
8969 (ii) take possession of the minor's driver license.
8970 (b) The juvenile court may order any other eligible disposition under Subsection (1),
8971 except for a disposition under Section 80-6-703 or 80-6-705.
8972 (c) If a juvenile court suspends a minor's driving privileges under Subsection (2)(a):
8973 (i) the juvenile court shall prepare and send the order to the Driver License Division of
8974 the Department of Public Safety; and
8975 (ii) the minor's license shall be suspended under Section 53-3-219.
8976 [~~(b)~~] (3) The juvenile court may reduce a suspension period imposed under Section
8977 53-3-219 if:
8978 (a) (i) the violation is the minor's first violation of:
8979 (A) Section 32B-4-409;
8980 (B) Section 32B-4-410;
8981 (C) Section 58-37-8;
8982 (D) Title 58, Chapter 37a, Utah Drug Paraphernalia Act;
8983 (E) Title 58, Chapter 37b, Imitation Controlled Substances Act; or
8984 (F) Subsection 76-9-701(1); and
8985 (ii) (A) the minor completes an educational series as defined in Section 41-6a-501; or
8986 (B) the minor demonstrates substantial progress in substance use disorder treatment[~~.~~];
8987 or
8988 [~~(c) The court may reduce the suspension period required under Section 53-3-219 if:~~]
8989 (b) (i) the violation is the minor's second or subsequent violation of:

8990 (A) Section 32B-4-409;
8991 (B) Section 32B-4-410;
8992 (C) Section 58-37-8;
8993 (D) Title 58, Chapter 37a, Utah Drug Paraphernalia Act;
8994 (E) Title 58, Chapter 37b, Imitation Controlled Substances Act; or
8995 (F) Subsection 76-9-701(1);
8996 (ii) the minor has completed an educational series as defined in Section 41-6a-501 or
8997 demonstrated substantial progress in substance use disorder treatment; and
8998 (iii) (A) the [~~person is 18 years of age~~] minor is 18 years old or older and provides a
8999 sworn statement to the juvenile court that the [~~person~~] minor has not unlawfully consumed
9000 alcohol or drugs for at least a one-year consecutive period during the suspension period
9001 imposed under [~~Subsection (4)(a)~~] Section 53-3-219; or
9002 (B) the [~~person is under 18 years of age and has the person's~~] minor is under 18 years
9003 old and the minor's parent or legal guardian [~~provide~~] provides an affidavit or sworn statement
9004 to the juvenile court certifying that to the parent or [~~legal~~] guardian's knowledge the [~~person~~]
9005 minor has not unlawfully consumed alcohol or drugs for at least a one-year consecutive period
9006 during the suspension period imposed under [~~Subsection (4)(a)~~] Section 53-3-219.
9007 [~~(d)~~] (4) (a) If a minor [~~commits~~] is adjudicated under Section 80-6-701 for a proof of
9008 age violation, as defined in Section 32B-4-411:
9009 (i) the juvenile court may forward a record of adjudication to the Department of Public
9010 Safety for a first or subsequent violation; and
9011 (ii) the minor's driving privileges will be suspended:
9012 (A) for a period of at least one year under Section 53-3-220 for a first conviction for a
9013 violation of Section 32B-4-411; or
9014 (B) for a period of two years for a second or subsequent conviction for a violation of
9015 Section 32B-4-411.
9016 [~~(e)~~] (b) The juvenile court may reduce the suspension period imposed under
9017 Subsection [~~(4)(d)~~] (4)(a)(ii)(A) if:

9018 (i) the violation is the minor's first violation of Section 32B-4-411; and
9019 (ii) (A) the minor completes an educational series as defined in Section 41-6a-501; or
9020 (B) the minor demonstrates substantial progress in substance use disorder treatment.
9021 [~~(f)~~] (c) The juvenile court may reduce the suspension period imposed under
9022 Subsection [~~(4)(d)~~] (4)(a)(ii)(B) if:
9023 (i) the violation is the minor's second or subsequent violation of Section 32B-4-411;
9024 (ii) the minor has completed an educational series as defined in Section 41-6a-501 or
9025 demonstrated substantial progress in substance use disorder treatment; and
9026 (iii) (A) the [~~person is 18 years of age~~] minor is 18 years old or older and provides a
9027 sworn statement to the court that the [~~person~~] minor has not unlawfully consumed alcohol or
9028 drugs for at least a one-year consecutive period during the suspension period imposed under
9029 Subsection [~~(4)(d)~~] (4)(a)(ii)(B); or
9030 (B) the [~~person is under 18 years of age~~] minor is under 18 years old and has the
9031 [~~person's~~] minor's parent or [~~legal~~] guardian provide an affidavit or sworn statement to the
9032 court certifying that to the parent or [~~legal~~] guardian's knowledge the [~~person~~] minor has not
9033 unlawfully consumed alcohol or drugs for at least a one-year consecutive period during the
9034 suspension period imposed under Subsection [~~(4)(d)~~] (4)(a)(ii)(B).
9035 [~~(5) A minor's license shall be suspended under Section 53-3-219 when a court issues~~
9036 ~~an order suspending the minor's driving privileges in accordance with Subsection (2) for a~~
9037 ~~violation of:~~]
9038 [~~(a) Section 32B-4-409;~~]
9039 [~~(b) Section 32B-4-410;~~]
9040 [~~(c) Section 58-37-8;~~]
9041 [~~(d) Title 58, Chapter 37a, Utah Drug Paraphernalia Act, or Chapter 37b, Imitation~~
9042 ~~Controlled Substances Act; or~~]
9043 [~~(e) Subsection 76-9-701(1).~~]
9044 [~~(6)~~] (5) When the Department of Public Safety receives the arrest or conviction record
9045 of a [~~person~~] minor for a driving offense committed while the [~~person's~~] minor's license is

9046 suspended under this section, the Department of Public Safety shall extend the suspension for a
9047 like period of time.
9048 Section 185. Section **80-6-708** is enacted to read:
9049 **80-6-708. Service in National Guard.**
9050 If a minor is adjudicated under Section 80-6-701, the minor may be given a choice by
9051 the juvenile court to serve in the National Guard in lieu of other sanctions described in this part
9052 if:
9053 (1) the minor meets the current entrance qualifications for service in the National
9054 Guard as determined by a recruiter, whose determination is final;
9055 (2) the offense:
9056 (a) would be a felony if committed by an adult;
9057 (b) is a violation of Title 58, Chapter 37, Utah Controlled Substances Act; or
9058 (c) was committed with a weapon; and
9059 (3) the juvenile court retains jurisdiction over the minor's case under conditions set by
9060 the juvenile court and agreed upon by the recruiter or the unit commander to which the minor is
9061 eventually assigned.
9062 Section 186. Section **80-6-709** is enacted to read:
9063 **80-6-709. Payment of fines, fees, restitution, or other costs -- Community or**
9064 **compensatory service -- Property damage -- Unpaid balances.**
9065 (1) (a) If a minor is adjudicated for an offense under Section 80-6-701, the juvenile
9066 court may order a minor to:
9067 (i) pay a fine, fee, or other cost;
9068 (ii) pay restitution in accordance with Section 80-6-710; or
9069 (iii) complete community or compensatory service hours.
9070 (b) (i) If the juvenile court orders the minor to pay restitution under Subsection (1)(a), a
9071 juvenile probation officer may permit the minor to complete a work program in lieu of paying
9072 part or all of the restitution by the juvenile court.
9073 (ii) If the juvenile court orders the minor to complete community or compensatory

9074 service hours, a juvenile probation officer may permit the minor to complete a work program to
9075 help the minor complete the community or compensatory service hours.
9076 (c) The juvenile court may, through a juvenile probation officer, encourage the
9077 development of nonresidential employment or a work program to enable a minor to fulfill the
9078 minor's obligations under Subsection (1)(a).
9079 (d) Notwithstanding this section, a juvenile court may not place a minor on a ranch,
9080 forestry camp, or other residential work program for care or work.
9081 (2) If the juvenile court orders a minor to pay a fine, fee, restitution, or other cost, or to
9082 complete community or compensatory service hours, the juvenile court shall consider the
9083 dispositions collectively to ensure that an order:
9084 (a) is reasonable;
9085 (b) prioritizes restitution; and
9086 (c) takes into account the minor's ability to satisfy the order within the presumptive
9087 period of supervision under Section 80-6-712, or Section 80-6-802 if the minor is ordered to
9088 secure care.
9089 (3) (a) If the juvenile court orders a minor to pay a fine, fee, or other cost, or complete
9090 community or compensatory service hours, the cumulative order shall be limited per criminal
9091 episode as follows:
9092 (i) for a minor under 16 years old at the time of adjudication, the juvenile court may
9093 impose up to $190 or up to 24 hours of community or compensatory service; and
9094 (ii) for a minor 16 years old or older at the time of adjudication, the juvenile court may
9095 impose up to $280 or up to 36 hours of community or compensatory service.
9096 (b) The cumulative order under Subsection (3)(a) does not include restitution.
9097 (4) (a) If the juvenile court converts a fine, fee, or restitution amount to compensatory
9098 service hours, the rate of conversion shall be no less than the minimum wage.
9099 (b) If the juvenile court orders a minor to complete community service, the
9100 presumptive service order shall include between five and 10 hours of service.
9101 (c) If a minor completes an approved substance use disorder prevention or treatment

9102 program or other court-ordered condition, the minor may be credited with compensatory
9103 service hours for the completion of the program or condition by the juvenile court.
9104 (5) (a) If a minor commits an offense involving the use of graffiti under Section
9105 76-6-106 or 76-6-206, the juvenile court may order the minor to clean up graffiti created by the
9106 minor or any other individual at a time and place within the jurisdiction of the juvenile court.
9107 (b) The minor may complete the order of the juvenile court under Subsection (5)(a) in
9108 the presence and under the direct supervision of the minor's parent, guardian, or custodian.
9109 (c) The minor's parent, guardian, or custodian shall report completion of the order to
9110 the juvenile court.
9111 (d) The juvenile court may also require the minor to perform other alternative forms of
9112 restitution or repair to the damaged property in accordance with Section 80-6-710.
9113 (6) (a) Except as provided in Subsection (6)(b), the juvenile court may issue orders
9114 necessary for the collection of restitution and fines ordered under this section, including
9115 garnishments, wage withholdings, and executions.
9116 (b) The juvenile court may not issue an order under Subsection (6)(a) if the juvenile
9117 court orders a disposition that changes custody of a minor, including detention, secure care, or
9118 any other secure or nonsecure residential placement.
9119 (7) Any information necessary to collect unpaid fines, fees, assessments, bail, or
9120 restitution may be forwarded to employers, financial institutions, law enforcement, constables,
9121 the Office of Recovery Services, or other agencies for purposes of enforcing an order under this
9122 section.
9123 (8) (a) If, before the entry of any order terminating the juvenile court's continuing
9124 jurisdiction over a minor's case, there remains an unpaid balance for any fine, fee, or restitution
9125 ordered by the juvenile court, the juvenile court shall record all pertinent information for the
9126 unpaid balance in the minor's file.
9127 (b) The juvenile court may not transfer responsibility to collect unpaid fines, fees,
9128 surcharges, and restitution for a minor's case to the Office of State Debt Collection created in
9129 Section 63A-3-502.

9130 (c) The juvenile court shall reduce a restitution order to a judgment and list the victim,
9131 or the estate of the victim, as the judgment creditor in the judgment.
9132 Section 187. Section **80-6-710** is enacted to read:
9133 **80-6-710. Restitution -- Requirements.**
9134 (1) If a minor is adjudicated under Section 80-6-701, the juvenile court may order the
9135 minor to repair, replace, or otherwise make restitution for:
9136 (a) material loss caused by an offense listed in the petition; or
9137 (b) conduct for which the minor agrees to make restitution.
9138 (2) Within seven days after the day on which a petition is filed under this chapter, the
9139 prosecuting attorney or a juvenile probation officer shall provide notification of the restitution
9140 process to all reasonably identifiable and locatable victims of an offense listed in the petition.
9141 (3) A victim that receives notice under Subsection (2) is responsible for providing the
9142 prosecutor with:
9143 (a) all invoices, bills, receipts, and any other evidence of the injury or out-of-pocket
9144 loss;
9145 (b) all documentation of any compensation or reimbursement from an insurance
9146 company or a local, state, or federal agency that is related to the injury or out-of-pocket loss;
9147 (c) if available, the victim's proof of identification, including the victim's date of birth,
9148 social security number, or driver license number; and
9149 (d) the victim's contact information, including the victim's current home and work
9150 address and telephone number.
9151 (4) A prosecuting attorney or victim shall submit a request for restitution to the
9152 juvenile court:
9153 (a) if feasible, at the time of disposition; or
9154 (b) within 90 days after disposition.
9155 (5) The juvenile court shall order a financial disposition that prioritizes the payment of
9156 restitution.
9157 (6) To determine whether restitution, or the amount of restitution, is appropriate under

9158 Subsection (1), the juvenile court:
9159 (a) shall only order restitution for the victim's material loss;
9160 (b) may not order restitution if the juvenile court finds that the minor is unable to pay
9161 or acquire the means to pay;
9162 (c) shall credit any amount paid by the minor to the victim in a civil suit against
9163 restitution owed by the minor;
9164 (d) shall take into account the presumptive period of supervision for the minor's case
9165 under Section 80-6-712, or the presumptive period of commitment for secure care under
9166 Section 80-6-804 if the minor is ordered to secure care, in determining the minor's ability to
9167 satisfy the restitution order within that presumptive term; and
9168 (e) shall credit any amount paid to the victim in restitution against liability in a civil
9169 suit.
9170 (7) If the minor and the victim of the adjudicated offense agree to participate, the
9171 juvenile court may refer the minor's case to a restorative justice program, such as victim
9172 offender mediation, to address how loss resulting from the adjudicated offense may be
9173 addressed.
9174 (8) The juvenile court may require a minor to reimburse an individual, entity, or
9175 governmental agency who offered and paid a reward to a person for providing information
9176 resulting in an adjudication of a minor for the commission of an offense.
9177 (9) If a minor is returned to this state in accordance with Title 55, Chapter 12, Interstate
9178 Compact for Juveniles, the juvenile court may order the minor to make restitution for costs
9179 expended by any governmental entity for the return of the minor.
9180 Section 188. Section **80-6-711** is enacted to read:
9181 **80-6-711. Suspending a disposition.**
9182 (1) Except as otherwise provided in Subsection (2), a juvenile court may not suspend a
9183 disposition ordered under this part.
9184 (2) (a) If a minor qualifies for secure care under Section 80-6-705, the juvenile court
9185 may suspend a disposition for commitment to the division under Section 80-6-703 in lieu of

9186 immediate commitment, upon the condition that the minor commit no new misdemeanor or
9187 felony offense within 90 days after the day on which the juvenile court suspends the disposition
9188 for commitment.
9189 (b) The duration of a suspended disposition under Subsection (2)(a) may not:
9190 (i) exceed 90 days after the day on which the juvenile court suspends the disposition
9191 for commitment; and
9192 (ii) be extended under any circumstance.
9193 (3) The juvenile court may only lift a suspension of a disposition under Subsection
9194 (2)(a):
9195 (a) following adjudication of a new misdemeanor or felony offense committed by the
9196 minor during the period of suspension set out under Subsection (2)(a);
9197 (b) if a new assessment or evaluation has been completed and the assessment or
9198 evaluation recommends that a higher level of care is needed and nonresidential treatment
9199 options have been exhausted or nonresidential treatment options are not appropriate; or
9200 (c) if, after a notice and a hearing, the juvenile court finds:
9201 (i) a new or previous evaluation recommends a higher level of treatment; and
9202 (ii) the minor willfully failed to comply with a lower level of treatment and has been
9203 unsuccessfully discharged from treatment.
9204 (4) A suspended disposition under Subsection (1) may not be imposed without:
9205 (a) notice to the minor and the minor's counsel; and
9206 (b) a hearing.
9207 Section 189. Section **80-6-712** is enacted to read:
9208 **80-6-712. Time periods for supervision of probation or placement -- Termination**
9209 **of continuing jurisdiction.**
9210 (1) If the juvenile court places a minor on probation under Section 80-6-702, the
9211 juvenile court shall establish a period of time for supervision for the minor that is:
9212 (a) if the minor is placed on intake probation, no more than three months; or
9213 (b) if the minor is placed on formal probation, from four to six months, but may not

9214 exceed six months.
9215 (2) (a) If the juvenile court commits a minor to the division under Section 80-6-703,
9216 and the minor's case is under the jurisdiction of the court, the juvenile court shall establish:
9217 (i) for a minor placed out of the home, a period of custody from three to six months,
9218 but may not exceed six months; and
9219 (ii) for aftercare services if the minor was placed out of the home, a period of
9220 supervision from three to four months, but may not exceed four months.
9221 (b) A minor may be supervised for aftercare under Subsection (2)(a)(ii) in the home of
9222 a qualifying relative or guardian, or at an independent living program contracted or operated by
9223 the division.
9224 (3) If the juvenile court orders a minor to secure care, the authority shall:
9225 (a) have jurisdiction over the minor's case; and
9226 (b) apply the provisions of Part 8, Commitment and Parole.
9227 (4) (a) In accordance with Section 80-6-711 and Subsections (1) and (2), the juvenile
9228 court shall terminate continuing jurisdiction over a minor's case at the end of the time period
9229 described in Subsection (1) for probation, or Subsection (2) for commitment to the division,
9230 unless:
9231 (i) termination would interrupt the completion of the treatment program determined to
9232 be necessary by the results of a validated risk and needs assessment under Section 80-6-606;
9233 (ii) the minor commits a new misdemeanor or felony offense;
9234 (iii) community or compensatory service hours have not been completed;
9235 (iv) there is an outstanding fine; or
9236 (v) there is a failure to pay restitution in full.
9237 (b) The juvenile court shall determine whether a minor has completed a treatment
9238 program under Subsection (4)(a)(i) by considering:
9239 (i) the recommendations of the licensed service provider for the treatment program;
9240 (ii) the minor's record in the treatment program; and
9241 (iii) the minor's completion of the goals of the treatment program.

9242 (5) Subject to Subsection (8), if one of the circumstances under Subsection (4) exists
9243 the juvenile court may extend supervision for the time needed to address the specific
9244 circumstance.
9245 (6) If a circumstance under Subsection (4)(a)(iii), (iv), or (v) exists, the juvenile court
9246 may extend supervision for no more than three months.
9247 (7) If the juvenile court extends supervision under this section, the grounds for the
9248 extension and the length of any extension shall be recorded in the court records and tracked in
9249 the data system used by the Administrative Office of the Courts and the division.
9250 (8) For a minor who is under the continuing jurisdiction of the juvenile court and
9251 whose supervision is extended under Subsection (4)(a)(iii), (iv), or (v), supervision may only
9252 be extended as intake probation.
9253 (9) If a minor leaves supervision without authorization for more than 24 hours, the
9254 supervision period for the minor shall toll until the minor returns.
9255 (10) This section does not apply to any minor adjudicated under this chapter for:
9256 (a) Section 76-5-103, aggravated assault resulting in serious bodily injury to another;
9257 (b) Section 76-5-202, aggravated murder or attempted aggravated murder;
9258 (c) Section 76-5-203, murder or attempted murder;
9259 (d) Section 76-5-205, manslaughter;
9260 (e) Section 76-5-206, negligent homicide;
9261 (f) Section 76-5-207, automobile homicide;
9262 (g) Section 76-5-207.5, automobile homicide involving handheld wireless
9263 communication device;
9264 (h) Section 76-5-208, child abuse homicide;
9265 (i) Section 76-5-209, homicide by assault;
9266 (j) Section 76-5-302, aggravated kidnapping;
9267 (k) Section 76-5-405, aggravated sexual assault;
9268 (l) a felony violation of Section 76-6-103, aggravated arson;
9269 (m) Section 76-6-203, aggravated burglary;

9270 (n) Section 76-6-302, aggravated robbery;
9271 (o) Section 76-10-508.1, felony discharge of a firearm;
9272 (p) (i) an offense other than an offense listed in Subsections (9)(a) through (o)
9273 involving the use of a dangerous weapon, as defined in Section 76-1-601, that is a felony; and
9274 (ii) the minor has been previously adjudicated or convicted of an offense involving the
9275 use of a dangerous weapon; or
9276 (q) a felony offense other than an offense listed in Subsections (9)(a) through (p) and
9277 the minor has been previously committed to the division for secure care.
9278 Section 190. Section **80-6-801** is enacted to read:
9279 **Part 8. Commitment and Parole**
9280 **80-6-801. Commitment to local mental health authority or Utah State**
9281 **Developmental Center.**
9282 (1) If a child is committed by the juvenile court to the physical custody, as defined in
9283 Section 62A-15-701, of a local mental health authority, or the local mental health authority's
9284 designee, Title 62A, Chapter 15, Part 7, Commitment of Persons Under Age 18 to Division of
9285 Substance Abuse and Mental Health, shall govern the commitment and release of the minor.
9286 (2) If a minor is committed to the Utah State Developmental Center, Title 62A,
9287 Chapter 5, Services for People with Disabilities, shall govern the commitment and release of
9288 the minor.
9289 Section 191. Section **80-6-802**, which is renumbered from Section 62A-7-404 is
9290 renumbered and amended to read:
9291 **[~~62A-7-404~~]. 80-6-802. Commitment to secure care -- Rights of juvenile**
9292 **offenders in secure care.**
9293 (1) If a youth offender [~~has been committed to a secure facility~~] is ordered to secure
9294 care under Section [~~78A-6-117~~] 80-6-705, the youth offender shall remain [~~at the secure~~
9295 ~~facility~~] in secure care until the youth offender is:
9296 (a) 21 years old;
9297 (b) paroled; or

9298 (c) discharged.
9299 (2) If a serious youth offender [~~has been committed to a secure facility~~] is ordered to
9300 secure care under Section [~~78A-6-117~~] 80-6-705, the serious youth offender shall remain [~~at~~
9301 ~~the secure facility~~] in secure care until the serious youth offender is:
9302 (a) 25 years old;
9303 (b) paroled; or
9304 (c) discharged.
9305 (3) (a) Subject to Subsection (3)(b), a juvenile offender in secure care has the right to:
9306 (i) phone the juvenile offender's parent, guardian, or an attorney while the juvenile
9307 offender is in secure care; and
9308 (ii) confer in private, at any time, with an attorney, cleric, parent, guardian, or
9309 custodian.
9310 (b) The division may:
9311 (i) establish a schedule for which a juvenile offender may visit or phone a person
9312 described in Subsection (3)(a);
9313 (ii) allow a juvenile offender to visit or call persons described in Subsection (3)(a) in
9314 special circumstances;
9315 (iii) limit the number and length of calls and visits for a juvenile offender to persons
9316 described in Subsection (3)(a) on account of scheduling, facility, or personnel constraints; or
9317 (iv) limit the juvenile's rights under Subsection (3)(a) if a compelling reason exists to
9318 limit the juvenile's rights.
9319 Section 192. Section **80-6-803**, which is renumbered from Section 62A-7-111.5 is
9320 renumbered and amended to read:
9321 **[~~62A-7-111.5~~]. 80-6-803. Cost of support and maintenance of a juvenile**
9322 **offender -- Responsibility.**
9323 On commitment of a juvenile offender to the division, and on recommendation of the
9324 division to the juvenile court, the juvenile court may order the juvenile offender, or the juvenile
9325 offender's parent, guardian, or custodian in accordance with Section 78A-6-356, to share in the

9326 costs of support and maintenance for the juvenile offender during the juvenile offender's term
9327 of commitment.
9328 Section 193. Section **80-6-804**, which is renumbered from Section 62A-7-404.5 is
9329 renumbered and amended to read:
9330 **[~~62A-7-404.5~~]. 80-6-804. Review and termination of secure care.**
9331 (1) If a juvenile offender [~~has been committed to a secure facility~~] is ordered to secure
9332 care under Section 80-6-705, the juvenile offender shall appear before the authority within 45
9333 days after the day on which the juvenile offender [~~is committed to a secure facility~~] is ordered
9334 to secure care for review of a treatment plan and to establish parole release guidelines.
9335 (2) (a) If a juvenile offender is [~~committed to a secure facility~~] ordered to secure care
9336 under Section 80-6-705, the authority shall set a presumptive term of commitment for the
9337 juvenile offender [~~that does not exceed three to six months~~] from three to six months, but the
9338 presumptive term may not exceed six months.
9339 (b) The authority shall release the juvenile offender on parole at the end of the
9340 presumptive term of commitment unless [~~at least one the following circumstances exists~~]:
9341 (i) termination would interrupt the completion of a [~~necessary~~] treatment program
9342 determined to be necessary by the results of a validated risk and needs assessment under
9343 Section 80-6-606; or
9344 (ii) the juvenile offender commits a new misdemeanor or felony offense.
9345 (c) The authority shall determine whether a juvenile offender has completed a
9346 treatment program under Subsection (2)(b)(i) by considering:
9347 (i) the recommendations of the licensed service provider[~~;~~] for the treatment program;
9348 (ii) the juvenile offender's [~~consistent attendance record,~~] record in the treatment
9349 program; and
9350 (iii) the juvenile offender's completion of the goals of the [~~necessary~~] treatment
9351 program.
9352 (d) The authority may extend the length of commitment and delay parole release for the
9353 time needed to address the specific circumstance if one of the circumstances under Subsection

9354 (2)(b) exists.
9355 (e) The authority shall:
9356 (i) record the length of the extension and the grounds for the extension; and
9357 (ii) report annually the length and grounds of extension to the commission.
9358 (f) Records under Subsection (2)(e) shall be tracked in the data system used by the
9359 juvenile court and the division.
9360 (3) (a) If a juvenile offender is committed to [~~a secure facility~~] secure care, the
9361 authority shall set a presumptive term of parole supervision [~~that does not exceed three to four~~
9362 ~~months.~~], including aftercare services, from three to four months, but the presumptive term
9363 may not exceed four months.
9364 (b) If the authority determines that a juvenile offender is unable to return home
9365 immediately upon release, the juvenile offender may serve the term of parole in the home of a
9366 qualifying relative or guardian or at an independent living program contracted or operated by
9367 the division.
9368 (c) The authority shall release a juvenile offender from parole and terminate the
9369 authority's jurisdiction at the end of the presumptive term of parole, unless [~~at least one the~~
9370 ~~following circumstances exists~~]:
9371 (i) termination would interrupt the completion of a [~~necessary~~] treatment program that
9372 is determined to be necessary by the results of a validated risk and needs assessment under
9373 Section 80-6-606;
9374 (ii) the juvenile offender commits a new misdemeanor or felony offense; or
9375 (iii) restitution has not been completed.
9376 (d) The authority shall determine whether a juvenile offender has completed a
9377 treatment program under Subsection (2)(c)(i) by considering:
9378 (i) the recommendations of the licensed service provider[~~;~~];
9379 (ii) the juvenile offender's [~~consistent attendance record,~~] record in the treatment
9380 program; and
9381 (iii) the juvenile offender's completion of the goals of the [~~necessary~~] treatment

9382 program.
9383 (e) If one of the circumstances under Subsection (3)(c) exists, the authority may delay
9384 parole release only for the time needed to address the specific circumstance.
9385 (f) The authority shall:
9386 (i) record the grounds for extension of the presumptive length of parole and the length
9387 of the extension; and
9388 (ii) report annually the extension and the length of the extension to the commission.
9389 (g) Records under Subsection (3)(f) shall be tracked in the data system used by the
9390 juvenile court and the division.
9391 [~~(g) In the event of an unauthorized leave lasting more than 24 hours~~]
9392 (h) If a juvenile offender leaves parole supervision without authorization for more than
9393 24 hours, the term of parole shall toll until the juvenile offender returns.
9394 (4) Subsections (2) and (3) do not apply to a juvenile offender committed to [~~a secure~~
9395 ~~facility~~] secure care for a felony violation of:
9396 (a) Section 76-5-103, aggravated assault resulting in serious bodily injury to another;
9397 (b) Section 76-5-202, aggravated murder or attempted aggravated murder;
9398 (c) Section 76-5-203, murder or attempted murder;
9399 (d) Section 76-5-302, aggravated kidnapping;
9400 (e) Section 76-5-405, aggravated sexual assault;
9401 (f) Section 76-6-103, aggravated arson;
9402 (g) Section 76-6-203, aggravated burglary;
9403 (h) Section 76-6-302, aggravated robbery;
9404 (i) Section 76-10-508.1, felony discharge of a firearm;
9405 (j) an offense other than an offense listed in Subsections (4)(a) through (i) involving
9406 the use of a dangerous weapon:
9407 (i) if the offense would be a felony had an adult committed the offense; and
9408 (ii) the juvenile offender has been previously adjudicated or convicted of an offense
9409 involving the use of a dangerous weapon that would have been a felony had an adult committed

9410 the offense; or
9411 (k) an offense other than an offense listed in Subsections (4)(a) through (j) and the
9412 minor has been previously committed to [~~the custody of the Division of Juvenile Justice~~
9413 ~~Services for secure confinement~~] the division for secure care.
9414 (5) (a) The division may continue to have responsibility over a juvenile offender, who
9415 is discharged under this section from parole, to participate in a specific educational or
9416 rehabilitative program:
9417 (i) until the juvenile offender is:
9418 (A) if the juvenile offender is a youth offender, 21 years old; or
9419 (B) if the juvenile offender is a serious youth offender, 25 years old; and
9420 (ii) under an agreement by the division and the juvenile offender that the program has
9421 certain conditions.
9422 (b) The division and the juvenile offender may terminate participation in a program
9423 under Subsection (5)(a) at any time.
9424 (c) The division shall offer an educational or rehabilitative program before a juvenile
9425 offender's discharge date in accordance with this section.
9426 (d) A juvenile offender may request the services described in this Subsection (5), even
9427 if the offender has been previously declined services or services were terminated for
9428 noncompliance.
9429 (e) Notwithstanding Subsection (5)(c), the division:
9430 (i) shall consider a request by a juvenile offender under Subsection (5)(d) for the
9431 services described in this Subsection (5) for up to 365 days after the juvenile offender's
9432 effective date of discharge, even if the juvenile offender has previously declined services or
9433 services were terminated for noncompliance; and
9434 (ii) may reach an agreement with the juvenile offender to provide the services
9435 described in this Subsection (5) until the juvenile offender is:
9436 (A) if the juvenile offender is a youth offender, 21 years old; or
9437 (B) if the juvenile offender is a serious youth offender, 25 years old.

9438 (f) The division and the juvenile offender may terminate an agreement for services
9439 under this Subsection (5) at any time.
9440 Section 194. Section **80-6-805**, which is renumbered from Section 62A-7-502 is
9441 renumbered and amended to read:
9442 **[~~62A-7-502~~]. 80-6-805. Parole procedures -- Conditions of parole.**
9443 [~~(1) The authority has responsibility for parole release, rescission, revocation, and~~
9444 ~~termination for juvenile offenders who have been committed to the division for secure~~
9445 ~~confinement. The authority shall determine when and under what conditions juvenile offenders~~
9446 ~~who have been committed to a secure facility are eligible for parole.~~]
9447 [~~(2)~~] (1) (a) A juvenile offender shall be served with notice of parole hearings and has
9448 the right to personally appear before the authority for parole consideration.
9449 [~~(3) Orders and decisions~~]
9450 (b) An order or decision of the authority shall be in writing[~~, and a~~].
9451 (c) A juvenile offender shall be provided written notice of the authority's reasoning and
9452 decision in the juvenile offender's case.
9453 [~~(4) The authority shall establish policies and procedures for the authority's~~
9454 ~~governance, meetings, hearings, the conduct of proceedings before the authority, the parole of~~
9455 ~~juvenile offenders, and the general conditions under which parole may be granted, rescinded,~~
9456 ~~revoked, modified, and terminated.~~]
9457 (2) A juvenile offender may be paroled to the juvenile offender's home, to an
9458 independent living program contracted or operated by the division, to an approved independent
9459 living setting, or to other appropriate residences of qualifying relatives or guardians, but shall
9460 remain on parole until parole is terminated by the authority in accordance with Section
9461 80-6-804.
9462 (3) (a) Any condition of parole shall be specified in writing, and agreed to, by the
9463 juvenile offender.
9464 (b) An agreement under Subsection (3)(a) shall be evidenced by the signature of the
9465 juvenile offender, which shall be affixed to the agreement.

9466 (4) The authority may require a juvenile offender to pay restitution ordered by the
9467 juvenile court as a condition of release, placement, or parole.
9468 Section 195. Section **80-6-806**, which is renumbered from Section 62A-7-504 is
9469 renumbered and amended to read:
9470 **[~~62A-7-504~~]. 80-6-806. Parole revocation -- Hearing -- Procedures.**
9471 (1) (a) The authority may only revoke the parole of a juvenile offender [~~only~~] after a
9472 hearing and upon determination that there has been a violation of law or of a condition of
9473 parole by the juvenile offender that warrants the juvenile offender's return to [~~a secure facility~~]
9474 secure care.
9475 (b) The parole revocation hearing shall be held at [~~a secure facility~~] the secure care
9476 facility.
9477 (2) (a) Before returning a juvenile offender to [~~a secure facility~~] secure care for a parole
9478 revocation or rescission hearing, the division shall provide a prerevocation or prerescission
9479 hearing within the vicinity of the alleged violation, to determine whether there is probable
9480 cause to believe that the juvenile offender violated the conditions of the juvenile offender's
9481 parole.
9482 (b) Upon a finding of probable cause, the juvenile offender may be remanded to [~~a~~
9483 ~~secure facility~~] secure care, pending a revocation hearing.
9484 (3) The authority shall only proceed with the parole revocation or rescission process in
9485 accordance with the system of appropriate responses developed in accordance with Section
9486 [~~78A-6-123 on or after July 1, 2018~~] 80-6-607.
9487 (4) A paroled juvenile offender is entitled to legal representation at the parole
9488 revocation hearing, and if the juvenile offender or the juvenile offender's family has requested
9489 but cannot afford legal representation, the authority shall appoint legal counsel.
9490 [~~(5) The authority and the administrative officer have power to issue subpoenas,~~
9491 ~~compel attendance of witnesses, compel production of books, papers and other documents,~~
9492 ~~administer oaths, and take testimony under oath for the purposes of conducting the hearings.~~]
9493 [~~(6)~~] (5) (a) A juvenile offender:

9494 (i) shall receive timely advance notice of the date, time, place, and reason for the
9495 hearing[~~;~~]; and
9496 (ii) has the right to appear at the hearing.
9497 (b) The authority shall provide the juvenile offender an opportunity to be heard, to
9498 present witnesses and evidence, and to confront and cross-examine adverse witnesses, unless
9499 there is good cause for disallowing that confrontation.
9500 [~~(7)~~] (6) Decisions in parole revocation or rescission hearings shall be reached by a
9501 majority vote of the present members of the authority.
9502 [~~(8) The administrative officer shall maintain summary records of all hearings and~~
9503 ~~provide written notice to the juvenile offender of the decision and reason for the decision.~~]
9504 [~~(9)~~] (7) (a) The authority may issue a warrant to order any peace officer or division
9505 employee to take into custody a juvenile offender alleged to be in violation of parole conditions
9506 in accordance with Section [~~78A-6-123 on or after July 1, 2018~~] 80-6-607.
9507 (b) The division may issue a warrant to any peace officer or division employee to
9508 retake a juvenile offender who has escaped from [~~a secure facility~~] secure care.
9509 (c) Based upon the warrant issued under this Subsection (9), a juvenile offender may be
9510 held in a local detention facility for no longer than 48 hours, excluding weekends and legal
9511 holidays, to allow time for a prerevocation or [~~prerecission~~] prerescission hearing of the alleged
9512 parole violation, or in the case of an escapee, arrangement for transportation to [~~the secure~~
9513 ~~facility~~] secure care.
9514 Section 196. Section **80-6-807**, which is renumbered from Section 62A-7-506 is
9515 renumbered and amended to read:
9516 **[~~62A-7-506~~]. 80-6-807. Discharge of juvenile offender.**
9517 (1) A juvenile offender may be discharged from the jurisdiction of the division at any
9518 time, by written order of the authority, upon a finding that no further purpose would be served
9519 by [~~secure confinement~~] secure care or supervision in a community setting.
9520 (2) A juvenile offender shall be discharged in accordance with Section [~~62A-7-404.5~~]
9521 80-6-804.

9522 (3) Discharge of a juvenile offender is a complete release of all penalties incurred by
9523 adjudication of the offense for which the juvenile offender was committed to secure care.
9524 Section 197. Section **80-6-808**, which is renumbered from Section 62A-7-507 is
9525 renumbered and amended to read:
9526 **[~~62A-7-507~~]. 80-6-808. Appeal regarding parole release or revocation.**
9527 (1) A juvenile offender, or the parent or [~~legal~~] guardian of a juvenile offender, may
9528 appeal to the executive director of the department, or [~~his~~] the executive director's designee,
9529 any decision of the authority regarding parole release, rescission, or revocation.
9530 (2) The executive director, or the executive director's designee, may set aside or
9531 remand the authority's decision only if the authority's decision is arbitrary, capricious, an abuse
9532 of discretion, or contrary to law.
9533 Section 198. Section **80-6-901**, which is renumbered from Section 78A-6-1202 is
9534 renumbered and amended to read:
9535 **Part 9. Youth Court**
9536 **[~~78A-6-1202~~]. 80-6-901. Definitions.**
9537 As used in this part:
9538 (1) "Adult" means [~~a person 18 years of age~~] an individual who is 18 years old or older.
9539 (2) (a) "Gang activity" means any criminal activity that is conducted as part of an
9540 organized youth gang. [~~It~~]
9541 (b) "Gang activity" includes any criminal activity that is done in concert with other
9542 gang members, or done alone if [~~it~~] the criminal activity is to fulfill gang purposes.
9543 [~~(b)~~] (c) "Gang activity" does not include graffiti.
9544 (3) "Minor" means an individual who is:
9545 (a) under 18 years old; or
9546 (b) 18 years old and still attending high school.
9547 [~~(3)~~] (4) (a) "Minor offense" means any unlawful act that is a status offense or [~~would~~]
9548 an offense that would be a misdemeanor, infraction, or violation of a municipal or county
9549 ordinance if [~~the youth were~~] committed by an adult.

9550 (b) "Minor offense" does not include:
9551 (i) a class A misdemeanor; or
9552 (ii) a felony of any degree.
9553 [~~(4)~~] (5) "Sponsoring entity" means any political subdivision of the state, including a
9554 school or school district, juvenile court, law enforcement agency, prosecutor's office, county,
9555 city, or town.
9556 [~~(5)~~] (6) "Status offense" means a violation of the law that would not be a violation but
9557 for the age of the offender.
9558 [~~(6) "Youth" means a person under the age of 18 years or who is 18 but still attending~~
9559 ~~high school.~~]
9560 (7) "Youth court" means a diversion program that is an alternative disposition for cases
9561 involving minors who have committed minor offenses.
9562 (8) "Youth Court Board" means the board created under Subsection 80-6-907(1).
9563 Section 199. Section **80-6-902**, which is renumbered from Section 78A-6-1203 is
9564 renumbered and amended to read:
9565 **[~~78A-6-1203~~]. 80-6-902. Youth court -- Authorization -- Referral.**
9566 (1) [~~Youth court is a diversion program that provides an alternative disposition for~~
9567 ~~cases involving juvenile offenders in which youth participants~~] A minor may serve in a youth
9568 court, under the supervision of an adult coordinator, [~~may serve~~] in various capacities within
9569 the courtroom, acting in the role of jurors, lawyers, bailiffs, clerks, and judges.
9570 (a) [~~Youth who appear before youth courts have been~~] A minor who appears before a
9571 youth court has been identified by law enforcement personnel, school officials, a prosecuting
9572 attorney, or the juvenile court as having committed [~~acts which indicate~~] an act, including a
9573 minor offense or eligible offense under Section 53G-8-211, that indicates a need for
9574 intervention to prevent further development toward juvenile delinquency, but which appear to
9575 be acts that can be appropriately addressed outside the juvenile court process.
9576 (b) [~~Youth courts~~] A youth court may only hear cases as provided for in this part.
9577 (c) [~~Youth court is a diversion program and~~] A youth court is not a court established

9578 under the Utah Constitution, Article VIII.
9579 (2) A youth court may not accept referrals from law enforcement, schools, prosecuting
9580 attorneys, or a juvenile court unless the youth court is certified by the [~~Utah~~] Youth Court
9581 Board.
9582 (3) (a) Any person may refer [~~youth~~] a minor to a youth court for [~~minor offenses~~] a
9583 minor offense or for any other eligible offense under Section 53G-8-211.
9584 (b) Once a referral is made, the case shall be screened by an adult coordinator to
9585 determine whether [~~it~~] the minor offense or other eligible offense qualifies as a youth court
9586 case.
9587 (4) [~~Youth courts have authority over youth~~] A youth court has authority over a minor:
9588 (a) referred for one or more minor offenses or who are referred for other eligible
9589 offenses under Section 53G-8-211, or who are granted permission for referral under this part;
9590 (b) who, along with a parent, guardian, or [~~legal~~] custodian, voluntarily and in writing,
9591 request youth court involvement; and
9592 (c) who, along with a parent, guardian, or [~~legal~~] custodian, agree to follow the youth
9593 [~~court~~] court's disposition of the case.
9594 (5) (a) Except with permission granted under Subsection (6), or [~~pursuant to~~] in
9595 accordance with Section 53G-8-211, [~~youth courts~~] a youth court may not exercise authority
9596 over [~~youth who are~~] a minor whose case is under the continuing jurisdiction of the juvenile
9597 court [~~for law violations~~] for an offense, including any [~~youth who may have a matter pending~~
9598 ~~which~~] minor who has a matter pending that has not yet been adjudicated. [~~Youth courts~~]
9599 (b) Notwithstanding Subsection (5)(a), a youth court may[~~, however,~~] exercise
9600 authority over [~~youth who are under~~] a minor who is involved in a proceeding under the
9601 continuing jurisdiction of the juvenile court [~~as set forth in this Subsection (5)~~] if the offense
9602 before the youth court is not a law violation[~~;~~] and the referring agency has notified the juvenile
9603 court of the referral.
9604 (6) [~~Youth courts~~] A youth court may exercise authority over [~~youth~~] a minor described
9605 in Subsection (5), and over any other offense with the permission of the juvenile court and the

9606 prosecuting attorney in the county or district that would have jurisdiction if the matter were
9607 referred to juvenile court.
9608 (7) Permission of the juvenile court may be granted by a [~~probation officer of the court~~]
9609 juvenile probation officer in the district that would have jurisdiction over the offense being
9610 referred to a youth court.
9611 (8) [~~Youth courts~~] A youth court may:
9612 (a) decline to accept a [~~youth~~] minor for youth court disposition for any reason; and
9613 [~~may~~]
9614 (b) terminate a youth from youth court participation at any time.
9615 (9) (a) A [~~youth or the youth's~~] minor, or the minor's parent, guardian, or [~~legal~~]
9616 custodian may withdraw from the youth court process at any time.
9617 (b) The youth court shall immediately notify the referring source of the withdrawal.
9618 (10) The youth court may transfer a case back to the referring source for alternative
9619 handling at any time.
9620 (11) Referral of a case to youth court may not, if otherwise eligible, prohibit the
9621 subsequent referral of the case to any court.
9622 (12) Proceedings and dispositions of a youth court may only be shared with the
9623 referring agency, juvenile court, and victim.
9624 (13) When a [~~person~~] minor does not complete the terms ordered by a youth court, and
9625 if the case is referred to a juvenile court, the youth court shall provide the case file to the
9626 juvenile court.
9627 Section 200. Section **80-6-903**, which is renumbered from Section 78A-6-1204 is
9628 renumbered and amended to read:
9629 **[~~78A-6-1204~~]. 80-6-903. Parental involvement -- Victims -- Restitution.**
9630 (1) [~~Every youth~~] A minor appearing before the youth court shall be accompanied by a
9631 parent, guardian, or [~~legal~~] custodian.
9632 (2) [~~Victims~~] A victim shall have the right to attend hearings and be heard.
9633 (3) (a) Any restitution due to a victim of an offense shall be made in full prior to the

9634 time the case is completed by the youth court.
9635 (b) Restitution shall be agreed upon between the [~~youth~~] minor and the victim.
9636 Section 201. Section **80-6-904**, which is renumbered from Section 78A-6-1205 is
9637 renumbered and amended to read:
9638 **[~~78A-6-1205~~]. 80-6-904. Dispositions.**
9639 (1) [~~Youth court dispositional options include~~] A youth court may order a disposition
9640 for:
9641 (a) compensatory service;
9642 (b) participation in law-related educational classes, appropriate counseling, treatment,
9643 or other educational programs;
9644 (c) providing periodic reports to the youth court;
9645 (d) participating in mentoring programs;
9646 (e) participation by the [~~youth~~] minor as a member of a youth court;
9647 (f) letters of apology;
9648 (g) essays; and
9649 (h) any other disposition considered appropriate by the youth court and adult
9650 coordinator.
9651 (2) [~~Youth courts~~] A youth court may not:
9652 (a) impose a term of imprisonment or detention [~~and may not~~]; or
9653 (b) impose fines.
9654 (3) [~~Youth court dispositions~~] A disposition by a youth court shall be completed within
9655 180 days from the date of referral.
9656 (4) [~~Youth court dispositions~~] A disposition by a youth court shall be reduced to
9657 writing and signed by the [~~youth and a~~] minor and the minor's parent, guardian, or [~~legal~~]
9658 custodian indicating [~~their~~] acceptance of the [~~disposition terms~~] terms of the disposition.
9659 (5) (a) [~~Youth court~~] A youth court shall notify the referring source if a [~~participant~~]
9660 minor fails to successfully complete the youth [~~court~~] court's disposition.
9661 (b) The referring source may then take any action [~~it~~] the referring source considers

9662 appropriate.
9663 Section 202. Section **80-6-905**, which is renumbered from Section 78A-6-1206 is
9664 renumbered and amended to read:
9665 **[~~78A-6-1206~~]. 80-6-905. Liability.**
9666 (1) A person [~~or entity~~] associated with the referral, evaluation, adjudication,
9667 disposition, or supervision of matters under this part may not be held civilly liable for any
9668 injury occurring to [~~any person~~] a minor performing compensatory service or any other activity
9669 associated with a certified youth court, unless the person causing the injury acted in a willful or
9670 wanton manner.
9671 (2) [~~Persons~~] A person participating in a certified youth court shall be considered [~~to be~~
9672 ~~volunteers~~] a volunteer for purposes of Workers' Compensation and other risk-related issues.
9673 Section 203. Section **80-6-906**, which is renumbered from Section 78A-6-1207 is
9674 renumbered and amended to read:
9675 **[~~78A-6-1207~~]. 80-6-906. Fees.**
9676 (1) (a) [~~Youth courts~~] A youth court may require that [~~the youth~~] a minor pay a
9677 reasonable fee, not to exceed $50, to participate in the youth court. [~~This fee~~]
9678 (b) A fee under Subsection (1) may be reduced or waived by the youth court in exigent
9679 circumstances. [~~This fee~~]
9680 (c) A fee under Subsection (1) shall be paid to and accounted for by the sponsoring
9681 entity. [~~The~~]
9682 (d) Any fees collected shall be used for supplies and any training requirements.
9683 (2) [~~Youth court participants are~~] A minor who participates in youth court is
9684 responsible for the all expenses of any classes, counseling, treatment, or other educational
9685 programs that are the disposition of the youth court.
9686 Section 204. Section **80-6-907**, which is renumbered from Section 78A-6-1208 is
9687 renumbered and amended to read:
9688 **[~~78A-6-1208~~]. 80-6-907. Youth Court Board -- Membership --**
9689 **Responsibilities.**

9690 (1) [~~The Utah attorney general's office shall provide staff support and assistance to a~~
9691 ~~Youth Court Board comprised of the following:~~] The Youth Court Board shall be comprised of
9692 the following members:
9693 (a) the Utah attorney general or the attorney general's designee;
9694 (b) one prosecuting attorney appointed by the Utah Prosecution Council;
9695 (c) one criminal defense attorney appointed by the Utah Association of Criminal
9696 Defense Attorneys;
9697 [~~(c)~~] (d) one juvenile court judge appointed by the Board of Juvenile Court Judges;
9698 [~~(d)~~] (e) the juvenile court administrator or the administrator's designee;
9699 [~~(e)~~] (f) the executive director of the [~~Utah Commission on Criminal and Juvenile~~
9700 ~~Justice~~] commission or the executive director's designee;
9701 [~~(f)~~] (g) the state superintendent of education or the state superintendent's designee;
9702 [~~(g)~~] (h) two representatives, appointed by the Utah Youth Court Association, from
9703 youth courts based primarily in schools;
9704 [~~(h)~~] (i) two representatives, appointed by the Utah Youth Court Association, from
9705 youth courts based primarily in communities;
9706 [~~(i)~~] (j) one member from the law enforcement community appointed by the Youth
9707 Court Board;
9708 [~~(j)~~] (k) one member from the community at large appointed by the Youth Court
9709 Board; and
9710 [~~(k)~~] (l) the president of the Utah Youth Court Association.
9711 (2) The Office of the Attorney General shall provide staff support and assistance to the
9712 Youth Court Board.
9713 [~~(2)~~] (3) The members selected to fill the positions in Subsections (1)(a) through [~~(f)~~]
9714 (g) shall jointly select the members to fill the positions in Subsections [~~(1)(g) through (j)~~]
9715 (1)(h) through (k).
9716 [~~(3)~~] (4) Members shall serve two-year staggered terms beginning July 1, 2012, except
9717 the initial terms of the members designated by Subsections (1)(b), (c), [~~(i), and (j)~~] (d), (j), and

9718 (k) and one of the members from Subsections [~~(1)(g) and (h)~~] (1)(h) and (i) shall serve
9719 two-year terms, but may be reappointed for a full four-year term upon the expiration of [~~their~~]
9720 the member's initial term.
9721 [~~(4)~~] (5) The Youth Court Board shall meet at least quarterly to:
9722 (a) set minimum standards for the establishment of [~~youth courts~~] a youth court,
9723 including an application process, membership and training requirements, and the qualifications
9724 for the adult coordinator;
9725 (b) review certification applications; and
9726 (c) provide for a process to recertify each youth court every three years.
9727 [~~(5)~~] (6) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking
9728 Act, the Youth Court Board shall make rules to accomplish the requirements of Subsection
9729 [~~(3)~~] (4).
9730 [~~(6)~~] (7) The Youth Court Board may deny certification, recertification, or withdraw
9731 the certification of any youth court for failure to comply with program requirements.
9732 [~~(7)~~] (8) A member may not receive compensation or benefits for the member's service,
9733 but may receive per diem and travel expenses in accordance with:
9734 (a) Section 63A-3-106;
9735 (b) Section 63A-3-107; and
9736 (c) rules made by the Division of Finance [~~pursuant to~~] in accordance with Sections
9737 63A-3-106 and 63A-3-107.
9738 [~~(8)~~] (9) The Youth Court Board shall provide a list of certified youth courts to the
9739 Board of Juvenile Court Judges, all law enforcement agencies in the state, all school districts,
9740 and the Utah Prosecution Council by October 1 of each year.
9741 Section 205. Section **80-6-908**, which is renumbered from Section 78A-6-1209 is
9742 renumbered and amended to read:
9743 **[~~78A-6-1209~~]. 80-6-908. Establishing a youth court -- Sponsoring entity**
9744 **responsibilities.**
9745 (1) [~~Youth courts~~] A youth court may be established by a sponsoring entity or by a

9746 private nonprofit entity [~~which~~] that contracts with a sponsoring entity.
9747 (2) The sponsoring entity shall:
9748 (a) oversee the formation of the youth court;
9749 (b) provide assistance with the application for certification from the Youth Court
9750 Board; and
9751 (c) provide assistance for the training of youth court members.
9752 Section 206. Section **80-6-909**, which is renumbered from Section 78A-6-1210 is
9753 renumbered and amended to read:
9754 **[~~78A-6-1210~~]. 80-6-909. School credit.**
9755 [~~Local school boards~~] A local school board may provide school credit for participation
9756 [~~as~~] to a member of a youth court.
9757 Section 207. Section **80-6-1001**, which is renumbered from Section 78A-6-1502 is
9758 renumbered and amended to read:
9759 **Part 10. Juvenile Records and Expungement**
9760 **[~~78A-6-1502~~]. 80-6-1001. Definitions.**
9761 As used in this part:
9762 (1) "Abstract" means a copy or summary of a court's disposition.
9763 [~~(1)~~] (2) "Agency" means a state, county, or local government entity that generates or
9764 maintains records relating to a nonjudicial adjustment or an adjudication for which
9765 expungement may be ordered under this part.
9766 [~~(2)~~] (3) "Expunge" means to seal or otherwise restrict access to an individual's record
9767 held by a court or an agency when the record relates to a nonjudicial adjustment or an
9768 adjudication of an offense in the juvenile court.
9769 Section 208. Section **80-6-1002**, which is renumbered from Section 78A-6-1114 is
9770 renumbered and amended to read:
9771 **[~~78A-6-1114~~]. 80-6-1002. Vacatur of adjudications.**
9772 (1) (a) [~~A person~~] An individual who has been adjudicated under this chapter may
9773 petition the juvenile court for vacatur of the [~~person's~~] individual's juvenile court records and

9774 any related records in the custody of [~~a state agency~~] an agency if the record relates to:
9775 (i) [~~a delinquency~~] an adjudication under Section 76-10-1302, [~~prostitution, Section~~]
9776 76-10-1304, [~~aiding prostitution, or Section~~] or 76-10-1313[~~, sex solicitation~~]; or
9777 (ii) an adjudication that was based on [~~delinquent conduct~~] an offense that the
9778 petitioner engaged in while subject to force, fraud, or coercion, as defined in Section 76-5-308.
9779 (b) The petitioner shall include in the petition the relevant juvenile court incident
9780 number and any agencies known or alleged to have any documents related to the offense for
9781 which vacatur is being sought.
9782 (c) The petitioner shall include with the petition the original criminal history report
9783 obtained from the Bureau of Criminal Identification in accordance with the provisions of
9784 Section 53-10-108.
9785 (d) The petitioner shall send a copy of the petition to the county attorney or, if within a
9786 prosecution district, the district attorney.
9787 [~~(c) (i)~~] (2) (a) Upon the filing of a petition, the juvenile court shall:
9788 [~~(A)~~] (i) set a date for a hearing;
9789 [~~(B)~~] (ii) notify the county attorney or district attorney and the agency with custody of
9790 the records at least 30 days prior to the hearing of the pendency of the petition; and
9791 [~~(C)~~] (iii) notify the county attorney or district attorney and the agency with records the
9792 petitioner is asking the juvenile court to vacate of the date of the hearing.
9793 [~~(ii)~~] (b) (i) The juvenile court shall provide a victim with the opportunity to request
9794 notice of a petition for vacatur.
9795 (ii) A victim shall receive notice of a petition for vacatur at least 30 days [~~prior to~~]
9796 before the hearing if, [~~prior to~~] before the entry of [~~a vacatur order~~] vacatur, the victim or, in
9797 the case of a child or [~~a person~~] an individual who is incapacitated or deceased, the victim's
9798 next of kin or authorized representative, submits a written and signed request for notice to the
9799 court in the judicial district in which the crime occurred or judgment was entered.
9800 (iii) The notice shall include a copy of the petition and statutes and rules applicable to
9801 the petition.

9802 [~~(2)~~] (3) (a) At the hearing the petitioner, the county attorney or district attorney, a
9803 victim, and any other person who may have relevant information about the petitioner may
9804 testify.
9805 (b) (i) In deciding whether to grant a petition for vacatur, the juvenile court shall
9806 consider whether the petitioner acted subject to force, fraud, or coercion, as defined in Section
9807 76-5-308, at the time of the conduct giving rise to the adjudication.
9808 (ii) (A) If the juvenile court finds by a preponderance of the evidence that the petitioner
9809 was subject to force, fraud, or coercion, as defined in Section 76-5-308 at the time of the
9810 conduct giving rise to the adjudication, the juvenile court shall grant vacatur.
9811 (B) If the court does not find sufficient evidence, the juvenile court shall deny vacatur.
9812 (iii) If the petition is for vacatur of any adjudication under Section 76-10-1302,
9813 [~~prostitution, Section~~] 76-10-1304, [~~aiding prostitution, or Section~~] or 76-10-1313, [~~sex~~
9814 ~~solicitation,~~] the juvenile court shall presumptively grant vacatur unless the petitioner acted as
9815 a purchaser of any sexual activity.
9816 (c) If vacatur is granted, the juvenile court shall order sealed all of the petitioner's
9817 records under the control of the juvenile court and any of the petitioner's records under the
9818 control of any other agency or official pertaining to the incident identified in the petition,
9819 including relevant related records contained in the Management Information System created by
9820 Section 62A-4a-1003 and the Licensing Information System created by Section 62A-4a-1005.
9821 [~~(3)~~] (4) (a) The petitioner shall be responsible for service of the order of vacatur to all
9822 affected state, county, and local entities, agencies, and officials.
9823 (b) To avoid destruction or sealing of the records in whole or in part, the agency or
9824 entity receiving the vacatur order shall only vacate all references to the petitioner's name in the
9825 records pertaining to the relevant adjudicated juvenile court incident.
9826 [~~(4)~~] (5) (a) Upon the entry of [~~the order granting~~] vacatur, the proceedings in the
9827 incident identified in the petition shall be considered never to have occurred and the petitioner
9828 may properly reply accordingly upon any inquiry in the matter.
9829 (b) Inspection of the records may thereafter only be permitted by the juvenile court

9830 upon petition by the [~~person~~] individual who is the subject of the records, and only to persons
9831 named in the petition.
9832 [~~(5)~~] (6) The juvenile court may not vacate a juvenile court record if the record
9833 contains an adjudication of:
9834 (a) Section 76-5-202, aggravated murder; or
9835 (b) Section 76-5-203, murder.
9836 Section 209. Section **80-6-1003** is enacted to read:
9837 **80-6-1003. Court records -- Abstracts.**
9838 (1) (a) Except as otherwise provided in this part, if a minor's juvenile record is
9839 expunged, and upon a court order, all photographs or records under Section 80-6-608 shall be
9840 destroyed by an agency.
9841 (b) A record of a minor's fingerprints may not be destroyed by an agency.
9842 (2) A court or agency with custody of an individual's record related to an offense that
9843 the individual is alleged to have committed, or an offense that the individual committed, before
9844 the individual was 18 years old may not disclose the record to a federal agency that is
9845 responsible for criminal justice research or proceedings unless the court or the agency is
9846 required to share the record under state or federal law.
9847 (3) An abstract of a juvenile court record for an adjudication of a traffic offense shall
9848 be submitted to the Department of Public Safety as provided in Section 53-3-218.
9849 Section 210. Section **80-6-1004**, which is renumbered from Section 78A-6-1503 is
9850 renumbered and amended to read:
9851 **[~~78A-6-1503~~]. 80-6-1004. Requirements to apply to expunge an**
9852 **adjudication.**
9853 (1) (a) An individual who has been adjudicated by a juvenile court may petition the
9854 juvenile court for an order to expunge the individual's juvenile court record and any related
9855 records in the custody of an agency if:
9856 (i) the individual has reached 18 years old; and
9857 (ii) at least one year has passed from the date of:

9858 (A) termination of the continuing jurisdiction of the juvenile court; or
9859 (B) the individual's unconditional release from the custody of the [~~Division of Juvenile~~
9860 ~~Justice Services~~] division if the individual was committed to [~~a secure youth corrections~~
9861 ~~facility~~] secure care.
9862 (b) The juvenile court may waive the requirements in Subsection (1)(a) if the juvenile
9863 court finds, and states on the record, the reason why the waiver is appropriate.
9864 (c) The petitioner shall include in the petition described in Subsection (1)(a):
9865 (i) any agency known or alleged to have any records related to the offense for which
9866 expungement is being sought; and
9867 (ii) the original criminal history report obtained from the Bureau of Criminal
9868 Identification in accordance with Section 53-10-108.
9869 (d) The petitioner shall send a copy of the petition described in Subsection (1)(a) to the
9870 county attorney or, if within a prosecution district, the district attorney.
9871 (e) (i) Upon the filing of a petition described in Subsection (1)(a), the juvenile court
9872 shall:
9873 (A) set a date for a hearing;
9874 (B) notify the county attorney or district attorney and the agency with custody of the
9875 records at least 30 days before the day on which the hearing of the pendency of the petition is
9876 scheduled; and
9877 (C) notify the county attorney or district attorney and the agency with records that the
9878 petitioner is asking the court to expunge of the date of the hearing.
9879 (ii) (A) The juvenile court shall provide a victim with the opportunity to request notice
9880 of a petition described in Subsection (1)(a).
9881 (B) Upon the victim's request under Subsection (1)(e)(ii)(A), the victim shall receive
9882 notice of the petition at least 30 days before the day on which the hearing is scheduled if,
9883 before the day on which an expungement order is made, the victim or, in the case of a child or
9884 an individual who is incapacitated or deceased, the victim's next of kin or authorized
9885 representative submits a written and signed request for notice to the juvenile court in the

9886 judicial district in which the offense occurred or judgment is entered.
9887 (C) The notice described in Subsection (1)(e)(ii)(B) shall include a copy of the petition
9888 described in Subsection (1)(a) and any statutes and rules applicable to the petition.
9889 (2) (a) At the hearing described in Subsection (1)(e)(i), the county attorney or district
9890 attorney, a victim, and any other individual who may have relevant information about the
9891 petitioner may testify.
9892 (b) In deciding whether to grant a petition described in Subsection (1)(a) for
9893 expungement, the juvenile court shall consider whether the rehabilitation of the petitioner has
9894 been attained to the satisfaction of the juvenile court, including the petitioner's response to
9895 programs and treatment, the petitioner's behavior subsequent to the adjudication, and the nature
9896 and seriousness of the conduct.
9897 (c) The juvenile court may order [~~sealed~~] expunged all of the petitioner's records under
9898 the control of the juvenile court and an agency or an official, including any record contained in
9899 the Management Information System created in Section 62A-4a-1003 and the Licensing
9900 Information System created in Section 62A-4a-1005, if the juvenile court finds that:
9901 (i) the petitioner has not, in the five years preceding the day on which the petition
9902 described in Subsection (1)(a) is filed, been convicted of a violent felony[~~, as defined in~~
9903 ~~Section 76-3-203.5~~];
9904 (ii) there are no delinquency or criminal proceedings pending against the petitioner;
9905 and
9906 (iii) a judgment for restitution entered by the juvenile court on the [~~conviction~~]
9907 adjudication for which the expungement is sought has been satisfied.
9908 (3) (a) The petitioner is responsible for service of the expungement order issued under
9909 Subsection (2) to any affected agency or official.
9910 (b) To avoid destruction or sealing of the records in whole or in part, the agency or the
9911 official receiving the expungement order described in Subsection (3)(a) shall only expunge all
9912 references to the petitioner's name in the records pertaining to the petitioner's juvenile court
9913 record.

9914 (4) The juvenile court may not expunge a record if the record contains an adjudication
9915 of:
9916 (a) Section 76-5-202, aggravated murder; or
9917 (b) Section 76-5-203, murder.
9918 Section 211. Section **80-6-1005**, which is renumbered from Section 78A-6-1504 is
9919 renumbered and amended to read:
9920 **[~~78A-6-1504~~]. 80-6-1005. Nonjudicial adjustment expungement.**
9921 (1) An individual whose record consists solely of one or more nonjudicial adjustments
9922 may petition the juvenile court for an order to expunge the individual's juvenile court record if
9923 the individual:
9924 (a) has reached 18 years old; and
9925 (b) has completed the conditions of each nonjudicial adjustment.
9926 (2) (a) The petitioner shall include in the petition described in Subsection (1) any
9927 agency known or alleged to have any records related to the nonjudicial adjustment for which
9928 expungement is being sought.
9929 (b) The petitioner is not required to include in the petition described in Subsection (1)
9930 an original criminal history report obtained from the Bureau of Criminal Identification in
9931 accordance with Section 53-10-108.
9932 (3) Upon the filing of the petition described in Subsection (1), the juvenile court shall,
9933 without a hearing, order expungement of all of the petitioner's records under the control of the
9934 juvenile court, an agency, or an official.
9935 (4) (a) The petitioner is responsible for service of the expungement order issued under
9936 Subsection (3) to any affected agency or official.
9937 (b) To avoid destruction or sealing of the records in whole or in part, the agency or the
9938 official receiving the expungement order shall expunge only the references to the individual's
9939 name in the records relating to the petitioner's nonjudicial adjustment.
9940 Section 212. Section **80-6-1006**, which is renumbered from Section 78A-6-1505 is
9941 renumbered and amended to read:

9942 **[~~78A-6-1505~~]. 80-6-1006. Effect of an expunged record -- Agency duties.**
9943 (1) Upon receipt of an expungement order under this part, an agency shall expunge all
9944 records described in the expungement order that are under the control of the agency in
9945 accordance with Subsection [~~78A-6-1504~~] 80-6-1005(4)(b).
9946 (2) Upon the entry of the expungement order under this part:
9947 (a) an adjudication or a nonjudicial adjustment in a petitioner's case is considered to
9948 have never occurred; and
9949 (b) the petitioner may reply to an inquiry on the matter as though there never was an
9950 adjudication or nonjudicial adjustment.
9951 (3) The following persons may inspect an expunged record upon a petition by an
9952 individual who is the subject of the record:
9953 (a) the individual who is the subject of the record; and
9954 (b) a person that is named in the petition.
9955 (4) An agency named in an expungement order under this part shall mail an affidavit to
9956 the petitioner verifying the agency has complied with the expungement order.
9957 Section 213. Section **80-6-1007**, which is renumbered from Section 78A-6-1506 is
9958 renumbered and amended to read:
9959 **[~~78A-6-1506~~]. 80-6-1007. Fees.**
9960 (1) Except for a filing fee for a petition under this part, the juvenile court may not
9961 charge a fee for:
9962 (a) an issuance of an expungement order under this part; or
9963 (b) an expungement of a record under this part.
9964 (2) An agency may not charge a fee for the expungement of a record under this part.
9965 Section 214. Section **80-7-101** is enacted to read:
9966 **CHAPTER 7. EMANCIPATION**
9967 **80-7-101. Title.**
9968 This chapter is known as "Emancipation."
9969 Section 215. Section **80-7-102**, which is renumbered from Section 78A-6-802 is

9970 renumbered and amended to read:

9971 **[~~78A-6-802~~]. 80-7-102. Definitions.**

9972 As used in this [~~part~~] chapter:

9973 (1) "Emancipation" or "emancipated" means a legal status created by court order that

9974 allows a minor to:

9975 (a) live independent of the minor's parents or guardian; and

9976 (b) exercise the same rights as an adult under Subsection 80-7-105(1).

9977 [~~(1)~~] (2) "Guardian" has the same meaning as in Section 75-1-201.

9978 [~~(2)~~] (3) "Minor" means [~~a person~~] an individual who is 16 years [~~of age~~] old or older.

9979 [~~(3)~~] (4) "Parent" means a natural parent as defined in Section [~~78A-6-105~~] 80-1-102.

9980 Section 216. Section **80-7-103**, which is renumbered from Section 78A-6-803 is

9981 renumbered and amended to read:

9982 **[~~78A-6-803~~]. 80-7-103. Petition for emancipation -- Amending a petition --**

9983 **Continuance.**

9984 (1) A minor may petition the juvenile court on [~~his or her~~] the minor's own behalf [~~in~~

9985 ~~the district in which he or she resides~~] for a declaration of emancipation.

9986 (2) The petition under Subsection (1) shall:

9987 (a) be on a form provided by the clerk of the juvenile court[~~;~~]; and

9988 (b) state that the minor is:

9989 [~~(a)~~] (i) 16 years [~~of age~~] old or older;

9990 [~~(b)~~] (ii) capable of living independently of [~~his or her~~] the minor's parents or guardian;

9991 and

9992 [~~(c)~~] (iii) capable of managing [~~his or her~~] the minor's own financial affairs.

9993 [~~(2)~~] (3) Notice of the petition shall be served on the minor's parents, guardian, any

9994 other person or agency with custody of the minor, and the Child and Family Support Division

9995 of the Office of the Attorney General, unless the juvenile court determines that service is

9996 impractical.

9997 (4) (a) When it appears in a proceeding under this chapter that evidence presented

9998 points to material facts not alleged in the petition described in Subsection (1), the juvenile
9999 court may consider the additional or different material facts raised by the evidence if the parties
10000 consent.
10001 (b) The juvenile court, on a motion from any interested party or on the court's own
10002 motion, shall direct that the petition be amended to conform to the evidence.
10003 (c) If an amended petition under Subsection (4)(b) results in a substantial departure
10004 from the material facts originally alleged, the juvenile court shall grant a continuance as justice
10005 may require in accordance with Utah Rules of Juvenile Procedure, Rule 54.
10006 Section 217. Section **80-7-104**, which is renumbered from Section 78A-6-804 is
10007 renumbered and amended to read:
10008 **[~~78A-6-804~~]. 80-7-104. Procedure for emancipation.**
10009 (1) (a) Upon the filing of a petition in accordance with Section [~~78A-6-803~~] 80-7-103,
10010 the juvenile court shall review the petition for completeness and whether the petitioner meets
10011 the age requirement for filing the petition.
10012 [~~(a)~~] (b) If the petition is incomplete or the petitioner does not meet the age
10013 requirement, the juvenile court may dismiss the action immediately.
10014 [~~(b)~~] (c) If the petition is complete and the petitioner meets the age requirement, the
10015 juvenile court shall schedule a pretrial hearing on the matter within 30 days.
10016 (2) The juvenile court may appoint [~~a~~] an attorney guardian ad litem in accordance
10017 with Section [~~78A-6-902~~] 78A-2-803 to represent the minor.
10018 (3) At the hearing, the juvenile court shall consider the best interests of the minor
10019 according to [~~the following~~]:
10020 (a) whether the minor is capable of assuming adult responsibilities;
10021 (b) whether the minor is capable of living independently of [~~his or her~~] the minor's
10022 parents, guardian, or custodian;
10023 (c) opinions and recommendations from the attorney guardian ad litem, parents,
10024 guardian, or custodian, and any other evidence; and
10025 (d) whether emancipation will create a risk of harm to the minor.

10026 (4) If the juvenile court determines, by clear and convincing evidence, that
10027 emancipation is in the best interests of the minor, [~~it~~] the juvenile court shall issue a declaration
10028 of emancipation for the minor.
10029 (5) A juvenile court may modify or set aside any order or decree made by the court in
10030 accordance with Section 78A-6-357.
10031 Section 218. Section **80-7-105**, which is renumbered from Section 78A-6-805 is
10032 renumbered and amended to read:
10033 **[~~78A-6-805~~]. 80-7-105. Emancipation.**
10034 (1) [~~An emancipated minor~~] A minor who is emancipated may:
10035 (a) enter into contracts;
10036 (b) buy and sell property;
10037 (c) sue or be sued;
10038 (d) retain [~~his or her~~] the minor's own earnings;
10039 (e) borrow money for any purpose, including for education; and
10040 (f) obtain healthcare without parental consent.
10041 (2) [~~An emancipated minor~~] A minor who is emancipated may not be considered an
10042 adult:
10043 (a) under the criminal laws of the state, unless the requirements of [~~Part 7, Transfer of~~
10044 ~~Jurisdiction,~~] Chapter 6, Part 5, Transfer to District Court, have been met;
10045 (b) under the criminal laws of the state when [~~he or she~~] the minor is a victim and the
10046 age of the victim is an element of the offense; and
10047 (c) for specific constitutional and statutory age requirements regarding voting, use of
10048 alcoholic beverages, possession of tobacco or firearms, and other health and safety regulations
10049 relevant to the minor because of the minor's age.
10050 (3) (a) An order of emancipation prospectively terminates parental responsibilities that
10051 accrue based on the minor's status as a minor under the custody and control of a parent,
10052 guardian, or custodian, including parental tort liability for the acts of the minor.
10053 (b) Nothing in this chapter shall be construed to interfere with the integrity of the

10054 family or to minimize the rights of parents or children.
10055 Section 219. **Repealer.**
10056 This bill repeals:
10057 Section **62A-4a-203.5**, **Mandatory petition for termination of parental rights.**
10058 Section **62A-7-101**, **Definitions.**
10059 Section **62A-7-503**, **Administrative officer of Youth Parole Authority.**
10060 Section **62A-7-505**, **Conditions of parole.**
10061 Section **78A-6-106**, **Search warrants and subpoenas -- Authority to issue --**
10062 **Protective custody -- Expedited hearing.**
10063 Section **78A-6-108**, **Title of petition and other court documents -- Form and**
10064 **contents of petition -- Order for temporary custody or protective services -- Physical or**
10065 **psychological examination of minor, parent, or guardian -- Dismissal of petition.**
10066 Section **78A-6-117**, **Adjudication of jurisdiction of juvenile court -- Disposition of**
10067 **cases -- Enumeration of possible court orders -- Considerations of court.**
10068 Section **78A-6-119**, **Modification of order or decree -- Requirements for changing**
10069 **or terminating custody, probation, or protective supervision.**
10070 Section **78A-6-121**, **Entry of judgment for fine, fee, surcharge, or restitution.**
10071 Section **78A-6-310**, **Notice of adjudication hearing.**
10072 Section **78A-6-604**, **Minor held in detention -- Credit for good behavior.**
10073 Section **78A-6-801**, **Purpose.**
10074 Section **78A-6-1102**, **Amendment of petition -- When authorized -- Continuance of**
10075 **proceedings.**
10076 Section **78A-6-1103**, **Modification or termination of custody order or decree --**
10077 **Grounds -- Procedure.**
10078 Section **78A-6-1107**, **Transfer of continuing jurisdiction to other district.**
10079 Section **78A-6-1108**, **New hearings authorized -- Grounds and procedure.**
10080 Section **78A-6-1111**, **Order for indigent defense service or guardian ad litem.**
10081 Section **78A-6-1201**, **Title.**

10082 Section **78A-6-1401, Title.**

10083 Section **78A-6-1402, Definitions.**

10084 Section **78A-6-1501, Title.**

10085 Section 220. **Effective date.**

10086 This bill takes effect on September 1, 2021.

10087 Section 221. **Coordinating H.B. 285 with H.B. 37 -- Substantive and technical**
10088 **amendment.**

10089 If this H.B. 285 and H.B. 37, Child Protection Unit Amendments, both pass and
10090 become law, the Legislature intends that, on September 1, 2021, the Office of Legislative
10091 Research and General Counsel shall prepare the Utah Code database for publication by:

10092 (1) amending Section 80-3-102 to read:

10093 "**[~~78A-6-301~~]** **80-3-102. Definitions.**

10094 As used in this [~~part~~] chapter:

10095 (1) "Abuse, neglect, or dependency petition" means a petition filed in accordance with
10096 this chapter to commence proceedings in a juvenile court alleging a child is:

10097 (a) abused;

10098 (b) neglected; or

10099 (c) dependent.

10100 (2) "Child protection team" means the same as that term is defined in Section
10101 62A-4a-101.

10102 [~~(1)~~] (3) "Custody" means the same as that term is defined in Section 62A-4a-101.

10103 (4) "Division" means the Division of Child and Family Services created in Section
10104 62A-4a-103.

10105 (5) "Friend" means an adult who:

10106 (a) has an established relationship with the child or a family member of the child; and

10107 (b) is not the natural parent of the child.

10108 [~~(2)~~] (6) "Immediate family member" means a spouse, child, parent, sibling,
10109 grandparent, or grandchild.

10110 [~~(3) "Protective custody" means the shelter of a child by the division from the time the~~
10111 ~~child is removed from home until the earlier of:~~]
10112 [~~(a) the shelter hearing; or~~]
10113 [~~(b) the child's return home.~~]
10114 (7) "Relative" means an adult who:
10115 (a) is the child's grandparent, great grandparent, aunt, great aunt, uncle, great uncle,
10116 brother-in-law, sister-in-law, stepparent, first cousin, stepsibling, or sibling;
10117 (b) is a first cousin of the child's parent;
10118 (c) is an adoptive parent of the child's sibling; or
10119 (d) in the case of a child who is an Indian child, is an extended family member as
10120 defined in 25 U.S.C. Sec. 1903.
10121 (8) "Shelter care" means the same as that term is defined in Section 62A-4a-101.
10122 [~~(4)~~] (9) "Sibling" means the same as that term is defined in Section 62A-4a-101.
10123 [~~(5)~~] (10) "Sibling visitation" means the same as that term is defined in Section
10124 62A-4a-101.
10125 (11) "Substitute care" means the same as that term is defined in Section 62A-4a-101.
10126 [~~(6)~~] (12) "Temporary custody" means [~~the custody of a child in the division from the~~
10127 ~~date of the shelter hearing until disposition.~~] the same as that term is defined in Section
10128 62A-4a-101."; and
10129 (2) amending Subsection 80-3-205(4) to read:
10130 "(4) [~~Members of a child protection unit, established under Section 10-3-913 or~~
10131 ~~17-22-2,~~] A member of a child protection team may coordinate with the attorney general's
10132 office, [~~Division of Child and Family Services~~] division personnel, the appointed guardian ad
10133 litem, pretrial services personnel, and corrections personnel as appropriate under this section.".
10134 Section 222. **Coordinating H.B. 285 with H.B. 37 and S.B. 99 -- Substantive**
10135 **amendment.**
10136 If this H.B. 285 and H.B. 37, Child Protection Unit Amendments, and S.B. 99, Child
10137 Welfare Amendments, all pass and become law, the Legislature intends that, on September 1,

10138 2021, the amendments to the definition of "minor" in Section 62A-4a-101 of this bill supersede
10139 the amendments to the definition of "minor" in Section 62A-4a-101 in H.B. 37 and S.B. 99
10140 when the Office of Legislative Research and General Counsel prepares the Utah Code database
10141 for publication.
10142 Section 223. **Coordinating H.B. 285 with H.B. 67 -- Substantive and technical**
10143 **amendment.**
10144 If this H.B. 285 and H.B. 67, Juvenile Sentencing Amendments, both pass and become
10145 law, the Legislature intends that on September 1, 2021, the Office of Legislative Research and
10146 General Counsel prepare the Utah Code database for publication by:
10147 (1) changing the cross-reference in Subsection 76-3-401.5(1)(a) from Section
10148 62A-7-501 to Section 80-5-701;
10149 (2) changing the cross-reference in Subsection 76-3-401.5(1)(c) from Section
10150 62A-7-102 to Section 80-5-103;
10151 (3) amending Subsection 76-3-401.5(1)(d) to read:
10152 "(d) (i) "Juvenile disposition" means an order for commitment to the custody of the
10153 division under Subsection 80-6-703(2).
10154 (ii) "Juvenile disposition" includes an order for secure care under Subsection
10155 80-6-705(1).";
10156 (4) amending Subsection 76-3-401.5(1)(f) to read:
10157 "(f) "Secure care" means the same as that term is defined in Section 80-1-102.";
10158 (5) amending Subsection 76-3-401.5(4) to read:
10159 "(4) If a court orders a sentence for imprisonment to run concurrently with a juvenile
10160 disposition for secure care, the defendant shall serve the sentence in secure care until the
10161 juvenile disposition is terminated by the authority in accordance with Section 80-6-804.";
10162 (6) amending Subsection 76-3-401.5(5) to read:
10163 "(5) If a court orders a sentence for imprisonment in a county jail to run concurrently
10164 with a juvenile disposition for secure care and the disposition is terminated before the
10165 defendant's sentence for imprisonment in the county jail is terminated, the division shall:

10166 (a) notify the county jail at least 14 days before the day on which the defendant's
10167 disposition is terminated or the defendant is released from secure care; and
10168 (b) facilitate the transfer or release of the defendant in accordance with the order of
10169 judgment and commitment imposed by the court."; and
10170 (7) amending Subsection 76-3-401.5(6) to read:
10171 "(6) (a) If a court orders a sentence for imprisonment in a secure correctional facility to
10172 run concurrently with a juvenile disposition for secure care:
10173 (i) the board has authority over the defendant for purposes of ordering parole, pardon,
10174 commutation, termination of sentence, remission of fines or forfeitures, restitution, and any
10175 other authority granted by law; and
10176 (ii) the court and the division shall immediately notify the board that the defendant will
10177 remain in secure care as described in Subsection (4) for the board to schedule a hearing for the
10178 defendant in accordance with board procedures.
10179 (b) If a court orders a sentence for imprisonment in a secure correctional facility to run
10180 concurrently with a juvenile disposition for secure care and the juvenile disposition is
10181 terminated before the defendant's sentence is terminated, the division shall:
10182 (i) notify the board and the Department of Corrections at least 14 days before the day
10183 on which the defendant's disposition is terminated or the defendant is released from the secure
10184 care; and
10185 (ii) facilitate a release or transfer of the defendant in accordance with the order of
10186 judgment and commitment imposed by the court.".
10187 Section 224. **Coordinating H.B. 285 with H.B. 73 -- Technical amendment.**
10188 If this H.B. 285 and H.B. 73, Drug Testing Amendments, both pass and become law,
10189 the Legislature intends that, on September 1, 2021, the Office of Legislative Research and
10190 General Counsel prepare the Utah Code database for publication by:
10191 (1) replacing the words "Part 3, Abuse, Neglect, and Dependency Proceedings" in
10192 Subsection 80-3-110(6) with the words "this chapter"; and
10193 (2) changing the reference in Subsection 80-3-406(12)(b)(i) from Subsection

10194 78A-6-115(8) to Subsection 80-3-110(6).
10195 Section 225. **Coordinating H.B. 285 with H.B. 158 -- Substantive and technical**
10196 **amendment.**
10197 If this H.B. 285 and H.B. 158, Juvenile Interrogation Amendments, both pass and
10198 become law, the Legislature intends that, on September 1, 2021, the Office of Legislative
10199 Research and General Counsel prepare the Utah Code database for publication by:
10200 (1) repealing Section 80-6-206 enacted by H.B. 285;
10201 (2) renumbering Section 78A-6-112.5 enacted by H.B. 158 to Section 80-6-206;
10202 (3) changing the reference in Subsection 80-6-206(4)(a) of the renumbered section
10203 from Section 78A-6-805 to Section 80-7-105;
10204 (4) amending Subsection 80-6-206(5)(a) of the renumbered section to read:
10205 "(5) (a) If a minor is admitted to a detention facility under Section 80-6-205, or the
10206 minor is committed to secure care or a correctional facility, and is subject to interrogation for
10207 an offense, the minor may not be interrogated unless:
10208 (i) the minor has had a meaningful opportunity to consult with the minor's appointed or
10209 retained attorney;
10210 (ii) the minor waives the minor's constitutional rights after consultation with the
10211 minor's appointed or retained attorney; and
10212 (iii) the minor's appointed or retained attorney is present for the interrogation."; and
10213 (5) replacing the words "legal guardian" in Subsections 80-6-206(1), (2), (3), and (4) of
10214 the renumbered section with the word "guardian".
10215 Section 226. **Coordinating H.B. 285 with H.B. 260 -- Technical amendment.**
10216 If this H.B. 285 and H.B. 260, Criminal Justice Modifications, both pass and become
10217 law, the Legislature intends that, on September 1, 2021, the Office of Legislative Research and
10218 General Counsel prepare the Utah Code database for publication by:
10219 (1) changing the reference in Subsection 76-3-201(1)(a)(ii) from Section 78A-6-117 to
10220 Section 80-6-701; and
10221 (2) changing the reference in Subsection 77-38b-102(1)(b)(iii) from Section 78A-6-117

10222 to Section 80-6-701.

10223 Section 227. **Coordinating H.B. 285 with S.B. 50 -- Technical amendment.**

10224 If this H.B. 285 and S.B. 50, Juvenile Offender Penalty Amendments, both pass and

10225 become law, the Legislature intends that, on September 1, 2021, the Office of Legislative

10226 Research and General Counsel prepare the Utah Code database for publication by:

10227 (1) changing the reference in Subsection 77-40-105(3)(a) from Section 78A-6-703.2 to

10228 Section 80-6-502;

10229 (2) changing the reference in Subsection 77-40-105(3)(a) from Section 78A-6-703.3 to

10230 Section 80-6-503; and

10231 (3) changing the reference in Subsection 77-40-105(3)(b) from Section 78A-6-703.5 to

10232 Section 80-6-504.