

HB0412S01 compared with HB0412

~~{deleted text}~~ shows text that was in HB0412 but was deleted in HB0412S01.

inserted text shows text that was not in HB0412 but was inserted into HB0412S01.

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~~{COURT APPOINTED}~~ Representative Jordan D. Teuscher proposes the following substitute bill:

COURT-APPOINTED THERAPISTS AMENDMENTS

2021 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jordan D. Teuscher

Senate Sponsor: _____

LONG TITLE

General Description:

This bill addresses immunity for court-appointed therapists.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ provides that court-appointed therapists in domestic cases are immune from civil liability for damages or injury in certain circumstances;
- ▶ provides an exception to immunity for court-appointed therapists; and
- ▶ addresses other immunity and protection provided by state or federal law.

Money Appropriated in this Bill:

None

Other Special Clauses:

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None

Utah Code Sections Affected:

ENACTS:

78B-4-518, Utah Code Annotated 1953

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

Section 1. Section 78B-4-518 is enacted to read:

78B-4-518. Immunity for court-appointed therapist.

(1) As used in this section ~~f,t~~:

(a) "~~f,court-appointed~~; Court-appointed therapist" means a mental health professional ordered by a court to provide psychotherapeutic treatment to an individual, a couple, or a family ~~f~~

~~f~~ in a domestic case.

(b) "Domestic case" means an action under:

(i) Title 30, Chapter 2, Property Rights;

(ii) Title 30, Chapter 3, Divorce;

(iii) Title 30, Chapter 4, Separate Maintenance;

(iv) Title 30, Chapter 5, Grandparents; or

(v) Title 30, Chapter 5a, Custody and Visitation for Individuals Other than Parents Act.

(2) (a) A court-appointed therapist is immune from civil liability for damages or ~~fany injury resulting from providing~~injuries that arise out of, or are related to, psychotherapeutic treatment provided by the court-appointed therapist in accordance with a court order ~~for a domestic case.~~

(b) A court-appointed therapist is not immune from civil liability under Subsection (2)(a) if the ~~fcourt-appointed therapist~~damages or injuries that arise out of, or are related to, conduct that violates Title 58, Chapter 1, Part 5, Unlawful and Unprofessional Conduct - Penalties.

(3) The immunity provided in Subsection (2) is in addition to any other immunity or protection that may apply under state or federal law.