

**CHILD AND FAMILY SERVICES INVESTIGATIVE  
AMENDMENTS**

2021 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Jerry W. Stevenson**

House Sponsor: Paul Ray

---

---

**LONG TITLE**

**General Description:**

This bill addresses investigations of alleged child abuse or neglect by the Division of Child and Family Services.

**Highlighted Provisions:**

This bill:

- ▶ removes provisions indicating that the Division of Child and Family Services is not required to conduct a preremoval investigation of alleged child abuse or neglect if the alleged perpetrator does not have access to the child; and
- ▶ makes technical and conforming changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

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

---

---

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

Section 1. Section **62A-4a-409** is amended to read:



28           **62A-4a-409. Investigation by division -- Temporary protective custody --**  
29 **Preremoval interviews of children.**

30           (1) (a) [~~Except as provided in Subsection (1)(c), the~~] The division shall conduct a  
31 thorough preremoval investigation upon receiving either an oral or written report of alleged  
32 abuse or neglect, or an oral or written report under Subsection 62A-4a-404(2), when there is  
33 reasonable cause to suspect that a situation of abuse, neglect, or the circumstances described  
34 under Subsection 62A-4a-404(2) exist.

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

37           ~~[(c) The division is not required to conduct an investigation under Subsection (1)(a) if~~  
38 ~~the division determines the person responsible for the child's care:]~~

39           ~~[(i) is not the alleged perpetrator; and]~~

40           ~~[(ii) is willing and able to ensure the alleged perpetrator does not have access to the~~  
41 ~~child.]~~

42           (2) The preremoval investigation described in Subsection (1)(a) shall include the same  
43 investigative requirements described in Section 62A-4a-202.3.

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

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

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

51           (c) The division may include members of a child protection unit in the division's  
52 protective, diagnostic, assessment, treatment, and coordination services.

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

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

57           (ii) the child;

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

59 and

60 (iv) other appropriate agencies or individuals.

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

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

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

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

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

74 (i) the specific allegations concerning the child; and

75 (ii) the time and place of the interview;

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

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

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

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

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

88 (i) may include:

89 (A) a school teacher;

- 90 (B) an administrator;
- 91 (C) a guidance counselor;
- 92 (D) a child care provider;
- 93 (E) a family member;
- 94 (F) a family advocate; or
- 95 (G) a member of the clergy; and
- 96 (ii) may not be an individual who is alleged to be, or potentially may be, the
- 97 perpetrator.

98 (9) In accordance with the procedures and requirements of Sections [62A-4a-202.1](#)  
99 through [62A-4a-202.3](#), a division worker or child protection team member may take a child  
100 into protective custody and deliver the child to a law enforcement officer, or place the child in  
101 an emergency shelter facility approved by the juvenile court, at the earliest opportunity  
102 subsequent to the child's removal from the child's original environment. Control and  
103 jurisdiction over the child is determined by the provisions of Title 78A, Chapter 6, Juvenile  
104 Court Act, and as otherwise provided by law.

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

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

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

111 (11) With regard to a mutual case in which a child protection unit was involved in the  
112 investigation of alleged abuse or neglect of a child, the division shall consult with the child  
113 protection unit before closing the case.