LEGISLATIVE GENERAL COUNSEL
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H.B. 248
2nd Sub. (Gray)

Representative V. Lowry Snow proposes the following substitute bill:

JUVENILE AMENDMENTS

2022 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: V. Lowry Snow

Senate Sponsor: _____

LONG TITLE

General Description:

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

Highlighted Provisions:

This bill:

- creates, repeals, and amends definitions;
- renumbers and amends Title 62A, Chapter 4a, Child and Family Services;
- renumbers and amends Title 55, Chapter 12, Interstate Compact for Juveniles;
- enacts Title 80, Chapter 2, Child Welfare Services;
- enacts Title 80, Chapter 2a, Removal and Protective Custody of a Child;
- repeals the Serious Habitual Offender Comprehensive Action Program (SHOCAP) Act;
- amends provisions allowing a child protection team member to enter a public or private premise to investigate child abuse or neglect;
- allows the Division of Child and Family Services to use certain information in the Management Information System to screen an individual who has or is seeking a position with the Office of Guardian Ad Litem;
- amends the purposes for which the Division of Child and Family Services may have

26 access to criminal background information maintained by the Bureau of Criminal
27 Identification;
28 ▸ clarifies provisions regarding adoption assistance under an interstate compact;
29 ▸ requires the Administrative Office of the Courts and the Division of Child and
30 Family Services to provide certain reports to the Child Welfare Legislative
31 Oversight Panel;
32 ▸ clarifies provisions describing certification to the federal government regarding
33 preadoption requirements of the Division of Child and Family Services;
34 ▸ amends provisions requiring the Division of Child and Family Services to create an
35 administrative rule regarding adoptive placement of a child with a legally married
36 couple;
37 ▸ clarifies child abuse or neglect reporting requirements;
38 ▸ clarifies that the Division of Child and Family Services is required to forward a
39 written report of child abuse or neglect to the state child abuse and neglect registry;
40 ▸ clarifies a law enforcement agency's duties upon a report of child abuse or neglect
41 and the law enforcement agency's authority to access certain child abuse or neglect
42 records;
43 ▸ clarifies provisions requiring the Division of Child and Family Services to
44 investigate a report of child abuse or neglect before and after removal of the child
45 from the child's home;
46 ▸ amends provisions that allow a peace officer to place a removed child in a shelter
47 facility;
48 ▸ clarifies child welfare interview requirements;
49 ▸ amends the requirement that the Division of Child and Family Services research
50 successful adoptive families for purposes of providing information to a potential
51 adoptive parent;
52 ▸ clarifies provisions regarding the sharing of certain records between the Division of
53 Child and Family Services and an Indian tribe;
54 ▸ amends provisions regarding removal of a child from the child's home and warrants
55 issued by the juvenile court for removal of the child or a runaway youth;
56 ▸ clarifies the process that a physician or health care facility is required to follow

57 upon removing a child from the custody of a parent for the child's safety; and
58 ▸ makes technical and conforming changes.
59 **Money Appropriated in this Bill:**
60 None
61 **Other Special Clauses:**
62 This bill provides a special effective date.
63 This bill provides a coordination clause.
64 This bill provides revisor instructions.
65 **Utah Code Sections Affected:**
66 AMENDS:
67 **62A-2-101**, as last amended by Laws of Utah 2021, Chapters 117 and 400
68 **63G-2-302**, as last amended by Laws of Utah 2021, Chapters 100, 143, and 367
69 **63I-2-262**, as last amended by Laws of Utah 2021, Chapters 156, 204, and 278
70 **78A-2-801**, as enacted by Laws of Utah 2021, Chapter 261
71 **78A-2-802**, as renumbered and amended by Laws of Utah 2021, Chapter 261
72 **78A-2-803**, as renumbered and amended by Laws of Utah 2021, Chapter 261
73 **78A-6-351**, as last amended by Laws of Utah 2021, Chapter 231 and renumbered and
74 amended by Laws of Utah 2021, Chapter 261
75 **78A-6-356**, as renumbered and amended by Laws of Utah 2021, Chapter 261
76 **78A-6-357**, as enacted by Laws of Utah 2021, Chapter 261
77 **80-1-102**, as last amended by Laws of Utah 2021, First Special Session, Chapter 2
78 **80-3-102**, as renumbered and amended by Laws of Utah 2021, Chapter 261 and last
79 amended by Coordination Clause, Laws of Utah 2021, Chapter 261
80 **80-3-104**, as last amended by Laws of Utah 2021, Chapter 231 and renumbered and
81 amended by Laws of Utah 2021, Chapter 261
82 **80-3-109**, as renumbered and amended by Laws of Utah 2021, Chapter 261
83 **80-3-201**, as renumbered and amended by Laws of Utah 2021, Chapter 261
84 **80-3-301**, as last amended by Laws of Utah 2021, Chapter 231 and renumbered and
85 amended by Laws of Utah 2021, Chapter 261
86 **80-3-302**, as renumbered and amended by Laws of Utah 2021, Chapter 261
87 **80-3-305**, as renumbered and amended by Laws of Utah 2021, Chapter 261

88 **80-3-404**, as renumbered and amended by Laws of Utah 2021, Chapter 261
89 **80-3-406**, as last amended by Laws of Utah 2021, Chapter 38 and renumbered and
90 amended by Laws of Utah 2021, Chapter 261
91 **80-4-105**, as renumbered and amended by Laws of Utah 2021, Chapter 261
92 **80-4-106**, as enacted by Laws of Utah 2021, Chapter 261
93 **80-4-107**, as enacted by Laws of Utah 2021, Chapter 261
94 **80-4-305**, as renumbered and amended by Laws of Utah 2021, Chapter 261
95 **80-5-601**, as renumbered and amended by Laws of Utah 2021, Chapter 261
96 **80-6-707**, as renumbered and amended by Laws of Utah 2021, Chapter 261
97 **80-6-710**, as enacted by Laws of Utah 2021, Chapter 261
98 **80-6-1002**, as renumbered and amended by Laws of Utah 2021, Chapter 261
99 **80-6-1004**, as last amended by Laws of Utah 2021, Chapter 231 and renumbered and
100 amended by Laws of Utah 2021, Chapter 261
101 ENACTS:
102 **26-18-701**, Utah Code Annotated 1953
103 **26-18-702**, Utah Code Annotated 1953
104 **36-33-101**, Utah Code Annotated 1953
105 **36-33-102**, Utah Code Annotated 1953
106 **62A-4a-101.5**, Utah Code Annotated 1953
107 **62A-4a-1003.5**, Utah Code Annotated 1953
108 **80-2-503**, Utah Code Annotated 1953
109 **80-2-608**, Utah Code Annotated 1953
110 **80-2-802**, Utah Code Annotated 1953
111 **80-2-803**, Utah Code Annotated 1953
112 **80-2-901**, Utah Code Annotated 1953
113 **80-2-1006**, Utah Code Annotated 1953
114 **80-2a-101**, Utah Code Annotated 1953
115 **80-3-504**, Utah Code Annotated 1953
116 RENUMBERS AND AMENDS:
117 **26-18-703**, (Renumbered from 62A-4a-709, as last amended by Laws of Utah 2016,
118 Chapter 296)

119 **36-33-103**, (Renumbered from 62A-4a-207, as last amended by Laws of Utah 2021,
120 Chapter 262)
121 **62A-2-108.6**, (Renumbered from 62A-4a-602, as last amended by Laws of Utah 2020,
122 Chapter 250)
123 **62A-2-115.1**, (Renumbered from 62A-4a-603, as last amended by Laws of Utah 2020,
124 Chapter 250)
125 **62A-2-115.2**, (Renumbered from 62A-4a-605, as last amended by Laws of Utah 2017,
126 Chapter 148)
127 **62A-2-126**, (Renumbered from 62A-4a-607, as last amended by Laws of Utah 2021,
128 Chapter 262)
129 **62A-2-127**, (Renumbered from 62A-4a-606, as last amended by Laws of Utah 2018,
130 Chapter 415)
131 **76-7-205**, (Renumbered from 62A-4a-711, as last amended by Laws of Utah 2021,
132 Chapter 262)
133 **80-2-102**, (Renumbered from 62A-4a-101, as last amended by Laws of Utah 2021,
134 Chapters 29, 231, 261 and last amended by Coordination Clause, Laws of Utah
135 2021, Chapter 261)
136 **80-2-201**, (Renumbered from 62A-4a-103, as last amended by Laws of Utah 2021,
137 Chapter 262)
138 **80-2-202**, (Renumbered from 62A-4a-104, as last amended by Laws of Utah 2009,
139 Chapter 75)
140 **80-2-301**, (Renumbered from 62A-4a-105, as last amended by Laws of Utah 2021,
141 Chapters 38 and 262)
142 **80-2-302**, (Renumbered from 62A-4a-102, as last amended by Laws of Utah 2021,
143 Chapter 262)
144 **80-2-303**, (Renumbered from 62A-4a-113, as last amended by Laws of Utah 2021,
145 Chapter 262)
146 **80-2-304**, (Renumbered from 62A-4a-115, as last amended by Laws of Utah 2009,
147 Chapter 75)
148 **80-2-305**, (Renumbered from 62A-4a-111, as renumbered and amended by Laws of
149 Utah 1994, Chapter 260)

150 **80-2-306**, (Renumbered from 62A-4a-202, as last amended by Laws of Utah 2020,
151 Chapter 250)
152 **80-2-307**, (Renumbered from 62A-4a-121, as enacted by Laws of Utah 2008, Chapter
153 314)
154 **80-2-308**, (Renumbered from 62A-4a-212, as enacted by Laws of Utah 2014, Chapter
155 67)
156 **80-2-401**, (Renumbered from 62A-4a-105.5, as last amended by Laws of Utah 2019,
157 Chapter 335)
158 **80-2-402**, (Renumbered from 62A-4a-107, as last amended by Laws of Utah 2021,
159 Chapter 231)
160 **80-2-403**, (Renumbered from 62A-4a-203.1, as enacted by Laws of Utah 2016, Chapter
161 231)
162 **80-2-404**, (Renumbered from 62A-4a-110, as last amended by Laws of Utah 2019,
163 Chapter 335)
164 **80-2-405**, (Renumbered from 62A-4a-107.5, as last amended by Laws of Utah 2008,
165 Chapter 299)
166 **80-2-501**, (Renumbered from 62A-4a-309, as last amended by Laws of Utah 2010,
167 Chapter 278)
168 **80-2-502**, (Renumbered from 62A-4a-608, as enacted by Laws of Utah 2011, Chapter
169 438)
170 **80-2-503.5**, (Renumbered from 62A-4a-213, as last amended by Laws of Utah 2021,
171 Chapter 263)
172 **80-2-601**, (Renumbered from 62A-4a-401, as last amended by Laws of Utah 2016,
173 Chapter 168)
174 **80-2-602**, (Renumbered from 62A-4a-403, as last amended by Laws of Utah 2021,
175 Chapter 419)
176 **80-2-603**, (Renumbered from 62A-4a-404, as last amended by Laws of Utah 2021,
177 Chapters 231 and 337)
178 **80-2-604**, (Renumbered from 62A-4a-405, as last amended by Laws of Utah 2013,
179 Chapter 237)
180 **80-2-605**, (Renumbered from 62A-4a-407, as last amended by Laws of Utah 2006,

181 Chapter 75)
182 **80-2-606**, (Renumbered from 62A-4a-408, as last amended by Laws of Utah 2006,
183 Chapter 207)
184 **80-2-607**, (Renumbered from 62A-4a-406, as last amended by Laws of Utah 2019,
185 Chapter 349)
186 **80-2-609**, (Renumbered from 62A-4a-411, as last amended by Laws of Utah 2021,
187 Chapter 419)
188 **80-2-610**, (Renumbered from 62A-4a-410, as last amended by Laws of Utah 2021,
189 Chapter 419)
190 **80-2-611**, (Renumbered from 62A-4a-1007, as last amended by Laws of Utah 2008,
191 Chapter 299)
192 **80-2-701**, (Renumbered from 62A-4a-409, as last amended by Laws of Utah 2021,
193 Chapters 29, 262, and 365)
194 **80-2-702**, (Renumbered from 62A-4a-202.3, as last amended by Laws of Utah 2021,
195 Chapters 29 and 262)
196 **80-2-703**, (Renumbered from 62A-4a-202.6, as last amended by Laws of Utah 2020,
197 Chapter 250)
198 **80-2-704**, (Renumbered from 62A-4a-414, as last amended by Laws of Utah 2010,
199 Chapter 239)
200 **80-2-705**, (Renumbered from 62A-4a-415, as enacted by Laws of Utah 2010, Chapter
201 322)
202 **80-2-706**, (Renumbered from 62A-4a-202.8, as last amended by Laws of Utah 2021,
203 Chapters 29 and 262)
204 **80-2-707**, (Renumbered from 62A-4a-1009, as last amended by Laws of Utah 2021,
205 Chapter 262)
206 **80-2-708**, (Renumbered from 62A-4a-1005, as last amended by Laws of Utah 2021,
207 Chapter 262)
208 **80-2-709**, (Renumbered from 62A-4a-202.4, as last amended by Laws of Utah 2021,
209 Chapter 262)
210 **80-2-801**, (Renumbered from 62A-4a-902, as last amended by Laws of Utah 2019,
211 Chapter 393)

212 **80-2-804**, (Renumbered from 62A-4a-205.6, as last amended by Laws of Utah 2021,
213 Chapter 262)
214 **80-2-805**, (Renumbered from 62A-4a-106, as last amended by Laws of Utah 2018,
215 Chapter 53)
216 **80-2-806**, (Renumbered from 62A-4a-903, as last amended by Laws of Utah 2016,
217 Chapter 219)
218 **80-2-807**, (Renumbered from 62A-4a-905, as last amended by Laws of Utah 2019,
219 Chapter 335)
220 **80-2-808**, (Renumbered from 62A-4a-906, as last amended by Laws of Utah 2008,
221 Chapter 382)
222 **80-2-809**, (Renumbered from 62A-4a-907, as renumbered and amended by Laws of
223 Utah 2001, Chapter 115)
224 **80-2-902**, (Renumbered from 62A-4a-703, as renumbered and amended by Laws of
225 Utah 1994, Chapter 260)
226 **80-2-903**, (Renumbered from 62A-4a-704, as renumbered and amended by Laws of
227 Utah 1994, Chapter 260)
228 **80-2-904**, (Renumbered from 62A-4a-707, as renumbered and amended by Laws of
229 Utah 1994, Chapter 260)
230 **80-2-905**, (Renumbered from 62A-4a-701, as renumbered and amended by Laws of
231 Utah 1994, Chapter 260)
232 **80-2-906**, (Renumbered from 62A-4a-702, as last amended by Laws of Utah 2008,
233 Chapter 3)
234 **80-2-907**, (Renumbered from 62A-4a-705, as renumbered and amended by Laws of
235 Utah 1994, Chapter 260)
236 **80-2-908**, (Renumbered from 62A-4a-706, as renumbered and amended by Laws of
237 Utah 1994, Chapter 260)
238 **80-2-909**, (Renumbered from 62A-4a-708, as last amended by Laws of Utah 2008,
239 Chapter 3)
240 **80-2-910**, (Renumbered from 62A-4a-710, as enacted by Laws of Utah 2007, Chapter
241 152)
242 **80-2-1001**, (Renumbered from 62A-4a-1003, as last amended by Laws of Utah 2021,

243 Chapter 231)
244 **80-2-1002**, (Renumbered from 62A-4a-1006, as last amended by Laws of Utah 2021,
245 Chapter 262)
246 **80-2-1003**, (Renumbered from 62A-4a-1008, as last amended by Laws of Utah 2018,
247 Chapter 38)
248 **80-2-1004**, (Renumbered from 62A-4a-1010, as last amended by Laws of Utah 2021,
249 Chapter 262)
250 **80-2-1005**, (Renumbered from 62A-4a-412, as last amended by Laws of Utah 2021,
251 Chapters 29, 231, 262, and 419)
252 **80-2-1007**, (Renumbered from 62A-4a-112, as last amended by Laws of Utah 2019,
253 Chapter 335)
254 **80-2-1101**, (Renumbered from 62A-4a-311, as last amended by Laws of Utah 2016,
255 Chapter 231)
256 **80-2-1102**, (Renumbered from 62A-4a-117, as last amended by Laws of Utah 2019,
257 Chapter 335)
258 **80-2-1103**, (Renumbered from 62A-4a-118, as last amended by Laws of Utah 2021,
259 Chapter 262)
260 **80-2-1104**, (Renumbered from 62A-4a-208, as last amended by Laws of Utah 2017,
261 Chapters 181, 330, and 401)
262 **80-2a-201**, (Renumbered from 62A-4a-201, as last amended by Laws of Utah 2021,
263 Chapter 262)
264 **80-2a-202**, (Renumbered from 62A-4a-202.1, as repealed and reenacted by Laws of
265 Utah 2021, Chapter 261)
266 **80-2a-203**, (Renumbered from 62A-4a-202.2, as last amended by Laws of Utah 2021,
267 Chapter 261)
268 **80-2a-301**, (Renumbered from 62A-4a-209, as last amended by Laws of Utah 2021,
269 Chapter 262)
270 **80-2a-302**, (Renumbered from 62A-4a-203, as last amended by Laws of Utah 2021,
271 Chapter 262)
272 **80-2a-303**, (Renumbered from 62A-4a-206.5, as last amended by Laws of Utah 2021,
273 Chapter 262)

274 **80-2a-304**, (Renumbered from 62A-4a-206, as last amended by Laws of Utah 2021,
275 Chapter 262)
276 **80-3-307**, (Renumbered from 62A-4a-205, as last amended by Laws of Utah 2021,
277 Chapter 262)
278 **80-4-501**, (Renumbered from 62A-4a-801, as last amended by Laws of Utah 2020,
279 Chapter 170)
280 **80-4-502**, (Renumbered from 62A-4a-802, as last amended by Laws of Utah 2021,
281 Chapter 262)
282 **80-6-1101**, (Renumbered from 55-12-100, as enacted by Laws of Utah 2005, Chapter
283 155)
284 **80-6-1102**, (Renumbered from 55-12-101, as enacted by Laws of Utah 2005, Chapter
285 155)
286 **80-6-1103**, (Renumbered from 55-12-102, as enacted by Laws of Utah 2005, Chapter
287 155)
288 **80-6-1104**, (Renumbered from 55-12-103, as enacted by Laws of Utah 2005, Chapter
289 155)
290 **80-6-1105**, (Renumbered from 55-12-104, as enacted by Laws of Utah 2005, Chapter
291 155)
292 **80-6-1106**, (Renumbered from 55-12-105, as enacted by Laws of Utah 2005, Chapter
293 155)
294 **80-6-1107**, (Renumbered from 55-12-106, as enacted by Laws of Utah 2005, Chapter
295 155)
296 **80-6-1108**, (Renumbered from 55-12-107, as enacted by Laws of Utah 2005, Chapter
297 155)
298 **80-6-1109**, (Renumbered from 55-12-108, as enacted by Laws of Utah 2005, Chapter
299 155)
300 **80-6-1110**, (Renumbered from 55-12-109, as enacted by Laws of Utah 2005, Chapter
301 155)
302 **80-6-1111**, (Renumbered from 55-12-110, as enacted by Laws of Utah 2005, Chapter
303 155)
304 **80-6-1112**, (Renumbered from 55-12-111, as enacted by Laws of Utah 2005, Chapter

305 155)
306 **80-6-1113**, (Renumbered from 55-12-112, as enacted by Laws of Utah 2005, Chapter
307 155)
308 **80-6-1114**, (Renumbered from 55-12-113, as enacted by Laws of Utah 2005, Chapter
309 155)
310 **80-6-1115**, (Renumbered from 55-12-114, as renumbered and amended by Laws of
311 Utah 2005, Chapter 155)
312 **80-6-1116**, (Renumbered from 55-12-115, as renumbered and amended by Laws of
313 Utah 2005, Chapter 155)
314 **80-6-1117**, (Renumbered from 55-12-116, as last amended by Laws of Utah 2018,
315 Chapter 281)
316 **80-6-1118**, (Renumbered from 55-12-117, as renumbered and amended by Laws of
317 Utah 2005, Chapter 155)
318 **80-6-1119**, (Renumbered from 55-12-118, as renumbered and amended by Laws of
319 Utah 2005, Chapter 155)
320 REPEALS:
321 **62A-4a-109**, as last amended by Laws of Utah 2009, Chapter 75
322 **62A-4a-114**, as last amended by Laws of Utah 2021, Chapter 262
323 **62A-4a-119**, as last amended by Laws of Utah 2009, Chapter 75
324 **62A-4a-120**, as last amended by Laws of Utah 2008, Chapter 382
325 **62A-4a-205.5**, as last amended by Laws of Utah 2021, Chapter 262
326 **62A-4a-206.1**, as last amended by Laws of Utah 2007, Chapter 169
327 **62A-4a-301**, as last amended by Laws of Utah 2008, Chapter 299
328 **62A-4a-302**, as last amended by Laws of Utah 2016, Chapter 231
329 **62A-4a-303**, as last amended by Laws of Utah 2009, Chapter 75
330 **62A-4a-304**, as last amended by Laws of Utah 2008, Chapters 299 and 382
331 **62A-4a-305**, as last amended by Laws of Utah 2009, Chapter 75
332 **62A-4a-306**, as last amended by Laws of Utah 2009, Chapter 75
333 **62A-4a-307**, as renumbered and amended by Laws of Utah 1994, Chapter 260
334 **62A-4a-308**, as renumbered and amended by Laws of Utah 1994, Chapter 260
335 **62A-4a-310**, as last amended by Laws of Utah 2010, Chapter 278

336 **62A-4a-402**, as last amended by Laws of Utah 2021, Chapter 231
337 **62A-4a-601**, as last amended by Laws of Utah 2017, Chapters 148 and 401
338 **62A-4a-609**, as enacted by Laws of Utah 2017, Chapter 401
339 **62A-4a-901**, as enacted by Laws of Utah 2001, Chapter 115
340 **62A-4a-904**, as enacted by Laws of Utah 2001, Chapter 115
341 **62A-4a-1001**, as enacted by Laws of Utah 2006, Chapter 77
342 **62A-4a-1002**, as last amended by Laws of Utah 2018, Chapter 415
343 **62A-4a-1004**, as enacted by Laws of Utah 2006, Chapter 77
344 **63M-10-101**, as renumbered and amended by Laws of Utah 2008, Chapter 382
345 **63M-10-201**, as last amended by Laws of Utah 2016, Chapter 144
346 **80-1-101**, as enacted by Laws of Utah 2021, Chapter 261
347 **80-2-101**, as enacted by Laws of Utah 2021, Chapter 261
348 **80-3-101**, as enacted by Laws of Utah 2021, Chapter 261
349 **80-4-101**, as renumbered and amended by Laws of Utah 2021, Chapter 261
350 **80-5-101**, as enacted by Laws of Utah 2021, Chapter 261
351 **80-6-101**, as enacted by Laws of Utah 2021, Chapter 261
352 **80-7-101**, as enacted by Laws of Utah 2021, Chapter 261
353 **Utah Code Sections Affected by Coordination Clause:**
354 **62A-2-108.6**, Utah Code Annotated 1953
355 **62A-2-126**, Utah Code Annotated 1953
356 **76-7-205**, Utah Code Annotated 1953
357 **80-2-701**, Utah Code Annotated 1953
358 **80-2-702**, Utah Code Annotated 1953
359 **80-2-704**, Utah Code Annotated 1953
360 **80-2a-101**, Utah Code Annotated 1953
361 **80-2a-301**, Utah Code Annotated 1953
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363 *Be it enacted by the Legislature of the state of Utah:*
364 Section 1. Section **26-18-701** is enacted to read:
365 **Part 7. Medical Assistance Under Adoption Assistance Interstate Compact**
366 **26-18-701. Definitions.**

367 As used in this part:
368 (1) "Adoption assistance" means the same as that term is defined in Section 80-2-809.
369 (2) "Adoption assistance agreement" means the same as that term is defined in Section
370 80-2-809.
371 (3) "Adoption assistance interstate compact" means an agreement executed by the
372 Division of Child and Family Services with any other state in accordance with Section
373 80-2-809.
374 Section 2. Section **26-18-702** is enacted to read:
375 **26-18-702. Division and Department of Workforce Services compliance with**
376 **adoption assistance interstate compact.**
377 The division and the Department of Workforce Services shall:
378 (1) cooperate with the Division of Child and Family Services in regards to an adoption
379 assistance interstate compact; and
380 (2) comply with an adoption assistance interstate compact.
381 Section 3. Section **26-18-703**, which is renumbered from Section 62A-4a-709 is
382 renumbered and amended to read:
383 **[~~62A-4a-709~~]. 26-18-703. Medical assistance from division or Workforce**
384 **Development Division under adoption assistance interstate compact -- Penalty for**
385 **fraudulent claim.**
386 [~~(1) As used in this section:~~]
387 [~~(a) "Adoption assistance" means financial support to adoptive parents provided under~~
388 ~~the Adoption Assistance and Child Welfare Act of 1980, Titles IV (e) and XIX of the Social~~
389 ~~Security Act.~~]
390 [~~(b) "Adoption assistance agreement" means a written agreement between the division~~
391 ~~and adoptive parents or between any state and adoptive parents, providing for adoption~~
392 ~~assistance.~~]
393 [~~(c) "Interstate compact" means an agreement executed by the division with any other~~
394 ~~state, under the authority granted in Section 62A-4a-907.~~]
395 [~~(2) The Workforce Development Division in the Department of Workforce Services~~
396 ~~and the Division of Health Care Financing shall cooperate with the division and comply with~~
397 ~~interstate compacts.~~]

398 [~~(3)~~] (1) (a) A child who is a resident of this state and is the subject of an adoption
399 assistance interstate compact is entitled to receive medical assistance [~~identification from the~~
400 ~~Workforce Development Division in~~] from the division and the Department of Workforce
401 Services [~~and the Division of Health Care Financing~~] by filing a certified copy of [~~his~~] the
402 child's adoption assistance agreement with [~~that office~~] the division or the Department of
403 Workforce Services.
404 (b) The adoptive [~~parents~~] parent of the child described in Subsection (1)(a) shall
405 annually provide [~~that office~~] the division or the Department of Workforce Services with
406 evidence[~~;~~] verifying that the adoption assistance agreement is still effective.
407 [~~(4)~~] (2) The [~~Workforce Development Division in the~~] Department of Workforce
408 Services shall consider the [~~holder~~] recipient of medical assistance [~~identification received~~]
409 under this section as [~~it~~] the Department of Workforce Services does any other [~~holder~~]
410 recipient of medical assistance [~~identification received~~] under an adoption assistance agreement
411 executed by the [~~division~~] Division of Child and Family Services.
412 [~~(5) The submission of any claim for payment or reimbursement under this section that~~
413 ~~is known to be false, misleading, or fraudulent is punishable as a third degree felony.~~]
414 (3) (a) A person may not submit a claim for payment or reimbursement under this
415 section that the person knows is false, misleading, or fraudulent.
416 (b) A violation of Subsection (3)(a) is a third degree felony.
417 Section 4. Section **36-33-101** is enacted to read:
418 **CHAPTER 33. CHILD WELFARE LEGISLATIVE OVERSIGHT PANEL**
419 **36-33-101. Definitions.**
420 As used in this chapter:
421 (1) "Department" means the Department of Human Services created in Section
422 62A-1-102.
423 (2) "Division" means the Division of Child and Family Services created in Section
424 80-2-201.
425 (3) "Panel" means the Child Welfare Legislative Oversight Panel created in Section
426 36-33-102.
427 Section 5. Section **36-33-102** is enacted to read:
428 **36-33-102. Child Welfare Legislative Oversight Panel -- Creation -- Membership**

429 **-- Interim rules -- Per diem -- Staff support.**
430 (1) There is created the Child Welfare Legislative Oversight Panel composed of the
431 following members:
432 (a) two members of the Senate, one from the majority party and one from the minority
433 party, appointed by the president of the Senate; and
434 (b) three members of the House of Representatives, two from the majority party and
435 one from the minority party, appointed by the speaker of the House of Representatives.
436 (2) (a) The president of the Senate shall designate one of the senators appointed to the
437 panel under Subsection (1) as the Senate chair of the panel.
438 (b) The speaker of the House of Representatives shall designate one of the
439 representatives appointed to the panel under Subsection (1) as the House chair of the panel.
440 (3) (a) A member of the panel shall serve for two-year terms, or until the member's
441 successor is appointed.
442 (b) (i) A vacancy occurs when a member ceases to be a member of the Legislature, or
443 when a member resigns from the panel.
444 (ii) If a vacancy occurs in the membership of the panel, the replacement shall be
445 appointed for the unexpired term in the same manner as the vacated member was appointed.
446 (4) The panel shall follow the interim committee rules established by the Legislature.
447 (5) A member of the panel who is a legislator may be compensated in accordance with
448 Section 36-2-2 and Legislative Joint Rules, Title 5, Legislative Compensation and Expenses.
449 (6) (a) The Office of Legislative Research and General Counsel shall provide staff
450 support to the panel.
451 (b) The panel is authorized to employ additional professional assistance and other staff
452 members as the panel considers necessary and appropriate.
453 Section 6. Section **36-33-103**, which is renumbered from Section 62A-4a-207 is
454 renumbered and amended to read:
455 **[~~62A-4a-207~~]. 36-33-103. Panel powers and duties -- Record access and**
456 **confidentiality.**
457 [~~(1) (a) There is created the Child Welfare Legislative Oversight Panel composed of~~
458 ~~the following members:~~]
459 [~~(i) two members of the Senate, one from the majority party and one from the minority~~

460 ~~party, appointed by the president of the Senate; and~~]
461 [~~(ii) three members of the House of Representatives, two from the majority party and~~
462 ~~one from the minority party, appointed by the speaker of the House of Representatives.~~]
463 [~~(b) Members of the panel shall serve for two-year terms, or until their successors are~~
464 ~~appointed.~~]
465 [~~(c) A vacancy exists whenever a member ceases to be a member of the Legislature, or~~
466 ~~when a member resigns from the panel. Vacancies shall be filled by the appointing authority,~~
467 ~~and the replacement shall fill the unexpired term.~~]
468 [~~(2) The president of the Senate shall designate one of the senators appointed to the~~
469 ~~panel under Subsection (1) as the Senate chair of the panel. The speaker of the House of~~
470 ~~Representatives shall designate one of the representatives appointed to the panel under~~
471 ~~Subsection (1) as the House chair of the panel.~~]
472 [~~(3) The panel shall follow the interim committee rules established by the Legislature.~~]
473 [~~(4)~~] (1) The panel shall:
474 (a) examine and observe the process and execution of laws governing the child welfare
475 system by the executive branch and the judicial branch;
476 (b) upon request, receive testimony from the public, the juvenile court, [~~and from all~~
477 ~~state agencies~~] or a state agency involved with the child welfare system, including the division,
478 [~~other offices and agencies~~] another office or agency within the department, the [~~attorney~~
479 ~~general's office~~] attorney general, the Office of Guardian Ad Litem, [~~and school districts~~] or a
480 school district;
481 (c) before October 1 of each year, receive a report from the [~~judicial branch~~]
482 Administrative Office of the Courts identifying the cases not in compliance with the time limits
483 established in the following sections, and the reasons for noncompliance:
484 (i) Subsection 80-3-301(1), regarding shelter hearings;
485 (ii) Section 80-3-401, regarding pretrial and adjudication hearings;
486 (iii) Section 80-3-402, regarding dispositional hearings;
487 [~~(iii)~~] (iv) Section 80-3-406, regarding [~~dispositional hearings and~~] reunification
488 services; and
489 [~~(iv)~~] (v) Section 80-3-409, regarding permanency hearings and petitions for
490 termination;

491 (d) receive recommendations from, and make recommendations to the governor, the
492 Legislature, the attorney general, the division, the Office of Guardian Ad Litem, the juvenile
493 court, and the public;
494 (e) (i) receive reports from the [~~executive branch~~] division and the [~~judicial branch~~]
495 Administrative Office of the Courts on budgetary issues impacting the child welfare system;
496 and
497 (ii) before December 1 of each year, recommend, as the panel considers advisable,
498 budgetary proposals to the Social Services Appropriations Subcommittee and the Executive
499 Offices and Criminal Justice Appropriations Subcommittee[~~, which recommendation should be~~
500 ~~made before December 1 of each year~~];
501 (f) study and recommend [~~proposed~~] changes to laws governing the child welfare
502 system;
503 (g) study actions the state can take to preserve, unify, and strengthen the child's family
504 ties whenever possible in the child's best interest, including recognizing the constitutional
505 rights and claims of parents [~~whenever~~] if those family ties are severed or infringed;
506 (h) perform [~~such~~] other duties related to the oversight of the child welfare system as
507 the panel considers appropriate; and
508 (i) annually report the panel's findings and recommendations to the president of the
509 Senate, the speaker of the House of Representatives, the Health and Human Services Interim
510 Committee, and the Judiciary Interim Committee.
511 [~~(5)~~] (2) (a) The panel [~~has authority to~~] may:
512 (i) review and discuss individual child welfare cases[~~.~~];
513 [~~(b) When an individual case is discussed, the panel's meeting may be closed pursuant~~
514 ~~to Title 52, Chapter 4, Open and Public Meetings Act.~~]
515 (ii) make recommendations to the Legislature, the governor, the Board of Juvenile
516 Court Judges, the division, and any other statutorily created entity related to the policies and
517 procedures of the child welfare system; and
518 (iii) hold public hearings, as the panel considers advisable, in various locations within
519 the state to afford all interested persons an opportunity to appear and present the persons' views
520 regarding the child welfare system.
521 (b) (i) If the panel discusses an individual child welfare case, the panel shall close the

522 panel's meeting in accordance with Title 52, Chapter 4, Open and Public Meetings Act.
523 [~~(c)~~] (ii) [~~When discussing an individual~~] If the panel discusses an individual child
524 welfare case, the panel shall make reasonable efforts to identify and consider the concerns of
525 all parties to the case.
526 (iii) The panel may not make recommendations to the court, the division, or any other
527 public or private entity regarding the disposition of an individual child welfare case.
528 [~~(6) (a) The panel has authority to make recommendations to the Legislature, the~~
529 ~~governor, the Board of Juvenile Court Judges, the division, and any other statutorily created~~
530 ~~entity related to the policies and procedures of the child welfare system. The panel does not~~
531 ~~have authority to make recommendations to the court, the division, or any other public or~~
532 ~~private entity regarding the disposition of any individual case.~~]
533 [~~(b) The panel may hold public hearings, as it considers advisable, in various locations~~
534 ~~within the state in order to afford all interested persons an opportunity to appear and present~~
535 ~~their views regarding the child welfare system in this state.~~]
536 [~~(7)~~] (3) (a) [~~All records of the panel regarding individual cases shall be~~] A record of
537 the panel regarding an individual child welfare case:
538 (i) is classified as private[~~,~~] under Section 63G-2-302; and
539 (ii) may be disclosed only in accordance with federal law and [~~the provisions of~~] Title
540 63G, Chapter 2, Government Records Access and Management Act.
541 (b) (i) The panel shall have access to all of the division's records, including [~~those~~]
542 records regarding individual child welfare cases.
543 (ii) In accordance with Title 63G, Chapter 2, Government Records Access and
544 Management Act, all documents and information received by the panel from the division shall
545 maintain the same classification under Title 63G, Chapter 2, Government Records Access and
546 Management Act, that was designated by the division.
547 [~~(8)~~] (4) In order to accomplish [~~its~~] the panel's oversight functions under this section,
548 the panel has:
549 (a) all powers granted to legislative interim committees in Section 36-12-11; and
550 (b) legislative subpoena powers under [~~Title 36~~], Chapter 14, Legislative Subpoena
551 Powers.
552 [~~(9) Compensation and expenses of a member of the panel who is a legislator are~~

553 ~~governed by Section 36-2-2 and Legislative Joint Rules, Title 5, Legislative Compensation and~~
554 ~~Expenses.~~]
555 [~~(10) (a) The Office of Legislative Research and General Counsel shall provide staff~~
556 ~~support to the panel.~~]
557 [~~(b) The panel is authorized to employ additional professional assistance and other~~
558 ~~staff members as it considers necessary and appropriate.~~]
559 Section 7. Section **62A-2-101** is amended to read:
560 **62A-2-101. Definitions.**
561 As used in this chapter:
562 (1) "Adoption services" means the same as that term is defined in Section 80-2-801.
563 [~~(1)~~] (2) "Adult day care" means nonresidential care and supervision:
564 (a) for three or more adults for at least four but less than 24 hours a day; and
565 (b) that meets the needs of functionally impaired adults through a comprehensive
566 program that provides a variety of health, social, recreational, and related support services in a
567 protective setting.
568 [~~(2)~~] (3) "Applicant" means a person who applies for an initial license or a license
569 renewal under this chapter.
570 [~~(3)~~] (4) (a) "Associated with the licensee" means that an individual is:
571 (i) affiliated with a licensee as an owner, director, member of the governing body,
572 employee, agent, provider of care, department contractor, or volunteer; or
573 (ii) applying to become affiliated with a licensee in a capacity described in Subsection
574 [~~(3)~~] (4)(a)(i).
575 (b) "Associated with the licensee" does not include:
576 (i) service on the following bodies, unless that service includes direct access to a child
577 or a vulnerable adult:
578 (A) a local mental health authority described in Section 17-43-301;
579 (B) a local substance abuse authority described in Section 17-43-201; or
580 (C) a board of an organization operating under a contract to provide mental health or
581 substance abuse programs, or services for the local mental health authority or substance abuse
582 authority; or
583 (ii) a guest or visitor whose access to a child or a vulnerable adult is directly supervised

584 at all times.
585 [~~(4)~~] (5) (a) "Boarding school" means a private school that:
586 (i) uses a regionally accredited education program;
587 (ii) provides a residence to the school's students:
588 (A) for the purpose of enabling the school's students to attend classes at the school; and
589 (B) as an ancillary service to educating the students at the school;
590 (iii) has the primary purpose of providing the school's students with an education, as
591 defined in Subsection [~~(4)~~] (5)(b)(i); and
592 (iv) (A) does not provide the treatment or services described in Subsection [~~(37)~~]
593 (38)(a); or
594 (B) provides the treatment or services described in Subsection [~~(37)~~] (38)(a) on a
595 limited basis, as described in Subsection [~~(4)~~] (5)(b)(ii).
596 (b) (i) For purposes of Subsection [~~(4)~~] (5)(a)(iii), "education" means a course of study
597 for one or more of grades kindergarten through 12th grade.
598 (ii) For purposes of Subsection [~~(4)~~] (5)(a)(iv)(B), a private school provides the
599 treatment or services described in Subsection [~~(37)~~] (38)(a) on a limited basis if:
600 (A) the treatment or services described in Subsection [~~(37)~~] (38)(a) are provided only
601 as an incidental service to a student; and
602 (B) the school does not:
603 (I) specifically solicit a student for the purpose of providing the treatment or services
604 described in Subsection [~~(37)~~] (38)(a); or
605 (II) have a primary purpose of providing the treatment or services described in
606 Subsection [~~(37)~~] (38)(a).
607 (c) "Boarding school" does not include a therapeutic school.
608 [~~(5)~~] (6) "Child" means an individual under 18 years old.
609 [~~(6)~~] (7) "Child placing" means receiving, accepting, or providing custody or care for
610 any child, temporarily or permanently, for the purpose of:
611 (a) finding a person to adopt the child;
612 (b) placing the child in a home for adoption; or
613 (c) foster home placement.
614 [~~(7)~~] (8) "Child-placing agency" means a person that engages in child placing.

615 [~~(8)~~] (9) "Client" means an individual who receives or has received services from a
616 licensee.
617 [~~(9)~~] (10) "Congregate care program" means any of the following that provide services
618 to a child:
619 (a) an outdoor youth program;
620 (b) a residential support program;
621 (c) a residential treatment program; or
622 (d) a therapeutic school.
623 [~~(10)~~] (11) "Day treatment" means specialized treatment that is provided to:
624 (a) a client less than 24 hours a day; and
625 (b) four or more persons who:
626 (i) are unrelated to the owner or provider; and
627 (ii) have emotional, psychological, developmental, physical, or behavioral
628 dysfunctions, impairments, or chemical dependencies.
629 [~~(11)~~] (12) "Department" means the Department of Human Services.
630 [~~(12)~~] (13) "Department contractor" means an individual who:
631 (a) provides services under a contract with the department; and
632 (b) due to the contract with the department, has or will likely have direct access to a
633 child or vulnerable adult.
634 [~~(13)~~] (14) "Direct access" means that an individual has, or likely will have:
635 (a) contact with or access to a child or vulnerable adult that provides the individual
636 with an opportunity for personal communication or touch; or
637 (b) an opportunity to view medical, financial, or other confidential personal identifying
638 information of the child, the child's parents or legal guardians, or the vulnerable adult.
639 [~~(14)~~] (15) "Directly supervised" means that an individual is being supervised under
640 the uninterrupted visual and auditory surveillance of another individual who has a current
641 background screening approval issued by the office.
642 [~~(15)~~] (16) "Director" means the director of the [~~Office of Licensing~~] office.
643 [~~(16)~~] (17) "Domestic violence" means the same as that term is defined in Section
644 77-36-1.
645 [~~(17)~~] (18) "Domestic violence treatment program" means a nonresidential program

646 designed to provide psychological treatment and educational services to perpetrators and
647 victims of domestic violence.
648 [~~(18)~~] (19) "Elder adult" means a person 65 years old or older.
649 [~~(19)~~] (20) "Executive director" means the executive director of the department.
650 [~~(20)~~] (21) "Foster home" means a residence that is licensed or certified by the [~~Office~~
651 ~~of Licensing~~] office for the full-time substitute care of a child.
652 [~~(21)~~] (22) "Health benefit plan" means the same as that term is defined in Section
653 31A-1-301.
654 [~~(22)~~] (23) "Health care provider" means the same as that term is defined in Section
655 78B-3-403.
656 [~~(23)~~] (24) "Health insurer" means the same as that term is defined in Section
657 31A-22-615.5.
658 [~~(24)~~] (25) (a) "Human services program" means:
659 (i) a foster home;
660 (ii) a therapeutic school;
661 (iii) a youth program;
662 (iv) an outdoor youth program;
663 (v) a residential treatment program;
664 (vi) a residential support program;
665 (vii) a resource family home;
666 (viii) a recovery residence; or
667 (ix) a facility or program that provides:
668 (A) adult day care;
669 (B) day treatment;
670 (C) outpatient treatment;
671 (D) domestic violence treatment;
672 (E) child-placing services;
673 (F) social detoxification; or
674 (G) any other human services that are required by contract with the department to be
675 licensed with the department.
676 (b) "Human services program" does not include:

677 (i) a boarding school; or
678 (ii) a residential, vocational and life skills program, as defined in Section 13-53-102.
679 [~~(25)~~] (26) "Indian child" means the same as that term is defined in 25 U.S.C. Sec.
680 1903.
681 [~~(26)~~] (27) "Indian country" means the same as that term is defined in 18 U.S.C. Sec.
682 1151.
683 [~~(27)~~] (28) "Indian tribe" means the same as that term is defined in 25 U.S.C. Sec.
684 1903.
685 [~~(28)~~] (29) "Intermediate secure treatment" means 24-hour specialized residential
686 treatment or care for an individual who:
687 (a) cannot live independently or in a less restrictive environment; and
688 (b) requires, without the individual's consent or control, the use of locked doors to care
689 for the individual.
690 [~~(29)~~] (30) "Licensee" means an individual or a human services program licensed by
691 the office.
692 [~~(30)~~] (31) "Local government" means a city, town, metro township, or county.
693 [~~(31)~~] (32) "Minor" [~~has the same meaning as "child."~~] means child.
694 [~~(32)~~] (33) "Office" means the Office of Licensing within the Department of Human
695 Services.
696 [~~(33)~~] (34) "Outdoor youth program" means a program that provides:
697 (a) services to a child that has:
698 (i) a chemical dependency; or
699 (ii) a dysfunction or impairment that is emotional, psychological, developmental,
700 physical, or behavioral;
701 (b) a 24-hour outdoor group living environment; and
702 (c) (i) regular therapy, including group, individual, or supportive family therapy; or
703 (ii) informal therapy or similar services, including wilderness therapy, adventure
704 therapy, or outdoor behavioral healthcare.
705 [~~(34)~~] (35) "Outpatient treatment" means individual, family, or group therapy or
706 counseling designed to improve and enhance social or psychological functioning for those
707 whose physical and emotional status allows them to continue functioning in their usual living

708 environment.
709 [~~(35)~~] (36) "Practice group" or "group practice" means two or more health care
710 providers legally organized as a partnership, professional corporation, or similar association,
711 for which:
712 (a) substantially all of the services of the health care providers who are members of the
713 group are provided through the group and are billed in the name of the group and amounts
714 received are treated as receipts of the group; and
715 (b) the overhead expenses of and the income from the practice are distributed in
716 accordance with methods previously determined by members of the group.
717 [~~(36)~~] (37) "Private-placement child" means a child whose parent or guardian enters
718 into a contract with a congregate care program for the child to receive services.
719 [~~(37)~~] (38) (a) "Recovery residence" means a home, residence, or facility that meets at
720 least two of the following requirements:
721 (i) provides a supervised living environment for individuals recovering from a
722 substance use disorder;
723 (ii) provides a living environment in which more than half of the individuals in the
724 residence are recovering from a substance use disorder;
725 (iii) provides or arranges for residents to receive services related to their recovery from
726 a substance use disorder, either on or off site;
727 (iv) is held out as a living environment in which individuals recovering from substance
728 abuse disorders live together to encourage continued sobriety; or
729 (v) (A) receives public funding; or
730 (B) is run as a business venture, either for-profit or not-for-profit.
731 (b) "Recovery residence" does not mean:
732 (i) a residential treatment program;
733 (ii) residential support program; or
734 (iii) a home, residence, or facility, in which:
735 (A) residents, by their majority vote, establish, implement, and enforce policies
736 governing the living environment, including the manner in which applications for residence are
737 approved and the manner in which residents are expelled;
738 (B) residents equitably share rent and housing-related expenses; and

739 (C) a landlord, owner, or operator does not receive compensation, other than fair
740 market rental income, for establishing, implementing, or enforcing policies governing the
741 living environment.
742 [~~(38)~~] (39) "Regular business hours" means:
743 (a) the hours during which services of any kind are provided to a client; or
744 (b) the hours during which a client is present at the facility of a licensee.
745 [~~(39)~~] (40) (a) "Residential support program" means a program that arranges for or
746 provides the necessities of life as a protective service to individuals or families who have a
747 disability or who are experiencing a dislocation or emergency that prevents them from
748 providing these services for themselves or their families.
749 (b) "Residential support program" includes a program that provides a supervised living
750 environment for individuals with dysfunctions or impairments that are:
751 (i) emotional;
752 (ii) psychological;
753 (iii) developmental; or
754 (iv) behavioral.
755 (c) Treatment is not a necessary component of a residential support program.
756 (d) "Residential support program" does not include:
757 (i) a recovery residence; or
758 (ii) a program that provides residential services that are performed:
759 (A) exclusively under contract with the department and provided to individuals through
760 the Division of Services for People with Disabilities; or
761 (B) in a facility that serves fewer than four individuals.
762 [~~(40)~~] (41) (a) "Residential treatment" means a 24-hour group living environment for
763 four or more individuals unrelated to the owner or provider that offers room or board and
764 specialized treatment, behavior modification, rehabilitation, discipline, emotional growth, or
765 habilitation services for persons with emotional, psychological, developmental, or behavioral
766 dysfunctions, impairments, or chemical dependencies.
767 (b) "Residential treatment" does not include a:
768 (i) boarding school;
769 (ii) foster home; or

770 (iii) recovery residence.
771 [~~(41)~~] (42) "Residential treatment program" means a program or facility that provides:
772 (a) residential treatment; or
773 (b) intermediate secure treatment.
774 [~~(42)~~] (43) "Seclusion" means the involuntary confinement of an individual in a room
775 or an area:
776 (a) away from the individual's peers; and
777 (b) in a manner that physically prevents the individual from leaving the room or area.
778 [~~(43)~~] (44) "Social detoxification" means short-term residential services for persons
779 who are experiencing or have recently experienced drug or alcohol intoxication, that are
780 provided outside of a health care facility licensed under Title 26, Chapter 21, Health Care
781 Facility Licensing and Inspection Act, and that include:
782 (a) room and board for persons who are unrelated to the owner or manager of the
783 facility;
784 (b) specialized rehabilitation to acquire sobriety; and
785 (c) aftercare services.
786 [~~(44)~~] (45) "Substance abuse disorder" or "substance use disorder" mean the same as
787 "substance use disorder" is defined in Section 62A-15-1202.
788 [~~(45)~~] (46) "Substance abuse treatment program" or "substance use disorder treatment
789 program" means a program:
790 (a) designed to provide:
791 (i) specialized drug or alcohol treatment;
792 (ii) rehabilitation; or
793 (iii) habilitation services; and
794 (b) that provides the treatment or services described in Subsection [~~(45)~~] (46)(a) to
795 persons with:
796 (i) a diagnosed substance use disorder; or
797 (ii) chemical dependency disorder.
798 [~~(46)~~] (47) "Therapeutic school" means a residential group living facility:
799 (a) for four or more individuals that are not related to:
800 (i) the owner of the facility; or

801 (ii) the primary service provider of the facility;
802 (b) that serves students who have a history of failing to function:
803 (i) at home;
804 (ii) in a public school; or
805 (iii) in a nonresidential private school; and
806 (c) that offers:
807 (i) room and board; and
808 (ii) an academic education integrated with:
809 (A) specialized structure and supervision; or
810 (B) services or treatment related to:
811 (I) a disability;
812 (II) emotional development;
813 (III) behavioral development;
814 (IV) familial development; or
815 (V) social development.
816 [~~(47)~~] (48) "Unrelated persons" means persons other than parents, legal guardians,
817 grandparents, brothers, sisters, uncles, or aunts.
818 [~~(48)~~] (49) "Vulnerable adult" means an elder adult or an adult who has a temporary or
819 permanent mental or physical impairment that substantially affects the person's ability to:
820 (a) provide personal protection;
821 (b) provide necessities such as food, shelter, clothing, or mental or other health care;
822 (c) obtain services necessary for health, safety, or welfare;
823 (d) carry out the activities of daily living;
824 (e) manage the adult's own resources; or
825 (f) comprehend the nature and consequences of remaining in a situation of abuse,
826 neglect, or exploitation.
827 [~~(49)~~] (50) (a) "Youth program" means a program designed to provide behavioral,
828 substance abuse, or mental health services to minors that:
829 (i) serves adjudicated or nonadjudicated youth;
830 (ii) charges a fee for its services;
831 (iii) may provide host homes or other arrangements for overnight accommodation of

832 the youth;
833 (iv) may provide all or part of its services in the outdoors;
834 (v) may limit or censor access to parents or guardians; and
835 (vi) prohibits or restricts a minor's ability to leave the program at any time of the
836 minor's own free will.
837 (b) "Youth program" does not include recreational programs such as Boy Scouts, Girl
838 Scouts, 4-H, and other such organizations.
839 Section 8. Section **62A-2-108.6**, which is renumbered from Section 62A-4a-602 is
840 renumbered and amended to read:
841 **[~~62A-4a-602~~]. 62A-2-108.6. Child placing licensure requirements --**
842 **Prohibited acts.**
843 (1) As used in this section:
844 (a) (i) "Advertisement" means any written, oral, or graphic statement or representation
845 made in connection with a solicitation of business.
846 (ii) "Advertisement" includes a statement or representation described in Subsection
847 (1)(a)(i) by a noncable television system, radio, printed brochure, newspaper, leaflet, flyer,
848 circular, billboard, banner, Internet website, social media, or sign.
849 (b) "Clearly and conspicuously disclose" means the same as that term is defined in
850 Section 13-11a-2.
851 (c) (i) "Matching advertisement" means any written, oral, or graphic statement or
852 representation made in connection with a solicitation of business to provide the assistance
853 described in Subsection (3)(a)(i), regardless of whether there is or will be an exchange
854 described in Subsection (3)(a)(ii).
855 (ii) "Matching advertisement" includes a statement or representation described in
856 Subsection (1)(c)(i) by a noncable television system, radio, printed brochure, newspaper,
857 leaflet, flyer, circular, billboard, banner, Internet website, social media, or sign.
858 (2) (a) A person may not engage in child placing, or solicit money or other assistance
859 for child placing, without a valid license issued by the [~~Office of Licensing,~~] office in
860 accordance with [~~Chapter 2, Licensure of Programs and Facilities~~] this chapter.
861 (b) [~~When~~] If a child-placing agency's license is suspended or revoked in accordance
862 with [~~that~~] this chapter, the care, control, or custody of any child who [~~has been~~] is in the care,

863 control, or custody of [~~that~~] the child-placing agency shall be transferred to the [~~division~~]
864 Division of Child and Family Services.
865 (3) (a) (i) An attorney, physician, or other person may assist a parent in identifying or
866 locating a person interested in adopting the parent's child, or in identifying or locating a child to
867 be adopted.
868 (ii) No payment, charge, fee, reimbursement of expense, or exchange of value of any
869 kind, or promise or agreement to make the same, may be made for the assistance described in
870 Subsection (3)(a)(i).
871 (b) An attorney, physician, or other person may not:
872 (i) issue or cause to be issued to any person a card, sign, or device indicating that the
873 attorney, physician, or other person is available to provide the assistance described in
874 Subsection (3)(a)(i);
875 (ii) cause, permit, or allow any sign or marking indicating that the attorney, physician,
876 or other person is available to provide the assistance described in Subsection (3)(a)(i), on or in
877 any building or structure;
878 (iii) announce, cause, permit, or allow an announcement indicating that the attorney,
879 physician, or other person is available to provide the assistance described in Subsection
880 (3)(a)(i), to appear in any newspaper, magazine, directory, on radio or television, or an Internet
881 website relating to a business;
882 (iv) announce, cause, permit, or allow a matching advertisement; or
883 (v) announce, cause, permit, or allow an advertisement that indicates or implies the
884 attorney, physician, or other person is available to provide the assistance described in
885 Subsection (3)(a)(i) as part of, or related to, other adoption-related services by using any of the
886 following terms:
887 (A) "comprehensive";
888 (B) "complete";
889 (C) "one-stop";
890 (D) "all-inclusive"; or
891 (E) any other term similar to the terms described in Subsections (3)(b)(v)(A) through
892 (D).
893 (c) An attorney, physician, or other person who is not licensed by the [~~Office of~~

894 ~~Licensing within the department~~] office shall clearly and conspicuously disclose in any print
895 media advertisement or written contract regarding adoption services or adoption-related
896 services that the attorney, physician, or other person is not licensed to provide adoption
897 services by the [~~Office of Licensing within the department~~] office.
898 [~~(4) Nothing in this part:~~]
899 (4) This section does not:
900 (a) [~~precludes~~] preclude payment of fees for medical, legal, or other lawful services
901 rendered in connection with the care of a mother, delivery and care of a child, or lawful
902 adoption proceedings; or
903 (b) [~~abrogates~~] abrogate the right of procedures for independent adoption as provided
904 by law.
905 (5) In accordance with federal law, only [~~agents or employees of the division and of~~
906 ~~licensed child placing agencies~~] an agent or employee of the Division of Child and Family
907 Services or of a licensed child-placing agency may certify to [~~the United States Immigration~~
908 ~~and Naturalization Service~~] United States Citizenship and Immigration Services that a family
909 meets the [~~division's~~] preadoption requirements of the Division of Child and Family Services.
910 (6) [~~(a) Neither a licensed child-placing agency nor any attorney practicing in this state~~
911 ~~may~~] A licensed child-placing agency or an attorney practicing in this state may not place a
912 child for adoption, either temporarily or permanently, with any individual [~~or individuals~~] that
913 would not be qualified for adoptive placement [~~pursuant to the provisions of~~] under Sections
914 [~~78B-6-117,~~] 78B-6-102, 78B-6-117, and 78B-6-137.
915 [~~(b) The division, as a licensed child-placing agency, may not place a child in foster~~
916 ~~care with any individual or individuals that would not be qualified for adoptive placement~~
917 ~~pursuant to the provisions of Sections 78B-6-117, 78B-6-102, and 78B-6-137. However,~~
918 ~~nothing in this Subsection (6)(b) limits the placement of a child in foster care with the child's~~
919 ~~biological or adoptive parent, a relative, or in accordance with the Indian Child Welfare Act, 25~~
920 ~~U.S.C. Sec. 1901 et seq.~~]
921 [~~(c) With regard to children who are in the custody of the state, the division shall~~
922 ~~establish a rule providing that priority for placement shall be provided to families in which a~~
923 ~~couple is legally married under the laws of this state. However, nothing in this Subsection~~
924 ~~(6)(c) limits the placement of a child with the child's biological or adoptive parent, a relative, or~~

925 ~~in accordance with the Indian Child Welfare Act, 25 U.S.C. Sec. 1901 et seq.~~]
926 Section 9. Section **62A-2-115.1**, which is renumbered from Section 62A-4a-603 is
927 renumbered and amended to read:
928 **[~~62A-4a-603~~]. 62A-2-115.1. Injunctive relief for unlawful child placing --**
929 **Enforcement by county attorney or attorney general.**
930 (1) The [~~Office of Licensing within the department or any~~] office or another interested
931 person may commence an action in district court to enjoin any person, agency, firm,
932 corporation, or association from violating Section [~~62A-4a-602~~] 62A-2-108.6.
933 (2) The [~~Office of Licensing~~] office shall:
934 (a) solicit information from the public relating to violations of Section [~~62A-4a-602~~]
935 62A-2-108.6; and
936 (b) upon identifying a violation of Section [~~62A-4a-602~~] 62A-2-108.6:
937 (i) send a written notice to the person who violated Section [~~62A-4a-602~~] 62A-2-108.6
938 that describes the alleged violation; and
939 (ii) notify the following persons of the alleged violation:
940 (A) the local county attorney; and
941 (B) the Division of Occupational and Professional Licensing.
942 (3) (a) A county attorney or the attorney general shall institute legal action as necessary
943 to enforce the provisions of Section [~~62A-4a-602~~] 62A-2-108.6 after being informed of an
944 alleged violation.
945 (b) If a county attorney does not take action within 30 days after the day on which the
946 county attorney is informed of an alleged violation of Section [~~62A-4a-602~~] 62A-2-108.6, the
947 attorney general may be requested to take action, and shall then institute legal proceedings in
948 place of the county attorney.
949 (4) (a) In addition to the remedies provided in Subsections (1) and (3), any person,
950 agency, firm, corporation, or association found to be in violation of Section [~~62A-4a-602~~]
951 62A-2-108.6 shall forfeit all proceeds identified as resulting from the transaction, and may also
952 be assessed a civil penalty of not more than $10,000 for each violation.
953 (b) Each act in violation of Section [~~62A-4a-602~~] 62A-2-108.6, including each
954 placement or attempted placement of a child, is a separate violation.
955 (5) (a) [~~All amounts~~] The amount recovered as [~~penalties~~] a penalty under Subsection

956 (4) shall be placed in the General Fund of the prosecuting county, or in the state General Fund
957 if the attorney general prosecutes.
958 (b) If two or more governmental entities are involved in the prosecution, the court shall
959 apportion the penalty [~~amounts recovered shall be apportioned by the court~~] among the entities,
960 according to [~~their~~] the entities' involvement.
961 (6) A judgment ordering the payment of any penalty or forfeiture under Subsection (4)
962 is a lien when recorded in the judgment docket, and has the same effect and is subject to the
963 same rules as a judgment for money in a civil action.
964 Section 10. Section **62A-2-115.2**, which is renumbered from Section 62A-4a-605 is
965 renumbered and amended to read:
966 **[~~62A-4a-605~~]. 62A-2-115.2. Child-placing agency proof of authority in a**
967 **proceeding.**
968 A child-placing agency is not required to present [~~its license, issued under Chapter 2,~~
969 ~~Licensure of Programs and Facilities, or its~~] the child-placing agency's license issued under this
970 chapter, the child placing agency's certificate of incorporation, or proof of [~~its~~] the
971 child-placing agency's authority to consent to adoption, as proof of [~~its~~] the child-placing
972 agency's authority in any proceeding in which [~~it~~] the child-placing agency is an interested
973 party, unless the court or a party to the proceeding requests that the child-placing agency or
974 [~~its~~] the child-placing agency's representative establish proof of authority.
975 Section 11. Section **62A-2-126**, which is renumbered from Section 62A-4a-607 is
976 renumbered and amended to read:
977 **[~~62A-4a-607~~]. 62A-2-126. Child-placing agency regulation -- Notice to**
978 **potential adoptive parents.**
979 [~~(1) (a) The division and all child-placing agencies licensed under this part shall~~]
980 (1) As used in this section, "high needs child" means a child who:
981 (a) has an attachment or trauma-related disorder;
982 (b) suffered from prenatal exposure to alcohol or drugs;
983 (c) is the subject of an intercountry adoption;
984 (d) was previously adopted; or
985 (e) is in foster care.
986 (2) A child-placing agency licensed under this chapter shall:

987 (a) promote adoption [~~when that~~] if adoption is a possible and appropriate alternative
988 for a child[~~. Specifically, in accordance with Section 62A-4a-205.6, the division shall actively~~
989 ~~promote the adoption of all children in its custody who have a final plan for termination of~~
990 ~~parental rights pursuant to Section 80-3-409 or a primary permanency plan of adoption.~~];
991 [~~(b) Beginning May 1, 2000, the division may not place a child for adoption, either~~
992 ~~temporarily or permanently, with any individual or individuals who do not qualify for adoptive~~
993 ~~placement pursuant to the requirements of Sections 78B-6-117, 78B-6-102, and 78B-6-137.~~]
994 [~~(2) The division shall obtain or conduct research of prior adoptive families to~~
995 ~~determine what families may do to be successful with their adoptive children and shall make~~
996 ~~this research available to potential adoptive parents.~~]
997 [~~(3) (a) A child-placing agency licensed under this part shall~~]
998 (b) inform each potential adoptive parent with whom [~~it~~] the child-placing agency is
999 working [~~that~~] at the earliest possible opportunity:
1000 (i) that children in the custody of the state are available for adoption;
1001 (ii) that Medicaid coverage for medical, dental, and mental health services may be
1002 available for [~~these children~~] a child in the custody of the state who is adopted;
1003 (iii) that tax benefits, including the tax credit provided for in Section 59-10-1104, and
1004 financial assistance may be available to defray the costs of adopting [~~these children~~] a child in
1005 the custody of the state;
1006 (iv) that training and ongoing support may be available to the [~~adoptive parents of~~
1007 ~~these children; and~~] adoptive parent of a child in the custody of the state;
1008 (v) that information about [~~individual children~~] a child in the custody of the state who
1009 is available for adoption may be obtained by contacting the [~~division's offices or its Internet site~~
1010 ~~as explained by the child-placing agency.~~] Division of Child and Family Services or accessing
1011 the Division of Child and Family Services's website; and
1012 (vi) how to contact the Division of Child and Family Services and access the Division
1013 of Child and Family Services's website; and
1014 [~~(b) A child-placing agency shall:~~]
1015 [~~(i) provide the notice required by Subsection (3)(a) at the earliest possible opportunity;~~
1016 ~~and~~]
1017 [~~(ii)~~] (c) [~~simultaneously~~] at the time the child-placing agency provides the information

1018 described in Subsection (2)(b) to a potential adoptive parent, distribute a copy of the pamphlet
1019 prepared by the [~~division in accordance with Subsection (3)(d)~~] Division of Child and Family
1020 Services under Section 80-2-803 to the potential adoptive parent.
1021 (3) Before the day on which a child-placing agency refers a high needs child for
1022 adoption or enters into a contract to provide adoption services to a potential adoptive parent of
1023 a high needs child, the child-placing agency shall ensure that the potential adoptive parent
1024 receives, at a minimum:
1025 (a) to the extent available, the following information:
1026 (i) a social history of the high needs child to be adopted, including:
1027 (A) a history of the high needs child's cultural, racial, religious, ethnic, linguistic, and
1028 educational background; and
1029 (B) any conditions in the high needs child's country of origin, if applicable, to which
1030 the child may have been exposed and that may have an impact on the child's physical or mental
1031 health; and
1032 (ii) a record of the high needs child's:
1033 (A) physical health, mental health, behavioral issues, or exposure to trauma, including
1034 whether the child-placing agency knows or suspects that the high needs child has been exposed
1035 to alcohol or drugs in utero; and
1036 (B) history of institutionalization or previous adoptive or foster placements and, if
1037 applicable, the reason a previous placement was terminated; and
1038 (b) training on the following issues:
1039 (i) the impact leaving familiar ties and surroundings may have on a high needs child,
1040 and the grief, loss, and identity issues that a high needs child may experience in adoption;
1041 (ii) the potential impact of an institutional setting on a high needs child;
1042 (iii) attachment disorders, trauma-related disorders, fetal alcohol spectrum disorders,
1043 and other emotional problems that a high needs child may suffer, particularly when the high
1044 needs child has been institutionalized, traumatized, or cared for by multiple caregivers;
1045 (iv) the general characteristics of a successful adoption placement, including
1046 information on the financial resources, time, and insurance coverage necessary for handling the
1047 adoptive family's and the high needs child's adjustment following placement;
1048 (v) the medical, therapeutic, and educational needs a high needs child may require,

1049 including language acquisition training;
1050 (vi) how to access post-placement and post-adoption services that may assist the family
1051 to respond effectively to adjustment, behavioral, and other difficulties that may arise after the
1052 high needs child is placed or adopted;
1053 (vii) issues that may lead to the disruption of an adoptive placement or the dissolution
1054 of an adoption, including how an adoptive parent may access resources to avoid disruption or
1055 dissolution;
1056 (viii) the long-term implications for a family that becomes multicultural through
1057 adoption;
1058 (ix) for a potential adoptive parent who is seeking to adopt two or more unrelated
1059 children, the differing needs of children based on the children's respective ages, backgrounds,
1060 length of time outside of family care, and the time management requirements and other
1061 challenges that may be presented in a multi-child adoption; and
1062 (x) the prohibition against an unregulated custody transfer of a child under Section
1063 76-7-205.
1064 [~~(c)~~] (4) As a condition of licensure, [~~the~~] a child-placing agency shall certify to the
1065 [~~Office of Licensing~~] office at the time of license renewal that [~~it~~] the child-placing agency has
1066 complied with [~~the provisions of~~] this section.
1067 [~~(d) Before July 1, 2000, the division shall:~~]
1068 [~~(i) prepare a pamphlet that explains the information that is required by Subsection~~
1069 ~~(3)(a); and~~]
1070 [~~(ii) regularly distribute copies of the pamphlet described in Subsection (3)(d)(i) to~~
1071 ~~child-placing agencies.~~]
1072 [~~(e) The division shall respond to any inquiry made as a result of the notice provided in~~
1073 ~~Subsection (3)(a).~~]
1074 Section 12. Section **62A-2-127**, which is renumbered from Section 62A-4a-606 is
1075 renumbered and amended to read:
1076 **[~~62A-4a-606~~]. 62A-2-127. Child-placing agency responsibility for**
1077 **educational services -- Payment of costs.**
1078 (1) A child-placing agency shall ensure that the requirements of Subsections
1079 53G-6-202(2) and 53G-6-203(1) are met through the provision of appropriate educational

1080 services for all children served in the state by the child-placing agency.
1081 [~~(2) If the educational services are to be provided through a public school, and:~~]
1082 (2) (a) If the educational services described in Subsection (1) are provided through a
1083 public school and the custodial parent or legal guardian resides outside the state, [~~then the child~~
1084 ~~placing~~] the child-placing agency shall pay all educational costs required under Sections
1085 53G-6-306 and 53G-7-503[~~; or~~].
1086 (b) If the educational services described in Subsection (1) are provided through a
1087 public school and the custodial parent or legal guardian resides within the state, then the [~~child~~
1088 ~~placing~~] child-placing agency shall pay all educational costs required under Section 53G-7-503.
1089 (3) [~~Children~~] A child in the custody or under the care of a Utah state agency [~~are~~] is
1090 exempt from the payment of fees required under Subsection (2).
1091 (4) A public school shall admit any child living within [~~its school~~] the public school's
1092 boundaries who is under the supervision of a [~~child placing~~] child-placing agency upon
1093 payment by the child-placing agency of the tuition and fees required under Subsection (2).
1094 Section 13. Section **62A-4a-101.5** is enacted to read:
1095 **CHAPTER 4a. JUVENILE SERVICES**
1096 **62A-4a-101.5. Juvenile services.**
1097 Title 80, Utah Juvenile Code, governs the services provided by the Division of Juvenile
1098 Justice Services and the Division of Child and Family Services within the department.
1099 Section 14. Section **62A-4a-1003.5** is enacted to read:
1100 **62A-4a-1003.5. Office of Guardian Ad Litem access to Management Information**
1101 **System information.**
1102 Notwithstanding Section 62A-4a-1003(6)(c), the division may use information in the
1103 Management Information System to screen an individual as described in Subsection
1104 62A-4a-1006(4)(c)(ii)(A) at the request of the Office of Guardian Ad Litem.
1105 Section 15. Section **63G-2-302** is amended to read:
1106 **63G-2-302. Private records.**
1107 (1) The following records are private:
1108 (a) records concerning an individual's eligibility for unemployment insurance benefits,
1109 social services, welfare benefits, or the determination of benefit levels;
1110 (b) records containing data on individuals describing medical history, diagnosis,

1111 condition, treatment, evaluation, or similar medical data;
1112 (c) records of publicly funded libraries that when examined alone or with other records
1113 identify a patron;
1114 (d) records received by or generated by or for:
1115 (i) the Independent Legislative Ethics Commission, except for:
1116 (A) the commission's summary data report that is required under legislative rule; and
1117 (B) any other document that is classified as public under legislative rule; or
1118 (ii) a Senate or House Ethics Committee in relation to the review of ethics complaints,
1119 unless the record is classified as public under legislative rule;
1120 (e) records received by, or generated by or for, the Independent Executive Branch
1121 Ethics Commission, except as otherwise expressly provided in Title 63A, Chapter 14, Review
1122 of Executive Branch Ethics Complaints;
1123 (f) records received or generated for a Senate confirmation committee concerning
1124 character, professional competence, or physical or mental health of an individual:
1125 (i) if, prior to the meeting, the chair of the committee determines release of the records:
1126 (A) reasonably could be expected to interfere with the investigation undertaken by the
1127 committee; or
1128 (B) would create a danger of depriving a person of a right to a fair proceeding or
1129 impartial hearing; and
1130 (ii) after the meeting, if the meeting was closed to the public;
1131 (g) employment records concerning a current or former employee of, or applicant for
1132 employment with, a governmental entity that would disclose that individual's home address,
1133 home telephone number, social security number, insurance coverage, marital status, or payroll
1134 deductions;
1135 (h) records or parts of records under Section 63G-2-303 that a current or former
1136 employee identifies as private according to the requirements of that section;
1137 (i) that part of a record indicating a person's social security number or federal employer
1138 identification number if provided under Section 31A-23a-104, 31A-25-202, 31A-26-202,
1139 58-1-301, 58-55-302, 61-1-4, or 61-2f-203;
1140 (j) that part of a voter registration record identifying a voter's:
1141 (i) driver license or identification card number;

1142 (ii) social security number, or last four digits of the social security number;
1143 (iii) email address;
1144 (iv) date of birth; or
1145 (v) phone number;
1146 (k) a voter registration record that is classified as a private record by the lieutenant
1147 governor or a county clerk under Subsection 20A-2-101.1(5)(a), 20A-2-104(4)(h), or
1148 20A-2-204(4)(b);
1149 (l) a voter registration record that is withheld under Subsection 20A-2-104(7);
1150 (m) a withholding request form described in Subsections 20A-2-104(7) and (8) and any
1151 verification submitted in support of the form;
1152 (n) a record that:
1153 (i) contains information about an individual;
1154 (ii) is voluntarily provided by the individual; and
1155 (iii) goes into an electronic database that:
1156 (A) is designated by and administered under the authority of the Chief Information
1157 Officer; and
1158 (B) acts as a repository of information about the individual that can be electronically
1159 retrieved and used to facilitate the individual's online interaction with a state agency;
1160 (o) information provided to the Commissioner of Insurance under:
1161 (i) Subsection 31A-23a-115(3)(a);
1162 (ii) Subsection 31A-23a-302(4); or
1163 (iii) Subsection 31A-26-210(4);
1164 (p) information obtained through a criminal background check under Title 11, Chapter
1165 40, Criminal Background Checks by Political Subdivisions Operating Water Systems;
1166 (q) information provided by an offender that is:
1167 (i) required by the registration requirements of Title 77, Chapter 41, Sex and Kidnap
1168 Offender Registry or Title 77, Chapter 43, Child Abuse Offender Registry; and
1169 (ii) not required to be made available to the public under Subsection 77-41-110(4) or
1170 77-43-108(4);
1171 (r) a statement and any supporting documentation filed with the attorney general in
1172 accordance with Section 34-45-107, if the federal law or action supporting the filing involves

1173 homeland security;
1174 (s) electronic toll collection customer account information received or collected under
1175 Section 72-6-118 and customer information described in Section 17B-2a-815 received or
1176 collected by a public transit district, including contact and payment information and customer
1177 travel data;
1178 (t) an email address provided by a military or overseas voter under Section
1179 20A-16-501;
1180 (u) a completed military-overseas ballot that is electronically transmitted under Title
1181 20A, Chapter 16, Uniform Military and Overseas Voters Act;
1182 (v) records received by or generated by or for the Political Subdivisions Ethics Review
1183 Commission established in Section 63A-15-201, except for:
1184 (i) the commission's summary data report that is required in Section 63A-15-202; and
1185 (ii) any other document that is classified as public in accordance with Title 63A,
1186 Chapter 15, Political Subdivisions Ethics Review Commission;
1187 (w) a record described in Section 53G-9-604 that verifies that a parent was notified of
1188 an incident or threat;
1189 (x) a criminal background check or credit history report conducted in accordance with
1190 Section 63A-3-201;
1191 (y) a record described in Subsection 53-5a-104(7);
1192 (z) on a record maintained by a county for the purpose of administering property taxes,
1193 an individual's:
1194 (i) email address;
1195 (ii) phone number; or
1196 (iii) personal financial information related to a person's payment method;
1197 (aa) a record submitted by a taxpayer to establish the taxpayer's eligibility for an
1198 exemption, deferral, abatement, or relief under:
1199 (i) Title 59, Chapter 2, Part 11, Exemptions, Deferrals, and Abatements;
1200 (ii) Title 59, Chapter 2, Part 12, Property Tax Relief;
1201 (iii) Title 59, Chapter 2, Part 18, Tax Deferral and Tax Abatement; or
1202 (iv) Title 59, Chapter 2, Part 19, Armed Forces Exemptions; [~~and~~]
1203 (bb) a record provided by the State Tax Commission in response to a request under

1204 Subsection 59-1-403(4)(y)(iii)[~~.~~]; and
1205 (cc) a record of the Child Welfare Legislative Oversight Panel regarding an individual
1206 child welfare case, as described in Subsection 36-33-103(3).
1207 (2) The following records are private if properly classified by a governmental entity:
1208 (a) records concerning a current or former employee of, or applicant for employment
1209 with a governmental entity, including performance evaluations and personal status information
1210 such as race, religion, or disabilities, but not including records that are public under Subsection
1211 63G-2-301(2)(b) or 63G-2-301(3)(o) or private under Subsection (1)(b);
1212 (b) records describing an individual's finances, except that the following are public:
1213 (i) records described in Subsection 63G-2-301(2);
1214 (ii) information provided to the governmental entity for the purpose of complying with
1215 a financial assurance requirement; or
1216 (iii) records that must be disclosed in accordance with another statute;
1217 (c) records of independent state agencies if the disclosure of those records would
1218 conflict with the fiduciary obligations of the agency;
1219 (d) other records containing data on individuals the disclosure of which constitutes a
1220 clearly unwarranted invasion of personal privacy;
1221 (e) records provided by the United States or by a government entity outside the state
1222 that are given with the requirement that the records be managed as private records, if the
1223 providing entity states in writing that the record would not be subject to public disclosure if
1224 retained by it;
1225 (f) any portion of a record in the custody of the Division of Aging and Adult Services,
1226 created in Section 62A-3-102, that may disclose, or lead to the discovery of, the identity of a
1227 person who made a report of alleged abuse, neglect, or exploitation of a vulnerable adult; and
1228 (g) audio and video recordings created by a body-worn camera, as defined in Section
1229 77-7a-103, that record sound or images inside a home or residence except for recordings that:
1230 (i) depict the commission of an alleged crime;
1231 (ii) record any encounter between a law enforcement officer and a person that results in
1232 death or bodily injury, or includes an instance when an officer fires a weapon;
1233 (iii) record any encounter that is the subject of a complaint or a legal proceeding
1234 against a law enforcement officer or law enforcement agency;

1235 (iv) contain an officer involved critical incident as defined in Subsection
1236 76-2-408(1)(f); or
1237 (v) have been requested for reclassification as a public record by a subject or
1238 authorized agent of a subject featured in the recording.
1239 (3) (a) As used in this Subsection (3), "medical records" means medical reports,
1240 records, statements, history, diagnosis, condition, treatment, and evaluation.
1241 (b) Medical records in the possession of the University of Utah Hospital, its clinics,
1242 doctors, or affiliated entities are not private records or controlled records under Section
1243 63G-2-304 when the records are sought:
1244 (i) in connection with any legal or administrative proceeding in which the patient's
1245 physical, mental, or emotional condition is an element of any claim or defense; or
1246 (ii) after a patient's death, in any legal or administrative proceeding in which any party
1247 relies upon the condition as an element of the claim or defense.
1248 (c) Medical records are subject to production in a legal or administrative proceeding
1249 according to state or federal statutes or rules of procedure and evidence as if the medical
1250 records were in the possession of a nongovernmental medical care provider.
1251 Section 16. Section **63I-2-262** is amended to read:
1252 **63I-2-262. Repeal dates -- Title 62A.**
1253 (1) Section 62A-4a-1003.5, relating to the Management Information System, is
1254 repealed September 1, 2022.
1255 [~~(1)~~] (2) Subsection 62A-5-103.1(6) is repealed January 1, 2023.
1256 [~~(2)~~] (3) Section 62A-15-120 is repealed January 1, 2025.
1257 [~~(3)~~] (4) Section 62A-15-122 is repealed January 2, 2025
1258 [~~(4)~~] (5) Title 62A, Chapter 15, Part 19, Mental Health Crisis Intervention Council, is
1259 repealed January 1, 2023.
1260 Section 17. Section **76-7-205**, which is renumbered from Section 62A-4a-711 is
1261 renumbered and amended to read:
1262 **Part 2. Nonsupport and Custody of Children**
1263 **[~~62A-4a-711~~]. 76-7-205. Unregulated custody transfer prohibition --**
1264 **Penalty.**
1265 (1) An individual or entity [~~that~~] may not knowingly [~~engages~~] engage in an

1266 unregulated custody transfer, as defined in Section 80-1-102[~~, is guilty of~~].
1267 (2) A violation of Subsection (1) is a class B misdemeanor.
1268 Section 18. Section **78A-2-801** is amended to read:
1269 **78A-2-801. Definitions.**
1270 As used in this [~~chapter~~] part:
1271 (1) "Abuse, neglect, or dependency petition" means the same as that term is defined in
1272 Section 80-3-102.
1273 (2) "Attorney guardian ad litem" means an attorney employed by the office.
1274 (3) "Director" means the director of the office.
1275 (4) "Division" means the Division of Child and Family Services created in Section
1276 [~~62A-4a-103~~] 80-2-201.
1277 (5) "Guardian ad litem" means an attorney guardian ad litem or a private attorney
1278 guardian ad litem.
1279 (6) "Indigent individual" means the same as that term is defined in Section
1280 78B-22-102.
1281 (7) "Minor" means the same as that term is defined in Section 80-1-102.
1282 (8) "Office" means the Office of Guardian ad Litem created in Section 78A-2-802.
1283 (9) "Private attorney guardian ad litem" means an attorney designated by the office in
1284 accordance with Section 78A-2-705 who is not an employee of the office.
1285 Section 19. Section **78A-2-802** is amended to read:
1286 **78A-2-802. Office of Guardian ad Litem -- Appointment of director -- Duties of**
1287 **director -- Contracts in second, third, and fourth districts.**
1288 (1) There is created the Office of Guardian ad Litem under the direct supervision of the
1289 Guardian ad Litem Oversight Committee described in Subsection 78A-2-104(13).
1290 (2) (a) The Guardian ad Litem Oversight Committee shall appoint one individual to
1291 serve full time as the guardian ad litem director for the state.
1292 (b) The guardian ad litem director shall:
1293 (i) serve at the pleasure of the Guardian ad Litem Oversight Committee, in consultation
1294 with the state court administrator;
1295 (ii) be an attorney licensed to practice law in this state and selected on the basis of:
1296 (A) professional ability;

1297 (B) experience in abuse, neglect, and dependency proceedings;
1298 (C) familiarity with the role, purpose, and function of guardians ad litem in both
1299 juvenile and district courts; and
1300 (D) ability to develop training curricula and reliable methods for data collection and
1301 evaluation; and
1302 (iii) before or immediately after the director's appointment, be trained in nationally
1303 recognized standards for an attorney guardian ad litem.
1304 (3) The guardian ad litem director shall:
1305 (a) establish policy and procedure for the management of a statewide guardian ad litem
1306 program;
1307 (b) manage the guardian ad litem program to assure that a minor receives qualified
1308 guardian ad litem services in an abuse, neglect, [~~and~~] or dependency proceeding under Title 80,
1309 Chapter 3, Abuse, Neglect, and Dependency Proceedings, in accordance with state and federal
1310 law and policy;
1311 (c) develop standards for contracts of employment and contracts with independent
1312 contractors, and employ or contract with attorneys licensed to practice law in this state, to act
1313 as attorney guardians ad litem in accordance with Section 78A-2-803;
1314 (d) develop and provide training programs for volunteers in accordance with the United
1315 States Department of Justice National Court Appointed Special Advocates Association
1316 standards;
1317 (e) develop and update a guardian ad litem manual that includes:
1318 (i) best practices for an attorney guardian ad litem; and
1319 (ii) statutory and case law relating to an attorney guardian ad litem;
1320 (f) develop and provide a library of materials for the continuing education of attorney
1321 guardians ad litem and volunteers;
1322 (g) educate court personnel regarding the role and function of guardians ad litem;
1323 (h) develop needs assessment strategies, perform needs assessment surveys, and ensure
1324 that guardian ad litem training programs correspond with actual and perceived needs for
1325 training;
1326 (i) design and implement evaluation tools based on specific objectives targeted in the
1327 needs assessments described in Subsection (3)(h);

1328 (j) prepare and submit an annual report to the Guardian ad Litem Oversight Committee
1329 and the Child Welfare Legislative Oversight Panel created in Section [~~62A-4a-207~~] 36-33-102
1330 regarding:
1331 (i) the development, policy, and management of the statewide guardian ad litem
1332 program;
1333 (ii) the training and evaluation of attorney guardians ad litem and volunteers; and
1334 (iii) the number of minors served by the office;
1335 (k) hire, train, and supervise investigators; and
1336 (l) administer the program of private attorney guardians ad litem established [~~by~~] under
1337 Section 78A-2-705.
1338 (4) A contract of employment or independent contract described [~~under~~] in Subsection
1339 (3)(c) shall provide that an attorney guardian ad litem in the second, third, and fourth judicial
1340 districts devote the attorney guardian's ad litem full time and attention to the role of attorney
1341 guardian ad litem, having no clients other than the minors whose interest the attorney guardian
1342 ad litem represents within the guardian ad litem program.
1343 Section 20. Section **78A-2-803** is amended to read:
1344 **78A-2-803. Appointment of attorney guardian ad litem -- Duties and**
1345 **responsibilities -- Training -- Trained staff and court-appointed special advocate**
1346 **volunteers -- Costs -- Immunity -- Annual report.**
1347 (1) (a) The court:
1348 (i) may appoint an attorney guardian ad litem to represent the best interest of a minor
1349 involved in any case before the court; and
1350 (ii) shall consider the best interest of a minor, consistent with the provisions of Section
1351 [~~62A-4a-201~~] 80-2a-201, in determining whether to appoint a guardian ad litem.
1352 (b) In all cases where an attorney guardian ad litem is appointed, the court shall make a
1353 finding that establishes the necessity of the appointment.
1354 (2) An attorney guardian ad litem shall represent the best interest of each minor who
1355 may become the subject of an abuse, neglect, or dependency petition from the earlier of:
1356 (a) the day on which the minor is removed from the minor's home by the division; or
1357 (b) the day on which the abuse, neglect, or dependency petition is filed.
1358 (3) The director shall ensure that each attorney guardian ad litem employed by the

1359 office:
1360 (a) represents the best interest of each client of the office in all venues, including:
1361 (i) court proceedings; and
1362 (ii) meetings to develop, review, or modify the child and family plan with the division
1363 in accordance with Section [~~62A-4a-205~~] 80-3-307;
1364 (b) before representing any minor before the court, be trained in:
1365 (i) applicable statutory, regulatory, and case law; and
1366 (ii) nationally recognized standards for an attorney guardian ad litem;
1367 (c) conducts or supervises an ongoing, independent investigation in order to obtain,
1368 first-hand, a clear understanding of the situation and needs of the minor;
1369 (d) (i) personally meets with the minor, unless:
1370 (A) the minor is outside of the state; or
1371 (B) meeting with the minor would be detrimental to the minor;
1372 (ii) personally interviews the minor, unless:
1373 (A) the minor is not old enough to communicate;
1374 (B) the minor lacks the capacity to participate in a meaningful interview; or
1375 (C) the interview would be detrimental to the minor; and
1376 (iii) if the minor is placed in an out-of-home placement, or is being considered for
1377 placement in an out-of-home placement, unless it would be detrimental to the minor:
1378 (A) to the extent possible, determines the minor's goals and concerns regarding
1379 placement; and
1380 (B) personally assesses or supervises an assessment of the appropriateness and safety
1381 of the minor's environment in each placement;
1382 (e) personally attends all review hearings pertaining to the minor's case;
1383 (f) participates in all appeals, unless excused by order of the court;
1384 (g) is familiar with local experts who can provide consultation and testimony regarding
1385 the reasonableness and appropriateness of efforts made by the division to:
1386 (i) maintain a minor in the minor's home; or
1387 (ii) reunify a minor with a minor's parent;
1388 (h) to the extent possible, and unless it would be detrimental to the minor, personally
1389 or through a trained volunteer, paralegal, or other trained staff, keeps the minor advised of:

1390 (i) the status of the minor's case;
1391 (ii) all court and administrative proceedings;
1392 (iii) discussions with, and proposals made by, other parties;
1393 (iv) court action; and
1394 (v) the psychiatric, medical, or other treatment or diagnostic services that are to be
1395 provided to the minor;
1396 (i) in cases where a child and family plan is required, personally or through a trained
1397 volunteer, paralegal, or other trained staff, monitors implementation of a minor's child and
1398 family plan and any dispositional orders to:
1399 (i) determine whether services ordered by the court:
1400 (A) are actually provided; and
1401 (B) are provided in a timely manner; and
1402 (ii) attempt to assess whether services ordered by the court are accomplishing the
1403 intended goal of the services; and
1404 (j) makes all necessary court filings to advance the guardian's ad litem position
1405 regarding the best interest of the minor.
1406 (4) (a) Consistent with this Subsection (4), an attorney guardian ad litem may use
1407 trained volunteers, in accordance with Title 67, Chapter 20, Volunteer Government Workers
1408 Act, trained paralegals, and other trained staff to assist in investigation and preparation of
1409 information regarding the cases of individual minors before the court.
1410 (b) A volunteer, paralegal, or other staff utilized under this section shall be trained in
1411 and follow, at a minimum, the guidelines established by the United States Department of
1412 Justice Court Appointed Special Advocate Association.
1413 (5) The attorney guardian ad litem shall continue to represent the best interest of the
1414 minor until released from that duty by the court.
1415 (6) (a) Consistent with Subsection (6)(b), the juvenile court is responsible for:
1416 (i) all costs resulting from the appointment of an attorney guardian ad litem; and
1417 (ii) the costs of volunteer, paralegal, and other staff appointment and training.
1418 (b) The court shall use funds appropriated by the Legislature for the guardian ad litem
1419 program to cover the costs described in Subsection (6)(a).
1420 (c) (i) When the court appoints an attorney guardian ad litem under this section, the

1421 court may assess all or part of the attorney fees, court costs, and paralegal, staff, and volunteer
1422 expenses against the minor's parents, parent, or legal guardian in a proportion that the court
1423 determines to be just and appropriate, taking into consideration costs already borne by the
1424 parents, parent, or legal guardian, including:
1425 (A) private attorney fees;
1426 (B) counseling for the minor;
1427 (C) counseling for the parent, if mandated by the court or recommended by the
1428 division; and
1429 (D) any other cost the court determines to be relevant.
1430 (ii) The court may not assess the fees or costs described in Subsection (6)(c)(i) against:
1431 (A) a legal guardian, when that guardian is the state; or
1432 (B) consistent with Subsection (6)(d), a parent who is found to be an indigent
1433 individual.
1434 (d) For purposes of Subsection (6)(c)(ii)(B), if an individual claims to be an indigent
1435 individual, the court shall:
1436 (i) require the individual to submit an affidavit of indigence as provided in Section
1437 78A-2-302; and
1438 (ii) follow the procedures and make the determinations as provided in Section
1439 78A-2-304.
1440 (e) The minor's parents, parent, or legal guardian may appeal the court's determination,
1441 under Subsection (6)(c), of fees, costs, and expenses.
1442 (7) An attorney guardian ad litem appointed under this section, when serving in the
1443 scope of the attorney guardian's ad litem duties as guardian ad litem is considered an employee
1444 of the state for purposes of indemnification under Title 63G, Chapter 7, Governmental
1445 Immunity Act of Utah.
1446 (8) (a) An attorney guardian ad litem shall represent the best interest of a minor.
1447 (b) If the minor's wishes differ from the attorney's determination of the minor's best
1448 interest, the attorney guardian ad litem shall communicate the minor's wishes to the court in
1449 addition to presenting the attorney's determination of the minor's best interest.
1450 (c) A difference between the minor's wishes and the attorney's determination of best
1451 interest may not be considered a conflict of interest for the attorney.

1452 (d) The guardian ad litem shall disclose the wishes of the minor unless the minor:
1453 (i) instructs the guardian ad litem to not disclose the minor's wishes; or
1454 (ii) has not expressed any wishes.
1455 (e) The court may appoint one attorney guardian ad litem to represent the best interests
1456 of more than one minor of a marriage.
1457 (9) The division shall provide an attorney guardian ad litem access to all division
1458 records regarding the minor at issue and the minor's family.
1459 (10) (a) An attorney guardian ad litem shall conduct an independent investigation
1460 regarding the minor at issue, the minor's family, and what is in the best interest of the minor.
1461 (b) An attorney guardian ad litem may interview the minor's child welfare [~~worker~~]
1462 caseworker, but may not:
1463 (i) rely exclusively on the conclusions and findings of the division; or
1464 (ii) except as provided in Subsection (10)(c), conduct a visit with the client in
1465 conjunction with the visit of a child welfare [~~worker~~] caseworker.
1466 (c) (i) An attorney guardian ad litem may meet with a client during a team meeting,
1467 court hearing, or similar venue when a child welfare [~~worker~~] caseworker is present for a
1468 purpose other than the attorney guardian ad litem's meeting with the client.
1469 (ii) A party and the party's counsel may attend a team meeting in accordance with the
1470 Utah Rules of Professional Conduct.
1471 (11) (a) An attorney guardian ad litem shall maintain current and accurate records
1472 regarding:
1473 (i) the number of times the attorney has had contact with each minor; and
1474 (ii) the actions the attorney has taken in representation of the minor's best interest.
1475 (b) In every hearing where the attorney guardian ad litem makes a recommendation
1476 regarding the best interest of the minor, the court shall require the attorney guardian ad litem to
1477 disclose the factors that form the basis of the recommendation.
1478 (12) (a) Except as provided in Subsection (12)(b), and notwithstanding Title 63G,
1479 Chapter 2, Government Records Access and Management Act, all records of an attorney
1480 guardian ad litem are confidential and may not be released or made public upon subpoena,
1481 search warrant, discovery proceedings, or otherwise.
1482 (b) Consistent with Subsection (12)(d), all records of an attorney guardian ad litem:

1483 (i) are subject to legislative subpoena, under Title 36, Chapter 14, Legislative
1484 Subpoena Powers; and
1485 (ii) shall be released to the Legislature.
1486 (c) (i) Except as provided in Subsection (12)(c)(ii), the Legislature shall maintain
1487 records released in accordance with Subsection (12)(b) as confidential.
1488 (ii) Notwithstanding Subsection (12)(c)(i), the Office of the Legislative Auditor
1489 General may include summary data and nonidentifying information in the office's audits and
1490 reports to the Legislature.
1491 (d) (i) Subsection (12)(b) is an exception to Rules of Professional Conduct, Rule 1.6,
1492 as provided by Rule 1.6(b)(4), because of:
1493 (A) the unique role of an attorney guardian ad litem described in Subsection (8); and
1494 (B) the state's role and responsibility to provide a guardian ad litem program, and as
1495 parens patriae, to protect minors.
1496 (ii) A claim of attorney-client privilege does not bar access to the records of an attorney
1497 guardian ad litem by the Legislature, through legislative subpoena.
1498 Section 21. Section **78A-6-351** is amended to read:
1499 **78A-6-351. Summons -- Service and process -- Issuance and contents -- Notice to**
1500 **absent parent or guardian -- Emergency medical or surgical treatment -- Compulsory**
1501 **process for attendance of witnesses when authorized.**
1502 (1) (a) After a petition is filed in the juvenile court, the juvenile court shall promptly
1503 issue a summons, unless the juvenile court directs that a further investigation is needed.
1504 (b) A summons is not required for a person who:
1505 (i) appears voluntarily; or
1506 (ii) files a written waiver of service with the clerk of the court at or before the hearing.
1507 (2) A summons under Subsection (1)(a) shall contain:
1508 (a) the name of the court;
1509 (b) the title of the proceedings; and
1510 (c) except for a published summons, a brief statement of the substance of the
1511 allegations in the petition.
1512 (3) A published summons shall state:
1513 (a) that a proceeding concerning the minor is pending in the court; and

1514 (b) an adjudication will be made.
1515 (4) (a) [~~The summons~~] A summons under Subsection (1)(a) shall require:
1516 (i) a minor to appear personally in the juvenile court at a time and place stated; or
1517 (ii) if a person who has physical custody of the minor, for the person to:
1518 (A) appear personally; and
1519 (B) bring the minor before the court at a time and place stated.
1520 (b) If the minor is a child and a person summoned is not the parent or guardian of the
1521 minor, the juvenile court shall issue the summons to the minor's parent or guardian, as the case
1522 may be, notifying the parent or guardian of the pendency of the case and of the time and place
1523 set for the hearing.
1524 (5) A summons may be issued requiring the appearance of any other person whose
1525 presence the juvenile court finds necessary.
1526 (6) If it appears to the juvenile court that the welfare of the minor or of the public
1527 requires that the minor be taken into temporary custody under Section 80-6-201 or protective
1528 custody under Section [~~62A-4a-202.1~~] 80-2a-202, and it does not conflict with Section
1529 80-6-202, the court may by endorsement upon the summons direct that the person serving the
1530 summons take the minor into custody at once.
1531 (7) (a) Upon the sworn testimony of one or more reputable physicians, the juvenile
1532 court may order emergency medical or surgical treatment that is immediately necessary for a
1533 minor for whom a petition has been filed pending the service of summons upon the minor's
1534 parent, guardian, or custodian.
1535 (b) If the juvenile court orders emergency medical or surgical treatment:
1536 (i) if a petition for delinquency has been filed under Section 80-6-305, Subsection
1537 80-6-706(4) shall apply to the juvenile court's decision to order treatment;
1538 (ii) if a petition has been filed under Section 80-3-201, Subsection 80-3-109(3) shall
1539 apply to the juvenile court's decision to order treatment; or
1540 (iii) if a petition has been filed under Section 80-4-201, Subsection 80-4-108(4) shall
1541 apply to the juvenile court's decision to order treatment.
1542 (8) (a) A minor is entitled to the issuance of compulsory process for the attendance of
1543 witnesses on the minor's own behalf.
1544 (b) A minor's parent or guardian is entitled to the issuance of compulsory process for

1545 the attendance of witnesses on the parent's or guardian's own behalf or on behalf of the minor.
1546 (c) A guardian ad litem or a juvenile probation officer is entitled to compulsory process
1547 for the attendance of witnesses on behalf of the minor.
1548 (9) Service of summons and process and proof of service shall be made in the manner
1549 provided in the Utah Rules of Juvenile Procedure.
1550 (10) (a) Service of summons or process shall be made by the sheriff of the county
1551 where the service is to be made, or by the sheriff's deputy.
1552 (b) Notwithstanding Subsection (10)(a), upon request of the juvenile court, service
1553 shall be made by any other peace officer or by another suitable person selected by the court.
1554 (11) Service of summons in the state shall be made personally, by delivering a copy to
1555 the person summoned, except that the parents of a child living together at the parents' usual
1556 place of abode may both be served by personal delivery with one copy of the summons for each
1557 parent.
1558 (12) (a) If the juvenile court makes a written finding that the juvenile court has reason
1559 to believe that personal service of the summons will be unsuccessful, or will not accomplish
1560 notification within a reasonable time after issuance of the summons, the juvenile court may
1561 order service by registered mail, with a return receipt to be signed by the addressee only, to be
1562 addressed to the last-known address of the person to be served in the state.
1563 (b) Service is complete upon return to the juvenile court of the signed receipt.
1564 (13) (a) If the child's parent or guardian required to be summoned under Subsection (4)
1565 cannot be found within the state, the fact of the child's presence within the state shall confer
1566 jurisdiction on the juvenile court in proceedings in a child's case [~~under this title~~] as to any
1567 absent parent or guardian when:
1568 (i) [~~if~~] the address of the parent or guardian is known, due notice is given by sending
1569 the parent or guardian a copy of the summons by registered mail with a return receipt to be
1570 signed by the addressee only, or by personal service outside the state, as provided in the Utah
1571 Rules of Juvenile Procedure; or
1572 (ii) [~~if~~] the address or whereabouts of the parent or guardian outside the state cannot
1573 after diligent inquiry be ascertained, due notice is given by publishing a summons:
1574 (A) in a newspaper having general circulation in the county in which the proceeding is
1575 pending once a week for four successive weeks; or

1576 (B) in accordance with Section 45-1-101 for four weeks.
1577 (b) (i) If service is by registered mail under Subsection (13)(a)(i), service is complete
1578 upon return to the juvenile court of the signed receipt.
1579 (ii) If service is by publication under Subsection (13)(a)(ii), service is complete on the
1580 day of the last publication.
1581 (c) Service of summons as provided in this Subsection (13) shall vest the court with
1582 jurisdiction over the parent or guardian served in the same manner and to the same extent as if
1583 the person served was served personally within the state.
1584 (14) (a) In the case of service in the state, service completed not less than 48 hours
1585 before the time set in the summons for the appearance of the person served, shall be sufficient
1586 to confer jurisdiction.
1587 (b) In the case of service outside the state, service completed not less than five days
1588 before the time set in the summons for appearance of the person served, shall be sufficient to
1589 confer jurisdiction.
1590 (15) Computation of periods of time under this chapter and Title 80, Utah Juvenile
1591 Code, shall be made in accordance with Utah Rules of Juvenile Procedure, Rule 4.
1592 Section 22. Section **78A-6-356** is amended to read:
1593 **78A-6-356. Child support obligation when custody of a child is vested in an**
1594 **individual or institution.**
1595 (1) As used in this section:
1596 (a) "Office" means the Office of Recovery Services.
1597 (b) "State custody" means that a child is in the custody of a state department, division,
1598 or agency, including secure care.
1599 (2) Under this section, a juvenile court may not issue a child support order against an
1600 individual unless:
1601 (a) the individual is served with notice that specifies the date and time of a hearing to
1602 determine the financial support of a specified child;
1603 (b) the individual makes a voluntary appearance; or
1604 (c) the individual submits a waiver of service.
1605 (3) Except as provided in Subsection (11), when a juvenile court places a child in state
1606 custody or if the guardianship of the child has been granted to another party and an agreement

1607 for a guardianship subsidy has been signed by the guardian, the juvenile court:
1608 (a) shall order the child's parent, guardian, or other obligated individual to pay child
1609 support for each month the child is in state custody or cared for under a grant of guardianship;
1610 (b) shall inform the child's parent, guardian, or other obligated individual, verbally and
1611 in writing, of the requirement to pay child support in accordance with Title 78B, Chapter 12,
1612 Utah Child Support Act; and
1613 (c) may refer the establishment of a child support order to the office.
1614 (4) When a juvenile court chooses to refer a case to the office to determine support
1615 obligation amounts in accordance with Title 78B, Chapter 12, Utah Child Support Act, the
1616 juvenile court shall:
1617 (a) make the referral within three working days after the day on which the juvenile
1618 court holds the hearing described in Subsection (2)(a); and
1619 (b) inform the child's parent, guardian, or other obligated individual of:
1620 (i) the requirement to contact the office within 30 days after the day on which the
1621 juvenile court holds the hearing described in Subsection (2)(a); and
1622 (ii) the penalty described in Subsection (6) for failure to contact the office.
1623 (5) Liability for child support ordered under Subsection (3) shall accrue:
1624 (a) except as provided in Subsection (5)(b), beginning on day 61 after the day on which
1625 the juvenile court holds the hearing described in Subsection (2)(a) if there is no existing child
1626 support order for the child; or
1627 (b) beginning on the day the child is removed from the child's home, including time
1628 spent in detention or sheltered care, if the child is removed after having been returned to the
1629 child's home from state custody.
1630 (6) (a) If the child's parent, guardian, or other obligated individual contacts the office
1631 within 30 days after the day on which the court holds the hearing described in Subsection
1632 (2)(a), the child support order may not include a judgment for past due support for more than
1633 two months.
1634 (b) Notwithstanding Subsections (5) and (6)(a), the juvenile court may order the
1635 liability of support to begin to accrue from the date of the proceeding referenced in Subsection
1636 (3) if:
1637 (i) the court informs the child's parent, guardian, or other obligated individual, as

1638 described in Subsection (4)(b), and the parent, guardian, or other obligated individual fails to
1639 contact the office within 30 days after the day on which the court holds the hearing described in
1640 Subsection (2)(a); and
1641 (ii) the office took reasonable steps under the circumstances to contact the child's
1642 parent, guardian, or other obligated individual within 30 days after the last day on which the
1643 parent, guardian, or other obligated individual was required to contact the office to facilitate the
1644 establishment of a child support order.
1645 (c) For purposes of Subsection (6)(b)(ii), the office is presumed to have taken
1646 reasonable steps if the office:
1647 (i) has a signed, returned receipt for a certified letter mailed to the address of the child's
1648 parent, guardian, or other obligated individual regarding the requirement that a child support
1649 order be established; or
1650 (ii) has had a documented conversation, whether by telephone or in person, with the
1651 child's parent, guardian, or other obligated individual regarding the requirement that a child
1652 support order be established.
1653 (7) In collecting arrears, the office shall comply with Section 62A-11-320 in setting a
1654 payment schedule or demanding payment in full.
1655 (8) (a) Unless a court orders otherwise, the child's parent, guardian, or other obligated
1656 individual shall pay the child support to the office.
1657 (b) The clerk of the juvenile court, the office, or the [~~Department of Human Services~~]
1658 department and the department's divisions shall have authority to receive periodic payments for
1659 the care and maintenance of the child, such as social security payments or railroad retirement
1660 payments made in the name of or for the benefit of the child.
1661 (9) An existing child support order payable to a parent or other individual shall be
1662 assigned to the [~~Department of Human Services~~] department as provided in Section
1663 62A-1-117.
1664 (10) (a) Subsections (4) through (9) do not apply if legal custody of a child is vested by
1665 the juvenile court in an individual.
1666 (b) (i) If legal custody of a child is vested by the juvenile court in an individual, the
1667 court may order the child's parent, guardian, or other obligated individual to pay child support
1668 to the individual in whom custody is vested.

1669 (ii) In the same proceeding, the juvenile court shall inform the child's parent, guardian,
1670 or other obligated individual, verbally and in writing, of the requirement to pay child support in
1671 accordance with Title 78B, Chapter 12, Utah Child Support Act.
1672 (11) The juvenile court may not order an individual to pay child support for a child in
1673 state custody if:
1674 (a) the individual's only form of income is a government-issued disability benefit;
1675 (b) the benefit described in Subsection (11)(a) is issued because of the individual's
1676 disability, and not the child's disability; and
1677 (c) the individual provides the juvenile court and the office evidence that the individual
1678 meets the requirements of Subsections (11)(a) and (b).
1679 (12) (a) The child's parent or another obligated individual is not responsible for child
1680 support for the period of time that the child is removed from the child's home by the Division
1681 of Child and Family Services if:
1682 (i) the juvenile court finds that there were insufficient grounds for the removal of the
1683 child; and
1684 (ii) the child is returned to the home of the child's parent or guardian based on the
1685 finding described in Subsection (12)(a)(i).
1686 (b) If the juvenile court finds insufficient grounds for the removal of the child under
1687 Subsection (12)(a), but that the child is to remain in state custody, the juvenile court shall order
1688 that the child's parent or another obligated individual is responsible for child support beginning
1689 on the day on which it became improper to return the child to the home of the child's parent or
1690 guardian.
1691 [~~(12)~~] (13) After the juvenile court or the office establishes an individual's child
1692 support obligation ordered under Subsection (3), the office shall waive the obligation without
1693 further order of the juvenile court if:
1694 (a) the individual's child support obligation is established under Subsection
1695 78B-12-205(6) or Section 78B-12-302; or
1696 (b) the individual's only source of income is a means-tested, income replacement
1697 payment of aid, including:
1698 (i) cash assistance provided under Title 35A, Chapter 3, Part 3, Family Employment
1699 Program; or

1700 (ii) cash benefits received under General Assistance, social security income, or social
1701 security disability income.
1702 Section 23. Section **78A-6-357** is amended to read:
1703 **78A-6-357. New hearings -- Modification of order or decree -- Requirements for**
1704 **changing or terminating custody, probation, or protective supervision.**
1705 (1) If a party seeks a new hearing after an adjudication under Title 80, Utah Juvenile
1706 Code, [~~Utah Rules of Juvenile Procedure, Rule 48,~~] Rule 48 of the Utah Rules of Juvenile
1707 Procedure shall govern the matter of granting a new hearing.
1708 (2) (a) Except as provided in Subsection (3), a juvenile court may modify or set aside
1709 any order or decree made by the juvenile court.
1710 (b) A modification of an order placing a minor on probation may not:
1711 (i) include an order under Section 80-3-405, 80-6-703, 80-6-704, or 80-6-705; or
1712 (ii) extend supervision over a minor, except in accordance with Section 80-6-712.
1713 (3) (a) A parent or guardian of a child whose legal custody has been transferred by the
1714 juvenile court to an individual, agency, or institution may petition the juvenile court for
1715 restoration of custody or other modification or revocation of the juvenile court's order or
1716 decree, except as provided in Subsections (3)(b), (c), and (d) and for a transfer of legal custody
1717 for secure care.
1718 (b) A parent or guardian may only petition the juvenile court under Subsection (3)(a)
1719 on the ground that a change of circumstances has occurred that requires modification or
1720 revocation in the best interest of the child or the public.
1721 (c) A parent may not file a petition after the parent's parental rights have been
1722 terminated in accordance with Title 80, Chapter 4, Termination and Restoration of Parental
1723 Rights.
1724 (d) A parent may not file a petition for restoration of custody under this section during
1725 the existence of a permanent guardianship established for the child under Subsection
1726 80-3-405(2)(d).
1727 (4) (a) An individual, agency, or institution vested with legal custody of a child may
1728 petition the juvenile court for a modification of the custody order on the ground that the change
1729 is necessary for the welfare of the child or in the public interest.
1730 (b) The juvenile court shall proceed upon the petition in accordance with this section.

1731 (5) Notice of hearing is required in any case in which the effect of modifying or setting
1732 aside an order or decree may be to make any change in the minor's legal custody under Section
1733 80-3-405 or 80-6-703.
1734 (6) (a) Upon the filing of a petition under Subsection (3)(a), the juvenile court shall
1735 make a preliminary investigation.
1736 (b) After the preliminary investigation described in Subsection (6)(a), the juvenile
1737 court:
1738 (i) may dismiss the petition if the juvenile court finds the alleged change of
1739 circumstances, if proved, would not affect the decree; or
1740 (ii) shall conduct a hearing, if the juvenile court finds that further examination of the
1741 facts is needed, or if the juvenile court on the juvenile court's own motion determines that the
1742 juvenile court's order or decree should be reviewed.
1743 (c) Notice of the hearing described in Subsection (6)(b)(ii) shall be given to all
1744 interested persons.
1745 (d) At a hearing under Subsection (6)(b)(ii), the juvenile court may enter an order
1746 continuing, modifying, or terminating the juvenile court's order or decree.
1747 (7) Notice of an order terminating probation or protective supervision of a child shall
1748 be given to [~~the child's~~]:
1749 (a) the child's parent;
1750 (b) the child's guardian;
1751 (c) the child's custodian; and
1752 (d) [~~where~~] if appropriate, to the child.
1753 (8) Notice of an order terminating probation or protective supervision of a minor who
1754 is at least 18 years old shall be given to the minor.
1755 Section 24. Section **80-1-102** is amended to read:
1756 **80-1-102. Juvenile code definitions.**
1757 [~~As~~] Except as provided in Section 80-6-1103, as used in this title:
1758 (1) (a) "Abuse" means:
1759 (i) (A) nonaccidental harm of a child;
1760 (B) threatened harm of a child;
1761 (C) sexual exploitation;

1762 (D) sexual abuse; or
1763 (E) human trafficking of a child in violation of Section 76-5-308.5; or
1764 (ii) that a child's natural parent:
1765 (A) intentionally, knowingly, or recklessly causes the death of another parent of the
1766 child;
1767 (B) is identified by a law enforcement agency as the primary suspect in an investigation
1768 for intentionally, knowingly, or recklessly causing the death of another parent of the child; or
1769 (C) is being prosecuted for or has been convicted of intentionally, knowingly, or
1770 recklessly causing the death of another parent of the child.
1771 (b) "Abuse" does not include:
1772 (i) reasonable discipline or management of a child, including withholding privileges;
1773 (ii) conduct described in Section 76-2-401; or
1774 (iii) the use of reasonable and necessary physical restraint or force on a child:
1775 (A) in self-defense;
1776 (B) in defense of others;
1777 (C) to protect the child; or
1778 (D) to remove a weapon in the possession of a child for any of the reasons described in
1779 Subsections (1)(b)(iii)(A) through (C).
1780 (2) "Abused child" means a child who has been subjected to abuse.
1781 (3) (a) "Adjudication" means a finding by the court, incorporated in a decree, that the
1782 facts alleged in the petition have been proved.
1783 (b) "Adjudication" does not mean a finding of not competent to proceed in accordance
1784 with Section 80-6-402.
1785 (4) (a) "Adult" means an individual who is 18 years old or older.
1786 (b) "Adult" does not include an individual:
1787 (i) who is 18 years old or older; and
1788 (ii) who is a minor.
1789 (5) "Attorney guardian ad litem" means the same as that term is defined in Section
1790 78A-2-801.
1791 (6) "Board" means the Board of Juvenile Court Judges.
1792 (7) "Child" means, except as provided in Section 80-2-905, an individual who is under

1793 18 years old.
1794 (8) "Child and family plan" means a written agreement between a child's parents or
1795 guardian and the Division of Child and Family Services as described in Section [~~62A-4a-205~~]
1796 80-3-307.
1797 [~~(9) "Child placement agency" means:~~]
1798 [~~(a) a private agency licensed to receive a child for placement or adoption under this~~
1799 ~~code; or~~]
1800 [~~(b) a private agency that receives a child for placement or adoption in another state,~~
1801 ~~which is licensed or approved where such license or approval is required by law.~~]
1802 (9) "Child placing" means the same as that term is defined in Section 62A-2-101.
1803 (10) "Child-placing agency" means the same as that term is defined in Section
1804 62A-2-101.
1805 (11) "Child protection team" means a team consisting of:
1806 (a) the child welfare caseworker assigned to the case;
1807 (b) if applicable, the child welfare caseworker who made the decision to remove the
1808 child;
1809 (c) a representative of the school or school district where the child attends school;
1810 (d) if applicable, the law enforcement officer who removed the child from the home;
1811 (e) a representative of the appropriate Children's Justice Center, if one is established
1812 within the county where the child resides;
1813 (f) if appropriate, and known to the division, a therapist or counselor who is familiar
1814 with the child's circumstances;
1815 (g) if appropriate, a representative of law enforcement selected by the chief of police or
1816 sheriff in the city or county where the child resides; and
1817 (h) any other individuals determined appropriate and necessary by the team coordinator
1818 and chair.
1819 (12) (a) "Chronic abuse" means repeated or patterned abuse.
1820 (b) "Chronic abuse" does not mean an isolated incident of abuse.
1821 (13) (a) "Chronic neglect" means repeated or patterned neglect.
1822 (b) "Chronic neglect" does not mean an isolated incident of neglect.
1823 [~~(10)~~] (14) "Clandestine laboratory operation" means the same as that term is defined

1824 in Section 58-37d-3.
1825 [~~(11)~~] (15) "Commit" or "committed" means, unless specified otherwise:
1826 (a) with respect to a child, to transfer legal custody; and
1827 (b) with respect to a minor who is at least 18 years old, to transfer custody.
1828 [~~(12)~~] (16) "Community-based program" means a nonsecure residential or
1829 nonresidential program, designated to supervise and rehabilitate juvenile offenders, that
1830 prioritizes the least restrictive setting, consistent with public safety, and operated by or under
1831 contract with the Division of Juvenile Justice Services.
1832 [~~(13)~~] (17) "Community placement" means placement of a minor in a
1833 community-based program described in Section 80-5-402.
1834 [~~(14)~~] (18) "Correctional facility" means:
1835 (a) a county jail; or
1836 (b) a secure correctional facility as defined in Section 64-13-1.
1837 [~~(15)~~] (19) "Criminogenic risk factors" means evidence-based factors that are
1838 associated with a minor's likelihood of reoffending.
1839 [~~(16)~~] (20) "Department" means the Department of Human Services created in Section
1840 62A-1-102.
1841 [~~(17)~~] (21) "Dependent child" or "dependency" means a child who is without proper
1842 care through no fault of the child's parent, guardian, or custodian.
1843 [~~(18)~~] (22) "Deprivation of custody" means transfer of legal custody by the juvenile
1844 court from a parent or a previous custodian to another person, agency, or institution.
1845 [~~(19)~~] (23) "Detention" means home detention or secure detention.
1846 (24) "Detention facility" means a facility, established by the Division of Juvenile
1847 Justice Services in accordance with Section 80-6-501, for minors held in detention.
1848 [~~(20)~~] (25) "Detention risk assessment tool" means an evidence-based tool established
1849 under Section 80-5-203 that:
1850 (a) assesses a minor's risk of failing to appear in court or reoffending before
1851 adjudication; and
1852 (b) is designed to assist in making a determination of whether a minor shall be held in
1853 detention.
1854 [~~(21)~~] (26) "Developmental immaturity" means incomplete development in one or

1855 more domains that manifests as a functional limitation in the minor's present ability to:
1856 (a) consult with counsel with a reasonable degree of rational understanding; and
1857 (b) have a rational as well as factual understanding of the proceedings.
1858 [~~(22)~~] (27) "Disposition" means an order by a juvenile court, after the adjudication of a
1859 minor, under Section 80-3-405 or 80-4-305 or Chapter 6, Part 7, Adjudication and Disposition.
1860 [~~(23)~~] (28) "Educational neglect" means that, after receiving a notice of compulsory
1861 education violation under Section 53G-6-202, the parent or guardian fails to make a good faith
1862 effort to ensure that the child receives an appropriate education.
1863 [~~(24)~~] (29) "Educational series" means an evidence-based instructional series:
1864 (a) obtained at a substance abuse program that is approved by the Division of
1865 Substance Abuse and Mental Health in accordance with Section 62A-15-105; and
1866 (b) designed to prevent substance use or the onset of a mental health disorder.
1867 [~~(25)~~] (30) "Emancipated" means the same as that term is defined in Section 80-7-102.
1868 [~~(26)~~] (31) "Evidence-based" means a program or practice that has had multiple
1869 randomized control studies or a meta-analysis demonstrating that the program or practice is
1870 effective for a specific population or has been rated as effective by a standardized program
1871 evaluation tool.
1872 [~~(27)~~] (32) "Forensic evaluator" means the same as that term is defined in Section
1873 77-15-2.
1874 [~~(28)~~] (33) "Formal probation" means a minor is:
1875 (a) supervised in the community by, and reports to, a juvenile probation officer or an
1876 agency designated by the juvenile court; and
1877 (b) subject to return to the juvenile court in accordance with Section 80-6-607.
1878 [~~(29)~~] (34) "Group rehabilitation therapy" means psychological and social counseling
1879 of one or more individuals in the group, depending upon the recommendation of the therapist.
1880 [~~(30)~~] (35) "Guardian" means a person appointed by a court to make decisions
1881 regarding a minor, including the authority to consent to:
1882 (a) marriage;
1883 (b) enlistment in the armed forces;
1884 (c) major medical, surgical, or psychiatric treatment; or
1885 (d) legal custody, if legal custody is not vested in another individual, agency, or

1886 institution.
1887 [~~(31)~~] (36) "Guardian ad litem" means the same as that term is defined in Section
1888 78A-2-801.
1889 [~~(32)~~] (37) "Harm" means:
1890 (a) physical or developmental injury or damage;
1891 (b) emotional damage that results in a serious impairment in the child's growth,
1892 development, behavior, or psychological functioning;
1893 (c) sexual abuse; or
1894 (d) sexual exploitation.
1895 [~~(33)~~] (38) "Home detention" means placement of a minor:
1896 (a) if prior to a disposition, in the minor's home, or in a surrogate home with the
1897 consent of the minor's parent, guardian, or custodian, under terms and conditions established by
1898 the Division of Juvenile Justice Services or the juvenile court; or
1899 (b) if after a disposition, and in accordance with Section 78A-6-353 or 80-6-704, in the
1900 minor's home, or in a surrogate home with the consent of the minor's parent, guardian, or
1901 custodian, under terms and conditions established by the Division of Juvenile Justice Services
1902 or the juvenile court.
1903 [~~(34)~~] (39) (a) "Incest" means engaging in sexual intercourse with an individual whom
1904 the perpetrator knows to be the perpetrator's ancestor, descendant, brother, sister, uncle, aunt,
1905 nephew, niece, or first cousin.
1906 (b) "Incest" includes:
1907 (i) blood relationships of the whole or half blood, without regard to legitimacy;
1908 (ii) relationships of parent and child by adoption; and
1909 (iii) relationships of stepparent and stepchild while the marriage creating the
1910 relationship of a stepparent and stepchild exists.
1911 [~~(35)~~] (40) "Indian child" means the same as that term is defined in 25 U.S.C. Sec.
1912 1903.
1913 [~~(36)~~] (41) "Indian tribe" means the same as that term is defined in 25 U.S.C. Sec.
1914 1903.
1915 [~~(37)~~] (42) "Indigent defense service provider" means the same as that term is defined
1916 in Section 78B-22-102.

1917 [~~(38)~~] (43) "Indigent defense services" means the same as that term is defined in
1918 Section 78B-22-102.
1919 [~~(39)~~] (44) "Indigent individual" means the same as that term is defined in Section
1920 78B-22-102.
1921 [~~(40)~~] (45) (a) "Intake probation" means a minor is:
1922 (i) monitored by a juvenile probation officer; and
1923 (ii) subject to return to the juvenile court in accordance with Section 80-6-607.
1924 (b) "Intake probation" does not include formal probation.
1925 [~~(41)~~] (46) "Intellectual disability" means a significant subaverage general intellectual
1926 functioning existing concurrently with deficits in adaptive behavior that constitutes a
1927 substantial limitation to the individual's ability to function in society.
1928 [~~(42)~~] (47) "Juvenile offender" means:
1929 (a) a serious youth offender; or
1930 (b) a youth offender.
1931 [~~(43)~~] (48) "Juvenile probation officer" means a probation officer appointed under
1932 Section 78A-6-205.
1933 [~~(44)~~] (49) "Juvenile receiving center" means a nonsecure, nonresidential program
1934 established by the Division of Juvenile Justice Services, or under contract with the Division of
1935 Juvenile Justice Services, that is responsible for minors taken into temporary custody under
1936 Section 80-6-201.
1937 [~~(45)~~] (50) "Legal custody" means a relationship embodying:
1938 (a) the right to physical custody of the minor;
1939 (b) the right and duty to protect, train, and discipline the minor;
1940 (c) the duty to provide the minor with food, clothing, shelter, education, and ordinary
1941 medical care;
1942 (d) the right to determine where and with whom the minor shall live; and
1943 (e) the right, in an emergency, to authorize surgery or other extraordinary care.
1944 (51) "Licensing Information System" means the Licensing Information System
1945 maintained by the Division of Child and Family Services under Section 80-2-1002.
1946 (52) "Management Information System" means the Management Information System
1947 developed by the Division of Child and Family Services under Section 80-2-1001.

1948 [~~(46)~~] (53) "Mental illness" means:
1949 (a) a psychiatric disorder that substantially impairs an individual's mental, emotional,
1950 behavioral, or related functioning; or
1951 (b) the same as that term is defined in:
1952 (i) the current edition of the Diagnostic and Statistical Manual of Mental Disorders
1953 published by the American Psychiatric Association; or
1954 (ii) the current edition of the International Statistical Classification of Diseases and
1955 Related Health Problems.
1956 [~~(47)~~] (54) "Minor" means, except as provided in Sections 80-6-501, 80-6-901, and
1957 80-7-102:
1958 (a) a child; or
1959 (b) an individual:
1960 (i) (A) who is at least 18 years old and younger than 21 years old; and
1961 (B) for whom the Division of Child and Family Services has been specifically ordered
1962 by the juvenile court to provide services because the individual was an abused, neglected, or
1963 dependent child or because the individual was adjudicated for an offense; or
1964 (ii) (A) who is at least 18 years old and younger than 25 years old; and
1965 (B) whose case is under the continuing jurisdiction of the juvenile court under Chapter
1966 6, Juvenile Justice.
1967 [~~(48)~~] (55) "Mobile crisis outreach team" means the same as that term is defined in
1968 Section 62A-15-102.
1969 [~~(49)~~] (56) "Molestation" means that an individual, with the intent to arouse or gratify
1970 the sexual desire of any individual, touches the anus, buttocks, pubic area, or genitalia of any
1971 child, or the breast of a female child, or takes indecent liberties with a child as defined in
1972 Section 76-5-416.
1973 [~~(50)~~] (57) (a) "Natural parent" means, except as provided in Section 80-3-302, a
1974 minor's biological or adoptive parent.
1975 (b) "Natural parent" includes the minor's noncustodial parent.
1976 [~~(51)~~] (58) (a) "Neglect" means action or inaction causing:
1977 (i) abandonment of a child, except as provided in [~~Title 62A, Chapter 4a, Part 8, Safe~~
1978 ~~Relinquishment of a Newborn Child~~] Chapter 4, Part 5, Safe Relinquishment of a Newborn

1979 Child;
1980 (ii) lack of proper parental care of a child by reason of the fault or habits of the parent,
1981 guardian, or custodian;
1982 (iii) failure or refusal of a parent, guardian, or custodian to provide proper or necessary
1983 subsistence or medical care, or any other care necessary for the child's health, safety, morals, or
1984 well-being;
1985 (iv) a child to be at risk of being neglected or abused because another child in the same
1986 home is neglected or abused;
1987 (v) abandonment of a child through an unregulated custody transfer; or
1988 (vi) educational neglect.
1989 (b) "Neglect" does not include:
1990 (i) a parent or guardian legitimately practicing religious beliefs and who, for that
1991 reason, does not provide specified medical treatment for a child;
1992 (ii) a health care decision made for a child by the child's parent or guardian, unless the
1993 state or other party to a proceeding shows, by clear and convincing evidence, that the health
1994 care decision is not reasonable and informed;
1995 (iii) a parent or guardian exercising the right described in Section 80-3-304; or
1996 (iv) permitting a child, whose basic needs are met and who is of sufficient age and
1997 maturity to avoid harm or unreasonable risk of harm, to engage in independent activities,
1998 including:
1999 (A) traveling to and from school, including by walking, running, or bicycling;
2000 (B) traveling to and from nearby commercial or recreational facilities;
2001 (C) engaging in outdoor play;
2002 (D) remaining in a vehicle unattended, except under the conditions described in
2003 Subsection 76-10-2202(2);
2004 (E) remaining at home unattended; or
2005 (F) engaging in a similar independent activity.
2006 [~~(52)~~] (59) "Neglected child" means a child who has been subjected to neglect.
2007 [~~(53)~~] (60) "Nonjudicial adjustment" means closure of the case by the assigned juvenile
2008 probation officer, without an adjudication of the minor's case under Section 80-6-701, upon the
2009 consent in writing of:

2010 (a) the assigned juvenile probation officer; and
2011 (b) (i) the minor; or
2012 (ii) the minor and the minor's parent, [~~legal~~] guardian, or custodian.
2013 [~~(54)~~] (61) "Not competent to proceed" means that a minor, due to a mental illness,
2014 intellectual disability or related condition, or developmental immaturity, lacks the ability to:
2015 (a) understand the nature of the proceedings against the minor or of the potential
2016 disposition for the offense charged; or
2017 (b) consult with counsel and participate in the proceedings against the minor with a
2018 reasonable degree of rational understanding.
2019 [~~(55)~~] (62) "Parole" means a conditional release of a juvenile offender from residency
2020 in secure care to live outside of secure care under the supervision of the Division of Juvenile
2021 Justice Services, or another person designated by the Division of Juvenile Justice Services.
2022 [~~(56)~~] (63) "Physical abuse" means abuse that results in physical injury or damage to a
2023 child.
2024 [~~(57)~~] (64) (a) "Probation" means a legal status created by court order, following an
2025 adjudication under Section 80-6-701, whereby the minor is permitted to remain in the minor's
2026 home under prescribed conditions.
2027 (b) "Probation" includes intake probation or formal probation.
2028 [~~(58)~~] (65) "Prosecuting attorney" means:
2029 (a) the attorney general and any assistant attorney general;
2030 (b) any district attorney or deputy district attorney;
2031 (c) any county attorney or assistant county attorney; and
2032 (d) any other attorney authorized to commence an action on behalf of the state.
2033 [~~(59)~~] (66) "Protective custody" means the shelter of a child by the Division of Child
2034 and Family Services from the time the child is removed from the home until the earlier of:
2035 (a) the day on which the shelter hearing is held under Section 80-3-301; or
2036 (b) the day on which the child is returned home.
2037 (67) "Protective services" means expedited services that are provided:
2038 (a) in response to evidence of neglect, abuse, or dependency of a child;
2039 (b) to a cohabitant who is neglecting or abusing a child, in order to:
2040 (i) help the cohabitant develop recognition of the cohabitant's duty of care and of the

2041 causes of neglect or abuse; and
2042 (ii) strengthen the cohabitant's ability to provide safe and acceptable care; and
2043 (c) in cases where the child's welfare is endangered:
2044 (i) to bring the situation to the attention of the appropriate juvenile court and law
2045 enforcement agency;
2046 (ii) to cause a protective order to be issued for the protection of the child, when
2047 appropriate; and
2048 (iii) to protect the child from the circumstances that endanger the child's welfare
2049 including, when appropriate:
2050 (A) removal from the child's home;
2051 (B) placement in substitute care; and
2052 (C) petitioning the court for termination of parental rights.
2053 [~~(60)~~] (68) "Protective supervision" means a legal status created by court order,
2054 following an adjudication on the ground of abuse, neglect, or dependency, whereby:
2055 (a) the minor is permitted to remain in the minor's home; and
2056 (b) supervision and assistance to correct the abuse, neglect, or dependency is provided
2057 by an agency designated by the juvenile court.
2058 [~~(61)~~] (69) (a) "Related condition" means a condition that:
2059 (i) is found to be closely related to intellectual disability;
2060 (ii) results in impairment of general intellectual functioning or adaptive behavior
2061 similar to that of an intellectually disabled individual;
2062 (iii) is likely to continue indefinitely; and
2063 (iv) constitutes a substantial limitation to the individual's ability to function in society.
2064 (b) "Related condition" does not include mental illness, psychiatric impairment, or
2065 serious emotional or behavioral disturbance.
2066 [~~(62)~~] (70) (a) "Residual parental rights and duties" means the rights and duties
2067 remaining with a parent after legal custody or guardianship, or both, have been vested in
2068 another person or agency, including:
2069 (i) the responsibility for support;
2070 (ii) the right to consent to adoption;
2071 (iii) the right to determine the child's religious affiliation; and

2072 (iv) the right to reasonable parent-time unless restricted by the court.
2073 (b) If no guardian has been appointed, "residual parental rights and duties" includes the
2074 right to consent to:
2075 (i) marriage;
2076 (ii) enlistment; and
2077 (iii) major medical, surgical, or psychiatric treatment.
2078 [~~(63)~~] (71) "Runaway" means a child, other than an emancipated child, who willfully
2079 leaves the home of the child's parent or guardian, or the lawfully prescribed residence of the
2080 child, without permission.
2081 [~~(64)~~] (72) "Secure care" means placement of a minor, who is committed to the
2082 Division of Juvenile Justice Services for rehabilitation, in a facility operated by, or under
2083 contract with, the Division of Juvenile Justice Services, that provides 24-hour supervision and
2084 confinement of the minor.
2085 [~~(65)~~] (73) "Secure care facility" means a facility, established in accordance with
2086 Section 80-5-503, for juvenile offenders in secure care.
2087 [~~(66)~~] (74) "Secure detention" means temporary care of a minor who requires secure
2088 custody in a physically restricting facility operated by, or under contract with, the Division of
2089 Juvenile Justice Services:
2090 (a) before disposition of an offense that is alleged to have been committed by the
2091 minor; or
2092 (b) under Section 80-6-704.
2093 [~~(67)~~] (75) "Serious youth offender" means an individual who:
2094 (a) is at least 14 years old, but under 25 years old;
2095 (b) committed a felony listed in Subsection 80-6-503(1) and the continuing jurisdiction
2096 of the juvenile court was extended over the individual's case until the individual was 25 years
2097 old in accordance with Section 80-6-605; and
2098 (c) is committed by the juvenile court to the Division of Juvenile Justice Services for
2099 secure care under Sections 80-6-703 and 80-6-705.
2100 [~~(68)~~] (76) "Severe abuse" means abuse that causes or threatens to cause serious harm
2101 to a child.
2102 [~~(69)~~] (77) "Severe neglect" means neglect that causes or threatens to cause serious

2103 harm to a child.
2104 (78) (a) "Severe type of child abuse or neglect" means, except as provided in
2105 Subsection (78)(b):
2106 (i) if committed by an individual who is 18 years old or older:
2107 (A) chronic abuse;
2108 (B) severe abuse;
2109 (C) sexual abuse;
2110 (D) sexual exploitation;
2111 (E) abandonment;
2112 (F) chronic neglect; or
2113 (G) severe neglect; or
2114 (ii) if committed by an individual who is under 18 years old:
2115 (A) causing serious physical injury, as defined in Subsection 76-5-109(1), to another
2116 child that indicates a significant risk to other children; or
2117 (B) sexual behavior with or upon another child that indicates a significant risk to other
2118 children.
2119 (b) "Severe type of child abuse or neglect" does not include:
2120 (i) the use of reasonable and necessary physical restraint by an educator in accordance
2121 with Subsection 53G-8-302(2) or Section 76-2-401;
2122 (ii) an individual's conduct that is justified under Section 76-2-401 or constitutes the
2123 use of reasonable and necessary physical restraint or force in self-defense or otherwise
2124 appropriate to the circumstances to obtain possession of a weapon or other dangerous object in
2125 the possession or under the control of a child or to protect the child or another individual from
2126 physical injury; or
2127 (iii) a health care decision made for a child by a child's parent or guardian, unless,
2128 subject to Subsection (78)(c), the state or other party to the proceeding shows, by clear and
2129 convincing evidence, that the health care decision is not reasonable and informed.
2130 (c) Subsection (78)(b)(iii) does not prohibit a parent or guardian from exercising the
2131 right to obtain a second health care opinion.
2132 [~~(70)~~] (79) "Sexual abuse" means:
2133 (a) an act or attempted act of sexual intercourse, sodomy, incest, or molestation by an

2134 adult directed towards a child;
2135 (b) an act or attempted act of sexual intercourse, sodomy, incest, or molestation
2136 committed by a child towards another child if:
2137 (i) there is an indication of force or coercion;
2138 (ii) the children are related, as described in Subsection [~~(34)~~] (39), including siblings
2139 by marriage while the marriage exists or by adoption;
2140 (iii) there have been repeated incidents of sexual contact between the two children,
2141 unless the children are 14 years old or older; or
2142 (iv) there is a disparity in chronological age of four or more years between the two
2143 children;
2144 (c) engaging in any conduct with a child that would constitute an offense under any of
2145 the following, regardless of whether the individual who engages in the conduct is actually
2146 charged with, or convicted of, the offense:
2147 (i) Title 76, Chapter 5, Part 4, Sexual Offenses, except for Section 76-5-401, if the
2148 alleged perpetrator of an offense described in Section 76-5-401 is a minor;
2149 (ii) child bigamy, Section 76-7-101.5;
2150 (iii) incest, Section 76-7-102;
2151 (iv) lewdness, Section 76-9-702;
2152 (v) sexual battery, Section 76-9-702.1;
2153 (vi) lewdness involving a child, Section 76-9-702.5; or
2154 (vii) voyeurism, Section 76-9-702.7; or
2155 (d) subjecting a child to participate in or threatening to subject a child to participate in
2156 a sexual relationship, regardless of whether that sexual relationship is part of a legal or cultural
2157 marriage.
2158 [~~(71)~~] (80) "Sexual exploitation" means knowingly:
2159 (a) employing, using, persuading, inducing, enticing, or coercing any child to:
2160 (i) pose in the nude for the purpose of sexual arousal of any individual; or
2161 (ii) engage in any sexual or simulated sexual conduct for the purpose of photographing,
2162 filming, recording, or displaying in any way the sexual or simulated sexual conduct;
2163 (b) displaying, distributing, possessing for the purpose of distribution, or selling
2164 material depicting a child:

2165 (i) in the nude, for the purpose of sexual arousal of any individual; or
2166 (ii) engaging in sexual or simulated sexual conduct; or
2167 (c) engaging in any conduct that would constitute an offense under Section 76-5b-201,
2168 sexual exploitation of a minor, regardless of whether the individual who engages in the conduct
2169 is actually charged with, or convicted of, the offense.
2170 [~~(72)~~] (81) "Shelter" means the temporary care of a child in a physically unrestricted
2171 facility pending a disposition or transfer to another jurisdiction.
2172 [~~(73)~~] (82) "Shelter facility" means [~~the same as that term is defined in Section~~
2173 ~~62A-4a-101~~] a nonsecure facility that provides shelter for a minor.
2174 (83) "Significant risk" means a risk of harm that is determined to be significant in
2175 accordance with risk assessment tools and rules established by the Division of Child and
2176 Family Services in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking
2177 Act, that focus on:
2178 (a) age;
2179 (b) social factors;
2180 (c) emotional factors;
2181 (d) sexual factors;
2182 (e) intellectual factors;
2183 (f) family risk factors; and
2184 (g) other related considerations.
2185 [~~(74)~~] (84) "Single criminal episode" means the same as that term is defined in Section
2186 76-1-401.
2187 [~~(75)~~] (85) "Status offense" means an offense that would not be an offense but for the
2188 age of the offender.
2189 [~~(76)~~] (86) "Substance abuse" means, except as provided in Section 80-2-603, the
2190 misuse or excessive use of alcohol or other drugs or substances.
2191 [~~(77) "Substantiated" means the same as that term is defined in Section 62A-4a-101.~~]
2192 [~~(78) "Supported" means the same as that term is defined in Section 62A-4a-101.~~]
2193 (87) "Substantiated" or "substantiation" means a judicial finding based on a
2194 preponderance of the evidence, and separate consideration of each allegation made or identified
2195 in the case, that abuse, neglect, or dependency occurred.

2196 (88) "Substitute care" means:
2197 (a) the placement of a minor in a family home, group care facility, or other placement
2198 outside the minor's own home, either at the request of a parent or other responsible relative, or
2199 upon court order, when it is determined that continuation of care in the minor's own home
2200 would be contrary to the minor's welfare;
2201 (b) services provided for a minor in the protective custody of the Division of Child and
2202 Family Services, or a minor in the temporary custody or custody of the Division of Child and
2203 Family Services, as those terms are defined in Section 80-3-102; or
2204 (c) the licensing and supervision of a substitute care facility.
2205 (89) "Supported" means a finding by the Division of Child and Family Services based
2206 on the evidence available at the completion of an investigation, and separate consideration of
2207 each allegation made or identified during the investigation, that there is a reasonable basis to
2208 conclude that abuse, neglect, or dependency occurred.
2209 [~~(79)~~] (90) "Termination of parental rights" means the permanent elimination of all
2210 parental rights and duties, including residual parental rights and duties, by court order.
2211 [~~(80)~~] (91) "Therapist" means:
2212 (a) an individual employed by a state division or agency for the purpose of conducting
2213 psychological treatment and counseling of a minor in the division's or agency's custody; or
2214 (b) any other individual licensed or approved by the state for the purpose of conducting
2215 psychological treatment and counseling.
2216 [~~(81)~~] (92) "Threatened harm" means actions, inactions, or credible verbal threats,
2217 indicating that the child is at an unreasonable risk of harm or neglect.
2218 [~~(82)~~] (93) "Ungovernable" means a child in conflict with a parent or guardian, and the
2219 conflict:
2220 (a) results in behavior that is beyond the control or ability of the child, or the parent or
2221 guardian, to manage effectively;
2222 (b) poses a threat to the safety or well-being of the child, the child's family, or others;
2223 or
2224 (c) results in the situations described in Subsections [~~(82)~~] (93)(a) and (b).
2225 [~~(83)~~] (94) "Unregulated custody transfer" means the placement of a child:
2226 (a) with an individual who is not the child's parent, step-parent, grandparent, adult

2227 sibling, adult uncle or aunt, or [~~legal~~] guardian, or a friend of the family who is an adult and
2228 with whom the child is familiar, or a member of the child's federally recognized tribe;
2229 (b) with the intent of severing the child's existing parent-child or guardian-child
2230 relationship; and
2231 (c) without taking:
2232 (i) reasonable steps to ensure the safety of the child and permanency of the placement;
2233 and
2234 (ii) the necessary steps to transfer the legal rights and responsibilities of parenthood or
2235 guardianship to the individual taking custody of the child.
2236 [~~(84) "Unsupported" means the same as that term is defined in Section 62A-4a-101.~~]
2237 [~~(85) "Unsubstantiated" means the same as that term is defined in Section~~
2238 ~~62A-4a-101.~~]
2239 (95) "Unsupported" means a finding by the Division of Child and Family Services at
2240 the completion of an investigation, after the day on which the Division of Child and Family
2241 Services concludes the alleged abuse, neglect, or dependency is not without merit, that there is
2242 insufficient evidence to conclude that abuse, neglect, or dependency occurred.
2243 (96) "Unsubstantiated" means a judicial finding that there is insufficient evidence to
2244 conclude that abuse, neglect, or dependency occurred.
2245 [~~(86)~~] (97) "Validated risk and needs assessment" means an evidence-based tool that
2246 assesses a minor's risk of reoffending and a minor's criminogenic needs.
2247 [~~(87)~~] (98) "Without merit" means [~~the same as that term is defined in Section~~
2248 ~~62A-4a-101~~] a finding at the completion of an investigation by the Division of Child and
2249 Family Services, or a judicial finding, that the alleged abuse, neglect, or dependency did not
2250 occur, or that the alleged perpetrator was not responsible for the abuse, neglect, or dependency.
2251 [~~(88)~~] (99) "Youth offender" means an individual who is:
2252 (a) at least 12 years old, but under 21 years old; and
2253 (b) committed by the juvenile court to the Division of Juvenile Justice Services for
2254 secure care under Sections 80-6-703 and 80-6-705.
2255 Section 25. Section **80-2-102**, which is renumbered from Section 62A-4a-101 is
2256 renumbered and amended to read:
2257 **CHAPTER 2. CHILD WELFARE SERVICES**

2258 **Part 1. General Provisions**

2259 **[~~62A-4a-101~~]. 80-2-102. Definitions.**

2260 As used in this chapter:

2261 [~~(1) "Abuse" means the same as that term is defined in Section 80-1-102.~~]

2262 [~~(2) "Adoption services" means:~~]

2263 [~~(a) placing children for adoption;~~]

2264 [~~(b) subsidizing adoptions under Section 62A-4a-105;~~]

2265 [~~(c) supervising adoption placements until the adoption is finalized by the court;~~]

2266 [~~(d) conducting adoption studies;~~]

2267 [~~(e) preparing adoption reports upon request of the court; and~~]

2268 [~~(f) providing postadoptive placement services, upon request of a family, for the~~

2269 ~~purpose of stabilizing a possible disruptive placement.~~]

2270 [~~(3) "Child" means, except as provided in Part 7, Interstate Compact on Placement of~~

2271 ~~Children, an individual under 18 years old.~~]

2272 [~~(4) "Child protection team" means a team consisting of:~~]

2273 [~~(a) the caseworker assigned to the case;~~]

2274 [~~(b) if applicable, the caseworker who made the decision to remove the child;~~]

2275 [~~(c) a representative of the school or school district where the child attends school;~~]

2276 [~~(d) if applicable, the law enforcement officer who removed the child from the home;~~]

2277 [~~(e) a representative of the appropriate Children's Justice Center, if one is established~~

2278 ~~within the county where the child resides;~~]

2279 [~~(f) if appropriate, and known to the division, a therapist or counselor who is familiar~~

2280 ~~with the child's circumstances;~~]

2281 [~~(g) if appropriate, a representative of law enforcement selected by the chief of police~~

2282 ~~or sheriff in the city or county where the child resides; and~~]

2283 [~~(h) any other individuals determined appropriate and necessary by the team~~

2284 ~~coordinator and chair.~~]

2285 [~~(5) (a) "Chronic abuse" means repeated or patterned abuse.~~]

2286 [~~(b) "Chronic abuse" does not mean an isolated incident of abuse.~~]

2287 [~~(6) (a) "Chronic neglect" means repeated or patterned neglect.~~]

2288 [~~(b) "Chronic neglect" does not mean an isolated incident of neglect.~~]

2289 [~~(7)~~] (1) "Consult" means an interaction between two persons in which the initiating
2290 person:
2291 (a) provides information to another person;
2292 (b) provides the other person an opportunity to respond; and
2293 (c) takes the other person's response, if any, into consideration.
2294 [~~(8)~~] (2) "Consumer" means a person who receives services offered by the division in
2295 accordance with this chapter.
2296 (3) "Council" means the Child Welfare Improvement Council created in Section
2297 80-2-1101.
2298 [~~(9)~~] (4) "Custody," with regard to the division, means the custody of a minor in the
2299 division as of the date of disposition.
2300 [~~(10)~~] (5) "Day-care services" means care of a child for a portion of the day which is
2301 less than 24 hours:
2302 (a) in the child's own home by a responsible individual; or
2303 (b) outside of the child's home in a:
2304 (i) day-care center;
2305 (ii) family group home; or
2306 (iii) family child care home.
2307 [~~(11) "Dependent child" or "dependency" means a child, or the condition of a child,~~
2308 ~~who is without proper care through no fault of the child's parent, guardian, or custodian.~~]
2309 [~~(12)~~] (6) "Director" means the director of the [~~Division of Child and Family Services~~
2310 ~~created in Section 62A-4a-103~~] division appointed under Section 80-2-202.
2311 [~~(13)~~] (7) "Division" means the Division of Child and Family Services created in
2312 Section 80-2-201.
2313 (8) "Domestic violence" means the same as that term is defined in Section 77-36-1.
2314 [~~(14)~~] (9) "Domestic violence services" means:
2315 (a) temporary shelter, treatment, and related services provided to:
2316 (i) an individual who is a victim of abuse, as defined in Section 78B-7-102; and
2317 (ii) the dependent children of an individual who is a victim of abuse, as defined in
2318 Section 78B-7-102; and
2319 (b) treatment services for an individual who is alleged to have committed, has been

2320 convicted of, or has pled guilty to[~~, an act of~~] domestic violence [~~as defined in Section~~
2321 ~~77-36-1~~].
2322 [~~(15) "Educational neglect" means the same as that term is defined in Section~~
2323 ~~80-1-102.~~]
2324 [~~(16) "Harm" means the same as that term is defined in Section 80-1-102.~~]
2325 [~~(17)~~] (10) "Homemaking [~~service~~] services" means the care of [~~individuals in their~~
2326 ~~domiciles~~] an individual in the individual's domicile, and help given to an individual caretaker
2327 [~~relatives~~] relative to achieve improved household and family management through the services
2328 of a trained homemaker.
2329 [~~(18) "Incest" means the same as that term is defined in Section 80-1-102.~~]
2330 [~~(19) "Indian child" means the same as that term is defined in 25 U.S.C. Sec. 1903.~~]
2331 [~~(20) "Indian tribe" means the same as that term is defined in 25 U.S.C. Sec. 1903.~~]
2332 [~~(21) "Minor" means, except as provided in Part 7, Interstate Compact on Placement of~~
2333 ~~Children, the same as that term is defined in Section 80-1-102.~~]
2334 [~~(22) "Molestation" means the same as that term is defined in Section 80-1-102.~~]
2335 [~~(23)~~] (11) "Mutual case" means a case that [~~has been~~] is:
2336 (a) opened by the division under the division's discretion and procedures;
2337 (b) opened by the law enforcement agency with jurisdiction over the case; and
2338 (c) accepted for investigation by a child protection team, as applicable.
2339 [~~(24) "Natural parent" means the same as that term is defined in Section 80-1-102.~~]
2340 [~~(25) "Neglect" means the same as that term is defined in Section 80-1-102.~~]
2341 [~~(26) "Protective custody" means the same as that term is defined in Section 80-1-102.~~]
2342 [~~(27) "Protective services" means expedited services that are provided:~~]
2343 [~~(a) in response to evidence of neglect, abuse, or dependency of a child;~~]
2344 [~~(b) to a cohabitant who is neglecting or abusing a child, in order to:~~]
2345 [~~(i) help the cohabitant develop recognition of the cohabitant's duty of care and of the~~
2346 ~~causes of neglect or abuse; and~~]
2347 [~~(ii) strengthen the cohabitant's ability to provide safe and acceptable care; and~~]
2348 [~~(c) in cases where the child's welfare is endangered:~~]
2349 [~~(i) to bring the situation to the attention of the appropriate juvenile court and law~~
2350 ~~enforcement agency;~~]

2351 [~~(ii) to cause a protective order to be issued for the protection of the child, when~~
2352 ~~appropriate; and~~]
2353 [~~(iii) to protect the child from the circumstances that endanger the child's welfare~~
2354 ~~including, when appropriate:~~]
2355 [~~(A) removal from the child's home;~~]
2356 [~~(B) placement in substitute care; and~~]
2357 [~~(C) petitioning the court for termination of parental rights.~~]
2358 [~~(28) "Severe abuse" means the same as that term is defined in Section 80-1-102.~~]
2359 [~~(29) "Severe neglect" means the same as that term is defined in Section 80-1-102.~~]
2360 [~~(30) "Sexual abuse" means the same as that term is defined in Section 80-1-102.~~]
2361 [~~(31) "Sexual exploitation" means the same as that term is defined in Section~~
2362 ~~80-1-102.~~]
2363 (12) (a) "Person responsible for the child's care" means the child's parent, guardian, or
2364 other person responsible for the child's care.
2365 (b) "Person responsible for the child's care" includes a person responsible for the
2366 child's care in the same home as the child, a relative's home, a group, family, or day care
2367 facility, a foster care home, or a residential institution.
2368 [~~(32)~~] (13) "Shelter care" means the temporary care of a minor in a nonsecure facility.
2369 [~~(33) "Shelter facility" means a nonsecure facility that provides shelter care for a~~
2370 ~~minor.~~]
2371 [~~(34)~~] (14) "Sibling" means a child who shares or has shared at least one parent in
2372 common either by blood or adoption.
2373 [~~(35)~~] (15) "Sibling visitation" means services provided by the division to facilitate the
2374 interaction between a child in division custody with [~~a sibling of that child~~] the child's sibling.
2375 [~~(36) "State" means:~~]
2376 [~~(a) a state of the United States;~~]
2377 [~~(b) the District of Columbia;~~]
2378 [~~(c) the Commonwealth of Puerto Rico;~~]
2379 [~~(d) the Virgin Islands;~~]
2380 [~~(e) Guam;~~]
2381 [~~(f) the Commonwealth of the Northern Mariana Islands; or~~]

2382 [~~(g) a territory or possession administered by the United States.~~]
2383 [~~(37) "State plan" means the written description of the programs for children, youth,~~
2384 ~~and family services administered by the division in accordance with federal law.~~]
2385 [~~(38) "Status offense" means the same as that term is defined in Section 80-1-102.~~]
2386 [~~(39) "Substance abuse" means, except as provided in Section 62A-4a-404, the same as~~
2387 ~~that term is defined in Section 80-1-102.~~]
2388 [~~(40) "Substantiated" or "substantiation" means a judicial finding based on a~~
2389 ~~preponderance of the evidence that abuse or neglect occurred. Each allegation made or~~
2390 ~~identified in a given case shall be considered separately in determining whether there should be~~
2391 ~~a finding of substantiated.~~]
2392 [~~(41) "Substitute care" means:~~]
2393 [~~(a) the placement of a minor in a family home, group care facility, or other placement~~
2394 ~~outside the minor's own home, either at the request of a parent or other responsible relative, or~~
2395 ~~upon court order, when it is determined that continuation of care in the minor's own home~~
2396 ~~would be contrary to the minor's welfare;~~]
2397 [~~(b) services provided for a minor awaiting placement; and~~]
2398 [~~(c) the licensing and supervision of a substitute care facility.~~]
2399 [~~(42) "Supported" means a finding by the division based on the evidence available at~~
2400 ~~the completion of an investigation that there is a reasonable basis to conclude that abuse,~~
2401 ~~neglect, or dependency occurred. Each allegation made or identified during the course of the~~
2402 ~~investigation shall be considered separately in determining whether there should be a finding of~~
2403 ~~supported.~~]
2404 (16) (a) "Subject of the report" means a person reported under Part 6, Child Abuse and
2405 Neglect Reports.
2406 (b) "Subject of the report" includes the child who is the alleged victim of the report and
2407 the person responsible for the child's care.
2408 [~~(43)~~] (17) "Temporary custody" means, with regard to the division, the custody of a
2409 child from the day on which the shelter hearing described in Section 80-3-301 is held until the
2410 day on which the juvenile court enters a disposition under Section 80-3-405.
2411 [~~(44) "Threatened harm" means the same as that term is defined in Section 80-1-102.~~]
2412 [~~(45)~~] (18) "Transportation services" means travel assistance given to an individual

2413 with escort service, if necessary, to and from community facilities and resources as part of a
2414 service plan.
2415 [~~(46) "Unsubstantiated" means a judicial finding that there is insufficient evidence to~~
2416 ~~conclude that abuse or neglect occurred.~~]
2417 [~~(47) "Unsupported" means a finding by the division at the completion of an~~
2418 ~~investigation that there is insufficient evidence to conclude that abuse, neglect, or dependency~~
2419 ~~occurred. However, a finding of unsupported means also that the division did not conclude~~
2420 ~~that the allegation was without merit.~~]
2421 [~~(48) "Without merit" means a finding at the completion of an investigation by the~~
2422 ~~division, or a judicial finding, that the alleged abuse, neglect, or dependency did not occur, or~~
2423 ~~that the alleged perpetrator was not responsible for the abuse, neglect, or dependency.~~]
2424 Section 26. Section **80-2-201**, which is renumbered from Section 62A-4a-103 is
2425 renumbered and amended to read:
2426 **Part 2. Division of Child and Family Services**
2427 **[~~62A-4a-103~~]. 80-2-201. Creation of the division.**
2428 (1) [~~(a)~~] There is created the Division of Child and Family Services within the
2429 department[~~,~~].
2430 (2) The division is under the administration and general supervision of the executive
2431 director of the department.
2432 [~~(b)~~] (3) The division [~~is the child, youth, and family services authority of the state~~
2433 ~~and~~] has all functions, powers, duties, rights, and responsibilities [~~created in accordance with~~]
2434 described in this chapter and Chapter 2a, Removal and Protective Custody of a Child, except
2435 those assumed by the department.
2436 [~~(2) (a) The primary purpose of the division is to provide child welfare services.~~]
2437 [~~(b) The division shall, when possible and appropriate, provide in-home services for~~
2438 ~~the preservation of families in an effort to protect the child from the trauma of separation from~~
2439 ~~the child's family, protect the integrity of the family, and the constitutional rights of parents. In~~
2440 ~~keeping with its ultimate goal and purpose of protecting children, however, when a child's~~
2441 ~~welfare is endangered or reasonable efforts to maintain or reunify a child with the child's family~~
2442 ~~have failed, the division shall act in a timely fashion in accordance with the requirements of~~
2443 ~~this chapter and Title 80, Chapter 3, Abuse, Neglect, and Dependency Proceedings, to provide~~

2444 ~~the child with a stable, permanent environment.~~]
2445 [~~(3) The division shall also provide domestic violence services in accordance with~~
2446 ~~federal law.~~]
2447 Section 27. Section **80-2-202**, which is renumbered from Section 62A-4a-104 is
2448 renumbered and amended to read:
2449 **[~~62A-4a-104~~]. 80-2-202. Division director -- Qualifications --**
2450 **Responsibilities.**
2451 [~~(1) The director of the division shall be appointed by the executive director.~~]
2452 (1) The executive director of the department shall appoint the director of the division.
2453 (2) The director shall have a bachelor's degree from an accredited university or college,
2454 be experienced in administration, and be knowledgeable in the areas of child and family
2455 services, including child protective services, family preservation, and foster care.
2456 (3) The director is the administrative head of the division.
2457 Section 28. Section **80-2-301**, which is renumbered from Section 62A-4a-105 is
2458 renumbered and amended to read:
2459 **Part 3. Division Responsibilities**
2460 **[~~62A-4a-105~~]. 80-2-301. Division responsibilities.**
2461 (1) The division is the child, youth, and family services authority of the state.
2462 [~~(1)~~] (2) The division shall:
2463 (a) administer services to minors and families, including:
2464 (i) child welfare services;
2465 (ii) domestic violence services; and
2466 (iii) all other responsibilities that the Legislature or the executive director of the
2467 department may assign to the division;
2468 (b) provide the following services:
2469 (i) financial and other assistance to an individual adopting a child with special needs
2470 under [~~Part 9, Adoption Assistance~~] Sections 80-2-806 through 80-2-809, not to exceed the
2471 amount the division would provide for the child as a legal ward of the state;
2472 (ii) non-custodial and in-home services in accordance with Section 80-2-306,
2473 including:
2474 (A) services designed to prevent family break-up; and

2475 (B) family preservation services;
2476 (iii) reunification services to families whose children are in substitute care in
2477 accordance with [~~the requirements of~~] this chapter, Chapter 2a, Removal and Protective
2478 Custody of a Child, and [~~Title 80,~~] Chapter 3, Abuse, Neglect, and Dependency [~~Proceedings~~];
2479 (iv) protective supervision of a family, upon court order, in an effort to eliminate abuse
2480 or neglect of a child in that family;
2481 (v) shelter care in accordance with [~~the requirements of~~] this chapter, Chapter 2a,
2482 Removal and Protective Custody of a Child, and [~~Title 80~~], Chapter 3, Abuse, Neglect, and
2483 Dependency Proceedings;
2484 (vi) domestic violence services, in accordance with the requirements of federal law;
2485 (vii) protective services to victims of domestic violence[~~, as defined in Section~~
2486 ~~77-36-1, and their~~] and the victims' children, in accordance with [~~the provisions of~~] this
2487 chapter, Chapter 2a, Removal and Protective Custody of a Child, and [~~Title 80,~~] Chapter 3,
2488 Abuse, Neglect, and Dependency Proceedings;
2489 (viii) substitute care for dependent, abused, and neglected children;
2490 (ix) services for minors who are victims of human trafficking or human smuggling, as
2491 described in Sections 76-5-308 through 76-5-310, or who have engaged in prostitution or
2492 sexual solicitation, as defined in Sections 76-10-1302 and 76-10-1313; and
2493 (x) training for staff and providers involved in the administration and delivery of
2494 services offered by the division in accordance with this chapter and Chapter 2a, Removal and
2495 Protective Custody of a Child;
2496 (c) establish standards for all:
2497 (i) contract providers of out-of-home care for minors and families;
2498 (ii) facilities that provide substitute care for dependent, abused, [~~and~~] or neglected
2499 children placed in the custody of the division; and
2500 (iii) direct or contract providers of domestic violence services described in Subsection
2501 [~~(1)~~] (2)(b)(vi);
2502 (d) have authority to:
2503 (i) contract with a private, nonprofit organization to recruit and train foster care
2504 families and child welfare volunteers in accordance with Section [~~62A-4a-107.5~~] 80-2-405; and
2505 (ii) approve facilities that meet the standards established under Subsection [~~(1)~~] (2)(c)

2506 to provide substitute care for dependent, abused, [~~and~~] or neglected children placed in the
2507 custody of the division;
2508 (e) cooperate with the federal government in the administration of child welfare and
2509 domestic violence programs and other human service activities assigned by the department;
2510 [~~(f) if there is a privacy agreement with an Indian tribe to protect the confidentiality of~~
2511 ~~division records to the same extent that the division is required to protect division records,~~
2512 ~~cooperate with and share all appropriate information in the division's possession regarding an~~
2513 ~~Indian child, the Indian child's parent or guardian, or a proposed placement for the Indian child~~
2514 ~~with the Indian tribe that is affiliated with the Indian child;~~]
2515 [~~(g)~~] (f) in accordance with Subsection [~~(2)~~] (5)(a), promote and enforce state and
2516 federal laws enacted for the protection of abused, neglected, [~~and~~] or dependent children, in
2517 accordance with [~~the requirements of~~] this chapter and Chapter 2a, Removal and Protective
2518 Custody of a Child, unless administration is expressly vested in another division or department
2519 of the state;
2520 [~~(h)~~] (g) cooperate with the Workforce Development Division within the Department
2521 of Workforce Services in meeting the social and economic needs of an individual who is
2522 eligible for public assistance;
2523 [~~(i)~~] (h) compile relevant information, statistics, and reports on child and family service
2524 matters in the state;
2525 [~~(j)~~] (i) prepare and submit to the department, the governor, and the Legislature reports
2526 of the operation and administration of the division in accordance with the requirements of
2527 Sections [~~62A-4a-117 and 62A-4a-118~~] 80-2-1102 and 80-2-1103;
2528 [~~(k)~~] (j) within appropriations from the Legislature, provide or contract for a variety of
2529 domestic violence services and treatment methods;
2530 (k) enter into contracts for programs designed to reduce the occurrence or recurrence of
2531 abuse and neglect in accordance with Section 80-2-503;
2532 (l) seek reimbursement of funds the division expends on behalf of a child in the
2533 protective custody, temporary custody, or custody of the division, from the child's parent or
2534 guardian in accordance with an order for child support under Section 78A-6-356;
2535 [~~(l)~~] (m) ensure regular, periodic publication, including electronic publication,
2536 regarding the number of children in the custody of the division who:

2537 (i) have a permanency goal of adoption; or
2538 (ii) have a final plan of termination of parental rights, [~~pursuant to~~] under Section
2539 80-3-409, and promote adoption of [~~those~~] the children;
2540 [~~(m)~~] (n) subject to Subsections [~~(2)(b) and~~] (5) and (7), refer an individual receiving
2541 services from the division to the local substance abuse authority or other private or public
2542 resource for a court-ordered drug screening test;
2543 [~~(n)~~] (o) report before November 30, 2020, and every third year thereafter, to the Social
2544 Services Appropriations Subcommittee regarding:
2545 (i) the daily reimbursement rate that is provided to licensed foster parents based on
2546 level of care;
2547 (ii) the amount of money spent on daily reimbursements for licensed foster parents [~~in~~
2548 ~~the state~~] during the previous fiscal year; and
2549 (iii) any recommended changes to the division's budget to support the daily
2550 reimbursement rates described in Subsection [~~(1)(n)(i)~~] (2)(o)(i); and
2551 [~~(o)~~] (p) perform other duties and functions required by law.
2552 (3) (a) The division may provide, directly or through contract, services that include the
2553 following:
2554 (i) adoptions;
2555 (ii) day-care services;
2556 (iii) out-of-home placements for minors;
2557 (iv) health-related services;
2558 (v) homemaking services;
2559 (vi) home management services;
2560 (vii) protective services for minors;
2561 (viii) transportation services; or
2562 (ix) domestic violence services.
2563 (b) The division shall monitor services provided directly by the division or through
2564 contract to ensure compliance with applicable law and rules made in accordance with Title
2565 63G, Chapter 3, Utah Administrative Rulemaking Act.
2566 (c) (i) Except as provided in Subsection (3)(c)(ii), if the division provides a service
2567 through a private contract, the division shall post the name of the service provider on the

2568 division's website.
2569 (ii) Subsection (3)(c)(i) does not apply to a foster parent placement.
2570 (4) (a) The division may:
2571 (i) receive gifts, grants, devises, and donations;
2572 (ii) encourage merchants and service providers to:
2573 (A) donate goods or services; or
2574 (B) provide goods or services at a nominal price or below cost;
2575 (iii) distribute goods to applicants or consumers of division services free or for a
2576 nominal charge and tax free; and
2577 (iv) appeal to the public for funds to meet needs of applicants or consumers of division
2578 services that are not otherwise provided by law, including Sub-for-Santa programs, recreational
2579 programs for minors, and requests for household appliances and home repairs.
2580 (b) If requested by the donor and subject to state and federal law, the division shall use
2581 a gift, grant, devise, donation, or proceeds from the gift, grant, devise, or donation for the
2582 purpose requested by the donor.
2583 [~~(2)~~] (5) (a) In carrying out the requirements of Subsection [~~(1)(g)~~] (2)(f), the division
2584 shall:
2585 (i) cooperate with the juvenile courts, the Division of Juvenile Justice Services, and
2586 with all public and private licensed child welfare agencies and institutions to develop and
2587 administer a broad range of services and support;
2588 (ii) take the initiative in all matters involving the protection of abused or neglected
2589 children, if adequate provisions have not been made or are not likely to be made; and
2590 (iii) make expenditures necessary for the care and protection of the children described
2591 in [~~this~~] Subsection [~~(2)~~] (5)(a)(ii), within the division's budget.
2592 (b) [~~When~~] If an individual is referred to a local substance abuse authority or other
2593 private or public resource for court-ordered drug screening under Subsection [~~(1)(m)~~] (2)(n),
2594 the court shall order the individual to pay all costs of the tests unless:
2595 (i) the cost of the drug screening is specifically funded or provided for by other federal
2596 or state programs;
2597 (ii) the individual is a participant in a drug court; or
2598 (iii) the court finds that the individual is [~~impecunious~~] an indigent individual.

2599 [~~(3) Except to the extent provided by rule, the division is not responsible for~~
2600 ~~investigating~~]
2601 (6) Except to the extent provided by rules made in accordance with Title 63G, Chapter
2602 3, Utah Administrative Rulemaking Act, the division is not required to investigate domestic
2603 violence in the presence of a child, as described in Section 76-5-109.1.
2604 [~~(4)~~] (7) The division may not:
2605 (a) require a parent who has a child in the custody of the division to pay for some or all
2606 of the cost of any drug testing the parent is required to undergo[~~.~~]; or
2607 [~~(5)~~] (b) [~~The division may not~~] refer an individual who is receiving services from the
2608 division for drug testing by means of a hair or fingernail test that is administered to detect the
2609 presence of drugs.
2610 Section 29. Section **80-2-302**, which is renumbered from Section 62A-4a-102 is
2611 renumbered and amended to read:
2612 **[~~62A-4a-102~~]. 80-2-302. Division rulemaking authority -- Family impact**
2613 **statement.**
2614 [~~(1) The Division of Child and Family Services, created in Section 62A-4a-103, is~~
2615 ~~responsible for establishing division rules under Title 63G, Chapter 3, Utah Administrative~~
2616 ~~Rulemaking Act, in accordance with the requirements of this chapter and Title 80, Chapter 3,~~
2617 ~~Abuse, Neglect, and Dependency Proceedings, regarding abuse, neglect, and dependency~~
2618 ~~proceedings, and domestic violence services. The division is responsible to see that the~~
2619 ~~legislative purposes for the division are carried out.~~]
2620 [~~(2) The division shall:~~]
2621 (1) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
2622 division shall make rules:
2623 (a) that establish the process for:
2624 (i) determination of eligibility for services offered by the division in accordance with
2625 this chapter and Chapter 2a, Removal and Protective Custody of a Child; and
2626 [~~(a)~~] (ii) [~~approve~~] approval of fee schedules for programs within the division;
2627 (b) [~~in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,~~
2628 ~~establish rules~~] to ensure that private citizens, consumers, foster parents, private contract
2629 providers, allied state and local agencies, and others are provided with an opportunity to

2630 comment and provide input regarding any new rule or proposed revision of an existing rule;
2631 [~~and~~]
2632 (c) that provide a mechanism for:
2633 (i) systematic and regular review of existing rules, including an annual review of all
2634 division rules to ensure that the rules comply with [~~the Utah Code~~] applicable statutory
2635 provisions; and
2636 (ii) consideration of rule changes proposed by the persons [~~and agencies~~] described in
2637 Subsection [~~(2)(b).~~] (1)(b);
2638 [~~(3) (a) The division shall establish rules for the determination of eligibility for services~~
2639 ~~offered by the division in accordance with this chapter.~~]
2640 [~~(b) The division may, by rule, establish eligibility standards for consumers.~~]
2641 [~~(4) The division shall adopt and maintain rules~~]
2642 (d) regarding:
2643 (i) placement for adoption or foster care that are consistent with, and no more
2644 restrictive than, applicable statutory provisions[~~.~~];
2645 (ii) abuse, neglect, and dependency proceedings; and
2646 (iii) domestic violence services provided by the division; and
2647 (e) that establish procedures to accommodate the moral and religious beliefs, and
2648 culture, of the minors and families that the division serves, including:
2649 (i) the immediate family and other relatives of a minor who is in protective custody,
2650 temporary custody, or custody of the division, or otherwise under the jurisdiction of the
2651 juvenile court;
2652 (ii) a foster and other out-of-home placement family; and
2653 (iii) an adoptive family.
2654 (2) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
2655 division may make rules that establish:
2656 (a) eligibility standards for consumers of division services; or
2657 (b) requirements for a program described in Subsection 80-2-301(4)(a)(iv).
2658 (3) (a) If the division establishes a rule in accordance with Title 63G, Chapter 3, Utah
2659 Administrative Rulemaking Act, the division shall include an assessment of the impact of the
2660 rule on families, including the impact on the authority of a parent to oversee the care,

2661 supervision, upbringing, or education of a child in the parent's custody.
2662 (b) The division shall publish a family impact statement describing the assessment
2663 described in Subsection (3)(a) in the Utah State Bulletin within 90 days after the day on which
2664 the rule described in Subsection (3)(a) is established.
2665 Section 30. Section **80-2-303**, which is renumbered from Section 62A-4a-113 is
2666 renumbered and amended to read:
2667 **[~~62A-4a-113~~]. 80-2-303. Division enforcement authority -- Attorney general**
2668 **responsibilities.**
2669 (1) The division shall take legal action that is necessary to enforce [~~the provisions of~~]
2670 this chapter and Chapter 2a, Removal and Protective Custody of a Child.
2671 (2) (a) Subject to Section 67-5-17 and the attorney general's prosecutorial discretion in
2672 civil enforcement actions, the attorney general shall enforce [~~all provisions of~~] this chapter, [~~in~~
2673 ~~addition to the requirements of Title 80,~~] Chapter 2a, Removal and Protective Custody of a
2674 Child, Chapter 3, Abuse, Neglect, and Dependency Proceedings, and Chapter 4, Termination
2675 and Restoration of Parental Rights, relating to [~~protection, custody, and parental rights~~
2676 ~~termination for abused, neglected, or dependent minors~~] protection or custody of an abused,
2677 neglected, or dependent minor and the termination of parental rights.
2678 (b) The attorney general may contract with the local county attorney to enforce [~~the~~
2679 ~~provisions of~~] this chapter [~~and Title 80~~], Chapter 2a, Removal and Protective Custody of a
2680 Child, Chapter 3, Abuse, Neglect, and Dependency Proceedings, and Chapter 4, Termination
2681 and Restoration of Parental Rights.
2682 (c) It is the responsibility of the attorney general's office to:
2683 (i) advise the division regarding decisions to remove a minor from the minor's home;
2684 (ii) represent the division in all court and administrative proceedings related to abuse,
2685 neglect, [~~and~~] or dependency including, but not limited to, shelter hearings, dispositional
2686 hearings, dispositional review hearings, periodic review hearings, and petitions for termination
2687 of parental rights; and
2688 (iii) be available to and advise child welfare caseworkers on an ongoing basis.
2689 (d) (i) The attorney general shall designate no less than 16 full-time attorneys to advise
2690 and represent the division in abuse, neglect, and dependency proceedings, including petitions
2691 for termination of parental rights.

2692 (ii) The attorneys described in Subsection (2)(d)(i) shall devote [~~their~~] full time and
2693 attention to the representation described in Subsection (2)(d)(i) and, insofar as it is practicable,
2694 [~~shall~~] be housed in or near various offices of the division statewide.
2695 (3) [~~(a)~~] The attorney general's office shall represent the division [~~with regard to~~
2696 ~~actions involving minors who have not been~~] in an action:
2697 (a) involving a minor who has not been adjudicated as abused or neglected, but who
2698 [~~are otherwise committed to~~] is placed in the custody of the division by the juvenile court[~~, and~~
2699 ~~who are placed in custody of the division~~] primarily on the basis of delinquent behavior or a
2700 status offense[~~.~~]; or
2701 (b) for reimbursement of funds from a parent or guardian under Subsection
2702 80-2-301(2)(l).
2703 [~~(b) Nothing in this section may be construed to~~] (c) This section does not affect the
2704 responsibility of the county attorney or district attorney to represent the state in the matters
2705 described in Subsection (3)(a) [~~in accordance with Sections 80-3-104 and 80-4-106~~].
2706 Section 31. Section **80-2-304**, which is renumbered from Section 62A-4a-115 is
2707 renumbered and amended to read:
2708 **[~~62A-4a-115~~]. 80-2-304. Administrative proceedings.**
2709 The department and division shall comply with the procedures and requirements of
2710 Title 63G, Chapter 4, Administrative Procedures Act, in [~~their~~] the department's or division's
2711 adjudicative proceedings.
2712 Section 32. Section **80-2-305**, which is renumbered from Section 62A-4a-111 is
2713 renumbered and amended to read:
2714 **[~~62A-4a-111~~]. 80-2-305. Fraudulently obtained services -- Division recovery**
2715 **-- Agreement with Office of Recovery Services.**
2716 (1) If it is discovered that a person is fraudulently obtaining, or has fraudulently
2717 obtained, services offered by the division in accordance with this chapter or Chapter 2a,
2718 Removal and Protective Custody of a Child, the division shall take all necessary steps,
2719 including legal action through the attorney general, to recover all money or the value of
2720 services fraudulently obtained.
2721 (2) The division may establish an agreement with the Office of Recovery Services to
2722 fulfill the requirements of this section.

2723 Section 33. Section **80-2-306**, which is renumbered from Section 62A-4a-202 is
2724 renumbered and amended to read:
2725 **[~~62A-4a-202~~]. 80-2-306. Division in-home services for the preservation of**
2726 **families.**
2727 (1) (a) Within appropriations from the Legislature and money obtained under
2728 Subsection (5), the division shall provide in-home services for the purpose of family
2729 preservation to any family with a child whose health and safety is not immediately endangered,
2730 [~~when~~] if:
2731 (i) (A) the child is at risk of being removed from the home; or
2732 (B) the family is in crisis; and
2733 (ii) the division determines that in-home services are reasonable and appropriate.
2734 (b) In determining whether in-home services are reasonable and appropriate, and in
2735 keeping with Subsection [~~62A-4a-201(1)~~] 80-2a-201(1), the child's health, safety, and welfare
2736 shall be the paramount concern.
2737 (c) The division shall consider whether the services described in Subsection (1)(b):
2738 (i) will be effective within a six-month period; and
2739 (ii) are likely to prevent continued abuse or neglect of the child.
2740 (2) (a) The division shall maintain a statewide inventory of in-home services available
2741 through public and private agencies or individuals for use by child welfare caseworkers.
2742 (b) The inventory described in Subsection (2)(a) shall include:
2743 (i) the method of accessing each service;
2744 (ii) eligibility requirements for each service;
2745 (iii) the geographic areas and the number of families that can be served by each
2746 service; and
2747 (iv) information regarding waiting lists for each service.
2748 (3) (a) As part of the division's in-home services for the preservation of families, the
2749 division shall provide in-home services in varying degrees of intensity and contact that are
2750 specific to the needs of each individual family.
2751 (b) As part of the division's in-home services, the division shall:
2752 (i) provide customized assistance;
2753 (ii) provide support or interventions that are tailored to the needs of the family;

2754 (iii) discuss the family's needs with the parent;
2755 (iv) discuss an assistance plan for the family with the parent; and
2756 (v) address:
2757 (A) the safety of children;
2758 (B) the needs of the family; and
2759 (C) services necessary to aid in the preservation of the family and a child's ability to
2760 remain in the home.
2761 (c) [~~In-home services shall be, as practicable, provided~~] The division shall, as
2762 practicable, provide in-home services within the region that the family resides, using existing
2763 division staff.
2764 (4) (a) The division may use specially trained child welfare caseworkers, private
2765 providers, or other persons to provide the in-home services described in Subsection (3).
2766 (b) The division shall allow a child welfare caseworker to be flexible in responding to
2767 the needs of each individual family, including:
2768 (i) limiting the number of families assigned; and
2769 (ii) being available to respond to assigned families within 24 hours.
2770 (5) To provide, expand, and improve the delivery of in-home services to prevent the
2771 removal of children from [~~their~~] the children's homes and promote the preservation of families,
2772 the division shall make substantial effort to obtain funding, including:
2773 (a) federal grants;
2774 (b) federal waivers; and
2775 (c) private money.
2776 Section 34. Section **80-2-307**, which is renumbered from Section 62A-4a-121 is
2777 renumbered and amended to read:
2778 **[~~62A-4a-121~~]. 80-2-307. Division reimbursement of motor vehicle**
2779 **insurance coverage for a foster child.**
2780 (1) Within the amounts appropriated to the division for the purposes described in this
2781 section, the division may reimburse a foster parent for providing owner's or operator's security
2782 covering a foster child's operation of a motor vehicle in amounts required under Section
2783 31A-22-304 if the foster child is in the [~~legal~~] protective custody, temporary custody, or
2784 custody of the division.

2785 (2) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
2786 division shall make rules establishing:
2787 (a) a procedure for providing the reimbursement to a foster parent described in
2788 Subsection (1);
2789 (b) eligibility requirements for a foster parent to qualify for a reimbursement under this
2790 section; and
2791 (c) a method for determining the amount of reimbursement that a foster parent is
2792 eligible to receive under this section.
2793 [~~(3) The division shall report to the Transportation Interim Committee no later than~~
2794 ~~November 30, 2009:~~]
2795 [~~(a) the number of foster children in the legal custody of the Division of Child and~~
2796 ~~Family Services who have been issued a driver license;~~]
2797 [~~(b) the results and impacts on the division and on foster parents signing for a foster~~
2798 ~~child to receive a driver license; and~~]
2799 [~~(c) the division's cost of reimbursing foster parents for providing owner's or operator's~~
2800 ~~security in accordance with Subsection (1).~~]
2801 Section 35. Section **80-2-308**, which is renumbered from Section 62A-4a-212 is
2802 renumbered and amended to read:
2803 **[~~62A-4a-212~~]. 80-2-308. Division responsibility for normalizing lives of**
2804 **children -- Requirements for caregiver decision making.**
2805 (1) As used in this section:
2806 (a) "Activity" means an extracurricular, enrichment, or social activity.
2807 (b) "Age-appropriate" means a type of activity that is generally accepted as suitable for
2808 a child of the same age or level of maturity, based on the development of cognitive, emotional,
2809 physical, and behavioral capacity that is typical for the child's age or age group.
2810 (c) "Caregiver" means a person with whom a child is placed in an out-of-home
2811 placement.
2812 (d) "Out-of-home placement" means the placement of a child in the division's custody
2813 outside of the child's home, including placement in a foster home, a residential treatment
2814 program, proctor care, or with kin.
2815 (e) "Reasonable and prudent parent standard" means the standard characterized by

2816 careful and sensible parental decisions to maintain a child's health, safety, and best interest
2817 while at the same time encouraging the child's emotional and developmental growth.
2818 (2) A child who comes into protective custody or the division's temporary custody or
2819 custody under this chapter, Chapter 2a, Removal and Protective Custody of a Child, or Chapter
2820 3, Abuse, Neglect, and Dependency Proceedings, is entitled to participate in age-appropriate
2821 activities for the child's emotional well-being and development of valuable life-coping skills.
2822 (3) The division shall:
2823 (a) make efforts to normalize the life of a child in protective custody or the division's
2824 temporary custody or custody and to empower a caregiver to approve or disapprove a child's
2825 participation in activities based on the caregiver's own assessment using a reasonable and
2826 prudent parent standard, without prior approval of the division; and
2827 (b) allow a caregiver to make important decisions, similar to the decisions that a parent
2828 is entitled to make, regarding the child's participation in activities.
2829 [~~(1)~~] (4) (a) A caregiver shall use a reasonable and prudent parent standard in
2830 determining whether to permit a child to participate in an activity.
2831 (b) A caregiver shall consider:
2832 (i) the child's age, maturity, and developmental level to maintain the overall health and
2833 safety of the child;
2834 (ii) potential risk factors and the appropriateness of the activity;
2835 (iii) the best interest of the child based on the caregiver's knowledge of the child;
2836 (iv) the importance of encouraging the child's emotional and developmental growth;
2837 (v) the importance of providing the child with the most family-like living experience
2838 possible; and
2839 (vi) the behavioral history of the child and the child's ability to safely participate in the
2840 proposed activity.
2841 (c) The division shall verify that [~~private agencies~~] a private agency providing
2842 out-of-home placement under contract with the division:
2843 (i) [~~promote and protect~~] promotes and protects the ability of a child to participate in
2844 age-appropriate activities; and
2845 (ii) [~~implement~~] implements policies consistent with this section.
2846 (d) (i) A caregiver is not liable for harm caused to a child in an out-of-home placement

2847 if the child participates in an activity approved by the caregiver[~~, when the caregiver has~~] and
2848 the caregiver acted in accordance with a reasonable and prudent parent standard.
2849 (ii) This section does not remove or limit any existing liability protection afforded by
2850 statute.
2851 [~~(2)~~] (5) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking
2852 Act, the division shall adopt rules establishing the procedures for verifying that [~~private~~
2853 ~~agencies~~] a private agency providing out-of-home placement under contract with the division
2854 [~~comply with and promote this part~~] complies with and promotes this section.
2855 Section 36. Section **80-2-401**, which is renumbered from Section 62A-4a-105.5 is
2856 renumbered and amended to read:
2857 **Part 4. Division Employees and Volunteers**
2858 **[~~62A-4a-105.5~~]. 80-2-401. Employees -- Failure to comply with law or**
2859 **division rule or policy -- Termination.**
2860 (1) The director shall ensure that [~~all employees are~~] an employee is fully trained to
2861 comply with state [~~law,~~] and federal law, administrative rules made in accordance with Title
2862 63G, Chapter 3, Utah Administrative Rulemaking Act, and division policy in order to
2863 effectively carry out [~~their~~] the employee's assigned duties and functions.
2864 (2) If, after training and supervision, [~~the~~] an employee consistently fails to comply
2865 with [~~those~~] laws, rules, or policies, the [~~individual's~~] employee's employment with the division
2866 shall be terminated.
2867 Section 37. Section **80-2-402**, which is renumbered from Section 62A-4a-107 is
2868 renumbered and amended to read:
2869 **[~~62A-4a-107~~]. 80-2-402. Child welfare training coordinator -- Mandatory**
2870 **education and training of child welfare caseworkers -- Development of curriculum.**
2871 (1) There is created within the division a full-time position of a child welfare training
2872 coordinator.
2873 (2) The child welfare training coordinator is not responsible for direct casework
2874 services or the supervision of [~~those~~] casework services, but is required to:
2875 (a) develop child welfare curriculum that:
2876 (i) is current and effective, consistent with the division's mission and purpose for child
2877 welfare; and

2878 (ii) utilizes curriculum and resources from a variety of sources including those from:
2879 (A) the public sector;
2880 (B) the private sector; and
2881 (C) inside and outside of the state;
2882 (b) recruit, select, and supervise child welfare trainers;
2883 (c) develop a statewide training program, including a budget and identification of
2884 sources of funding to support that training;
2885 (d) evaluate the efficacy of training in improving job performance;
2886 (e) assist child protective services and foster care workers in developing and fulfilling
2887 their individual training plans;
2888 (f) monitor staff compliance with division training requirements and individual training
2889 plans; and
2890 (g) expand the collaboration between the division and schools of social work within
2891 institutions of higher education in developing child welfare services curriculum, and in
2892 providing and evaluating training.
2893 (3) The director shall, with the assistance of the child welfare training coordinator,
2894 establish and ensure child welfare caseworker competency regarding a core curriculum for
2895 child welfare services that:
2896 (a) is driven by child safety and family well-being;
2897 (b) emphasizes child and family voice;
2898 (c) is trauma-informed, as defined in Section 63M-7-209; and
2899 (d) is consistent with national child welfare practice standards.
2900 (4) A child welfare caseworker shall complete training in:
2901 (a) the legal duties of a child welfare caseworker;
2902 (b) the responsibility of a child welfare caseworker to protect the safety and legal rights
2903 of children, parents, and families at all stages of a case, including:
2904 (i) initial contact;
2905 (ii) safety and risk assessment, as described in Section 80-2-403; and
2906 (iii) intervention;
2907 (c) recognizing situations involving:
2908 (i) substance abuse;

2909 (ii) domestic violence;
2910 (iii) abuse; and
2911 (iv) neglect; and
2912 (d) the relationship of the Fourth and Fourteenth Amendments of the Constitution of
2913 the United States to the child welfare caseworker's job, including:
2914 (i) search and seizure of evidence;
2915 (ii) the warrant requirement;
2916 (iii) exceptions to the warrant requirement; and
2917 (iv) removing a child from the custody of the child's parent or guardian.
2918 (5) The division shall train the division's child welfare caseworkers to:
2919 (a) apply the [~~safety, risk, needs, and strength~~] risk assessment tools and rules
2920 described in Subsection [~~62A-4a-1002(2).~~] 80-1-102(83); and
2921 (b) develop child and family plans that comply with:
2922 (i) federal mandates; and
2923 (ii) the specific needs of the child and the child's family.
2924 (6) The division shall use the training of child welfare caseworkers to emphasize:
2925 (a) the importance of maintaining the parent-child relationship;
2926 (b) the preference for providing in-home services over taking a child into protective
2927 custody, both for the emotional well-being of the child and the efficient allocation of resources;
2928 and
2929 (c) the importance and priority of:
2930 (i) kinship placement in the event a child must be taken into protective custody; and
2931 (ii) guardianship placement, in the event the parent-child relationship is legally
2932 terminated and no appropriate adoptive placement is available.
2933 (7) [~~When~~] If a child welfare caseworker is hired, before assuming independent
2934 casework responsibilities, the division shall ensure that the child welfare caseworker has:
2935 (a) completed the training described in Subsections (4), (5), and (6); and
2936 (b) participated in sufficient skills development for a child welfare caseworker.
2937 Section 38. Section **80-2-403**, which is renumbered from Section 62A-4a-203.1 is
2938 renumbered and amended to read:
2939 **[~~62A-4a-203.1~~]. 80-2-403. Child welfare caseworker safety and risk**

2940 **assessments.**
2941 (1) [~~Child welfare caseworkers~~] A child welfare caseworker within the division shall
2942 use evidence-informed or evidence-based safety and risk assessments to guide decisions
2943 concerning a child throughout a child protection investigation or proceeding.
2944 (2) As part of [~~the~~] an evidence-informed or evidence-based safety and risk
2945 [~~assessments, the division~~] assessment, the child welfare caseworker shall assess at least the
2946 following:
2947 (a) threat to [~~a~~] the child's safety;
2948 (b) protective capabilities of a parent or guardian, including the parent or guardian's
2949 readiness, willingness, and ability to plan for the child's safety;
2950 (c) [~~a~~] the child's particular vulnerabilities;
2951 (d) interventions required to protect [~~a~~] the child; and
2952 (e) likelihood of future harm to [~~a~~] the child.
2953 Section 39. Section **80-2-404**, which is renumbered from Section 62A-4a-110 is
2954 renumbered and amended to read:
2955 **[~~62A-4a-110~~]. 80-2-404. Division volunteers -- Reimbursement.**
2956 [~~(1) The division may receive gifts, grants, devises, and donations. These gifts, grants,~~
2957 ~~devises, donations, or their proceeds shall be credited to the program which the donor~~
2958 ~~designates and may be used for the purposes requested by the donor, if the request conforms to~~
2959 ~~state and federal law. If a donor makes no specific request, the division may use the gift, grant,~~
2960 ~~devise, or donation for the best interest of the division.~~]
2961 [~~(2)~~] (1) The division may:
2962 (a) accept and use volunteer labor or services [~~of applicants, recipients, and other~~
2963 ~~members of the community. The division may~~];
2964 (b) reimburse volunteers for necessary expenses, including transportation, and provide
2965 recognition awards and [~~recognition~~] meals for services rendered[~~. The division may~~]; and
2966 (c) cooperate with volunteer organizations in collecting funds to be used in the
2967 volunteer program. [~~Those donated funds shall be~~]
2968 (2) The funds donated under Section (1)(c) are considered [~~as~~] private, nonlapsing
2969 funds until used by the division, and may be invested under guidelines established by the state
2970 treasurer[~~;~~].

2971 [~~(b) encourage merchants and providers of services to donate goods and services or to~~
2972 ~~provide them at a nominal price or below cost;~~]
2973 [~~(c) distribute goods to applicants or consumers free or for a nominal charge and tax~~
2974 ~~free; and~~]
2975 [~~(d) appeal to the public for funds to meet applicants' and consumers' needs which are~~
2976 ~~not otherwise provided for by law. Those appeals may include Sub-for-Santa Programs,~~
2977 ~~recreational programs for minors, and requests for household appliances and home repairs,~~
2978 ~~under rules established by the division.~~]
2979 Section 40. Section **80-2-405**, which is renumbered from Section 62A-4a-107.5 is
2980 renumbered and amended to read:
2981 **[~~62A-4a-107.5~~]. 80-2-405. Private recruitment and training of foster care**
2982 **parents and child welfare volunteers -- Extension of immunity.**
2983 (1) As used in this section:
2984 (a) "Referring entity" means:
2985 (i) an incorporated or unincorporated organization or association whether formally
2986 incorporated or otherwise established and operating for religious, charitable, or educational
2987 purposes, that does not distribute any of the organization's or association's income or assets to
2988 the organization's or association's members, directors, officers, or other participants;
2989 (ii) an organization described in Section 501(c)(3) of the Internal Revenue Code of
2990 1986 and is exempt from tax under Section 501 of the Internal Revenue Code; or
2991 (iii) any not-for-profit organization which is formed and conducted for public benefit
2992 and operated primarily for charitable, civic, educational, religious, benevolent, welfare, or
2993 health purposes.
2994 (b) "Referring individual" means an individual:
2995 (i) with the authority to act on behalf of a referring entity in making a referral; and
2996 (ii) who may or may not be compensated by the referring entity.
2997 [~~(1)~~] (2) The division may contract with one or more private, nonprofit organizations to
2998 recruit and train foster care parents and child welfare volunteers on a statewide or regional
2999 basis.
3000 [~~(2)~~] (3) An organization that contracts with the division [~~pursuant to~~] under
3001 Subsection [~~(1)~~] (2) shall agree to:

3002 (a) increase the number of licensed and trained foster care parents in the geographic
3003 area covered by:
3004 (i) developing a strategic plan;
3005 (ii) assessing the needs, perceptions, and qualities of potential foster care parents;
3006 (iii) assessing the needs, perceptions, and qualities of children in state custody;
3007 (iv) identifying potential foster care parents through public and private resources;
3008 (v) screening foster care parent applicants;
3009 (vi) providing preservice, ongoing, and customized training to foster care parents;
3010 (vii) developing a competency-based training curriculum with input from public and
3011 private resources and approved by the division;
3012 (viii) focusing training exercises on skill development; and
3013 (ix) supporting foster care parents by supplying staff support, identifying common
3014 issues, encouraging peer support, and connecting available resources;
3015 (b) increase the number of child welfare volunteers in the geographical area covered
3016 by:
3017 (i) developing a strategic plan;
3018 (ii) seeking the participation of established volunteer organizations;
3019 (iii) designing and offering initial orientation sessions to child welfare volunteers;
3020 (iv) informing volunteers of options for service as specified by the division; and
3021 (v) facilitating the placement and certification of child welfare volunteers;
3022 (c) coordinate efforts, [~~where~~] if appropriate, with the division;
3023 (d) seek private contributions in furtherance of the organization's activities under this
3024 Subsection [~~(2)~~] (3);
3025 (e) perform other related services and activities as may be required by the division; and
3026 (f) establish a system for evaluating performance and obtaining feedback on the
3027 activities performed [~~pursuant to~~] under this Subsection [~~(2)~~] (3).
3028 [~~(3)~~] (4) Notwithstanding Subsection [~~(2)~~] (3), the department shall retain ultimate
3029 authority over and responsibility for:
3030 (a) initial and ongoing training content, material, curriculum, and techniques, and
3031 certification standards used by an organization; and
3032 (b) screening, investigation, licensing, certification, referral, and placement decisions

3033 with respect to any [~~person~~] individual recruited or trained by an organization.
3034 [~~(4)~~] (5) (a) An organization under contract with the department and [~~its~~] the
3035 department's directors, trustees, officers, employees, and agents, whether compensated or not,
3036 may not be held civilly liable for any act or omission on a matter for which the department
3037 retains ultimate authority and responsibility under Subsection [~~(3)~~] (4).
3038 (b) [~~Nothing in Subsection (4)(a) may be construed as altering~~] Subsection (5)(a) does
3039 not alter the abuse and neglect reporting requirements of Section [~~62A-4a-403~~] 80-2-602,
3040 regardless of whether the facts that give rise to such a report occur before or after a screening,
3041 investigation, licensing, or placement decision of the department.
3042 [~~(5)~~] (6) A referring entity or a referring individual that voluntarily and without
3043 remuneration assists [~~the~~] an organization to identify and recruit foster care parents or child
3044 welfare volunteers is not liable in any civil action for any act or omission of:
3045 (a) the referring entity or [~~the~~] referring individual[~~, which~~] that is performed in good
3046 faith and in furtherance of the entity's assistance to the organization; or
3047 (b) any [~~person~~] individual directly or indirectly referred to the organization by the
3048 entity as a foster care parent or child welfare volunteer, if the referring individual was without
3049 actual knowledge of any substantiated fact that would have disqualified the [~~person~~] individual
3050 who was referred from such a position at the time the referral was made.
3051 [~~(6) As used in this section:~~]
3052 [~~(a) "referring entity" means:~~]
3053 [~~(i) an incorporated or unincorporated organization or association whether formally~~
3054 ~~incorporated or otherwise established and operating for religious, charitable, or educational~~
3055 ~~purposes which does not distribute any of its income or assets to its members, directors,~~
3056 ~~officers, or other participants;~~]
3057 [~~(ii) any organization which is described in Section 501(c)(3) of the Internal Revenue~~
3058 ~~Code of 1986 and is exempt from tax under Section 501 of the Internal Revenue Code; or~~]
3059 [~~(iii) any not-for-profit organization which is formed and conducted for public benefit~~
3060 ~~and operated primarily for charitable, civic, educational, religious, benevolent, welfare, or~~
3061 ~~health purposes; and~~]
3062 [~~(b) "referring individual" means an individual:~~]
3063 [~~(i) with the authority to act on behalf of a referring entity in making a referral; and~~]

3064 [~~(ii) who may or may not be compensated by the referring entity.~~]
3065 Section 41. Section **80-2-501**, which is renumbered from Section 62A-4a-309 is
3066 renumbered and amended to read:
3067 **Part 5. Funds, Accounts, and Grant Programs**
3068 **[~~62A-4a-309~~]. 80-2-501. Children's Account.**
3069 (1) There is created a restricted account within the General Fund known as the
3070 "Children's Account." [~~The restricted account is for crediting of contributions from private~~
3071 ~~sources and from appropriate revenues received under Section 26-2-12.5 for abuse and neglect~~
3072 ~~prevention programs described in Section 62A-4a-305.~~]
3073 [~~(2) Money shall be appropriated from the account to the division by the Legislature~~
3074 ~~under the Utah Budgetary Procedures Act, and shall be drawn upon by the director in~~
3075 ~~consultation with the executive director of the department.~~]
3076 (2) The account shall be funded by:
3077 (a) appropriations to the account by the Legislature;
3078 (b) revenues received under Section 26-2-12.5; and
3079 (c) transfers, grants, gifts, bequests, or any money made available from any source for
3080 the abuse and neglect prevention programs described in Subsection 80-2-503(3).
3081 (3) The Legislature shall appropriate money in the account to the division.
3082 (4) (a) The director shall consult with the executive director of the department before
3083 using the funds in the account as described in this section.
3084 [~~(3)~~] (b) Except as provided in Subsection [~~(4), the Children's Account~~] (5), the
3085 account may be used only to implement prevention programs described in Section
3086 [~~62A-4a-305~~] 80-2-503, and may only be allocated to an entity that provides a one-to-one
3087 match, comprising a match from the community of at least 50% in cash and up to 50% in
3088 in-kind donations, which is 25% of the total funding received from the [~~Children's Account~~]
3089 account.
3090 [~~(4) (a) The entity that receives the statewide evaluation contract is excepted from the~~
3091 ~~cash-match provisions of Subsection (3).~~]
3092 [~~(b)~~] (5) Upon recommendation of the executive director of the department and the
3093 council, the division may reduce or waive the match requirements described in Subsection [~~(3)~~]
3094 (4) for an entity, if the division determines that imposing the requirements would prohibit or

3095 limit the provision of services needed in a particular geographic area.
3096 Section 42. Section **80-2-502**, which is renumbered from Section 62A-4a-608 is
3097 renumbered and amended to read:
3098 **[~~62A-4a-608~~]. 80-2-502. Choose Life Adoption Support Restricted Account.**
3099 (1) There is created [~~in~~] a restricted account within the General Fund known as the
3100 "Choose Life Adoption Support Restricted Account."
3101 (2) The account shall be funded by:
3102 (a) contributions deposited into the [~~Choose Life Adoption Support Restricted~~
3103 ~~Account~~] account in accordance with Section 41-1a-422;
3104 (b) appropriations to the account by the Legislature;
3105 (c) private contributions; and
3106 (d) donations or grants from public or private entities.
3107 (3) The Legislature shall appropriate money in the account to the division.
3108 (4) The division shall distribute the funds in the account to one or more charitable
3109 organizations that:
3110 (a) qualify as being tax exempt under Section 501(c)(3) of the Internal Revenue Code;
3111 (b) have as part of their primary mission the support, promotion, and education of
3112 adoption programs; and
3113 (c) are licensed or registered to do business within the state in accordance with state
3114 law.
3115 (5) (a) An organization described in Subsection (4) may apply to the division to receive
3116 a distribution in accordance with Subsection (4).
3117 (b) An organization that receives a distribution from the division in accordance with
3118 Subsection (4) shall expend the distribution only to:
3119 (i) produce and distribute educational and promotional materials on adoption;
3120 (ii) conduct educational courses on adoption; and
3121 (iii) provide other programs that support adoption.
3122 (c) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
3123 division may make rules providing procedures and requirements for an organization to apply to
3124 the division to receive a distribution under Subsection (4).
3125 Section 43. Section **80-2-503** is enacted to read:

3126 **80-2-503. Division contracts for prevention and treatment of child abuse and**
3127 **neglect -- Requirements -- Public hearing -- Funding provided by contractor.**
3128 (1) (a) The Legislature finds that there is a need to assist private and public agencies in
3129 identifying and establishing community-based education, service, and treatment programs to
3130 prevent the occurrence and recurrence of abuse and neglect.
3131 (b) It is the purpose of this section to provide a means to increase prevention and
3132 treatment programs designed to reduce the occurrence or recurrence of child abuse and neglect.
3133 (2) The division shall contract with public or private nonprofit organizations, agencies,
3134 or schools, or with qualified individuals to establish voluntary community-based educational
3135 and service programs designed to reduce or prevent the occurrence or recurrence of abuse and
3136 neglect.
3137 (3) (a) A program that the division contracts with under this section shall provide
3138 voluntary primary abuse and neglect prevention, and voluntary or court-ordered treatment
3139 services.
3140 (b) A program described in Subsection (3)(a) includes:
3141 (i) a program related to prenatal care, perinatal bonding, child growth and
3142 development, basic child care, care of children with special needs, and coping with family
3143 stress;
3144 (ii) a program related to crisis care, aid to parents, abuse counseling, support groups for
3145 abusive or potentially abusive parents and abusive parents' children, and early identification of
3146 families where the potential for abuse and neglect exists;
3147 (iii) a program clearly designed to prevent the occurrence or recurrence of abuse,
3148 neglect, sexual abuse, sexual exploitation, medical or educational neglect;
3149 (iv) a program that the division and council consider potentially effective in reducing
3150 the incidence of family problems leading to abuse or neglect; and
3151 (v) a program designed to establish and assist community resources that prevent abuse
3152 and neglect.
3153 (4) The division shall:
3154 (a) consult with appropriate state agencies, commissions, and boards to help determine
3155 the probable effectiveness, fiscal soundness, and need for proposed education and service
3156 programs for the prevention and treatment of abuse and neglect;

3157 (b) develop policies to determine whether a program will be discontinued or receive
3158 continuous funding;
3159 (c) facilitate the exchange of information between and among groups concerned with
3160 families and children;
3161 (d) establish flexible fees and fee schedules based on the recipient's ability to pay for
3162 part or all of the costs of service received;
3163 (e) before awarding a contract for an abuse or neglect prevention or treatment program
3164 or service:
3165 (i) conduct a public hearing to receive public comment on the program or service and
3166 ensure the council conducted a public hearing on the program or service in accordance with
3167 Subsection (6);
3168 (ii) if the program or service is intended for presentation in public schools, receive
3169 evidence that the program or service is approved by the local board of education of each school
3170 district that will be utilizing the program or service, or under the direction of the local board of
3171 education, the state superintendent; and
3172 (iii) consider need, diversity of geographic locations, the program's or services'
3173 coordination with or enhancement of existing services, and the program's or services' extensive
3174 use of volunteers;
3175 (f) award a contract under this section for services to prevent abuse and neglect on the
3176 basis of probability of success, based in part on sound research data; and
3177 (g) adopt rules in accordance with Title 63G, Chapter 3, Utah Administrative
3178 Rulemaking Act, as necessary to carry out the purposes of this section.
3179 (5) The division may:
3180 (a) require that 25% of the funding for a program contracted for under this section be
3181 provided by the contractor operating the program; and
3182 (b) consider a contribution of materials, supplies, or physical facilities as all or part of
3183 the funding provided by the contractor under Subsection (5)(a).
3184 (6) The council shall conduct a public hearing to receive public comment on the
3185 program or service before the division may enter into a contract under this section.
3186 (7) A contract entered into under this section shall contain a provision for the
3187 evaluation of services provided under the contract.

3188 (8) Contract funds awarded under this section for the treatment of victims of abuse or
3189 neglect are not a collateral source as defined in Section 63M-7-502.
3190 Section 44. Section **80-2-503.5**, which is renumbered from Section 62A-4a-213 is
3191 renumbered and amended to read:
3192 **[~~62A-4a-213~~]. 80-2-503.5. Psychotropic medication oversight pilot**
3193 **program.**
3194 (1) As used in this section, "psychotropic medication" means medication prescribed to
3195 affect or alter thought processes, mood, or behavior, including antipsychotic, antidepressant,
3196 anxiolytic, or behavior medication.
3197 (2) The division shall, through contract with the Department of Health, establish and
3198 operate a psychotropic medication oversight pilot program for children in foster care to ensure
3199 that foster children are being prescribed psychotropic medication consistent with [~~their~~] the
3200 foster children's needs.
3201 (3) The division shall establish an oversight team to manage the psychotropic
3202 medication oversight program, composed of at least the following individuals:
3203 (a) an [~~"advanced practice registered nurse,"~~] advanced practice registered nurse, as
3204 defined in Section 58-31b-102, employed by the Department of Health; and
3205 (b) a child psychiatrist.
3206 (4) The oversight team shall monitor foster children:
3207 (a) six years old or younger who are being prescribed one or more psychotropic
3208 medications; and
3209 (b) seven years old or older who are being prescribed two or more psychotropic
3210 medications.
3211 (5) The oversight team shall, upon request, be given information or records related to
3212 the foster child's health care history, including psychotropic medication history and mental and
3213 behavioral health history, from:
3214 (a) the foster child's current or past caseworker;
3215 (b) the foster child; or
3216 (c) the foster child's:
3217 (i) current or past health care provider;
3218 (ii) natural parents; or

3219 (iii) foster parents.
3220 (6) The oversight team may review and monitor the following information about a
3221 foster child:
3222 (a) the foster child's history;
3223 (b) the foster child's health care, including psychotropic medication history and mental
3224 or behavioral health history;
3225 (c) whether there are less invasive treatment options available to meet the foster child's
3226 needs;
3227 (d) the dosage or dosage range and appropriateness of the foster child's psychotropic
3228 medication;
3229 (e) the short-term or long-term risks associated with the use of the foster child's
3230 psychotropic medication; or
3231 (f) the reported benefits of the foster child's psychotropic medication.
3232 (7) (a) The oversight team may make recommendations to the foster child's health care
3233 providers concerning the foster child's psychotropic medication or the foster child's mental or
3234 behavioral health.
3235 (b) The oversight team shall provide the recommendations made in Subsection (7)(a)
3236 to the foster child's parent or guardian after discussing the recommendations with the foster
3237 child's current health care providers.
3238 (8) The division may adopt administrative rules in accordance with Title 63G, Chapter
3239 3, Utah Administrative Rulemaking Act, necessary to administer this section.
3240 (9) The division shall report to the Child Welfare Legislative Oversight Panel
3241 regarding the psychotropic medication oversight pilot program by October 1 of each even
3242 numbered year.
3243 Section 45. Section **80-2-601**, which is renumbered from Section 62A-4a-401 is
3244 renumbered and amended to read:
3245 **Part 6. Child Abuse and Neglect Reports**
3246 **[~~62A-4a-401~~]. 80-2-601. Legislative purpose.**
3247 It is the purpose of this part to protect the best interests of children, offer protective
3248 services to prevent harm to children, stabilize the home environment, preserve family life
3249 whenever possible, and encourage cooperation among the states in dealing with the problem of

3250 abuse or neglect.
3251 Section 46. Section **80-2-602**, which is renumbered from Section 62A-4a-403 is
3252 renumbered and amended to read:
3253 **[~~62A-4a-403~~]. 80-2-602. Child abuse and neglect reporting requirements --**
3254 **Exceptions.**
3255 (1) Except as provided in Subsection (3), if [~~an individual~~] a person, including an
3256 individual licensed under Title 58, Chapter 31b, Nurse Practice Act, or Title 58, Chapter 67,
3257 Utah Medical Practice Act, has reason to believe that a child is, or has been, the subject of
3258 abuse or neglect, or observes a child being subjected to conditions or circumstances that would
3259 reasonably result in abuse or neglect, the [~~individual~~] person shall immediately report the
3260 suspected abuse or neglect to the division or to the nearest peace officer or law enforcement
3261 agency.
3262 (2) (a) (i) If a peace officer or [~~a~~] law enforcement agency receives a report under
3263 Subsection (1), the peace officer or law enforcement agency shall immediately notify the
3264 nearest office of the division.
3265 (ii) If the division receives a report under Subsection (1), the division shall immediately
3266 notify the appropriate local law enforcement agency.
3267 (b) (i) The division shall, in addition to the division's own investigation in accordance
3268 with Section [~~62A-4a-409~~] 80-2-701, coordinate with the law enforcement agency on
3269 [~~investigations~~] an investigation undertaken by the law enforcement agency to investigate the
3270 report of abuse or neglect under Subsection (1).
3271 (ii) If a law enforcement agency undertakes an investigation of a report under
3272 Subsection (1), the law enforcement agency shall provide a final investigatory report to the
3273 division upon request.
3274 (3) Subject to Subsection (4), the reporting requirement described in Subsection (1)
3275 does not apply to:
3276 (a) a member of the clergy, with regard to any confession made to the member of the
3277 clergy while functioning in the ministerial capacity of the member of the clergy and without the
3278 consent of the individual making the confession, if:
3279 (i) the perpetrator made the confession directly to the member of the clergy; and
3280 (ii) the member of the clergy is, under canon law or church doctrine or practice, bound

3281 to maintain the confidentiality of [~~that~~] the confession; or
3282 (b) an attorney, or an individual employed by the attorney, if the knowledge or belief of
3283 the suspected abuse or neglect of a child arises from the representation of a client, unless the
3284 attorney is permitted to reveal the suspected abuse or neglect of the child to prevent reasonably
3285 certain death or substantial bodily harm in accordance with Utah Rules of Professional
3286 Conduct, Rule 1.6.
3287 (4) (a) When a member of the clergy receives information about abuse or neglect from
3288 any source other than confession of the perpetrator, the member of the clergy is required to
3289 report [~~that~~] the information even [~~though~~] if the member of the clergy [~~may have~~] also
3290 received information about the abuse or neglect from the confession of the perpetrator.
3291 (b) Exemption of the reporting requirement for an individual described in Subsection
3292 (3) does not exempt the individual from any other efforts required by law to prevent further
3293 abuse or neglect by the perpetrator.
3294 (5) The physician-patient privilege does not:
3295 (a) excuse an individual who is licensed under Title 58, Chapter 67, Utah Medical
3296 Practice Act, or Title 58, Chapter 68, Utah Osteopathic Medical Practice Act, from reporting
3297 under this section; or
3298 (b) constitute grounds for excluding evidence regarding the child's injuries, or the
3299 cause of the child's injuries, in a judicial or administrative proceeding resulting from a report
3300 under this section.
3301 Section 47. Section **80-2-603**, which is renumbered from Section 62A-4a-404 is
3302 renumbered and amended to read:
3303 **[~~62A-4a-404~~]. 80-2-603. Fetal alcohol syndrome or spectrum disorder and**
3304 **drug dependency reporting requirements.**
3305 (1) As used in this section:
3306 (a) "Health care provider" means:
3307 (i) an individual licensed under:
3308 (A) Title 58, Chapter 31b, Nurse Practice Act;
3309 (B) Title 58, Chapter 44a, Nurse Midwife Practice Act;
3310 (C) Title 58, Chapter 67, Utah Medical Practice Act;
3311 (D) Title 58, Chapter 68, Utah Osteopathic Medical Practice Act;

3312 (E) Title 58, Chapter 70a, Utah Physician Assistant Act; or
3313 (F) Title 58, Chapter 77, Direct-Entry Midwife Act; or
3314 (ii) an unlicensed individual who practices midwifery.
3315 (b) "Newborn child" means a child who is 30 days old or younger.
3316 [~~(b)~~] (c) "Recommending medical provider" means the same as that term is defined in
3317 Section 26-61a-102.
3318 [~~(c)~~] (d) (i) "Substance abuse" means, except as provided in Subsection [~~(1)(c)(ii)~~]
3319 (1)(d)(ii), the same as that term is defined in Section [~~80-1-102~~] 80-2-102.
3320 (ii) "Substance abuse" does not include use of drugs or other substances that are:
3321 (A) obtained by lawful prescription and used as prescribed; or
3322 (B) obtained in accordance with Title 26, Chapter 61a, Utah Medical Cannabis Act,
3323 and used as recommended by a recommending medical provider.
3324 (2) A health care provider who attends the birth of a newborn child or cares for a
3325 newborn child and determines the following, shall report the determination to the division as
3326 soon as possible:
3327 (a) the newborn child:
3328 (i) is adversely affected by the child's mother's substance abuse during pregnancy;
3329 (ii) has fetal alcohol syndrome or fetal alcohol spectrum disorder; or
3330 (iii) demonstrates drug or alcohol withdrawal symptoms; or
3331 (b) the parent of the newborn child or a person responsible for the child's care
3332 demonstrates functional impairment or an inability to care for the child as a result of the
3333 parent's or person's substance abuse.
3334 (3) The physician-patient privilege does not:
3335 (a) excuse an individual who is licensed under Title 58, Chapter 67, Utah Medical
3336 Practice Act, or Title 58, Chapter 68, Utah Osteopathic Medical Practice Act, from reporting
3337 under this section; or
3338 (b) constitute grounds for excluding evidence regarding the child's injuries, or the
3339 cause of the child's injuries, in a judicial or administrative proceeding resulting from a report
3340 under this section.
3341 Section 48. Section **80-2-604**, which is renumbered from Section 62A-4a-405 is
3342 renumbered and amended to read:

3343 **[~~62A-4a-405~~]. 80-2-604. Death of a child reporting requirements.**
3344 (1) [~~Any~~] A person who has reason to believe that a child has died as a result of abuse
3345 or neglect shall report that fact to:
3346 (a) the local law enforcement agency[~~, who shall report to the county attorney or~~
3347 ~~district attorney as provided under Section 17-18a-202 or 17-18a-203~~]; and
3348 (b) the appropriate medical examiner in accordance with Title 26, Chapter 4, Utah
3349 Medical Examiner Act.
3350 (2) After receiving a report described in Subsection (1)[~~,~~]:
3351 (a) the local law enforcement agency shall report to the county attorney or district
3352 attorney as provided under Section 17-18a-202 or 17-18a-203; and
3353 (b) the medical examiner shall investigate and report the medical examiner's findings
3354 to:
3355 [~~(a)~~] (i) the police;
3356 [~~(b)~~] (ii) the appropriate county attorney or district attorney;
3357 [~~(c)~~] (iii) the attorney general's office;
3358 [~~(d)~~] (iv) the division; and
3359 [~~(e)~~] (v) if the institution making the report is a hospital, to [~~that~~] the hospital.
3360 Section 49. Section **80-2-605**, which is renumbered from Section 62A-4a-407 is
3361 renumbered and amended to read:
3362 **[~~62A-4a-407~~]. 80-2-605. Physician removal of a child -- Report to division.**
3363 (1) [~~A~~] Subject to Subsection (3), a physician examining or treating a child may take
3364 the child into [~~protective~~] custody [~~not to exceed 72 hours~~], without the consent of the child's
3365 parent, guardian, or any other person responsible for the child's care or exercising temporary or
3366 permanent control over the child, [~~when~~] if the physician has reason to believe that the child's
3367 life or safety will be in danger unless [~~protective custody is exercised~~] the child is taken into
3368 custody.
3369 (2) (a) [~~The~~] Subject to Subsection (3), the person in charge of a hospital or similar
3370 medical facility may retain [~~protective~~] custody of a child [~~suspected of being abused or~~
3371 ~~neglected, when he~~] taken into custody under Subsection (1) if the person reasonably believes
3372 the [~~facts warrant that retention. This action may be taken~~] circumstances warrant retention of
3373 custody.

3374 (b) The person may take the action described in Subsection (2)(a) regardless of whether
3375 additional medical treatment is required[~~, and regardless of whether~~] for the child or the person
3376 responsible for the child's care requests the child's return.
3377 [~~(3) The division shall be immediately notified of protective custody exercised under~~
3378 ~~this section. Protective custody~~]
3379 (3) Custody of a child under this section may not exceed 72 hours without an order of
3380 the [~~district or~~] juvenile court.
3381 (4) A person who takes a child into, or retains a child in, [~~protective~~] custody under
3382 this section shall [~~document~~]:
3383 (a) immediately notify the division that the child is in the person's custody; and
3384 (b) document:
3385 [~~(a)~~] (i) the grounds upon which the child was taken into, or retained in, [~~protective~~]
3386 custody; and
3387 [~~(b)~~] (ii) the nature of, and necessity for, any medical care or treatment provided to the
3388 child.
3389 Section 50. Section **80-2-606**, which is renumbered from Section 62A-4a-408 is
3390 renumbered and amended to read:
3391 **[~~62A-4a-408~~]. 80-2-606. Written reports.**
3392 [~~(1) Reports made pursuant to this part shall be followed by a written report within 48~~
3393 ~~hours, if requested by the division. The division shall immediately forward a copy of that~~
3394 ~~report to the statewide central register, on forms supplied by the register.~~]
3395 (1) (a) A person who orally reports under Section 80-2-602, 80-2-603, or 80-2-604
3396 shall, upon request of the division, provide the division with a written version of the oral
3397 report.
3398 (b) The person shall provide the written report within 48 hours after the division's
3399 request.
3400 (2) If, in connection with an intended or completed abortion [~~by a minor~~], a physician
3401 is required to make a report of incest or abuse of a minor, the report may not include
3402 information that would in any way disclose that the report was made in connection with:
3403 (a) an abortion; or
3404 (b) a consultation regarding an abortion.

3405 (3) The division shall, immediately after receipt, forward a copy of a written report to
3406 the state child abuse and neglect registry on a form supplied by the registry.
3407 Section 51. Section **80-2-607**, which is renumbered from Section 62A-4a-406 is
3408 renumbered and amended to read:
3409 **[~~62A-4a-406~~]. 80-2-607. Health care provider photographs of abuse or**
3410 **neglect.**
3411 (1) [~~Any physician, surgeon,~~] A licensed physician, licensed physician assistant,
3412 medical examiner, peace officer, [~~law enforcement official,~~] or public health officer or official
3413 may take [~~photographs~~] a photograph of the areas of trauma visible on a child and, if medically
3414 indicated, perform radiological examinations.
3415 (2) [~~Photographs~~] A photograph may be taken of the premises or of [~~objects~~] an object
3416 relevant to a reported circumstance of child abuse or neglect.
3417 (3) [~~Photographs or X-rays, and all other medical records~~] A photograph, X-ray, or
3418 other medical record pertinent to an investigation for child abuse or neglect shall be made
3419 available to the division, law enforcement [~~officials~~] agencies, and the court.
3420 Section 52. Section **80-2-608** is enacted to read:
3421 **80-2-608. Confidential identity of person who reports.**
3422 Except as provided in Sections 80-2-611 and 80-2-1005, the division and a law
3423 enforcement agency shall ensure the anonymity of the person who makes the initial report
3424 under this part and any other person involved in the division's or law enforcement agency's
3425 subsequent investigation of the report.
3426 Section 53. Section **80-2-609**, which is renumbered from Section 62A-4a-411 is
3427 renumbered and amended to read:
3428 **[~~62A-4a-411~~]. 80-2-609. Failure to report -- Threats and intimidation --**
3429 **Penalty.**
3430 (1) If the division has substantial grounds to believe that [~~an individual has~~] a person
3431 knowingly failed to report [~~suspected abuse, neglect, fetal alcohol syndrome, or fetal drug~~
3432 ~~dependency in accordance with this part~~] under Section 80-2-602 or 80-2-603, the division
3433 shall file a complaint with:
3434 (a) the Division of Occupational and Professional Licensing if the [~~individual~~] person
3435 is a health care provider, as defined in [~~Section 62A-4a-404~~] Subsection 80-2-603(1)(a)(i), or a

3436 mental health therapist, as defined in Section 58-60-102;
3437 (b) the appropriate law enforcement agency if the [~~individual~~] person is a law
3438 enforcement officer, as defined in Section 53-13-103; [~~and~~] or
3439 (c) the State Board of Education if the [~~individual~~] person is an educator, as defined in
3440 Section 53E-6-102.
3441 (2) (a) [~~An individual~~] A person is guilty of a class B misdemeanor if the [~~individual~~]
3442 person willfully fails to report [~~the suspected abuse, neglect, fetal alcohol syndrome, or fetal~~
3443 ~~drug dependency in accordance with this part~~] under Section 80-2-602 or 80-2-603.
3444 (b) If [~~an individual~~] a person is convicted under Subsection (2)(a), the court may order
3445 the [~~individual~~] person, in addition to any other sentence the court imposes, to:
3446 (i) complete community service hours; or
3447 (ii) complete a program on preventing abuse and neglect of children.
3448 (c) In determining whether it would be appropriate to charge [~~an individual~~] a person
3449 with a violation of Subsection (2)(a), the prosecuting attorney shall take into account whether a
3450 reasonable [~~individual~~] person would not have reported suspected abuse or neglect of a child
3451 because reporting would have placed the [~~individual~~] person in immediate danger of death or
3452 serious bodily injury.
3453 (d) Notwithstanding any contrary provision of law, a prosecuting attorney may not use
3454 [~~an individual's~~] a person's violation of Subsection (2)(a) as the basis for charging the
3455 [~~individual~~] person with another offense.
3456 (e) A prosecution for failure to report under Subsection (2)(a) shall be commenced
3457 within two years after the day on which the [~~individual~~] person had knowledge of the suspected
3458 abuse[~~, neglect, fetal alcohol syndrome, or fetal drug dependency~~] or neglect or the
3459 circumstances described in Subsection 80-2-603(2) and willfully failed to report.
3460 (3) Under circumstances not amounting to a violation of Section 76-8-508, [~~an~~
3461 ~~individual~~] a person is guilty of a class B misdemeanor if the [~~individual~~] person threatens,
3462 intimidates, or attempts to intimidate a child who is the [~~subject of a report under this part, the~~
3463 ~~individual~~] subject of the report under Section 80-2-602 or 80-2-603, the person who made the
3464 report, a witness, or any other person cooperating with an investigation conducted in
3465 accordance with this chapter or Chapter 2a, Removal and Protective Custody of a Child.
3466 Section 54. Section **80-2-610**, which is renumbered from Section 62A-4a-410 is

3467 renumbered and amended to read:

3468 **[~~62A-4a-410~~]. 80-2-610. Immunity from liability for a report -- Exception.**

3469 (1) (a) [~~Any~~] A person who in good faith makes a report under Section [~~62A-4a-403,~~

3470 ~~62A-4a-404, or 62A-4a-405~~] 80-2-602, 80-2-603, or 80-2-604, or who otherwise notifies the

3471 division or a peace officer or law enforcement agency of suspected abuse or neglect of a child,

3472 is immune from civil and criminal liability in connection with the report or notification.

3473 (b) Except as provided in Subsection (3), [~~any person, official, or institution taking~~

3474 ~~photographs or X-rays~~] a person taking a photograph or X-ray, assisting an investigator from

3475 the division, serving as a member of a child protection team, or taking a child into protective

3476 custody in accordance [~~with this part~~] Chapter 2a, Removal and Protective Custody of a Child,

3477 is immune from civil or criminal liability in connection with those actions.

3478 (2) This section does not provide immunity with respect to [~~acts or omissions~~] an act or

3479 omission of a governmental employee except as provided in Title 63G, Chapter 7,

3480 Governmental Immunity Act of Utah.

3481 (3) The immunity described in Subsection (1)(b) does not apply if the person[~~, official,~~

3482 ~~or institution~~]:

3483 (a) acted or failed to act through fraud or willful misconduct;

3484 (b) in a judicial or administrative proceeding, intentionally or knowingly gave, upon a

3485 lawful oath or in any form allowed by law as a substitute for an oath, false testimony material

3486 to the issue or matter of inquiry in the proceeding; [~~or~~]

3487 (c) intentionally or knowingly[~~: (i)~~] fabricated evidence; or

3488 [~~(ii)~~] (d) except as provided in Subsection (4), intentionally or knowingly with a

3489 conscious disregard for the rights of others, failed to disclose evidence that was known by the

3490 person to be relevant to a material issue or matter of inquiry in:

3491 [~~(A) was known to the person, official, or institution; and~~]

3492 [~~(B) (I)~~] (i) [~~was known by the person, official, or institution to be relevant to a~~

3493 ~~material issue or matter of inquiry in~~] a pending judicial or administrative proceeding if the

3494 person[~~, official, or institution~~] knew of the pending judicial or administrative proceeding; or

3495 [~~(II)~~] (ii) [~~was known by the person, official, or institution to be relevant to a material~~

3496 ~~issue or matter of inquiry in~~] a judicial or administrative proceeding, if disclosure of the

3497 evidence was requested of the employee by a party to the proceeding or counsel for a party to

3498 the proceeding.
3499 (4) Immunity is not lost under Subsection [~~(3)(c)(ii)~~] (3)(d), if the person[~~, official, or~~
3500 ~~institution~~]:
3501 (a) failed to disclose evidence described in Subsection [~~(3)(c)(ii)~~] (3)(d), because the
3502 person[~~, official, or institution~~] is prohibited by law from disclosing the evidence; or
3503 (b) (i) in accordance with the provisions of 45 C.F.R. 164.502(g)(5), refused to disclose
3504 evidence described in Subsection [~~(3)(c)(ii) to a~~] (3)(d) to another person who requested the
3505 evidence; and
3506 (ii) after refusing to disclose the evidence under Subsection (4)(b)(i), complied with or
3507 responded to a valid court order or valid subpoena received by the person[~~, official, or~~
3508 ~~institution~~] to disclose the evidence described in Subsection [~~(3)(c)(ii)~~] (3)(d).
3509 Section 55. Section **80-2-611**, which is renumbered from Section 62A-4a-1007 is
3510 renumbered and amended to read:
3511 **[~~62A-4a-1007~~]. 80-2-611. False reports -- Investigation -- Notice of penalty.**
3512 (1) The division may conduct an investigation to determine whether a report under
3513 Section 80-2-602 or 80-2-603 is false.
3514 [~~(1)~~] (2) The division shall send a certified letter to [~~any~~] a person who [~~submits~~]
3515 makes a report of abuse or neglect that is placed into or included in any part of the
3516 Management Information System, if the division determines, at the conclusion of [~~its~~] the
3517 division's investigation, that:
3518 (a) the report is false;
3519 (b) it is more likely than not that the person knew the report was false at the time that
3520 person [~~submitted~~] made the report; and
3521 (c) the reporting person's address is known or reasonably available.
3522 [~~(2)~~] (3) The certified letter described in Subsection (2) shall inform the reporting
3523 person of:
3524 (a) the division's determination made under Subsection [~~(1)~~] (2);
3525 (b) the penalty for submitting false information under Section 76-8-506 and other
3526 applicable laws; and
3527 (c) the obligation or ability of the division under Subsection (4) to inform law
3528 enforcement and the person alleged to have committed abuse or neglect:

3529 (i) in the present instance if [~~law enforcement~~] the division considers an immediate
3530 referral of the reporting person to law enforcement to be justified by the facts; or
3531 (ii) if the reporting person submits a subsequent false report involving the same alleged
3532 perpetrator or victim.
3533 [~~(3)~~] (4) The division:
3534 (a) may inform law enforcement and the alleged perpetrator of a report for which a
3535 certified letter is required to be sent under Subsection [~~(1)~~] (2), if an immediate referral is
3536 justified by the facts[~~.~~];
3537 [~~(4)~~] (b) [~~The division~~] shall inform law enforcement and the alleged perpetrator of a
3538 report for which a certified letter is required to be sent under Subsection [~~(1)~~] (2) if a second
3539 letter is sent to the reporting person involving the same alleged perpetrator or victim[~~.~~]; and
3540 [~~(5)~~] (c) [~~The division~~] shall determine, in consultation with law enforcement:
3541 [~~(a)~~] (i) what information should be given to an alleged perpetrator relating to a false
3542 report; and
3543 [~~(b)~~] (ii) whether good cause exists, as defined by the division by rule made in
3544 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, for not informing
3545 an alleged perpetrator about a false report.
3546 [~~(6)~~] (5) [~~Nothing in this section may be construed as requiring~~] This section does not
3547 require the division to conduct an investigation beyond what is described in [~~Subsection (1)~~]
3548 Subsections (1) and (2), to determine whether [~~or not~~] a report is false.
3549 Section 56. Section **80-2-701**, which is renumbered from Section 62A-4a-409 is
3550 renumbered and amended to read:
3551 **Part 7. Child Abuse and Neglect Investigation**
3552 **[~~62A-4a-409~~]. 80-2-701. Division preremoval investigation -- Supported or**
3553 **unsupported reports -- Convening of child protection team -- Consultation with child**
3554 **protection team and law enforcement.**
3555 (1) (a) The division shall conduct a thorough preremoval investigation upon receiving
3556 [~~either an oral or written report of alleged abuse or neglect, or an oral or written report under~~
3557 ~~Subsection 62A-4a-404(2), when~~] a report under Section 80-2-602 or 80-2-603 if there is
3558 reasonable cause to suspect that a situation of abuse, neglect, or the circumstances described
3559 [~~under Subsection 62A-4a-404(2)~~] in Subsection 80-2-603(2) exist.

3560 (b) The primary purpose of the preremoval investigation described in Subsection (1)(a)
3561 shall be protection of the child.
3562 (2) The preremoval investigation described in Subsection (1)(a) shall [~~include the same~~
3563 ~~investigative requirements~~] meet the reasonable professional standards described in Section
3564 [~~62A-4a-202.3~~] 80-2-702.
3565 (3) The division shall make a written report of [~~its~~] the division's preremoval
3566 investigation under Subsection (1)(a) that [~~shall include~~] includes a determination regarding
3567 whether the alleged abuse or neglect in the report described in Subsection (1)(a) is supported,
3568 unsupported, or without merit.
3569 (4) [~~(a)~~] The division:
3570 (a) shall use an interdisciplinary approach [~~when~~] if appropriate in dealing with
3571 [~~reports~~] a report made under [~~this part.~~] Section 80-2-602, 80-2-603, or 80-2-604;
3572 (b) [~~The division~~] in accordance with Section 80-2-706, shall convene a child
3573 protection team to assist the division in the division's protective, diagnostic, assessment,
3574 treatment, and coordination services[~~.~~]; and
3575 (c) [~~The division~~] may include [~~members of~~] a member of the child protection team in
3576 the division's protective, diagnostic, assessment, treatment, [~~and~~] or coordination services.
3577 [~~(d) A representative of the division shall serve as the team's coordinator and chair.~~
3578 ~~Members of the team shall serve at the coordinator's invitation. Whenever possible, the team~~
3579 ~~shall include representatives of:~~]
3580 [~~(i) health, mental health, education, and law enforcement agencies;~~]
3581 [~~(ii) the child;~~]
3582 [~~(iii) parent and family support groups unless the parent is alleged to be the perpetrator;~~
3583 ~~and~~]
3584 [~~(iv) other appropriate agencies or individuals.~~]
3585 (5) If a report of neglect is based [~~upon~~] on or includes an allegation of educational
3586 neglect, the division shall immediately consult with school authorities to verify the child's
3587 status in accordance with Sections 53G-6-201 through 53G-6-206.
3588 (6) [~~When the division completes the division's initial~~] Upon completion of the initial
3589 preremoval investigation under this [~~part~~] section, the division shall give notice of [~~that~~] the
3590 completion to the person who made the initial report described in Subsection (1)(a).

3591 (7) [~~Division workers or other child protection team members have~~] A division child
3592 welfare caseworker:
3593 (a) has authority to:
3594 (i) enter upon public or private premises, using appropriate legal processes[~~;~~]; and
3595 (ii) to investigate [~~reports~~] a report of alleged child abuse or neglect, upon notice to
3596 [~~parents of their rights~~] a parent of the parent's rights under the Child Abuse Prevention and
3597 Treatment Act, 42 U.S.C. Sec. 5106, or any successor thereof[~~.~~]; and
3598 (b) may take a child into protective custody in accordance with Chapter 2, Removal
3599 and Protective Custody of a Child.
3600 [~~(8) With regard to any interview of a child prior to removal of that child from the~~
3601 ~~child's home:~~]
3602 [~~(a) except as provided in Subsection (8)(b) or (c), the division shall inform a parent of~~
3603 ~~the child prior to the interview of:~~]
3604 [~~(i) the specific allegations concerning the child; and~~]
3605 [~~(ii) the time and place of the interview;~~]
3606 [~~(b) if a child's parent or stepparent, or a parent's paramour has been identified as the~~
3607 ~~alleged perpetrator, the division is not required to comply with Subsection (8)(a);~~]
3608 [~~(c) if the perpetrator is unknown, or if the perpetrator's relationship to the child's~~
3609 ~~family is unknown, the division may conduct a minimal interview or conversation, not to~~
3610 ~~exceed 15 minutes, with the child prior to complying with Subsection (8)(a);~~]
3611 [~~(d) in all cases described in Subsection (8)(b) or (c), a parent of the child shall be~~
3612 ~~notified as soon as practicable after the child has been interviewed, but in no case later than 24~~
3613 ~~hours after the interview has taken place;~~]
3614 [~~(e) a child's parents shall be notified of the time and place of all subsequent interviews~~
3615 ~~with the child; and~~]
3616 [~~(f) the child shall be allowed to have a support person of the child's choice present,~~
3617 ~~who:~~]
3618 [~~(i) may include:~~]
3619 [~~(A) a school teacher;~~]
3620 [~~(B) an administrator;~~]
3621 [~~(C) a guidance counselor;~~]

3622 [~~(D) a child care provider;~~]
3623 [~~(E) a family member;~~]
3624 [~~(F) a family advocate; or~~]
3625 [~~(G) a member of the clergy; and~~]
3626 [~~(ii) may not be an individual who is alleged to be, or potentially may be, the~~
3627 ~~perpetrator.~~]
3628 [~~(9) In accordance with the procedures and requirements of Sections 62A-4a-202.1~~
3629 ~~through 62A-4a-202.3, a division worker or child protection team member may take a child~~
3630 ~~into protective custody and deliver the child to a law enforcement officer, or place the child in~~
3631 ~~an emergency shelter facility approved by the juvenile court, at the earliest opportunity~~
3632 ~~subsequent to the child's removal from the child's original environment. Control and~~
3633 ~~jurisdiction over the child is determined by the provisions of Title 78A, Chapter 6, Juvenile~~
3634 ~~Court, and Title 80, Utah Juvenile Code, and as otherwise provided by law.~~]
3635 [~~(10) With regard to cases in which~~]
3636 (8) If law enforcement has investigated or is conducting an investigation of alleged
3637 abuse or neglect of a child, the division:
3638 (a) [~~the division~~] shall coordinate with law enforcement to ensure that there is an
3639 adequate safety plan to protect the child from further abuse or neglect; and
3640 (b) [~~the division~~] is not required to duplicate an aspect of the investigation that, in the
3641 division's determination, has been satisfactorily completed by law enforcement.
3642 [~~(11)~~] (9) [~~With regard to~~] In a mutual case in which a child protection team [~~was~~] is
3643 involved in the investigation of alleged abuse or neglect of a child, the division shall consult
3644 with the child protection team before closing the case.
3645 Section 57. Section **80-2-702**, which is renumbered from Section 62A-4a-202.3 is
3646 renumbered and amended to read:
3647 **[~~62A-4a-202.3~~]. 80-2-702. Post-removal investigation -- Supported or**
3648 **unsupported reports -- Convening of child protection team -- Cooperation with law**
3649 **enforcement -- Close of investigation.**
3650 (1) [~~When~~] If a child is taken into protective custody in accordance with Section
3651 [~~62A-4a-202.1~~] 80-2a-202 or 80-3-204 or [~~when~~] the division takes any other action that
3652 [~~would require~~] requires a shelter hearing under Subsection 80-3-301(1), the division shall

3653 immediately initiate an investigation of [~~the~~]:
3654 (a) the circumstances of the child; and
3655 (b) the grounds upon which the decision to place the child into protective custody was
3656 made.
3657 (2) The division's investigation under Subsection (1) shall conform to reasonable
3658 professional standards[~~,~~] and [~~shall~~] include:
3659 (a) a search for and review of any records of past reports of abuse or neglect involving:
3660 (i) the same child;
3661 (ii) any sibling or other child residing in the same household as the child; and
3662 (iii) the alleged perpetrator;
3663 (b) with regard to a child who is five years old or older, a personal interview with the
3664 child:
3665 (i) outside of the presence of the alleged perpetrator; and
3666 (ii) conducted in accordance with the requirements of [~~Subsection (7)~~] Section
3667 80-2-704;
3668 (c) if a parent or guardian [~~can be~~] is located, an interview with at least one of the
3669 child's parents or guardian;
3670 (d) an interview with the person who reported the abuse, unless the report was made
3671 anonymously;
3672 (e) [~~where~~] if possible and appropriate, interviews with other third parties who have
3673 had direct contact with the child, including:
3674 (i) school personnel; and
3675 (ii) the child's health care provider;
3676 (f) an unscheduled visit to the child's home, unless:
3677 (i) there is a reasonable basis to believe that the reported abuse was committed by a
3678 person who:
3679 (A) is not the child's parent; and
3680 (B) does not[~~: (I)~~] live in the child's home[~~; or (II)~~] or otherwise have access to the
3681 child in the child's home; or
3682 (ii) an unscheduled visit is not necessary to obtain evidence for the investigation; and
3683 (g) if appropriate and indicated in any case alleging physical injury, sexual abuse, or

3684 failure to meet the child's medical needs, a medical examination, obtained no later than 24
3685 hours after the child is placed in protective custody.
3686 (3) The division may rely on a written report of a prior interview rather than
3687 conducting an additional interview under Subsection (2), if:
3688 (a) law enforcement:
3689 (i) previously conducted a timely and thorough investigation regarding the alleged
3690 abuse, neglect, or dependency; and
3691 (ii) produced a written report;
3692 (b) the investigation described in Subsection (3)(a)(i) included one or more of the
3693 interviews [~~required by~~] described in Subsection (2); and
3694 (c) the division finds that an additional interview is not in the best interest of the child.
3695 (4) (a) (i) The division shall:
3696 (A) make a determination after the division's investigation under Subsection (1)
3697 regarding whether the report is supported, unsupported, or without merit; and
3698 (B) base the determination on the facts of the case at the time the report is made.
3699 [~~(4) (a)~~] (ii) The division's determination of whether a report is supported or
3700 unsupported may be based on the child's statements alone.
3701 (b) The division may not:
3702 [~~(b)~~] (i) [~~Inability~~] use the inability to identify or locate the perpetrator [~~may not be~~
3703 ~~used by the division~~] as a basis for:
3704 [~~(i)~~] (A) determining that a report is unsupported; or
3705 [~~(ii)~~] (B) closing the case[~~.~~]; or
3706 [~~(c)~~] (ii) [~~The division may not~~] determine a case [~~to be~~] is unsupported or identify a
3707 case as unsupported solely because the perpetrator [~~was~~] is an out-of-home perpetrator.
3708 [~~(d) Decisions regarding whether a report is supported, unsupported, or without merit~~
3709 ~~shall be based on the facts of the case at the time the report was made.~~]
3710 (5) The division [~~should~~] shall maintain protective custody of the child if [~~it~~] the
3711 division finds that one or more of the following conditions exist:
3712 (a) the child does not have a natural parent, guardian, or responsible relative who is
3713 able and willing to provide safe and appropriate care for the child;
3714 (b) (i) shelter of the child is a matter of necessity for the protection of the child; and

3715 (ii) there are no reasonable means by which the child can be protected in:
3716 (A) the child's home; or
3717 (B) the home of a responsible relative;
3718 (c) there is substantial evidence that the parent or guardian is likely to flee the
3719 jurisdiction of the juvenile court; or
3720 (d) the child has left a previously court ordered placement.
3721 (6) [~~(a)~~] Within 24 hours after receipt of a child into protective custody, excluding
3722 weekends and holidays, the division shall:
3723 [~~(i)~~] (a) convene a child protection team [~~to review the circumstances regarding~~
3724 ~~removal of the child from the child's home or school~~] in accordance with Section 80-2-706; and
3725 [~~(ii)~~] (b) prepare the testimony and evidence that will be required of the division at the
3726 shelter hearing, in accordance with Section 80-3-301.
3727 [~~(b) At the 24-hour meeting, the division shall have available for review and~~
3728 ~~consideration the complete child protective services and foster care history of the child and the~~
3729 ~~child's parents and siblings.~~]
3730 [~~(7) (a) After receipt of a child into protective custody and prior to the adjudication~~
3731 ~~hearing, all investigative interviews with the child that are initiated by the division shall be:~~]
3732 [~~(i) except as provided in Subsection (7)(b), audio or video taped; and~~]
3733 [~~(ii) except as provided in Subsection (7)(c), conducted with a support person of the~~
3734 ~~child's choice present.~~]
3735 [~~(b) (i) Subject to Subsection (7)(b)(ii), an interview described in Subsection (7)(a)~~
3736 ~~may be conducted without being taped if the child:~~]
3737 [~~(A) is at least nine years old;~~]
3738 [~~(B) refuses to have the interview audio taped; and~~]
3739 [~~(C) refuses to have the interview video taped.~~]
3740 [~~(ii) If, pursuant to Subsection (7)(b)(i), an interview is conducted without being taped,~~
3741 ~~the child's refusal shall be documented, as follows:~~]
3742 [~~(A) the interviewer shall attempt to get the child's refusal on tape, including the~~
3743 ~~reasons for the refusal; or~~]
3744 [~~(B) if the child does not allow the refusal, or the reasons for the refusal, to be taped,~~
3745 ~~the interviewer shall:~~]

3746 [~~(I) state on the tape that the child is present, but has refused to have the interview,~~
3747 ~~refusal, or the reasons for the refusal taped; or~~]
3748 [~~(II) if complying with Subsection (7)(b)(ii)(B)(I) will result in the child, who would~~
3749 ~~otherwise consent to be interviewed, to refuse to be interviewed, the interviewer shall~~
3750 ~~document, in writing, that the child refused to allow the interview to be taped and the reasons~~
3751 ~~for that refusal.~~]
3752 [~~(iii) The division shall track the number of interviews under this Subsection (7) that~~
3753 ~~are not taped, and the number of refusals that are not taped, for each interviewer, in order to~~
3754 ~~determine whether a particular interviewer has a higher incidence of refusals, or taped refusals,~~
3755 ~~than other interviewers.~~]
3756 [~~(c) (i) Notwithstanding Subsection (7)(a)(ii), the support person who is present for an~~
3757 ~~interview of a child may not be an alleged perpetrator.~~]
3758 [~~(ii) Subsection (7)(a)(ii) does not apply if the child refuses to have a support person~~
3759 ~~present during the interview.~~]
3760 [~~(iii) If a child described in Subsection (7)(c)(ii) refuses to have a support person~~
3761 ~~present in the interview, the interviewer shall document, in writing, the refusal and the reasons~~
3762 ~~for the refusal.~~]
3763 [~~(iv) The division shall track the number of interviews under this Subsection (7) where~~
3764 ~~a child refuses to have a support person present for each interviewer, in order to determine~~
3765 ~~whether a particular interviewer has a higher incidence of refusals than other interviewers.~~]
3766 [~~(8)~~] (7) The division shall cooperate with a law enforcement [~~investigations~~]
3767 investigation and with the members of a child protection team, if applicable, regarding the
3768 alleged perpetrator.
3769 [~~(9)~~] (8) The division may not close an investigation solely on the grounds that the
3770 division [~~investigator~~] is unable to locate the child until all reasonable efforts have been made
3771 to locate the child and family members including:
3772 (a) visiting the home at times other than normal work hours;
3773 (b) contacting local schools;
3774 (c) contacting local, county, and state law enforcement agencies; and
3775 (d) checking public assistance records.
3776 Section 58. Section **80-2-703**, which is renumbered from Section 62A-4a-202.6 is

3777 renumbered and amended to read:
3778 **[~~62A-4a-202.6~~]. 80-2-703. Conflict child protective services investigations --**
3779 **Authority of investigators.**
3780 (1) (a) The department, through the Office of Quality and Design created in Section
3781 62A-18-101, shall conduct an independent child protective service investigation to investigate
3782 reports of abuse or neglect if:
3783 (i) the report occurs while the child is in the custody of the division; or
3784 (ii) the executive director of the department determines that, if the division conducts
3785 the investigation, the division would have an actual or potential conflict of interest in the
3786 results of the investigation.
3787 (b) [~~When~~] If a report is made while a child is in the custody of the division that
3788 indicates the child is abused or neglected:
3789 (i) the attorney general may, in accordance with Section 67-5-16, and with the consent
3790 of the department, employ a child protective services investigator to conduct a conflict
3791 investigation of the report; or
3792 (ii) a law enforcement officer, as defined in Section 53-13-103, may, with the consent
3793 of the department, conduct a conflict investigation of the report.
3794 (c) Subsection (1)(b)(ii) does not prevent a law enforcement officer from, without the
3795 consent of the department, conducting a criminal investigation of abuse or neglect under Title
3796 53, Public Safety Code.
3797 (2) [~~The investigators~~] An investigator described in Subsection (1) may also investigate
3798 allegations of abuse or neglect of a child by a department employee or a licensed substitute care
3799 provider.
3800 (3) [~~The investigators~~] An investigator described in Subsection (1), if not a law
3801 enforcement [~~officers~~] officer, shall have the same rights, duties, and authority of a child
3802 [~~protective services investigator employed by the division~~] welfare caseworker to:
3803 (a) make a thorough investigation under Section 80-2-701 upon receiving [~~either an~~
3804 ~~oral or written~~] a report of alleged abuse or neglect of a child, with the primary purpose of
3805 [~~that~~] the investigation being the protection of the child;
3806 (b) make an inquiry into the child's home environment, emotional, or mental health, the
3807 nature and extent of the child's injuries, and the child's physical safety;

3808 (c) make a written report of [~~their~~] the investigator's investigation, including
3809 determination regarding whether the alleged abuse or neglect [~~was~~] is supported, unsupported,
3810 or without merit, and forward a copy of [~~that~~] the report to the division within the time
3811 mandates for investigations established by the division; and
3812 (d) immediately consult with school authorities to verify the child's status in
3813 accordance with Sections 53G-6-201 through 53G-6-206 [~~when~~] if a report is based [~~upon~~] on
3814 or includes an allegation of educational neglect.
3815 Section 59. Section **80-2-704**, which is renumbered from Section 62A-4a-414 is
3816 renumbered and amended to read:
3817 **[~~62A-4a-414~~]. 80-2-704. Division interview of a child -- Support person for**
3818 **the child -- Notice -- Recording.**
3819 (1) The division may conduct an investigative interview of a child who:
3820 (a) except as provided in Subsection (5), is the subject of the report or identified during
3821 an investigation under Subsection 80-2-701; or
3822 (b) is in protective custody before the day on which the adjudication hearing is held
3823 under Section 80-3-401.
3824 (2) (a) If the division interviews a child under Subsection (1), the division shall:
3825 (i) except as provided in Subsection (3), conduct the interview with a support person of
3826 the child's choice present; and
3827 (ii) except as provided in Subsection (6), audiotape or videotape the interview.
3828 (b) The interviewer described in Subsection (1) shall say at the beginning of the
3829 audiotape or videotape:
3830 (i) the time, date, and place of the interview; and
3831 (ii) the full name and age of the child being interviewed.
3832 (3) (a) Except as provided in Subsection (3)(b), the support person described in
3833 Subsection (2) may be:
3834 (i) a school teacher;
3835 (ii) a school administrator;
3836 (iii) a guidance counselor;
3837 (iv) a child care provider;
3838 (v) a family member;

3839 (vi) a family advocate;
3840 (vii) a member of the clergy; or
3841 (viii) another individual chosen by the child.
3842 (b) The support person described in Subsection (2) may not be an individual who is
3843 alleged to be, or potentially may be, the perpetrator.
3844 (c) (i) Subsection (2)(a)(i) does not apply if the child refuses to have a support person
3845 present during the interview.
3846 (ii) If the child refuses to have a support person present during the interview, the
3847 interviewer shall document, in writing, the refusal and the reasons for the refusal.
3848 (iii) The division shall track the number of interviews under this section during which a
3849 child refuses to have a support person present for each interviewer, to determine whether a
3850 particular interviewer has a higher incidence of refusals than other interviewers.
3851 (4) (a) Except as provided in Subsection (4)(b), the division shall notify the child's
3852 parent before the time at which the interview under Subsection (1)(a) is held of:
3853 (i) the specific allegations concerning the child; and
3854 (ii) the time and place of the interview.
3855 (b) (i) The division is not required to provide notice under Subsection (4)(a) if the
3856 child's parent or stepparent or the parent's paramour is identified as the alleged perpetrator.
3857 (ii) If the alleged perpetrator is unknown, or the alleged perpetrator's relationship to the
3858 child's family is unknown, the division may conduct a minimal interview or conversation with
3859 the child that does not exceed 15 minutes before providing notice under Subsection (4)(a).
3860 (iii) The division shall notify the parent of a child who is interviewed under Subsection
3861 (4)(b)(i) or (ii) as soon as practicable after the interview is conducted and no later than 24 hours
3862 after the interview is conducted.
3863 (c) The division shall notify the child's parent of the time and place of all subsequent
3864 interviews of the child.
3865 [~~(1)~~] (5) (a) (i) Except as provided in [~~Subsection (4), interviews of children~~]
3866 Subsections (5)(a)(i)(B) and (6), the division may interview a child under Subsection (1)(a)
3867 during an investigation [~~in accordance with Section 62A-4a-409, and involving~~] under Section
3868 80-2-701 that involves allegations of sexual abuse, sexual exploitation, severe abuse, or severe
3869 neglect of [~~a child, shall be conducted only under the following conditions~~] the child only if:

3870 [~~(i)~~] (A) the interview [~~shall be~~] is recorded visually and aurally on film, videotape, or
3871 by other electronic means;
3872 [~~(ii)~~] (B) both the interviewer and the child [~~shall be~~] are simultaneously recorded and
3873 visible on the final product;
3874 [~~(iii)~~] (C) the time and date of the interview [~~shall be~~] is continuously and clearly
3875 visible to any subsequent viewer of the recording; and
3876 [~~(iv)~~] (D) the recording equipment [~~shall run~~] runs continuously for the duration of the
3877 interview.
3878 [~~(b)~~] (ii) [~~This Subsection (1)~~] Subsection (5)(a)(i) does not apply to initial or minimal
3879 interviews conducted in accordance with Subsection [~~62A-4a-409(8)(b) or (c)~~] (4)(b)(ii).
3880 [~~(2) Interviews conducted in accordance with Subsection (1) shall be carried out~~]
3881 (b) The division shall conduct an interview under Subsection (5)(a) in an existing
3882 Children's Justice Center or in a soft interview room, [~~when~~] if available.
3883 [~~(a)~~] (c) If [~~the~~] a Children's Justice Center or a soft interview room is not available,
3884 the [~~interviewer~~] division shall use the best setting available under the circumstances.
3885 [~~(b)~~] (d) Except as provided in Subsection [~~(4)~~] (6), if the equipment required under
3886 Subsection [~~(1)~~] (5)(a) is not available, the [~~interview shall be audiotaped, provided that the~~
3887 ~~interviewer shall clearly state~~] division shall audiotape the interview and the child welfare
3888 caseworker shall clearly say at the beginning of the tape:
3889 (i) the time, date, and place of the interview;
3890 (ii) the full name and age of the child being interviewed; and
3891 (iii) that the equipment required under Subsection [~~(1)~~] (5)(a) is not available and why.
3892 (6) (a) Subject to Subsection (6)(b), the division may conduct an interview under
3893 Subsection (1) or (5) without taping the interview if the child:
3894 (i) is at least nine years old;
3895 (ii) refuses to have the interview audiotaped; and
3896 (iii) refuses to have the interview videotaped.
3897 (b) If, under Subsection (6)(a), an interview is conducted without being taped, the
3898 division shall document the child's refusal to have the interview taped as follows:
3899 [~~(3) Except as provided in Subsection (4), all other investigative interviews shall be~~
3900 ~~audiotaped using electronic means. At the beginning of the tape, the worker shall state clearly~~

3901 ~~the time, date, and place of the meeting, and the full name and age of the child in attendance.~~]
3902 [~~(4) (a) Subject to Subsection (4)(b), an interview described in this section may be~~
3903 ~~conducted without being taped if the child:~~]
3904 [~~(i) is at least nine years old;~~]
3905 [~~(ii) refuses to have the interview audio taped; and~~]
3906 [~~(iii) refuses to have the interview video taped.~~]
3907 [~~(b) If, pursuant to Subsection (4)(a), an interview is conducted without being taped,~~
3908 ~~the child's refusal shall be documented as follows:~~]
3909 (i) the interviewer shall attempt to get the child's refusal on tape, including the reasons
3910 for the refusal; or
3911 (ii) if the child does not allow the refusal, or the reasons for the refusal, to be taped, the
3912 interviewer shall:
3913 (A) state on the tape that the child is present, but has refused to have the interview,
3914 refusal, or the reasons for the refusal taped; or
3915 (B) if complying with Subsection [~~(4)(b)(ii)(A)~~] (6)(b)(i)(A) will result in the child,
3916 who would otherwise consent to be interviewed, to refuse to be interviewed, the interviewer
3917 shall document, in writing, that the child refused to allow the interview to be taped and the
3918 reasons for that refusal.
3919 (c) The division shall track the number of interviews under this section that are not
3920 taped, and the number of refusals that are not taped, for each interviewer, in order to determine
3921 whether a particular interviewer has a higher incidence of refusals, or taped refusals, than other
3922 interviewers.
3923 Section 60. Section **80-2-705**, which is renumbered from Section 62A-4a-415 is
3924 renumbered and amended to read:
3925 **[~~62A-4a-415~~]. 80-2-705. Law enforcement interview of a child in division's**
3926 **custody.**
3927 (1) Except as provided in Subsection (2), the division may not consent to the interview
3928 of a child in [~~the division's custody~~] protective custody or the division's temporary custody or
3929 custody by a law enforcement officer, unless consent for the interview is obtained from the
3930 child's guardian ad litem.
3931 (2) Subsection (1) does not apply if a guardian ad litem is not appointed for the child.

3932 Section 61. Section **80-2-706**, which is renumbered from Section 62A-4a-202.8 is
3933 renumbered and amended to read:
3934 **[~~62A-4a-202.8~~]. 80-2-706. Child protection team during division**
3935 **investigation -- Coordination of team -- Timing of team meetings.**
3936 [~~(1) A child protection team may assemble for a particular case when:~~]
3937 (1) (a) The division shall convene a child protection team for a particular case:
3938 (i) in accordance with Section 80-2-701;
3939 (ii) if the child is taken into protective custody, for the purpose of reviewing the
3940 circumstances regarding removal of the child from the child's home or school; or
3941 (iii) if the division files an abuse, neglect, or dependency petition, as defined in Section
3942 80-3-102, for the purposes of:
3943 (A) reviewing the circumstances of the filing of the abuse, neglect, or dependency
3944 petition; and
3945 (B) developing or reviewing implementation of a safety plan to protect the child from
3946 further abuse, neglect, or dependency.
3947 (b) The division may convene a child protection team for a particular case if:
3948 [~~(a)~~] (i) the case demonstrates:
3949 [~~(i)~~] (A) the likelihood of severe child abuse or neglect; or
3950 [~~(ii)~~] (B) a high risk of repetition as evidenced by previous involvements with law
3951 enforcement or the division; and
3952 [~~(b)~~] (ii) the child protection team is assembled for the purpose of information sharing
3953 and identification of resources, services, or actions that support the child and the child's family.
3954 [~~(2) Subject to Subsection (3), if the division files a petition under Section 80-3-201,~~
3955 ~~the division shall convene a child protection team meeting to:~~]
3956 [~~(a) review the circumstances of the filing of the petition; and~~]
3957 [~~(b) develop or review implementation of a safety plan to protect the child from further~~
3958 ~~abuse, neglect, or dependency.~~]
3959 (2) (a) A representative of the division shall serve as coordinator and chair of a child
3960 protection team convened under Subsection (1).
3961 (b) A member of the child protection team shall serve at the coordinator's invitation.
3962 (c) If possible, the child protection team coordinator and chair shall include on the

3963 child protection team a representative of:
3964 (i) health, mental health, education, and law enforcement agencies;
3965 (ii) the child;
3966 (iii) a parent and family support group unless the parent is alleged to be the perpetrator;
3967 and
3968 (iv) other appropriate agencies and individuals.
3969 (3) The division shall hold the child protection team meeting [~~required~~] under
3970 Subsection [~~(2) shall be held~~] (1)(a)(ii) or (iii) within the shorter of:
3971 [~~(a) 14 days of the day on which the petition is filed under Section 80-3-201 if the~~
3972 ~~conditions of Subsection (3)(b) or (c) are not met;~~]
3973 [~~(b) 24 hours of the filing of the petition under Section 80-3-201, excluding weekends~~
3974 ~~and holidays, if the child who is the subject of the petition will likely be taken into protective~~
3975 ~~custody unless there is an expedited hearing and services ordered under the protective~~
3976 ~~supervision of the court; or~~]
3977 [~~(c)~~] (a) 24 hours after receipt of [~~a~~] the child into protective custody, excluding
3978 weekends and holidays, if the child is taken into protective custody [~~as provided in Section~~
3979 ~~62A-4a-202.3.~~];
3980 (b) 24 hours after the abuse, neglect, or dependency petition, as defined in Section
3981 80-3-102, is filed, excluding weekends and holidays, if the child who is the subject of the
3982 abuse, neglect, or dependency petition will likely be taken into protective custody unless there
3983 is an expedited hearing and services ordered under the protective supervision of the juvenile
3984 court; or
3985 (c) 14 days after the day on which the abuse, neglect, or dependency petition, as
3986 defined in Section 80-3-102, is filed.
3987 (4) At [~~its~~] a child protection team meeting, the division shall have available and the
3988 child protection team shall review the complete child protective services and foster care history
3989 of the child and the child's parents and siblings.
3990 Section 62. Section **80-2-707**, which is renumbered from Section 62A-4a-1009 is
3991 renumbered and amended to read:
3992 **[~~62A-4a-1009~~]. 80-2-707. Supported finding of child abuse or neglect after**
3993 **division investigation -- Notice to alleged perpetrator -- Rights of alleged perpetrator --**

3994 **Administrative review -- Joinder in juvenile court.**
3995 (1) (a) Except as provided in Subsection (2), if, after investigation, the division makes
3996 a supported finding, the division shall send a notice of agency action to [~~a person with respect~~
3997 ~~to whom the division makes a supported finding. In addition, if~~] the alleged perpetrator.
3998 (b) If the alleged perpetrator described in Subsection (1)(a) is under [~~the age of~~] 18
3999 years old, the division shall:
4000 (i) make reasonable efforts to identify the alleged perpetrator's parent or guardian; and
4001 (ii) send a notice to each parent or guardian identified under Subsection [~~(1)(a)(i)~~]
4002 (1)(b)(i) that lives at a different address, unless there is good cause, as defined by rule, made in
4003 accordance with Title 63G, Chapter 3, Administrative Rulemaking Act, for not sending a
4004 notice to [~~a~~] the parent or guardian.
4005 [~~(b) Nothing in this section may be construed as affecting:~~]
4006 (c) This section does not affect:
4007 (i) the manner in which the division conducts an investigation; or
4008 (ii) the use or effect, in any other setting, of a supported finding by the division at the
4009 completion of an investigation for any purpose other than for notification under Subsection (1)
4010 (a) or (b).
4011 (2) Subsection (1) does not apply to [~~a person who has been~~] an alleged perpetrator
4012 who is served with notice under [~~Subsection 62A-4a-1005(1)(a)~~] Section 80-2-708.
4013 (3) The notice described in Subsection (1) shall state that:
4014 (a) [~~that~~] the division [~~has~~] conducted an investigation regarding alleged abuse,
4015 neglect, or dependency;
4016 (b) [~~that~~] the division [~~has~~] made a supported finding of abuse, neglect, or dependency;
4017 (c) [~~that~~] facts gathered by the division support the supported finding;
4018 (d) [~~that the person~~] the alleged perpetrator has the right to request:
4019 (i) a copy of the report; and
4020 (ii) an opportunity to challenge the supported finding by the division; and
4021 (e) [~~that~~] failure to request an opportunity to challenge the supported finding within 30
4022 days [~~of receiving the~~] after the day on which the notice is received will result in an
4023 unappealable supported finding of abuse, neglect, or dependency unless the [~~person~~] alleged
4024 perpetrator can show good cause for why compliance within the 30-day requirement [~~was~~] is

4025 virtually impossible or unreasonably burdensome.
4026 (4) (a) [~~A person~~] Except as provided in Subsection (7), an alleged perpetrator may
4027 make a request to challenge a supported finding within 30 days [~~of a notice being received~~]
4028 after the day on which the alleged perpetrator receives a notice under this section.
4029 (b) Upon receipt of a request under Subsection (4)(a), the Office of Administrative
4030 Hearings shall hold an adjudicative proceeding [~~pursuant to~~] under Title 63G, Chapter 4,
4031 Administrative Procedures Act.
4032 (5) (a) In an adjudicative proceeding held [~~pursuant to~~] under this section, the division
4033 [~~shall have~~] has the burden of proving, by a preponderance of the evidence, that abuse, neglect,
4034 or dependency occurred and that the alleged perpetrator [~~was~~] is substantially responsible for
4035 the abuse or neglect that occurred.
4036 (b) Any party [~~shall have~~] has the right of judicial review of final agency action, in
4037 accordance with Title 63G, Chapter 4, Administrative Procedures Act.
4038 (c) [~~Proceedings~~] A proceeding for judicial review of a final agency action under this
4039 section shall be closed to the public.
4040 (d) The Judicial Council shall make rules that ensure the confidentiality of the
4041 [~~proceedings~~] proceeding described in Subsection (5)(c) and the records related to the
4042 proceedings.
4043 (6) Except as otherwise provided in this chapter, an alleged perpetrator who, after
4044 receiving notice, fails to challenge a supported finding in accordance with this section:
4045 (a) may not further challenge the finding; and
4046 (b) shall have no right to:
4047 (i) agency review of the finding;
4048 (ii) an adjudicative hearing on the finding; or
4049 (iii) judicial review of the finding.
4050 (7) (a) Except as provided in Subsection (7)(b), an alleged perpetrator may not make a
4051 request under Subsection (4) to challenge a supported finding if a court of competent
4052 jurisdiction entered a finding, in a proceeding in which the alleged perpetrator was a party, that
4053 the alleged perpetrator is substantially responsible for the abuse, neglect, or dependency [~~which~~
4054 ~~was also~~] that is the subject of the supported finding.
4055 (b) Subsection (7)(a) does not apply to pleas in abeyance or diversion agreements.

4056 (c) An adjudicative proceeding under Subsection (5) may be stayed during the time a
4057 judicial action on the same matter is pending.
4058 (8) [~~Pursuant to~~] Under Section 80-3-404, an adjudicative proceeding on a supported
4059 finding of a type of abuse or neglect that does not constitute a severe type of child abuse or
4060 neglect may be joined in the juvenile court with an [~~adjudicative proceeding~~] adjudication on a
4061 supported finding of a severe type of child abuse or neglect.
4062 Section 63. Section **80-2-708**, which is renumbered from Section 62A-4a-1005 is
4063 renumbered and amended to read:
4064 **[~~62A-4a-1005~~]. 80-2-708. Supported finding of a severe type of child abuse**
4065 **or neglect after division investigation -- Notation in Licensing Information System --**
4066 **Juvenile court petition or notice to alleged perpetrator -- Rights of alleged perpetrator.**
4067 (1) If, after investigation, the division makes a supported finding that [~~a person~~] an
4068 individual committed a severe type of child abuse or neglect, the division shall:
4069 (a) serve notice of the supported finding on the alleged perpetrator;
4070 [~~(b) enter the following information into the Licensing Information System created in~~
4071 ~~Section 62A-4a-1006:~~]
4072 [~~(i) the name and other identifying information of the perpetrator with the supported~~
4073 ~~finding, without identifying the person as a perpetrator or alleged perpetrator; and~~]
4074 [~~(ii) a notation to the effect that an investigation regarding the person is pending; and~~]
4075 (b) enter the information described in Subsections 80-2-1002(2)(a) and (b) into the
4076 Licensing Information System; and
4077 (c) if the division considers it advisable, file a petition for substantiation within one
4078 year [~~of the~~] after the day on which the division makes the supported finding.
4079 (2) The notice [~~referred to~~] described in Subsection (1)(a):
4080 (a) shall state that:
4081 (i) the division [~~has~~] conducted an investigation regarding alleged abuse or neglect;
4082 (ii) the division [~~has~~] made a supported finding that the alleged perpetrator described in
4083 Subsection (1) committed a severe type of child abuse or neglect;
4084 (iii) facts gathered by the division support the supported finding;
4085 (iv) as a result of the supported finding, the alleged perpetrator's name and other
4086 identifying information have been listed in the Licensing Information System in accordance

4087 with Subsection (1)(b);
4088 (v) the alleged perpetrator may be disqualified from adopting a child, receiving state
4089 funds as a child care provider, or being licensed by:
4090 (A) the department;
4091 (B) a human services licensee;
4092 (C) a child care provider or program; or
4093 (D) a covered health care facility;
4094 (vi) the alleged perpetrator has the rights described in Subsection (3); and
4095 (vii) failure to take [~~either~~] the action described in Subsection (3)(a) within one year
4096 after [~~service of~~] the day on which the notice is served will result in the action described in
4097 Subsection (3)(b);
4098 (b) shall include a general statement of the nature of the [~~findings~~] supported finding;
4099 and
4100 (c) may not include:
4101 (i) the name of a victim or witness; or
4102 (ii) any privacy information related to the victim or a witness.
4103 (3) (a) Upon receipt of the notice described in Subsection (2), the alleged perpetrator
4104 has the right to:
4105 (i) file a written request asking the division to review the [~~findings~~] supported finding
4106 made under Subsection (1);
4107 (ii) except as provided in Subsection [~~(3)(c)~~] (3)(b), immediately petition the juvenile
4108 court under Section 80-3-404; or
4109 (iii) sign a written consent to:
4110 (A) the supported finding made under Subsection (1); and
4111 (B) entry into the Licensing Information System of[~~: (I)~~] the alleged perpetrator's
4112 name[~~; and (II)~~] other information regarding the supported finding made under Subsection (1).
4113 [~~(b) Except as provided in Subsection (3)(c), the alleged perpetrator's name and the~~
4114 ~~information described in Subsection (1)(b) shall remain in the Licensing Information System:~~]
4115 [~~(i) if the alleged perpetrator fails to take the action described in Subsection (3)(a)~~
4116 ~~within one year after service of the notice described in Subsections (1)(a) and (2);~~]
4117 [~~(ii) during the time that the division awaits a response from the alleged perpetrator~~

4118 ~~pursuant to Subsection (3)(a); and~~]
4119 [~~(iii) until a court determines that the severe type of child abuse or neglect upon which~~
4120 ~~the Licensing Information System entry was based is unsubstantiated or without merit.~~]
4121 [~~(c)~~] (b) The alleged perpetrator has no right to petition the juvenile court under
4122 Subsection (3)(a)(ii) if the juvenile court previously held a hearing on the same alleged incident
4123 of abuse or neglect [~~pursuant to~~] after the filing of [~~a petition under Section 80-3-201 by some~~
4124 ~~other~~] an abuse, neglect, or dependency petition, as defined in Section 80-3-102, by another
4125 party.
4126 [~~(d)~~] (c) [~~Consent~~] The child's parent or guardian shall give the consent for a child
4127 under Subsection (3)(a)(iii) [~~by a child shall be given by the child's parent or guardian~~].
4128 [~~(e) Regardless of whether an appeal on the matter is pending:~~]
4129 [~~(i) the division shall remove an alleged perpetrator's name and the information~~
4130 ~~described in Subsection (1)(b) from the Licensing Information System if the severe type of~~
4131 ~~child abuse or neglect upon which the Licensing Information System entry was based:~~]
4132 [~~(A) is found to be unsubstantiated or without merit by the juvenile court under Section~~
4133 ~~80-3-404; or~~]
4134 [~~(B) is found to be substantiated, but is subsequently reversed on appeal; and~~]
4135 [~~(ii) the division shall place back on the Licensing Information System an alleged~~
4136 ~~perpetrator's name and information that is removed from the Licensing Information System~~
4137 ~~under Subsection (3)(e)(i) if the court action that was the basis for removing the alleged~~
4138 ~~perpetrator's name and information is subsequently reversed on appeal.~~]
4139 [~~(4) Upon the filing of a petition under Subsection (1)(c), the juvenile court shall make~~
4140 ~~a finding of substantiated, unsubstantiated, or without merit as provided in Subsections~~
4141 ~~80-3-404(1) and (2).~~]
4142 [~~(5)~~] (4) Service of the notice described in Subsections (1)(a) and (2):
4143 (a) shall be personal service in accordance with Utah Rules of Civil Procedure, Rule 4;
4144 and
4145 (b) does not preclude civil or criminal action against the alleged perpetrator.
4146 Section 64. Section **80-2-709**, which is renumbered from Section 62A-4a-202.4 is
4147 renumbered and amended to read:
4148 **[~~62A-4a-202.4~~]. 80-2-709. Division access to criminal background**

4149 **information for background screening and investigation.**
4150 (1) [~~For purposes of background screening and investigation of abuse or neglect under~~
4151 ~~this chapter and Title 80, Chapter 3, Abuse, Neglect, and Dependency Proceedings, the~~] The
4152 division shall have direct access to criminal background information maintained [~~pursuant to~~]
4153 under Title 53, Chapter 10, Part 2, Bureau of Criminal Identification[~~.~~], for the purpose of:
4154 (a) background screening under this chapter, Chapter 2a, Removal and Protective
4155 Custody of a Child, or Chapter 3, Abuse, Neglect, and Dependency Proceedings, including
4156 background screening of an individual who has direct access, as defined in Section 62A-2-101,
4157 to a minor:
4158 (i) who is alleged to be or has been abused, neglected, or dependent; and
4159 (ii) for whom the division has an open case; or
4160 (b) investigation of abuse or neglect under this chapter, Chapter 2a, Removal and
4161 Protective Custody of a Child, or Chapter 3, Abuse, Neglect, and Dependency.
4162 (2) [~~The~~] Except as provided in Section 80-3-305, the division and the Office of
4163 Guardian Ad Litem are authorized to request the Department of Public Safety to conduct a
4164 complete Federal Bureau of Investigation criminal background check through the national
4165 criminal history system (NCIC).
4166 Section 65. Section **80-2-801**, which is renumbered from Section 62A-4a-902 is
4167 renumbered and amended to read:
4168 **Part 8. Division Child Placing and Adoption Services**
4169 **[~~62A-4a-902~~]. 80-2-801. Definitions.**
4170 As used in this part:
4171 (1) "Adoptable child" means a child:
4172 (a) who is in the custody of the division; and
4173 (b) (i) who has permanency goals of adoption; or
4174 (ii) for whom a final plan for pursuing termination of parental rights is approved in
4175 accordance with Section 80-3-409.
4176 [~~(1)~~] (2) (a) "Adoption assistance" means, except as provided in Section 80-2-809,
4177 direct financial subsidies and support to adoptive parents of a child with special needs or whose
4178 need or condition has created a barrier that would prevent a successful adoption.
4179 (b) "Adoption assistance" [~~may include~~] includes state medical assistance,

4180 reimbursement of nonrecurring adoption expenses, or monthly subsidies.
4181 (3) "Adoption services" means, except as used in Section 80-2-806:
4182 (a) placing children for adoption;
4183 (b) subsidizing adoptions under Section 80-2-301;
4184 (c) supervising adoption placements until the adoption is finalized by a court;
4185 (d) conducting adoption studies;
4186 (e) preparing adoption reports upon request of the court; and
4187 (f) providing postadoptive placement services, upon request of a family, for the
4188 purpose of stabilizing a possible disruptive placement.
4189 [~~(2)~~] (4) "Child who has a special need" means a child who:
4190 (a) cannot or should not be returned to the home of [~~his~~] the child's biological parents;
4191 and [~~who meets at least one of the following conditions:~~]
4192 [~~(a)~~] (b) (i) [~~the child~~] is five years [~~of age~~] old or older;
4193 [~~(b)~~] (ii) [~~the child~~] is under [~~the age of~~] 18 years old with a physical, emotional, or
4194 mental disability; or
4195 [~~(c)~~] (iii) [~~the child~~] is a member of a sibling group placed together for adoption.
4196 [~~(3)~~] (5) "Monthly subsidy" means financial support to assist with the costs of adopting
4197 and caring for a child who has a special need.
4198 [~~(4)~~] (6) "Nonrecurring adoption expenses" means reasonably necessary adoption fees,
4199 court costs, attorney's fees, and other expenses which are directly related to the legal adoption
4200 of a child who has a special need.
4201 [~~(5)~~] (7) "State medical assistance" means the Medicaid program and medical
4202 assistance as those terms are defined in Section 26-18-2.
4203 [~~(6)~~] (8) "Supplemental adoption assistance" means financial support for extraordinary,
4204 infrequent, or uncommon documented needs not otherwise covered by a monthly subsidy, state
4205 medical assistance, or other public benefits for which a child who has a special need is eligible.
4206 (9) "Vendor services" means services that a person provides under contract with the
4207 division.
4208 Section 66. Section **80-2-802** is enacted to read:
4209 **80-2-802. Division child placing and adoption services -- Best interest of the child**
4210 **-- Restrictions on placement of a child.**

4211 (1) Except as provided in Subsection (3), the division may provide adoption services
4212 and, as a licensed child-placing agency under Title 62A, Chapter 2, Licensure of Programs and
4213 Facilities, engage in child placing in accordance with this chapter, Chapter 2a, Removal and
4214 Protective Custody of a Child, Chapter 3, Abuse, Neglect, and Dependency Proceedings, and
4215 Chapter 4, Termination and Restoration of Parental Rights.
4216 (2) The division shall base the division's decision for placement of an adoptable child
4217 for adoption on the best interest of the adoptable child.
4218 (3) The division may not:
4219 (a) in accordance with Subsection 62A-2-108.6(6), place a child for adoption, either
4220 temporarily or permanently, with an individual who does not qualify for adoptive placement
4221 under Sections 78B-6-102, 78B-6-117, and 78B-6-137;
4222 (b) consider a potential adoptive parent's willingness or unwillingness to enter a
4223 postadoption contact agreement under Section 78B-6-146 as a condition of placing a child with
4224 a potential adoptive parent; or
4225 (c) except as required under the Indian Child Welfare Act, 25 U.S.C. Secs. 1901
4226 through 1963, base the division's decision for placement of an adoptable child on the race,
4227 color, ethnicity, or national origin of either the child or the potential adoptive parent.
4228 (4) The division shall establish a rule in accordance with Title 63G, Chapter 3, Utah
4229 Administrative Rulemaking Act, providing that, subject to Subsection (3) and Section
4230 78B-6-117, priority of placement shall be provided to a family in which a couple is legally
4231 married under the laws of the state.
4232 (5) Subsections (3) and (4) do not limit the placement of a child with the child's
4233 biological or adoptive parent, a relative, or in accordance with the Indian Child Welfare Act, 25
4234 U.S.C. Sec. 1901 et seq.
4235 Section 67. Section **80-2-803** is enacted to read:
4236 **80-2-803. Division promotion of adoption -- Adoption research and informational**
4237 **pamphlet.**
4238 The division shall:
4239 (1) in accordance with Section 62A-2-126, actively promote the adoption of all
4240 children in the division's custody who have a final plan for termination of parental rights under
4241 Section 80-3-409 or a primary permanency plan of adoption;

4242 (2) develop plans for the effective use of cross-jurisdictional resources to facilitate
4243 timely adoptive or permanent placements for waiting children;
4244 (3) obtain information or conduct research regarding prior adoptive families to
4245 determine what families may do to be successful with an adoptive child;
4246 (4) make the information or research described in Subsection (3) available to potential
4247 adoptive parents;
4248 (5) prepare a pamphlet that explains the information that a child-placing agency is
4249 required to provide a potential adoptive parent under Subsection 62A-2-126(2)(b);
4250 (6) regularly distribute copies of the pamphlet described in Subsection (5) to
4251 child-placing agencies; and
4252 (7) respond to an inquiry made as a result of the notice provided by a child-placing
4253 agency under Subsection 62A-2-126(2)(b).
4254 Section 68. Section **80-2-804**, which is renumbered from Section 62A-4a-205.6 is
4255 renumbered and amended to read:
4256 **[~~62A-4a-205.6~~]. 80-2-804. Adoptive placement time frame -- Division**
4257 **contracts with child-placing agencies.**
4258 (1) [~~With regard to~~] Subject to this part, for a child who has a primary permanency plan
4259 of adoption or for whom a final plan for pursuing termination of parental rights [~~has been~~] is
4260 approved in accordance with Section 80-3-409, the division shall make intensive efforts to
4261 place the child in an adoptive home within 30 days [~~of~~] after the earlier of the day on which:
4262 (a) [~~approval of~~] the final plan is approved; or
4263 (b) [~~establishment of~~] the primary permanency plan is established.
4264 (2) If within the time periods described in Subsection (1) the division is unable to
4265 locate a suitable adoptive home, [~~it shall~~] the division shall, in accordance with Section
4266 62A-2-126, contract with [~~licensed~~] a variety of child-placing agencies licensed under Title
4267 62A, Chapter 2, Licensure of Programs and Facilities, to search for an appropriate adoptive
4268 home for the child, and to place the child for adoption. [~~The division shall comply with the~~
4269 ~~requirements of Section 62A-4a-607 and contract with a variety of child placing agencies~~
4270 ~~licensed under Part 6, Child Placing. In accordance with federal law, the division shall develop~~
4271 ~~plans for the effective use of cross-jurisdictional resources to facilitate timely adoptive or~~
4272 ~~permanent placements for waiting children.~~]

4273 [~~(3) The division shall ensure that children who are adopted and were previously in its~~
4274 ~~custody, continue to receive the medical and mental health coverage that they are entitled to~~
4275 ~~under state and federal law.~~]
4276 [~~(4) The division may not consider a prospective adoptive parent's willingness or~~
4277 ~~unwillingness to enter a postadoption contact agreement under Section 78B-6-146 as a~~
4278 ~~condition of placing a child with the prospective adoptive parent.~~]
4279 Section 69. Section **80-2-805**, which is renumbered from Section 62A-4a-106 is
4280 renumbered and amended to read:
4281 **[~~62A-4a-106~~]. 80-2-805. Division post-adoption services and contracts --**
4282 **Access to health care for an adopted child.**
4283 [~~(1) The division may provide, directly or through contract, services that include the~~
4284 ~~following:~~]
4285 [~~(a) adoptions;~~]
4286 [~~(b) day care for children;~~]
4287 [~~(c) out-of-home placements for minors;~~]
4288 [~~(d) health-related services;~~]
4289 [~~(e) homemaking services;~~]
4290 [~~(f) home management services;~~]
4291 [~~(g) protective services for minors;~~]
4292 [~~(h) transportation services; and~~]
4293 [~~(i) domestic violence services.~~]
4294 [~~(2) The division shall monitor services provided directly by the division or through~~
4295 ~~contract to ensure compliance with applicable law and rule.~~]
4296 [~~(3) When the division provides a service through a private contract, not including a~~
4297 ~~foster parent placement, the division shall post the name of the service provider on the~~
4298 ~~division's website.~~]
4299 [~~(4)~~] (1) Unless a parent or guardian of a child who is adopted from the custody of the
4300 division expressly requests otherwise, the division may not, solely on the basis that the parent
4301 or guardian contacts the division regarding services or requests services from the division:
4302 (a) remove or facilitate the removal of a child from the child's home;
4303 (b) file a petition for removal of a child from the child's home;

4304 (c) file a petition for a child protective order;
4305 (d) make a supported finding;
4306 (e) seek a substantiated finding;
4307 (f) file an abuse, neglect, or dependency petition, as defined in Section 80-3-102, or a
4308 petition alleging that a child is [~~abused, neglected, dependent, or~~] abandoned; or
4309 (g) file a petition for termination of parental rights, as defined in Section 80-4-102.
4310 [~~(5)~~] (2) (a) The division shall, to the extent that sufficient funds are available, use
4311 out-of-home services funds or division-designated post-adopt funds to provide services to a
4312 child who is adopted from the custody of the division, without requiring that [~~a~~] the child's
4313 parent terminate parental rights, or that [~~a~~] the child's parent or legal guardian [~~of the child~~]
4314 transfer or surrender custodial rights, in order to receive the services.
4315 (b) The division may not require, request, or recommend that a parent terminate
4316 parental rights, or that a parent or guardian transfer or surrender custodial rights, in order to
4317 receive services, using out-of-home services funds, for a child who is adopted from the custody
4318 of the division.
4319 [~~(6) (a) As used in this Subsection (6), "vendor services" means services that a person~~
4320 ~~provides under contract with the division.~~]
4321 [~~(b)~~] (3) (a) If a parent or guardian of a child who is adopted from the custody of the
4322 division requests vendor services from the division, the division shall refer the parent or
4323 guardian to a provider of vendor services, at the parent's or guardian's expense, if:
4324 (i) (A) the parent, guardian, or child is not eligible to receive the vendor services from
4325 the division; or
4326 (B) the division does not have sufficient funds to provide the services to the parent,
4327 guardian, or child;
4328 (ii) the parent, guardian, or child does not have insurance or other funds available to
4329 receive the services without the referral; and
4330 (iii) the parent or guardian desires the referral.
4331 [~~(c)~~] (b) If the division awards, extends, or renews a contract with a vendor for vendor
4332 services, the division shall include in the contract a requirement that [~~a vendor to whom~~], if the
4333 division makes a referral under Subsection [~~(6)(b)~~] (3)(a), the vendor shall:
4334 (i) provide services to the parent, guardian, or child at a rate that does not exceed the

4335 rate that the vendor charges the division for the services; and
4336 (ii) may not charge the parent, guardian, or child any fee that the vendor does not
4337 charge the division.
4338 (4) The division shall ensure that a child who is adopted and was previously in the
4339 division's custody, continues to receive the medical and mental health coverage that the child is
4340 entitled to under state and federal law.
4341 Section 70. Section **80-2-806**, which is renumbered from Section 62A-4a-903 is
4342 renumbered and amended to read:
4343 **[~~62A-4a-903~~]. 80-2-806. Adoption assistance -- Eligibility -- Limitations.**
4344 (1) The purpose of this section is to provide adoption assistance to eligible adoptive
4345 families to establish and maintain a permanent adoptive placement for a child who has a
4346 special need and who qualifies under state and federal law.
4347 (2) (a) The division may provide adoption assistance to an adoptive family who is
4348 eligible under this section.
4349 [~~(1)~~] (b) The Division [~~of Child and Family Services~~] shall establish, by rule made in
4350 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, eligibility criteria
4351 for the receipt of adoption assistance and supplemental adoption assistance.
4352 [~~(2) Eligibility determination shall be based upon:~~]
4353 (c) The division shall base a determination of eligibility for the receipt of adoption
4354 assistance or supplemental adoption assistance on:
4355 [~~(a)~~] (i) the needs of the child;
4356 [~~(b)~~] (ii) the resources available to the child; and
4357 [~~(c)~~] (iii) the federal requirements of Section 473, Social Security Act.
4358 [~~(3)~~] (d) The division:
4359 [~~(a)~~] (i) may, to the extent funds are available, use state funds appropriated for adoption
4360 assistance to provide post-adoption services to a child who is adopted from the custody of the
4361 division; and
4362 [~~(b)~~] (ii) unless a parent or guardian of a child who is adopted from the custody of the
4363 division expressly requests otherwise, may not require, request, or recommend that a parent
4364 terminate parental rights, or that a parent or guardian transfer or surrender custodial rights, in
4365 order to receive post-adoption services for the child, regardless of whether funds for the

4366 post-adoption services come from funds appropriated for adoption assistance or post-adoption
4367 services.
4368 (3) (a) Except as provided in Subsection (3)(c) and under the federal requirements of
4369 Social Security Act, 42 U.S.C. Sec. 670 et seq., the division:
4370 (i) shall provide for:
4371 (A) payment of nonrecurring adoption expenses for an eligible child who has a special
4372 need; and
4373 (B) state medical assistance when required by federal law; and
4374 (ii) may provide for monthly subsidies for an eligible child who has a special need.
4375 (b) (i) The division shall base the level of monthly subsidy under Subsection (3)(a) on:
4376 (A) the child's present and long-term treatment and care needs; and
4377 (B) the family's ability to meet the needs of the child.
4378 (ii) The level of monthly subsidy under Subsection (3)(b)(i) may increase or decrease
4379 when the child's level of need or the family's ability to meet the child's need changes.
4380 (iii) The family or the division may initiate changes to the monthly subsidy.
4381 (c) (i) Payment of nonrecurring adoption expenses under Subsection (3)(a) may not
4382 exceed $2,000 and shall be limited to costs incurred before the day on which the adoption is
4383 finalized.
4384 (ii) Financial support provided under Subsection (3)(a) may not exceed the maximum
4385 foster care payment that would be paid at the time the subsidy amount is initiated or revised or
4386 if the eligible child had been in a foster family home.
4387 Section 71. Section **80-2-807**, which is renumbered from Section 62A-4a-905 is
4388 renumbered and amended to read:
4389 **[~~62A-4a-905~~]. 80-2-807. Supplemental adoption assistance -- Department**
4390 **advisory committee.**
4391 (1) (a) The division may, based [~~upon~~] on annual legislative appropriations for
4392 adoption assistance and, subject to Subsection (2)(c), division rules made in accordance with
4393 Title 63G, Chapter 3, Utah Administrative Rulemaking Act, provide supplemental adoption
4394 assistance for a child who has a special need. [~~Supplemental adoption assistance shall be~~
4395 ~~provided~~]
4396 (b) The division shall provide supplemental adoption assistance under Subsection

4397 (1)(a) only after all other resources for which [~~a~~] the child is eligible [~~have been~~] are exhausted.
4398 (2) (a) The department shall, by rule, made in accordance with Title 63G, Chapter 3,
4399 Utah Administrative Rulemaking Act, establish [~~in each region~~] at least one advisory
4400 committee to review and make recommendations to the division on individual requests for
4401 supplemental adoption assistance.
4402 (b) The advisory committee shall be comprised of:
4403 (i) an adoption expert;
4404 (ii) an adoptive parent;
4405 (iii) a division representative;
4406 (iv) a foster parent; and
4407 (v) an adoption caseworker.
4408 [~~(b)~~] (c) The division [~~rule required in~~] rules described in Subsection (1) shall include a
4409 provision that establishes a threshold amount for requests for supplemental adoption assistance
4410 that require review by the advisory committee [~~established in this Subsection (2)~~].
4411 Section 72. Section **80-2-808**, which is renumbered from Section 62A-4a-906 is
4412 renumbered and amended to read:
4413 **[~~62A-4a-906~~]. 80-2-808. Termination or modification of adoption**
4414 **assistance.**
4415 (1) [~~Adoption assistance may not be terminated or modified~~] The division may not
4416 terminate or modify adoption assistance unless the division [~~has given~~] gives the adoptive
4417 parents notice and opportunity for a hearing as required in Title 63G, Chapter 4, Administrative
4418 Procedures Act.
4419 (2) [~~Adoption assistance shall be terminated~~] The division shall terminate adoption
4420 assistance if any of the following occur:
4421 (a) the adoptive parents request termination;
4422 (b) subject to Subsection (3), the child reaches 18 years [~~of age, unless approval has~~
4423 ~~been given by the division~~] old, unless the division gives approval to continue beyond [~~the age~~
4424 ~~of~~] 18 years old due to mental or physical disability[~~, but in no case shall assistance continue~~
4425 ~~after a child reaches 21 years of age~~];
4426 (c) the child dies;
4427 (d) the adoptive parents die;

4428 (e) the adoptive [~~parent's~~] parents' legal responsibility for the child ceases;
4429 (f) the state determines that the child is no longer receiving support from the adoptive
4430 parents;
4431 (g) the child marries; or
4432 (h) the child enters military service.
4433 (3) Adoption assistance may not continue after the day on which the child reaches 21
4434 years old.
4435 Section 73. Section **80-2-809**, which is renumbered from Section 62A-4a-907 is
4436 renumbered and amended to read:
4437 **[~~62A-4a-907~~]. 80-2-809. Interstate compact adoption assistance**
4438 **agreements.**
4439 (1) [~~As~~] Notwithstanding Section 80-2-801, as used in this section:
4440 (a) "Adoption assistance" means financial support to [~~adoptive parents~~] an adoptive
4441 parent provided under the Adoption Assistance and Child Welfare Act of 1980, Title IV (e) of
4442 the Social Security Act, and Title XIX of the Social Security Act.
4443 (b) "Adoption assistance agreement" means a written agreement between the division
4444 and adoptive parents, or between any other state and adoptive parents, providing for adoption
4445 assistance.
4446 (2) The division may develop and negotiate [~~interstate compacts~~] an interstate compact
4447 for the provision of medical identification and assistance to [~~adoptive parents who receive~~] an
4448 adoptive parent who receives adoption assistance.
4449 (3) An interstate compact under Subsection (2) shall include:
4450 (a) a provision:
4451 (i) for joinder by all states;
4452 [~~(b)~~] (ii) [~~a provision~~] for withdrawal from the compact upon written notice to the
4453 parties, with a period of one year between the date of the notice and the effective date of
4454 withdrawal;
4455 (iii) that a child who is the subject of an adoption assistance agreement with another
4456 party state, and who subsequently becomes a resident of this state, shall receive medical
4457 identification and assistance in this state under the Adoption Assistance and Child Welfare Act
4458 of 1980, Title IV (e) of the Social Security Act, and Title XIX of the Social Security Act, based

4459 on the child's adoption assistance agreement; and
4460 (iv) that a child who is the subject of an adoption assistance agreement with the
4461 division, and who subsequently becomes a resident of another party state, shall receive medical
4462 identification and assistance from that state under the Adoption and Child Welfare Act of 1980,
4463 Title IV (e) of the Social Security Act, and Title XIX of the Social Security Act, based on his
4464 adoption assistance agreement; and
4465 [~~(c)~~] (b) a requirement that:
4466 (i) each instance of adoption assistance to which the compact applies be covered by [~~a~~
4467 ~~written~~] an adoption assistance agreement between the adoptive parents and the agency of the
4468 state [~~which~~] that initially agrees to provide adoption assistance[~~, and that~~];
4469 (ii) any agreement is expressly for the benefit of the adopted child and is enforceable
4470 by the adoptive [~~parents~~] parent, and by the state agency providing adoption assistance; and
4471 (iii) the protections of the interstate compact continue for the duration of the adoption
4472 assistance and apply to all children and the children's adoptive parents who receive adoption
4473 assistance from a party state other than the state in which the children reside.
4474 [~~(d) a provision that a child who is the subject of an adoption assistance agreement~~
4475 ~~with another party state, and who subsequently becomes a resident of this state, shall receive~~
4476 ~~medical identification and assistance in this state under the Adoption Assistance and Child~~
4477 ~~Welfare Act of 1980, Title IV (e) of the Social Security Act, and Title XIX of the Social~~
4478 ~~Security Act, based on his adoption assistance agreement;~~]
4479 [~~(e) a provision that a child who is the subject of an adoption assistance agreement with~~
4480 ~~the division, and who subsequently becomes a resident of another party state, shall receive~~
4481 ~~medical identification and assistance from that state under the Adoption and Child Welfare Act~~
4482 ~~of 1980, Title IV (e) of the Social Security Act, and Title XIX of the Social Security Act, based~~
4483 ~~on his adoption assistance agreement; and~~]
4484 [~~(f) a requirement that the protections of the compact continue for the duration of the~~
4485 ~~adoption assistance and apply to all children and their adoptive parents who receive adoption~~
4486 ~~assistance from a party state other than the state in which they reside.~~]
4487 [~~(3)~~] (4) (a) The division:
4488 (i) shall provide services to a child who is the subject of an adoption assistance
4489 agreement executed by the division, and who is a resident of another state, if [~~those~~] the

4490 services are not provided by the child's residence state under an interstate compact[~~.~~]; and
4491 [~~(b)~~] (ii) [~~The division may reimburse the adoptive parents~~] may reimburse the
4492 adoptive parent upon receipt of evidence of [~~their~~] the adoptive parent's payment for services
4493 for which the child is eligible, which were not paid by the residence state, and are not covered
4494 by insurance or other third party medical contract.
4495 (b) The services provided under this subsection are [~~those~~] the services for which there
4496 is no federal contribution, or which, if federally aided, are not provided by the residence state.
4497 Section 74. Section **80-2-901** is enacted to read:
4498 **Part 9. Interstate Compact on Placement of Children**
4499 **80-2-901. Definitions.**
4500 As used in this part:
4501 (1) "State" means:
4502 (a) a state of the United States;
4503 (b) the District of Columbia;
4504 (c) the Commonwealth of Puerto Rico;
4505 (d) the Virgin Islands;
4506 (e) Guam;
4507 (f) the Commonwealth of the Northern Mariana Islands; or
4508 (g) a territory or possession administered by the United States.
4509 (2) "State plan" means the written description of the programs for children, youth, and
4510 family services administered by the division in accordance with federal law.
4511 Section 75. Section **80-2-902**, which is renumbered from Section 62A-4a-703 is
4512 renumbered and amended to read:
4513 **[~~62A-4a-703~~]. 80-2-902. Division authority under Article III of Interstate**
4514 **Compact.**
4515 (1) The "appropriate public authorities," as used in Article III of the Interstate Compact
4516 on the Placement of Children shall, with reference to this state, mean the division.
4517 (2) The division shall receive and act with reference to notices required by Article III of
4518 the compact.
4519 Section 76. Section **80-2-903**, which is renumbered from Section 62A-4a-704 is
4520 renumbered and amended to read:

4521 **[~~62A-4a-704~~]. 80-2-903. Director authority under Article V of Interstate**
4522 **Compact.**
4523 As used in Paragraph (1) of Article V of the Interstate Compact on the Placement of
4524 Children, "appropriate authority in the receiving state," with reference to this state, means the
4525 director of the division.
4526 Section 77. Section **80-2-904**, which is renumbered from Section 62A-4a-707 is
4527 renumbered and amended to read:
4528 **[~~62A-4a-707~~]. 80-2-904. Executive director authority under Article VII of**
4529 **Interstate Compact.**
4530 (1) As used in Article VII of the Interstate Compact on the Placement of Children,
4531 "executive" means the executive director of the department.
4532 (2) The executive director of the department is authorized to appoint a compact
4533 administrator in accordance with the terms of Article VII of the compact.
4534 Section 78. Section **80-2-905**, which is renumbered from Section 62A-4a-701 is
4535 renumbered and amended to read:
4536 **[~~62A-4a-701~~]. 80-2-905. Interstate Compact on Placement of Children --**
4537 **Text.**
4538 The Interstate Compact on the Placement of Children is hereby enacted and entered into
4539 with all other jurisdictions that legally join in the compact which is, in form, substantially as
4540 follows: INTERSTATE COMPACT ON PLACEMENT OF CHILDREN ARTICLE I
4541 Purpose and Policy
4542 It is the purpose and policy of the party states to cooperate with each other in the
4543 interstate placement of children so that:
4544 (1) Each child requiring placement shall receive the maximum opportunity to be placed
4545 in a suitable environment and with persons or institutions having appropriate qualifications and
4546 facilities to provide necessary and desirable care.
4547 (2) The appropriate authorities in a state where a child is to be placed may have full
4548 opportunity to ascertain the circumstances of the proposed placement, thereby promoting full
4549 compliance with applicable requirements for the protection of the child.
4550 (3) The proper authorities of the state from which the placement is made may obtain
4551 the most complete information on the basis of which to evaluate a projected placement before

4552 it is made.
4553 (4) Appropriate jurisdictional arrangements for the care of the children will be
4554 promoted. ARTICLE II Definitions
4555 As used in this compact:
4556 (1) "Child" means a person who, by reason of minority, is legally subject to parental,
4557 guardianship, or similar control.
4558 (2) "Sending agency" means a party state, officer, or employee thereof; a subdivision of
4559 a party state, or officer or employee thereof; a court of a party state; a person, corporation,
4560 association, Indian tribe, charitable agency, or other entity which sends, brings, or causes to be
4561 sent or brought any child to another party state.
4562 (3) "Receiving state" means the state to which a child is sent, brought or caused to be
4563 sent or brought, whether by public authorities or private persons or agencies, and whether for
4564 placement with state or local public authorities or for placement with private agencies or
4565 persons.
4566 (4) "Placement" means the arrangement for the care of a child in a family free,
4567 adoptive, or boarding home, or in a child-caring agency or institution but does not include any
4568 institution caring for the mentally ill, mentally defective or epileptic or any institution,
4569 primarily educational in character, and any hospital or other medical facility. ARTICLE III
4570 Conditions for Placement
4571 (1) No sending agency shall send, bring, or cause to be sent or brought into any other
4572 party state any child for placement in foster care or as a preliminary to a possible adoption
4573 unless the sending agency shall comply with each and every requirement set forth in this article
4574 and with the applicable laws of the receiving state governing the placement of children therein.
4575 (2) Prior to sending, bringing, or causing any child to be sent or brought into a
4576 receiving state for placement in foster care or as a preliminary to a possible adoption, the
4577 sending agency shall furnish the appropriate public authorities in the receiving state written
4578 notice of the intention to send, bring, or place the child in the receiving state. The notice shall
4579 contain:
4580 (a) The name, date, and place of birth of the child.
4581 (b) The identity and address or addresses of the parents or legal guardian.
4582 (c) The name and address of the person, agency, or institution to or with which the

4583 sending agency proposes to send, bring, or place the child.
4584 (d) A full statement of the reasons for such proposed action and evidence of the
4585 authority pursuant to which the placement is proposed to be made.
4586 (e) Any public officer or agency in a receiving agency state which is in receipt of a
4587 notice pursuant to Paragraph (2) of this article may request of the sending agency, or any other
4588 appropriate officer or agency of or in the sending agency's state, and shall be entitled to receive
4589 therefrom, such supporting or additional information as it may deem necessary under the
4590 circumstances to carry out the purpose and policy of this compact.
4591 (f) The child shall not be sent, brought, or caused to be sent or brought into the
4592 receiving state until the appropriate public authorities in the receiving state shall notify the
4593 sending agency, in writing, to the effect that the proposed placement does not appear to be
4594 contrary to the interests of the child. ARTICLE IV Penalty for Illegal Placement
4595 The sending, bringing, or causing to be sent or brought into any receiving state of a
4596 child in violation of the terms of this compact shall constitute a violation of the laws respecting
4597 the placement of children of both the state in which the sending agency is located or from
4598 which it sends or brings the child and of the receiving state. Such violation may be punished or
4599 subjected to penalty in either jurisdiction in accordance with its laws. In addition to liability
4600 for any such punishment or penalty, any violation shall constitute full and sufficient grounds
4601 for the suspension or revocation of any license, permit, or other legal authorization held by the
4602 sending agency which empowers or allows it to place, or care for children. ARTICLE V
4603 Retention of Jurisdiction
4604 (1) The sending agency shall retain jurisdiction over the child sufficient to determine
4605 all matters in relation to the custody, supervision, care, treatment, and disposition of the child
4606 which it would have had if the child had remained in the sending agency's state, until the child
4607 is adopted, reaches majority, becomes self-supporting, or is discharged with the concurrence of
4608 the appropriate authority in the receiving state. Such jurisdiction shall also include the power
4609 to effect or cause the return of the child or its transfer to another location and custody pursuant
4610 to law. The sending agency shall continue to have financial responsibility for support and
4611 maintenance of the child during the period of the placement. Nothing contained herein shall
4612 defeat a claim of jurisdiction by a receiving state sufficient to deal with an act of delinquency
4613 or crime committed therein.

4614 (2) When the sending agency is a public agency, it may enter into an agreement with an
4615 authorized public or private agency in the receiving state providing for the performance of one
4616 or more services in respect of such case by the latter as agent for the sending agency.
4617 (3) Nothing in this compact shall be construed to prevent any agency authorized to
4618 place children in the receiving agency from performing services or acting as agent in the
4619 receiving agency jurisdiction for a private charitable agency of the sending agency; nor to
4620 prevent the receiving agency from discharging financial responsibility for the support and
4621 maintenance of a child who has been placed on behalf of the sending agency without relieving
4622 the responsibility set forth in Paragraph (1) above. ARTICLE VI Institutional Care of
4623 Delinquent Children
4624 A child adjudicated delinquent may be placed in an institution in another party
4625 jurisdiction pursuant to this compact, but no such placement shall be made unless the child is
4626 given a court hearing on notice to the parent or guardian with opportunity to be heard, prior to
4627 his being sent to such other party jurisdiction for institutional care and the court finds that:
4628 (1) equivalent facilities for the child are not available in the sending agency's
4629 jurisdiction; and
4630 (2) institutional care in the other jurisdiction is in the best interest of the child and will
4631 not produce undue hardship. ARTICLE VII Compact Administrator
4632 The executive head of each jurisdiction party to this compact shall designate an officer
4633 who shall be general coordinator of activities under this compact in his jurisdiction and who,
4634 acting jointly with like officers of the party jurisdictions, shall have power to promulgate rules
4635 and regulations to carry out more effectively the terms and provisions of this compact.
4636 ARTICLE VIII Limitations
4637 This compact shall not apply to:
4638 (1) The sending or bringing of a child into a receiving state by his parent, step-parent,
4639 grandparent, adult brother or sister, adult uncle or aunt, or his guardian and leaving the child
4640 with any such relative or nonagency guardian in the receiving state.
4641 (2) Any placement, sending or bringing of a child into a receiving state pursuant to any
4642 other interstate compact to which both the state from which the child is sent or brought and the
4643 receiving state are party or to any other agreement between said states which has the force of
4644 law. ARTICLE IX Enactment and Withdrawal

4645 This compact shall be open to joinder by any state, territory, or possession of the United
4646 States, the District of Columbia, the commonwealth of Puerto Rico, and with the consent of
4647 Congress, the government of Canada or any province thereof. It shall become effective with
4648 respect to any such jurisdiction when such jurisdiction has enacted the same into law.
4649 Withdrawal from this compact shall be by the enactment of a statute repealing the same but
4650 shall not take effect until two years after the effective date of such statute and until written
4651 notice of the withdrawal has been given by the withdrawing state to the governor of each other
4652 party jurisdiction. Withdrawal of a party state shall not affect the rights, duties, and obligations
4653 under this compact of any sending agency therein with respect to a placement made prior to the
4654 effective date of withdrawal. ARTICLE X Construction and Severability
4655 The provisions of this compact shall be liberally construed to effectuate the purposes
4656 thereof. The provisions of this compact shall be severable, and if any phrase, clause, sentence,
4657 or provision of this compact is declared to be contrary to the constitution of any party state or
4658 of the United States, the applicability thereof to any government, agency, person, or
4659 circumstance shall not be affected thereby. If this compact shall be held contrary to the
4660 constitution of any state party thereto, the compact shall remain in full force and effect as to the
4661 remaining states and in full force and effect as to the state affected as to all severable matters.
4662 Section 79. Section **80-2-906**, which is renumbered from Section 62A-4a-702 is
4663 renumbered and amended to read:
4664 **[~~62A-4a-702~~]. 80-2-906. Financial responsibility for child placed under**
4665 **Interstate Compact.**
4666 (1) Financial responsibility for a child placed [~~pursuant to~~] under the provisions of the
4667 Interstate Compact on the Placement of Children shall, in the first instance, be determined in
4668 accordance with the provisions of Article V of the compact. [~~However, in~~]
4669 (2) In the event of partial or complete default of performance [~~thereunder~~] under the
4670 compact, the provisions of Title 78B, Chapter 12, Utah Child Support Act, may also be
4671 invoked.
4672 Section 80. Section **80-2-907**, which is renumbered from Section 62A-4a-705 is
4673 renumbered and amended to read:
4674 **[~~62A-4a-705~~]. 80-2-907. Fulfillment of requirements under Interstate**
4675 **Compact.**

4676 Requirements for visitation, inspection, or supervision of children, homes, institutions,
4677 or other agencies in another party state which may apply under [~~Part 2, Child Welfare Services~~]
4678 this chapter or Chapter 2a, Removal and Protective Custody of a Child, shall be deemed to be
4679 met if performed [~~pursuant to~~] under an agreement entered into by appropriate officers or
4680 agencies of this state, or a subdivision thereof, as contemplated by Paragraph (2) of Article V
4681 of the Interstate Compact on the Placement of Children.
4682 Section 81. Section **80-2-908**, which is renumbered from Section 62A-4a-706 is
4683 renumbered and amended to read:
4684 **[~~62A-4a-706~~]. 80-2-908. Jurisdiction over delinquent children under**
4685 **Interstate Compact.**
4686 Any court having jurisdiction to place delinquent children may place such a child in an
4687 institution in another state, [~~pursuant to~~] under Article VI of the Interstate Compact on the
4688 Placement of Children, and shall retain jurisdiction as provided in Article V of the compact.
4689 Section 82. Section **80-2-909**, which is renumbered from Section 62A-4a-708 is
4690 renumbered and amended to read:
4691 **[~~62A-4a-708~~]. 80-2-909. Existing authority for child placement continues.**
4692 Any person who, under any law of this state other than this part or the [~~interstate~~
4693 ~~compact~~] Interstate Compact on the Placement of Children established under Section
4694 [~~62A-4a-701~~] 80-2-905, has authority to make or assist in making the placement of a child,
4695 shall continue to have the ability lawfully to make or assist in making that placement, and the
4696 provisions of [~~Part 6, Child Placing~~] Sections 62A-2-108.6, 62A-2-115.1, 62A-2-115.2,
4697 62A-2-126, 62A-2-127, Subsections 80-2-802(3)(a) and (4) and 80-2-803(1), (2), and (5)
4698 through (7), and [~~of~~] Title 78B, Chapter 6, Part 1, Utah Adoption Act, continue to apply.
4699 Section 83. Section **80-2-910**, which is renumbered from Section 62A-4a-710 is
4700 renumbered and amended to read:
4701 **[~~62A-4a-710~~]. 80-2-910. Interjurisdictional home study report.**
4702 (1) The state of Utah may request a home study report from another state or an Indian
4703 Tribe for purposes of assessing the safety and suitability of placing a child in a home outside of
4704 the jurisdiction of the state of Utah.
4705 (2) The state of Utah may not impose any restriction on the ability of a state agency
4706 administering, or supervising the administration of, a state program operated under a state plan

4707 approved under Section 42 U.S.C. 671 to contract with a private agency to conduct a home
4708 study report described in Subsection (1).
4709 (3) [~~When~~] If the state of Utah receives a home study report described in Subsection
4710 (1), the home study report shall be considered to meet all requirements imposed by the state of
4711 Utah for completion of a home study before a child is placed in a home, unless, within 14 days
4712 after the day on which the report is received, the state of Utah determines, based on grounds
4713 that are specific to the content of the report, that making a decision in reliance on the report
4714 would be contrary to the welfare of the child.
4715 Section 84. Section **80-2-1001**, which is renumbered from Section 62A-4a-1003 is
4716 renumbered and amended to read:
4717 **Part 10. Division and Child Welfare Records**
4718 **[~~62A-4a-1003~~]. 80-2-1001. Management Information System -- Contents --**
4719 **Classification of records -- Access.**
4720 (1) [~~(a)~~] The division shall develop and implement a Management Information System
4721 that meets the requirements of this section and the requirements of federal law and regulation.
4722 [~~(b) The information and records contained in the Management Information System:~~]
4723 [~~(i) are private, controlled, or protected records under Title 63G, Chapter 2,~~
4724 ~~Government Records Access and Management Act; and~~]
4725 [~~(ii) except as provided in Subsections (1)(c) and (d), are available only to a person or~~
4726 ~~government entity with statutory authorization under Title 63G, Chapter 2, Government~~
4727 ~~Records Access and Management Act, to review the information and records described in this~~
4728 ~~Subsection (1)(b).~~]
4729 [~~(c) Notwithstanding Subsection (1)(b)(ii), the information and records described in~~
4730 ~~Subsection (1)(b) are available to a person:~~]
4731 [~~(i) as provided under Subsection (6) or Section 62A-4a-1006; or~~]
4732 [~~(ii) who has specific statutory authorization to access the information or records for~~
4733 ~~the purpose of assisting the state with state and federal requirements to maintain information~~
4734 ~~solely for the purpose of protecting minors and providing services to families in need.~~]
4735 [~~(d) Notwithstanding Subsection (1)(b)(ii), the information and records described in~~
4736 ~~Subsection (1)(b) may, to the extent required by Title IV-B or IV-E of the Social Security Act,~~
4737 ~~be provided by the division:~~]

4738 [~~(i) to comply with abuse and neglect registry checks requested by other states; and~~]
4739 [~~(ii) to the United States Department of Health and Human Services for purposes of~~
4740 ~~maintaining an electronic national registry of supported or substantiated cases of abuse and~~
4741 ~~neglect.~~]
4742 (2) The Management Information System shall:
4743 (a) contain all key elements of each family's current child and family plan, including:
4744 (i) the dates and number of times the plan has been administratively or judicially
4745 reviewed;
4746 (ii) the number of times the parent failed the child and family plan; and
4747 (iii) the exact length of time the child and family plan has been in effect; and
4748 (b) alert child welfare caseworkers regarding deadlines for completion of and
4749 compliance with policy, including child and family plans.
4750 [~~(2)~~] (3) [~~With regard to all~~] For a child welfare [~~cases~~] case, the Management
4751 Information System shall provide each child welfare caseworker and the [~~department's office of~~
4752 ~~licensing~~] Office of Licensing created in Section 62A-2-103, exclusively for the purposes of
4753 foster parent licensure and monitoring, with a complete history of each child in [~~that worker's~~]
4754 the child welfare caseworker's caseload, including:
4755 (a) a record of all past action taken by the division with regard to [~~that~~] the child and
4756 the child's siblings;
4757 (b) the complete case history and all reports and information in the control or keeping
4758 of the division regarding [~~that~~] the child and the child's siblings;
4759 (c) the number of times the child has been in the protective custody, temporary
4760 custody, and custody of the division;
4761 (d) the cumulative period of time the child has been in the custody of the division;
4762 (e) a record of all reports of abuse or neglect received by the division with regard to
4763 [~~that~~] the child's parent[~~, parents,~~] or guardian including:
4764 (i) for each report, documentation of the:
4765 (A) latest status; or
4766 (B) final outcome or determination; and
4767 (ii) information that indicates whether each report was found to be:
4768 (A) supported;

4769 (B) unsupported;
4770 (C) substantiated;
4771 (D) unsubstantiated; or
4772 (E) without merit;
4773 (f) the number of times the child's parent [~~or parents~~] failed any child and family plan;
4774 and
4775 (g) the number of different child welfare caseworkers who have been assigned to [~~that~~]
4776 the child in the past.
4777 [~~(3) The division's Management Information System shall:~~]
4778 [~~(a) contain all key elements of each family's current child and family plan, including:~~]
4779 [~~(i) the dates and number of times the plan has been administratively or judicially~~
4780 ~~reviewed;~~]
4781 [~~(ii) the number of times the parent or parents have failed that child and family plan;~~
4782 ~~and~~]
4783 [~~(iii) the exact length of time the child and family plan has been in effect; and~~]
4784 [~~(b) alert caseworkers regarding deadlines for completion of and compliance with~~
4785 ~~policy, including child and family plans.~~]
4786 (4) [~~With regard to all~~] For child protective services cases, the Management
4787 Information System shall:
4788 (a) monitor the compliance of each case with:
4789 (i) division rule;
4790 (ii) state law; and
4791 (iii) federal law and regulation; and
4792 (b) include the age and date of birth of the alleged perpetrator at the time the abuse or
4793 neglect is alleged to have occurred, in order to ensure accuracy regarding the identification of
4794 the alleged perpetrator.
4795 (5) Information or a record contained in the Management Information System is:
4796 (a) a private, controlled, or protected record under Title 63G, Chapter 2, Government
4797 Records Access and Management Act; and
4798 (b) available only:
4799 (i) to a person or government entity with statutory authorization under Title 63G,

4800 Chapter 2, Government Records Access and Management Act, to review the information or
4801 record;
4802 (ii) to a person who has specific statutory authorization to access the information or
4803 record for the purpose of assisting the state with state or federal requirements to maintain
4804 information solely for the purpose of protecting minors and providing services to families in
4805 need;
4806 (iii) to the extent required by Title IV(b) or IV(e) of the Social Security Act:
4807 (A) to comply with abuse and neglect registry checks requested by other states; or
4808 (B) to the United States Department of Health and Human Services for purposes of
4809 maintaining an electronic national registry of supported or substantiated cases of abuse and
4810 neglect;
4811 [~~(5) Except as provided in Subsection (6) regarding contract providers and Section~~
4812 ~~62A-4a-1006 regarding limited access to the Licensing Information System, all information~~
4813 ~~contained in the division's Management Information System is available~~]
4814 (iv) to the department, upon the approval of the executive director of the department,
4815 on a need-to-know basis[~~.~~]; or
4816 (v) as provided in Subsection (6) or Section 80-2-1002.
4817 (6) (a) [~~Subject to this Subsection (6), the division may allow the division's contract~~
4818 ~~providers, court clerks~~] The division may allow a division contract provider, court clerk
4819 designated by the Administrative Office of the Courts, the Office of Guardian Ad Litem, or
4820 [~~an~~] Indian tribe to have limited access to the Management Information System.
4821 (b) A division contract provider or Indian tribe has access only to information about a
4822 person who is currently receiving services from [~~that~~] the specific contract provider or Indian
4823 tribe.
4824 (c) [~~(i) Designated court clerks~~] A court clerk may only have access to information
4825 necessary to comply with Subsection 78B-7-202(2).
4826 [~~(ii)~~] (d) (i) The Office of Guardian Ad Litem may only access [~~only the information~~
4827 ~~that~~]:
4828 (A) the information that is entered into the Management Information System on or after
4829 July 1, 2004, and relates to [~~children and families~~] a child or family where the Office of
4830 Guardian Ad Litem is appointed by a court to represent the interests of the [~~children; and~~]

4831 child; or
4832 [~~(B) except as provided in Subsection (6)(d), is entered into the Management~~
4833 ~~Information System on or after July 1, 2004.~~]
4834 [~~(d) Notwithstanding Subsection (6)(c)(ii)(B), the Office of Guardian Ad Litem shall~~
4835 ~~have access to all abuse and neglect referrals about children and families~~]
4836 (B) any abuse or neglect referral about a child or family where the office has been
4837 appointed by a court to represent the interests of the [~~children~~] child, regardless of the date that
4838 the information is entered into the Management Information System.
4839 (ii) The division may use the information in the Management Information System to
4840 screen an individual as described in Subsection 80-2-1002(4)(b)(ii)(A) at the request of the
4841 Office of Guardian Ad Litem.
4842 (e) [~~Each~~] A contract provider[~~,~~] or designated representative of the Office of Guardian
4843 Ad Litem[~~, and~~] or an Indian tribe who requests access to information contained in the
4844 Management Information System shall:
4845 (i) take all necessary precautions to safeguard the security of the information contained
4846 in the Management Information System;
4847 (ii) train its employees regarding:
4848 (A) requirements for protecting the information contained in the Management
4849 Information System [~~as required by~~] under this chapter and under Title 63G, Chapter 2,
4850 Government Records Access and Management Act; and
4851 (B) the criminal penalties under Sections [~~62A-4a-412 and~~] 63G-2-801 and 80-2-1005
4852 for improper release of information; and
4853 (iii) monitor its employees to ensure that [~~they~~] the employees protect the information
4854 contained in the Management Information System as required by law.
4855 [~~(f) The division shall take reasonable precautions to ensure that its contract providers~~
4856 ~~comply with the requirements of this Subsection (6).~~]
4857 (7) The division shall take:
4858 (a) all necessary precautions, including password protection and other appropriate and
4859 available technological techniques, to prevent unauthorized access to or release of information
4860 contained in the Management Information System[~~.~~]; and
4861 (b) reasonable precautions to ensure that the division's contract providers comply with

4862 Subsection (6).
4863 Section 85. Section **80-2-1002**, which is renumbered from Section 62A-4a-1006 is
4864 renumbered and amended to read:
4865 **[~~62A-4a-1006~~]. 80-2-1002. Licensing Information System -- Contents --**
4866 **Classification of records -- Access -- Unlawful release -- Penalty.**
4867 (1) (a) The division shall maintain a sub-part of the Management Information System
4868 [~~established pursuant to Section 62A-4a-1003, to be known~~] as the Licensing Information
4869 System[~~,~~] to be used:
4870 (i) for licensing purposes; or
4871 (ii) as otherwise [~~specifically~~] provided [~~for~~] by law.
4872 (b) Notwithstanding Subsection (1)(a), the department's access to information in the
4873 Management Information System for the licensure and monitoring of a foster parent is
4874 governed by Sections 80-2-1001 and 62A-2-121.
4875 [~~(b)~~] (2) The Licensing Information System shall include only the following
4876 information:
4877 (a) the name and other identifying information of the alleged perpetrator in a supported
4878 finding, without identifying the alleged perpetrator as a perpetrator or alleged perpetrator;
4879 (b) a notation to the effect that an investigation regarding the alleged perpetrator
4880 described in Subsection (2)(a) is pending;
4881 [~~(i)~~] (c) the information described in [~~Subsections 62A-4a-1005(1)(b) and (3)(b)~~]
4882 Subsection (3);
4883 [~~(ii)~~] (d) consented-to supported findings by [~~alleged perpetrators~~] an alleged
4884 perpetrator under Subsection [~~62A-4a-1005(3)(a)(iii); and~~] 80-2-708(3)(a)(iii);
4885 (e) a finding from the juvenile court under Section 80-3-404; and
4886 [~~(iii)~~] (f) the information in the licensing part of the division's Management
4887 Information System as of May 6, 2002.
4888 [~~(2) Notwithstanding Subsection (1), the department's access to information in the~~
4889 ~~Management Information System for the licensure and monitoring of foster parents is governed~~
4890 ~~by Sections 62A-4a-1003 and 62A-2-121.~~]
4891 (3) Subject to [~~Subsection 62A-4a-1005(3)(c)~~] Section 80-2-1003, upon receipt of a
4892 finding from the juvenile court under Section 80-3-404, the division shall:

4893 (a) promptly amend the Licensing Information System to include the finding; and
4894 (b) enter the [~~information~~] finding in the Management Information System.
4895 (4) [~~(a)~~] Information or a record contained in the Licensing Information System is
4896 [~~classified as~~]:
4897 (a) a protected record under Title 63G, Chapter 2, Government Records Access and
4898 Management Act[~~.~~]; and
4899 (b) [~~Notwithstanding the disclosure provisions of~~] notwithstanding Title 63G, Chapter
4900 2, Government Records Access and Management Act, [~~the information contained in the~~
4901 ~~Licensing Information System may only be used or disclosed as specifically provided in this~~
4902 ~~chapter and Section 62A-2-121.~~] accessible only:
4903 [~~(c) The information described in Subsection (4)(b) is accessible only to:~~]
4904 (i) to the Office of Licensing [~~within the department~~] created in Section 62A-2-103:
4905 (A) for licensing purposes; or
4906 (B) as otherwise specifically provided for by law;
4907 (ii) to the division to:
4908 (A) screen an individual at the request of the Office of Guardian Ad Litem[~~: (I)~~] at the
4909 time [~~that~~] the individual seeks a paid or voluntary position with the Office of Guardian Ad
4910 Litem[~~; and (II) on an annual basis,~~] and annually throughout the time that the individual
4911 remains with the Office of Guardian Ad Litem; and
4912 (B) respond to a request for information from [~~a person~~] an individual whose name is
4913 listed in the Licensing Information System;
4914 (iii) [~~persons~~] to a person designated by the Department of Health and approved by the
4915 Department of Human Services, only for the following purposes:
4916 (A) licensing a child care program or provider;
4917 (B) determining whether an individual associated with a child care facility, program, or
4918 provider, who is exempt from being licensed or certified by the Department of Health under
4919 Title 26, Chapter 39, Utah Child Care Licensing Act, has a supported finding of a severe type
4920 of child abuse or neglect; or
4921 (C) determining whether an individual who is seeking an emergency medical services
4922 license has a supported finding of a severe type of child abuse or neglect;
4923 (iv) [~~persons~~] to a person designated by the Department of Workforce Services and

4924 approved by the Department of Human Services for the purpose of qualifying a child care
4925 [providers] provider under Section 35A-3-310.5; [and]
4926 (v) as provided in Section 62A-2-121; or
4927 [(v)] (vi) to the department[, as specifically] or another person, as provided in this
4928 chapter.
4929 (5) [The persons] A person designated by the Department of Health [under Subsection
4930 (4)(c)(iii) and the persons designated by] or the Department of Workforce Services under
4931 Subsection (4)[(c)(iv)] shall adopt measures to:
4932 (a) protect the security of the Licensing Information System; and
4933 (b) strictly limit access to the Licensing Information System to [those] persons
4934 [designated] allowed access by statute.
4935 (6) [All persons designated by statute as having access] The department shall approve a
4936 person allowed access by statute to information or a record contained in the Licensing
4937 Information System [shall be approved by the Department of Human Services and receive
4938 training from the department] and provide training to the person with respect to:
4939 (a) accessing the Licensing Information System;
4940 (b) maintaining strict security; and
4941 (c) the criminal provisions of Sections [62A-4a-412 and] 63G-2-801 and 80-2-1005
4942 pertaining to the improper release of information.
4943 (7) (a) [A person, except those] Except as authorized by this chapter, a person may not
4944 request another person to obtain or release any other information in the Licensing Information
4945 System to screen for potential perpetrators of abuse or neglect.
4946 (b) A person who requests information knowing that the request is a violation of this
4947 Subsection (7) is subject to the criminal [penalty] penalties described in Sections [62A-4a-412
4948 and] 63G-2-801 and 80-2-1005.
4949 Section 86. Section **80-2-1003**, which is renumbered from Section 62A-4a-1008 is
4950 renumbered and amended to read:
4951 **[62A-4a-1008]. 80-2-1003. Deletion, expungement, or notation of**
4952 **information or reports in Management Information System or Licensing Information**
4953 **System -- Court finding.**
4954 (1) (a) The division shall delete any reference in the Management Information System

4955 or Licensing Information System to a report that:
4956 [~~(a) a report that is determined by the division to be~~] (i) the division determines is
4957 without merit, if no subsequent report involving the same alleged perpetrator [~~has occurred~~]
4958 occurs within one year after the day on which the division makes the determination; or
4959 [~~(b) a report that is determined by~~] (ii) a court of competent jurisdiction [~~to be~~]
4960 determines is unsubstantiated or without merit, if no subsequent report involving the same
4961 alleged perpetrator [~~has occurred~~] occurs within five years after the day on which the juvenile
4962 court makes the determination.
4963 (b) Except as provided in Subsection (1)(c), the information described in Subsections
4964 80-2-1002(2)(a) and (b) shall remain in the Licensing Information System:
4965 (i) if the alleged perpetrator fails to take the action described in Subsection
4966 80-2-708(3)(a) within one year after the day on which the notice described in Subsections
4967 80-2-708(1)(a) and (2) is served;
4968 (ii) during the time that the division awaits a response from the alleged perpetrator
4969 under Subsection 80-2-708(3)(a); and
4970 (iii) until a juvenile court determines that the severe type of child abuse or neglect upon
4971 which the Licensing Information System entry was based is unsubstantiated or without merit.
4972 (c) Regardless of whether an appeal on the matter is pending:
4973 (i) the division shall remove the information described in Subsections 80-2-1002(2)(a)
4974 and (b) from the Licensing Information System if the severe type of child abuse or neglect upon
4975 which the Licensing Information System entry is based:
4976 (A) is found to be unsubstantiated or without merit by the juvenile court under Section
4977 80-3-404; or
4978 (B) is found to be substantiated, but is subsequently reversed on appeal; and
4979 (ii) the division shall place back on the Licensing Information System an alleged
4980 perpetrator's name and information that is removed from the Licensing Information System
4981 under Subsection (1)(c) if the court action that was the basis for removing the alleged
4982 perpetrator's name and information is subsequently reversed on appeal.
4983 (2) (a) The division shall maintain a separation of reports as follows:
4984 [~~(a)~~] (i) those that are supported;
4985 [~~(b)~~] (ii) those that are unsupported;

4986 [~~(c)~~] (iii) those that are without merit;
4987 [~~(d)~~] (iv) those that are unsubstantiated under the law in effect before May 6, 2002;
4988 [~~(e)~~] (v) those that are substantiated under the law in effect before May 6, 2002; and
4989 [~~(f)~~] (vi) those that are consented-to supported findings under Subsection
4990 [~~62A-4a-1005~~] 80-2-708(3)(a)(iii).
4991 (b) Only a person with statutory authority may access the information contained in a
4992 report described in Subsection (2)(a).
4993 (3) [~~On or before May 1, 2018, the~~] The division shall make rules, in accordance with
4994 Title 63G, Chapter 3, Utah Administrative Rulemaking Act, for the expungement of supported
4995 reports or unsupported reports in the Management Information System and the Licensing
4996 Information System[~~.~~] that:
4997 [~~(4) The rules described in Subsection (3) shall:~~]
4998 (a) in relation to an unsupported report or a supported report, identify the types of child
4999 abuse or neglect reports that the division:
5000 (i) [~~the division~~] shall expunge within five years after the last date on which the
5001 individual's name [~~was~~] is placed in the information system, without requiring the subject of
5002 the report to request expungement;
5003 (ii) [~~the division~~] shall expunge within 10 years after the last date on which the
5004 individual's name [~~was~~] is placed in the information system, without requiring the subject of
5005 the report to request expungement;
5006 (iii) [~~the division~~] may expunge following an individual's request for expungement in
5007 accordance with Subsection (4); and
5008 (iv) [~~the division~~] may not expunge due to the serious nature of the specified types of
5009 child abuse or neglect;
5010 (b) establish an administrative process and a standard of review for the subject of a
5011 report to make an expungement request; and
5012 (c) define the term "expunge" or "expungement" to clarify the administrative process
5013 for removing a record from the information system.
5014 [~~(5)~~] (4) (a) If an individual's name is in the [~~information system~~] Management
5015 Information System or Licensing Information System for a type of child abuse or neglect report
5016 identified under Subsection [~~(4)~~] (3)(a)(iii), the individual may request to have the report

5017 expunged 10 years after the last date on which the individual's name [~~was~~] is placed in the
5018 information system for a supported or unsupported report.
5019 [~~(6)~~] (b) If an individual's expungement request is denied, the individual shall wait at
5020 least one year after the [~~issuance of~~] day on which the denial is issued before the individual
5021 may again request to have the individual's report expunged.
5022 [~~(7) Only persons with statutory authority may access the information contained in any~~
5023 ~~of the reports identified in Subsection (2).~~]
5024 Section 87. Section **80-2-1004**, which is renumbered from Section 62A-4a-1010 is
5025 renumbered and amended to read:
5026 **[~~62A-4a-1010~~]. 80-2-1004. Request for division removal of name from**
5027 **Licensing Information System -- Petition for evidentiary hearing or substantiation.**
5028 (1) [~~Persons whose names were~~] Except as provided in Subsection (2), an individual
5029 whose name is listed on the Licensing Information System as of May 6, 2002 [~~and who have~~
5030 ~~not been the subject of a court determination with respect to the alleged incident of abuse or~~
5031 ~~neglect~~], may at any time:
5032 (a) request review by the division of [~~their~~] the individual's case and removal of [~~their~~]
5033 the individual's name from the Licensing Information System [~~pursuant to~~] under Subsection
5034 (3); or
5035 (b) file a petition for [~~an evidentiary hearing~~] substantiation and a request for a finding
5036 of unsubstantiated or without merit in accordance with Section 80-3-504.
5037 (2) Subsection (1) does not apply to an individual who has been the subject of any of
5038 the following court determinations with respect to the alleged incident of abuse or neglect:
5039 (a) conviction;
5040 (b) adjudication under Section 80-3-402 or 80-6-701;
5041 (c) plea of guilty;
5042 (d) plea of guilty with a mental illness; or
5043 (e) no contest.
5044 (3) If an alleged perpetrator listed on the Licensing Information System [~~prior to~~]
5045 before May 6, 2002, requests removal of the alleged perpetrator's name from the Licensing
5046 Information System, the division shall, within 30 days after the day on which the request is
5047 made:

5048 (a) (i) review the case to determine whether the incident of alleged abuse or neglect
5049 qualifies as:
5050 (A) a severe type of child abuse or neglect;
5051 (B) chronic abuse; or
5052 (C) chronic neglect; and
5053 (ii) if the alleged abuse or neglect does not qualify as a type of abuse or neglect
5054 described in Subsections (3)(a)(i)(A) through (C), remove the alleged perpetrator's name from
5055 the Licensing Information System; or
5056 (b) determine whether to file a petition for substantiation in accordance with Section
5057 80-3-504.
5058 [~~(4) If the division decides to file a petition, that petition must be filed no more than 14~~
5059 ~~days after the decision.~~]
5060 [~~(5) The juvenile court shall act on the petition as provided in Subsection 80-3-404(3).~~]
5061 [~~(6) If a person whose name appears on the Licensing Information System prior to May~~
5062 ~~6, 2002 files a petition pursuant to Section 80-3-404 during the time that an alleged~~
5063 ~~perpetrator's application for clearance to work with children or vulnerable adults is pending, the~~
5064 ~~court shall hear the matter on an expedited basis.~~]
5065 Section 88. Section **80-2-1005**, which is renumbered from Section 62A-4a-412 is
5066 renumbered and amended to read:
5067 **[~~62A-4a-412~~]. 80-2-1005. Classification of reports of alleged abuse or**
5068 **neglect -- Confidential identity of a person who reports -- Access -- Admitting reports into**
5069 **evidence -- Unlawful release and use -- Penalty.**
5070 (1) Except as otherwise provided in this chapter[~~, reports~~] or Chapter 2a, Removal and
5071 Protective Custody of a Child, a report made under [~~this part, as well as~~] Part 6, Child Abuse
5072 and Neglect Reports, and any other information in the possession of the division obtained as
5073 [~~the~~] a result of [~~a~~] the report [~~are~~] is a private, protected, or controlled [~~records~~] record under
5074 Title 63G, Chapter 2, Government Records Access and Management Act, and may only be
5075 made available to:
5076 (a) a police or law enforcement agency investigating a report of known or suspected
5077 abuse or neglect, including members of a child protection team;
5078 (b) a physician who reasonably believes that a child may be the subject of abuse or

5079 neglect;
5080 (c) an agency that has responsibility or authority to care for, treat, or supervise a minor
5081 who is the subject of a report;
5082 (d) a contract provider that has a written contract with the division to render services to
5083 a minor who is the subject of a report;
5084 (e) [~~a~~] the subject of the report, the natural parents of the child, and the guardian ad
5085 litem;
5086 (f) a court, upon a finding that access to the records may be necessary for the
5087 determination of an issue before the court, provided that in a divorce, custody, or related
5088 proceeding between private parties, the record alone is:
5089 (i) limited to objective or undisputed facts that were verified at the time of the
5090 investigation; and
5091 (ii) devoid of conclusions drawn by the division or any of the division's workers on the
5092 ultimate issue of whether or not an individual's acts or omissions constituted any level of abuse
5093 or neglect of another individual;
5094 (g) an office of the public prosecutor or [~~its~~] the public prosecutor's deputies in
5095 performing an official duty;
5096 (h) a person authorized by a Children's Justice Center, for the purposes described in
5097 Section 67-5b-102;
5098 (i) a person engaged in bona fide research, when approved by the director of the
5099 division, if the information does not include names and addresses;
5100 (j) the State Board of Education, acting on behalf of itself or on behalf of a local
5101 education agency, as defined in Section 63J-5-102, for the purpose of evaluating whether an
5102 individual should be permitted to obtain or retain a license as an educator or serve as an
5103 employee or volunteer in a school, limited to information with substantiated or supported
5104 findings involving an alleged sexual offense, an alleged felony or class A misdemeanor drug
5105 offense, or any alleged offense against the person under Title 76, Chapter 5, Offenses Against
5106 the Person, and with the understanding that the office must provide the subject of a report
5107 received under Subsection (1)(k) with an opportunity to respond to the report before making a
5108 decision concerning licensure or employment;
5109 (k) any individual identified in the report as a perpetrator or possible perpetrator of

5110 abuse or neglect, after being advised of the screening prohibition in Subsection (2);
5111 (l) a person filing a petition for a child protective order on behalf of a child who is the
5112 subject of the report;
5113 (m) a licensed child-placing agency or person who is performing a preplacement
5114 adoptive evaluation in accordance with the requirements of Sections 78B-6-128 and
5115 78B-6-130;
5116 (n) an Indian tribe to:
5117 (i) certify or license a foster home;
5118 (ii) render services to a subject of a report; or
5119 (iii) investigate an allegation of abuse, neglect, or dependency; or
5120 (o) the Division of Substance Abuse and Mental Health, the Department of Health, or a
5121 local substance abuse authority, described in Section 17-43-201, for the purpose of providing
5122 substance abuse treatment to a pregnant woman or a parent of a newborn child, or the services
5123 described in Subsection 62A-15-103(2)(o).
5124 [~~(2) (a) A person, unless listed in Subsection (1), may not request another person to~~
5125 ~~obtain or release a report or any other information in the possession of the division obtained as~~
5126 ~~a result of the report that is available under Subsection (1)(k) to screen for potential~~
5127 ~~perpetrators of abuse or neglect.~~]
5128 [~~(b) A person who requests information knowing that the request is a violation of~~
5129 ~~Subsection (2)(a) is subject to the criminal penalty in Subsection (4).~~]
5130 [~~(3) (a) Except as provided in Section 62A-4a-1007, the~~] (2) In accordance with
5131 Section 80-2-607 and except as provided in Section 80-2-610, the division and a law
5132 enforcement [~~officials~~] agency shall ensure the anonymity of the person [~~or persons making~~]
5133 who makes the initial report under Part 6, Child Abuse and Neglect Reports, and any [~~others~~]
5134 other person involved in the division's or law enforcement [~~officials'~~] agency's subsequent
5135 investigation of the report.
5136 [~~(b)~~] (3) Notwithstanding any other provision of law, excluding Section 80-3-107, but
5137 including this chapter, Chapter 2a, Removal and Protective Custody of a Child, and Title 63G,
5138 Chapter 2, Government Records Access and Management Act, [~~when~~] if the division makes a
5139 report or other information in the division's possession available under Subsection (1)(e) to a
5140 subject of the report or a parent of a child, the division shall remove from the report or other

5141 information only the names, addresses, and telephone numbers of individuals or specific
5142 information that could:
5143 [~~(i)~~] (a) identify the referent;
5144 [~~(ii)~~] (b) impede a criminal investigation; or
5145 [~~(iii)~~] (c) endanger an individual's safety.
5146 [~~(4) Any person who willfully permits, or aides and abets the release of data or~~
5147 ~~information obtained as a result of this part, in the possession of the division or contained on~~
5148 ~~any part of the Management Information System, in violation of this part or Sections~~
5149 ~~62A-4a-1003 through 62A-4a-1007, is guilty of a class C misdemeanor.~~]
5150 [~~(5) (a) As used in this Subsection (5), "physician" means an individual licensed to~~
5151 ~~practice as a physician or osteopath in this state under Title 58, Chapter 67, Utah Medical~~
5152 ~~Practice Act, or Title 58, Chapter 68, Utah Osteopathic Medical Practice Act.~~]
5153 [~~(b) The physician-patient privilege does not:~~]
5154 [~~(i) excuse a physician from reporting suspected abuse, neglect, fetal alcohol syndrome,~~
5155 ~~or fetal drug dependency under this part; and~~]
5156 [~~(ii) constitute grounds for excluding evidence regarding a child's injuries, or the cause~~
5157 ~~of the child's injuries, in any judicial or administrative proceeding resulting from a report under~~
5158 ~~this part.~~]
5159 [~~(6)~~] (4) A child-placing agency or person who receives a report [~~in connection with a~~
5160 ~~preplacement adoptive evaluation under Sections 78B-6-128 and 78B-6-130~~] from the division
5161 under Subsection (1)(m) may provide the report to:
5162 (a) [~~may provide this report to the person who is~~] the subject of the report; [~~and~~]
5163 (b) [~~may provide this report to~~] a person who is performing a preplacement adoptive
5164 evaluation in accordance with [~~the requirement of~~] Sections 78B-6-128 and 78B-6-130[~~, or~~];
5165 (c) to a licensed child-placing agency; or [~~to~~]
5166 (d) an attorney seeking to facilitate an adoption.
5167 [~~(7)~~] (5) A member of a child protection team may, before the day on which the child is
5168 removed, share case-specific information obtained from the division under this section with
5169 other members of the child protection team.
5170 [~~(8)~~] (6) (a) Except as provided in Subsection [~~(8)~~] (6)(b), in a divorce, custody, or
5171 related proceeding between private parties, a court may not receive into evidence a report that:

5172 (i) is provided to the court:
5173 (A) under Subsection (1)(f); or
5174 (B) by a parent of the child after the record is made available to the parent under
5175 Subsection (1)(e);
5176 (ii) describes a parent of the child as the alleged perpetrator; and
5177 (iii) is found to be unsubstantiated, unsupported, or without merit.
5178 (b) (i) After a motion to admit the report described in Subsection [~~(8)~~] (6)(a) is made,
5179 the court shall allow sufficient time for all subjects of the record to respond before making a
5180 finding on the motion.
5181 (ii) After considering the motion described in Subsection [~~(8)~~] (6)(b), the court may
5182 receive the report into evidence upon a finding on the record of good cause.
5183 (7) (a) A person may not:
5184 (i) willfully permit, or aid and abet, the release of data or information in the possession
5185 of the division or contained in the Management Information System in violation of this part or
5186 Part 6, Child Abuse and Neglect Reports; or
5187 (ii) if the person is not listed in Subsection (1), request another person to obtain or
5188 release a report or other information that the other person obtained under Subsection (1)(k) to
5189 screen for potential perpetrators of abuse or neglect.
5190 (b) A person who violates Subsection (7)(a)(i), or violates Subsection (7)(a)(ii)
5191 knowing the person's actions are a violation of Subsection (7)(a)(ii), is guilty of a class C
5192 misdemeanor.
5193 Section 89. Section **80-2-1006** is enacted to read:
5194 **80-2-1006. Sharing of records with Indian tribe under agreement.**
5195 If the division has a privacy agreement with an Indian tribe to protect the confidentiality
5196 of division records regarding an Indian child to the same extent that the division is required to
5197 protect other division records, the division shall cooperate with and share all appropriate
5198 information in the division's possession regarding an Indian child, the Indian child's parent or
5199 guardian, or a proposed placement for the Indian child with the Indian tribe that is affiliated
5200 with the Indian child.
5201 Section 90. Section **80-2-1007**, which is renumbered from Section 62A-4a-112 is
5202 renumbered and amended to read:

5203 **[~~62A-4a-112~~]. 80-2-1007. Request to examine division services payment --**
5204 **Access to related records -- Unlawful removal -- Penalty.**
5205 (1) (a) An individual who is a taxpayer and resident of this state and who desires to
5206 examine a payment for services offered by the division in accordance with this chapter or
5207 Chapter 2a, Removal and Protective Custody of a Child, shall sign a statement using a form
5208 prescribed by the division[~~. That statement shall include the~~] that includes:
5209 (i) an assertion that the individual is a taxpayer and a resident[~~, and shall include~~] of
5210 the state; and
5211 (ii) a commitment that any information obtained will not be used for commercial or
5212 political purposes. [~~No partial or complete list of names, addresses, or amounts of payment~~
5213 ~~may be made by any individual under this subsection, and none of that information may be~~
5214 ~~removed from the offices of the division.~~]
5215 (b) An individual may not make a partial or complete list of names, addresses, or
5216 amounts of payment under Subsection (1)(a) or remove information regarding names,
5217 addresses, or amounts of payment under Subsection (1)(a) from an office of the division.
5218 (2) The division shall[~~,~~]:
5219 (a) after due consideration of the public interest, define the nature of confidential
5220 information to be safeguarded by the division; and [~~shall~~]
5221 (b) establish rules, in accordance with Title 63G, Chapter 3, Utah Administrative
5222 Rulemaking Act, to:
5223 (i) govern the custody and disclosure of the confidential information[~~, as well as to~~];
5224 and
5225 (ii) provide access to information regarding payments for services offered by the
5226 division.
5227 (3) This section does not prohibit:
5228 (a) the division or [~~its agents, or individuals, commissions, or agencies~~] an agent of the
5229 division, or an individual, commission, or agency duly authorized for the purpose, from making
5230 [~~special studies or from~~] a special study or issuing or publishing statistical material [~~and~~
5231 ~~reports~~] or a report of a general character[~~. This section does not prohibit~~]; or
5232 (b) the division or [~~its representatives or employees~~] a division representative or
5233 employee from conveying or providing to a local, state, or federal governmental [~~agencies~~]

5234 agency written information that would affect an individual's eligibility or ineligibility for
5235 financial service, or other beneficial [~~programs~~] program offered by [~~that~~] the governmental
5236 agency. [~~Access to the division's program plans, policies, and records, as well as consumer~~
5237 ~~records and data, is governed by~~]
5238 (4) A person may access a division program plan, policy, or record, including a
5239 consumer record or data, in accordance with Title 63G, Chapter 2, Government Records
5240 Access and Management Act.
5241 [~~(4) Violation of this section is~~] (5) A person who violates this section is guilty of a
5242 class B misdemeanor.
5243 Section 91. Section **80-2-1101**, which is renumbered from Section 62A-4a-311 is
5244 renumbered and amended to read:
5245 **Part 11. Child Welfare Services Improvement and Oversight**
5246 **[~~62A-4a-311~~]. 80-2-1101. Child Welfare Improvement Council -- Creation**
5247 **-- Membership -- Expenses.**
5248 (1) (a) There is established the Child Welfare Improvement Council composed of no
5249 more than 25 members who are appointed by the division.
5250 (b) Except as required by Subsection (1)(c), as terms of current council members
5251 expire, the division shall appoint each new member or reappointed member to a four-year term.
5252 (c) Notwithstanding the requirements of Subsection (1)(b), the division shall, at the
5253 time of appointment or reappointment, adjust the length of terms to ensure that the terms of
5254 council members are staggered so that approximately half of the council is appointed every two
5255 years.
5256 (d) The council shall have geographic, economic, gender, cultural, and philosophical
5257 diversity.
5258 (e) When a vacancy occurs in the membership for any reason, the division shall appoint
5259 the replacement [~~shall be appointed~~] for the unexpired term.
5260 (2) The council shall elect a chairperson from [~~its~~] the council's membership at least
5261 biannually.
5262 (3) A member may not receive compensation or benefits for the member's service, but
5263 may receive per diem and travel expenses in accordance with:
5264 (a) Section 63A-3-106;

5265 (b) Section 63A-3-107; and
5266 (c) rules made by the Division of Finance [~~pursuant to~~] under Sections 63A-3-106 and
5267 63A-3-107.
5268 (4) (a) The council shall hold a public meeting quarterly.
5269 (b) Within budgetary constraints, meetings may also be held on the call of the chair, or
5270 of a majority of the members.
5271 (c) A majority of the members currently appointed to the council constitute a quorum
5272 at any meeting and the action of the majority of the members present shall be the action of the
5273 council.
5274 (5) The council shall:
5275 (a) advise the division on matters relating to abuse and neglect;
5276 (b) recommend to the division how funds contained in the Children's Account, created
5277 in Section 80-2-501, should be allocated; [~~and~~]
5278 (c) conduct public hearings to receive public comment on an abuse or neglect
5279 prevention or treatment program under Section 80-2-503;
5280 (d) provide comments to the division on a proposed amendment to performance
5281 standards in accordance with Section 80-2-1102; and
5282 [~~(c)~~] (e) provide community and professional input on the performance of the division.
5283 Section 92. Section **80-2-1102**, which is renumbered from Section 62A-4a-117 is
5284 renumbered and amended to read:
5285 **[~~62A-4a-117~~]. 80-2-1102. Performance monitoring system -- Report.**
5286 (1) As used in this section:
5287 [~~(a) "Council" means the Child Welfare Improvement Council established under~~
5288 ~~Section 62A-4a-311.~~]
5289 [~~(b)~~] (a) "Performance indicators" means actual performance in a program, activity, or
5290 other function for which there is a performance standard.
5291 [~~(c)~~] (b) (i) "Performance standards" means the targeted or expected level of
5292 performance of each area in the child welfare system, including:
5293 (A) child protection services;
5294 (B) adoption;
5295 (C) foster care; and

5296 (D) other substitute care.
5297 (ii) "Performance standards" includes the performance goals and measures in effect in
5298 2008 that the division was subject to under federal court oversight, as amended [~~pursuant to~~]
5299 under Subsection (2), including:
5300 (A) the qualitative case review; and
5301 (B) the case process review.
5302 (2) (a) The division shall create performance standards.
5303 [~~(2) (a)~~] (b) The division may not amend [~~the~~] performance standards unless the
5304 amendment is:
5305 (i) necessary and proper for the effective administration of the division; or
5306 (ii) necessary to comply with, or implement changes in, the law.
5307 [~~(b)~~] (c) Before amending the performance standards, the division shall provide written
5308 notice of the proposed amendment to the council.
5309 [~~(c)~~] (d) The notice described in Subsection [~~(2)(b)~~] (2)(c) shall include:
5310 (i) the proposed amendment;
5311 (ii) a summary of the reason for the proposed amendment; and
5312 (iii) the proposed effective date of the amendment.
5313 [~~(d)~~] (e) Within 45 days after the day on which the division provides the notice
5314 described in Subsection [~~(2)(b)~~] (2)(c) to the council, the council shall provide to the division
5315 written comments on the proposed amendment.
5316 [~~(e)~~] (f) The division may not implement a proposed amendment to the performance
5317 standards until the earlier of:
5318 (i) seven days after the day on which the division receives the written comments
5319 regarding the proposed change described in Subsection [~~(2)(d)~~] (2)(e); or
5320 (ii) 52 days after the day on which the division provides the notice described in
5321 Subsection [~~(2)(b)~~] (2)(c) to the council.
5322 [~~(f)~~] (g) The division shall:
5323 (i) give full, fair, and good faith consideration to all comments and objections received
5324 from the council;
5325 (ii) notify the council in writing of:
5326 (A) the division's decision regarding the proposed amendment; and

5327 (B) the reasons that support the decision;
5328 (iii) include complete information on all amendments to the performance standards in
5329 the report described in Subsection (4); and
5330 (iv) post the changes on the division's website.
5331 (3) The division shall maintain a performance monitoring system to regularly:
5332 (a) collect information on performance indicators; and
5333 (b) compare performance indicators to performance standards.
5334 (4) Before January 1 of each year, the director shall submit a written report to the Child
5335 Welfare Legislative Oversight Panel and the Social Services Appropriations Subcommittee that
5336 includes:
5337 (a) a comparison between the performance indicators for the prior fiscal year and the
5338 performance standards;
5339 (b) for each performance indicator that does not meet the performance standard:
5340 (i) the reason the standard was not met;
5341 (ii) the measures that need to be taken to meet the standard; and
5342 (iii) the division's plan to comply with the standard for the current fiscal year;
5343 (c) data on the extent to which new and experienced division employees have received
5344 training [~~pursuant to~~] under statute, administrative rule, and division policy; and
5345 (d) an analysis of the use and efficacy of in-home services, both before and after
5346 removal of a child from the child's home.
5347 Section 93. Section **80-2-1103**, which is renumbered from Section 62A-4a-118 is
5348 renumbered and amended to read:
5349 **[~~62A-4a-118~~]. 80-2-1103. Annual review of child welfare referrals and**
5350 **cases by department -- Review by legislative auditor general -- Reports.**
5351 (1) The division shall use principles of quality management systems, including
5352 statistical measures of processes of service, and the routine reporting of performance data to
5353 employees.
5354 [~~(2) (a) In addition to development of~~]
5355 (2) (a) The department shall:
5356 (i) develop quantifiable outcome measures and performance measures in accordance
5357 with Section [~~62A-4a-117, the executive director, or the executive director's designee, shall~~]

5358 80-2-1102; and
5359 (ii) annually review a randomly selected sample of child welfare referrals to and cases
5360 handled by the division. [~~The purpose of that review shall be to~~]
5361 (b) In conducting the review described in Subsection (2)(a)(ii), the department shall:
5362 (i) assess whether the division is adequately protecting children and providing
5363 appropriate services to families, in accordance with [~~the provisions of Title 62A, Chapter 4a,~~
5364 ~~Child and Family Services, and Title 80,~~] this chapter, Chapter 2a, Removal and Protective
5365 Custody of a Child, Chapter 3, Abuse, Neglect, and Dependency Proceedings, and Chapter 4,
5366 Termination and Restoration of Parental Rights[~~. The review shall~~]; and
5367 (ii) focus directly on the outcome of cases to children and families, and not simply on
5368 procedural compliance with specified criteria.
5369 [~~(b)~~] (c) [~~The executive director shall report on the executive director's~~] The
5370 department shall report on the review described in Subsection (2)(a) to the legislative auditor
5371 general and the Child Welfare Legislative Oversight Panel.
5372 [~~(c)~~] (d) Information obtained as a result of the review described in Subsection (2)(a)
5373 shall be provided to child welfare caseworkers, supervisors, and division personnel involved in
5374 the respective cases, for purposes of education, training, and performance evaluation.
5375 (3) The [~~executive director's~~] review and report to the legislative auditor general and
5376 the Child Welfare Legislative Oversight Panel under Subsection (2) shall include:
5377 (a) the criteria used by the [~~executive director, or the executive director's designee,~~]
5378 department in making the evaluation;
5379 (b) findings regarding whether state statutes, division rule, legislative policy, and
5380 division policy were followed in each sample case;
5381 (c) findings regarding whether, in each sample case, referrals, removals, or cases were
5382 appropriately handled by the division and [~~its~~] the division's employees, and whether children
5383 were adequately and appropriately protected and appropriate services provided to families, in
5384 accordance with the provisions of [~~Title 62A, Chapter 4a, Child and Family Services, Title 80,~~]
5385 this chapter, Chapter 2a, Removal and Protective Custody of a Child, Chapter 3, Abuse,
5386 Neglect, and Dependency Proceedings, [~~and~~] Chapter 4, Termination and Restoration of
5387 Parental Rights, and division rule;
5388 (d) an assessment of the division's intake procedures and decisions, including an

5389 assessment of the appropriateness of decisions not to accept referrals; and
5390 (e) an assessment of the appropriateness of the division's assignment of priority.
5391 (4) (a) In addition to the [~~executive director's~~] review under Subsection (2), the
5392 legislative auditor general shall audit, subject to the prioritization of the Legislative Audit
5393 Subcommittee, a sample of child welfare referrals to and cases handled by the division and
5394 report the findings to the Child Welfare Legislative Oversight Panel.
5395 (b) An audit under Subsection (4)(a) may be initiated by:
5396 (i) the Audit Subcommittee of the Legislative Management Committee;
5397 (ii) the Child Welfare Legislative Oversight Panel; or
5398 (iii) the legislative auditor general, based on the results of the executive director's
5399 review under Subsection (2).
5400 (c) With regard to the sample of referrals, removals, and cases, the Legislative Auditor
5401 General's report may include:
5402 (i) findings regarding whether state statutes, division rule, legislative policy, and
5403 division policy were followed by the division and [~~its~~] the division's employees;
5404 (ii) a determination regarding whether referrals, removals, and cases were appropriately
5405 handled by the division and [~~its~~] the division's employees, and whether children were
5406 adequately and appropriately protected and appropriate services provided for families, in
5407 accordance with the provisions of [~~Title 62A, Chapter 4a, Child and Family Services, Title 80,~~]
5408 this chapter, Chapter 2a, Removal and Protective Custody of a Child, Chapter 3, Abuse,
5409 Neglect, and Dependency Proceedings, [~~and~~] Chapter 4, Termination and Restoration of
5410 Parental Rights, and division rule;
5411 (iii) an assessment of the division's intake procedures and decisions, including an
5412 assessment of the appropriateness of decisions not to accept referrals;
5413 (iv) an assessment of the appropriateness of the division's assignment of priority;
5414 (v) a determination regarding whether the department's review process is effecting
5415 beneficial change within the division and accomplishing the mission established by the
5416 Legislature and the department for that review process; and
5417 (vi) findings regarding any other issues identified by the auditor or others under this
5418 Subsection (4).
5419 Section 94. Section **80-2-1104**, which is renumbered from Section 62A-4a-208 is

5420 renumbered and amended to read:
5421 **[~~62A-4a-208~~]. 80-2-1104. Child protection ombudsman -- Responsibility --**
5422 **Authority -- Report.**
5423 (1) As used in this section:
5424 (a) "Complaint" means a complaint regarding an act or omission by the division with
5425 respect to a particular child.
5426 [~~(a)~~] (b) "Complainant" means a person who initiates a complaint with the
5427 ombudsman.
5428 [~~(b)~~] (c) "Ombudsman" means the child protection ombudsman appointed [~~pursuant to~~]
5429 under this section.
5430 (2) (a) There is created within the department the position of child protection
5431 ombudsman. [~~The ombudsman shall be appointed by and serve at the pleasure of the executive~~
5432 ~~director.~~]
5433 [~~(b) The ombudsman shall be:~~]
5434 [~~(i) an individual of~~]
5435 (b) The executive director of the department shall:
5436 (i) appoint an ombudsman who has:
5437 (A) recognized executive and administrative capacity; and
5438 [~~(ii) selected solely with regard to qualifications and fitness to discharge the duties of~~
5439 ~~ombudsman; and~~]
5440 [~~(iii)~~] (B) [~~have~~] experience in child welfare, and in state laws and policies governing
5441 abused, neglected, and dependent children[~~.~~]; and
5442 (ii) select the ombudsman solely with regard to qualifications and fitness to discharge
5443 the duties of the ombudsman.
5444 (c) The ombudsman shall [~~devote full time to the duties of office.~~]:
5445 (i) serve at the pleasure of the executive director of the department; and
5446 (ii) devote full-time to the duties described in this section.
5447 (3) [~~(a) Except as provided in Subsection (3)(b), the~~] The ombudsman shall[~~,~~]:
5448 (a) unless the ombudsman decides not to investigate the complaint, upon receipt of a
5449 complaint [~~from any person~~], investigate whether an act or omission of the division with
5450 respect to a particular child:

5451 (i) is contrary to statute, rule, or policy;
5452 (ii) places a child's health or safety at risk;
5453 (iii) is made without an adequate statement of reason; or
5454 (iv) is based on irrelevant, immaterial, or erroneous grounds[~~.~~];
5455 [~~(b) The ombudsman may decline to investigate any complaint. If the ombudsman~~
5456 ~~declines to investigate a complaint or continue an investigation, the ombudsman shall notify~~
5457 ~~the complainant and the division of the decision and of the reasons for that decision.~~]
5458 [~~(c) The ombudsman may conduct an investigation on the ombudsman's own~~
5459 ~~initiative.~~]
5460 [~~(4) The ombudsman shall:~~]
5461 (b) notify the complainant and the division of:
5462 (i) the ombudsman's decision to investigate or not investigate the complaint;
5463 and
5464 (ii) if the ombudsman decides not to investigate the complaint, the reason for the
5465 decision;
5466 (c) if the ombudsman finds that a person's act or omission violates state or federal
5467 criminal law, immediately report the finding to the appropriate county or district attorney or to
5468 the attorney general;
5469 (d) immediately notify the division if the ombudsman finds that a child needs
5470 protective custody;
5471 (e) prepare a written report of the findings and recommendations, if any, of each
5472 investigation;
5473 (f) make recommendations to the division if the ombudsman finds that:
5474 (i) a matter should be further considered by the division;
5475 (ii) an administrative act should be addressed, modified, or canceled;
5476 (iii) action should be taken by the division with regard to one of the division's
5477 employees; or
5478 (iv) any other action should be taken by the division;
5479 [~~(a)~~] (g) subject to Subsection (2), in accordance with Title 63G, Chapter 3, Utah
5480 Administrative Rulemaking Act, make rules that govern the following:
5481 (i) receiving and processing [~~complaints~~] a complaint;

5482 (ii) notifying [~~complainants~~] a complainant and the division regarding a decision to
5483 investigate or to decline to investigate a complaint;
5484 (iii) prioritizing workload;
5485 (iv) maximum time within which [~~investigations shall be~~] an investigation is required
5486 to be completed;
5487 (v) conducting [~~investigations~~] an investigation;
5488 (vi) notifying [~~complainants~~] a complaint and the division regarding the results of
5489 [~~investigations~~] an investigation; and
5490 (vii) making recommendations based on the findings and results of [~~recommendations~~]
5491 investigations;
5492 [~~(b) report findings and recommendations in writing to the complainant and the~~
5493 ~~division, in accordance with the provisions of this section;~~]
5494 [~~(c)~~] (h) within appropriations from the Legislature, employ staff as may be necessary
5495 to carry out the ombudsman's duties under this [~~part~~] section;
5496 [~~(d)~~] (i) provide information regarding the role, duties, and functions of the
5497 ombudsman to public agencies, private entities, and individuals;
5498 [~~(e) annually report to the:~~]
5499 (j) provide an annual report regarding the ombudsman's duties and recommendations
5500 for improvements to the child welfare system to:
5501 (i) the Child Welfare Legislative Oversight Panel;
5502 (ii) the governor;
5503 [~~(iii) Division of Child and Family Services;~~]
5504 (iii) the division; and
5505 (iv) the executive director of the department; and
5506 [~~(v) director of the division; and~~]
5507 [~~(f)~~] (k) as appropriate, make recommendations to the division regarding individual
5508 child welfare cases, and the rules, policies, and operations of the division.
5509 (4) (a) The ombudsman may:
5510 (i) decline to investigate a complaint or continue an investigation of a complaint;
5511 (ii) conduct an investigation on the ombudsman's own initiative;
5512 (iii) conduct further investigation upon the request of the complainant or upon the

5513 ombudsman's own initiative; and
5514 (iv) advise a complainant to pursue administrative remedies or channels of a complaint
5515 before pursuing a complaint with the ombudsman.
5516 (b) Subsection (4)(a)(iv) does not prevent a complainant from making a complaint
5517 directly to the ombudsman before pursuing an administrative remedy.
5518 [~~(5) (a) Upon rendering a decision to investigate a complaint, the ombudsman shall~~
5519 ~~notify the complainant and the division of that decision.~~]
5520 [~~(b) The ombudsman may advise a complainant to pursue all administrative remedies~~
5521 ~~or channels of complaint before pursuing a complaint with the ombudsman. Subsequent to~~
5522 ~~processing a complaint, the ombudsman may conduct further investigations upon the request of~~
5523 ~~the complainant or upon the ombudsman's own initiative. Nothing in this subsection precludes~~
5524 ~~a complainant from making a complaint directly to the ombudsman before pursuing an~~
5525 ~~administrative remedy.~~]
5526 [~~(c) If the ombudsman finds that an individual's act or omission violates state or federal~~
5527 ~~criminal law, the ombudsman shall immediately report that finding to the appropriate county or~~
5528 ~~district attorney or to the attorney general.~~]
5529 [~~(d) The ombudsman shall immediately notify the division if the ombudsman finds that~~
5530 ~~a child needs protective custody.~~]
5531 [~~(e) The ombudsman shall immediately comply with Part 4, Child Abuse or Neglect~~
5532 ~~Reporting Requirements.~~]
5533 [~~(6) (a) All records of the ombudsman regarding individual cases shall be~~]
5534 (5) (a) A record of the ombudsman regarding an individual child welfare case shall be
5535 classified in accordance with federal law and [~~the provisions of~~] Title 63G, Chapter 2,
5536 Government Records Access and Management Act. [~~The ombudsman may make public a~~
5537 ~~report prepared pursuant to this section in accordance with the provisions of Title 63G, Chapter~~
5538 ~~2, Government Records Access and Management Act.~~]
5539 (b) The ombudsman shall have access to all of the department's written and electronic
5540 records and databases, including those regarding individual child welfare cases.
5541 (c) In accordance with Title 63G, Chapter 2, Government Records Access and
5542 Management Act, all documents and information received by the ombudsman shall maintain
5543 the same classification that was designated by the department.

5544 [~~(7) (a) The ombudsman shall prepare a written report of the findings and~~
5545 ~~recommendations, if any, of each investigation.~~]
5546 [~~(b) The ombudsman shall make recommendations to the division if the ombudsman~~
5547 ~~finds that:~~]
5548 [~~(i) a matter should be further considered by the division;~~]
5549 [~~(ii) an administrative act should be addressed, modified, or canceled;~~]
5550 [~~(iii) action should be taken by the division with regard to one of its employees; or~~]
5551 [~~(iv) any other action should be taken by the division.~~]
5552 Section 95. Section **80-2a-101** is enacted to read:
5553 **CHAPTER 2a. REMOVAL AND PROTECTIVE CUSTODY OF A CHILD**
5554 **Part 1. General Provisions**
5555 **80-2a-101. Definitions.**
5556 (1) "Custody" means the same as that term is defined in Section 80-2-102.
5557 (2) "Division" means the Division of Child and Family Services created in Section
5558 80-2-201.
5559 (3) "Friend" means an adult who:
5560 (a) has an established relationship with the child or a family member of the child; and
5561 (b) is not the natural parent of the child.
5562 (4) "Nonrelative" means an individual who is not a noncustodial parent or relative.
5563 (5) "Relative" means an adult who:
5564 (a) is the child's grandparent, great grandparent, aunt, great aunt, uncle, great uncle,
5565 brother-in-law, sister-in-law, stepparent, first cousin, stepsibling, or sibling;
5566 (b) is the first cousin of the child's parent;
5567 (c) is an adoptive parent of the child's sibling; or
5568 (d) in the case of a child who is an Indian child, is an extended family member as
5569 defined in 25 U.S.C. Sec. 1903.
5570 (6) "Sibling" means the same as that term is defined in Section 80-2-102.
5571 (7) "Temporary custody" means the same as that term is defined in Section 80-2-102.
5572 Section 96. Section **80-2a-201**, which is renumbered from Section 62A-4a-201 is
5573 renumbered and amended to read:
5574 **Part 2. Warrants and Removal**

5575 **[~~62A-4a-201~~]. 80-2a-201. Rights of parents -- Children's rights -- Interest**
5576 **and responsibility of state.**
5577 (1) (a) Under both the United States Constitution and the constitution of this state, a
5578 parent possesses a fundamental liberty interest in the care, custody, and management of the
5579 parent's children. A fundamentally fair process must be provided to parents if the state moves
5580 to challenge or interfere with parental rights. A governmental entity must support any actions
5581 or allegations made in opposition to the rights and desires of a parent regarding the parent's
5582 [~~children~~] child by sufficient evidence to satisfy a parent's constitutional entitlement to
5583 heightened protection against government interference with the parent's fundamental rights and
5584 liberty interests and, concomitantly, the right of the child to be reared by the child's natural
5585 parent.
5586 (b) The fundamental liberty interest of a parent concerning the care, custody, and
5587 management of the parent's [~~children~~] child is recognized, protected, and does not cease to
5588 exist simply because a parent may fail to be a model parent or because the parent's child is
5589 placed in the temporary custody of the state. At all times, a parent retains a vital interest in
5590 preventing the irretrievable destruction of family life. [~~Prior to~~] Before an adjudication of
5591 unfitness, government action in relation to [~~parents and their children~~] a parent and the parent's
5592 child may not exceed the least restrictive means or alternatives available to accomplish a
5593 compelling state interest. Until the state proves parental unfitness, and the child suffers, or is
5594 substantially likely to suffer, serious detriment as a result, the child and the child's [~~parents~~]
5595 parent share a vital interest in preventing erroneous termination of their natural relationship and
5596 the state cannot presume that a child and the child's [~~parents~~] parent are adversaries.
5597 (c) It is in the best interest and welfare of a child to be raised under the care and
5598 supervision of the child's natural parents. A child's need for a normal family life in a permanent
5599 home, and for positive, nurturing family relationships is usually best met by the child's natural
5600 parents. Additionally, the integrity of the family unit and the right of [~~parents~~] a parent to
5601 conceive and raise [~~their children~~] the parent's child are constitutionally protected. The right of
5602 a fit, competent parent to raise the parent's child without undue government interference is a
5603 fundamental liberty interest that has long been protected by the laws and Constitution and is a
5604 fundamental public policy of this state.
5605 (d) The state recognizes that:

5606 (i) a parent has the right, obligation, responsibility, and authority to raise, manage,
5607 train, educate, provide and care for, and reasonably discipline the parent's [~~children~~] child; and
5608 (ii) the state's role is secondary and supportive to the primary role of a parent.
5609 (e) It is the public policy of this state that [~~parents retain~~] a parent retains the
5610 fundamental right and duty to exercise primary control over the care, supervision, upbringing,
5611 and education of [~~their children~~] the parent's child.
5612 (f) Subsections (2) through (7) shall be interpreted and applied consistent with this
5613 Subsection (1).
5614 (2) It is also the public policy of this state that children have the right to protection
5615 from abuse and neglect, and that the state retains a compelling interest in investigating,
5616 prosecuting, and punishing abuse and neglect. Therefore, the state, as parens patriae, has an
5617 interest in and responsibility to protect [~~children whose parents abuse them or do~~] a child
5618 whose parent abuses the child or does not adequately provide for [~~their~~] the child's welfare.
5619 There may be circumstances where a parent's conduct or condition is a substantial departure
5620 from the norm and the parent is unable or unwilling to render safe and proper parental care and
5621 protection. Under those circumstances, the state may take action for the welfare and protection
5622 of the parent's [~~children~~] child.
5623 (3) When the division intervenes on behalf of an abused, neglected, or dependent child,
5624 [~~it~~] the division shall take into account the child's need for protection from immediate harm and
5625 the extent to which the child's extended family may provide needed protection. Throughout
5626 [~~its~~] the division's involvement, the division shall utilize the least intrusive and least restrictive
5627 means available to protect a child, in an effort to ensure that children are brought up in stable,
5628 permanent families, rather than in temporary foster placements under the supervision of the
5629 state.
5630 (4) [~~When~~] If circumstances within the family pose a threat to the child's immediate
5631 safety or welfare, the division may seek custody of the child for a planned, temporary period
5632 and place the child in a safe environment, subject to the requirements of this section and in
5633 accordance with [~~the requirements of Title 80,~~] Chapter 3, Abuse, Neglect, and Dependency
5634 Proceedings, and[~~: (a)~~] when safe and appropriate, return the child to the child's parent[~~; or (b)~~]
5635 as a last resort, pursue another permanency plan.
5636 (5) In determining and making [~~"~~]reasonable efforts[~~"~~] with regard to a child, [~~pursuant~~

5637 ~~to the provisions of Section 62A-4a-203~~] under Section 80-2a-302, both the division's and the
5638 juvenile court's paramount concern shall be the child's health, safety, and welfare. The desires
5639 of a parent for the parent's child, and the constitutionally protected rights of a parent, as
5640 described in this section, shall be given full and serious consideration by the division and the
5641 juvenile court.
5642 (6) In accordance with Subsections 80-2a-302(4) and 80-3-301(12), in cases where
5643 [~~actual~~] sexual abuse, sexual exploitation, abandonment, severe abuse, or severe neglect are
5644 [~~established~~] involved, the state has no duty to make [~~"~~]reasonable efforts[~~"~~] or to, in any other
5645 way, attempt to maintain a child in the child's home, provide reunification services, or [~~to~~
5646 ~~attempt to~~] rehabilitate the offending parent or parents. This Subsection (6) does not exempt
5647 the division from providing court-ordered services.
5648 (7) (a) In accordance with Subsection (1), the division shall strive to achieve
5649 appropriate permanency for children who are abused, neglected, or dependent. The division
5650 shall provide in-home services, [~~where~~] if appropriate and safe, in an effort to help a parent to
5651 correct the behavior that resulted in abuse, neglect, or dependency of the parent's child. The
5652 division may pursue a foster placement only if in-home services fail or are otherwise
5653 insufficient or inappropriate, kinship placement is not safe or appropriate, or in-home services
5654 and kinship placement fail and cannot be corrected. The division shall also seek qualified
5655 extended family support or a kinship placement to maintain a sense of security and stability for
5656 the child.
5657 (b) If the use or continuation of [~~"~~]reasonable efforts,[~~"~~] as described in Subsections (5)
5658 and (6), is determined to be inconsistent with the permanency plan for a child, then measures
5659 shall be taken, in a timely manner, to place the child in accordance with the permanency plan,
5660 and to complete whatever steps are necessary to finalize the permanent placement of the child.
5661 (c) Subject to the parental rights recognized and protected under this section, if,
5662 because of a parent's conduct or condition, the parent is determined to be unfit or incompetent
5663 based on the grounds for termination of parental rights described in [~~Title 80, Chapter 3,~~
5664 ~~Abuse, Neglect, and Dependency Proceedings,~~] Chapter 4, Termination and Restoration of
5665 Parental Rights, the continuing welfare and best interest of the child is of paramount
5666 importance, and shall be protected in determining whether that parent's rights should be
5667 terminated.

5668 (8) The state's right to direct or intervene in the provision of medical or mental health
5669 care for a child is subject to Subsections [~~80-1-102(51)(b)(i)~~] 80-1-102(58)(b)(i) through (iii)
5670 and Sections 80-3-109 and 80-3-304.
5671 Section 97. Section **80-2a-202**, which is renumbered from Section 62A-4a-202.1 is
5672 renumbered and amended to read:
5673 **[~~62A-4a-202.1~~]. 80-2a-202. Removal of a child by a peace officer or child**
5674 **welfare caseworker -- Search warrants -- Protective custody and temporary care of a**
5675 **child.**
5676 (1) A peace officer or child welfare caseworker may remove a child or take a child into
5677 protective custody, temporary custody, or custody in accordance with this section.
5678 [~~(1) A~~] (2)(a) Except as provided in Subsection (2)(b), a peace officer or a child
5679 welfare [~~worker~~] caseworker may not enter the home of a child whose case is not under the
5680 jurisdiction of the juvenile court, remove a child from the child's home or school, or take a
5681 child into protective custody unless:
5682 [~~(a)~~] (i) there exist exigent circumstances sufficient to relieve the peace officer or the
5683 child welfare [~~worker~~] caseworker of the requirement to obtain a search warrant under
5684 Subsection [~~(4) or (8)~~] (3);
5685 [~~(b)~~] (ii) the peace officer or [~~the~~] child welfare [~~worker~~] caseworker obtains a search
5686 warrant under Subsection [~~(4) or (8)~~] (3);
5687 [~~(c)~~] (iii) the peace officer or [~~the~~] child welfare [~~worker~~] caseworker obtains a court
5688 order after the child's parent or guardian is given notice and an opportunity to be heard; or
5689 [~~(d)~~] (iv) the peace officer or [~~the~~] child welfare [~~worker~~] caseworker obtains the
5690 consent of the child's parent or guardian.
5691 [~~(2)~~] (b) A peace officer or a child welfare [~~worker may not remove a child from the~~
5692 ~~child's home or take a child into custody under this section~~] caseworker may not take action
5693 under Subsection (2)(a) solely on the basis of:
5694 [~~(a)~~] (i) educational neglect, truancy, or failure to comply with a court order to attend
5695 school; or
5696 [~~(b)~~] (ii) the possession or use, in accordance with Title 26, Chapter 61a, Utah Medical
5697 Cannabis Act, of cannabis in a medicinal dosage form, a cannabis product in a medicinal
5698 dosage form, or a medical cannabis device, as those terms are defined in Section 26-61a-102.

5699 [~~(3) (a) A child welfare worker may take action under Subsection (1) accompanied by a~~
5700 ~~peace officer or without a peace officer if a peace officer is not reasonably available.~~]
5701 [~~(b) Before taking a child into protective custody, and if possible and if consistent with~~
5702 ~~the child's safety and welfare, a child welfare worker shall determine whether there are services~~
5703 ~~available that, if provided to a parent or guardian of the child, would eliminate the need to~~
5704 ~~remove the child from the custody of the child's parent or guardian.~~]
5705 [~~(c) If the services described in Subsection (3)(b) are reasonably available, the services~~
5706 ~~described in Subsection (3)(b) shall be utilized.~~]
5707 [~~(d) In determining whether the services described in Subsection (3)(b) are reasonably~~
5708 ~~available, and in making reasonable efforts to provide the services described in Subsection~~
5709 ~~(3)(b), the child's health, safety, and welfare shall be the child welfare worker's paramount~~
5710 ~~concern.~~]
5711 [~~(4)~~] (3) (a) The juvenile court may issue a warrant authorizing a peace officer or a
5712 child welfare [~~worker~~] caseworker to search for a child and take the child into protective
5713 custody if it appears to the juvenile court upon a verified petition, recorded sworn testimony or
5714 an affidavit sworn to by a peace officer or [~~any other~~] another individual, and upon the
5715 examination of other witnesses if required by the juvenile court, that there is probable cause to
5716 believe that:
5717 (i) there is a threat of substantial harm to the child's health or safety;
5718 (ii) it is necessary to take the child into protective custody to avoid the harm described
5719 in Subsection [~~(4)~~] (3)(a)(i); and
5720 (iii) it is likely that the child will suffer substantial harm if the child's parent or
5721 guardian [~~of the child~~] is given notice and an opportunity to be heard before the child is taken
5722 into protective custody.
5723 (b) In accordance with Section 77-23-210, a peace officer making the search under
5724 Subsection (3)(a) may enter a house or premises by force, if necessary, in order to remove the
5725 child.
5726 [~~(c) The individual executing the warrant shall take the child to a shelter facility~~
5727 ~~designated by the juvenile court or the division or to an emergency placement if the division~~
5728 ~~makes an emergency placement under Section 62A-4a-209.~~]
5729 (4) (a) A child welfare caseworker may take action under Subsection (2) accompanied

5730 by a peace officer or without a peace officer if a peace officer is not reasonably available.
5731 (b) (i) Before taking a child into protective custody, and if possible and consistent with
5732 the child's safety and welfare, a child welfare caseworker shall determine whether there are
5733 services available that, if provided to a parent or guardian of the child, would eliminate the
5734 need to remove the child from the custody of the child's parent or guardian.
5735 (ii) In determining whether the services described in Subsection (4)(b)(i) are
5736 reasonably available, the child welfare caseworker shall consider the child's health, safety, and
5737 welfare as the paramount concern.
5738 (iii) If the child welfare caseworker determines the services described in Subsection
5739 (4)(b)(i) are reasonably available, the services shall be utilized.
5740 (5) (a) If a peace officer or a child welfare [~~worker~~] caseworker takes a child into
5741 protective custody under Subsection [~~(1)~~] (2), the peace officer or [~~the~~] child welfare [~~worker~~]
5742 caseworker shall:
5743 [~~(a)~~] (i) notify the child's parent or guardian [~~as described in Section 62A-4a-202.2~~] in
5744 accordance with Section 80-2a-203; and
5745 [~~(b)~~] (ii) release the child to the care of the child's parent[~~,~~] or guardian[~~,~~] or another
5746 responsible adult, unless:
5747 [~~(i)~~] (A) the child's immediate welfare requires the child remain in protective custody;
5748 or
5749 [~~(ii)~~] (B) the protection of the community requires the child's detention in accordance
5750 with [~~Title 80,~~] Chapter 6, Part 2, Custody and Detention.
5751 (b) (i) If a peace officer or child welfare caseworker is executing a warrant under
5752 Subsection (3), the peace officer or child welfare caseworker shall take the child to:
5753 (A) a shelter facility; or
5754 (B) if the division makes an emergency placement under Section 80-2a-301, the
5755 emergency placement.
5756 [~~(6)~~] (ii) If a peace officer or a child welfare [~~worker~~] caseworker takes a child to a
5757 shelter facility under Subsection (5)(b)(i), the peace officer or the child welfare [~~worker~~]
5758 caseworker shall promptly file a written report that includes the child's information, on a form
5759 provided by the division, with the shelter facility.
5760 [~~(7) (a)~~] (c) A child removed or taken into protective custody under this section may

5761 not be placed or kept in detention[~~, as defined in Section 80-1-102~~;] pending court proceedings,
5762 unless the child may be held in detention under [~~Title 80,~~] Chapter 6, Part 2, Custody and
5763 Detention.
5764 [~~(b) A child removed from the custody of the child's parent or guardian but who does~~
5765 ~~not require physical restriction shall be given temporary care in:~~]
5766 [~~(i) a shelter facility; or~~]
5767 [~~(ii) an emergency placement in accordance with Section 62A-4a-209.~~]
5768 [~~(c) When making a placement under Subsection (7)(b), the division shall give priority~~
5769 ~~to a placement with a noncustodial parent, relative, or friend in accordance with Section~~
5770 ~~62A-4a-209.~~]
5771 [~~(d) If the child is not placed with a noncustodial parent, a relative, or a designated~~
5772 ~~friend, the caseworker assigned to the child shall file a report with the caseworker's supervisor~~
5773 ~~explaining why a different placement was in the child's best interest.~~]
5774 [~~(8) A~~] (6) (a) The juvenile court shall issue a warrant authorizing a peace officer or a
5775 child welfare worker to search for a child who is missing, has been abducted, or has run away,
5776 and take the child into physical custody if the juvenile court determines that[~~: (a) the child is in~~
5777 ~~the legal custody of the division; and (b)~~] the child is missing, has been abducted, or has run
5778 away from the protective custody, temporary custody, or custody of the division.
5779 [~~(9) When a~~] (b) If the juvenile court issues a warrant under Subsection [~~(8)~~] (6)(a):
5780 [~~(a)~~] (i) the division shall notify the child's parent or guardian who has a right to
5781 parent-time with the child in accordance with Subsection 80-2a-203(5)(a);
5782 [~~(b)~~] (ii) the court shall order:
5783 [~~(i)~~] (A) the law enforcement agency that has jurisdiction over the location from which
5784 the child ran away to enter a record of the warrant into the National Crime Information Center
5785 database within 24 hours after the time in which the law enforcement agency receives a copy of
5786 the warrant; and
5787 [~~(ii)~~] (B) the division to notify the law enforcement agency described in Subsection
5788 [~~(9)(b)(i)~~] (6)(b)(ii)(A) of the order described in Subsection [~~(9)(b)(i)~~] (6)(b)(ii)(A); and
5789 (c) the court shall specify the location to which the peace officer or the child welfare
5790 [~~worker~~] caseworker shall transport the child.
5791 [~~(10) (a) The parent or guardian to be notified under Subsection (9) must be:~~]

5792 [~~(i) the child's primary caregiver; or~~]
5793 [~~(ii) the parent or guardian who has custody of the child when the order is sought.~~]
5794 [~~(b) The person required to provide notice under Subsection (9) shall make a good faith~~
5795 ~~effort to provide notice to a parent or guardian who:~~]
5796 [~~(i) is not required to be notified under Subsection (10)(a); and~~]
5797 [~~(ii) has a right to parent-time with the child.~~]
5798 Section 98. Section **80-2a-203**, which is renumbered from Section 62A-4a-202.2 is
5799 renumbered and amended to read:
5800 **[~~62A-4a-202.2~~]. 80-2a-203. Notice upon issuance of a warrant or removal of a**
5801 **child -- Locating noncustodial parent -- Information provided to parent, guardian, or**
5802 **responsible relative.**
5803 (1) (a) A peace officer or [~~a~~] child welfare [~~worker~~] caseworker who takes a child into
5804 protective custody under Subsection [~~62A-4a-202.1(1)~~] 80-2a-202(1), shall immediately use
5805 reasonable efforts to locate and inform, through the most efficient means available, the child's
5806 parents, including a noncustodial parent, the child's guardian, or a responsible relative:
5807 (i) that the child [~~has been taken into~~] is in protective custody;
5808 (ii) the [~~reasons~~] reason for removal and placement of the child in protective custody;
5809 (iii) that the parent, guardian, or relative will be provided with information on:
5810 (A) the parent's or guardian's procedural rights; and
5811 (B) the preliminary stages of the investigation and shelter hearing;
5812 (iv) of a telephone number where the parent or guardian may access further
5813 information;
5814 (v) that the child and the child's parent or guardian are entitled to have an attorney
5815 present at the shelter hearing;
5816 (vi) that if the child's parent or guardian is an indigent individual[~~, as defined in~~
5817 ~~Section 78B-22-102,~~] and desires to have an attorney, one will be provided; and
5818 (vii) that resources are available to assist the child's parent or guardian, including:
5819 (A) a parent advocate;
5820 (B) a qualified attorney; or
5821 (C) potential expert witnesses to testify on behalf of the child[~~,~~] or the child's parent
5822 [~~or~~], guardian, or [~~the child's~~] family.

5823 (b) For purposes of locating and informing the noncustodial parent [~~as required in~~]
5824 under Subsection (1)(a), the division shall search for the noncustodial parent through the
5825 [~~national parent locator database~~] Federal Parent Locator Service if the division is unable to
5826 locate the noncustodial parent through other reasonable efforts.
5827 (2) At the time that a child is taken into protective custody under Subsection
5828 [~~62A-4a-202.1(1), the~~] 80-2a-202(1), the division shall provide the child's parent or [~~a~~]
5829 guardian [~~shall be provided~~] an informational packet with:
5830 (a) all of the information described in Subsection (1);
5831 (b) information on the conditions under which a child may be released from protective
5832 custody;
5833 (c) information on resources that are available to the parent or guardian, including:
5834 (i) mental health resources;
5835 (ii) substance abuse resources; and
5836 (iii) parenting classes; and
5837 (d) any other information considered relevant by the division.
5838 (3) The division shall ensure the informational packet described in Subsection (2)
5839 [~~shall be~~] is:
5840 (a) evaluated periodically for the effectiveness of the informational packet at conveying
5841 necessary information and revised accordingly;
5842 (b) written in simple, easy-to-understand language;
5843 (c) available in English and other languages as the division determines to be
5844 appropriate and necessary; and
5845 (d) made available for distribution in:
5846 (i) schools;
5847 (ii) health care facilities;
5848 (iii) local police and sheriff's offices;
5849 (iv) the offices of the division; and
5850 (v) any other appropriate office within the [~~Department of Human Services~~]
5851 department.
5852 (4) If reasonable efforts are made by the peace officer or child welfare caseworker to
5853 notify the child's parent or guardian or a responsible relative [~~in accordance with the~~

5854 ~~requirements of~~] under Subsection (1), failure to notify:
5855 (a) shall be considered to be due to circumstances beyond the control of the peace
5856 officer or child welfare caseworker; and
5857 (b) may not be construed to:
5858 (i) permit a new defense to any juvenile or judicial proceeding; or
5859 (ii) interfere with any rights, procedures, or investigations provided for by this chapter
5860 [~~or Title 80~~], Chapter 3, Abuse, Neglect, and Dependency Proceedings, or Chapter 4,
5861 Termination and Restoration of Parental Rights.
5862 (5) (a) If the juvenile court issues a warrant under Subsection 80-2a-202(6), the
5863 division shall provide notice of the warrant to the child's parent or guardian who:
5864 (i) has a right to parent-time with the child; and
5865 (ii) (A) is the child's primary caregiver; or
5866 (B) has custody of the child when the warrant is sought.
5867 (b) The division shall make a good faith effort to provide notice to the child's parent or
5868 guardian who:
5869 (i) is not required to be notified under Subsection (5)(a); and
5870 (ii) has a right to parent-time with the child.
5871 Section 99. Section **80-2a-301**, which is renumbered from Section 62A-4a-209 is
5872 renumbered and amended to read:
5873 **Part 3. Division Placement of a Child After Removal**
5874 **[~~62A-4a-209~~]. 80-2a-301. Division's emergency placement of a child --**
5875 **Background checks.**
5876 [~~(1) As used in this section:~~]
5877 [~~(a) "Friend" means the same as that term is defined in Section 80-3-102.~~]
5878 [~~(b) "Nonrelative" means an individual, other than a noncustodial parent or a relative.~~]
5879 [~~(c) "Relative" means the same as that term is defined in Section 80-3-102.~~]
5880 [~~(2) The division may use an emergency placement under Subsection~~
5881 ~~62A-4a-202.1(7)(b) when:~~]
5882 (1) The division may place a child in an emergency placement if:
5883 (a) the [~~case worker has made~~] child welfare caseworker makes the determination that:
5884 (i) the child's home is unsafe;

5885 (ii) removal is necessary under [~~the provisions of Section 62A-4a-202.1~~] Section
5886 80-2a-202; and
5887 (iii) the child's custodial parent or guardian will agree to not remove the child from the
5888 home of the individual that serves as the placement and not have any contact with the child
5889 until after the time at which the shelter hearing [~~required by~~] is held under Section 80-3-301;
5890 (b) an individual, with preference being given in accordance with Subsection (4), can
5891 be identified who has the ability and is willing to provide care for the child who would
5892 otherwise be placed in shelter care, including:
5893 (i) taking the child to medical, mental health, dental, and educational appointments at
5894 the request of the division; and
5895 (ii) making the child available to division services and the guardian ad litem; and
5896 (c) the individual described in Subsection [~~(2)~~] (1)(b) agrees to care for the child on an
5897 emergency basis under the following conditions:
5898 (i) the individual meets the criteria for an emergency placement under Subsection [~~(3)~~]
5899 (2);
5900 (ii) the individual agrees to not allow the custodial parent or guardian to have any
5901 contact with the child until after the time at which the shelter hearing is held unless authorized
5902 by the division in writing;
5903 (iii) the individual agrees to contact law enforcement and the division if the custodial
5904 parent or guardian attempts to make unauthorized contact with the child;
5905 (iv) the individual agrees to allow the division and the child's guardian ad litem to have
5906 access to the child;
5907 (v) the individual [~~has been~~] is informed and understands that the division may
5908 continue to search for other possible placements for long-term care of the child, if needed;
5909 (vi) the individual is willing to assist the custodial parent or guardian in reunification
5910 efforts at the request of the division, and to follow all court orders; and
5911 (vii) the child is comfortable with the individual.
5912 [~~(3)~~] (2) Except as [~~otherwise~~] provided in Subsection [~~(5)~~] (4), before the day on
5913 which the division places a child in an emergency placement, the division:
5914 (a) may request the name of a reference and may contact the reference to determine
5915 [~~the answer to the following questions~~] whether:

5916 (i) [~~would~~] the individual identified as a reference would place a child in the home of
5917 the emergency placement; and
5918 (ii) [~~are~~] there are any other relatives or friends to consider as a possible emergency or
5919 long-term placement for the child;
5920 (b) in accordance with Subsection (4)(a), shall have the custodial parent or guardian
5921 sign an emergency placement agreement form during the investigation described in Subsection
5922 (2)(a);
5923 (c) (i) if the emergency placement will be with a relative, shall comply with the
5924 background check provisions described in Subsection [~~(7)~~] (6); or
5925 (ii) if the emergency placement will be with an individual other than a noncustodial
5926 parent or [~~a~~] relative, shall comply with the background check provisions described in
5927 Subsection [~~(8)~~] (7) for adults living in the household where the child will be placed;
5928 (d) shall complete a limited home inspection of the home where the emergency
5929 placement is made; and
5930 (e) shall require the child welfare caseworker to have the emergency placement
5931 approved by a [~~family service specialist~~] supervisor designated by the division.
5932 [~~(4)~~] (3) (a) [~~The following order of preference shall be applied~~] The division shall
5933 apply the following order of preference when determining the [~~individual~~] person with whom a
5934 child will be placed in an emergency placement [~~described in this section~~], provided that the
5935 individual is able and willing[~~, and has the ability,~~] to care for the child:
5936 (i) a noncustodial parent of the child in accordance with Section 80-3-302;
5937 (ii) a relative;
5938 (iii) subject to Subsection [~~(4)~~] (3)(b), a friend designated by the custodial parent,
5939 guardian, or the child, if the child is of sufficient maturity to articulate the child's wishes in
5940 relation to a placement;
5941 (iv) a former foster placement designated by the division;
5942 (v) a foster placement, that is not a former foster placement, designated by the division;
5943 and
5944 (vi) a shelter facility designated by the division.
5945 (b) In determining whether a friend is a willing and appropriate temporary emergency
5946 placement for a child, the division:

5947 (i) subject to Subsections [~~(4)~~] (3)(b)(ii) through (iv), shall consider the child's
5948 preferences or level of comfort with the friend;
5949 (ii) is required to consider no more than one friend designated by each parent or legal
5950 guardian of the child and one friend designated by the child, if the child is of sufficient maturity
5951 to articulate the child's wishes in relation to a placement;
5952 (iii) may limit the number of designated friends to two, one of whom shall be a friend
5953 designated by the child, if the child is of sufficient maturity to articulate the child's wishes in
5954 relation to a placement; and
5955 (iv) shall give preference to a friend designated by the child, if:
5956 (A) the child is of sufficient maturity to articulate the child's wishes; and
5957 (B) the division's basis for removing the child under Section [~~62A-4a-202.1~~] 80-2a-202
5958 is sexual abuse of the child.
5959 [~~(5)~~] (4) (a) The division may, pending the outcome of the investigation described in
5960 Subsections [~~(5)~~] (4)(b) and (c), place a child in emergency placement with the child's
5961 noncustodial parent if, based on a limited investigation[~~, prior to making~~] before the day on
5962 which the division makes the emergency placement, the division:
5963 (i) determines that the noncustodial parent has regular, unsupervised visitation with the
5964 child that is not prohibited by law or court order;
5965 (ii) determines that there is not reason to believe that the child's health or safety will be
5966 endangered during the emergency placement; and
5967 (iii) has the custodial parent or guardian sign an emergency placement agreement.
5968 (b) Either before or after [~~making~~] the day on which the division makes an emergency
5969 placement with the noncustodial parent of the child, the division may conduct the investigation
5970 described in Subsection [~~(3)~~] (2)(a) in relation to the noncustodial parent.
5971 (c) Before, or within one day, excluding weekends and holidays, after [~~a child is~~
5972 ~~placed~~] the day on which the division places a child in an emergency placement with the
5973 noncustodial parent of the child, the division shall conduct a limited:
5974 (i) background check of the noncustodial parent, [~~pursuant to~~] under Subsection [~~(7)~~]
5975 (6); and
5976 (ii) inspection of the home where the emergency placement is made.
5977 [~~(6)~~] (5) After an emergency placement, the [~~division~~] child welfare caseworker must:

5978 (a) respond to the emergency placement's calls within one hour after the call is received
5979 if the custodial [~~parents or guardians attempt~~] parent or guardian attempts to make
5980 unauthorized contact with the child or [~~attempt~~] attempts to remove the child from the
5981 emergency placement;
5982 (b) complete all removal paperwork, including the notice provided to the [~~custodial~~
5983 ~~parents and guardians~~] child's custodial parent or guardian under Section 80-3-301;
5984 (c) if the child is not placed with a noncustodial parent, relative, or friend, file a report
5985 with the child welfare caseworker's supervisor that explains why a different placement is in the
5986 child's best interest;
5987 [~~(c)~~] (d) contact the attorney general to schedule a shelter hearing;
5988 [~~(d)~~] (e) complete the placement procedures required in Section 80-3-302; and
5989 [~~(e)~~] (f) continue to search for other relatives as a possible long-term placement for the
5990 child, if needed.
5991 [~~(7)~~] (6) (a) The background check described in [~~Subsection (3)(c)(i)~~] Subsections
5992 (2)(c)(i) and (4)(c)(i) shall include completion of:
5993 (i) a name-based, Utah Bureau of Criminal Identification background check; and
5994 (ii) a search of the Management Information System [~~described in Section~~
5995 ~~62A-4a-1003~~].
5996 (b) The division shall determine whether an individual passes the background check
5997 described in [~~this Subsection (7) pursuant to the provisions of~~] Subsection (6)(a) in accordance
5998 with Subsection 62A-2-120(14).
5999 (c) Notwithstanding Subsection [~~(7)~~] (6)(b), the division may not place a child with an
6000 individual who is prohibited by court order from having access to [~~that~~] the child.
6001 [~~(8)~~] (7) (a) The background check described in Subsection [~~(3)~~] (2)(c)(ii) shall include
6002 completion of:
6003 (i) a name-based, Utah Bureau of Criminal Identification background check;
6004 (ii) a federal name-based criminal background check; and
6005 (iii) a search of the Management Information System [~~described in Section~~
6006 ~~62A-4a-1003~~].
6007 (b) The division shall determine whether an individual passes the background checks
6008 described in [~~this Subsection (8) pursuant to the provisions of~~] Subsection (7)(a) in accordance

6009 with Section 62A-2-120.
6010 (c) If the division denies placement of a child as a result of a name-based criminal
6011 background check described in Subsection [~~(8)~~] (7)(a), and the individual contests [~~that~~] the
6012 denial, the individual shall submit a complete set of fingerprints with written permission to the
6013 Utah Bureau of Criminal Identification for submission to the Federal Bureau of Investigation
6014 for a fingerprint-based criminal background check.
6015 (d) (i) Within 15 calendar days [~~of~~] after the day on which the name-based background
6016 checks are completed, the division shall require [~~an~~] the individual to provide a complete set of
6017 fingerprints with written permission to the Utah Bureau of Criminal Identification for
6018 submission to the Federal Bureau of Investigation for a fingerprint-based criminal background
6019 check.
6020 (ii) If [~~an~~] the individual fails to provide the fingerprints and written permission
6021 described in Subsection [~~(8)~~] (7)(d)(i), the child shall immediately be removed from the child's
6022 home.
6023 Section 100. Section **80-2a-302**, which is renumbered from Section 62A-4a-203 is
6024 renumbered and amended to read:
6025 **[~~62A-4a-203~~]. 80-2a-302. Reasonable efforts to maintain a child in the**
6026 **home -- Exception -- Reasonable efforts for reunification.**
6027 (1) Because removal of a child from the child's home affects protected, constitutional
6028 rights of the parent and has a dramatic, long-term impact on a child, the division shall:
6029 (a) [~~when~~] if possible and appropriate, without danger to the child's welfare, make
6030 reasonable efforts to prevent or eliminate the need for removal of a child from the child's home
6031 [~~prior to placement~~] before the day on which the child is placed in substitute care;
6032 (b) determine whether there is substantial cause to believe that a child has been or is in
6033 danger of abuse or neglect, in accordance with the guidelines described in [~~Title 80,~~] Chapter 3,
6034 Abuse, Neglect, and Dependency Proceedings, before removing the child from the child's
6035 home; and
6036 (c) [~~when it is~~] if possible and appropriate, and in accordance with the limitations and
6037 requirements of Sections 80-3-406 and 80-3-409, make reasonable efforts to make it possible
6038 for a child in substitute care to return to the child's home.
6039 (2) (a) In determining the reasonableness of efforts needed to maintain a child in the

6040 child's home or to return a child to the child's home, in accordance with Subsection (1)(a) or
6041 (c), the child's health, safety, and welfare shall be the paramount concern.
6042 (b) The division shall consider whether the efforts described in Subsections (1) and (2)
6043 are likely to prevent abuse or continued neglect of the child.
6044 (3) [~~When~~] If removal and placement in substitute care is necessary to protect a child,
6045 the efforts described in Subsections (1) and (2):
6046 (a) are not reasonable or appropriate; and
6047 (b) should not be utilized.
6048 (4) Subject to Subsection (5), in cases where sexual abuse, sexual exploitation,
6049 abandonment, severe abuse, or severe neglect are involved, the state has no duty to make
6050 reasonable efforts to, in any way, attempt to:
6051 (a) maintain a child in the child's home;
6052 (b) provide reunification services; or
6053 (c) rehabilitate the offending parent or parents.
6054 (5) [~~Nothing in Subsection (4) exempts~~] Subsection (4) does not exempt the division
6055 from providing court ordered services.
6056 Section 101. Section **80-2a-303**, which is renumbered from Section 62A-4a-206.5 is
6057 renumbered and amended to read:
6058 **[~~62A-4a-206.5~~]. 80-2a-303. Child missing from division custody -- Placement.**
6059 (1) [~~When~~] If the division receives information that a child in the protective custody,
6060 temporary custody, or custody of the division is missing, has been abducted, or has run away,
6061 the division shall:
6062 (a) within 24 hours after the time when the division has reason to believe that the
6063 information that the child is missing, has been abducted, or has run away is accurate, notify the
6064 National Center for Missing and Exploited Children; and
6065 (b) pursue a warrant under Subsection [~~62A-4a-202.1(8)~~] 80-2a-202(6).
6066 (2) [~~When~~] If the division locates a child described in Subsection (1), the division
6067 shall:
6068 (a) determine the primary factors that caused or contributed to the child's absence from
6069 care;
6070 (b) determine the child's experiences while absent from care, including screening the

6071 child to determine if the child is a sex trafficking victim;
6072 (c) to the extent possible, select a placement for the child that accommodates the
6073 child's needs and takes into consideration the factors and experiences described in Subsections
6074 (2)(a) and (b); and
6075 (d) follow the requirements in Section 80-3-303 for determining an ongoing placement
6076 of the child.
6077 Section 102. Section **80-2a-304**, which is renumbered from Section 62A-4a-206 is
6078 renumbered and amended to read:
6079 **[~~62A-4a-206~~]. 80-2a-304. Removal of a child from foster family placement**
6080 **-- Procedural due process.**
6081 (1) (a) The Legislature finds that, except with regard to a child's natural parent or
6082 [~~legal~~] guardian, a foster family has a very limited but recognized interest in [~~its~~] the foster
6083 family's familial relationship with a foster child who has been in the care and custody of [~~that~~
6084 ~~family. In~~] the foster family and in making determinations regarding removal of a child from a
6085 foster home, the division may not dismiss the foster family as a mere collection of unrelated
6086 individuals.
6087 (b) The Legislature finds that children in the temporary custody and custody of the
6088 division are experiencing multiple changes in foster care placements with little or no
6089 documentation, and that numerous studies of child growth and development emphasize the
6090 importance of stability in foster care living arrangements.
6091 (c) For the reasons described in Subsections (1)(a) and (b), the division shall provide
6092 procedural due process for a foster family [~~prior to~~] before removal of a foster child from
6093 [~~their~~] the foster family's home, regardless of the length of time the child has been in [~~that~~] the
6094 foster family's home, unless removal is for the purpose of:
6095 (i) returning the child to the child's natural parent or [~~legal~~] guardian;
6096 (ii) immediately placing the child in an approved adoptive home;
6097 (iii) placing the child with a relative[~~, as defined in Section 80-3-102,~~] who obtained
6098 custody or asserted an interest in the child within the preference period described in Subsection
6099 80-3-302(8); or
6100 (iv) placing an Indian child in accordance with placement preferences and other
6101 requirements described in the Indian Child Welfare Act, 25 U.S.C. Sec. 1915.

6102 (2) (a) The division shall maintain and utilize due process procedures for removal of a
6103 foster child from a foster home, in accordance with the procedures and requirements of Title
6104 63G, Chapter 4, Administrative Procedures Act.
6105 (b) [~~Those~~] The procedures described in Subsection (2)(a) shall include requirements
6106 for:
6107 (i) personal communication with, and a written explanation of the reasons for the
6108 removal to, the foster parents [~~prior to~~] before removal of the child; and
6109 (ii) an opportunity for foster parents to:
6110 (A) present [~~their~~] the foster parents' information and concerns to the division [~~and to:~~];
6111 and
6112 [~~(A)~~] (B) request a review, to be held before removal of the child, by a third party
6113 neutral fact finder[~~; or (B)~~] or if the child [~~has been~~] is placed with the foster parents for a
6114 period of at least two years, request a review, to be held before removal of the child, by[~~: (I)~~]
6115 the juvenile court judge currently assigned to the child's case[~~; or (II)~~] or if the juvenile court
6116 judge currently assigned to the child's case is not available, another juvenile court judge.
6117 (c) If the division determines that there is a reasonable basis to believe that the child is
6118 in danger or that there is a substantial threat of danger to the health or welfare of the child, [~~it~~]
6119 the division shall place the child in emergency foster care during the pendency of the
6120 procedures described in this [~~subsection~~] Subsection (2), instead of making another foster care
6121 placement.
6122 (3) (a) If the division removes a child from a foster home based [~~upon~~] on the child's
6123 statement alone, the division shall initiate and expedite the processes described in Subsection
6124 (2).
6125 (b) The division may [~~take no~~] not take formal action with regard to [~~that~~] the foster
6126 parent's license until after [~~those~~] the processes described in Subsection (2), in addition to any
6127 other procedure or hearing required by law, [~~have been~~] are completed.
6128 (4) [~~When~~] If a complaint is made to the division by a foster child against a foster
6129 parent, the division shall, within 30 business days after the day on which the complaint is
6130 received, provide the foster parent with information regarding the specific nature of the
6131 complaint, the time and place of the alleged incident, and who was alleged to have been
6132 involved.

6133 (5) [~~Whenever~~] If the division places a child in a foster home, [~~it~~] the division shall
6134 provide the foster parents with:
6135 (a) notification of the requirements of this section;
6136 (b) a written description of the procedures enacted by the division [~~pursuant to~~] under
6137 Subsection (2) and how to access [~~those processes~~] the procedures; and
6138 (c) written notification of the foster parents' ability to petition the juvenile court
6139 directly for review of a decision to remove a foster child who [~~has been in their~~], subject to
6140 Section 80-3-502, has been in the foster parents' custody for 12 months or longer[~~, in~~
6141 ~~accordance with the limitations and requirements of Section 80-3-502~~].
6142 (6) [~~The requirements of this section do~~] This section does not apply to the removal of
6143 a child based on a foster parent's request for [~~that~~] the removal.
6144 (7) It is unlawful for a person, with the intent to avoid compliance with the
6145 requirements of this section, to:
6146 (a) take action, or encourage another to take action, against the license of a foster
6147 parent; or
6148 (b) remove a child from a foster home before the child [~~has been~~] is placed with the
6149 foster parents for two years.
6150 (8) The division may not remove a foster child from a foster parent who is a relative[~~,~~
6151 ~~as defined in Section 80-3-102,~~] of the child on the basis of the age or health of the foster
6152 parent without determining [~~by~~]:
6153 (a) by clear and convincing evidence that the foster parent is incapable of caring for the
6154 foster child, if the alternative foster parent would not be another relative of the child; or
6155 (b) by a preponderance of the evidence that the foster parent is incapable of caring for
6156 the foster child, if the alternative foster parent would be another relative of the child.
6157 Section 103. Section **80-3-102** is amended to read:
6158 **80-3-102. Definitions.**
6159 As used in this chapter:
6160 (1) "Abuse, neglect, or dependency petition" means a petition filed in accordance with
6161 this chapter to commence proceedings in a juvenile court alleging that a child is:
6162 (a) abused;
6163 (b) neglected; or

6164 (c) dependent.
6165 [~~(2) "Child protection team" means the same as that term is defined in Section~~
6166 ~~62A-4a-101~~.]
6167 [~~(3)~~] (2) "Custody" means the same as that term is defined in Section [~~62A-4a-101~~]
6168 80-2-102.
6169 [~~(4)~~] (3) "Division" means the Division of Child and Family Services created in
6170 Section [~~62A-4a-103~~] 80-2-201.
6171 [~~(5)~~] (4) "Friend" means an adult who:
6172 (a) has an established relationship with the child or a family member of the child; and
6173 (b) is not the natural parent of the child.
6174 [~~(6)~~] (5) "Immediate family member" means a spouse, child, parent, sibling,
6175 grandparent, or grandchild.
6176 [~~(7)~~] (6) "Relative" means an adult who:
6177 (a) is the child's grandparent, great grandparent, aunt, great aunt, uncle, great uncle,
6178 brother-in-law, sister-in-law, stepparent, first cousin, stepsibling, or sibling;
6179 (b) is a first cousin of the child's parent;
6180 (c) is an adoptive parent of the child's sibling; or
6181 (d) in the case of a child who is an Indian child, is an extended family member as
6182 defined in 25 U.S.C. Sec. 1903.
6183 [~~(8) "Shelter care" means the same as that term is defined in Section 62A-4a-101.~~]
6184 [~~(9)~~] (7) "Sibling" means the same as that term is defined in Section [~~62A-4a-101~~]
6185 80-2-102.
6186 [~~(10)~~] (8) "Sibling visitation" means the same as that term is defined in Section
6187 [~~62A-4a-101~~] 80-2-102.
6188 [~~(11) "Substitute care" means the same as that term is defined in Section 62A-4a-101.~~]
6189 [~~(12)~~] (9) "Temporary custody" means the same as that term is defined in Section
6190 [~~62A-4a-101~~] 80-2-102.
6191 Section 104. Section **80-3-104** is amended to read:
6192 **80-3-104. Individuals entitled to be present at proceedings -- Legal representation**
6193 **-- Attorney general responsibilities.**
6194 (1) (a) A minor who is the subject of a juvenile court hearing, any person entitled to

6195 notice under Section 80-3-201 or 80-3-301, preadoptive parents, foster parents, and any relative
6196 providing care for the minor, are:
6197 (i) entitled to notice of, and to be present at, each hearing and proceeding held under
6198 this chapter, including administrative reviews; and
6199 (ii) have a right to be heard at each hearing and proceeding described in Subsection
6200 (1)(a)(i).
6201 (b) A child's right to be present at a hearing under Subsection (1)(a) is subject to the
6202 discretion of the guardian ad litem[~~, as defined in Section 78A-2-801~~,] appointed under
6203 Subsection (3) or the juvenile court regarding any possible detriment to the child.
6204 (2) (a) The parent or guardian of a minor who is the subject of an abuse, neglect, or
6205 dependency petition has the right to be represented by counsel, and to present evidence, at each
6206 hearing.
6207 (b) If a parent or guardian is the subject of an abuse, neglect, or dependency petition,
6208 the juvenile court shall:
6209 (i) appoint an indigent defense service provider for a parent or guardian determined to
6210 be an indigent individual in accordance with Title 78B, Chapter 22, Part 2, Appointment of
6211 Counsel; and
6212 (ii) order indigent defense services for the parent or [~~legal~~] guardian who is determined
6213 to be an indigent individual in accordance with Title 78B, Chapter 22, Part 2, Appointment of
6214 Counsel.
6215 (3) (a) In an abuse, neglect, or dependency proceeding under this chapter, the juvenile
6216 court shall order that the child be represented by an attorney guardian ad litem, in accordance
6217 with Section 78A-2-803.
6218 (b) A guardian ad litem appointed under Subsection (3)(a) shall represent the best
6219 interest of the minor, in accordance with the requirements of Section 78A-2-803:
6220 (i) at the shelter hearing and at all subsequent court and administrative proceedings,
6221 including any proceeding for termination of parental rights in accordance with Chapter 4,
6222 Termination and Restoration of Parental Rights; and
6223 (ii) in other actions initiated under this chapter when appointed by the court under
6224 Section 78A-2-803 or as otherwise provided by law.
6225 (4) Subject to Section 67-5-17 and the attorney general's prosecutorial discretion in

6226 civil enforcement actions, the attorney general shall, in accordance with Section [~~62A-4a-113~~]
6227 80-2-303, enforce [~~all provisions of~~] this chapter [~~and Title 62A, Chapter 4a, Child and Family~~
6228 ~~Services~~], Chapter 2, Child Welfare Services, and Chapter 2a, Removal and Protective Custody
6229 of a Child, relating to protection or custody of an abused, neglected, or dependent minor and
6230 the termination of parental rights.
6231 (5) (a) The juvenile court shall admit any individual to a hearing under this chapter,
6232 including a hearing under Section 80-3-205, unless the juvenile court makes a finding upon the
6233 record that the individual's presence at the hearing would:
6234 (i) be detrimental to the best interest of a minor who is a party to the proceeding;
6235 (ii) impair the fact-finding process; or
6236 (iii) be otherwise contrary to the interests of justice.
6237 (b) The juvenile court may exclude an individual from a hearing under Subsection
6238 (5)(a) on the juvenile court's own motion or by motion of a party to the proceeding.
6239 Section 105. Section **80-3-109** is amended to read:
6240 **80-3-109. Physical or mental health examination during proceedings -- Division**
6241 **duties.**
6242 (1) In a proceeding under this chapter, the juvenile court:
6243 (a) may appoint any mental health therapist, as defined in Section 58-60-102, who the
6244 juvenile court finds to be qualified to:
6245 (i) evaluate the mental health of a minor or provide mental health services to the minor;
6246 or
6247 (ii) after notice and a hearing set for the specific purpose, evaluate the mental health of
6248 the minor's parent or guardian or provide mental health services to the parent or guardian if the
6249 juvenile court finds from the evidence presented at the hearing that the parent's or guardian's
6250 mental or emotional condition may be a factor in causing the abuse, neglect, or dependency of
6251 the minor; or
6252 (b) may appoint a physician, or a physician assistant, who the juvenile court finds to be
6253 qualified to:
6254 (i) physically examine the minor; or
6255 (ii) after notice and a hearing set for the specific purpose, physically examine the
6256 minor's parent or guardian if the juvenile court finds from the evidence presented at the hearing

6257 that the parent's or guardian's physical condition may be a factor in causing the abuse, neglect,
6258 or dependency of the minor.
6259 (2) The juvenile court may not refuse to appoint a mental health therapist under
6260 Subsection (1) for the reason that the therapist's recommendations in another case did not
6261 follow the recommendations of the division.
6262 (3) The division shall, with regard to a minor in the division's custody:
6263 (a) take reasonable measures to notify a minor's parent or guardian of any
6264 non-emergency health treatment or care scheduled for a minor;
6265 (b) include the minor's parent or guardian as fully as possible in making health care
6266 decisions for the minor;
6267 (c) defer to the minor's parent's or guardian's reasonable and informed decisions
6268 regarding the minor's health care to the extent that the minor's health and well-being are not
6269 unreasonably compromised by the parent's or guardian's decision; and
6270 (d) notify the minor's parent or guardian within five business days after the day on
6271 which the minor receives emergency health care or treatment.
6272 (4) An examination conducted in accordance with Subsection (1) is not a privileged
6273 communication under Utah Rules of Evidence, Rule 506(d)(3), and is exempt from the general
6274 rule of privilege.
6275 (5) Subsection (1) applies to a proceeding under this chapter involving:
6276 (a) parents and minors; or
6277 (b) the division.
6278 Section 106. Section **80-3-201** is amended to read:
6279 **80-3-201. Petition -- Who may file -- Timing -- Dismissal -- Notice.**
6280 (1) Subject to Subsection (2), any interested person may file an abuse, neglect, or
6281 dependency petition.
6282 (2) A person described in Subsection (1) shall make a referral with the division before
6283 the person files an abuse, neglect, or dependency petition.
6284 (3) If a child who is the subject of an abuse, neglect, or dependency petition is removed
6285 from the child's home by the division, the petition shall be filed on or before the day on which
6286 the initial shelter hearing described in Section 80-3-301 is held.
6287 (4) An abuse, neglect, or dependency petition shall include:

6288 (a) a concise statement of facts, separately stated, to support the conclusion that the
6289 child upon whose behalf the abuse, neglect, or dependency petition is brought is abused,
6290 neglected, or dependent; and
6291 (b) a statement regarding whether the child is in protective custody, and if so, the date
6292 and precise time the child was taken into protective custody.
6293 (5) (a) Upon the filing of an abuse, neglect, or dependency petition, the petitioner shall
6294 serve the petition and notice on:
6295 (i) the guardian ad litem;
6296 (ii) both parents and any guardian of the child; and
6297 (iii) the child's foster parents.
6298 (b) The notice described in Subsection (5) shall contain all of the following:
6299 (i) the name and address of the person to whom the notice is directed;
6300 (ii) the date, time, and place of the hearing on the petition;
6301 (iii) the name of the child on whose behalf the petition is brought;
6302 (iv) a statement that the parent or guardian to whom notice is given, and the child, are
6303 entitled to have an attorney present at the hearing on the petition, and that if the parent or
6304 guardian is indigent and cannot afford an attorney, and desires to be represented by an attorney,
6305 one will be provided; and
6306 (v) a statement that the parent or [~~legal~~] guardian is liable for the cost of support of the
6307 child in the protective custody, temporary custody, and custody of the division, and for legal
6308 counsel appointed for the parent or guardian under Subsection (5)(b)(iv), according to the
6309 parent's or guardian's financial ability.
6310 (6) The petitioner shall serve the abuse, neglect, or dependency petition and notice
6311 under this section on all individuals described in Subsection (5)(a) as soon as possible after the
6312 petition is filed and at least five days before the day on which the hearing is set.
6313 (7) The juvenile court may dismiss an abuse, neglect, or dependency petition at any
6314 stage of the proceedings.
6315 (8) If an abuse, neglect, or dependency petition includes an allegation of educational
6316 neglect, Sections 53G-6-210 and 53G-6-211 are applicable to the proceedings under this
6317 chapter.
6318 Section 107. Section **80-3-301** is amended to read:

6319 **80-3-301. Shelter hearing -- Court considerations.**
6320 (1) A juvenile court shall hold a shelter hearing to determine the temporary custody of
6321 a child within 72 hours, excluding weekends and holidays, after any one or all of the following
6322 occur:
6323 (a) removal of the child from the child's home by the division;
6324 (b) placement of the child in protective custody;
6325 (c) emergency placement under Subsection [~~62A-4a-202.1(7)~~] 80-2a-202(5)(c);
6326 (d) as an alternative to removal of the child, a parent enters a domestic violence shelter
6327 at the request of the division; or
6328 (e) a motion for expedited placement in temporary custody is filed under Section
6329 80-3-203.
6330 (2) If one of the circumstances described in Subsections (1)(a) through (e) occurs, the
6331 division shall issue a notice that contains all of the following:
6332 (a) the name and address of the individual to whom the notice is directed;
6333 (b) the date, time, and place of the shelter hearing;
6334 (c) the name of the child on whose behalf an abuse, neglect, or dependency petition is
6335 brought;
6336 (d) a concise statement regarding:
6337 (i) the reasons for removal or other action of the division under Subsection (1); and
6338 (ii) the allegations and code sections under which the proceeding is instituted;
6339 (e) a statement that the parent or guardian to whom notice is given, and the child, are
6340 entitled to have an attorney present at the shelter hearing, and that if the parent or guardian is
6341 an indigent individual and cannot afford an attorney, and desires to be represented by an
6342 attorney, one will be provided in accordance with Title 78B, Chapter 22, Indigent Defense Act;
6343 and
6344 (f) a statement that the parent or guardian is liable for the cost of support of the child in
6345 the protective custody, temporary custody, and custody of the division, and the cost for legal
6346 counsel appointed for the parent or guardian under Subsection (2)(e), according to the financial
6347 ability of the parent or guardian.
6348 (3) The notice described in Subsection (2) shall be personally served as soon as
6349 possible, but no later than one business day after the day on which the child is removed from

6350 the child's home, or the day on which a motion for expedited placement in temporary custody
6351 under Section 80-3-203 is filed, on:
6352 (a) the appropriate guardian ad litem; and
6353 (b) both parents and any guardian of the child, unless the parents or guardians cannot
6354 be located.
6355 (4) Notwithstanding Section 80-3-104, the following individuals shall be present at the
6356 shelter hearing:
6357 (a) the child, unless it would be detrimental for the child;
6358 (b) the child's parents or guardian, unless the parents or guardian cannot be located, or
6359 fail to appear in response to the notice;
6360 (c) counsel for the parents, if one is requested;
6361 (d) the child's guardian ad litem;
6362 (e) the child welfare [~~worker~~] caseworker from the division who is assigned to the
6363 case; and
6364 (f) the attorney from the attorney general's office who is representing the division.
6365 (5) (a) At the shelter hearing, the juvenile court shall:
6366 (i) provide an opportunity to provide relevant testimony to:
6367 (A) the child's parent or guardian, if present; and
6368 (B) any other individual with relevant knowledge;
6369 (ii) subject to Section 80-3-108, provide an opportunity for the child to testify; and
6370 (iii) in accordance with Subsections 80-3-302(8)(c) through (e), grant preferential
6371 consideration to a relative or friend for the temporary placement of the child.
6372 (b) The juvenile court:
6373 (i) may consider all relevant evidence, in accordance with the Utah Rules of Juvenile
6374 Procedure;
6375 (ii) shall hear relevant evidence presented by the child, the child's parent or guardian,
6376 the requesting party, or the requesting party's counsel; and
6377 (iii) may in the juvenile court's discretion limit testimony and evidence to only that
6378 which goes to the issues of removal and the child's need for continued protection.
6379 (6) If the child is in protective custody, the division shall report to the juvenile court:
6380 (a) the reason why the child was removed from the parent's or guardian's custody;

6381 (b) any services provided to the child and the child's family in an effort to prevent
6382 removal;
6383 (c) the need, if any, for continued shelter;
6384 (d) the available services that could facilitate the return of the child to the custody of
6385 the child's parent or guardian; and
6386 (e) subject to Subsections 80-3-302(8)(c) through (e), whether any relatives of the child
6387 or friends of the child's parents may be able and willing to accept temporary placement of the
6388 child.
6389 (7) The juvenile court shall consider all relevant evidence provided by an individual or
6390 entity authorized to present relevant evidence under this section.
6391 (8) (a) If necessary to protect the child, preserve the rights of a party, or for other good
6392 cause shown, the juvenile court may grant no more than one continuance, not to exceed five
6393 judicial days.
6394 (b) A juvenile court shall honor, as nearly as practicable, the request by a parent or
6395 guardian for a continuance under Subsection (8)(a).
6396 (c) Notwithstanding Subsection (8)(a), if the division fails to provide the notice
6397 described in Subsection (2) within the time described in Subsection (3), the juvenile court may
6398 grant the request of a parent or guardian for a continuance, not to exceed five judicial days.
6399 (9) (a) If the child is in protective custody, the juvenile court shall order that the child
6400 be returned to the custody of the parent or guardian unless the juvenile court finds, by a
6401 preponderance of the evidence, consistent with the protections and requirements provided in
6402 Subsection [~~62A-4a-201(1)~~] 80-2a-201(1), that any one of the following exists:
6403 (i) subject to Subsection (9)(b)(i), there is a serious danger to the physical health or
6404 safety of the child and the child's physical health or safety may not be protected without
6405 removing the child from the custody of the child's parent;
6406 (ii) (A) the child is suffering emotional damage that results in a serious impairment in
6407 the child's growth, development, behavior, or psychological functioning;
6408 (B) the parent or guardian is unwilling or unable to make reasonable changes that
6409 would sufficiently prevent future damage; and
6410 (C) there are no reasonable means available by which the child's emotional health may
6411 be protected without removing the child from the custody of the child's parent or guardian;

6412 (iii) there is a substantial risk that the child will suffer abuse or neglect if the child is
6413 not removed from the custody of the child's parent or guardian;
6414 (iv) subject to Subsection (9)(b)(ii), the child or a minor residing in the same
6415 household has been, or is considered to be at substantial risk of being, physically abused,
6416 sexually abused, or sexually exploited by:
6417 (A) a parent or guardian;
6418 (B) a member of the parent's household or the guardian's household; or
6419 (C) an individual known to the parent or guardian;
6420 (v) the parent or guardian is unwilling to have physical custody of the child;
6421 (vi) the parent or guardian is unable to have physical custody of the child;
6422 (vii) the child is without any provision for the child's support;
6423 (viii) a parent who is incarcerated or institutionalized has not or cannot arrange for safe
6424 and appropriate care for the child;
6425 (ix) (A) a relative or other adult custodian with whom the child is left by the parent or
6426 guardian is unwilling or unable to provide care or support for the child;
6427 (B) the whereabouts of the parent or guardian are unknown; and
6428 (C) reasonable efforts to locate the parent or guardian are unsuccessful;
6429 (x) subject to Subsection [~~80-1-102(51)(b)~~] 80-1-102(58)(b)(i) and Sections 80-3-109
6430 and 80-3-304, the child is in immediate need of medical care;
6431 (xi) (A) the physical environment or the fact that the child is left unattended beyond a
6432 reasonable period of time poses a threat to the child's health or safety; and
6433 (B) the parent or guardian is unwilling or unable to make reasonable changes that
6434 would remove the threat;
6435 (xii) (A) the child or a minor residing in the same household has been neglected; and
6436 (B) the parent or guardian is unwilling or unable to make reasonable changes that
6437 would prevent the neglect;
6438 (xiii) the parent, guardian, or an adult residing in the same household as the parent or
6439 guardian, is charged or arrested pursuant to Title 58, Chapter 37d, Clandestine Drug Lab Act,
6440 and any clandestine laboratory operation was located in the residence or on the property where
6441 the child resided;
6442 (xiv) (A) the child's welfare is substantially endangered; and

6443 (B) the parent or guardian is unwilling or unable to make reasonable changes that
6444 would remove the danger; or
6445 (xv) the child's natural parent:
6446 (A) intentionally, knowingly, or recklessly causes the death of another parent of the
6447 child;
6448 (B) is identified by a law enforcement agency as the primary suspect in an investigation
6449 for intentionally, knowingly, or recklessly causing the death of another parent of the child; or
6450 (C) is being prosecuted for or has been convicted of intentionally, knowingly, or
6451 recklessly causing the death of another parent of the child.
6452 (b) (i) Prima facie evidence of the finding described in Subsection (9)(a)(i) is
6453 established if:
6454 (A) a court previously adjudicated that the child suffered abuse, neglect, or dependency
6455 involving the parent; and
6456 (B) a subsequent incident of abuse, neglect, or dependency involving the parent occurs.
6457 (ii) For purposes of Subsection (9)(a)(iv), if the juvenile court finds that the parent
6458 knowingly allowed the child to be in the physical care of an individual after the parent received
6459 actual notice that the individual physically abused, sexually abused, or sexually exploited the
6460 child, that fact is prima facie evidence that there is a substantial risk that the child will be
6461 physically abused, sexually abused, or sexually exploited.
6462 (10) (a) (i) The juvenile court shall make a determination on the record as to whether
6463 reasonable efforts were made to prevent or eliminate the need for removal of the child from the
6464 child's home and whether there are available services that would prevent the need for continued
6465 removal.
6466 (ii) If the juvenile court finds that the child can be safely returned to the custody of the
6467 child's parent or guardian through the provision of the services described in Subsection
6468 (10)(a)(i), the juvenile court shall place the child with the child's parent or guardian and order
6469 that the services be provided by the division.
6470 (b) In accordance with federal law, the juvenile court shall consider the child's health,
6471 safety, and welfare as the paramount concern when making the determination described in
6472 Subsection (10)(a), and in ordering and providing the services described in Subsection (10)(a).
6473 (11) [~~Where~~] If the division's first contact with the family occurred during an

6474 emergency situation in which the child could not safely remain at home, the juvenile court shall
6475 make a finding that any lack of preplacement preventive efforts, as described in Section
6476 [~~62A-4a-203~~] 80-2a-302, was appropriate.
6477 (12) In cases where sexual abuse, sexual exploitation, abandonment, severe abuse, or
6478 severe neglect are involved, the juvenile court and the division do not have any duty to make
6479 reasonable efforts or to, in any other way, attempt to maintain a child in the child's home, return
6480 a child to the child's home, provide reunification services, or attempt to rehabilitate the
6481 offending parent or parents.
6482 (13) The juvenile court may not order continued removal of a child solely on the basis
6483 of educational neglect, truancy, or failure to comply with a court order to attend school.
6484 (14) (a) [~~Whenever~~] If a juvenile court orders continued removal of a child under this
6485 section, the juvenile court shall state the facts on which the decision is based.
6486 (b) If no continued removal is ordered and the child is returned home, the juvenile
6487 court shall state the facts on which the decision is based.
6488 (15) If the juvenile court finds that continued removal and temporary custody are
6489 necessary for the protection of a child under Subsection (9)(a), the juvenile court shall order
6490 continued removal regardless of:
6491 (a) any error in the initial removal of the child;
6492 (b) the failure of a party to comply with notice provisions; or
6493 (c) any other procedural requirement of this chapter [~~or Title 62A, Chapter 4a, Child~~
6494 ~~and Family Services~~], Chapter 2, Child Welfare Services, or Chapter 2a, Removal and
6495 Protective Custody of a Child.
6496 Section 108. Section **80-3-302** is amended to read:
6497 **80-3-302. Shelter hearing -- Placement of a child.**
6498 (1) As used in this section:
6499 (a) "Natural parent," notwithstanding Section 80-1-102, means:
6500 (i) a biological or adoptive mother of the child;
6501 (ii) an adoptive father of the child; or
6502 (iii) a biological father of the child who:
6503 (A) was married to the child's biological mother at the time the child was conceived or
6504 born; or

6505 (B) has strictly complied with Sections 78B-6-120 through 78B-6-122, before removal
6506 of the child or voluntary surrender of the child by the custodial parent.
6507 (b) "Natural parent" includes the individuals described in Subsection (1)(a) regardless
6508 of whether the child has been or will be placed with adoptive parents or whether adoption has
6509 been or will be considered as a long-term goal for the child.
6510 (2) (a) At the shelter hearing, [~~when~~] if the juvenile court orders that a child be
6511 removed from the custody of the child's parent in accordance with [~~the requirements of~~]
6512 Section 80-3-301, the juvenile court shall first determine whether there is another natural
6513 parent with whom the child was not residing at the time the events or conditions that brought
6514 the child within the juvenile court's jurisdiction occurred, who desires to assume custody of the
6515 child.
6516 (b) Subject to Subsection (8), if another natural parent requests custody under
6517 Subsection (2)(a), the juvenile court shall place the child with that parent unless the juvenile
6518 court finds that the placement would be unsafe or otherwise detrimental to the child.
6519 (c) The juvenile court:
6520 (i) shall make a specific finding regarding the fitness of the parent described in
6521 Subsection (2)(b) to assume custody, and the safety and appropriateness of the placement;
6522 (ii) shall, at a minimum, order the division to visit the parent's home, comply with the
6523 criminal background check provisions described in Section 80-3-305, and check the [~~division's~~
6524 ~~management information system~~] Management Information System for any previous reports of
6525 abuse or neglect received by the division regarding the parent at issue;
6526 (iii) may order the division to conduct any further investigation regarding the safety
6527 and appropriateness of the placement; and
6528 (iv) may place the child in the temporary custody of the division, pending the juvenile
6529 court's determination regarding the placement.
6530 (d) The division shall report the division's findings from an investigation under
6531 Subsection (2)(c), regarding the child in writing to the juvenile court.
6532 (3) If the juvenile court orders placement with a parent under Subsection (2):
6533 (a) the child and the parent are under the continuing jurisdiction of the juvenile court;
6534 (b) the juvenile court may order:
6535 (i) that the parent take custody subject to the supervision of the juvenile court; and

6536 (ii) that services be provided to the parent from whose custody the child was removed,
6537 the parent who has assumed custody, or both; and
6538 (c) the juvenile court shall order reasonable parent-time with the parent from whose
6539 custody the child was removed, unless parent-time is not in the best interest of the child.
6540 (4) The juvenile court shall periodically review an order described in Subsection (3) to
6541 determine whether:
6542 (a) placement with the parent continues to be in the child's best interest;
6543 (b) the child should be returned to the original custodial parent;
6544 (c) the child should be placed with a relative under Subsections (7) through (10); or
6545 (d) the child should be placed in the temporary custody of the division.
6546 (5) The time limitations described in Section 80-3-406 with regard to reunification
6547 efforts apply to [~~children~~] a child placed with a previously noncustodial parent under
6548 Subsection (2).
6549 (6) (a) Legal custody of the child is not affected by an order entered under Subsection
6550 (2) or (3).
6551 (b) To affect a previous court order regarding legal custody, the party shall petition the
6552 court for modification of legal custody.
6553 (7) Subject to Subsection (8), if, at the time of the shelter hearing, a child is removed
6554 from the custody of the child's parent and is not placed in the custody of the child's other
6555 parent, the juvenile court:
6556 (a) shall, at that time, determine whether there is a relative or a friend who is able and
6557 willing to care for the child, which may include asking a child, who is of sufficient maturity to
6558 articulate the child's wishes in relation to a placement, if there is a relative or friend with whom
6559 the child would prefer to reside;
6560 (b) may order the division to conduct a reasonable search to determine whether there
6561 are relatives or friends who are willing and appropriate, in accordance with the requirements of
6562 this chapter [~~and Title 62A, Chapter 4a, Part 2, Child Welfare Services~~], Chapter 2, Child
6563 Welfare Services, and Chapter 2a, Removal and Protective Custody of a Child, for placement
6564 of the child;
6565 (c) shall order the parents to cooperate with the division, within five working days, to
6566 provide information regarding relatives or friends who may be able and willing to care for the

6567 child; and
6568 (d) may order that the child be placed in the temporary custody of the division pending
6569 the determination under Subsection (7)(a).
6570 (8) (a) Subject to Subsections (8)(b) through (d), preferential consideration shall be
6571 given to a relative's or a friend's request for placement of the child, if the placement is in the
6572 best interest of the child, and the provisions of this section are satisfied.
6573 (b) (i) The preferential consideration that a relative or friend is initially granted under
6574 Subsection (8)(a) expires 120 days after the day on which the shelter hearing occurs.
6575 (ii) After the day on which the time period described in Subsection (8)(b)(i) expires, a
6576 relative or friend, who has not obtained custody or asserted an interest in a child, may not be
6577 granted preferential consideration by the division or the juvenile court.
6578 (c) (i) The preferential consideration that a natural parent is initially granted under
6579 Subsection (2) is limited after 120 days after the day on which the shelter hearing occurs.
6580 (ii) After the time period described in Subsection (8)(c)(i), the juvenile court shall base
6581 the juvenile court's custody decision on the best interest of the child.
6582 [~~(iii)~~] (d) Before the day on which the time period described in Subsection (8)(c)(i)
6583 expires, the following order of preference shall be applied when determining the individual
6584 with whom a child will be placed, provided that the individual is willing and able to care for
6585 the child:
6586 [~~(A)~~] (i) a noncustodial parent of the child;
6587 [~~(B)~~] (ii) a relative of the child;
6588 [~~(C)~~] (iii) subject to Subsection (8)[~~(d)~~](e), a friend if the friend is a licensed foster
6589 parent; and
6590 [~~(D)~~] (iv) other placements that are consistent with the requirements of law.
6591 [~~(d)~~] (e) In determining whether a friend is a willing, able, and appropriate placement
6592 for a child, the juvenile court or the division:
6593 (i) subject to Subsections [~~(8)(d)(ii) through (iv)~~] (8)(e)(ii) through (iv), shall consider
6594 the child's preferences or level of comfort with the friend;
6595 (ii) is required to consider no more than one friend designated by each parent of the
6596 child and one friend designated by the child if the child is of sufficient maturity to articulate the
6597 child's wishes in relation to a placement;

6598 (iii) may limit the number of designated friends to two, one of whom shall be a friend
6599 designated by the child if the child is of sufficient maturity to articulate the child's wishes in
6600 relation to a placement; and
6601 (iv) shall give preference to a friend designated by the child if:
6602 (A) the child is of sufficient maturity to articulate the child's wishes; and
6603 (B) the basis for removing the child under Section 80-3-301 is sexual abuse of the
6604 child.
6605 [~~(e)~~] (f) (i) If a parent of the child or the child, if the child is of sufficient maturity to
6606 articulate the child's wishes in relation to a placement, is not able to designate a friend who is a
6607 licensed foster parent for placement of the child, but is able to identify a friend who is willing
6608 to become licensed as a foster parent, the department shall fully cooperate to expedite the
6609 licensing process for the friend.
6610 (ii) If the friend described in Subsection [~~(8)(e)(i)~~] (8)(f)(i) becomes licensed as a foster
6611 parent within the time frame described in Subsection (8)(b), the juvenile court shall determine
6612 whether it is in the best interest of the child to place the child with the friend.
6613 (9) (a) If a relative or friend who is willing to cooperate with the child's permanency
6614 goal is identified under Subsection (7)(a), the juvenile court shall make a specific finding
6615 regarding:
6616 (i) the fitness of that relative or friend as a placement for the child; and
6617 (ii) the safety and appropriateness of placement with the relative or friend.
6618 (b) In making the finding described in Subsection (9)(a), the juvenile court shall, at a
6619 minimum, order the division to:
6620 (i) if the child may be placed with a relative, conduct a background check that includes:
6621 (A) completion of a nonfingerprint-based, Utah Bureau of Criminal Identification
6622 background check of the relative;
6623 (B) a completed search, relating to the relative, of the Management Information System
6624 [~~described in Section 62A-4a-1003~~]; and
6625 (C) a background check that complies with the criminal background check provisions
6626 described in Section 80-3-305, of each nonrelative[~~, as defined in Section 62A-4a-209~~,] of the
6627 child who resides in the household where the child may be placed;
6628 (ii) if the child will be placed with a noncustodial parent, complete a background check

6629 that includes:
6630 (A) the background check requirements applicable to an emergency placement with a
6631 noncustodial parent that are described in Subsections [~~62A-4a-209(5) and (7)~~] 80-2a-301(4)
6632 and (6);
6633 (B) a completed search, relating to the noncustodial parent of the child, of the
6634 Management Information System [~~described in Section 62A-4a-1003~~]; and
6635 (C) a background check that complies with the criminal background check provisions
6636 described in Section 80-3-305, of each nonrelative[~~, as defined in Section 62A-4a-209,~~] of the
6637 child who resides in the household where the child may be placed;
6638 (iii) if the child may be placed with an individual other than a noncustodial parent or a
6639 relative, conduct a criminal background check of the individual, and each adult that resides in
6640 the household where the child may be placed, that complies with the criminal background
6641 check provisions described in Section 80-3-305;
6642 (iv) visit the relative's or friend's home;
6643 (v) check the [~~division's management information system~~] Management Information
6644 System for any previous reports of abuse or neglect regarding the relative or friend at issue;
6645 (vi) report the division's findings in writing to the juvenile court; and
6646 (vii) provide sufficient information so that the juvenile court may determine whether:
6647 (A) the relative or friend has any history of abusive or neglectful behavior toward other
6648 children that may indicate or present a danger to this child;
6649 (B) the child is comfortable with the relative or friend;
6650 (C) the relative or friend recognizes the parent's history of abuse and is committed to
6651 protect the child;
6652 (D) the relative or friend is strong enough to resist inappropriate requests by the parent
6653 for access to the child, in accordance with court orders;
6654 (E) the relative or friend is committed to caring for the child as long as necessary; and
6655 (F) the relative or friend can provide a secure and stable environment for the child.
6656 (c) The division may determine to conduct, or the juvenile court may order the division
6657 to conduct, any further investigation regarding the safety and appropriateness of the placement
6658 described in Subsection (9)(a).
6659 (d) The division shall complete and file the division's assessment regarding placement

6660 with a relative or friend under Subsections (9)(a) and (b) as soon as practicable, in an effort to
6661 facilitate placement of the child with a relative or friend.
6662 (10) (a) The juvenile court may place a child described in Subsection (2)(a) in the
6663 temporary custody of the division, pending the division's investigation under Subsection (9),
6664 and the juvenile court's determination regarding the appropriateness of the placement.
6665 (b) The juvenile court shall ultimately base the juvenile court's determination regarding
6666 the appropriateness of a placement with a relative or friend on the best interest of the child.
6667 (11) [~~When~~] If a juvenile court places a child described in Subsection (7) with the
6668 child's relative or friend:
6669 (a) the juvenile court:
6670 (i) shall order the relative or friend take custody, subject to the continuing supervision
6671 of the juvenile court; and
6672 (ii) may order the division provide necessary services to the child and the child's
6673 relative or friend, including the monitoring of the child's safety and well-being;
6674 (b) the child and the relative or friend in whose custody the child is placed are under
6675 the continuing jurisdiction of the juvenile court;
6676 (c) the juvenile court may enter any order that the juvenile court considers necessary
6677 for the protection and best interest of the child;
6678 (d) the juvenile court shall provide for reasonable parent-time with the parent or
6679 parents from whose custody the child was removed, unless parent-time is not in the best
6680 interest of the child; and
6681 (e) the juvenile court shall conduct a periodic review no less often than every six
6682 months, to determine whether:
6683 (i) placement with the relative or friend continues to be in the child's best interest;
6684 (ii) the child should be returned home; or
6685 (iii) the child should be placed in the custody of the division.
6686 (12) No later than 12 months after the day on which the child [~~was~~] is removed from
6687 the home, the juvenile court shall schedule a hearing for the purpose of entering a permanent
6688 order in accordance with the best interest of the child.
6689 (13) The time limitations described in Section 80-3-406, with regard to reunification
6690 efforts, apply to [~~children~~] a child placed with a relative or friend under Subsection (7).

6691 (14) (a) If the juvenile court awards temporary custody of a child to the division, and
6692 the division places the child with a relative, the division shall:
6693 (i) conduct a criminal background check of the relative that complies with the criminal
6694 background check provisions described in Section 80-3-305; and
6695 (ii) if the results of the criminal background check described in Subsection (14)(a)(i)
6696 would prohibit the relative from having direct access to the child under Section 62A-2-120, the
6697 division shall:
6698 (A) take the child into physical custody; and
6699 (B) within three days, excluding weekends and holidays, after the day on which the
6700 child is taken into physical custody under Subsection (14)(a)(ii)(A), give written notice to the
6701 juvenile court, and all parties to the proceedings, of the division's action.
6702 (b) Subsection (14)(a) does not prohibit the division from placing a child with a
6703 relative, pending the results of the background check described in Subsection (14)(a) on the
6704 relative.
6705 (15) If the juvenile court orders that a child be removed from the custody of the child's
6706 parent and does not award custody and guardianship to another parent, relative, or friend under
6707 this section, the juvenile court shall order that the child be placed in the temporary custody of
6708 the division, to proceed to adjudication and disposition and to be provided with care and
6709 services in accordance with this chapter [~~and Title 62A, Chapter 4a, Child and Family~~
6710 ~~Services~~], Chapter 2, Child Welfare Services, and Chapter 2a, Removal and Protective Custody
6711 of a Child.
6712 (16) (a) If a child reenters the temporary custody or the custody of the division and is
6713 placed in foster care, the division shall:
6714 (i) notify the child's former foster parents; and
6715 (ii) upon a determination of the former foster parents' willingness and ability to safely
6716 and appropriately care for the child, give the former foster parents preference for placement of
6717 the child.
6718 [~~(16)~~] (b) If, following the shelter hearing, the child is placed with an individual who is
6719 not a parent, a relative, a friend, or a former foster parent of the child, priority shall be given to
6720 a foster placement with a married couple, unless it is in the best interests of the child to place
6721 the child with a single foster parent.

6722 (17) In determining the placement of a child, the juvenile court and the division may
6723 not take into account, or discriminate against, the religion of an individual with whom the child
6724 may be placed, unless the purpose of taking religion into account is to place the child with an
6725 individual or family of the same religion as the child.
6726 (18) If the juvenile court's decision differs from a child's express wishes if the child is
6727 of sufficient maturity to articulate the wishes in relation to the child's placement, the juvenile
6728 court shall make findings explaining why the juvenile court's decision differs from the child's
6729 wishes.
6730 (19) This section does not guarantee that an identified relative or friend will receive
6731 custody of the child.
6732 Section 109. Section **80-3-305** is amended to read:
6733 **80-3-305. Criminal background checks necessary before out-of-home placement**
6734 **of a child.**
6735 (1) Subject to Subsection (3), upon ordering removal of a child from the custody of the
6736 child's parent and placing that child in the temporary custody or custody of the division before
6737 the division places a child in out-of-home care, the juvenile court shall require the completion
6738 of a nonfingerprint-based background check by the Utah Bureau of Criminal Identification
6739 regarding the proposed placement.
6740 (2) (a) Except as provided in Subsection (4), the division [~~and~~] or the Office of
6741 Guardian ad Litem may request, or the juvenile court upon the juvenile court's own motion,
6742 may order, the Department of Public Safety to conduct a complete Federal Bureau of
6743 Investigation criminal background check through the national criminal history system (NCIC).
6744 (b) (i) Except as provided in Subsection (4), upon request by the division or the Office
6745 of Guardian ad Litem, or upon the juvenile court's order, an individual subject to the
6746 requirements of Subsection (1) shall submit fingerprints and shall be subject to an FBI
6747 fingerprint background check.
6748 (ii) The child may be temporarily placed, pending the outcome of the background
6749 check described in Subsection (2)(b)(i).
6750 (c) (i) Except as provided in Subsection (2)(c)(ii), the cost of the investigations
6751 described in Subsection (2)(a) shall be borne by whoever is to receive placement of the child.
6752 (ii) The division may pay all or part of the cost of the investigations described in

6753 Subsection (2)(a).
6754 (3) Except as provided in Subsection (5), a child who is in the [~~legal~~] protective
6755 custody, temporary custody, or custody of the division may not be placed with a prospective
6756 foster parent or a prospective adoptive parent, unless, before the child is placed with the
6757 prospective foster parent or the prospective adoptive parent:
6758 (a) a fingerprint based FBI national criminal history records check is conducted on the
6759 prospective foster parent or prospective adoptive parent and any other adult residing in the
6760 household;
6761 (b) the department conducts a check of the abuse and neglect registry in each state
6762 where the prospective foster parent or prospective adoptive parent resided in the five years
6763 immediately before the day on which the prospective foster parent or prospective adoptive
6764 parent applied to be a foster parent or adoptive parent, to determine whether the prospective
6765 foster parent or prospective adoptive parent is listed in the registry as having a substantiated or
6766 supported finding of a severe type of abuse or neglect [~~as defined in Section 62A-4a-1002~~];
6767 (c) the department conducts a check of the abuse and neglect registry of each state
6768 where each adult living in the home of the prospective foster parent or prospective adoptive
6769 parent described in Subsection (3)(b) resided in the five years immediately before the day on
6770 which the prospective foster parent or prospective adoptive parent applied to be a foster parent
6771 or adoptive parent, to determine whether the adult is listed in the registry as having a
6772 substantiated or supported finding of a severe type of abuse or neglect [~~as defined in Section~~
6773 ~~62A-4a-1002~~]; and
6774 (d) each individual required to undergo a background check described in this
6775 Subsection (3) passes the background check, in accordance with the provisions of Section
6776 62A-2-120.
6777 (4) Subsections (2)(a) and (b) do not apply to a child who is placed with a noncustodial
6778 parent or relative under Section [~~62A-4a-209~~] 80-2a-301, 80-3-302, or 80-3-303, unless the
6779 juvenile court finds that compliance with Subsection (2)(a) or (b) is necessary to ensure the
6780 safety of the child.
6781 (5) The requirements under Subsection (3) do not apply to the extent that:
6782 (a) federal law or rule permits otherwise; or
6783 (b) the requirements would prohibit the division or a juvenile court from placing a

6784 child with:
6785 (i) a noncustodial parent, under Section [~~62A-4a-209~~] 80-2a-301, 80-3-302, or
6786 80-3-303; or
6787 (ii) a relative, under Section [~~62A-4a-209~~] 80-2a-301, 80-3-302, or 80-3-303, pending
6788 completion of the background check described in Subsection (3).
6789 Section 110. Section **80-3-307**, which is renumbered from Section 62A-4a-205 is
6790 renumbered and amended to read:
6791 **[~~62A-4a-205~~]. 80-3-307. Child and family plan developed by division --**
6792 **Parent-time and relative visitation.**
6793 (1) [~~No~~] The division shall develop and finalize a child's child and family plan no more
6794 than 45 days after [~~a~~] the day on which the child enters the temporary custody of the division[~~;~~
6795 ~~the child's child and family plan shall be finalized~~].
6796 (2) (a) The division may use an interdisciplinary team approach in developing [~~each~~] a
6797 child and family plan.
6798 (b) The interdisciplinary team described in Subsection (2)(a) may include
6799 representatives from the following fields:
6800 (i) mental health;
6801 (ii) education; [~~and~~] or
6802 (iii) if appropriate, law enforcement.
6803 (3) (a) The division shall involve all of the following in the development of a child's
6804 child and family plan:
6805 (i) both of the child's natural parents, unless the whereabouts of a parent are unknown;
6806 (ii) the child;
6807 (iii) the child's foster parents; and
6808 (iv) if appropriate, the child's stepparent.
6809 (b) Subsection (3)(a) does not prohibit any other party not listed in Subsection (3)(a) or
6810 a party's counsel from being involved in the development of a child's child and family plan if
6811 the party or counsel's participation is otherwise permitted by law.
6812 (c) In relation to all information considered by the division in developing a child and
6813 family plan, the division shall give additional weight and attention [~~shall be given~~] to the input
6814 of the child's natural and foster parents upon [~~their~~] the involvement [~~pursuant to~~] of the child's

6815 natural and foster parents under Subsections (3)(a)(i) and (iii).
6816 (d) (i) The division shall make a substantial effort to develop a child and family plan
6817 with which the child's parents agree.
6818 (ii) If a parent does not agree with a child and family plan:
6819 (A) the division shall strive to resolve the disagreement between the division and the
6820 parent; and
6821 (B) if the disagreement is not resolved, the division shall inform the court of the
6822 disagreement.
6823 (4) A copy of the child and family plan shall, immediately upon completion, or as soon
6824 as reasonably possible thereafter, be provided to [~~the~~]:
6825 (a) the guardian ad litem;
6826 (b) the child's natural parents; and
6827 (c) the child's foster parents.
6828 (5) [~~Each~~] A child and family plan shall:
6829 (a) specifically provide for the safety of the child, in accordance with federal law; [~~and~~]
6830 (b) clearly define what actions or precautions will, or may be, necessary to provide for
6831 the health, safety, protection, and welfare of the child[~~.~~];
6832 (c) be specific to each child and the child's family, rather than general;
6833 (d) include individualized expectations and contain specific time frames;
6834 (e) except as provided in Subsection (6), address problems that:
6835 (i) keep a child in the child's placement; and
6836 (ii) keep a child from achieving permanence in the child's life;
6837 (f) be designed to:
6838 (i) minimize disruption to the normal activities of the child's family, including
6839 employment and school; and
6840 (ii) as much as practicable, help the child's parent maintain or obtain employment; and
6841 [~~(6)~~] (g) [~~The child and family plan shall~~] set forth, with specificity, at least the
6842 following:
6843 [~~(a)~~] (i) the reason the child entered into [~~the custody of the division~~] protective
6844 custody or the division's temporary custody or custody;
6845 [~~(b)~~] (ii) documentation of [~~the~~]:

6846 [~~(i)~~] (A) the reasonable efforts made to prevent placement of the child in [~~the custody~~
6847 ~~of the division~~] protective custody or the division's temporary custody or custody; or
6848 [~~(ii)~~] (B) the emergency situation that existed and that prevented the reasonable efforts
6849 described in Subsection [~~(6)(b)(i)~~] (5)(g)(ii)(A), from being made;
6850 [~~(c)~~] (iii) the primary permanency plan for the child, as described in Section 80-3-406,
6851 and the reason for selection of [~~that~~] the plan;
6852 [~~(d)~~] (iv) the concurrent permanency plan for the child, as described in Section
6853 80-3-406, and the reason for the selection of [~~that~~] the plan;
6854 [~~(e)~~] (v) if the plan is for the child to return to the child's family:
6855 [~~(i)~~] (A) specifically what the parents must do in order to enable the child to be
6856 returned home;
6857 [~~(ii)~~] (B) specifically how the requirements described in Subsection [~~(6)(e)(i)~~]
6858 (5)(g)(v)(A) may be accomplished; and
6859 [~~(iii)~~] (C) how the requirements described in Subsection [~~(6)(e)(i)~~] (5)(g)(v)(A) will be
6860 measured;
6861 [~~(f)~~] (vi) the specific services needed to reduce the problems that necessitated placing
6862 the child in [~~the division's custody~~] protective custody or the division's temporary custody or
6863 custody;
6864 [~~(g)~~] (vii) the name of the [~~person~~] individual who will provide for and be responsible
6865 for case management for the division;
6866 [~~(h)~~] (viii) subject to Subsection (10), a parent-time schedule between the natural
6867 parent and the child;
6868 [~~(i)~~] (ix) subject to Subsection (7), the health and mental health care to be provided to
6869 address any known or diagnosed mental health needs of the child;
6870 [~~(j)~~] (x) if residential treatment rather than a foster home is the proposed placement, a
6871 requirement for a specialized assessment of the child's health needs including an assessment of
6872 mental illness and behavior and conduct disorders;
6873 [~~(k)~~] (xi) social summaries that include case history information pertinent to case
6874 planning; and
6875 [~~(l)~~] (xii) subject to Subsection (12), a sibling visitation schedule.
6876 (6) For purposes of Subsection (5)(e), a child and family plan may only include

6877 requirements that:
6878 (a) address findings made by the court; or
6879 (b) (i) are requested or consented to by a parent or guardian of the child; and
6880 (ii) are agreed to by the division and the guardian ad litem.
6881 (7) (a) Subject to Subsection (7)(b), in addition to the information required under
6882 Subsection [~~(6)(i), the~~] (5)(g)(ix), a child and family plan shall include a specialized
6883 assessment of the medical and mental health needs of a child, if the child:
6884 (i) is placed in residential treatment; and
6885 (ii) has medical or mental health issues that need to be addressed.
6886 (b) Notwithstanding Subsection (7)(a), a parent shall retain the right to seek a separate
6887 medical or mental health diagnosis of the parent's child from a licensed practitioner of the
6888 parent's choice.
6889 [~~(8) (a) Each child and family plan shall be specific to each child and the child's family,~~
6890 ~~rather than general.~~]
6891 [~~(b)~~] (8) (a) The division shall train [~~its workers~~] the division's employees to develop
6892 child and family plans that comply with:
6893 (i) federal mandates; and
6894 (ii) the specific needs of the particular child and the child's family.
6895 [~~(c) All child and family plans and expectations shall be individualized and contain~~
6896 ~~specific time frames.~~]
6897 [~~(d) Subject to Subsection (8)(h), child and family plans shall address problems that:~~]
6898 [~~(i) keep a child in placement; and~~]
6899 [~~(ii) keep a child from achieving permanence in the child's life.~~]
6900 [~~(e) Each child and family plan shall be designed to minimize disruption to the normal~~
6901 ~~activities of the child's family, including employment and school.~~]
6902 [~~(f) In particular, the time, place, and amount of services, hearings, and other~~
6903 ~~requirements ordered by the court in the child and family plan shall be designed, as much as~~
6904 ~~practicable, to help the child's parents maintain or obtain employment.~~]
6905 [~~(g)~~] (b) The child's natural parents, foster parents, and [~~where~~] if appropriate,
6906 stepparents, shall be kept informed of and supported to participate in important meetings and
6907 procedures related to the child's placement.

6908 [~~(h) For purposes of Subsection (8)(d), a child and family plan may only include~~
6909 ~~requirements that:~~]
6910 [~~(i) address findings made by the court; or~~]
6911 [~~(ii) (A) are requested or consented to by a parent or guardian of the child; and~~]
6912 [~~(B) are agreed to by the division and the guardian ad litem.~~]
6913 (9) (a) Except as provided in Subsection (9)(b), with regard to a child who is three
6914 years old or younger, if the child and family plan is not to return the child home, the primary
6915 permanency plan described in Section 80-3-406 for [~~that~~] the child shall be adoption.
6916 (b) Notwithstanding Subsection (9)(a), if the division documents to the court that there
6917 is a compelling reason that adoption, reunification, guardianship, and a placement described in
6918 Subsection 80-3-301(6)(e) are not in the child's best interest, the court may order another
6919 planned permanent living arrangement in accordance with federal law.
6920 (10) (a) Except as provided in Subsection (10)(b), parent-time may only be denied by a
6921 court order issued in accordance with Subsection 80-3-406(9).
6922 (b) Notwithstanding Subsection (10)(a), the person designated by the division or a
6923 court to supervise a parent-time session may deny parent-time for [~~that~~] the session if the
6924 supervising person determines that, based on the parent's condition, it is necessary to deny
6925 parent-time [~~in order~~] to:
6926 (i) protect the physical safety of the child;
6927 (ii) protect the life of the child; or
6928 (iii) consistent with Subsection (10)(c), prevent the child from being traumatized by
6929 contact with the parent.
6930 (c) In determining whether the condition of the parent described in Subsection (10)(b)
6931 will traumatize a child, the person supervising the parent-time session shall consider the impact
6932 that the parent's condition will have on the child in light of:
6933 (i) the child's fear of the parent; and
6934 (ii) the nature of the alleged abuse or neglect.
6935 (11) [~~The~~] If a child is in the division's temporary custody or custody, the division shall
6936 consider visitation with [~~their grandparents for children in state custody~~] the child's grandparent
6937 if:
6938 (a) the division determines the visitation to be in the best interest of the child [~~and:~~];

6939 [~~(a)~~] (b) there are no safety concerns regarding the behavior or criminal background of
6940 the [~~grandparents~~] grandparent;
6941 [~~(b)~~] (c) allowing the grandparent visitation would not compete with or undermine the
6942 child's reunification plan;
6943 [~~(c)~~] (d) there is a substantial relationship between the [~~grandparents and children~~]
6944 grandparent and child; and
6945 [~~(d)~~] (e) the grandparent visitation will not unduly burden the foster parents.
6946 (12) (a) The [~~child and family plan~~] division shall incorporate into the child and family
6947 plan reasonable efforts to[~~: (a)~~] provide sibling visitation [~~when~~] if:
6948 (i) siblings are separated due to foster care or adoptive placement;
6949 (ii) the sibling visitation is in the best interest of the child for whom the child and
6950 family plan is developed; and
6951 (iii) the division has consent for sibling visitation from the [~~legal~~] guardian of the
6952 sibling[~~; and~~].
6953 (b) The division shall obtain consent for sibling visitation from the sibling's [~~legal~~]
6954 guardian [~~when~~] if the criteria of Subsections (12)(a)(i) and (ii) are met.
6955 Section 111. Section **80-3-404** is amended to read:
6956 **80-3-404. Finding of severe child abuse or neglect -- Order delivered to division --**
6957 **Court records.**
6958 (1) [~~Upon the filing with the juvenile court of~~] If an abuse, neglect, or dependency
6959 petition is filed with the juvenile court that informs the juvenile court that the division has
6960 made a supported finding that an individual committed a severe type of child abuse or neglect
6961 [~~as defined in Section 62A-4a-1002~~], the juvenile court shall:
6962 (a) make a finding of substantiated, unsubstantiated, or without merit;
6963 (b) include the finding described in Subsection (1)(a) in a written order; and
6964 (c) deliver a certified copy of the order described in Subsection (1)(b) to the division.
6965 (2) The juvenile court shall make the finding described in Subsection (1):
6966 (a) as part of the adjudication hearing;
6967 (b) at the conclusion of the adjudication hearing; or
6968 (c) as part of a court order entered [~~pursuant to~~] under a written stipulation of the
6969 parties.

6970 [~~(3) (a) An individual described in Subsection 62A-4a-1010(1) may at any time file~~
6971 ~~with the juvenile court a petition for removal of the individual's name from the Licensing~~
6972 ~~Information System.~~]
6973 [~~(b) At the conclusion of the hearing on the petition described in Subsection (3), the~~
6974 ~~juvenile court shall:~~]
6975 [~~(i) make a finding of substantiated, unsubstantiated, or without merit;~~]
6976 [~~(ii) include the finding described in Subsection (1)(a) in a written order; and~~]
6977 [~~(iii) deliver a certified copy of the order described in Subsection (1)(b) to the~~
6978 ~~division.~~]
6979 [~~(4)~~] (3) [~~A~~] In accordance with Section 80-2-707, a proceeding for adjudication of a
6980 supported finding [~~under this section~~] of a type of abuse or neglect that does not constitute a
6981 severe type of child abuse or neglect may be joined in the juvenile court with an adjudication of
6982 a severe type of child abuse or neglect.
6983 (4) (a) The juvenile court shall make records of the juvenile court's findings under
6984 Subsection (1) available only to an individual with statutory authority to access the Licensing
6985 Information System for the purposes of licensing under Sections 26-39-402, 62A-1-118, and
6986 62A-2-120, or for the purposes described in Sections 26-8a-310, 62A-2-121, or Title 26,
6987 Chapter 21, Part 2, Clearance for Direct Patient Access.
6988 (b) An appellate court shall make records of an appeal from the juvenile court's
6989 decision under Subsection (1) available only to an individual with statutory authority to access
6990 the Licensing Information System for the purposes described in Subsection (4)(a).
6991 [~~(5) If an individual whose name appears on the Licensing Information System before~~
6992 ~~May 6, 2002, files a petition under Subsection (3) during the time that an alleged perpetrator's~~
6993 ~~application for clearance to work with children or vulnerable adults is pending, the juvenile~~
6994 ~~court shall hear the matter and enter a final decision no later than 60 days after the day on~~
6995 ~~which the petition is filed.~~]
6996 [~~(6) For the purposes of licensing under Sections 26-39-402, 62A-1-118, and~~
6997 ~~62A-2-120, and for the purposes described in Sections 26-8a-310 and 62A-2-121 and Title 26,~~
6998 ~~Chapter 21, Part 2, Clearance for Direct Patient Access:~~]
6999 [~~(a) the juvenile court shall make available records of the juvenile court's findings~~
7000 ~~under Subsections (1) and (2):~~]

7001 [~~(i) for those purposes; and~~]
7002 [~~(ii) only to a person with statutory authority to access the Licensing Information~~
7003 ~~System created under Section 62A-4a-1006; and~~]
7004 [~~(b) any appellate court shall make available court records of appeals from juvenile~~
7005 ~~court decisions under Subsections (1), (2), (3), and (4):~~]
7006 [~~(i) for those purposes; and~~]
7007 [~~(ii) only to a person with statutory authority to also access the Licensing Information~~
7008 ~~System.~~]
7009 Section 112. Section **80-3-406** is amended to read:
7010 **80-3-406. Permanency plan -- Reunification services.**
7011 (1) If the juvenile court orders continued removal at the dispositional hearing under
7012 Section 80-3-402, and that the minor remain in the custody of the division, the juvenile court
7013 shall first:
7014 (a) establish a primary permanency plan and a concurrent permanency plan for the
7015 minor in accordance with this section; and
7016 (b) determine whether, in view of the primary permanency plan, reunification services
7017 are appropriate for the minor and the minor's family under Subsections (5) through (8).
7018 (2) (a) The concurrent permanency plan shall include:
7019 (i) a representative list of the conditions under which the primary permanency plan will
7020 be abandoned in favor of the concurrent permanency plan; and
7021 (ii) an explanation of the effect of abandoning or modifying the primary permanency
7022 plan.
7023 (b) In determining the primary permanency plan and concurrent permanency plan, the
7024 juvenile court shall consider:
7025 (i) the preference for kinship placement over nonkinship placement;
7026 (ii) the potential for a guardianship placement if parental rights are terminated and no
7027 appropriate adoption placement is available; and
7028 (iii) the use of an individualized permanency plan, only as a last resort.
7029 (3) (a) The juvenile court may amend a minor's primary permanency plan before the
7030 establishment of a final permanency plan under Section 80-3-409.
7031 (b) The juvenile court is not limited to the terms of the concurrent permanency plan in

7032 the event that the primary permanency plan is abandoned.
7033 (c) If, at any time, the juvenile court determines that reunification is no longer a minor's
7034 primary permanency plan, the juvenile court shall conduct a permanency hearing in accordance
7035 with Section 80-3-409 on or before the earlier of:
7036 (i) 30 days after the day on which the juvenile court makes the determination described
7037 in this Subsection (3)(c); or
7038 (ii) the day on which the provision of reunification services, described in Section
7039 80-3-409, ends.
7040 (4) (a) Because of the state's interest in and responsibility to protect and provide
7041 permanency for minors who are abused, neglected, or dependent, the Legislature finds that a
7042 parent's interest in receiving reunification services is limited.
7043 (b) The juvenile court may determine that:
7044 (i) efforts to reunify a minor with the minor's family are not reasonable or appropriate,
7045 based on the individual circumstances; and
7046 (ii) reunification services should not be provided.
7047 (c) In determining reasonable efforts to be made with respect to a minor, and in making
7048 reasonable efforts, the juvenile court and the division shall consider the minor's health, safety,
7049 and welfare as the paramount concern.
7050 (5) There is a presumption that reunification services should not be provided to a
7051 parent if the juvenile court finds, by clear and convincing evidence, that any of the following
7052 circumstances exist:
7053 (a) the whereabouts of the parents are unknown, based [~~upon~~] on a verified affidavit
7054 indicating that a reasonably diligent search has failed to locate the parent;
7055 (b) subject to Subsection (6)(a), the parent is suffering from a mental illness of such
7056 magnitude that the mental illness renders the parent incapable of utilizing reunification
7057 services;
7058 (c) the minor was previously adjudicated as an abused child due to physical abuse,
7059 sexual abuse, or sexual exploitation, and following the adjudication the child:
7060 (i) was removed from the custody of the minor's parent;
7061 (ii) was subsequently returned to the custody of the parent; and
7062 (iii) is being removed due to additional physical abuse, sexual abuse, or sexual

7063 exploitation;
7064 (d) the parent:
7065 (i) caused the death of another minor through abuse or neglect;
7066 (ii) committed, aided, abetted, attempted, conspired, or solicited to commit:
7067 (A) murder or manslaughter of a minor; or
7068 (B) child abuse homicide;
7069 (iii) committed sexual abuse against the minor;
7070 (iv) is a registered sex offender or required to register as a sex offender; or
7071 (v) (A) intentionally, knowingly, or recklessly causes the death of another parent of the
7072 minor;
7073 (B) is identified by a law enforcement agency as the primary suspect in an investigation
7074 for intentionally, knowingly, or recklessly causing the death of another parent of the minor; or
7075 (C) is being prosecuted for or has been convicted of intentionally, knowingly, or
7076 recklessly causing the death of another parent of the minor;
7077 (e) the minor suffered severe abuse by the parent or by any individual known by the
7078 parent if the parent knew or reasonably should have known that the individual was abusing the
7079 minor;
7080 (f) the minor is adjudicated as an abused minor as a result of severe abuse by the
7081 parent, and the juvenile court finds that it would not benefit the minor to pursue reunification
7082 services with the offending parent;
7083 (g) the parent's rights are terminated with regard to any other minor;
7084 (h) the minor was removed from the minor's home on at least two previous occasions
7085 and reunification services were offered or provided to the family at those times;
7086 (i) the parent has abandoned the minor for a period of six months or longer;
7087 (j) the parent permitted the minor to reside, on a permanent or temporary basis, at a
7088 location where the parent knew or should have known that a clandestine laboratory operation
7089 was located;
7090 (k) except as provided in Subsection (6)(b), with respect to a parent who is the minor's
7091 birth mother, the minor has fetal alcohol syndrome, fetal alcohol spectrum disorder, or was
7092 exposed to an illegal or prescription drug that was abused by the minor's mother while the
7093 minor was in utero, if the minor was taken into division custody for that reason, unless the

7094 mother agrees to enroll in, is currently enrolled in, or has recently and successfully completed a
7095 substance use disorder treatment program approved by the department; or
7096 (l) any other circumstance that the juvenile court determines should preclude
7097 reunification efforts or services.
7098 (6) (a) The juvenile court shall base the finding under Subsection (5)(b) on competent
7099 evidence from at least two medical or mental health professionals, who are not associates,
7100 establishing that, even with the provision of services, the parent is not likely to be capable of
7101 adequately caring for the minor within 12 months after the day on which the juvenile court
7102 finding is made.
7103 (b) The juvenile court may disregard the provisions of Subsection (5)(k) if the juvenile
7104 court finds, under the circumstances of the case, that the substance use disorder treatment
7105 described in Subsection (5)(k) is not warranted.
7106 (7) In determining whether reunification services are appropriate, the juvenile court
7107 shall take into consideration:
7108 (a) failure of the parent to respond to previous services or comply with a previous child
7109 and family plan;
7110 (b) the fact that the minor was abused while the parent was under the influence of
7111 drugs or alcohol;
7112 (c) any history of violent behavior directed at the minor or an immediate family
7113 member;
7114 (d) whether a parent continues to live with an individual who abused the minor;
7115 (e) any patterns of the parent's behavior that have exposed the minor to repeated abuse;
7116 (f) testimony by a competent professional that the parent's behavior is unlikely to be
7117 successful; and
7118 (g) whether the parent has expressed an interest in reunification with the minor.
7119 (8) If, under Subsections (5)(b) through (l), the juvenile court does not order
7120 reunification services, a permanency hearing shall be conducted within 30 days in accordance
7121 with Section 80-3-409.
7122 (9) (a) Subject to Subsections (9)(b) and (c), if the juvenile court determines that
7123 reunification services are appropriate for the minor and the minor's family, the juvenile court
7124 shall provide for reasonable parent-time with the parent or parents from whose custody the

7125 minor was removed, unless parent-time is not in the best interest of the minor.
7126 (b) Parent-time is in the best interests of a minor unless the juvenile court makes a
7127 finding that it is necessary to deny parent-time in order to:
7128 (i) protect the physical safety of the minor;
7129 (ii) protect the life of the minor; or
7130 (iii) prevent the minor from being traumatized by contact with the parent due to the
7131 minor's fear of the parent in light of the nature of the alleged abuse or neglect.
7132 (c) Notwithstanding Subsection (9)(a), a juvenile court may not deny parent-time based
7133 solely on a parent's failure to:
7134 (i) prove that the parent has not used legal or illegal substances; or
7135 (ii) comply with an aspect of the child and family plan that is ordered by the juvenile
7136 court.
7137 (10) (a) If the juvenile court determines that reunification services are appropriate, the
7138 juvenile court shall order that the division make reasonable efforts to provide services to the
7139 minor and the minor's parent for the purpose of facilitating reunification of the family, for a
7140 specified period of time.
7141 (b) In providing the services described in Subsection (10)(a), the juvenile court and the
7142 division shall consider the minor's health, safety, and welfare as the paramount concern.
7143 (11) In cases where sexual abuse, sexual exploitation, abandonment, severe abuse, or
7144 severe neglect are involved:
7145 (a) the juvenile court does not have any duty to order reunification services; and
7146 (b) the division does not have a duty to make reasonable efforts to or in any other way
7147 attempt to provide reunification services or attempt to rehabilitate the offending parent or
7148 parents.
7149 (12) (a) The juvenile court shall:
7150 (i) determine whether the services offered or provided by the division under the child
7151 and family plan constitute reasonable efforts on the part of the division;
7152 (ii) determine and define the responsibilities of the parent under the child and family
7153 plan in accordance with Subsection [~~62A-4a-205(6)(c)~~] 80-3-307(5)(g)(iii); and
7154 (iii) identify verbally on the record, or in a written document provided to the parties,
7155 the responsibilities described in Subsection (12)(a)(ii), for the purpose of assisting in any future

7156 determination regarding the provision of reasonable efforts, in accordance with state and
7157 federal law.
7158 (b) If the parent is in a substance use disorder treatment program, other than a certified
7159 drug court program, the juvenile court may order the parent:
7160 (i) to submit to supplementary drug or alcohol testing, in accordance with Subsection
7161 80-3-110(6), in addition to the testing recommended by the parent's substance use disorder
7162 program based on a finding of reasonable suspicion that the parent is abusing drugs or alcohol;
7163 and
7164 (ii) to provide the results of drug or alcohol testing recommended by the substance use
7165 disorder program to the juvenile court or division.
7166 (13) (a) The time period for reunification services may not exceed 12 months from the
7167 day on which the minor was initially removed from the minor's home, unless the time period is
7168 extended under Subsection 80-3-409(7).
7169 (b) [~~Nothing in this section may be construed to~~] This section does not entitle any
7170 parent to an entire 12 months of reunification services.
7171 (14) (a) If reunification services are ordered, the juvenile court may terminate those
7172 services at any time.
7173 (b) If, at any time, continuation of reasonable efforts to reunify a minor is determined
7174 to be inconsistent with the final permanency plan for the minor established under Section
7175 80-3-409, then measures shall be taken, in a timely manner, to:
7176 (i) place the minor in accordance with the final permanency plan; and
7177 (ii) complete whatever steps are necessary to finalize the permanent placement of the
7178 minor.
7179 (15) Any physical custody of the minor by the parent or a relative during the period
7180 described in Subsections (10) through (14) does not interrupt the running of the period.
7181 (16) (a) If reunification services are ordered, the juvenile court shall conduct a
7182 permanency hearing in accordance with Section 80-3-409 before the day on which the time
7183 period for reunification services expires.
7184 (b) The permanency hearing shall be held no later than 12 months after the original
7185 removal of the minor.
7186 (c) If reunification services are not ordered, a permanency hearing shall be conducted

7187 within 30 days in accordance with Section 80-3-409.
7188 (17) With regard to a minor in the custody of the division whose parent or parents are
7189 ordered to receive reunification services but who have abandoned that minor for a period of six
7190 months from the day on which reunification services are ordered:
7191 (a) the juvenile court shall terminate reunification services; and
7192 (b) the division shall petition the juvenile court for termination of parental rights.
7193 (18) When a minor is under the custody of the division and has been separated from a
7194 sibling due to foster care or adoptive placement, a juvenile court may order sibling visitation,
7195 subject to the division obtaining consent from the sibling's [~~legal~~] guardian, according to the
7196 juvenile court's determination of the best interests of the minor for whom the hearing is held.
7197 (19) (a) If reunification services are not ordered under this section, and the
7198 whereabouts of a parent becomes known within six months after the day on which the
7199 out-of-home placement of the minor is made, the juvenile court may order the division to
7200 provide reunification services.
7201 (b) The time limits described in this section are not tolled by the parent's absence.
7202 (20) (a) If a parent is incarcerated or institutionalized, the juvenile court shall order
7203 reasonable services unless the juvenile court determines that those services would be
7204 detrimental to the minor.
7205 (b) In making the determination described in Subsection (20)(a), the juvenile court
7206 shall consider:
7207 (i) the age of the minor;
7208 (ii) the degree of parent-child bonding;
7209 (iii) the length of the sentence;
7210 (iv) the nature of the treatment;
7211 (v) the nature of the crime or illness;
7212 (vi) the degree of detriment to the minor if services are not offered;
7213 (vii) for a minor who is 10 years old or older, the minor's attitude toward the
7214 implementation of family reunification services; and
7215 (viii) any other appropriate factors.
7216 (c) Reunification services for an incarcerated parent are subject to the time limitations
7217 imposed in this section.

7218 (d) Reunification services for an institutionalized parent are subject to the time
7219 limitations imposed in this section, unless the juvenile court determines that continued
7220 reunification services would be in the minor's best interest.
7221 Section 113. Section **80-3-504** is enacted to read:
7222 **80-3-504. Petition for substantiation -- Court findings -- Expedited hearing --**
7223 **Records of an appeal.**
7224 (1) The division or an individual may file a petition for substantiation in accordance
7225 with Section 80-2-1004.
7226 (2) If the division decides to file a petition for substantiation under Section 80-2-1004,
7227 the division shall file the petition no more than 14 days after the day on which the division
7228 makes the decision.
7229 (3) At the conclusion of the hearing on a petition for substantiation, the juvenile court
7230 shall:
7231 (a) make a finding of substantiated, unsubstantiated, or without merit;
7232 (b) include the finding in a written order; and
7233 (c) deliver a certified copy of the order to the division.
7234 (4) If an individual whose name is listed on the Licensing Information System before
7235 May 6, 2002, files a petition for substantiation under Section 80-2-1004 during the time that an
7236 alleged perpetrator's application for clearance to work with children or vulnerable adults is
7237 pending, the juvenile court shall:
7238 (a) hear the matter on an expedited basis; and
7239 (b) enter a final decision no later than 60 days after the day on which the petition for
7240 substantiation is filed.
7241 (5) An appellate court shall make a record of an appeal from the juvenile court's
7242 decision under Subsection (3) available only to an individual with statutory authority to access
7243 the Licensing Information System for the purposes of licensing under Sections 26-39-402,
7244 62A-1-118, and 62A-2-120, or for the purposes described in Sections 26-8a-310, 62A-2-121,
7245 or Title 26, Chapter 21, Part 2, Clearance for Direct Patient Access.
7246 Section 114. Section **80-4-105** is amended to read:
7247 **80-4-105. Effect of decree.**
7248 (1) An order for the termination of parental rights divests the child and the parents of

7249 all legal rights, powers, immunities, duties, and obligations with respect to each other, except
7250 the right of the child to inherit from the parent.
7251 (2) An order or decree entered under this chapter may not disentitle a child to any
7252 benefit due to the child from any third person, including any Indian tribe, agency, state, or the
7253 United States.
7254 (3) Except as provided in Sections 80-4-401 and 80-4-402, after the termination of a
7255 parent's parental rights, the former parent:
7256 (a) is not entitled to any notice of proceedings for the adoption of the child; and
7257 (b) does not have any right to object to the adoption or to participate in any other
7258 placement proceedings.
7259 (4) An order [~~permanently~~] terminating the rights of a parent, guardian, or custodian
7260 does not expire with termination of the jurisdiction of the juvenile court.
7261 Section 115. Section **80-4-106** is amended to read:
7262 **80-4-106. Individuals entitled to be present at proceedings -- Legal representation**
7263 **-- Attorney general responsibilities.**
7264 [~~(1) (a) The juvenile court shall admit any individual to a hearing unless the juvenile~~
7265 ~~court makes a finding upon the record that the individual's presence at the hearing would:~~]
7266 [~~(i) be detrimental to the best interest of a child who is a party to the proceeding;~~]
7267 [~~(ii) impair the fact-finding process; or~~]
7268 [~~(iii) be otherwise contrary to the interests of justice.~~]
7269 [~~(b) The juvenile court may exclude an individual from a hearing under Subsection~~
7270 ~~(1)(a) on the juvenile court's own motion or by motion of a party to the proceeding.~~]
7271 [~~(2)~~] (1) (a) The parties shall be advised of the parties' right to counsel, including the
7272 appointment of counsel for a parent or [~~legal~~] guardian facing any action initiated by a private
7273 party under this chapter or under Section 78B-6-112 for termination of parental rights.
7274 (b) If a parent or guardian is the subject of a petition for the termination of parental
7275 rights, the juvenile court shall:
7276 (i) appoint an indigent defense service provider for a parent or guardian determined to
7277 be an indigent individual in accordance with Title 78B, Chapter 22, Part 2, Appointment of
7278 Counsel; and
7279 (ii) order indigent defense services for the parent or [~~legal~~] guardian who is determined

7280 to be an indigent individual in accordance with Title 78B, Chapter 22, Part 2, Appointment of
7281 Counsel.
7282 (c) In any action under this chapter, a guardian ad litem, as defined in Section
7283 78A-2-801, shall represent the child in accordance with Sections 78A-2-803 and 80-3-104.
7284 [~~(d) A guardian ad litem, as defined in Section 78A-2-801, shall represent the child in~~
7285 ~~other actions initiated under this chapter when appointed by the juvenile court under Section~~
7286 ~~78A-2-803 or as otherwise provided by law.~~]
7287 [~~(3)~~] (2) Subject to Section 67-5-17 and the attorney general's prosecutorial discretion
7288 in civil enforcement actions, the attorney general shall, in accordance with Section
7289 [~~62A-4a-113~~] 80-2-303, enforce [~~all provisions of~~] this chapter [~~and Title 62A, Chapter 4a,~~
7290 ~~Child and Family Services~~], Chapter 2, Child Welfare Services, and Chapter 2a, Removal and
7291 Protective Custody of a Child, relating to the termination of parental rights.
7292 (3) (a) The juvenile court shall admit any individual to a hearing unless the juvenile
7293 court makes a finding upon the record that the individual's presence at the hearing would:
7294 (i) be detrimental to the best interest of a child who is a party to the proceeding;
7295 (ii) impair the fact-finding process; or
7296 (iii) be otherwise contrary to the interests of justice.
7297 (b) The juvenile court may exclude an individual from a hearing under Subsection
7298 (3)(a) on the juvenile court's own motion or by motion of a party to the proceeding.
7299 Section 116. Section **80-4-107** is amended to read:
7300 **80-4-107. Record of proceedings -- Written reports and other materials --**
7301 **Statements of a child.**
7302 (1) As used in this section, "record of a proceeding" means the same as that term is
7303 defined in Section 80-3-106.
7304 (2) A record of a proceeding under this chapter:
7305 (a) shall be taken in accordance with Section 80-3-106; and
7306 (b) may be requested for release as described in Section 80-3-106.
7307 (3) (a) For purposes of determining proper disposition of a child in hearings upon a
7308 petition for termination of parental rights, written reports and other material relating to the
7309 [~~minor's~~] child's mental, physical, and social history and condition may be:
7310 (i) received in evidence; and

7311 (ii) considered by the court along with other evidence.
7312 (b) The court may require that an individual who wrote a report or prepared the
7313 material under Subsection (3)(a) to appear as a witness if the individual is reasonably available.
7314 (4) For the purpose of establishing abuse, neglect, or dependency under this chapter,
7315 the juvenile court may, in the juvenile court's discretion, consider evidence of statements made
7316 by a child under eight years old to an individual in a trust relationship.
7317 Section 117. Section **80-4-305** is amended to read:
7318 **80-4-305. Court disposition of a child upon termination of parental rights --**
7319 **Posttermination reunification.**
7320 (1) As used in this section, "relative" means:
7321 (a) an adult who is a grandparent, great-grandparent, aunt, great aunt, uncle, great
7322 uncle, brother-in-law, sister-in-law, stepparent, first cousin, sibling, or stepsibling of a child;
7323 and
7324 (b) in the case of a child who is an Indian child, an extended family member as defined
7325 in 25 U.S.C. Sec. 1903.
7326 (2) Upon entry of an order under this chapter, the juvenile court may:
7327 (a) place the child in the legal custody and guardianship of a [~~licensed child placement~~
7328 ~~agency~~] child-placing agency or the division for adoption; or
7329 (b) make any other disposition of the child authorized under Section 80-3-405.
7330 (3) Subject to the requirements of Subsections (4) and (5), all adoptable children
7331 placed in the custody of the division shall be placed for adoption.
7332 (4) If the parental rights of all parents of an adoptable child placed in the custody of the
7333 division have been terminated and a suitable adoptive placement is not already available, the
7334 juvenile court:
7335 (a) shall determine whether there is a relative who desires to adopt the child;
7336 (b) may order the division to conduct a reasonable search to determine whether there
7337 are relatives who are willing to adopt the child; and
7338 (c) shall, if a relative desires to adopt the child:
7339 (i) make a specific finding regarding the fitness of the relative to adopt the child; and
7340 (ii) place the child for adoption with that relative unless the juvenile court finds that
7341 adoption by the relative is not in the best interest of the child.

7342 (5) This section does not guarantee that a relative will be permitted to adopt the child.
7343 (6) A parent whose rights were terminated under this chapter, or a relative of the child,
7344 as defined by Section 80-3-102, may petition for guardianship of the child if:
7345 (a) (i) following an adoptive placement, the child's adoptive parent returns the child to
7346 the custody of the division; or
7347 (ii) the child is in the custody of the division for one year following the day on which
7348 the parent's rights were terminated, and no permanent placement has been found or is likely to
7349 be found; and
7350 (b) reunification with the child's parent, or guardianship by the child's relative, is in the
7351 best interest of the child.
7352 Section 118. Section **80-4-501**, which is renumbered from Section 62A-4a-801 is
7353 renumbered and amended to read:
7354 **Part 5. Safe Relinquishment of a Newborn Child**
7355 **[~~62A-4a-801~~]. 80-4-501. Definitions.**
7356 As used in this part:
7357 (1) "Hospital" means a general acute hospital, as that term is defined in Section
7358 26-21-2, that is:
7359 (a) equipped with an emergency room;
7360 (b) open 24 hours a day, seven days a week; and
7361 (c) employs full-time health care professionals who have emergency medical services
7362 training.
7363 (2) "Newborn child" means a child who is approximately 30 days [~~of age~~] old or
7364 younger, as determined within a reasonable degree of medical certainty.
7365 Section 119. Section **80-4-502**, which is renumbered from Section 62A-4a-802 is
7366 renumbered and amended to read:
7367 **[~~62A-4a-802~~]. 80-4-502. Safe relinquishment of a newborn child.**
7368 (1) (a) A parent or a parent's designee may safely relinquish a newborn child at a
7369 hospital in accordance with [~~the provisions of~~] this part and retain complete anonymity, so long
7370 as the newborn child has not been subject to abuse or neglect.
7371 (b) Safe relinquishment of a newborn child who has not otherwise been subject to
7372 abuse or neglect shall not, in and of itself, constitute neglect, and the newborn child [~~shall~~] may

7373 not be considered a neglected child[~~, as defined in Section 80-1-102,~~] so long as the
7374 relinquishment is carried out in substantial compliance with [~~the provisions of~~] this part.
7375 (2) (a) Personnel employed by a hospital shall accept a newborn child who is
7376 relinquished [~~pursuant to the provisions of~~] under this part, and may presume that the
7377 individual relinquishing is the newborn child's parent or the parent's designee.
7378 (b) The person receiving the newborn child may request information regarding the
7379 parent and newborn child's medical histories, and identifying information regarding the
7380 nonrelinquishing parent of the newborn child.
7381 (c) If the newborn child's parent or the parent's designee provides the person receiving
7382 the newborn child with any of the information described in Subsection (2)(b) or any other
7383 personal items, the person shall provide the information or personal items to the division.
7384 (d) Personnel employed by the hospital shall:
7385 (i) provide any necessary medical care to the newborn child;
7386 (ii) notify the division of receipt of the newborn child as soon as possible, but no later
7387 than 24 hours after receipt of the newborn child; and
7388 (iii) prepare a birth certificate or foundling birth certificate if parentage is unknown for
7389 the newborn child and file the certificate with the Office of Vital Records and Statistics within
7390 the Department of Health.
7391 (e) A hospital and personnel employed by a hospital are immune from any civil or
7392 criminal liability arising from accepting a newborn child if the personnel employed by the
7393 hospital substantially comply with the provisions of this part and medical treatment is
7394 administered according to standard medical practice.
7395 (3) The division shall assume care and protective custody of the newborn child
7396 immediately upon notice from the hospital.
7397 (4) So long as the division determines there is no abuse or neglect of the newborn
7398 child, neither the newborn child nor the child's parents are subject to:
7399 [~~(a) the provisions of Part 2, Child Welfare Services;~~]
7400 [~~(b)~~] (a) the investigation provisions contained in Section [~~62A-4a-409~~] 80-2-701; or
7401 [~~(c)~~] (b) the provisions of [~~Title 80,~~] Chapter 3, Abuse, Neglect, and Dependency
7402 Proceedings.
7403 (5) (a) Unless identifying information relating to the nonrelinquishing parent of the

7404 newborn child [~~has been~~] is provided, the division shall:
7405 (i) work with local law enforcement and the Bureau of Criminal Identification within
7406 the Department of Public Safety in an effort to ensure that the newborn child has not been
7407 identified as a missing child;
7408 (ii) immediately place or contract for placement of the newborn child in a potential
7409 adoptive home and, within 10 days after the day on which the child is received, file a petition
7410 for termination of parental rights in accordance with [~~Title 80, Chapter 4, Termination and~~
7411 ~~Restoration of Parental Rights~~] this chapter;
7412 (iii) direct the Office of Vital Records and Statistics within the Department of Health to
7413 conduct a search for:
7414 (A) a birth certificate for the newborn child; and
7415 (B) unmarried biological fathers in the registry maintained by the Office of Vital
7416 Records and Statistics in accordance with Title 78B, Chapter 15, Part 4, Registry; and
7417 (iv) provide notice to each potential father identified on the registry described in
7418 Subsection (5)(a)(iii) in accordance with Title 78B, Chapter 15, Part 4, Registry.
7419 (b) (i) If no individual has affirmatively identified himself or herself within two weeks
7420 after the day on which notice under Subsection (5)(a)(iv) is complete and established paternity
7421 by scientific testing within as expeditious a time frame as practicable, a hearing on the petition
7422 for termination of parental rights shall be scheduled and notice provided in accordance with
7423 [~~Title 80, Chapter 4, Termination and Restoration of Parental Rights~~] this chapter.
7424 (ii) If a nonrelinquishing parent is not identified, relinquishment of a newborn child
7425 [~~pursuant to the provisions of~~] under this part [~~shall be~~] is considered grounds for termination
7426 of parental rights of both the relinquishing and nonrelinquishing parents under Section
7427 80-4-301.
7428 (6) If at any time [~~prior to the adoption, a court~~] before the day on which the child is
7429 adopted, the juvenile court finds it is in the best interest of the newborn child, the court shall
7430 deny the petition for termination of parental rights.
7431 (7) The division shall provide for, or contract with a [~~licensed~~] child-placing agency to
7432 provide for expeditious adoption of the newborn child.
7433 (8) So long as the individual relinquishing a newborn child is the newborn child's
7434 parent or designee, and there is no abuse or neglect, safe relinquishment of a newborn child in

7435 substantial compliance with [~~the provisions of~~] this part is an affirmative defense to any
7436 potential criminal liability for abandonment or neglect relating to [~~that~~] the relinquishment.
7437 Section 120. Section **80-5-601** is amended to read:
7438 **80-5-601. Harboring a runaway -- Reporting requirements -- Division of Child**
7439 **and Family Services to provide assistance -- Affirmative defense -- Providing shelter after**
7440 **notice.**
7441 (1) As used in this section, "harbor" means to provide shelter in:
7442 (a) the home of the person who is providing shelter; or
7443 (b) any structure over which the person providing the shelter has any control.
7444 (2) Except as provided in Subsection (3), a person is guilty of a class B misdemeanor if
7445 the person:
7446 (a) knowingly and intentionally harbors a child;
7447 (b) knows at the time of harboring the child that the child is a runaway;
7448 (c) fails to notify one of the following, by telephone or other reasonable means, of the
7449 location of the child:
7450 (i) the parent or guardian of the child;
7451 (ii) the division; or
7452 (iii) a youth services center; and
7453 (d) fails to notify a person described in Subsection (2)(c) within eight hours after the
7454 later of:
7455 (i) the time that the person becomes aware that the child is a runaway; or
7456 (ii) the time that the person begins harboring the child.
7457 (3) A person described in Subsection (2) is not guilty of a violation of Subsection (2)
7458 and is not required to comply with Subsections (2)(c) and (d), if:
7459 (a) (i) a court order is issued authorizing a peace officer to take the child into custody;
7460 and
7461 (ii) the person notifies a peace officer, or the nearest detention facility, by telephone or
7462 other reasonable means, of the location of the child, within eight hours after the later of:
7463 (A) the time that the person becomes aware that the child is a runaway; or
7464 (B) the time that the person begins harboring the child; or
7465 (b) (i) the child is a runaway who consents to shelter, care, or licensed services under

7466 Section 80-5-602; and
7467 (ii) (A) the person is unable to locate the child's parent or guardian; or
7468 (B) the child refuses to disclose the contact information for the child's parent or
7469 guardian.
7470 (4) A person described in Subsection (2) shall provide a report to the division:
7471 (a) if the person has an obligation under Section [~~62A-4a-403~~] 80-2-602 to report child
7472 abuse or neglect; or
7473 (b) if, within 48 hours after the person begins harboring the child:
7474 (i) the person continues to harbor the child; and
7475 (ii) the person does not make direct contact with:
7476 (A) a parent or [~~legal~~] guardian of the child;
7477 (B) the division;
7478 (C) a youth services center; or
7479 (D) a peace officer or the nearest detention facility if a court order is issued authorizing
7480 a peace officer to take the child into custody.
7481 (5) It is an affirmative defense to the crime described in Subsection (2) that:
7482 (a) the person failed to provide notice as described in Subsection (2) or (3) due to
7483 circumstances beyond the control of the person providing the shelter; and
7484 (b) the person provided the notice described in Subsection (2) or (3) as soon as it was
7485 reasonably practicable to provide the notice.
7486 (6) Upon receipt of a report that a runaway is being harbored by a person:
7487 (a) a youth services center shall:
7488 (i) notify the runaway's parent or guardian that a report has been made; and
7489 (ii) inform the runaway's parent or guardian of assistance available from the youth
7490 services center; or
7491 (b) the division shall:
7492 (i) make a referral to the Division of Child and Family Services to determine whether
7493 the runaway is abused, neglected, or dependent; and
7494 (ii) if appropriate, make a referral for services for the runaway.
7495 (7) (a) A parent or guardian of a runaway who is aware that the runaway is being
7496 harbored may notify a law enforcement agency and request assistance in retrieving the

7497 runaway.
7498 (b) The local law enforcement agency may assist the parent or guardian in retrieving
7499 the runaway.
7500 (8) Nothing in this section prohibits a person from continuing to provide shelter to a
7501 runaway, after giving the notice described in Subsections (2) through (4), if:
7502 (a) a parent or guardian of the runaway consents to the continued provision of shelter;
7503 or
7504 (b) a peace officer or a parent or guardian of the runaway fails to retrieve the runaway.
7505 (9) Nothing in this section prohibits a person from providing shelter to a child whose
7506 parent or guardian has intentionally:
7507 (a) ceased to maintain physical custody of the child; and
7508 (b) failed to make reasonable arrangements for the safety, care, and physical custody of
7509 the child.
7510 (10) Nothing in this section prohibits:
7511 (a) a juvenile receiving center or a youth services center from providing shelter to a
7512 runaway in accordance with the requirements of this chapter and the rules relating to a juvenile
7513 receiving center or a youth services center; or
7514 (b) a government agency from taking custody of a child as otherwise provided by law.
7515 Section 121. Section **80-6-707** is amended to read:
7516 **80-6-707. Suspension of driving privileges.**
7517 (1) This section applies to a minor who:
7518 (a) at the time that the minor is adjudicated under Section 80-6-701, is at least the age
7519 eligible for a driver license under Section 53-3-204; and
7520 (b) is found by the juvenile court to be in actual physical control of a motor vehicle
7521 during the commission of the offense for which the minor is adjudicated.
7522 (2) (a) Except as otherwise provided by this section, if a minor is adjudicated for a
7523 violation of a traffic law by the juvenile court under Section 80-6-701, the juvenile court may:
7524 (i) suspend the minor's driving privileges; and
7525 (ii) take possession of the minor's driver license.
7526 (b) The juvenile court may order any other eligible disposition under Subsection (1),
7527 except for a disposition under Section 80-6-703 or 80-6-705.

7528 (c) If a juvenile court suspends a minor's driving privileges under Subsection (2)(a):
7529 (i) the juvenile court shall prepare and send the order to the Driver License Division of
7530 the Department of Public Safety; and
7531 (ii) the minor's license shall be suspended under Section 53-3-219.
7532 (3) The juvenile court may reduce a suspension period imposed under Section
7533 53-3-219 if:
7534 (a) (i) the violation is the minor's first violation of:
7535 (A) Section 32B-4-409;
7536 (B) Section 32B-4-410;
7537 (C) Section 58-37-8;
7538 (D) Title 58, Chapter 37a, Utah Drug Paraphernalia Act;
7539 (E) Title 58, Chapter 37b, Imitation Controlled Substances Act; or
7540 (F) Subsection 76-9-701(1); and
7541 (ii) (A) the minor completes an educational series as defined in Section 41-6a-501; or
7542 (B) the minor demonstrates substantial progress in substance use disorder treatment; or
7543 (b) (i) the violation is the minor's second or subsequent violation of:
7544 (A) Section 32B-4-409;
7545 (B) Section 32B-4-410;
7546 (C) Section 58-37-8;
7547 (D) Title 58, Chapter 37a, Utah Drug Paraphernalia Act;
7548 (E) Title 58, Chapter 37b, Imitation Controlled Substances Act; or
7549 (F) Subsection 76-9-701(1);
7550 (ii) the minor has completed an educational series as defined in Section 41-6a-501 or
7551 demonstrated substantial progress in substance use disorder treatment; and
7552 (iii) (A) the minor is 18 years old or older and provides a sworn statement to the
7553 juvenile court that the minor has not unlawfully consumed alcohol or drugs for at least a
7554 one-year consecutive period during the suspension period imposed under Section 53-3-219; or
7555 (B) the minor is under 18 years old and the minor's parent or [~~legal~~] guardian provides
7556 an affidavit or sworn statement to the juvenile court certifying that to the parent or guardian's
7557 knowledge the minor has not unlawfully consumed alcohol or drugs for at least a one-year
7558 consecutive period during the suspension period imposed under Section 53-3-219.

7559 (4) (a) If a minor is adjudicated under Section 80-6-701 for a proof of age violation, as
7560 defined in Section 32B-4-411:
7561 (i) the juvenile court may forward a record of adjudication to the Department of Public
7562 Safety for a first or subsequent violation; and
7563 (ii) the minor's driving privileges will be suspended:
7564 (A) for a period of at least one year under Section 53-3-220 for a first conviction for a
7565 violation of Section 32B-4-411; or
7566 (B) for a period of two years for a second or subsequent conviction for a violation of
7567 Section 32B-4-411.
7568 (b) The juvenile court may reduce the suspension period imposed under Subsection
7569 (4)(a)(ii)(A) if:
7570 (i) the violation is the minor's first violation of Section 32B-4-411; and
7571 (ii) (A) the minor completes an educational series as defined in Section 41-6a-501; or
7572 (B) the minor demonstrates substantial progress in substance use disorder treatment.
7573 (c) The juvenile court may reduce the suspension period imposed under Subsection
7574 (4)(a)(ii)(B) if:
7575 (i) the violation is the minor's second or subsequent violation of Section 32B-4-411;
7576 (ii) the minor has completed an educational series as defined in Section 41-6a-501 or
7577 demonstrated substantial progress in substance use disorder treatment; and
7578 (iii) (A) the minor is 18 years old or older and provides a sworn statement to the court
7579 that the minor has not unlawfully consumed alcohol or drugs for at least a one-year consecutive
7580 period during the suspension period imposed under Subsection (4)(a)(ii)(B); or
7581 (B) the minor is under 18 years old and has the minor's parent or guardian provide an
7582 affidavit or sworn statement to the court certifying that to the [~~parent~~] parent's or guardian's
7583 knowledge the minor has not unlawfully consumed alcohol or drugs for at least a one-year
7584 consecutive period during the suspension period imposed under Subsection (4)(a)(ii)(B).
7585 (5) When the Department of Public Safety receives the arrest or conviction record of a
7586 minor for a driving offense committed while the minor's license is suspended under this
7587 section, the Department of Public Safety shall extend the suspension for a like period of time.
7588 Section 122. Section **80-6-710** is amended to read:
7589 **80-6-710. Restitution -- Requirements.**

7590 (1) If a minor is adjudicated under Section 80-6-701, the juvenile court may order the
7591 minor to repair, replace, or otherwise make restitution for:
7592 (a) material loss caused by an offense listed in the petition; or
7593 (b) conduct for which the minor agrees to make restitution.
7594 (2) Within seven days after the day on which a petition is filed under this chapter, the
7595 prosecuting attorney or a juvenile probation officer shall provide notification of the restitution
7596 process to all reasonably identifiable and locatable victims of an offense listed in the petition.
7597 (3) A victim that receives notice under Subsection (2) is responsible for providing the
7598 [~~prosecutor~~] prosecuting attorney with:
7599 (a) all invoices, bills, receipts, and any other evidence of the injury or out-of-pocket
7600 loss;
7601 (b) all documentation of any compensation or reimbursement from an insurance
7602 company or a local, state, or federal agency that is related to the injury or out-of-pocket loss;
7603 (c) if available, the victim's proof of identification, including the victim's date of birth,
7604 social security number, or driver license number; and
7605 (d) the victim's contact information, including the victim's current home and work
7606 address and telephone number.
7607 (4) A prosecuting attorney or victim shall submit a request for restitution to the
7608 juvenile court:
7609 (a) if feasible, at the time of disposition; or
7610 (b) within 90 days after disposition.
7611 (5) The juvenile court shall order a financial disposition that prioritizes the payment of
7612 restitution.
7613 (6) To determine whether restitution, or the amount of restitution, is appropriate under
7614 Subsection (1), the juvenile court:
7615 (a) shall only order restitution for the victim's material loss;
7616 (b) may not order restitution if the juvenile court finds that the minor is unable to pay
7617 or acquire the means to pay;
7618 (c) shall credit any amount paid by the minor to the victim in a civil suit against
7619 restitution owed by the minor;
7620 (d) shall take into account the presumptive period of supervision for the minor's case

7621 under Section 80-6-712, or the presumptive period of commitment for secure care under
7622 Section 80-6-804 if the minor is ordered to secure care, in determining the minor's ability to
7623 satisfy the restitution order within that presumptive term; and
7624 (e) shall credit any amount paid to the victim in restitution against liability in a civil
7625 suit.
7626 (7) If the minor and the victim of the adjudicated offense agree to participate, the
7627 juvenile court may refer the minor's case to a restorative justice program, such as victim
7628 offender mediation, to address how loss resulting from the adjudicated offense may be
7629 addressed.
7630 (8) The juvenile court may require a minor to reimburse an individual, entity, or
7631 governmental agency who offered and paid a reward to a person for providing information
7632 resulting in an adjudication of a minor for the commission of an offense.
7633 (9) If a minor is returned to this state in accordance with [~~Title 55, Chapter 12,~~] Part
7634 11, Interstate Compact for Juveniles, the juvenile court may order the minor to make restitution
7635 for costs expended by any governmental entity for the return of the minor.
7636 Section 123. Section **80-6-1002** is amended to read:
7637 **80-6-1002. Vacatur of adjudications.**
7638 (1) (a) An individual who has been adjudicated under this chapter may petition the
7639 juvenile court for vacatur of the individual's juvenile court records and any related records in
7640 the custody of an agency if the record relates to:
7641 (i) an adjudication under Section 76-10-1302, 76-10-1304, or 76-10-1313; or
7642 (ii) an adjudication that was based on an offense that the petitioner engaged in while
7643 subject to force, fraud, or coercion, as defined in Section 76-5-308.
7644 (b) The petitioner shall include in the petition the relevant juvenile court incident
7645 number and any agencies known or alleged to have any documents related to the offense for
7646 which vacatur is being sought.
7647 (c) The petitioner shall include with the petition the original criminal history report
7648 obtained from the Bureau of Criminal Identification in accordance with the provisions of
7649 Section 53-10-108.
7650 (d) The petitioner shall send a copy of the petition to the county attorney or, if within a
7651 prosecution district, the district attorney.

7652 (2) (a) Upon the filing of a petition, the juvenile court shall:
7653 (i) set a date for a hearing;
7654 (ii) notify the county attorney or district attorney and the agency with custody of the
7655 records at least 30 days prior to the hearing of the pendency of the petition; and
7656 (iii) notify the county attorney or district attorney and the agency with records the
7657 petitioner is asking the juvenile court to vacate of the date of the hearing.
7658 (b) (i) The juvenile court shall provide a victim with the opportunity to request notice
7659 of a petition for vacatur.
7660 (ii) A victim shall receive notice of a petition for vacatur at least 30 days before the
7661 hearing if, before the entry of vacatur, the victim or, in the case of a child or an individual who
7662 is incapacitated or deceased, the victim's next of kin or authorized representative, submits a
7663 written and signed request for notice to the court in the judicial district in which the crime
7664 occurred or judgment was entered.
7665 (iii) The notice shall include a copy of the petition and statutes and rules applicable to
7666 the petition.
7667 (3) (a) At the hearing the petitioner, the county attorney or district attorney, a victim,
7668 and any other person who may have relevant information about the petitioner may testify.
7669 (b) (i) In deciding whether to grant a petition for vacatur, the juvenile court shall
7670 consider whether the petitioner acted subject to force, fraud, or coercion, as defined in Section
7671 76-5-308, at the time of the conduct giving rise to the adjudication.
7672 (ii) (A) If the juvenile court finds by a preponderance of the evidence that the petitioner
7673 was subject to force, fraud, or coercion, as defined in Section 76-5-308 at the time of the
7674 conduct giving rise to the adjudication, the juvenile court shall grant vacatur.
7675 (B) If the court does not find sufficient evidence, the juvenile court shall deny vacatur.
7676 (iii) If the petition is for vacatur of any adjudication under Section 76-10-1302,
7677 76-10-1304, or 76-10-1313, the juvenile court shall presumptively grant vacatur unless the
7678 petitioner acted as a purchaser of any sexual activity.
7679 (c) If vacatur is granted, the juvenile court shall order sealed all of the petitioner's
7680 records under the control of the juvenile court and any of the petitioner's records under the
7681 control of any other agency or official pertaining to the incident identified in the petition,
7682 including relevant related records contained in the Management Information System [~~created~~

7683 ~~by Section 62A-4a-1003~~] and the Licensing Information System [~~created by Section~~
7684 ~~62A-4a-1005~~].
7685 (4) (a) The petitioner shall be responsible for service of the order of vacatur to all
7686 affected state, county, and local entities, agencies, and officials.
7687 (b) To avoid destruction or sealing of the records in whole or in part, the agency or
7688 entity receiving the vacatur order shall only vacate all references to the petitioner's name in the
7689 records pertaining to the relevant adjudicated juvenile court incident.
7690 (5) (a) Upon the entry of vacatur, the proceedings in the incident identified in the
7691 petition shall be considered never to have occurred and the petitioner may properly reply
7692 accordingly upon any inquiry in the matter.
7693 (b) Inspection of the records may thereafter only be permitted by the juvenile court
7694 upon petition by the individual who is the subject of the records, and only to persons named in
7695 the petition.
7696 (6) The juvenile court may not vacate a juvenile court record if the record contains an
7697 adjudication of:
7698 (a) Section 76-5-202, aggravated murder; or
7699 (b) Section 76-5-203, murder.
7700 Section 124. Section **80-6-1004** is amended to read:
7701 **80-6-1004. Requirements to apply to expunge an adjudication.**
7702 (1) (a) Except as provided in Subsection (4), an individual who has been adjudicated by
7703 a juvenile court may petition the juvenile court for an order to expunge the individual's juvenile
7704 court record and any related records in the custody of an agency if:
7705 (i) the individual has reached 18 years old; and
7706 (ii) at least one year has passed from the date of:
7707 (A) termination of the continuing jurisdiction of the juvenile court; or
7708 (B) the individual's unconditional release from the custody of the division if the
7709 individual was committed to secure care.
7710 (b) The juvenile court may waive the requirements in Subsection (1)(a) if the juvenile
7711 court finds, and states on the record, the reason why the waiver is appropriate.
7712 (c) The petitioner shall include in the petition described in Subsection (1)(a):
7713 (i) any agency known or alleged to have any records related to the offense for which

7714 expungement is being sought; and
7715 (ii) the original criminal history report obtained from the Bureau of Criminal
7716 Identification in accordance with Section 53-10-108.
7717 (d) The petitioner shall send a copy of the petition described in Subsection (1)(a) to the
7718 county attorney or, if within a prosecution district, the district attorney.
7719 (e) (i) Upon the filing of a petition described in Subsection (1)(a), the juvenile court
7720 shall:
7721 (A) set a date for a hearing;
7722 (B) notify the county attorney or district attorney and the agency with custody of the
7723 records at least 30 days before the day on which the hearing of the pendency of the petition is
7724 scheduled; and
7725 (C) notify the county attorney or district attorney and the agency with records that the
7726 petitioner is asking the court to expunge of the date of the hearing.
7727 (ii) (A) The juvenile court shall provide a victim with the opportunity to request notice
7728 of a petition described in Subsection (1)(a).
7729 (B) Upon the victim's request under Subsection (1)(e)(ii)(A), the victim shall receive
7730 notice of the petition at least 30 days before the day on which the hearing is scheduled if,
7731 before the day on which an expungement order is made, the victim or, in the case of a child or
7732 an individual who is incapacitated or deceased, the victim's next of kin or authorized
7733 representative submits a written and signed request for notice to the juvenile court in the
7734 judicial district in which the offense occurred or judgment is entered.
7735 (C) The notice described in Subsection (1)(e)(ii)(B) shall include a copy of the petition
7736 described in Subsection (1)(a) and any statutes and rules applicable to the petition.
7737 (2) (a) At the hearing described in Subsection (1)(e)(i), the county attorney or district
7738 attorney, a victim, and any other individual who may have relevant information about the
7739 petitioner may testify.
7740 (b) In deciding whether to grant a petition described in Subsection (1)(a) for
7741 expungement, the juvenile court shall consider whether the rehabilitation of the petitioner has
7742 been attained to the satisfaction of the juvenile court, including the petitioner's response to
7743 programs and treatment, the petitioner's behavior subsequent to the adjudication, and the nature
7744 and seriousness of the conduct.

7745 (c) (i) Except as provided in Subsection (2)(c)(ii), a juvenile court may order expunged
7746 all of the petitioner's records under the control of the juvenile court and an agency or an official
7747 if the juvenile court finds that:
7748 (A) the petitioner has not, in the five years preceding the day on which the petition
7749 described in Subsection (1)(a) is filed, been convicted of a violent felony;
7750 (B) there are no delinquency or criminal proceedings pending against the petitioner;
7751 and
7752 (C) a judgment for restitution entered by the juvenile court on the adjudication for
7753 which the expungement is sought has been satisfied.
7754 (ii) A court may not order the Division of Child and Family Services to seal a
7755 petitioner's record that is contained in the Management Information System [~~created in Section~~
7756 ~~62A-4a-1003~~] or the Licensing Information System [~~created in Section 62A-4a-1005~~] unless:
7757 (A) the record is unsupported; or
7758 (B) after notice and an opportunity to be heard, the Division of Child and Family
7759 Services stipulates in writing to sealing the record.
7760 (3) (a) The petitioner is responsible for service of the expungement order issued under
7761 Subsection (2) to any affected agency or official.
7762 (b) To avoid destruction or sealing of the records in whole or in part, the agency or the
7763 official receiving the expungement order described in Subsection (3)(a) shall only expunge all
7764 references to the petitioner's name in the records pertaining to the petitioner's juvenile court
7765 record.
7766 (4) (a) The juvenile court may not expunge a record if the record contains an
7767 adjudication of:
7768 (i) Section 76-5-202, aggravated murder; or
7769 (ii) Section 76-5-203, murder.
7770 (b) This section does not apply to an adjudication under [~~Part 3, Abuse, Neglect, and~~
7771 ~~Dependency Proceedings, Part 5, Termination of Parental Rights Act, or Part 14, Restoration of~~
7772 ~~Parental Rights Act~~] Chapter 3, Abuse, Neglect, and Dependency Proceedings, or Chapter 4,
7773 Termination and Restoration of Parental Rights.
7774 Section 125. Section **80-6-1101**, which is renumbered from Section 55-12-100 is
7775 renumbered and amended to read:

7776 **Part 11. Interstate Compact for Juveniles**
7777 **[~~55-12-100~~]. 80-6-1101. Interstate Compact for Juveniles -- Execution of**
7778 **compact.**
7779 (1) This [~~chapter~~] part is known as the "Interstate Compact for Juveniles."
7780 (2) The governor is authorized and directed to execute a compact on behalf of this state
7781 with any other state or states substantially in the form of this [~~chapter~~] part.
7782 Section 126. Section **80-6-1102**, which is renumbered from Section 55-12-101 is
7783 renumbered and amended to read:
7784 **[~~55-12-101~~]. 80-6-1102. Article 1 -- Purpose.**
7785 (1) The compacting states to this Interstate Compact recognize that each state is
7786 responsible for the proper supervision or return of juveniles, delinquents, and status offenders
7787 who are on probation or parole and who have absconded, escaped, or run away from
7788 supervision and control and in so doing have endangered their own safety and the safety of
7789 others.
7790 (2) The compacting states also recognize that each state is responsible for the safe
7791 return of juveniles who have run away from home and in doing so have left their state of
7792 residence.
7793 (3) The compacting states also recognize that Congress, by enacting the Crime Control
7794 Act, 4 U.S.C. Section 112 (1965), has authorized and encouraged compacts for cooperative
7795 efforts and mutual assistance in the prevention of crime.
7796 (4) It is the purpose of this compact, through means of joint and cooperative action
7797 among the compacting states to:
7798 (a) ensure that the adjudicated juveniles and status offenders subject to this compact
7799 are provided adequate supervision and services in the receiving state as ordered by the
7800 adjudicating judge or parole authority in the sending state;
7801 (b) ensure that the public safety interests of the citizens, including the victims of
7802 juvenile offenders, in both the sending and receiving states are adequately protected;
7803 (c) return juveniles who have run away, absconded, or escaped from supervision or
7804 control or have been accused of an offense to the state requesting their return;
7805 (d) make contracts for the cooperative institutionalization in public facilities in
7806 member states for delinquent youth needing special services;

7807 (e) provide for the effective tracking and supervision of juveniles;
7808 (f) equitably allocate the costs, benefits, and obligations of the compacting states;
7809 (g) establish procedures to manage the movement between states of juvenile offenders
7810 released to the community under the jurisdiction of courts, juvenile departments, or any other
7811 criminal or juvenile justice agency which has jurisdiction over juvenile offenders;
7812 (h) [~~insure~~] ensure immediate notice to jurisdictions where defined offenders are
7813 authorized to travel or to relocate across state lines;
7814 (i) establish procedures to resolve pending charges (detainers) against juvenile
7815 offenders prior to transfer or release to the community under the terms of this compact;
7816 (j) establish a system of uniform data collection on information pertaining to juveniles
7817 subject to this compact that allows access by authorized juvenile justice and criminal justice
7818 officials, and regular reporting of compact activities to heads of state executive, judicial, and
7819 legislative branches and juvenile and criminal justice administrators;
7820 (k) monitor compliance with rules governing interstate movement of juveniles and
7821 initiate interventions to address and correct noncompliance;
7822 (l) coordinate training and education regarding the regulation of interstate movement of
7823 juveniles for officials involved in such activity; and
7824 (m) coordinate the implementation and operation of the compact with the Interstate
7825 Compact for the Placement of Children, the Interstate Compact for Adult Offender
7826 Supervision, and other compacts affecting juveniles particularly in those cases where
7827 concurrent or overlapping supervision issues arise.
7828 (5) It is the policy of the compacting states that the activities conducted by the
7829 Interstate Commission created herein are the formation of public policies and, therefore, are
7830 public business. Furthermore, the compacting states shall cooperate and observe their
7831 individual and collective duties and responsibilities for the prompt return and acceptance of
7832 juveniles subject to the provisions of this compact.
7833 (6) The provisions of this compact shall be reasonably and liberally construed to
7834 accomplish the purposes and policies of the compact.
7835 Section 127. Section **80-6-1103**, which is renumbered from Section 55-12-102 is
7836 renumbered and amended to read:
7837 **[~~55-12-102~~]. 80-6-1103. Article 2 -- Definitions.**

7838 (1) As used in this compact, unless the context clearly requires a different construction:
7839 [~~(1)~~] (a) "By-laws" means those by-laws established by the Interstate Commission for
7840 its governance, or for directing or controlling its actions or conduct.
7841 [~~(2)~~] (b) "Compact Administrator" means the individual in each compacting state
7842 appointed pursuant to the terms of this compact, responsible for the administration and
7843 management of the state's supervision and transfer of juveniles subject to the terms of this
7844 compact, the rules adopted by the Interstate Commission, and policies adopted by the State
7845 Council under this compact.
7846 [~~(3)~~] (c) "Compacting State" means any state which has enacted the enabling
7847 legislation for this compact.
7848 [~~(4)~~] (d) "Commissioner" means the voting representative of each compacting state
7849 appointed pursuant to Section [~~55-12-103~~] 80-6-1104.
7850 [~~(5)~~] (e) "Court" means any court having jurisdiction over delinquent, neglected, or
7851 dependent children.
7852 [~~(6)~~] (f) "Deputy Compact Administrator" means the individual, if any, in each
7853 compacting state appointed to act on behalf of a Compact Administrator pursuant to the terms
7854 of this compact responsible for the administration and management of the state's supervision
7855 and transfer of juveniles subject to the terms of this compact, the rules adopted by the Interstate
7856 Commission, and policies adopted by the State Council under this compact.
7857 [~~(7)~~] (g) "Interstate Commission" or "commission" means the Interstate Commission
7858 for Juveniles created by Section [~~55-12-103~~] 80-6-1104.
7859 [~~(8)~~] (h) "Juvenile" means any person defined as a juvenile in any member state or by
7860 the rules of the Interstate Commission, including:
7861 [~~(a)~~] (i) "accused delinquent" meaning a person charged with an offense that, if
7862 committed by an adult, would be a criminal offense;
7863 [~~(b)~~] (ii) "accused status offender" meaning a person charged with an offense that
7864 would not be a criminal offense if committed by an adult;
7865 [~~(c)~~] (iii) "adjudicated delinquent" meaning a person found to have committed an
7866 offense that, if committed by an adult, would be a criminal offense;
7867 [~~(d)~~] (iv) "adjudicated status offender" meaning a person found to have committed an
7868 offense that would not be a criminal offense if committed by an adult; and

7869 [~~(c)~~] (v) "nonoffender" meaning a person in need of supervision who has not been
7870 accused or adjudicated a status offender or delinquent.
7871 [~~(9)~~] (i) "Noncompacting state" means any state which has not enacted the enabling
7872 legislation for this compact.
7873 [~~(10)~~] (j) "Probation or Parole" means any kind of supervision or conditional release of
7874 juveniles authorized under the laws of the compacting states.
7875 [~~(11)~~] (k) "Rule" means a written statement by the Interstate Commission promulgated
7876 pursuant to Section [~~55-12-106~~] 80-6-1107 that is of general applicability, implements,
7877 interprets, or prescribes a policy or provision of the compact, or an organizational, procedural,
7878 or practice requirement of the Commission, and has the force and effect of statutory law in a
7879 compacting state, and includes the amendment, repeal, or suspension of an existing rule.
7880 [~~(12)~~] (l) "State" means a state of the United States, the District of Columbia, the
7881 Commonwealth of Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa, and the
7882 Northern Marianas Islands.
7883 (2) The definitions in Section 80-1-102 do not apply to this compact.
7884 Section 128. Section **80-6-1104**, which is renumbered from Section 55-12-103 is
7885 renumbered and amended to read:
7886 **[~~55-12-103~~]. 80-6-1104. Article 3 -- Interstate Commission for Juveniles.**
7887 (1) The compacting states hereby create the "Interstate Commission for Juveniles."
7888 (2) The commission shall be a body corporate and joint agency of the compacting
7889 states.
7890 (3) The commission shall have all the responsibilities, powers, and duties set forth
7891 herein, and such additional powers as may be conferred upon it by subsequent action of the
7892 respective legislatures of the compacting states in accordance with the terms of this compact.
7893 (4) The commission shall consist of commissioners appointed by the appropriate
7894 appointing authority in each state pursuant to the rules and requirements of each compacting
7895 state and in consultation with the State Council for Interstate Juvenile Supervision created
7896 hereunder.
7897 (5) The commissioner shall be the compact administrator, deputy compact
7898 administrator, or designee from that state who shall serve on the commission in such capacity
7899 under or pursuant to the applicable law of the compacting state.

7900 (6) In addition to the commissioners who are the voting representatives of each state,
7901 the commission shall include individuals who are not commissioners, but who are members of
7902 interested organizations. Noncommissioner members shall include a member of the national
7903 organizations of governors, legislators, state chief justices, attorneys general, Interstate
7904 Compact for Adult Offender Supervision, Interstate Compact for the Placement of Children,
7905 juvenile justice and juvenile corrections officials, and crime victims.
7906 (7) All noncommissioner members of the commission shall be ex officio, nonvoting
7907 members. The commission may provide in its by-laws for additional ex officio, nonvoting
7908 members, including members of other national organizations, in numbers to be determined by
7909 the commission.
7910 (8) Each compacting state represented at any meeting of the commission is entitled to
7911 one vote. A majority of the compacting states shall constitute a quorum for the transaction of
7912 business, unless a larger quorum is required by the by-laws of the commission.
7913 (9) The commission shall meet at least once each calendar year. The chairperson may
7914 call additional meetings and, upon the request of a simple majority of the compacting states,
7915 shall call additional meetings. Public notice shall be given of all meetings and meetings shall
7916 be open to the public.
7917 (10) The commission shall establish an executive committee, which shall include
7918 commission officers, members, and others as determined by the by-laws. The executive
7919 committee shall:
7920 (a) have the power to act on behalf of the commission during periods when the
7921 commission is not in session, with the exception of rulemaking or amendment to the compact;
7922 (b) oversee the day-to-day activities of the administration of the compact managed by
7923 an executive director and commission staff, which administers enforcement and compliance
7924 with the provisions of the compact, its by-laws, and rules; and
7925 (c) perform other duties as directed by the commission or set forth in the by-laws.
7926 (11) Each member of the commission shall have the right and power to cast a vote to
7927 which that compacting state is entitled and to participate in the business and affairs of the
7928 commission. A member shall vote in person and may not delegate a vote to another
7929 compacting state. However, a commissioner, in consultation with the state council, shall
7930 appoint another authorized representative, in the absence of the commissioner from that state,

7931 to cast a vote on behalf of the compacting state at a specified meeting. The by-laws may
7932 provide for members' participation in meetings by telephone or other means of
7933 telecommunication or electronic communication.
7934 (12) The commission's by-laws shall establish conditions and procedures under which
7935 the commission shall make its information and official records available to the public for
7936 inspection or copying. The commission may exempt from disclosure any information or
7937 official records to the extent they would adversely affect personal privacy rights or proprietary
7938 interests.
7939 (13) Public notice shall be given of all meetings and all meetings shall be open to the
7940 public, except as set forth in the rules or as otherwise provided in the compact. The
7941 commission and any of its committees may close a meeting to the public where it determines
7942 by two-thirds vote that an open meeting would be likely to:
7943 (a) relate solely to the commission's internal personnel practices and procedures;
7944 (b) disclose matters specifically exempted from disclosure by statute;
7945 (c) disclose trade secrets or commercial or financial information which is privileged or
7946 confidential;
7947 (d) involve accusing any person of a crime, or formally censuring any person;
7948 (e) disclose information of a personal nature where disclosure would constitute a
7949 clearly unwarranted invasion of personal privacy;
7950 (f) disclose investigative records compiled for law enforcement purposes;
7951 (g) disclose information contained in or related to examination, operating, or condition
7952 reports prepared by, or on behalf of or for the use of, the commission with respect to a
7953 regulated person or entity for the purpose of regulation or supervision of such person or entity;
7954 (h) disclose information, the premature disclosure of which would significantly
7955 endanger the stability of a regulated person or entity; or
7956 (i) specifically relate to the commission's issuance of a subpoena, or its participation in
7957 a civil action or other legal proceeding.
7958 (14) For every meeting closed pursuant to this provision, the commission's legal
7959 counsel shall publicly certify that, in the legal counsel's opinion, the meeting may be closed to
7960 the public, and shall reference each relevant exemptive provision. The commission shall keep
7961 minutes which shall fully and clearly describe all matters discussed in any meeting and shall

7962 provide a full and accurate summary of any actions taken, and the reasons therefor, including a
7963 description of each of the views expressed on any item and the record of any roll call vote,
7964 reflected in the vote of each member on the question. All documents considered in connection
7965 with any action shall be identified in the minutes.
7966 (15) The commission shall collect standardized data concerning the interstate
7967 movement of juveniles as directed through its rules which shall specify the data to be collected,
7968 the means of collection, and data exchange and reporting requirements. Methods of data
7969 collection, exchange, and reporting shall insofar as is reasonably possible conform to
7970 up-to-date technology and coordinate its information functions with the appropriate repository
7971 of records.
7972 Section 129. Section **80-6-1105**, which is renumbered from Section 55-12-104 is
7973 renumbered and amended to read:
7974 **[~~55-12-104~~]. 80-6-1105. Article 4 -- Powers and duties of the Interstate**
7975 **Commission.**
7976 The commission shall have the following powers and duties:
7977 (1) provide for dispute resolution among compacting states;
7978 (2) promulgate rules to effect the purposes and obligations as enumerated in this
7979 compact, which shall have the force and effect of statutory law and shall be binding in the
7980 compacting states to the extent and in the manner provided in this compact;
7981 (3) oversee, supervise, and coordinate the interstate movement of juveniles subject to
7982 the terms of this compact and any by-laws adopted and rules promulgated by the commission;
7983 (4) enforce compliance with the compact provisions, the rules promulgated by the
7984 commission, and the by-laws, using all necessary and proper means, including, but not limited
7985 to, the use of judicial process;
7986 (5) establish and maintain offices which shall be located within one or more of the
7987 compacting states;
7988 (6) purchase and maintain insurance and bonds;
7989 (7) borrow, accept, hire, or contract for services of personnel;
7990 (8) establish and appoint committees and hire staff which it considers necessary for the
7991 carrying out of its functions including, but not limited to, an executive committee as required
7992 by Section [~~55-12-103~~] 80-6-1104, which shall have the power to act on behalf of the

7993 commission in carrying out its powers and duties hereunder;
7994 (9) elect or appoint any officers, attorneys, employees, agents, or consultants, fix their
7995 compensation, define their duties, and determine their qualifications;
7996 (10) establish the commission's personnel policies and programs relating to, inter alia,
7997 conflicts of interest, rates of compensation, and qualifications of personnel;
7998 (11) accept any and all donations and grants of money, equipment, supplies, materials,
7999 and services, and to receive, utilize, and dispose of them;
8000 (12) lease, purchase, accept contributions or donations of, or otherwise to own, hold,
8001 improve or use any property, real, personal, or mixed;
8002 (13) sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of
8003 any property, real, personal, or mixed;
8004 (14) establish a budget and make expenditures and levy dues as provided in Section
8005 [~~55-12-108~~] 80-6-1109;
8006 (15) sue and be sued;
8007 (16) adopt a seal and by-laws governing the management and operation of the
8008 commission;
8009 (17) perform any functions necessary or appropriate to achieve the purposes of this
8010 compact;
8011 (18) report annually to the legislatures, governors, judiciary, and state councils of the
8012 compacting states concerning the activities of the commission during the preceding year,
8013 including any recommendations that may have been adopted by the commission;
8014 (19) coordinate education, training, and public awareness regarding the interstate
8015 movement of juveniles for officials involved in the activity;
8016 (20) establish uniform standards for the reporting, collecting, and exchanging of data;
8017 and
8018 (21) maintain its corporate books and records in accordance with the by-laws.
8019 Section 130. Section **80-6-1106**, which is renumbered from Section 55-12-105 is
8020 renumbered and amended to read:
8021 **[~~55-12-105~~]. 80-6-1106. Article 5 -- Organization and operation of the**
8022 **Interstate Commission.**
8023 (1) Section A. By-laws

8024 The Interstate Commission shall, by a majority of the members present and voting,
8025 within 12 months after the first commission meeting, adopt by-laws to govern its conduct as
8026 may be necessary or appropriate to carry out the purposes of the compact, including, but not
8027 limited to:
8028 (a) establishing the fiscal year of the commission;
8029 (b) establishing an executive committee and any other committees as necessary;
8030 (c) providing for the establishment of committees governing any general or specific
8031 delegation of any authority or function of the commission;
8032 (d) providing reasonable procedures for calling and conducting meetings of the
8033 commission, and ensuring reasonable notice of each meeting;
8034 (e) establishing the titles and responsibilities of the officers of the commission;
8035 (f) providing a mechanism for concluding the operations of the commission and the
8036 return of any surplus funds that may exist upon the termination of the compact after the
8037 payment and reserving of all of its debts and obligations;
8038 (g) providing "start-up" rules for initial administration of the compact; and
8039 (h) establishing standards and procedures for compliance and technical assistance in
8040 carrying out the compact.
8041 (2) Section B. Officers and Staff
8042 (a) The Interstate Commission shall, by a majority of the members, elect annually from
8043 among its members a chairperson and a vice chairperson, each of whom shall have the
8044 authority and duties specified in the by-laws. The chairperson or, in the chairperson's absence
8045 or disability, the vice chairperson shall preside at all meetings of the commission.
8046 (b) The officers shall serve without compensation or remuneration from the
8047 commission, provided that, subject to the availability of budgeted funds, the officers shall be
8048 reimbursed for any ordinary and necessary costs and expenses incurred by them in the
8049 performance of their duties and responsibilities as officers of the commission.
8050 (c) The commission shall, through its executive committee, appoint or retain an
8051 executive director for any time period, upon any terms and conditions, and for any
8052 compensation as the commission may consider appropriate. The executive director shall serve
8053 as secretary to the commission, but may not be a member and shall hire and supervise other
8054 staff as authorized by the commission.

8055 (3) Section C. Qualified Immunity, Defense, and Indemnification
8056 (a) The Interstate Commission's executive director and employees shall be immune
8057 from suit and liability, either personally or in their official capacity, for any claim for damage
8058 to or loss of property or personal injury or other civil liability caused or arising out of or
8059 relating to any actual or alleged act, error, or omission that occurred, or that the person had a
8060 reasonable basis for believing occurred within the scope of commission employment, duties, or
8061 responsibilities; provided, that a person may not be protected from suit or liability for any
8062 damage, loss, injury, or liability caused by the intentional or willful and wanton misconduct of
8063 the person.
8064 (b) The liability of any commissioner, or the employee or agent of a commissioner,
8065 acting within the scope of the person's employment or duties for acts, errors, or omissions
8066 occurring within the person's state may not exceed the limits of liability set forth under the
8067 constitution and laws of that state for state officials, employees, and agents. Nothing in this
8068 Subsection (3) shall be construed to protect any person from suit or liability for any damage,
8069 loss, injury, or liability caused by the intentional or willful and wanton misconduct of the
8070 person.
8071 (c) The commission shall defend the executive director or the employees or
8072 representatives of the commission and, subject to the approval of the attorney general of the
8073 state represented by any commissioner of a compacting state, shall defend the commissioner or
8074 the commissioner's representatives or employees in any civil action seeking to impose liability
8075 arising out of any actual or alleged act, error, or omission that occurred within the scope of
8076 commission employment, duties, or responsibilities, or that the defendant had a reasonable
8077 basis for believing occurred within the scope of commission employment, duties, or
8078 responsibilities, provided that the actual or alleged act, error, or omission did not result from
8079 intentional or willful and wanton misconduct on the part of the person.
8080 (d) The commission shall indemnify and hold the commissioner of a compacting state,
8081 the commissioner's representatives or employees, or the commission's representatives or
8082 employees harmless in the amount of any settlement or judgment obtained against the persons
8083 arising out of any actual or alleged act, error, or omission that occurred within the scope of
8084 commission employment, duties, or responsibilities, or that the persons had a reasonable basis
8085 for believing occurred within the scope of commission employment, duties, or responsibilities,

8086 provided that the actual or alleged act, error, or omission did not result from intentional or
8087 willful and wanton misconduct on the part of the persons.
8088 Section 131. Section **80-6-1107**, which is renumbered from Section 55-12-106 is
8089 renumbered and amended to read:
8090 **[~~55-12-106~~]. 80-6-1107. Article 6 -- Rulemaking functions of the**
8091 **Interstate Commission.**
8092 (1) The Interstate Commission shall promulgate and publish rules in order to
8093 effectively and efficiently achieve the purposes of the compact.
8094 (2) Rulemaking shall occur pursuant to the criteria set forth in this section and the
8095 by-laws and rules adopted pursuant thereto. Rulemaking shall substantially conform to the
8096 principles of the "Model State Administrative Procedures Act," 1981 Act, Uniform Laws
8097 Annotated, Vol. 15, p.1 (2000), or any other administrative procedures act, as the commission
8098 considers appropriate, consistent with due process requirements under the [~~U.S.~~] United States
8099 Constitution as interpreted by the [~~U. S.~~] Unites States Supreme Court. All rules and
8100 amendments shall become binding as of the date specified, as published with the final version
8101 of the rule as approved by the commission.
8102 (3) When promulgating a rule, the commission shall, at a minimum:
8103 (a) publish the proposed rule's entire text stating the reasons for that proposed rule;
8104 (b) allow and invite any and all persons to submit written data, facts, opinions, and
8105 arguments, which information shall be added to the record, and be made publicly available;
8106 (c) provide an opportunity for an informal hearing if petitioned by ten or more persons;
8107 and
8108 (d) promulgate a final rule and its effective date, if appropriate, based on input from
8109 state or local officials, or interested parties.
8110 (4) Not later than 60 days after a rule is promulgated, the commission shall allow any
8111 interested person to file a petition in the United States District Court for the District of
8112 Columbia or in the Federal District Court where the commission's principal office is located for
8113 judicial review of the rule. If the court finds that the commission's action is not supported by
8114 substantial evidence in the rulemaking record, the court shall hold the rule unlawful and set it
8115 aside. For purposes of this Subsection (4), evidence is substantial if it would be considered
8116 substantial evidence under the Model State Administrative Procedures Act.

8117 (5) If a majority of the legislatures of the compacting states reject a rule, those states
8118 may, by enactment of a statute or resolution in the same manner used to adopt the compact,
8119 state that the rule shall have no further force and effect in any compacting state.
8120 (6) The existing rules governing the operation of the Interstate Compact on Juveniles
8121 superceded by this act shall be null and void 12 months after the first meeting of the Interstate
8122 Commission created in this [~~chapter~~] part.
8123 (7) Upon determination by the Interstate Commission that a state of emergency exists,
8124 it may promulgate an emergency rule which shall become effective immediately upon
8125 adoption, provided that the usual rulemaking procedures shall be retroactively applied to the
8126 rule as soon as reasonably possible, but no later than 90 days after the effective date of the
8127 emergency rule.
8128 Section 132. Section **80-6-1108**, which is renumbered from Section 55-12-107 is
8129 renumbered and amended to read:
8130 **[~~55-12-107~~]. 80-6-1108. Article 7 -- Oversight, enforcement, and dispute**
8131 **resolution by the Interstate Commission.**
8132 (1) Section A. Oversight
8133 (a) The Interstate Commission shall oversee the administration and operations of the
8134 interstate movement of juveniles subject to this compact in the compacting states and shall
8135 monitor activities being administered in noncompacting states which may significantly affect
8136 compacting states.
8137 (b) The courts and executive agencies in each compacting state shall enforce this
8138 compact and take all actions necessary and appropriate to effectuate the compact's purposes
8139 and intent. The provisions of this compact and the rules promulgated hereunder shall be
8140 received by all the judges, public officers, commissions, and departments of the state
8141 government as evidence of the authorized statute and administrative rules. All courts shall take
8142 judicial notice of the compact and the rules. In any judicial or administrative proceeding in a
8143 compacting state pertaining to the subject matter of this compact which may affect the powers,
8144 responsibilities, or actions of the commission, it shall be entitled to receive all service of
8145 process in any proceeding, and shall have standing to intervene in the proceeding for all
8146 purposes.
8147 (2) Section B. Dispute Resolution

8148 (a) The compacting states shall report to the Interstate Commission on all issues and
8149 activities necessary for the administration of the compact as well as issues and activities
8150 pertaining to compliance with the provisions of the compact and its by-laws and rules.
8151 (b) The Interstate Commission shall attempt, upon the request of a compacting state, to
8152 resolve any disputes or other issues which are subject to the compact and which may arise
8153 among compacting states and between compacting and noncompacting states. The commission
8154 shall promulgate a rule providing for both mediation and binding dispute resolution for
8155 disputes among the compacting states.
8156 (c) The commission, in the reasonable exercise of its discretion, shall enforce the
8157 provisions and rules of this compact using any or all means set forth in Section [~~55-12-109~~]
8158 80-6-1110.
8159 Section 133. Section **80-6-1109**, which is renumbered from Section 55-12-108 is
8160 renumbered and amended to read:
8161 **[~~55-12-108~~]. 80-6-1109. Article 8 -- Finance.**
8162 (1) The Interstate Commission shall pay or provide for the payment of the reasonable
8163 expenses of its establishment, organization, and ongoing activities.
8164 (2) The commission shall levy on and collect an annual assessment from each
8165 compacting state to cover the cost of the internal operations and activities of the commission
8166 and its staff which shall be in a total amount sufficient to cover the commission's annual budget
8167 as approved each year. The aggregate annual assessment amount shall be allocated based upon
8168 a formula to be determined by the commission, taking into consideration the population of each
8169 compacting state and the volume of interstate movement of juveniles in each compacting state.
8170 The commission shall promulgate a rule binding upon all compacting states which governs the
8171 assessment.
8172 (3) The commission may not incur any obligations of any kind prior to securing the
8173 funds adequate to meet the obligations, nor shall the commission pledge the credit of any of the
8174 compacting states, except by and with the authority of the compacting state.
8175 (4) The commission shall keep accurate accounts of all receipts and disbursements.
8176 The receipts and disbursements of the commission shall be subject to the audit and accounting
8177 procedures established under its by-laws. All receipts and disbursements of funds handled by
8178 the commission shall be audited yearly by a certified or licensed public accountant and the

8179 report of the audit shall be included in and become part of the annual report of the commission.
8180 Section 134. Section **80-6-1110**, which is renumbered from Section 55-12-109 is
8181 renumbered and amended to read:
8182 **[~~55-12-109~~]. 80-6-1110. Article 9 -- State council.**
8183 (1) Each member state shall create a State Council for Interstate Juvenile Supervision.
8184 (2) While each state may determine the membership of its own state council, its
8185 membership shall include at least one representative from the legislative, judicial, and
8186 executive branches of government, victims groups, and the compact administrator, deputy
8187 compact administrator, or designee.
8188 (3) Each compacting state retains the right to determine the qualifications of the
8189 compact administrator or deputy compact administrator.
8190 (4) Each state council shall advise and may exercise oversight and advocacy
8191 concerning that state's participation in commission activities and other duties determined by
8192 that state, including but not limited to, development of policy concerning operations and
8193 procedures of the compact within that state.
8194 Section 135. Section **80-6-1111**, which is renumbered from Section 55-12-110 is
8195 renumbered and amended to read:
8196 **[~~55-12-110~~]. 80-6-1111. Article 10 -- Compacting states, effective date,**
8197 **and amendment.**
8198 (1) Any state, the District of Columbia, the Commonwealth of Puerto Rico, the U.S.
8199 Virgin Islands, Guam, American Samoa, and the Northern Marianas Islands as defined in
8200 Section 55-12-102 is eligible to become a compacting state.
8201 (2) The compact shall become effective and binding upon legislative enactment of the
8202 compact into law by no less than 35 states. The initial effective date shall be the later of July 1,
8203 2004, or upon enactment into law by the 35th jurisdiction. Thereafter it shall become effective
8204 and binding as to any other compacting state upon enactment of the compact into law by that
8205 state.
8206 (3) The governors of nonmember states or their designees shall be invited to participate
8207 in the activities of the Interstate Commission on a nonvoting basis prior to adoption of the
8208 compact by all states and territories of the United States.
8209 (4) The commission may propose amendments to the compact for enactment by the

8210 compacting states. No amendment shall become effective and binding upon the commission
8211 and the compacting states unless and until it is enacted into law by unanimous consent of the
8212 compacting states.
8213 Section 136. Section **80-6-1112**, which is renumbered from Section 55-12-111 is
8214 renumbered and amended to read:
8215 **[~~55-12-111~~]. 80-6-1112. Article 11 -- Withdrawal, default, termination,**
8216 **and judicial enforcement.**
8217 (1) Section A. Withdrawal
8218 (a) Once effective, the compact shall continue in force and remain binding upon each
8219 and every compacting state.
8220 (b) A compacting state may withdraw from the compact by specifically repealing the
8221 statute which enacted the compact into law. The effective date of withdrawal is the effective
8222 date of the repeal.
8223 (c) The withdrawing state shall immediately notify the chairperson of the Interstate
8224 Commission in writing upon the introduction of legislation repealing the compact in the
8225 withdrawing state. The commission shall notify the other compacting states of the
8226 withdrawing state's intent to withdraw within 60 days of its receipt thereof.
8227 (d) The withdrawing state is responsible for all assessments, obligations, and liabilities
8228 incurred through the effective date of withdrawal, including any obligations, the performance
8229 of which extend beyond the effective date of withdrawal.
8230 (e) Reinstatement following withdrawal of any compacting state shall occur upon the
8231 withdrawing state reenacting the compact or upon a later date as determined by the
8232 commission.
8233 (2) Section B. Technical Assistance, Fines, Suspension, Termination, and Default
8234 (a) If the Interstate Commission determines that any compacting state has at any time
8235 defaulted in the performance of any of its obligations or responsibilities under this compact, or
8236 the by-laws or duly promulgated rules, the commission may impose any or all of the following
8237 penalties:
8238 (i) remedial training and technical assistance as directed by the commission;
8239 (ii) alternative dispute resolution;
8240 (iii) fines, fees, and costs in amounts considered to be reasonable as fixed by the

8241 commission; and
8242 (iv) suspension or termination of membership in the compact.
8243 (b) Suspension or termination of membership in the compact shall be imposed only
8244 after all other reasonable means of securing compliance under the by-laws and rules have been
8245 exhausted and the commission has determined that the offending state is in default.
8246 (c) Immediate notice of suspension shall be given by the commission to the governor,
8247 the chief justice, or the chief judicial officer of the state, the majority and minority leaders of
8248 the defaulting state's legislature, and the state council.
8249 (d) The grounds for default include, but are not limited to, failure of a compacting state
8250 to perform obligations or responsibilities imposed upon it by this compact, the by-laws, or duly
8251 promulgated rules, and any other grounds designated in commission by-laws and rules.
8252 (i) The commission shall immediately notify the defaulting state in writing of the
8253 penalty imposed by the commission and of the default pending a cure of the default.
8254 (ii) The commission shall stipulate the conditions and the time period within which the
8255 defaulting state must cure its default.
8256 (e) If the defaulting state fails to cure the default within the time period specified by the
8257 commission, the defaulting state shall be terminated from the compact upon an affirmative vote
8258 of a majority of the compacting states and all rights, privileges, and benefits conferred by this
8259 compact shall be terminated upon the effective date of termination.
8260 (f) Within 60 days of the effective date of termination of a defaulting state, the
8261 commission shall notify the governor, the chief justice or chief judicial officer, the majority and
8262 minority leaders of the defaulting state's legislature, and the state council of the termination.
8263 (g) The defaulting state is responsible for all assessments, obligations, and liabilities
8264 incurred through the effective date of termination including any obligations, the performance of
8265 which extends beyond the effective date of termination.
8266 (h) The commission may not bear any costs relating to the defaulting state unless
8267 otherwise mutually agreed upon in writing between the commission and the defaulting state.
8268 (i) Reinstatement following termination of any compacting state requires both a
8269 reenactment of the compact by the defaulting state and the approval of the commission
8270 pursuant to the rules.
8271 (3) Section C. Judicial Enforcement

8272 (a) The Interstate Commission may, by majority vote of the members, initiate legal
8273 action in the United States District Court for the District of Columbia or, at the discretion of
8274 the Interstate Commission, in the federal district where the Interstate Commission has its
8275 offices, to enforce compliance with the provisions of the compact, its duly promulgated rules
8276 and by-laws, against any compacting state in default.
8277 (b) In the event judicial enforcement is necessary, the prevailing party shall be awarded
8278 all costs of litigation, including reasonable attorneys' fees.
8279 (4) Section D. Dissolution of Compact
8280 (a) The compact dissolves effective upon the date of the withdrawal or default of a
8281 compacting state, which reduces membership in the compact to one compacting state.
8282 (b) Upon the dissolution of this compact, the compact becomes null and void and shall
8283 be of no further force or effect, the business and affairs of the Interstate Commission shall be
8284 concluded, and any surplus funds shall be distributed in accordance with the by-laws.
8285 Section 137. Section **80-6-1113**, which is renumbered from Section 55-12-112 is
8286 renumbered and amended to read:
8287 **[~~55-12-112~~]. 80-6-1113. Article 12 -- Severability and construction.**
8288 (1) The provisions of this compact shall be severable, and if any phrase, clause,
8289 sentence, or provision is considered unenforceable, the remaining provisions of the compact
8290 shall be enforceable.
8291 (2) The provisions of this compact shall be liberally construed to effectuate its
8292 purposes.
8293 Section 138. Section **80-6-1114**, which is renumbered from Section 55-12-113 is
8294 renumbered and amended to read:
8295 **[~~55-12-113~~]. 80-6-1114. Article 13 -- Binding effect of compact and other**
8296 **laws.**
8297 (1) Section A. Other Laws
8298 (a) Nothing herein prevents the enforcement of any other law of a compacting state that
8299 is not inconsistent with this compact.
8300 (b) All compacting states' laws other than state constitutions and other interstate
8301 compacts conflicting with this compact are superseded to the extent of the conflict.
8302 (2) Section B. Binding Effect of the Compact

8303 (a) All lawful actions of the commission, including all rules and by-laws promulgated
8304 by the commission, are binding upon the compacting states.
8305 (b) All agreements between the commission and the compacting states are binding in
8306 accordance with their terms.
8307 (c) Upon the request of a party to a conflict over meaning or interpretation of
8308 commission actions, and upon a majority vote of the compacting states, the commission may
8309 issue advisory opinions regarding the meaning or interpretation.
8310 (d) In the event any provision of this compact exceeds the constitutional limits imposed
8311 on the legislature of any compacting state, the obligations, duties, powers, or jurisdiction
8312 sought to be conferred by the provision upon the commission shall be ineffective and the
8313 obligations, duties, powers, or jurisdiction shall remain in the compacting state and shall be
8314 exercised by the agency thereof to which the obligations, duties, powers, or jurisdiction are
8315 delegated by law in effect at the time this compact becomes effective.
8316 Section 139. Section **80-6-1115**, which is renumbered from Section 55-12-114 is
8317 renumbered and amended to read:
8318 **[~~55-12-114~~]. 80-6-1115. Juvenile compact administrator.**
8319 (1) [~~Pursuant to~~] Under this compact, the governor is authorized and empowered to
8320 designate a compact administrator and who, acting jointly with like administrators of other
8321 party states, shall promulgate rules and regulations to carry out more effectively the terms of
8322 the compact. The compact administrator shall serve subject to the pleasure of the governor.
8323 (2) The compact administrator is authorized, empowered and directed to cooperate
8324 with all departments, agencies and officers of and in the government of this state and [~~its~~] this
8325 state's subdivisions in facilitating the proper administration of the compact or of any
8326 supplementary agreement or agreements entered into by this state.
8327 Section 140. Section **80-6-1116**, which is renumbered from Section 55-12-115 is
8328 renumbered and amended to read:
8329 **[~~55-12-115~~]. 80-6-1116. Supplementary agreements.**
8330 The compact administrator is authorized and empowered to enter into supplementary
8331 agreements with appropriate officials of other states [~~pursuant to~~] under the compact. In the
8332 event that the supplementary agreement requires or contemplates the use of any institution or
8333 facility of this state or requires or contemplates the provision of any service by this state, the

8334 supplementary agreement shall have no force or effect until approved by the head of the
8335 department or agency under whose jurisdiction said institution or facility is operated or whose
8336 department or agency will be charged with the rendering of such service.
8337 Section 141. Section **80-6-1117**, which is renumbered from Section 55-12-116 is
8338 renumbered and amended to read:
8339 **[~~55-12-116~~]. 80-6-1117. Financial arrangements.**
8340 The compact administrator, subject to the approval of the Division of Finance, may
8341 make or arrange for any payments necessary to discharge any financial obligations imposed
8342 upon this state by the compact or by any supplementary agreement entered into.
8343 Section 142. Section **80-6-1118**, which is renumbered from Section 55-12-117 is
8344 renumbered and amended to read:
8345 **[~~55-12-117~~]. 80-6-1118. Responsibility of parents.**
8346 The compact administrator is authorized to take appropriate action to recover from
8347 parents or guardians, any and all costs expended by the state, or any of [~~its~~] the state's
8348 subdivisions, to return a delinquent or nondelinquent juvenile to this state, for care provided
8349 [~~pursuant to~~] under any supplementary agreement, or for care pending the return of the juvenile
8350 to this state.
8351 Section 143. Section **80-6-1119**, which is renumbered from Section 55-12-118 is
8352 renumbered and amended to read:
8353 **[~~55-12-118~~]. 80-6-1119. Responsibilities of state courts, departments,**
8354 **agencies, and officers.**
8355 The courts, departments, agencies and officers of this state and [~~its~~] this state's
8356 subdivisions shall enforce this compact and do all things appropriate to the effectuation of [~~its~~]
8357 the compact's purposes and intent which may be within their respective jurisdictions.
8358 Section 144. **Repealer.**
8359 This bill repeals:
8360 Section **62A-4a-109, Eligibility -- Fee schedules.**
8361 Section **62A-4a-114, Financial reimbursement by parent or legal guardian.**
8362 Section **62A-4a-119, Division required to produce "family impact statement" with**
8363 **regard to rules.**
8364 Section **62A-4a-120, Accommodation of moral and religious beliefs and culture.**

8365 Section 62A-4a-205.5, **Prohibition of discrimination based on race, color, or**
8366 **ethnicity.**
8367 Section 62A-4a-206.1, **Foster parent's preference upon child's reentry into foster**
8368 **care.**
8369 Section 62A-4a-301, **Legislative finding.**
8370 Section 62A-4a-302, **Definitions.**
8371 Section 62A-4a-303, **Director's responsibility.**
8372 Section 62A-4a-304, **Contracts for services.**
8373 Section 62A-4a-305, **Prevention and treatment programs.**
8374 Section 62A-4a-306, **Programs and services -- Public hearing requirements --**
8375 **Review by local board of education.**
8376 Section 62A-4a-307, **Factors considered in award of contracts.**
8377 Section 62A-4a-308, **Portion of funding provided by contractor.**
8378 Section 62A-4a-310, **Funds -- Transfers and gifts.**
8379 Section 62A-4a-402, **Definitions.**
8380 Section 62A-4a-601, **Definitions.**
8381 Section 62A-4a-609, **Preplacement disclosure and training before high needs child**
8382 **adoption.**
8383 Section 62A-4a-901, **Legislative purpose.**
8384 Section 62A-4a-904, **Adoption assistance.**
8385 Section 62A-4a-1001, **Title.**
8386 Section 62A-4a-1002, **Definitions.**
8387 Section 62A-4a-1004, **Risk assessment training -- Second health care opinion.**
8388 Section 63M-10-101, **Title.**
8389 Section 63M-10-201, **Creation -- Purpose -- Administration -- Access.**
8390 Section 80-1-101, **Title.**
8391 Section 80-2-101, **Title.**
8392 Section 80-3-101, **Title.**
8393 Section 80-4-101, **Title.**
8394 Section 80-5-101, **Title.**
8395 Section 80-6-101, **Title.**

8396 Section **80-7-101, Title.**
8397 Section 145. **Effective date.**
8398 (1) Except as provided in Subsection (2), this bill takes effect on September 1, 2022.
8399 (2) Section 62A-4a-1003.5 and the amendments to Section 63I-2-262 take effect:
8400 (a) if approved by two-thirds of all members elected to each house, upon approval by
8401 the governor, or the day following the constitutional time limit of Utah Constitution, Article
8402 VII, Section 8, without the governor's signature, or in the case of a veto, the date of veto
8403 override; or
8404 (b) if not approved by two-thirds of all members elected to each house, on May 4,
8405 2022.
8406 Section 146. **Coordinating H.B. 248 with H.B. 153 -- Superseding, technical, and**
8407 **substantive amendments.**
8408 If this H.B. 248 and H.B. 153, Child Welfare Interview Requirements, both pass and
8409 become law, it is the intent of the Legislature that, on September 1, 2022, when the Office of
8410 Legislative Research and General Counsel prepares the Utah Code database for publication:
8411 (1) the amendments to Subsection 80-2-701(7) in this H.B. 248 supersede the
8412 amendments to Subsection 62A-4a-409(7) in H.B. 153;
8413 (2) the amendments to Section 80-2-702 in this H.B. 248 supersede the amendments to
8414 Section 62A-4a-202.3 in H.B. 153; and
8415 (3) Subsections 80-2-704(2) and (3) in this H.B. 248 are amended to read:
8416 "(2) (a) If the division interviews a child under Subsection (1), the division shall,
8417 except as provided in Subsection (6), audiotape or videotape the interview.
8418 (b) The interviewer under Subsection (1) shall say at the beginning of the audiotape or
8419 videotape:
8420 (i) the time, date, and place of the interview; and
8421 (ii) the full name and age of the child being interviewed.
8422 (3) (a) Before conducting an interview under Subsection (1), the interviewer shall:
8423 (i) assess the child's level of comfort with the interview and make reasonable efforts to
8424 ensure the child is comfortable during the interview; and
8425 (ii) unless the interview is conducted at a Children's Justice Center, ask the child
8426 whether the child is comfortable being alone in the interview with the interviewer.

8427 (b) (i) If a child who is interviewed under Subsection (1)(a) is not comfortable being
8428 alone in the interview with the interviewer, the child is allowed to have a support person of the
8429 child's choice present in an interview who:
8430 (A) is 18 years old or older;
8431 (B) is readily available; and
8432 (C) is willing and able to be present in the interview without influencing the child
8433 through statements or reactions.
8434 (ii) If a child who is interviewed under Subsection (1)(b) is not comfortable being
8435 alone in the interview with the interviewer, the interviewer shall conduct the interview with a
8436 support person of the child's choice present who meets the requirements of Subsections
8437 (2)(b)(i)(A) through (C).
8438 (c) A support person described in this Subsection (3):
8439 (i) may be:
8440 (A) a school teacher;
8441 (B) a school administrator;
8442 (C) a guidance counselor;
8443 (D) a child care provider;
8444 (E) a family member;
8445 (F) a family advocate;
8446 (G) a member of the clergy; or
8447 (H) another individual chosen by the child; and
8448 (ii) may not be an individual who:
8449 (A) is alleged to be, or potentially may be, the perpetrator; or
8450 (B) is protective of the perpetrator or unsupportive of the child. ".
8451 Section 147. **Coordinating H.B. 248 with H.B. 219 -- Technical amendments.**
8452 If this H.B. 248 and H.B. 219, Uniform Unregulated Child Custody Transfer Act, both
8453 pass and become law, it is the intent of the Legislature that, on September 1, 2022, when the
8454 Office of Legislative Research and General Counsel prepares the Utah Code database for
8455 publication Sections 62A-2-126 and 76-7-205 in this H.B. 248 are repealed.
8456 Section 148. **Coordinating H.B. 248 with H.B. 219 and S.B. 132 -- Technical and**
8457 **superseding amendments.**

8458 If this H.B. 248 and H.B. 219, Uniform Unregulated Child Custody Transfer Act, and
8459 S.B. 132, Child Welfare Amendments, all pass and become law, it is the intent of the
8460 Legislature that, on September 1, 2022, when the Office of Legislative Research and General
8461 Counsel prepares the Utah Code database for publication:
8462 (1) Subsection 62A-2-108.6(2)(a) in this H.B. 248 is amended to read:
8463 "(2) (a) Subject to Section 78B-24-205, a person may not engage in child placing, or
8464 solicit money or other assistance for child placing, without a valid license issued by the office
8465 in accordance with this chapter."; and
8466 (2) Subsection 62A-2-108.6(4) in this H.B. 248 is amended to read:
8467 "(4) This section does not preclude payment of fees for medical, legal, or other lawful
8468 services rendered in connection with the care of a mother, delivery and care of a child, or
8469 lawful adoption proceedings.".
8470 Section 149. **Coordinating H.B. 248 with S.B. 132 -- Technical and substantive**
8471 **amendments.**
8472 If this H.B. 248 and S.B. 132, Child Welfare Amendments, both pass and become law,
8473 it is the intent of the Legislature that, on September 1, 2022, when the Office of Legislative
8474 Research and General Counsel prepares the Utah Code database for publication:
8475 (1) Subsections 80-2a-101(5)(c) and (d) are amended to read:
8476 "(c) is a permanent guardian or natural parent of the child's sibling; or
8477 (d) in the case of a child who is an Indian child, is an extended family member as
8478 defined in the Indian Child Welfare Act, 25 U.S.C. Sec. 1903."; and
8479 (2) Subsection 80-2a-301(6)(b) is amended to read:
8480 "(b) The division shall determine whether an individual passes the background check
8481 described in Subsection (6)(a) in accordance with Section 62A-2-120.".
8482 Section 150. **Revisor instructions.**
8483 The Legislature intends that the Office of Legislative Research and General Counsel, in
8484 preparing the Utah Code database for publication, not enroll this bill if H.B. 249, Juvenile
8485 Amendments Cross References, does not pass.