

**CHILD WELFARE CHANGES**

2023 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Christine F. Watkins**

Senate Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

This bill amends definitions in the Utah Juvenile Code.

**Highlighted Provisions:**

This bill:

- ▶ amends definitions related to child welfare in the Utah Juvenile Code.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**80-1-102**, as last amended by Laws of Utah 2022, Chapters 155, 185, 217, 255, 326, 334, and 430

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

Section 1. Section **80-1-102** is amended to read:

**80-1-102. Juvenile Code definitions.**

Except as provided in Section **80-6-1103**, as used in this title:

(1) (a) "Abuse" means:

(i) (A) nonaccidental harm of a child;



- 28 (B) threatened harm of a child;
- 29 (C) sexual exploitation;
- 30 (D) sexual abuse; or
- 31 (E) human trafficking of a child in violation of Section 76-5-308.5; or
- 32 (ii) that a child's natural parent:
  - 33 (A) intentionally, knowingly, or recklessly causes the death of another parent of the
  - 34 child;
  - 35 (B) is identified by a law enforcement agency as the primary suspect in an investigation
  - 36 for intentionally, knowingly, or recklessly causing the death of another parent of the child; or
  - 37 (C) is being prosecuted for or has been convicted of intentionally, knowingly, or
  - 38 recklessly causing the death of another parent of the child.
- 39 (b) "Abuse" does not include:
  - 40 (i) reasonable discipline or management of a child, including withholding privileges;
  - 41 (ii) conduct described in Section 76-2-401; or
  - 42 (iii) the use of reasonable and necessary physical restraint or force on a child:
    - 43 (A) in self-defense;
    - 44 (B) in defense of others;
    - 45 (C) to protect the child; or
    - 46 (D) to remove a weapon in the possession of a child for any of the reasons described in
    - 47 Subsections (1)(b)(iii)(A) through (C).
- 48 (2) "Abused child" means a child who has been subjected to abuse.
- 49 (3) (a) "Adjudication" means a finding by the court, incorporated in a decree, that the
- 50 facts alleged in the petition have been proved.
- 51 (b) "Adjudication" does not mean a finding of not competent to proceed in accordance
- 52 with Section 80-6-402.
- 53 (4) (a) "Adult" means an individual who is 18 years old or older.
- 54 (b) "Adult" does not include an individual:
  - 55 (i) who is 18 years old or older; and
  - 56 (ii) who is a minor.
- 57 (5) "Attorney guardian ad litem" means the same as that term is defined in Section
- 58 78A-2-801.

- 59 (6) "Board" means the Board of Juvenile Court Judges.
- 60 (7) "Child" means, except as provided in Section 80-2-905, an individual who is under  
61 18 years old.
- 62 (8) "Child and family plan" means a written agreement between a child's parents or  
63 guardian and the Division of Child and Family Services as described in Section 80-3-307.
- 64 (9) "Child placing" means the same as that term is defined in Section 62A-2-101.
- 65 (10) "Child-placing agency" means the same as that term is defined in Section  
66 62A-2-101.
- 67 (11) "Child protection team" means a team consisting of:
  - 68 (a) the child welfare caseworker assigned to the case;
  - 69 (b) if applicable, the child welfare caseworker who made the decision to remove the  
70 child;
  - 71 (c) a representative of the school or school district where the child attends school;
  - 72 (d) if applicable, the law enforcement officer who removed the child from the home;
  - 73 (e) a representative of the appropriate Children's Justice Center, if one is established  
74 within the county where the child resides;
  - 75 (f) if appropriate, and known to the division, a therapist or counselor who is familiar  
76 with the child's circumstances;
  - 77 (g) if appropriate, a representative of law enforcement selected by the chief of police or  
78 sheriff in the city or county where the child resides; and
  - 79 (h) any other individuals determined appropriate and necessary by the team coordinator  
80 and chair.
- 81 (12) (a) "Chronic abuse" means repeated or patterned abuse.  
82 (b) "Chronic abuse" does not mean an isolated incident of abuse.
- 83 (13) (a) "Chronic neglect" means repeated or patterned neglect.  
84 (b) "Chronic neglect" does not mean an isolated incident of neglect.
- 85 (14) "Clandestine laboratory operation" means the same as that term is defined in  
86 Section 58-37d-3.
- 87 (15) "Commit" or "committed" means, unless specified otherwise:
  - 88 (a) with respect to a child, to transfer legal custody; and
  - 89 (b) with respect to a minor who is at least 18 years old, to transfer custody.

90 (16) "Community-based program" means a nonsecure residential or nonresidential  
91 program, designated to supervise and rehabilitate juvenile offenders, that prioritizes the least  
92 restrictive setting, consistent with public safety, and operated by or under contract with the  
93 Division of Juvenile Justice Services.

94 (17) "Community placement" means placement of a minor in a community-based  
95 program described in Section 80-5-402.

96 (18) "Correctional facility" means:

97 (a) a county jail; or

98 (b) a secure correctional facility as defined in Section 64-13-1.

99 (19) "Criminogenic risk factors" means evidence-based factors that are associated with  
100 a minor's likelihood of reoffending.

101 (20) "Department" means the Department of Health and Human Services created in  
102 Section 26B-1-201.

103 (21) "Dependent child" or "dependency" means a child who is without proper care  
104 through no fault of the child's parent, guardian, or custodian.

105 (22) "Deprivation of custody" means transfer of legal custody by the juvenile court  
106 from a parent or a previous custodian to another person, agency, or institution.

107 (23) "Detention" means home detention or secure detention.

108 (24) "Detention facility" means a facility, established by the Division of Juvenile  
109 Justice Services in accordance with Section 80-5-501, for minors held in detention.

110 (25) "Detention risk assessment tool" means an evidence-based tool established under  
111 Section 80-5-203 that:

112 (a) assesses a minor's risk of failing to appear in court or reoffending before  
113 adjudication; and

114 (b) is designed to assist in making a determination of whether a minor shall be held in  
115 detention.

116 (26) "Developmental immaturity" means incomplete development in one or more  
117 domains that manifests as a functional limitation in the minor's present ability to:

118 (a) consult with counsel with a reasonable degree of rational understanding; and

119 (b) have a rational as well as factual understanding of the proceedings.

120 (27) "Disposition" means an order by a juvenile court, after the adjudication of a

121 minor, under Section 80-3-405 or 80-4-305 or Chapter 6, Part 7, Adjudication and Disposition.

122 (28) "Educational neglect" means that, after receiving a notice of compulsory education  
123 violation under Section 53G-6-202, the parent or guardian fails to make a good faith effort to  
124 ensure that the child receives an appropriate education.

125 (29) "Educational series" means an evidence-based instructional series:

126 (a) obtained at a substance abuse program that is approved by the Division of  
127 Integrated Healthcare in accordance with Section 62A-15-105; and

128 (b) designed to prevent substance use or the onset of a mental health disorder.

129 (30) "Emancipated" means the same as that term is defined in Section 80-7-102.

130 (31) "Evidence-based" means a program or practice that has had multiple randomized  
131 control studies or a meta-analysis demonstrating that the program or practice is effective for a  
132 specific population or has been rated as effective by a standardized program evaluation tool.

133 (32) "Forensic evaluator" means the same as that term is defined in Section 77-15-2.

134 (33) "Formal probation" means a minor is:

135 (a) supervised in the community by, and reports to, a juvenile probation officer or an  
136 agency designated by the juvenile court; and

137 (b) subject to return to the juvenile court in accordance with Section 80-6-607.

138 (34) "Group rehabilitation therapy" means psychological and social counseling of one  
139 or more individuals in the group, depending upon the recommendation of the therapist.

140 (35) "Guardian" means a person appointed by a court to make decisions regarding a  
141 minor, including the authority to consent to:

142 (a) marriage;

143 (b) enlistment in the armed forces;

144 (c) major medical, surgical, or psychiatric treatment; or

145 (d) legal custody, if legal custody is not vested in another individual, agency, or  
146 institution.

147 (36) "Guardian ad litem" means the same as that term is defined in Section 78A-2-801.

148 (37) "Harm" means:

149 (a) physical or developmental injury or damage;

150 (b) emotional damage that results in a serious impairment in the child's growth,  
151 development, behavior, or psychological functioning;

152 (c) sexual abuse; or

153 (d) sexual exploitation.

154 (38) "Home detention" means placement of a minor:

155 (a) if prior to a disposition, in the minor's home, or in a surrogate home with the  
156 consent of the minor's parent, guardian, or custodian, under terms and conditions established by  
157 the Division of Juvenile Justice Services or the juvenile court; or

158 (b) if after a disposition, and in accordance with Section 78A-6-353 or 80-6-704, in the  
159 minor's home, or in a surrogate home with the consent of the minor's parent, guardian, or  
160 custodian, under terms and conditions established by the Division of Juvenile Justice Services  
161 or the juvenile court.

162 (39) (a) "Incest" means engaging in sexual intercourse with an individual whom the  
163 perpetrator knows to be the perpetrator's ancestor, descendant, brother, sister, uncle, aunt,  
164 nephew, niece, or first cousin.

165 (b) "Incest" includes:

166 (i) blood relationships of the whole or half blood, regardless of whether the  
167 relationship is legally recognized;

168 (ii) relationships of parent and child by adoption; and

169 (iii) relationships of stepparent and stepchild while the marriage creating the  
170 relationship of a stepparent and stepchild exists.

171 (40) "Indian child" means the same as that term is defined in 25 U.S.C. Sec. 1903.

172 (41) "Indian tribe" means the same as that term is defined in 25 U.S.C. Sec. 1903.

173 (42) "Indigent defense service provider" means the same as that term is defined in  
174 Section 78B-22-102.

175 (43) "Indigent defense services" means the same as that term is defined in Section  
176 78B-22-102.

177 (44) "Indigent individual" means the same as that term is defined in Section  
178 78B-22-102.

179 (45) (a) "Intake probation" means a minor is:

180 (i) monitored by a juvenile probation officer; and

181 (ii) subject to return to the juvenile court in accordance with Section 80-6-607.

182 (b) "Intake probation" does not include formal probation.

183 (46) "Intellectual disability" means a significant subaverage general intellectual  
184 functioning existing concurrently with deficits in adaptive behavior that constitutes a  
185 substantial limitation to the individual's ability to function in society.

186 (47) "Juvenile offender" means:

- 187 (a) a serious youth offender; or
- 188 (b) a youth offender.

189 (48) "Juvenile probation officer" means a probation officer appointed under Section  
190 [78A-6-205](#).

191 (49) "Juvenile receiving center" means a nonsecure, nonresidential program established  
192 by the Division of Juvenile Justice Services, or under contract with the Division of Juvenile  
193 Justice Services, that is responsible for minors taken into temporary custody under Section  
194 [80-6-201](#).

195 (50) "Legal custody" means a relationship embodying:

- 196 (a) the right to physical custody of the minor;
- 197 (b) the right and duty to protect, train, and discipline the minor;
- 198 (c) the duty to provide the minor with food, clothing, shelter, education, and ordinary  
199 medical care;
- 200 (d) the right to determine where and with whom the minor shall live; and

201 (e) the right, in an emergency, to authorize surgery or other extraordinary care.

202 (51) "Licensing Information System" means the Licensing Information System  
203 maintained by the Division of Child and Family Services under Section [80-2-1002](#).

204 (52) "Management Information System" means the Management Information System  
205 developed by the Division of Child and Family Services under Section [80-2-1001](#).

206 (53) "Mental illness" means:

207 (a) a psychiatric disorder that substantially impairs an individual's mental, emotional,  
208 behavioral, or related functioning; or

209 (b) the same as that term is defined in:

210 (i) the current edition of the Diagnostic and Statistical Manual of Mental Disorders  
211 published by the American Psychiatric Association; or

212 (ii) the current edition of the International Statistical Classification of Diseases and  
213 Related Health Problems.

214 (54) "Minor" means, except as provided in Sections 80-6-501, 80-6-901, and 80-7-102:

215 (a) a child; or

216 (b) an individual:

217 (i) (A) who is at least 18 years old and younger than 21 years old; and

218 (B) for whom the Division of Child and Family Services has been specifically ordered  
219 by the juvenile court to provide services because the individual was an abused, neglected, or  
220 dependent child or because the individual was adjudicated for an offense;

221 (ii) (A) who is at least 18 years old and younger than 25 years old; and

222 (B) whose case is under the jurisdiction of the juvenile court in accordance with  
223 Subsection 78A-6-103(1)(b); or

224 (iii) (A) who is at least 18 years old and younger than 21 years old; and

225 (B) whose case is under the jurisdiction of the juvenile court in accordance with  
226 Subsection 78A-6-103(1)(c).

227 (55) "Mobile crisis outreach team" means the same as that term is defined in Section  
228 62A-15-102.

229 (56) "Molestation" means that an individual, with the intent to arouse or gratify the  
230 sexual desire of any individual, touches the anus, buttocks, pubic area, or genitalia of any child,  
231 or the breast of a female child, or takes indecent liberties with a child as defined in Section  
232 76-5-401.1.

233 (57) (a) "Natural parent" means, except as provided in Section 80-3-302, a minor's  
234 biological or adoptive parent.

235 (b) "Natural parent" includes the minor's noncustodial parent.

236 (58) (a) "Neglect" means action or inaction causing:

237 (i) abandonment of a child, except as provided in Chapter 4, Part 5, Safe  
238 Relinquishment of a Newborn Child;

239 (ii) lack of proper parental care of a child by reason of the fault or habits of the parent,  
240 guardian, or custodian;

241 (iii) failure or refusal of a parent, guardian, or custodian to provide proper or necessary  
242 subsistence or medical care, or any other care necessary for the child's health, safety, morals, or  
243 well-being;

244 (iv) a child to be at risk of being ~~neglected or~~ abused because another child in the

245 same home is [~~neglected or~~] abused;

246 (v) abandonment of a child through an unregulated child custody transfer under Section  
247 78B-24-203; or

248 (vi) educational neglect.

249 (b) "Neglect" does not include:

250 (i) a parent or guardian legitimately practicing religious beliefs and who, for that  
251 reason, does not provide specified medical treatment for a child;

252 (ii) a health care decision made for a child by the child's parent or guardian, unless the  
253 state or other party to a proceeding shows, by clear and convincing evidence, that the health  
254 care decision is not reasonable and informed;

255 (iii) a parent or guardian exercising the right described in Section 80-3-304; or

256 (iv) permitting a child, whose basic needs are met and who is of sufficient age and  
257 maturity to avoid harm or unreasonable risk of harm, to engage in independent activities,  
258 including:

259 (A) traveling to and from school, including by walking, running, or bicycling;

260 (B) traveling to and from nearby commercial or recreational facilities;

261 (C) engaging in outdoor play;

262 (D) remaining in a vehicle unattended, except under the conditions described in

263 Subsection 76-10-2202(2);

264 (E) remaining at home unattended; or

265 (F) engaging in a similar independent activity.

266 (59) "Neglected child" means a child who has been subjected to neglect.

267 (60) "Nonjudicial adjustment" means closure of the case by the assigned juvenile  
268 probation officer, without an adjudication of the minor's case under Section 80-6-701, upon the  
269 consent in writing of:

270 (a) the assigned juvenile probation officer; and

271 (b) (i) the minor; or

272 (ii) the minor and the minor's parent, guardian, or custodian.

273 (61) "Not competent to proceed" means that a minor, due to a mental illness,  
274 intellectual disability or related condition, or developmental immaturity, lacks the ability to:

275 (a) understand the nature of the proceedings against the minor or of the potential

276 disposition for the offense charged; or

277 (b) consult with counsel and participate in the proceedings against the minor with a  
278 reasonable degree of rational understanding.

279 (62) "Parole" means a conditional release of a juvenile offender from residency in  
280 secure care to live outside of secure care under the supervision of the Division of Juvenile  
281 Justice Services, or another person designated by the Division of Juvenile Justice Services.

282 (63) "Physical abuse" means abuse that results in physical injury or damage to a child.

283 (64) (a) "Probation" means a legal status created by court order, following an  
284 adjudication under Section 80-6-701, whereby the minor is permitted to remain in the minor's  
285 home under prescribed conditions.

286 (b) "Probation" includes intake probation or formal probation.

287 (65) "Prosecuting attorney" means:

288 (a) the attorney general and any assistant attorney general;

289 (b) any district attorney or deputy district attorney;

290 (c) any county attorney or assistant county attorney; and

291 (d) any other attorney authorized to commence an action on behalf of the state.

292 (66) "Protective custody" means the shelter of a child by the Division of Child and  
293 Family Services from the time the child is removed from the home until the earlier of:

294 (a) the day on which the shelter hearing is held under Section 80-3-301; or

295 (b) the day on which the child is returned home.

296 (67) "Protective services" means expedited services that are provided:

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

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

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

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

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

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

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

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

- 309 (A) removal from the child's home;
- 310 (B) placement in substitute care; and
- 311 (C) petitioning the court for termination of parental rights.

312 (68) "Protective supervision" means a legal status created by court order, following an  
313 adjudication on the ground of abuse, neglect, or dependency, whereby:

- 314 (a) the minor is permitted to remain in the minor's home; and
- 315 (b) supervision and assistance to correct the abuse, neglect, or dependency is provided  
316 by an agency designated by the juvenile court.

317 (69) (a) "Related condition" means a condition that:

- 318 (i) is found to be closely related to intellectual disability;
- 319 (ii) results in impairment of general intellectual functioning or adaptive behavior  
320 similar to that of an intellectually disabled individual;
- 321 (iii) is likely to continue indefinitely; and
- 322 (iv) constitutes a substantial limitation to the individual's ability to function in society.

323 (b) "Related condition" does not include mental illness, psychiatric impairment, or  
324 serious emotional or behavioral disturbance.

325 (70) (a) "Residual parental rights and duties" means the rights and duties remaining  
326 with a parent after legal custody or guardianship, or both, have been vested in another person or  
327 agency, including:

- 328 (i) the responsibility for support;
- 329 (ii) the right to consent to adoption;
- 330 (iii) the right to determine the child's religious affiliation; and
- 331 (iv) the right to reasonable parent-time unless restricted by the court.

332 (b) If no guardian has been appointed, "residual parental rights and duties" includes the  
333 right to consent to:

- 334 (i) marriage;
- 335 (ii) enlistment; and
- 336 (iii) major medical, surgical, or psychiatric treatment.

337 (71) "Runaway" means a child, other than an emancipated child, who willfully leaves

338 the home of the child's parent or guardian, or the lawfully prescribed residence of the child,  
339 without permission.

340 (72) "Secure care" means placement of a minor, who is committed to the Division of  
341 Juvenile Justice Services for rehabilitation, in a facility operated by, or under contract with, the  
342 Division of Juvenile Justice Services, that provides 24-hour supervision and confinement of the  
343 minor.

344 (73) "Secure care facility" means a facility, established in accordance with Section  
345 [80-5-503](#), for juvenile offenders in secure care.

346 (74) "Secure detention" means temporary care of a minor who requires secure custody  
347 in a physically restricting facility operated by, or under contract with, the Division of Juvenile  
348 Justice Services:

349 (a) before disposition of an offense that is alleged to have been committed by the  
350 minor; or

351 (b) under Section [80-6-704](#).

352 (75) "Serious youth offender" means an individual who:

353 (a) is at least 14 years old, but under 25 years old;

354 (b) committed a felony listed in Subsection [80-6-503](#)(1) and the continuing jurisdiction  
355 of the juvenile court was extended over the individual's case until the individual was 25 years  
356 old in accordance with Section [80-6-605](#); and

357 (c) is committed by the juvenile court to the Division of Juvenile Justice Services for  
358 secure care under Sections [80-6-703](#) and [80-6-705](#).

359 (76) "Severe abuse" means abuse that causes or threatens to cause serious harm to a  
360 child.

361 (77) "Severe neglect" means neglect that causes or threatens to cause serious harm to a  
362 child.

363 (78) (a) "Severe type of child abuse or neglect" means, except as provided in  
364 Subsection (78)(b):

365 (i) if committed by an individual who is 18 years old or older:

366 (A) chronic abuse;

367 (B) severe abuse;

368 (C) sexual abuse;

- 369 (D) sexual exploitation;
- 370 (E) abandonment;
- 371 (F) chronic neglect; or
- 372 (G) severe neglect; or
- 373 (ii) if committed by an individual who is under 18 years old:
- 374 (A) causing serious physical injury, as defined in Subsection 76-5-109(1), to another
- 375 child that indicates a significant risk to other children; or
- 376 (B) sexual behavior with or upon another child that indicates a significant risk to other
- 377 children.
- 378 (b) "Severe type of child abuse or neglect" does not include:
- 379 (i) the use of reasonable and necessary physical restraint by an educator in accordance
- 380 with Subsection 53G-8-302(2) or Section 76-2-401;
- 381 (ii) an individual's conduct that is justified under Section 76-2-401 or constitutes the
- 382 use of reasonable and necessary physical restraint or force in self-defense or otherwise
- 383 appropriate to the circumstances to obtain possession of a weapon or other dangerous object in
- 384 the possession or under the control of a child or to protect the child or another individual from
- 385 physical injury; or
- 386 (iii) a health care decision made for a child by a child's parent or guardian, unless,
- 387 subject to Subsection (78)(c), the state or other party to the proceeding shows, by clear and
- 388 convincing evidence, that the health care decision is not reasonable and informed.
- 389 (c) Subsection (78)(b)(iii) does not prohibit a parent or guardian from exercising the
- 390 right to obtain a second health care opinion.
- 391 (79) "Sexual abuse" means:
- 392 (a) an act or attempted act of sexual intercourse, sodomy, incest, or molestation by an
- 393 adult directed towards a child;
- 394 (b) an act or attempted act of sexual intercourse, sodomy, incest, or molestation
- 395 committed by a child towards another child if:
- 396 (i) there is an indication of force or coercion;
- 397 (ii) the children are related, as described in Subsection (39), including siblings by
- 398 marriage while the marriage exists or by adoption;
- 399 (iii) there have been repeated incidents of sexual contact between the two children,

400 unless the children are 14 years old or older; or

401 (iv) there is a disparity in chronological age of four or more years between the two  
402 children;

403 (c) engaging in any conduct with a child that would constitute an offense under any of  
404 the following, regardless of whether the individual who engages in the conduct is actually  
405 charged with, or convicted of, the offense:

406 (i) Title 76, Chapter 5, Part 4, Sexual Offenses, except for Section 76-5-401, if the  
407 alleged perpetrator of an offense described in Section 76-5-401 is a minor;

408 (ii) child bigamy, Section 76-7-101.5;

409 (iii) incest, Section 76-7-102;

410 (iv) lewdness, Section 76-9-702;

411 (v) sexual battery, Section 76-9-702.1;

412 (vi) lewdness involving a child, Section 76-9-702.5; or

413 (vii) voyeurism, Section 76-9-702.7; or

414 (d) subjecting a child to participate in or threatening to subject a child to participate in  
415 a sexual relationship, regardless of whether that sexual relationship is part of a legal or cultural  
416 marriage.

417 (80) "Sexual exploitation" means knowingly:

418 (a) employing, using, persuading, inducing, enticing, or coercing any child to:

419 (i) pose in the nude for the purpose of sexual arousal of any individual; or

420 (ii) engage in any sexual or simulated sexual conduct for the purpose of photographing,  
421 filming, recording, or displaying in any way the sexual or simulated sexual conduct;

422 (b) displaying, distributing, possessing for the purpose of distribution, or selling  
423 material depicting a child:

424 (i) in the nude, for the purpose of sexual arousal of any individual; or

425 (ii) engaging in sexual or simulated sexual conduct; or

426 (c) engaging in any conduct that would constitute an offense under Section 76-5b-201,  
427 sexual exploitation of a minor, or Section 76-5b-201.1, aggravated sexual exploitation of a  
428 minor, regardless of whether the individual who engages in the conduct is actually charged  
429 with, or convicted of, the offense.

430 (81) "Shelter" means the temporary care of a child in a physically unrestricted facility

431 pending a disposition or transfer to another jurisdiction.

432 (82) "Shelter facility" means a nonsecure facility that provides shelter for a minor.

433 (83) "Significant risk" means a risk of harm that is determined to be significant in  
434 accordance with risk assessment tools and rules established by the Division of Child and  
435 Family Services in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking  
436 Act, that focus on:

437 (a) age;

438 (b) social factors;

439 (c) emotional factors;

440 (d) sexual factors;

441 (e) intellectual factors;

442 (f) family risk factors; and

443 (g) other related considerations.

444 (84) "Single criminal episode" means the same as that term is defined in Section  
445 [76-1-401](#).

446 (85) "Status offense" means an offense that would not be an offense but for the age of  
447 the offender.

448 (86) "Substance abuse" means, except as provided in Section [80-2-603](#), the misuse or  
449 excessive use of alcohol or other drugs or substances.

450 (87) "Substantiated" or "substantiation" means a judicial finding based on a  
451 preponderance of the evidence, and separate consideration of each allegation made or identified  
452 in the case, that abuse, neglect, or dependency occurred .

453 (88) "Substitute care" means:

454 (a) the placement of a minor in a family home, group care facility, or other placement  
455 outside the minor's own home, either at the request of a parent or other responsible relative, or  
456 upon court order, when it is determined that continuation of care in the minor's own home  
457 would be contrary to the minor's welfare;

458 (b) services provided for a minor in the protective custody of the Division of Child and  
459 Family Services, or a minor in the temporary custody or custody of the Division of Child and  
460 Family Services, as those terms are defined in Section [80-2-102](#); or

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

462 (89) "Supported" means a finding by the Division of Child and Family Services based  
463 on the evidence available at the completion of an investigation, and separate consideration of  
464 each allegation made or identified during the investigation, that there is a reasonable basis to  
465 conclude that abuse, neglect, or dependency occurred.

466 (90) "Termination of parental rights" means the permanent elimination of all parental  
467 rights and duties, including residual parental rights and duties, by court order.

468 (91) "Therapist" means:

469 (a) an individual employed by a state division or agency for the purpose of conducting  
470 psychological treatment and counseling of a minor in the division's or agency's custody; or

471 (b) any other individual licensed or approved by the state for the purpose of conducting  
472 psychological treatment and counseling.

473 (92) "Threatened harm" means ~~[actions, inactions, or credible verbal threats, indicating~~  
474 ~~that the child is at an unreasonable risk of harm or neglect]~~ credible verbal threats of harm, or  
475 actions or inactions that place a child at an unreasonable risk of non-accidental harm.

476 (93) "Ungovernable" means a child in conflict with a parent or guardian, and the  
477 conflict:

478 (a) results in behavior that is beyond the control or ability of the child, or the parent or  
479 guardian, to manage effectively;

480 (b) poses a threat to the safety or well-being of the child, the child's family, or others;  
481 or

482 (c) results in the situations described in Subsections (93)(a) and (b).

483 (94) "Unsubstantiated" means a judicial finding that there is insufficient evidence to  
484 conclude that abuse, neglect, or dependency occurred.

485 (95) "Unsupported" means a finding by the Division of Child and Family Services at  
486 the completion of an investigation, after the day on which the Division of Child and Family  
487 Services concludes the alleged abuse, neglect, or dependency is not without merit, that there is  
488 insufficient evidence to conclude that abuse, neglect, or dependency occurred.

489 (96) "Validated risk and needs assessment" means an evidence-based tool that assesses  
490 a minor's risk of reoffending and a minor's criminogenic needs.

491 (97) "Without merit" means a finding at the completion of an investigation by the  
492 Division of Child and Family Services, or a judicial finding, that the alleged abuse, neglect, or

493 dependency did not occur, or that the alleged perpetrator was not responsible for the abuse,  
494 neglect, or dependency.

495 (98) "Youth offender" means an individual who is:

496 (a) at least 12 years old, but under 21 years old; and

497 (b) committed by the juvenile court to the Division of Juvenile Justice Services for  
498 secure care under Sections [80-6-703](#) and [80-6-705](#).