

Representative Susan Pulsipher proposes the following substitute bill:

CHILD CARE REVISIONS

2024 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Susan Pulsipher

Senate Sponsor: Daniel McCay

LONG TITLE

General Description:

This bill modifies provisions related to caring for children.

Highlighted Provisions:

This bill:

▶ makes optional the requirement to obtain a certificate from the Department of Health and Human Services to provide residential child care;

⤵▶ limits the number of children under three years old for which a residential child care provider operating without a license may provide care; ⤵

▶ requires a residential child care provider operating without a license or a certificate to submit to criminal history check requirements;

▶ authorizes the Department of Health and Human Services to make rules regarding submission to criminal history checks;

▶ raises the age of a child dependent for whom an individual taxpayer may claim a child tax credit; and

▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.

Utah Code Sections Affected:



26 AMENDS:

27 **26B-2-402**, as renumbered and amended by Laws of Utah 2023, Chapter 305

28 **26B-2-404**, as renumbered and amended by Laws of Utah 2023, Chapter 305

29 **26B-2-405**, as renumbered and amended by Laws of Utah 2023, Chapter 305

30 **26B-2-406**, as renumbered and amended by Laws of Utah 2023, Chapter 305

31 **59-10-1047**, as enacted by Laws of Utah 2023, Chapter 462

32 **78A-6-209 (Superseded 07/01/24)**, as last amended by Laws of Utah 2023, Chapters

33 115, 330

34 **78A-6-209 (Effective 07/01/24)**, as last amended by Laws of Utah 2023, Chapters 115,

35 310 and 330



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

38 Section 1. Section **26B-2-402** is amended to read:

39 **26B-2-402. Duties of the department -- Enforcement of part -- Licensing**

40 **committee requirements.**

41 (1) With regard to residential child care licensed ~~[or]~~, certified, or subject to criminal
42 background checks under this part, the department may:

43 (a) make and enforce rules to implement this part and, as necessary to protect
44 qualifying children's common needs for a safe and healthy environment, to provide for:

45 (i) adequate facilities and equipment; and

46 (ii) competent caregivers, considering the age of the children and the type of program
47 offered by the licensee; and

48 (b) make and enforce rules necessary to carry out the purposes of this part, in the
49 following areas:

50 (i) requirements for applications, the application process, and compliance with other
51 applicable statutes and rules;

52 (ii) documentation and policies and procedures that providers shall have in place in
53 order to be licensed, in accordance with Subsection (1)(a);

54 (iii) categories, classifications, and duration of initial and ongoing licenses;

55 (iv) changes of ownership or name, changes in licensure status, and changes in
56 operational status;

- 57 (v) license expiration and renewal, contents, and posting requirements;
- 58 (vi) procedures for inspections, complaint resolution, disciplinary actions, and other
59 procedural measures to encourage and assure compliance with statute and rule; and
- 60 (vii) guidelines necessary to assure consistency and appropriateness in the regulation
61 and discipline of licensees.

62 (2) The department shall enforce the rules established by the licensing committee, with
63 the concurrence of the department, for center based child care.

64 (3) The department shall make rules that allow a regulated provider to provide after
65 school child care for a reasonable number of qualifying children in excess of the regulated
66 provider's capacity limit, without requiring the regulated provider to obtain a waiver or new
67 license from the department.

68 (4) Rules made under this part by the department, or the licensing committee with the
69 concurrence of the department, shall be made in accordance with Title 63G, Chapter 3, Utah
70 Administrative Rulemaking Act.

71 (5) (a) The licensing committee and the department may not regulate educational
72 curricula, academic methods, or the educational philosophy or approach of the provider.

73 (b) The licensing committee and the department shall allow for a broad range of
74 educational training and academic background in certification or qualification of child day care
75 directors.

76 (6) In licensing and regulating child care programs, the licensing committee and the
77 department shall reasonably balance the benefits and burdens of each regulation and, by rule,
78 provide for a range of licensure, depending upon the needs and different levels and types of
79 child care provided.

80 (7) Notwithstanding the definition of "qualifying child" in Section [26B-2-401](#), the
81 licensing committee and the department shall count children through age 12 and children with
82 disabilities through age 18 toward the minimum square footage requirement for indoor and
83 outdoor areas, including the child of:

- 84 (a) a licensed residential child care provider; or
- 85 (b) an owner or employee of a licensed child care center.

86 (8) Notwithstanding Subsection (1)(a)(i), the licensing committee and the department
87 may not exclude floor space used for furniture, fixtures, or equipment from the minimum

88 square footage requirement for indoor and outdoor areas if the furniture, fixture, or equipment
89 is used:

- 90 (a) by qualifying children;
- 91 (b) for the care of qualifying children; or
- 92 (c) to store classroom materials.

93 (9) (a) A child care center constructed prior to January 1, 2004, and licensed and
94 operated as a child care center continuously since January 1, 2004, is exempt from the licensing
95 committee's and the department's group size restrictions, if the child to caregiver ratios are
96 maintained, and adequate square footage is maintained for specific classrooms.

97 (b) An exemption granted under Subsection (9)(a) is transferrable to subsequent
98 licensed operators at the center if a licensed child care center is continuously maintained at the
99 center.

100 (10) The licensing committee, with the concurrence of the department, shall develop,
101 by rule, a five-year phased-in compliance schedule for playground equipment safety standards.

102 (11) The department shall set and collect licensing and other fees in accordance with
103 Section 26B-1-209.

104 Section 2. Section 26B-2-404 is amended to read:

105 **26B-2-404. Residential Child Care Certificate.**

106 (1) Except as provided in Section 26B-2-405, a person [~~shall obtain~~] may request a
107 Residential Child Care Certificate from the department if[?] the person provides residential
108 child care for eight or fewer qualifying children.

109 [~~(a) the person provides residential child care for seven or eight qualifying children; or]~~

110 [~~(b) the person:]~~

111 [~~(i) provides residential child care for six or less qualifying children; and]~~

112 [~~(ii) requests to be certified.]~~

113 (2) The minimum qualifications for a Residential Child Care Certificate are:

114 (a) the submission of:

115 (i) an application in the form prescribed by the department;

116 (ii) a certification and criminal background fee established in accordance with Section
117 26B-1-209; and

118 (iii) in accordance with Section 26B-2-406, identifying information for each adult

119 person and each juvenile age 12 through 17 years old who resides in the provider's home:

120 (A) for processing by the Department of Public Safety to determine whether any such
121 person has been convicted of a crime;

122 (B) to screen for a substantiated finding of child abuse or neglect by a juvenile court;
123 and

124 (C) to discover whether the person is listed in the Licensing Information System
125 described in Section 80-2-1002;

126 (b) an initial and annual inspection of the provider's home within 90 days of sending an
127 intent to inspect notice to:

128 (i) check the immunization record, as defined in Section 53G-9-301, of each qualifying
129 child who receives child care in the provider's home;

130 (ii) identify serious sanitation, fire, and health hazards to qualifying children; and

131 (iii) make appropriate recommendations; and

132 (c) annual training consisting of 10 hours of department-approved training as specified
133 by the department by administrative rule, including a current department-approved CPR and
134 first aid course.

135 (3) If a serious sanitation, fire, or health hazard has been found during an inspection
136 conducted pursuant to Subsection (2)(b), the department shall require corrective action for the
137 serious hazards found and make an unannounced follow up inspection to determine
138 compliance.

139 (4) In addition to an inspection conducted pursuant to Subsection (2)(b), the
140 department may inspect the home of a certified provider in response to a complaint of:

141 (a) child abuse or neglect;

142 (b) serious health hazards in or around the provider's home; or

143 (c) providing residential child care without the appropriate certificate or license.

144 (5) With respect to residential child care, the department may only make and enforce
145 rules necessary to implement this section.

146 Section 3. Section 26B-2-405 is amended to read:

147 **26B-2-405. Exclusions from part -- Criminal background checks by an excluded**
148 **person.**

149 (1) (a) Except as provided in [~~Subsection (1)(b)] Subsections (1)(b) and (1)(c), the~~

150 provisions and requirements of this part do not apply to:

- 151 (i) a facility or program owned or operated by an agency of the United States
 152 government;
- 153 (ii) group counseling provided by a mental health therapist, as defined in Section
 154 [58-60-102](#), who is licensed to practice in this state;
- 155 (iii) a health care facility licensed under Part 2, Health Care Facility Licensing and
 156 Inspection;
- 157 (iv) care provided to a qualifying child by or in the home of a parent, legal guardian,
 158 grandparent, brother, sister, uncle, or aunt;
- 159 (v) care provided to a qualifying child, in the home of the provider, for less than four
 160 hours a day or on a sporadic basis, unless that child care directly affects or is related to a
 161 business licensed in this state;
- 162 (vi) care provided at a residential support program that is licensed by the department;
- 163 (vii) center based child care for four or ~~[less]~~ fewer qualifying children, unless the
 164 provider requests to be licensed under Section [26B-2-403](#); or
- 165 (viii) residential child care for ~~[six or less]~~ eight or fewer qualifying children, unless
 166 the provider requests to be licensed under Section [26B-2-403](#) or certified under Section
 167 [26B-2-404](#).
- 168 (b) ~~[Notwithstanding Subsection (1)(a), a person who]~~ $\hat{S} \rightarrow$ **(i)** $\leftarrow \hat{S}$ A person that does not
 168a hold a
 169 license or certificate from the department under this part may not, at any given time, provide
 170 child care in the person's home for more than 10 children in total under the age of 13, or under
 171 the age of 18 if a child has a disability, regardless of whether a child is related to the person
 172 providing child care.
- 172a $\hat{S} \rightarrow$ **(ii)** A person providing care described in Subsection (1)(a)(viii) may not provide, at any
 172b given time, child care in the person's home for more than $\hat{S} \rightarrow$ ~~[three]~~ two $\leftarrow \hat{S}$ children who
 172c are under three years old. $\leftarrow \hat{S}$
- 173 (c) A person $\hat{S} \rightarrow$ **providing care** $\leftarrow \hat{S}$ described in Subsection (1)(a)(viii) that is not a
 173a certified provider or a
 174 licensed provider under this part is subject to the requirements of Section [26B-2-406](#).
- 175 (2) The licensing and certification requirements of this part do not apply to:
- 176 (a) care provided to a qualifying child as part of a course of study at or a program
 177 administered by an educational institution that is regulated by the boards of education of this
 178 state, a private education institution that provides education in lieu of that provided by the
 179 public education system, or by a parochial education institution;
- 180 (b) care provided to a qualifying child by a public or private institution of higher

181 education, if the care is provided in connection with a course of study or program, relating to
182 the education or study of children, that is provided to students of the institution of higher
183 education;

184 (c) care provided to a qualifying child at a public school by an organization other than
185 the public school, if:

186 (i) the care is provided under contract with the public school or on school property; or

187 (ii) the public school accepts responsibility and oversight for the care provided by the
188 organization;

189 (d) care provided to a qualifying child as part of a summer camp that operates on
190 federal land pursuant to a federal permit;

191 (e) care provided by an organization that:

192 (i) qualifies for tax exempt status under Section 501(c)(3) of the Internal Revenue
193 Code;

194 (ii) provides care pursuant to a written agreement with:

195 (A) a municipality, as defined in Section 10-1-104, that provides oversight for the
196 program; or

197 (B) a county that provides oversight for the program; and

198 (iii) provides care to a child who is over the age of four and under the age of 13; or

199 (f) care provided to a qualifying child at a facility where:

200 (i) the parent or guardian of the qualifying child is at all times physically present in the
201 building where the care is provided and the parent or guardian is near enough to reach the child
202 within five minutes if needed;

203 (ii) the duration of the care is less than four hours for an individual qualifying child in
204 any one day;

205 (iii) the care is provided on a sporadic basis;

206 (iv) the care does not include diapering a qualifying child; and

207 (v) the care does not include preparing or serving meals to a qualifying child.

208 (3) An exempt provider shall submit to the department:

209 (a) the information required under Subsections 26B-2-406(1) and (2); and

210 (b) of the children receiving care from the exempt provider:

211 (i) the number of children who are less than two years old;

212 (ii) the number of children who are at least two years old and less than five years old;
213 and

214 (iii) the number of children who are five years old or older.

215 (4) An exempt provider shall post, in a conspicuous location near the entrance of the
216 exempt provider's facility, a notice prepared by the department that:

217 (a) states that the facility is exempt from licensure and certification; and

218 (b) provides the department's contact information for submitting a complaint.

219 (5) (a) Except as provided in Subsection (5)(b), the department may not release the
220 information the department collects from exempt providers under Subsection (3).

221 (b) The department may release an aggregate count of children receiving care from
222 exempt providers, without identifying a specific provider.

223 Section 4. Section **26B-2-406** is amended to read:

224 **26B-2-406. Disqualified individuals -- Criminal history checks -- Payment of**
225 **costs.**

226 (1) (a) Each exempt provider, except as provided in Subsection (1)(c), each person
227 described in Subsection 26B-2-405(1)(a)(viii) that is not a certified provider or a licensed
228 provider, and each person requesting a residential certificate or to be licensed or to renew a
229 license under this part shall submit to the department the name and other identifying
230 information, which shall include fingerprints, of existing, new, and proposed:

231 (i) owners;

232 (ii) directors;

233 (iii) members of the governing body;

234 (iv) employees;

235 (v) providers of care;

236 (vi) volunteers, except parents of children enrolled in the programs; and

237 (vii) all adults residing in a residence where child care is provided.

238 (b) (i) The Utah Division of Criminal Investigation and Technical Services within the
239 Department of Public Safety shall process the information required under Subsection (1)(a) to
240 determine whether the individual has been convicted of any crime.

241 (ii) The Utah Division of Criminal Investigation and Technical Services shall submit
242 fingerprints required under Subsection (1)(a) to the FBI for a national criminal history record

243 check.

244 (iii) A person required to submit information to the department under Subsection (1)
245 shall pay the cost of conducting the record check described in this Subsection (1)(b).

246 (c) An exempt provider who provides care to a qualifying child as part of a program
247 administered by an educational institution that is regulated by the State Board of Education is
248 not subject to this Subsection (1), unless required by the Child Care and Development Block
249 Grant, 42 U.S.C. Secs. 9857-9858r.

250 (2) (a) (i) Each person requesting a residential certificate or to be licensed or to renew a
251 license under this part and each person described in Subsection 26B-2-405(1)(a)(viii) that is
252 not a certified provider or a licensed provider shall submit to the department the name and
253 other identifying information of any person age 12 through 17 who resides in the residence
254 where the child care is provided.

255 (ii) The identifying information required for a person age 12 through 17 does not
256 include fingerprints.

257 (b) The department shall access the juvenile court records to determine whether a
258 person described in Subsection (1) or (2)(a) has been adjudicated in juvenile court of
259 committing an act which if committed by an adult would be a felony or misdemeanor if:

260 (i) the person described in Subsection (1) is under the age of 28; or

261 (ii) the person described in Subsection (1) is:

262 (A) over the age of 28; and

263 (B) has been convicted, has pleaded no contest, or is currently subject to a plea in
264 abeyance or diversion agreement for a felony or misdemeanor.

265 (3) Except as provided in Subsections (4) and (5), a licensee under this part, a person
266 described in Subsection 26B-2-405(1)(a)(viii) that is not a certified provider or a licensed
267 provider, or an exempt provider may not permit a person who has been convicted, has pleaded
268 no contest, or is currently subject to a plea in abeyance or diversion agreement for any felony or
269 misdemeanor, or if the provisions of Subsection (2)(b) apply, who has been adjudicated in
270 juvenile court of committing an act which if committed by an adult would be a felony or a
271 misdemeanor, to:

272 (a) provide child care;

273 (b) provide volunteer services for a child care program or an exempt provider;

274 (c) reside at the premises where child care is provided; or

275 (d) function as an owner, director, or member of the governing body of a child care
276 program or an exempt provider.

277 (4) (a) The department may, by rule, exempt the following from the restrictions of
278 Subsection (3):

279 (i) specific misdemeanors; and

280 (ii) specific acts adjudicated in juvenile court, which if committed by an adult would be
281 misdemeanors.

282 (b) In accordance with criteria established by rule, the executive director may consider
283 and exempt individual cases not otherwise exempt under Subsection (4)(a) from the restrictions
284 of Subsection (3).

285 (5) The restrictions of Subsection (3) do not apply to the following:

286 (a) a conviction or plea of no contest to any nonviolent drug offense that occurred on a
287 date 10 years or more before the date of the criminal history check described in this section; or

288 (b) if the provisions of Subsection (2)(b) apply, any nonviolent drug offense
289 adjudicated in juvenile court on a date 10 years or more before the date of the criminal history
290 check described in this section.

291 (6) The department may retain background check information submitted to the
292 department for up to one year after the day on which the covered individual is no longer
293 associated with a Utah child care provider.

294 Section 5. Section **59-10-1047** is amended to read:

295 **59-10-1047. Nonrefundable child tax credit.**

296 (1) As used in this section:

297 (a) "Joint filing status" means the same as that term is defined in Section [59-10-1018](#).

298 (b) "Head of household filing status" means the same as that term is defined in Section
299 [59-10-1018](#).

300 (c) "Married filing separately status" means a married individual who:

301 (i) does not file a single federal individual income tax return jointly with that married
302 individual's spouse for the taxable year; and

303 (ii) files a single federal individual income tax return for the taxable year.

304 (d) "Modified adjusted gross income" means the sum of the following for a claimant

305 or, if the claimant's federal individual income tax return is allowed a joint filing status, the
306 claimant and the claimant's spouse:

307 (i) adjusted gross income for the taxable year for which a tax credit is claimed under
308 this section;

309 (ii) any interest income that is not included in adjusted gross income for the taxable
310 year described in Subsection (1)(d)(i); and

311 (iii) any addition to adjusted gross income required by Section 59-10-114 for the
312 taxable year described in Subsection (1)(d)(i).

313 (e) "Qualifying child" means an individual:

314 (i) with respect to whom the claimant is allowed to claim a tax credit under Section 24,
315 Internal Revenue Code, on the claimant's federal individual income tax return for the taxable
316 year; and

317 (ii) who is at least one year old and younger than ~~four~~ five years old on the last day of
318 the claimant's taxable year.

319 (f) "Single filing status" means a single individual who files a single federal individual
320 income tax return for the taxable year.

321 (2) Subject to Subsection 59-10-1002.2, a claimant may claim a nonrefundable tax
322 credit of \$1,000 for each qualifying child.

323 (3) A claimant may not carry forward or carry back the amount of the tax credit that
324 exceeds the claimant's tax liability.

325 (4) The tax credit allowed by Subsection (2) claimed on a return filed under this part
326 shall be reduced by \$.10 for each dollar by which modified adjusted gross income for purposes
327 of the return exceeds:

328 (a) for a federal individual income tax return that is allowed a married filing separately
329 status, \$27,000;

330 (b) for a federal individual income tax return that is allowed a single filing status or
331 head of household filing status, \$43,000; and

332 (c) for a federal individual income tax return ~~[under this chapter]~~ that is allowed a joint
333 filing status, \$54,000.

334 Section 6. Section 78A-6-209 (Superseded 07/01/24) is amended to read:

335 **78A-6-209 (Superseded 07/01/24). Court records -- Inspection.**

336 (1) The juvenile court and the juvenile court's probation department shall keep records
337 as required by the board and the presiding judge.

338 (2) A court record shall be open to inspection by:

339 (a) the parents or guardian of a child, a minor who is at least 18 years old, other parties
340 in the case, the attorneys, and agencies to which custody of a minor has been transferred;

341 (b) for information relating to adult offenders alleged to have committed a sexual
342 offense, a felony or class A misdemeanor drug offense, or an offense against the person under
343 Title 76, Chapter 5, Offenses Against the Individual, the State Board of Education for the
344 purpose of evaluating whether an individual should be permitted to obtain or retain a license as
345 an educator or serve as an employee or volunteer in a school, with the understanding that the
346 State Board of Education must provide the individual with an opportunity to respond to any
347 information gathered from the State Board of Education's inspection of the records before the
348 State Board of Education makes a decision concerning licensure or employment;

349 (c) the Criminal Investigations and Technical Services Division, established in Section
350 53-10-103, for the purpose of a criminal history background check for the purchase of a firearm
351 and establishing good character for issuance of a concealed firearm permit as provided in
352 Section 53-5-704;

353 (d) the Division of Child and Family Services for the purpose of Child Protective
354 Services Investigations in accordance with Sections 80-2-602 and 80-2-701 and administrative
355 hearings in accordance with Section 80-2-707;

356 (e) the Division of Licensing and Background Checks for the purpose of conducting a
357 background check in accordance with Section 26B-2-120;

358 (f) for information related to a minor who has committed a sexual offense, a felony, or
359 an offense that if committed by an adult would be a misdemeanor, the Department of Health
360 and Human Services for the purpose of evaluating under the provisions of Subsection
361 26B-2-406(3) whether a [~~licensee~~] person should be permitted to operate a residential child
362 care without a license or a certificate or to obtain or retain a license to provide child care, with
363 the understanding that the department must provide the individual who committed the offense
364 with an opportunity to respond to any information gathered from the Department of Health and
365 Human Services' inspection of records before the Department of Health and Human Services
366 makes a decision concerning licensure;

367 (g) for information related to a minor who has committed a sexual offense, a felony, or
368 an offense that if committed by an adult would be a misdemeanor, the Department of Health
369 and Human Services to determine whether an individual meets the background screening
370 requirements of Sections 26B-2-238 through 26B-2-241, with the understanding that the
371 department must provide the individual who committed the offense an opportunity to respond
372 to any information gathered from the Department of Health and Human Services' inspection of
373 records before the Department of Health and Human Services makes a decision under that part;
374 and

375 (h) for information related to a minor who has committed a sexual offense, a felony, or
376 an offense that if committed by an adult would be a misdemeanor, the Department of Health
377 and Human Services to determine whether to grant, deny, or revoke background clearance
378 under Section 26B-4-124 for an individual who is seeking or who has obtained an emergency
379 medical service personnel license under Section 26B-4-116, with the understanding that the
380 Department of Health and Human Services' must provide the individual who committed the
381 offense an opportunity to respond to any information gathered from the Department of Health
382 and Human Services' inspection of records before the Department of Health and Human
383 Services makes a determination.

384 (3) With the consent of the juvenile court, a court record may be inspected by the child,
385 by persons having a legitimate interest in the proceedings, and by persons conducting pertinent
386 research studies.

387 (4) (a) Except as provided in Subsection (4)(b), if a petition is filed charging a minor
388 who is 14 years old or older with an offense that would be a felony if committed by an adult,
389 the juvenile court shall make available to any person upon request the petition, any
390 adjudication or disposition orders, and the delinquency history summary for the minor.

391 (b) A juvenile court may close the records described in Subsection (4)(a) to the public
392 if the juvenile court finds, on the record, that the records are closed for good cause.

393 (5) A juvenile probation officer's records and reports of social and clinical studies are
394 not open to inspection, except by consent of the juvenile court, given under rules adopted by
395 the board.

396 (6) The juvenile court may charge a reasonable fee to cover the costs associated with
397 retrieving a requested record that has been archived.

398 Section 7. Section 78A-6-209 (Effective 07/01/24) is amended to read:

399 **78A-6-209 (Effective 07/01/24). Court records -- Inspection.**

400 (1) The juvenile court and the juvenile court's probation department shall keep records
401 as required by the board and the presiding judge.

402 (2) A court record shall be open to inspection by:

403 (a) the parents or guardian of a child, a minor who is at least 18 years old, other parties
404 in the case, the attorneys, and agencies to which custody of a minor has been transferred;

405 (b) for information relating to adult offenders alleged to have committed a sexual
406 offense, a felony or class A misdemeanor drug offense, or an offense against the person under
407 Title 76, Chapter 5, Offenses Against the Individual, the State Board of Education for the
408 purpose of evaluating whether an individual should be permitted to obtain or retain a license as
409 an educator or serve as an employee or volunteer in a school, with the understanding that the
410 State Board of Education must provide the individual with an opportunity to respond to any
411 information gathered from the State Board of Education's inspection of the records before the
412 State Board of Education makes a decision concerning licensure or employment;

413 (c) the Criminal Investigations and Technical Services Division, established in Section
414 53-10-103, for the purpose of a criminal history background check for the purchase of a firearm
415 and establishing good character for issuance of a concealed firearm permit as provided in
416 Section 53-5-704;

417 (d) the Division of Child and Family Services for the purpose of Child Protective
418 Services Investigations in accordance with Sections 80-2-602 and 80-2-701 and administrative
419 hearings in accordance with Section 80-2-707;

420 (e) the Division of Licensing and Background Checks for the purpose of conducting a
421 background check in accordance with Section 26B-2-120;

422 (f) for information related to a minor who has committed a sexual offense, a felony, or
423 an offense that if committed by an adult would be a misdemeanor, the Department of Health
424 and Human Services for the purpose of evaluating under the provisions of Subsection
425 26B-2-406(3) whether a [~~licensee~~] person should be permitted to operate a residential child
426 care without a license or a certificate or to obtain or retain a license to provide child care, with
427 the understanding that the department must provide the individual who committed the offense
428 with an opportunity to respond to any information gathered from the Department of Health and

429 Human Services' inspection of records before the Department of Health and Human Services
430 makes a decision concerning licensure;

431 (g) for information related to a minor who has committed a sexual offense, a felony, or
432 an offense that if committed by an adult would be a misdemeanor, the Department of Health
433 and Human Services to determine whether an individual meets the background screening
434 requirements of Sections 26B-2-238 through 26B-2-241, with the understanding that the
435 department must provide the individual who committed the offense an opportunity to respond
436 to any information gathered from the Department of Health and Human Services' inspection of
437 records before the Department of Health and Human Services makes a decision under that part;
438 and

439 (h) for information related to a minor who has committed a sexual offense, a felony, or
440 an offense that if committed by an adult would be a misdemeanor, the Bureau of Emergency
441 Medical Services to determine whether to grant, deny, or revoke background clearance under
442 Section 53-2d-410 for an individual who is seeking or who has obtained an emergency medical
443 service personnel license under Section 53-2d-402, with the understanding that the Bureau of
444 Emergency Medical Services must provide the individual who committed the offense an
445 opportunity to respond to any information gathered from the inspection of records before the
446 Bureau of Emergency Medical Services makes a determination.

447 (3) With the consent of the juvenile court, a court record may be inspected by the child,
448 by persons having a legitimate interest in the proceedings, and by persons conducting pertinent
449 research studies.

450 (4) (a) Except as provided in Subsection (4)(b), if a petition is filed charging a minor
451 who is 14 years old or older with an offense that would be a felony if committed by an adult,
452 the juvenile court shall make available to any person upon request the petition, any
453 adjudication or disposition orders, and the delinquency history summary for the minor.

454 (b) A juvenile court may close the records described in Subsection (4)(a) to the public
455 if the juvenile court finds, on the record, that the records are closed for good cause.

456 (5) A juvenile probation officer's records and reports of social and clinical studies are
457 not open to inspection, except by consent of the juvenile court, given under rules adopted by
458 the board.

459 (6) The juvenile court may charge a reasonable fee to cover the costs associated with

460 retrieving a requested record that has been archived.

461 Section 8. **Effective date.**

462 (1) Except as provided in Subsection (2), this bill takes effect on May 1, 2024.

463 (2) (a) Section [78A-6-209](#) (Effective 07/01/24) takes effect on July 1, 2024.

464 (b) The actions affecting Section [59-10-1047](#) take effect for a taxable year beginning
465 on or after January 1, 2025.