

**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

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**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;
- ▶ 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 (Effective 01/01/25)**, 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32 **78A-6-209 (Superseded 07/01/24)**, as last amended by Laws of Utah 2023, Chapters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]~~ A person that does not 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.

173 (c) A person described in Subsection (1)(a)(viii) that is not a certified provider or a  
174 licensed provider under this part shall submit to the department the information required for a  
175 criminal history check under Subsections 26B-2-406(1) and (2) and is subject to  
176 disqualification as provided in Subsection 26B-2-406(3).

177 (2) The licensing and certification requirements of this part do not apply to:

178 (a) care provided to a qualifying child as part of a course of study at or a program  
179 administered by an educational institution that is regulated by the boards of education of this  
180 state, a private education institution that provides education in lieu of that provided by the

181 public education system, or by a parochial education institution;

182 (b) care provided to a qualifying child by a public or private institution of higher  
183 education, if the care is provided in connection with a course of study or program, relating to  
184 the education or study of children, that is provided to students of the institution of higher  
185 education;

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

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

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

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

193 (e) care provided by an organization that:

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

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

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

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

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

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

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

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

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

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

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

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

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

- 212 (b) of the children receiving care from the exempt provider:
- 213 (i) the number of children who are less than two years old;
- 214 (ii) the number of children who are at least two years old and less than five years old;

215 and

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

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

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

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

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

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

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

226 **26B-2-406. Disqualified individuals -- Criminal history checks -- Payment of**  
227 **costs.**

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

- 233 (i) owners;
- 234 (ii) directors;
- 235 (iii) members of the governing body;
- 236 (iv) employees;
- 237 (v) providers of care;
- 238 (vi) volunteers, except parents of children enrolled in the programs; and
- 239 (vii) all adults residing in a residence where child care is provided.

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



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

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

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

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

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

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

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

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

264 (A) over the age of 28; and

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

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

- 274 (a) provide child care;
- 275 (b) provide volunteer services for a child care program or an exempt provider;
- 276 (c) reside at the premises where child care is provided; or
- 277 (d) function as an owner, director, or member of the governing body of a child care
- 278 program or an exempt provider.

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

- 281 (i) specific misdemeanors; and
- 282 (ii) specific acts adjudicated in juvenile court, which if committed by an adult would be
- 283 misdemeanors.

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

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

- 288 (a) a conviction or plea of no contest to any nonviolent drug offense that occurred on a
- 289 date 10 years or more before the date of the criminal history check described in this section; or
- 290 (b) if the provisions of Subsection (2)(b) apply, any nonviolent drug offense
- 291 adjudicated in juvenile court on a date 10 years or more before the date of the criminal history
- 292 check described in this section.

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

296 Section 5. Section **59-10-1047 (Effective 01/01/25)** is amended to read:

297 **59-10-1047 (Effective 01/01/25). Nonrefundable child tax credit.**

298 (1) As used in this section:

- 299 (a) "Joint filing status" means the same as that term is defined in Section [59-10-1018](#).
- 300 (b) "Head of household filing status" means the same as that term is defined in Section
- 301 [59-10-1018](#).
- 302 (c) "Married filing separately status" means a married individual who:
  - 303 (i) does not file a single federal individual income tax return jointly with that married
  - 304 individual's spouse for the taxable year; and

- 305 (ii) files a single federal individual income tax return for the taxable year.
- 306 (d) "Modified adjusted gross income" means the sum of the following for a claimant  
307 or, if the claimant's federal individual income tax return is allowed a joint filing status, the  
308 claimant and the claimant's spouse:
- 309 (i) adjusted gross income for the taxable year for which a tax credit is claimed under  
310 this section;
- 311 (ii) any interest income that is not included in adjusted gross income for the taxable  
312 year described in Subsection (1)(d)(i); and
- 313 (iii) any addition to adjusted gross income required by Section 59-10-114 for the  
314 taxable year described in Subsection (1)(d)(i).
- 315 (e) "Qualifying child" means an individual:
- 316 (i) with respect to whom the claimant is allowed to claim a tax credit under Section 24,  
317 Internal Revenue Code, on the claimant's federal individual income tax return for the taxable  
318 year; and
- 319 (ii) who is at least one year old and younger than ~~four~~ six years old on the last day of  
320 the claimant's taxable year.
- 321 (f) "Single filing status" means a single individual who files a single federal individual  
322 income tax return for the taxable year.
- 323 (2) Subject to Subsection 59-10-1002.2, a claimant may claim a nonrefundable tax  
324 credit of \$1,000 for each qualifying child.
- 325 (3) A claimant may not carry forward or carry back the amount of the tax credit that  
326 exceeds the claimant's tax liability.
- 327 (4) The tax credit allowed by Subsection (2) claimed on a return filed under this part  
328 shall be reduced by \$.10 for each dollar by which modified adjusted gross income for purposes  
329 of the return exceeds:
- 330 (a) for a federal individual income tax return that is allowed a married filing separately  
331 status, \$27,000;
- 332 (b) for a federal individual income tax return that is allowed a single filing status or  
333 head of household filing status, \$43,000; and
- 334 (c) for a federal individual income tax return ~~[under this chapter]~~ that is allowed a joint  
335 filing status, \$54,000.

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

337 78A-6-209 (Superseded 07/01/24). Court records -- Inspection.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

401 **78A-6-209 (Effective 07/01/24). Court records -- Inspection.**

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

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

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

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

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

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

422 (e) the Division of Licensing and Background Checks for the purpose of conducting a  
423 background check in accordance with Section [26B-2-120](#);

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

429 the understanding that the department must provide the individual who committed the offense  
430 with an opportunity to respond to any information gathered from the Department of Health and  
431 Human Services' inspection of records before the Department of Health and Human Services  
432 makes a decision concerning licensure;

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

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

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

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

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

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

460 the board.

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

463 Section 8. **Effective date.**

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

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

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