

CHILD PROTECTION UNIT AMENDMENTS

2021 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Karianne Lisonbee

Senate Sponsor: Luz Escamilla

LONG TITLE

Committee Note:

The Health and Human Services Interim Committee recommended this bill.

Legislative Vote: 15 voting for 0 voting against 2 absent

General Description:

This bill addresses child protection units.

Highlighted Provisions:

This bill:

- ▶ repeals the Child Protection Unit Pilot Program;
- ▶ reenacts provisions authorizing a child protection unit to share case-specific information with certain persons; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

62A-4a-412, as last amended by Laws of Utah 2020, Chapters 193 and 258

63I-1-262, as last amended by Laws of Utah 2020, Chapters 154, 303, 304, and 358

REPEALS:



28 [62A-4a-202.9](#), as last amended by Laws of Utah 2020, Chapter 354



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

31 Section 1. Section **62A-4a-412** is amended to read:

32 **62A-4a-412. Reports, information, and referrals confidential -- Exceptions.**

33 (1) Except as otherwise provided in this chapter, reports made under this part, as well
34 as any other information in the possession of the division obtained as the result of a report are
35 private, protected, or controlled records under Title 63G, Chapter 2, Government Records
36 Access and Management Act, and may only be made available to:

37 (a) a police or law enforcement agency investigating a report of known or suspected
38 abuse or neglect, including members of a child protection unit;

39 (b) a physician who reasonably believes that a child may be the subject of abuse or
40 neglect;

41 (c) an agency that has responsibility or authority to care for, treat, or supervise a minor
42 who is the subject of a report;

43 (d) a contract provider that has a written contract with the division to render services to
44 a minor who is the subject of a report;

45 (e) except as provided in Subsection [63G-2-202\(10\)](#), a subject of the report, the natural
46 parents of the child, and the guardian ad litem;

47 (f) a court, upon a finding that access to the records may be necessary for the
48 determination of an issue before the court, provided that in a divorce, custody, or related
49 proceeding between private parties, the record alone is:

50 (i) limited to objective or undisputed facts that were verified at the time of the
51 investigation; and

52 (ii) devoid of conclusions drawn by the division or any of the division's workers on the
53 ultimate issue of whether or not a person's acts or omissions constituted any level of abuse or
54 neglect of another person;

55 (g) an office of the public prosecutor or its deputies in performing an official duty;

56 (h) a person authorized by a Children's Justice Center, for the purposes described in
57 Section [67-5b-102](#);

58 (i) a person engaged in bona fide research, when approved by the director of the

59 division, if the information does not include names and addresses;

60 (j) the State Board of Education, acting on behalf of itself or on behalf of a local
61 education agency, as defined in Section 63J-5-102, for the purpose of evaluating whether an
62 individual should be permitted to obtain or retain a license as an educator or serve as an
63 employee or volunteer in a school, limited to information with substantiated or supported
64 findings involving an alleged sexual offense, an alleged felony or class A misdemeanor drug
65 offense, or any alleged offense against the person under Title 76, Chapter 5, Offenses Against
66 the Person, and with the understanding that the office must provide the subject of a report
67 received under Subsection (1)(k) with an opportunity to respond to the report before making a
68 decision concerning licensure or employment;

69 (k) any person identified in the report as a perpetrator or possible perpetrator of abuse
70 or neglect, after being advised of the screening prohibition in Subsection (2);

71 (l) except as provided in Subsection 63G-2-202(10), a person filing a petition for a
72 child protective order on behalf of a child who is the subject of the report;

73 (m) a licensed child-placing agency or person who is performing a preplacement
74 adoptive evaluation in accordance with the requirements of Sections 78B-6-128 and
75 78B-6-130;

76 (n) an Indian tribe to:

77 (i) certify or license a foster home;

78 (ii) render services to a subject of a report; or

79 (iii) investigate an allegation of abuse, neglect, or dependency; or

80 (o) the Division of Substance Abuse and Mental Health, the Department of Health, or a
81 local substance abuse authority, described in Section 17-43-201, for the purpose of providing
82 substance abuse treatment to a pregnant woman, or the services described in Subsection
83 62A-15-103(2)(o).

84 (2) (a) A person, unless listed in Subsection (1), may not request another person to
85 obtain or release a report or any other information in the possession of the division obtained as
86 a result of the report that is available under Subsection (1)(k) to screen for potential
87 perpetrators of abuse or neglect.

88 (b) A person who requests information knowing that the request is a violation of
89 Subsection (2)(a) is subject to the criminal penalty in Subsection (4).

90 (3) (a) Except as provided in Section 62A-4a-1007 and Subsection (3)(b), the division
91 and law enforcement officials shall ensure the anonymity of the person or persons making the
92 initial report and any others involved in its subsequent investigation.

93 (b) Notwithstanding any other provision of law, excluding Section 78A-6-317, but
94 including this chapter and Title 63G, Chapter 2, Government Records Access and Management
95 Act, when the division makes a report or other information in the division's possession
96 available under Subsection (1)(e) to a subject of the report or a parent of a child, the division
97 shall remove from the report or other information only the names, addresses, and telephone
98 numbers of individuals or specific information that could:

- 99 (i) identify the referent;
- 100 (ii) impede a criminal investigation; or
- 101 (iii) endanger a person's safety.

102 (4) Any person who [~~wilfully~~] willfully permits, or aides and abets the release of data
103 or information obtained as a result of this part, in the possession of the division or contained on
104 any part of the Management Information System, in violation of this part or Sections
105 62A-4a-1003 through 62A-4a-1007, is guilty of a class C misdemeanor.

106 (5) The physician-patient privilege is not a ground for excluding evidence regarding a
107 child's injuries or the cause of those injuries, in any proceeding resulting from a report made in
108 good faith pursuant to this part.

109 (6) A child-placing agency or person who receives a report in connection with a
110 preplacement adoptive evaluation pursuant to Sections 78B-6-128 and 78B-6-130:

- 111 (a) may provide this report to the person who is the subject of the report; and
- 112 (b) may provide this report to a person who is performing a preplacement adoptive
113 evaluation in accordance with the requirement of Sections 78B-6-128 and 78B-6-130, or to a
114 licensed child-placing agency or to an attorney seeking to facilitate an adoption.

115 (7) A child protection unit may share case-specific information obtained from the
116 division under Subsection (1)(a) with members of a multidisciplinary team that is:

- 117 (a) assembled by the child protection unit for a particular case when the case
118 demonstrates:
 - 119 (i) the likelihood of severe child abuse or neglect; or
 - 120 (ii) a high risk of repetition as evidenced by previous involvements with law

121 enforcement;

122 (b) assembled for the purpose of information sharing and identification of resources,
 123 services, or actions that are in the best interest of the child or the child's family; and

124 (c) composed of:

125 (i) a victim advocate;

126 (ii) a therapist;

127 (iii) a representative of the child's school district; or

128 (iv) another individual that the child protection unit designates as valuable to provide

129 necessary services to the child or the family of the child.

130 Section 2. Section **63I-1-262** is amended to read:

131 **63I-1-262. Repeal dates, Title 62A.**

132 (1) Subsections **62A-1-120**(8)(g), (h), and (i) relating to completion of premarital
 133 counseling or education under Section **30-1-34** are repealed July 1, 2023.

134 (2) Section **62A-3-209** is repealed July 1, 2023.

135 [~~(3)~~] Section **62A-4a-202.9** is repealed December 31, 2021.]

136 [~~(4)~~] (3) Section **62A-4a-213** is repealed July 1, 2024.

137 [~~(5)~~] (4) Sections **62A-5a-101**, **62A-5a-102**, **62A-5a-103**, and **62A-5a-104**, which
 138 create the Coordinating Council for Persons with Disabilities, are repealed July 1, 2022.

139 [~~(6)~~] (5) Section **62A-15-114** is repealed December 31, 2021.

140 [~~(7)~~] (6) Subsections **62A-15-116**(1) and [~~(4)~~] (5), the language that states "In
 141 consultation with the Behavioral Health Crisis Response Commission, established in Section
 142 **63C-18-202**," is repealed January 1, 2023.

143 [~~(8)~~] (7) Section **62A-15-118** is repealed December 31, 2023.

144 [~~(9)~~] (8) Subsections **62A-15-605**(3)(h) and (4) relating to the study of long-term needs
 145 for adult beds in the state hospital are repealed July 1, 2022.

146 [~~(10)~~] (9) Section **62A-15-605**, which creates the Forensic Mental Health Coordinating
 147 Council, is repealed July 1, 2023.

148 [~~(11)~~] (10) Subsections **62A-15-1100**(1) and **62A-15-1101**(9), in relation to the Utah
 149 Substance Use and Mental Health Advisory Council, are repealed January 1, 2023.

150 [~~(12)~~] (11) In relation to the Behavioral Health Crisis Response Commission, on July
 151 1, 2023:

- 152 (a) Subsections [62A-15-1301\(2\)](#) and [62A-15-1401\(1\)](#) are repealed;
- 153 (b) Subsection [62A-15-1302\(1\)\(b\)](#), the language that states "and in consultation with
154 the commission" is repealed;
- 155 (c) [~~Section~~] Subsection [62A-15-1303\(1\)](#), the language that states "In consultation with
156 the commission," is repealed;
- 157 (d) Subsection [62A-15-1402\(2\)\(a\)](#), the language that states "With recommendations
158 from the commission," is repealed; and
- 159 (e) Subsection [62A-15-1702\(6\)](#) is repealed.

160 **Section 3. Repealer.**

161 This bill repeals:

162 Section [62A-4a-202.9](#), **Child protection unit pilot program.**