

School Attendance Amendments

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Andrew Stoddard

Senate Sponsor:

LONG TITLE**General Description:**

This bill amends and enacts statutes regarding juveniles who are habitual truants.

Highlighted Provisions:

This bill:

- defines terms;
- requires the State Board of Education (state board) to establish a testing-out assessment option for core courses;
- requires a local education agency to implement the testing-out assessments created by the state board;
- allows a school administrator, a school administrator's designee, or a school resource officer to refer a child that is habitually truant to the Division of Juvenile Justice and Youth Services for prevention and early intervention youth services;
- allows a school administrator, a local education agency, or the Division of Juvenile Justice and Youth Services, to bring a petition alleging habitual truancy against a child and the child's parent or guardian;
- modifies the jurisdiction of the juvenile court in regard to habitual truancy;
- addresses venue for a petition alleging habitual truancy;
- creates a new chapter, Title 80, Chapter 5a, Children in Need of Services;
- moves statutes related to runaways and homeless youth to the new chapter;
- allows a school administrator, local education agency, or the Division of Juvenile Justice and Youth Services, to bring a petition alleging that a child is a habitual truant;
- allows a court to make orders regarding a child that is a habitual truant; and
- makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.

Utah Code Sections Affected:

AMENDS:

53G-6-201, as last amended by Laws of Utah 2024, Chapter 464

53G-6-202, as last amended by Laws of Utah 2021, Chapter 359 and further amended by Revisor Instructions, Laws of Utah 2021, Chapter 359

53G-6-203, as last amended by Laws of Utah 2023, Chapter 161

53G-6-206, as last amended by Laws of Utah 2024, Chapter 516

53G-6-208, as last amended by Laws of Utah 2022, Chapter 335

53G-8-211, as last amended by Laws of Utah 2024, Chapters 240, 301

78A-6-103, as last amended by Laws of Utah 2024, Chapter 366

80-1-102, as last amended by Laws of Utah 2024, Chapter 256

ENACTS:

53E-4-316, Utah Code Annotated 1953

53G-6-206.1, Utah Code Annotated 1953

80-5a-101, Utah Code Annotated 1953

80-5a-201, Utah Code Annotated 1953

80-5a-301, Utah Code Annotated 1953

80-5a-302, Utah Code Annotated 1953

RENUMBERS AND AMENDS:

80-5a-102, (Renumbered from 80-5-603, as renumbered and amended by Laws of Utah 2021, Chapter 261)

80-5a-202, (Renumbered from 80-5-601, as last amended by Laws of Utah 2022, Chapter 334)

80-5a-203, (Renumbered from 80-5-602, as last amended by Laws of Utah 2021, Chapter 256 and renumbered and amended by Laws of Utah 2021, Chapter 261)

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

Section 1. Section **53E-4-316** is enacted to read:

53E-4-316 . Core course testing-out assessment system.

(1)(a) The state board shall establish a timeline for the creation of assessments for core courses to allow students to test out of core courses in grades 8 through 12.

(b) By the beginning of the 2026-2027 school year, the state board shall establish a testing-out assessment system for students in grades 8 through 12 to demonstrate mastery of core course material without taking the core course.

(c) A testing-out assessment for a core course shall:

(i) evaluate knowledge and skills through:

(A) written assessments; and

(B) as the state board determines relevant, a project-based submission or portfolio review; and

(ii) align with the core standards the state board establishes.

(d) The state board shall ensure an LEA administers the testing-out assessment for each core course as described in Section 53G-6-206.1.

(2) Upon request, the state board shall provide a report to the Education Interim Committee regarding the implementation and utilization of the testing-out assessment by students statewide.

Section 2. Section **53G-6-201** is amended to read:

53G-6-201 . Definitions.

As used in this part:

(1)(a) "Absence" [~~or "absent"~~] means the failure of a school-age child assigned to a class or class period to attend a class or class period.

(b) "Absence" [~~or "absent"~~] does not mean multiple tardies used to calculate an absence for the sake of a truancy.

(2) "Absent" means absence.

~~[(2)]~~ (3) "Educational neglect" means the same as that term is defined in Section 80-1-102.

(4) "Habitual truant" means a school-age child who:

(a) is in grade 9 or above;

(b) is subject to the requirements of Section 53G-6-202 or 53G-6-203; and

(c) is truant at least 10 times during one school year.

~~[(3)]~~ (5)(a) "Home-based microschool" means an individual or association of individuals that:

(i) registers as a business entity in accordance with state and local laws; and

(ii) for compensation, provides kindergarten through grade 12 education services to 16 or fewer students from an individual's residential dwelling, accessory dwelling unit, or residential property.

(b) "Home-based microschool" does not include a daycare.

~~[(4)]~~ (6) "Instructor" means an individual who teaches a student as part of a home-based microschool or micro-education entity.

~~[(5)]~~ (7)(a) "Micro-education entity" means a person or association of persons that:

- (i) registers as a business entity in accordance with state and local laws; and
(ii) for compensation, provides kindergarten through grade 12 education services to 100 students or fewer.

(b) "Micro-education entity" does not include:

- (i) a daycare;
(ii) a home-based microschool;
(iii) a private school; or
(iv) a school within the public education system.

~~[(6)]~~ (8) "Minor" means an individual who is under 18 years old.

~~[(7)]~~ (9) "Parent" ~~[includes]~~ means:

- (a) ~~[a custodial parent of the minor]~~ the same as that term is defined in Section 53E-1-102;
or

~~[(b) a legally appointed guardian of a minor; or]~~

~~[(c)]~~ (b) any other person purporting to exercise any authority over the minor ~~[which]~~ that
could be exercised by a person described in Subsection ~~[(7)(a) or (b)]~~ (9)(a).

~~[(8)]~~ (10) "School day" means the portion of a day that school is in session in which a school-age child is required to be in school for purposes of receiving instruction.

~~[(9)]~~ (11) "School year" means the period of time designated by a local school board or charter school governing board as the school year for the school where the school-age child:

- (a) is enrolled; or
(b) should be enrolled, if the school-age child is not enrolled in school.

~~[(10)]~~ (12) "School-age child" means a minor who:

- (a) is at least six years old but younger than 18 years old; and
(b) is not emancipated.

~~[(11)]~~ (13)~~[(a)]~~ "Truant" means a condition in which a school-age child, without a valid excuse,~~[, and subject to Subsection (11)(b),]~~ is absent only one time during the day for at least:

~~[(i)]~~ (a) half of the school day; or

~~[(ii)]~~ (b) if the school-age child is enrolled in a learner verified program, as that term is defined by the state board, the relevant amount of time under the LEA's policy regarding the LEA's continuing enrollment measure as it relates to truancy.

~~[(b) A school-age child may not be considered truant under this part more than one time during one day.]~~

133 [(12)] (14) "Truant minor" means a school-age child who:

134 (a) is subject to the requirements of Section 53G-6-202 or 53G-6-203; and

135 (b) is truant.

136 [(13)] (15)(a) "Valid excuse" means:

137 (i) an illness, [~~which may be~~] that is either mental or physical, regardless of whether
138 the school-age child or parent provides documentation from a medical
139 professional;

140 (ii) mental or behavioral health of the school-age child;

141 (iii) a family death;

142 (iv) an approved school activity;

143 (v) an absence permitted by a school-age child's:

144 (A) individualized education program; or

145 (B) Section 504 accommodation plan;

146 (vi) an absence permitted in accordance with Subsection 53G-6-803(5); or

147 (vii) any other excuse established as valid by a local school board, charter school
148 governing board, or school district.

149 (b) "Valid excuse" does not mean a parent acknowledgment of an absence for a reason
150 other than a reason described in Subsections [(13)(a)(i)] (15)(a)(i) through (vi), unless
151 specifically permitted by the local school board, charter school governing board, or
152 school district under Subsection [(13)(a)(vi)] (15)(a)(vii).

153 Section 3. Section **53G-6-202** is amended to read:

154 **53G-6-202 . Compulsory education.**

155 (1) As used in this section:

156 (a) "Intentionally" means the same as that term is defined in Section 76-2-103.

157 (b) "Notice of compulsory education violation" means a notice issued in accordance
158 with Subsections (3) and (4).

159 (c) "Remainder of the school year" means the portion of the school year beginning on
160 the day after the day on which a notice of compulsory education violation is served
161 and ending on the last day of the school year.

162 (2) Except as provided in Section 53G-6-204 or 53G-6-702, the parent of a school-age child
163 shall enroll and send the school-age child to a public or regularly established private
164 school.

165 (3) A school administrator, a designee of a school administrator, a law enforcement officer
166 acting as a school resource officer, or a truancy specialist may only issue a notice of

compulsory education violation to a parent of a school-age child if the school-age child is:

(a) in grade 1 through [6] 8; and

(b) truant at least five times during the school year.

(4) A notice of compulsory education violation issued to a parent:

(a) shall direct the parent to:

(i) meet with school authorities to discuss the school-age child's school attendance problems; and

(ii) cooperate with the local school board, charter school governing board, or school district in securing regular attendance by the school-age child;

(b) shall designate the school authorities with whom the parent is required to meet;

(c) shall state that it is a class B misdemeanor for the parent to intentionally or without good cause:

(i) fail to meet with the designated school authorities to discuss the school-age child's school attendance problems; or

(ii) fail to prevent the school-age child from being truant five or more times during the remainder of the school year;

(d) shall be served on the parent by personal service or certified mail; and

(e) may not be issued unless the school-age child has been truant at least five times during the school year.

(5) ~~[Except during the period between March 17, 2021 and June 1, 2022, it]~~ It is a class B misdemeanor for a parent of a school-age child to intentionally or without good cause fail to enroll the school-age child in school, unless the school-age child is exempt from enrollment under Section 53G-6-204 or 53G-6-702.

(6) ~~[Except during the period between March 17, 2021 and June 1, 2022, it]~~ It is a class B misdemeanor for a parent of a school-age child who is in grade 1 through [6] 8 to, after being served with a notice of compulsory education violation, intentionally or without good cause:

(a) fail to meet with the school authorities designated in the notice of compulsory education violation to discuss the school-age child's school attendance problems; or

(b) fail to prevent the school-age child from being truant five or more times during the remainder of the school year.

(7) ~~[Except during the period described in Subsections (5) and (6), a]~~ A local school board, charter school governing board, or school district shall report violations of this section to

the appropriate county or district attorney.

(8) ~~[Except during the period described in Subsections (5) and (6), if]~~ If school personnel have reason to believe that, after a notice of compulsory education violation is issued, the parent has failed to make a good faith effort to ensure that the school-age child receives an appropriate education, the issuer of the compulsory education violation shall report to the Division of Child and Family Services:

- (a) identifying information of the school-age child and the parent who received the notice of compulsory education violation;
- (b) information regarding the longest number of consecutive school days the school-age child has been absent or truant from school and the percentage of school days the school-age child has been absent or truant during each relevant school term;
- (c) whether the school-age child has made adequate educational progress;
- (d) whether the requirements of Section 53G-6-206 have been met;
- (e) whether the school-age child is two or more years behind the local public school's age group expectations in one or more basic skills; and
- (f) whether the school-age child is receiving special education services or systematic remediation efforts.

~~[(9) Notwithstanding this section, during the period described in Subsections (5) and (6), a school administrator, designee of a school administrator, law enforcement officer acting as a school resource officer, or truancy specialist may not issue or otherwise enforce a notice of compulsory education.]~~

Section 4. Section **53G-6-203** is amended to read:

53G-6-203 . Truancy -- Notice of truancy -- Failure to cooperate with school authorities.

(1) Except as provided in Section 53G-6-204 or 53G-6-702, a school-age child who is enrolled in a public school shall attend the public school in which the school-age child is enrolled.

(2) In accordance with Section 53G-8-211, a local school board, charter school governing board, or school district may impose administrative penalties on a school-age child who is:

- (a) in grade [7] 9 or above~~[, unless the school-age child is less than 12 years old]~~; and
- (b) truant.

(3) A local school board or charter school governing board:

- (a) may authorize a school administrator, a designee of a school administrator, a law

- 235 enforcement officer acting as a school resource officer, or a truancy specialist to issue
236 a notice of truancy in accordance with Subsection (4); and
- 237 (b) shall establish a procedure for a school-age child, or the school-age child's parents, to
238 contest a notice of truancy.
- 239 (4) A notice of truancy described in Subsection (3):
- 240 (a) may not be issued until a school-age child has been truant at least five times during
241 the school year;
- 242 (b) may not be issued to a school-age child who is ~~[less than 12 years old or]~~ in a grade
243 below grade [7] 9;
- 244 (c) may not be issued to a school-age child exempt from school attendance as provided
245 in Section 53G-6-204 or 53G-6-702;
- 246 (d) shall direct the school-age child who receives the notice of truancy and the parent of
247 the school-age child to:
- 248 (i) meet with school authorities to discuss the school-age child's trancies; and
249 (ii) cooperate with the local school board, charter school governing board, or school
250 district in securing regular attendance by the school-age child; and
- 251 (e) shall be mailed to, or served on, the school-age child's parent.
- 252 (5)~~[(a) Except as provided in Subsection (5)(b), nothing]~~ Nothing in this part prohibits a
253 local school board, charter school governing board, or school district from taking
254 action to resolve a truancy problem with a school-age child who has been truant
255 fewer than five times, provided that the action does not conflict with the requirements
256 of this part.
- 257 ~~[(b) A local school board, charter school governing board, or school district may not~~
258 ~~take punitive action to resolve a truancy problem with a school-age child during the~~
259 ~~period described in Subsection (2).]~~
- 260 (6) If a local school board, charter school governing board, or school district determines a
261 school-age child is a habitual truant, a local school board, charter school governing
262 board, or school district shall follow the procedures described in Section 80-5a-302.
- 263 ~~[(6) Notwithstanding this section, during the period described in Subsection (2), a school~~
264 ~~administrator, designee of a school administrator, law enforcement officer acting as a~~
265 ~~school resource officer, or truancy specialist may not issue or otherwise enforce a notice~~
266 ~~of truancy.]~~
- 267 Section 5. Section **53G-6-206** is amended to read:
- 268 **53G-6-206 . Duties of a local school board, charter school governing board, or**

269 **school district in promoting regular attendance -- Parental involvement -- Liability not**
270 **imposed -- Report to state board.**

271 (1)

272 (a) As used in this section, "intervention" means a series of non-punitive and
273 increasingly frequent and individualized activities that are designed to:

274 (i) create a trusting relationship between teachers, students, and parents;

275 (ii) improve attendance;

276 (iii) improve academic outcomes; and

277 (iv) reduce negative behavior referrals.

278 (b) "Intervention" includes:

279 (i) mentorship programs;

280 (ii) family connection to community resources;

281 (iii) academic support through small group or individualized tutoring or similar
282 methods; and

283 (iv) teaching executive function skills, including:

284 (A) planning;

285 (B) goal setting;

286 (C) understanding and following multi-step directions; and

287 (D) self-regulation.

288 (2)(a) Subject to Subsection (2)(b), an LEA shall make efforts to promote regular
289 attendance ~~[and resolve school absenteeism and truancy issues]~~for each school-age
290 child who is, or should be, enrolled in the LEA.

291 (b) A school-age child exempt from school attendance under Section 53G-6-204 or
292 53G-6-702, or a school-age child who is enrolled in a regularly established private
293 school or part-time school, is not considered to be a school-age child who is or
294 should be enrolled in a school district or charter school under Subsection (2)(a).

295 (3) The efforts described in Subsection (2) shall include, as reasonably feasible:

296 (a) counseling of the school-age child by school authorities only with express written
297 informed parental consent;

298 (b)(i) issuing a notice of truancy to the school-age child in accordance with Section
299 53G-6-203; or

300 (ii) issuing a notice of compulsory education violation to the school-age child's parent
301 in accordance with Section 53G-6-202;

302 (c) making any necessary adjustment to the curriculum and schedule to meet special

- 303 needs of the school-age child;
- 304 (d) considering alternatives proposed by the school-age child's parent;
- 305 (e) for a course that the state board does not define as a core course for the purposes
- 306 described in Section 53G-6-206.1, incorporating attendance in the school-age child's
- 307 course score or grade if:
- 308 (i) incorporation is determined appropriate through an individualized plan the
- 309 school-age child's parent and teacher develops;
- 310 (ii) parental written consent is obtained for the individualized plan; and
- 311 (iii) the parent retains the ability to revoke the parent's consent described in
- 312 Subsection (3)(e)(ii) at any time[-] ;
- 313 (f) monitoring school attendance of the school-age child;
- 314 (g) voluntary participation in truancy mediation, if available and only with express
- 315 written informed parental consent; and
- 316 (h) providing the school-age child's parent, upon request, with a list of resources
- 317 available to assist the parent in resolving the school-age child's attendance problems.
- 318 (4) In addition to the efforts described in Subsection (3), the local school board, charter
- 319 school governing board, or school district may enlist the assistance of community and
- 320 law enforcement agencies and organizations for early intervention services as
- 321 appropriate and reasonably feasible in accordance with Section 53G-8-211.
- 322 (5) This section does not impose civil liability on boards of education, local school boards,
- 323 charter school governing boards, school districts, or their employees.
- 324 (6) Proceedings initiated under this part do not obligate or preclude action by the Division
- 325 of Child and Family Services under Section 53G-6-210.
- 326 (7) Each LEA shall annually report the following data separately to the state board:
- 327 (a) absences with a valid excuse; and
- 328 (b) absences without a valid excuse.
- 329 Section 6. Section **53G-6-206.1** is enacted to read:
- 330 **53G-6-206.1 . Core course testing-out option or attendance requirements.**
- 331 (1)(a) Beginning with the 2026-2027 school year, in accordance with Section 53E-4-316,
- 332 an LEA shall implement a testing-out option and attendance requirements for core
- 333 courses, as the state board defines, in grades 8 through 12.
- 334 (b) An LEA shall ensure a student who chooses to test out of a core course described in
- 335 this Subsection (1) shall demonstrate mastery of the course material through an
- 336 assessment the LEA approves.

(c) An LEA shall establish specific guidelines for the development and administration of a testing-out assessment and the relevant portfolio or project-based components the state board requires under Subsection 53E-4-316(1)(c)(i).

(d) An LEA may provide alternative options for students who do not test out of a core course, including an asynchronous online course option in lieu of an in-person core course.

(2)(a) In accordance with Section 53G-6-206, an LEA shall establish the attendance requirements for a student who enrolls in an in-person core course.

(b) In accordance with Subsection (2)(a), an LEA may include attendance as a factor in the calculation of a course grade if:

(i) the attendance portion of a course grade does not exceed 20% of the overall course grade unless the course is designated as a participation-based course as the state board defines; and

(ii) the LEA clearly communicates course attendance requirements to a student and the student's parent at the time of course enrollment.

(c) An LEA shall inform a student and the student's parent that enrollment in an online school or course is an alternative option if the student or the student's parent does not wish for attendance to be a factor in the student's grade.

Section 7. Section **53G-6-208** is amended to read:

53G-6-208 . Taking custody of a person believed to be a truant minor --

Disposition -- Reports -- Immunity from liability.

(1) ~~[Except during the period between March 17, 2021, and June 1, 2022, a]~~ A peace officer or ~~[public]~~ school administrator may take a minor into temporary custody if there is reason to believe the minor is a truant minor.

(2) An individual taking a ~~[presumed truant]~~ minor into custody under Subsection (1) shall, without unnecessary delay, release the minor to:

(a) the principal of the minor's school;

(b) a person who has been designated by the local school board or charter school governing board to receive and return the minor to school; or

(c) a truancy center established under Subsection (5).

(3) If the minor described in Subsection (2) refuses to return to school or go to the truancy center, the officer or administrator shall, without unnecessary delay, notify the minor's parents and release the minor ~~[to their]~~ into the parents' custody.

(4) If the parents of a truant minor in custody cannot be reached or are unable or unwilling

to accept custody and none of the options in Subsection (2) are available, the minor shall be referred to the Division of Child and Family Services.

(5)(a)(i) A local school board or charter school governing board, singly or jointly with another school board, may establish or designate truancy centers within existing school buildings and staff the centers with existing teachers or staff to provide educational guidance and counseling for truant minors.

(ii) Upon receipt of a truant minor, the center shall, without unnecessary delay, notify and direct the minor's parents to come to the center, pick up the minor, and return the minor to the school in which the minor is enrolled.

(b)(i) If the parents of a truant minor in custody cannot be reached or are unable or unwilling to comply with the request within a reasonable time, the center shall take such steps as are reasonably necessary to ensure the safety and well being of the minor, including, when appropriate, returning the minor to school or referring the minor to the Division of Child and Family Services.

(ii) A minor taken into custody under this section may not be placed in a detention center or other secure confinement facility.

(6)(a) An individual taking action under this section shall report the action to the appropriate school district.

(b) The district described in Subsection (6)(a) shall promptly notify the minor's parents of the action taken.

(7)(a) If a school-age child is alleged to be a habitual truant, the school administrator, the school administrator's designee, or a school resource officer may refer the school-age child to the Division of Juvenile Justice and Youth Services for prevention and early intervention youth services, as described in Section 80-5-201.

(b) A school administrator, or a local education agency, may bring a petition for habitual truancy against a school-age child and the school-age child's parent or guardian as described in Title 80, Chapter 5a, Part 3, Habitual Truants.

[(7)] (8) [The Utah Governmental Immunity Act] Title 63G, Chapter 7, Governmental Immunity Act of Utah, applies to all actions taken under this section.

[(8)] (9) Nothing in this section may be construed to grant authority to a [public]-school administrator to place a minor in the custody of the Division of Child and Family Services, without complying with Title 80, Chapter 2, Child Welfare Services, Title 80, Chapter 2a, Removal and Protective Custody of a Child, and Title 80, Chapter 3, Abuse, Neglect, and Dependency Proceedings.

Section 8. Section **53G-8-211** is amended to read:

53G-8-211 . Responses to school-based behavior.

(1) As used in this section:

(a) "Evidence-based" means a program or practice that:

- (i) has had multiple randomized control studies or a meta-analysis demonstrating that the program or practice is effective for a specific population;
- (ii) has been rated as effective by a standardized program evaluation tool; or
- (iii) is created and developed by a school or school district and has been approved by the state board.

~~[(b) "Habitual truant" means a school-age child who:]~~

~~[(i) is in grade 7 or above, unless the school-age child is under 12 years old;]~~

~~[(ii) is subject to the requirements of Section 53G-6-202; and]~~

~~[(iii)(A) is truant at least 20 days during one school year; or]~~

~~[(B) fails to cooperate with efforts on the part of school authorities to resolve the school-age child's attendance problem as required under Section 53G-6-206.]~~

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

(i) "Mobile crisis outreach team" means the same as that term is defined in Section 26B-5-101.

~~[(d)] (c) "Prosecuting attorney" means the same as that term is defined in Subsections 80-1-102(65)(b) and (c).~~

~~[(e)] (d) "Restorative justice program" means a school-based program or a program used or adopted by a local education agency that is designed:~~

- (i) to enhance school safety, reduce school suspensions, and limit referrals to law enforcement agencies and courts; and
- (ii) to help minors take responsibility for and repair harmful behavior that occurs in school.

~~[(f)] (e) "School administrator" means a principal of a school.~~

~~[(g)] (f) "School is in session" means a day during which the school conducts instruction for which student attendance is counted toward calculating average daily membership.~~

~~[(h)] (g) "School resource officer" means a law enforcement officer, as defined in Section 53-13-103, who contracts with, is employed by, or whose law enforcement agency contracts with a local education agency to provide law enforcement services for the local education agency.~~

~~[(i) "School-age child" means the same as that term is defined in Section 53G-6-201.]~~

[~~(f)~~] (h)(i) "School-sponsored activity" means an activity, fundraising event, club, camp, clinic, or other event or activity that is authorized by a specific local education agency or public school, according to LEA governing board policy, and satisfies at least one of the following conditions:

(A) the activity is managed or supervised by a local education agency or public school, or local education agency or public school employee;

(B) the activity uses the local education agency's or public school's facilities, equipment, or other school resources; or

(C) the activity is supported or subsidized, more than inconsequential, by public funds, including the public school's activity funds or Minimum School Program dollars.

(ii) "School-sponsored activity" includes preparation for and involvement in a public performance, contest, athletic competition, demonstration, display, or club activity.

[~~(k)~~] (i)(i) "Status offense" means an offense that would not be an offense but for the age of the offender.

(ii) "Status offense" does not mean an offense that by statute is a misdemeanor or felony.

(2) This section applies to[~~;~~]

[~~(a)~~ a minor who is alleged to be a habitual truant; and]

[~~(b)~~] a minor enrolled in school who is alleged to have committed an offense on school property where the student is enrolled:

[~~(i)~~] (a) when school is in session; or

[~~(ii)~~] (b) during a school-sponsored activity.

(3) If a minor is alleged to have committed an offense on school property that is a class C misdemeanor, an infraction, or a status offense[~~, or a minor is alleged to be a habitual truant~~], the school administrator, the school administrator's designee, or a school resource officer shall refer the minor:

(a) to an evidence-based alternative intervention, including:

(i) a mobile crisis outreach team;

(ii) a youth services center, as defined in Section 80-5-102;

(iii) a certified youth court, as defined in Section 80-6-901, or comparable restorative justice program;

(iv) an evidence-based alternative intervention created and developed by the school or school district;

(v) an evidence-based alternative intervention that is jointly created and developed by a local education agency, the state board, the juvenile court, local counties and municipalities, the Department of Health and Human Services;

(vi) a tobacco cessation or education program if the offense is a violation of Section 76-10-105; or

(vii) truancy mediation; or

(b) for prevention and early intervention youth services, as described in Section 80-5-201, by the Division of Juvenile Justice and Youth Services if the minor refuses to participate in an evidence-based alternative intervention described in Subsection (3)(a).

(4) Except as provided in Subsection ~~[(6)]~~ (5), if a minor is alleged to have committed an offense on school property that is a class C misdemeanor, an infraction, or a status offense, a school administrator, the school administrator's designee, or a school resource officer may refer a minor to a law enforcement officer or agency or a court only if:

(a) the minor allegedly committed an offense on school property on a previous occasion; and

(b) the minor was referred to an evidence-based alternative intervention, or to prevention or early intervention youth services, as described in Subsection (3) for the previous offense.

~~[(5) If a minor is alleged to be a habitual truant, a school administrator, the school administrator's designee, or a school resource officer may only refer the minor to a law enforcement officer or agency or a court if:]~~

~~[(a) the minor was previously alleged of being a habitual truant at least twice during the same school year; and]~~

~~[(b) the minor was referred to an evidence-based alternative intervention, or for prevention and early intervention youth services, as described in Subsection (3) for at least two of the previous habitual trancies.]~~

~~[(6)]~~ (5) If a minor is alleged to have committed a traffic offense that is an infraction, a school administrator, the school administrator's designee, or a school resource officer may refer the minor to a law enforcement officer or agency, a prosecuting attorney, or a court for the traffic offense.

~~[(7)]~~ (6) ~~[Notwithstanding Subsections (4) and (5), a]~~ A school resource officer may:

(a) investigate possible criminal offenses and conduct, including conducting probable cause searches;

- (b) consult with school administration about the conduct of a minor enrolled in a school;
- (c) transport a minor enrolled in a school to a location if the location is permitted by law;
- (d) take temporary custody of a minor in accordance with Section 80-6-201; or
- (e) protect the safety of students and the school community, including the use of reasonable and necessary physical force when appropriate based on the totality of the circumstances.

~~[(8)]~~ (7)(a) If a minor is referred to a court or a law enforcement officer or agency under Subsection (4)~~[-or-(5)]~~, the school or the school district shall appoint a school representative to continue to engage with the minor and the minor's family through the court process.

(b) A school representative appointed under Subsection ~~[(8)(a)]~~ (7)(a) may not be a school resource officer.

(c) A school district or school shall include the following in the school district's or school's referral to the court or the law enforcement officer or agency:

- (i) attendance records for the minor;
- (ii) a report of evidence-based alternative interventions used by the school before the referral, including outcomes;
- (iii) the name and contact information of the school representative assigned to actively participate in the court process with the minor and the minor's family;
- (iv) if the minor was referred to prevention or early intervention youth services under Subsection (3)(b), a report from the Division of Juvenile Justice and Youth Services that demonstrates the minor's failure to complete or participate in prevention and early intervention youth services under Subsection (3)(b); and
- (v) any other information that the school district or school considers relevant.

(d) A minor referred to a court under Subsection (4) ~~[-or-(5)]~~ may not be ordered to or placed in secure detention, including for a contempt charge or violation of a valid court order under Section 78A-6-353~~[:]~~

~~[(i)]~~ when the underlying offense is a status offense or infraction~~[-or]~~ .

~~[(ii) for being a habitual truant.]~~

(e) If a minor is referred to a court under Subsection (4) ~~[-or-(5)]~~, the court may use, when available, the resources of the Division of Juvenile Justice and Youth Services or the Office of Substance Use and Mental Health to address the minor.

~~[(9)]~~ (8) If a minor is alleged to have committed an offense on school property that is a class B misdemeanor or a class A misdemeanor, the school administrator, the school

administrator's designee, or a school resource officer may refer the minor directly to a court or to the evidence-based alternative interventions in Subsection (3)(a).

~~[(10)]~~ (9) A school administrator, a school administrator's designee, and a school resource officer retain the discretion described under this section in relation to Title 63G, Chapter 31, Distinctions on the Basis of Sex.

Section 9. Section **78A-6-103** is amended to read:

78A-6-103 . Original jurisdiction of the juvenile court -- Magistrate functions -- Findings -- Transfer of a case from another court.

(1) Except as provided in Subsection (3), the juvenile court has original jurisdiction over:

- (a) a felony, misdemeanor, infraction, or violation of an ordinance, under municipal, state, or federal law, that was committed by a child;
- (b) a felony, misdemeanor, infraction, or violation of an ordinance, under municipal, state, or federal law, that was committed by an individual:
 - (i) who is under 21 years old at the time of all court proceedings; and
 - (ii) who was under 18 years old at the time the offense was committed; and
- (c) a misdemeanor, infraction, or violation of an ordinance, under municipal or state law, that was committed:
 - (i) by an individual:
 - (A) who was 18 years old and enrolled in high school at the time of the offense; and
 - (B) who is under 21 years old at the time of all court proceedings; and
 - (ii) on school property where the individual was enrolled:
 - (A) when school was in session; or
 - (B) during a school-sponsored activity, as defined in Section 53G-8-211.

(2) The juvenile court has original jurisdiction over:

- (a) any proceeding concerning:
 - (i) a child who is an abused child, neglected child, or dependent child;
 - (ii) a protective order for a child in accordance with Title 78B, Chapter 7, Part 2, Child Protective Orders;
 - (iii) the appointment of a guardian of the individual or other guardian of a minor who comes within the court's jurisdiction under other provisions of this section;
 - (iv) the emancipation of a minor in accordance with Title 80, Chapter 7, Emancipation;
 - (v) the termination of parental rights in accordance with Title 80, Chapter 4,

- 575 Termination and Restoration of Parental Rights, including termination of residual
576 parental rights and duties;
- 577 (vi) the treatment or commitment of a minor who has an intellectual disability;
- 578 (vii) the judicial consent to the marriage of a minor who is 16 or 17 years old in
579 accordance with Section 81-2-304;
- 580 (viii) an order for a parent or a guardian of a child under Subsection 80-6-705(3);
- 581 (ix) a minor under Title 80, Chapter 6, Part 11, Interstate Compact for Juveniles;
- 582 (x) the treatment or commitment of a child with a mental illness;
- 583 (xi) the commitment of a child to a secure drug or alcohol facility in accordance with
584 Section 26B-5-204;
- 585 (xii) a minor found not competent to proceed in accordance with Title 80, Chapter 6,
586 Part 4, Competency;
- 587 (xiii) de novo review of final agency actions resulting from an informal adjudicative
588 proceeding as provided in Section 63G-4-402;
- 589 (xiv) adoptions conducted in accordance with the procedures described in Title 78B,
590 Chapter 6, Part 1, Utah Adoption Act, if the juvenile court has previously entered
591 an order terminating the rights of a parent and finds that adoption is in the best
592 interest of the child;
- 593 (xv) an ungovernable or runaway child who is referred to the juvenile court by the
594 Division of Juvenile Justice and Youth Services if, despite earnest and persistent
595 efforts by the Division of Juvenile Justice and Youth Services, the child has
596 demonstrated that the child:
- 597 (A) is beyond the control of the child's parent, guardian, or custodian to the extent
598 that the child's behavior or condition endangers the child's own welfare or the
599 welfare of others; or
- 600 (B) has run away from home; and
- 601 (xvi) a criminal information filed under Part 4a, Adult Criminal Proceedings, for an
602 adult alleged to have committed an offense under Subsection 78A-6-352(4)(b) for
603 failure to comply with a promise to appear and bring a child to the juvenile court;
- 604 (b) a petition for expungement under Title 80, Chapter 6, Part 10, Juvenile Records and
605 Expungement;
- 606 (c) the extension of a nonjudicial adjustment under Section 80-6-304;
- 607 (d) a petition for special findings under Section 80-3-305; and
- 608 ~~[(e) a referral of a minor for being a habitual truant as defined in Section 53G-8-211.]~~

(e) a petition alleging a minor is a habitual truant under Title 80, Chapter 5a, Part 3, Habitual Truants.

(3) The juvenile court does not have original jurisdiction over an offense committed by a minor as described in Subsection (1) if:

(a) the district court has original jurisdiction over the offense under Section 78A-5-102.5;

(b) the district court has original jurisdiction over the offense under Subsection 78A-5-102(8), unless the juvenile court has exclusive jurisdiction over the offense under Section 78A-6-103.5; or

(c) the justice court has original jurisdiction over the offense under Subsection 78A-7-106(2), unless the juvenile court has exclusive jurisdiction over the offense under Section 78A-6-103.5.

(4) It is not necessary for a minor to be adjudicated for an offense or violation of the law under Section 80-6-701 for the juvenile court to exercise jurisdiction under Subsection (2)(a)(xvi), (b), or (c).

(5) This section does not restrict the right of access to the juvenile court by private agencies or other persons.

(6) The juvenile court has jurisdiction of all magistrate functions relative to cases arising under Title 80, Chapter 6, Part 5, [~~Transfer to District Court~~] Minor Tried as an Adult.

(7) The juvenile court has jurisdiction to make a finding of substantiated, unsubstantiated, or without merit, in accordance with Section 80-3-404.

(8) The juvenile court has jurisdiction over matters transferred to the juvenile court by another trial court in accordance with Subsection 78A-7-106(6) and Section 80-6-303.

(9) The juvenile court has jurisdiction to enforce foreign protection orders as described in Subsection 78B-7-303(8).

Section 10. 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;

(B) threatened harm of a child;

(C) sexual exploitation;

(D) sexual abuse; or

(E) human trafficking of a child in violation of Section 76-5-308.5; or

(ii) that a child's natural parent:

- 643 (A) intentionally, knowingly, or recklessly causes the death of another parent of
644 the child;
- 645 (B) is identified by a law enforcement agency as the primary suspect in an
646 investigation for intentionally, knowingly, or recklessly causing the death of
647 another parent of the child; or
- 648 (C) is being prosecuted for or has been convicted of intentionally, knowingly, or
649 recklessly causing the death of another parent of the child.
- 650 (b) "Abuse" does not include:
- 651 (i) reasonable discipline or management of a child, including withholding privileges;
652 (ii) conduct described in Section 76-2-401; or
653 (iii) the use of reasonable and necessary physical restraint or force on a child:
- 654 (A) in self-defense;
655 (B) in defense of others;
656 (C) to protect the child; or
657 (D) to remove a weapon in the possession of a child for any of the reasons
658 described in Subsections (1)(b)(iii)(A) through (C).
- 659 (2) "Abused child" means a child who has been subjected to abuse.
- 660 (3)(a) "Adjudication" means, except as provided in Subsection (3)(b):
- 661 (i) for a delinquency petition or criminal information under Chapter 6, Juvenile
662 Justice:
- 663 (A) a finding by the juvenile court that the facts alleged in a delinquency petition
664 or criminal information alleging that a minor committed an offense have been
665 proved;
- 666 (B) an admission by a minor in the juvenile court as described in Section 80-6-306;
667 or
- 668 (C) a plea of no contest by minor in the juvenile court; or
- 669 (ii) for all other proceedings under this title, a finding by the juvenile court that the
670 facts alleged in the petition have been proved.
- 671 (b) "Adjudication" does not include:
- 672 (i) an admission by a minor described in Section 80-6-306 until the juvenile court
673 enters the minor's admission; or
- 674 (ii) a finding of not competent to proceed in accordance with Section 80-6-402.
- 675 (4)(a) "Adult" means an individual who is 18 years old or older.
- 676 (b) "Adult" does not include an individual:

- 677 (i) who is 18 years old or older; and
678 (ii) who is a minor.
- 679 (5) "Attorney guardian ad litem" means the same as that term is defined in Section
680 78A-2-801.
- 681 (6) "Board" means the Board of Juvenile Court Judges.
- 682 (7) "Child" means, except as provided in Section 80-2-905, an individual who is under 18
683 years old.
- 684 (8) "Child and family plan" means a written agreement between a child's parents or
685 guardian and the Division of Child and Family Services as described in Section 80-3-307.
- 686 (9) "Child placing" means the same as that term is defined in Section 26B-2-101.
- 687 (10) "Child-placing agency" means the same as that term is defined in Section 26B-2-101.
- 688 (11) "Child protection team" means a team consisting of:
- 689 (a) the child welfare caseworker assigned to the case;
690 (b) if applicable, the child welfare caseworker who made the decision to remove the
691 child;
692 (c) a representative of the school or school district where the child attends school;
693 (d) if applicable, the law enforcement officer who removed the child from the home;
694 (e) a representative of the appropriate Children's Justice Center, if one is established
695 within the county where the child resides;
696 (f) if appropriate, and known to the division, a therapist or counselor who is familiar
697 with the child's circumstances;
698 (g) if appropriate, a representative of law enforcement selected by the chief of police or
699 sheriff in the city or county where the child resides; and
700 (h) any other individuals determined appropriate and necessary by the team coordinator
701 and chair.
- 702 (12)(a) "Chronic abuse" means repeated or patterned abuse.
703 (b) "Chronic abuse" does not mean an isolated incident of abuse.
- 704 (13)(a) "Chronic neglect" means repeated or patterned neglect.
705 (b) "Chronic neglect" does not mean an isolated incident of neglect.
- 706 (14) "Clandestine laboratory operation" means the same as that term is defined in Section
707 58-37d-3.
- 708 (15) "Commit" or "committed" means, unless specified otherwise:
709 (a) with respect to a child, to transfer legal custody; and
710 (b) with respect to a minor who is at least 18 years old, to transfer custody.

- 711 (16) "Community-based program" means a nonsecure residential or nonresidential program,
712 designated to supervise and rehabilitate juvenile offenders, that prioritizes the least
713 restrictive setting, consistent with public safety, and operated by or under contract with
714 the Division of Juvenile Justice and Youth Services.
- 715 (17) "Community placement" means placement of a minor in a community-based program
716 described in Section 80-5-402.
- 717 (18) "Correctional facility" means:
718 (a) a county jail; or
719 (b) a secure correctional facility as defined in Section 64-13-1.
- 720 (19) "Criminogenic risk factors" means evidence-based factors that are associated with a
721 minor's likelihood of reoffending.
- 722 (20) "Department" means the Department of Health and Human Services created in Section
723 26B-1-201.
- 724 (21) "Dependent child" or "dependency" means a child who is without proper care through
725 no fault of the child's parent, guardian, or custodian.
- 726 (22) "Deprivation of custody" means transfer of legal custody by the juvenile court from a
727 parent or a previous custodian to another person, agency, or institution.
- 728 (23) "Detention" means home detention or secure detention.
- 729 (24) "Detention facility" means a facility, established by the Division of Juvenile Justice
730 and Youth Services in accordance with Section 80-5-501, for minors held in detention.
- 731 (25) "Detention risk assessment tool" means an evidence-based tool established under
732 Section 80-5-203 that:
733 (a) assesses a minor's risk of failing to appear in court or reoffending before
734 adjudication; and
735 (b) is designed to assist in making a determination of whether a minor shall be held in
736 detention.
- 737 (26) "Developmental immaturity" means incomplete development in one or more domains
738 that manifests as a functional limitation in the minor's present ability to:
739 (a) consult with counsel with a reasonable degree of rational understanding; and
740 (b) have a rational as well as factual understanding of the proceedings.
- 741 (27) "Disposition" means an order by a juvenile court, after the adjudication of a minor,
742 under Section 80-3-405 or 80-4-305 or Chapter 6, Part 7, Adjudication and Disposition.
- 743 (28) "Educational neglect" means that, after receiving a notice of compulsory education
744 violation under Section 53G-6-202, the parent or guardian fails to make a good faith

effort to ensure that the child receives an appropriate education.

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

(a) obtained at a substance abuse program that is approved by the Division of Integrated Healthcare in accordance with Section 26B-5-104; and

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

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

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

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

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

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

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

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

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

(a) marriage;

(b) enlistment in the armed forces;

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

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

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

(37) "Habitual truant" means the same as that term is defined in Section 53G-6-201.

~~[(37)]~~ (38) "Harm" means:

(a) physical or developmental injury or damage;

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

(c) sexual abuse; or

(d) sexual exploitation.

~~[(38)]~~ (39) "Home detention" means placement of a minor:

(a) if prior to a disposition, in the minor's home, or in a surrogate home with the consent

779 of the minor's parent, guardian, or custodian, under terms and conditions established
780 by the Division of Juvenile Justice and Youth Services or the juvenile court; or
781 (b) if after a disposition, and in accordance with Section 78A-6-353 or 80-6-704, in the
782 minor's home, or in a surrogate home with the consent of the minor's parent,
783 guardian, or custodian, under terms and conditions established by the Division of
784 Juvenile Justice and Youth Services or the juvenile court.

785 ~~[(39)]~~ (40)(a) "Incest" means engaging in sexual intercourse with an individual whom the
786 perpetrator knows to be the perpetrator's ancestor, descendant, brother, sister, uncle,
787 aunt, nephew, niece, or first cousin.

788 (b) "Incest" includes:

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

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

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

794 ~~[(40)]~~ (41) "Indian child" means the same as that term is defined in 25 U.S.C. Sec. 1903.

795 ~~[(41)]~~ (42) "Indian tribe" means the same as that term is defined in 25 U.S.C. Sec. 1903.

796 ~~[(42)]~~ (43) "Indigent defense service provider" means the same as that term is defined in
797 Section 78B-22-102.

798 ~~[(43)]~~ (44) "Indigent defense services" means the same as that term is defined in Section
799 78B-22-102.

800 ~~[(44)]~~ (45) "Indigent individual" means the same as that term is defined in Section
801 78B-22-102.

802 ~~[(45)]~~ (46)(a) "Intake probation" means a minor is:

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

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

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

806 ~~[(46)]~~ (47) "Intellectual disability" means a significant subaverage general intellectual
807 functioning existing concurrently with deficits in adaptive behavior that constitutes a
808 substantial limitation to the individual's ability to function in society.

809 ~~[(47)]~~ (48) "Juvenile offender" means:

810 (a) a serious youth offender; or

811 (b) a youth offender.

812 ~~[(48)]~~ (49) "Juvenile probation officer" means a probation officer appointed under Section

813 78A-6-205.

814 [(49)] (50) "Juvenile receiving center" means a nonsecure, nonresidential program
815 established by the Division of Juvenile Justice and Youth Services, or under contract
816 with the Division of Juvenile Justice and Youth Services, that is responsible for minors
817 taken into temporary custody under Section 80-6-201.

818 [(50)] (51) "Legal custody" means a relationship embodying:

- 819 (a) the right to physical custody of the minor;
- 820 (b) the right and duty to protect, train, and discipline the minor;
- 821 (c) the duty to provide the minor with food, clothing, shelter, education, and ordinary
822 medical care;
- 823 (d) the right to determine where and with whom the minor shall live; and
- 824 (e) the right, in an emergency, to authorize surgery or other extraordinary care.

825 [(51)] (52) "Licensing Information System" means the Licensing Information System
826 maintained by the Division of Child and Family Services under Section 80-2-1002.

827 [(52)] (53) "Management Information System" means the Management Information System
828 developed by the Division of Child and Family Services under Section 80-2-1001.

829 [(53)] (54) "Mental illness" means:

- 830 (a) a psychiatric disorder that substantially impairs an individual's mental, emotional,
831 behavioral, or related functioning; or
- 832 (b) the same as that term is defined in:
 - 833 (i) the current edition of the Diagnostic and Statistical Manual of Mental Disorders
834 published by the American Psychiatric Association; or
 - 835 (ii) the current edition of the International Statistical Classification of Diseases and
836 Related Health Problems.

837 [(54)] (55) "Minor" means, except as provided in Sections 80-6-501, 80-6-901, and 80-7-102:

- 838 (a) a child; or
- 839 (b) an individual:
 - 840 (i)(A) who is at least 18 years old and younger than 21 years old; and
 - 841 (B) for whom the Division of Child and Family Services has been specifically
842 ordered by the juvenile court to provide services because the individual was an
843 abused, neglected, or dependent child or because the individual was
844 adjudicated for an offense;
 - 845 (ii)(A) who is at least 18 years old and younger than 25 years old; and
 - 846 (B) whose case is under the jurisdiction of the juvenile court in accordance with

847 Subsection 78A-6-103(1)(b); or
848 (iii)(A) who is at least 18 years old and younger than 21 years old; and
849 (B) whose case is under the jurisdiction of the juvenile court in accordance with
850 Subsection 78A-6-103(1)(c).

851 ~~[(55)]~~ (56) "Mobile crisis outreach team" means the same as that term is defined in Section
852 26B-5-101.

853 ~~[(56)]~~ (57) "Molestation" means that an individual, with the intent to arouse or gratify the
854 sexual desire of any individual, touches the anus, buttocks, pubic area, or genitalia of
855 any child, or the breast of a female child, or takes indecent liberties with a child as
856 defined in Section 76-5-401.1.

857 ~~[(57)]~~ (58)(a) "Natural parent" means, except as provided in Section 80-3-302, a minor's
858 biological or adoptive parent.

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

860 ~~[(58)]~~ (59)(a) "Neglect" means action or inaction causing:

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

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

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

868 (iv) a child to be at risk of being neglected or abused because another child in the
869 same home is neglected or abused;

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

872 (vi) educational neglect.

873 (b) "Neglect" does not include:

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

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

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

880 (iv) permitting a child, whose basic needs are met and who is of sufficient age and

- 881 maturity to avoid harm or unreasonable risk of harm, to engage in independent
882 activities, including:
- 883 (A) traveling to and from school, including by walking, running, or bicycling;
 - 884 (B) traveling to and from nearby commercial or recreational facilities;
 - 885 (C) engaging in outdoor play;
 - 886 (D) remaining in a vehicle unattended, except under the conditions described in
887 Subsection 76-10-2202(2);
 - 888 (E) remaining at home unattended; or
 - 889 (F) engaging in a similar independent activity.
- 890 ~~[(59)]~~ (60) "Neglected child" means a child who has been subjected to neglect.
- 891 ~~[(60)]~~ (61) "Nonjudicial adjustment" means closure of the case by the assigned juvenile
892 probation officer, without an adjudication of the minor's case under Section 80-6-701,
893 upon the consent in writing of:
- 894 (a) the assigned juvenile probation officer; and
 - 895 (b)(i) the minor; or
 - 896 (ii) the minor and the minor's parent, guardian, or custodian.
- 897 ~~[(61)]~~ (62) "Not competent to proceed" means that a minor, due to a mental illness,
898 intellectual disability or related condition, or developmental immaturity, lacks the ability
899 to:
- 900 (a) understand the nature of the proceedings against the minor or of the potential
901 disposition for the offense charged; or
 - 902 (b) consult with counsel and participate in the proceedings against the minor with a
903 reasonable degree of rational understanding.
- 904 ~~[(62)]~~ (63) "Parole" means a conditional release of a juvenile offender from residency in
905 secure care to live outside of secure care under the supervision of the Division of
906 Juvenile Justice and Youth Services, or another person designated by the Division of
907 Juvenile Justice and Youth Services.
- 908 ~~[(63)]~~ (64) "Physical abuse" means abuse that results in physical injury or damage to a child.
- 909 ~~[(64)]~~ (65)(a) "Probation" means a legal status created by court order, following an
910 adjudication under Section 80-6-701, whereby the minor is permitted to remain in the
911 minor's home under prescribed conditions.
- 912 (b) "Probation" includes intake probation or formal probation.
- 913 ~~[(65)]~~ (66) "Prosecuting attorney" means:
- 914 (a) the attorney general and any assistant attorney general;

(b) any district attorney or deputy district attorney;

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

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

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

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

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

[(67)] (68) "Protective services" means expedited services that are provided:

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

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

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

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

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

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

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

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

(A) removal from the child's home;

(B) placement in substitute care; and

(C) petitioning the court for termination of parental rights.

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

(a) the minor is permitted to remain in the minor's home; and

(b) supervision and assistance to correct the abuse, neglect, or dependency is provided by an agency designated by the juvenile court.

[(69)] (70)(a) "Related condition" means a condition that:

(i) is found to be closely related to intellectual disability;

(ii) results in impairment of general intellectual functioning or adaptive behavior similar to that of an intellectually disabled individual;

(iii) is likely to continue indefinitely; and

(iv) constitutes a substantial limitation to the individual's ability to function in society.

- 949 (b) "Related condition" does not include mental illness, psychiatric impairment, or
950 serious emotional or behavioral disturbance.
- 951 ~~[(70)]~~ (71)(a) "Residual parental rights and duties" means the rights and duties remaining
952 with a parent after legal custody or guardianship, or both, have been vested in another
953 person or agency, including:
- 954 (i) the responsibility for support;
 - 955 (ii) the right to consent to adoption;
 - 956 (iii) the right to determine the child's religious affiliation; and
 - 957 (iv) the right to reasonable parent-time unless restricted by the court.
- 958 (b) If no guardian has been appointed, "residual parental rights and duties" includes the
959 right to consent to:
- 960 (i) marriage;
 - 961 (ii) enlistment; and
 - 962 (iii) major medical, surgical, or psychiatric treatment.
- 963 ~~[(71)]~~ (72) "Runaway" means a child, other than an emancipated child, who willfully leaves
964 the home of the child's parent or guardian, or the lawfully prescribed residence of the
965 child, without permission.
- 966 ~~[(72)]~~ (73) "Secure care" means placement of a minor, who is committed to the Division of
967 Juvenile Justice and Youth Services for rehabilitation, in a facility operated by, or under
968 contract with, the Division of Juvenile Justice and Youth Services, that provides 24-hour
969 supervision and confinement of the minor.
- 970 ~~[(73)]~~ (74) "Secure care facility" means a facility, established in accordance with Section
971 80-5-503, for juvenile offenders in secure care.
- 972 ~~[(74)]~~ (75) "Secure detention" means temporary care of a minor who requires secure custody
973 in a physically restricting facility operated by, or under contract with, the Division of
974 Juvenile Justice and Youth Services:
- 975 (a) before disposition of an offense that is alleged to have been committed by the minor;
 - 976 or
 - 977 (b) under Section 80-6-704.
- 978 ~~[(75)]~~ (76) "Serious youth offender" means an individual who:
- 979 (a) is at least 14 years old, but under 25 years old;
 - 980 (b) committed a felony listed in Subsection 80-6-503(1) and the continuing jurisdiction
981 of the juvenile court was extended over the individual's case until the individual was
982 25 years old in accordance with Section 80-6-605; and

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

~~[(76)]~~ (77) "Severe abuse" means abuse that causes or threatens to cause serious harm to a child.

~~[(77)]~~ (78) "Severe neglect" means neglect that causes or threatens to cause serious harm to a child.

~~[(78)]~~ (79)(a) "Severe type of child abuse or neglect" means, except as provided in Subsection ~~[(78)(b)]~~ (79)(b):

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

(A) chronic abuse;

(B) severe abuse;

(C) sexual abuse;

(D) sexual exploitation;

(E) abandonment;

(F) chronic neglect; or

(G) severe neglect; or

(ii) if committed by an individual who is under 18 years old:

(A) causing serious physical injury, as defined in Subsection 76-5-109(1), to another child that indicates a significant risk to other children; or

(B) sexual behavior with or upon another child that indicates a significant risk to other children.

(b) "Severe type of child abuse or neglect" does not include:

(i) the use of reasonable and necessary physical restraint by an educator in accordance with Subsection 53G-8-302(2) or Section 76-2-401;

(ii) an individual's conduct that is justified under Section 76-2-401 or constitutes the use of reasonable and necessary physical restraint or force in self-defense or otherwise appropriate to the circumstances to obtain possession of a weapon or other dangerous object in the possession or under the control of a child or to protect the child or another individual from physical injury; or

(iii) a health care decision made for a child by a child's parent or guardian, unless, subject to Subsection ~~[(78)(e)]~~ (79)(c), the state or other party to the proceeding shows, by clear and convincing evidence, that the health care decision is not reasonable and informed.

(c) Subsection ~~[(78)(b)(iii)]~~ (79)(b)(iii) does not prohibit a parent or guardian from

1017 exercising the right to obtain a second health care opinion.

1018 [~~(79)~~] (80) "Sexual abuse" means:

- 1019 (a) an act or attempted act of sexual intercourse, sodomy, incest, or molestation by an
1020 adult directed towards a child;
- 1021 (b) an act or attempted act of sexual intercourse, sodomy, incest, or molestation
1022 committed by a child towards another child if:
- 1023 (i) there is an indication of force or coercion;
- 1024 (ii) the children are related, as described in Subsection [~~(39)~~] (40), including siblings
1025 by marriage while the marriage exists or by adoption;
- 1026 (iii) there have been repeated incidents of sexual contact between the two children,
1027 unless the children are 14 years old or older; or
- 1028 (iv) there is a disparity in chronological age of four or more years between the two
1029 children;
- 1030 (c) engaging in any conduct with a child that would constitute an offense under any of
1031 the following, regardless of whether the individual who engages in the conduct is
1032 actually charged with, or convicted of, the offense:
- 1033 (i) Title 76, Chapter 5, Part 4, Sexual Offenses, except for Section 76-5-401, if the
1034 alleged perpetrator of an offense described in Section 76-5-401 is a minor;
- 1035 (ii) child bigamy, Section 76-7-101.5;
- 1036 (iii) incest, Section 76-7-102;
- 1037 (iv) lewdness, Section 76-9-702;
- 1038 (v) sexual battery, Section 76-9-702.1;
- 1039 (vi) lewdness involving a child, Section 76-9-702.5; or
- 1040 (vii) voyeurism, Section 76-9-702.7; or
- 1041 (d) subjecting a child to participate in or threatening to subject a child to participate in a
1042 sexual relationship, regardless of whether that sexual relationship is part of a legal or
1043 cultural marriage.

1044 [~~(80)~~] (81) "Sexual exploitation" means knowingly:

- 1045 (a) employing, using, persuading, inducing, enticing, or coercing any child to:
- 1046 (i) pose in the nude for the purpose of sexual arousal of any individual; or
- 1047 (ii) engage in any sexual or simulated sexual conduct for the purpose of
1048 photographing, filming, recording, or displaying in any way the sexual or
1049 simulated sexual conduct;
- 1050 (b) displaying, distributing, possessing for the purpose of distribution, or selling material

1051 depicting a child:

1052 (i) in the nude, for the purpose of sexual arousal of any individual; or

1053 (ii) engaging in sexual or simulated sexual conduct; or

1054 (c) engaging in any conduct that would constitute an offense under Section 76-5b-201,

1055 sexual exploitation of a minor, or Section 76-5b-201.1, aggravated sexual

1056 exploitation of a minor, regardless of whether the individual who engages in the

1057 conduct is actually charged with, or convicted of, the offense.

1058 ~~[(81)]~~ (82) "Shelter" means the temporary care of a child in a physically unrestricted facility

1059 pending a disposition or transfer to another jurisdiction.

1060 ~~[(82)]~~ (83) "Shelter facility" means a nonsecure facility that provides shelter for a minor.

1061 ~~[(83)]~~ (84) "Significant risk" means a risk of harm that is determined to be significant in

1062 accordance with risk assessment tools and rules established by the Division of Child and

1063 Family Services in accordance with Title 63G, Chapter 3, Utah Administrative

1064 Rulemaking Act, that focus on:

1065 (a) age;

1066 (b) social factors;

1067 (c) emotional factors;

1068 (d) sexual factors;

1069 (e) intellectual factors;

1070 (f) family risk factors; and

1071 (g) other related considerations.

1072 ~~[(84)]~~ (85) "Single criminal episode" means the same as that term is defined in Section

1073 76-1-401.

1074 ~~[(85)]~~ (86) "Status offense" means an offense that would not be an offense but for the age of

1075 the offender.

1076 ~~[(86)]~~ (87) "Substance abuse" means, except as provided in Section 80-2-603, the misuse or

1077 excessive use of alcohol or other drugs or substances.

1078 ~~[(87)]~~ (88) "Substantiated" or "substantiation" means a judicial finding based on a

1079 preponderance of the evidence, and separate consideration of each allegation made or

1080 identified in the case, that abuse, neglect, or dependency occurred .

1081 ~~[(88)]~~ (89) "Substitute care" means:

1082 (a) the placement of a minor in a family home, group care facility, or other placement

1083 outside the minor's own home, either at the request of a parent or other responsible

1084 relative, or upon court order, when it is determined that continuation of care in the

1085 minor's own home would be contrary to the minor's welfare;

1086 (b) services provided for a minor in the protective custody of the Division of Child and
1087 Family Services, or a minor in the temporary custody or custody of the Division of
1088 Child and Family Services, as those terms are defined in Section 80-2-102; or

1089 (c) the licensing and supervision of a substitute care facility.

1090 [(89)] (90) "Supported" means a finding by the Division of Child and Family Services based
1091 on the evidence available at the completion of an investigation, and separate
1092 consideration of each allegation made or identified during the investigation, that there is
1093 a reasonable basis to conclude that abuse, neglect, or dependency occurred.

1094 [(90)] (91) "Termination of parental rights" means the permanent elimination of all parental
1095 rights and duties, including residual parental rights and duties, by court order.

1096 [(91)] (92) "Therapist" means:

1097 (a) an individual employed by a state division or agency for the purpose of conducting
1098 psychological treatment and counseling of a minor in the division's or agency's
1099 custody; or

1100 (b) any other individual licensed or approved by the state for the purpose of conducting
1101 psychological treatment and counseling.

1102 [(92)] (93) "Threatened harm" means actions, inactions, or credible verbal threats, indicating
1103 that the child is at an unreasonable risk of harm or neglect.

1104 [(93)] (94) "Ungovernable" means a child in conflict with a parent or guardian, and the
1105 conflict:

1106 (a) results in behavior that is beyond the control or ability of the child, or the parent or
1107 guardian, to manage effectively;

1108 (b) poses a threat to the safety or well-being of the child, the child's family, or others; or

1109 (c) results in the situations described in Subsections [(93)(a)] (94)(a) and (b).

1110 [(94)] (95) "Unsubstantiated" means a judicial finding that there is insufficient evidence to
1111 conclude that abuse, neglect, or dependency occurred.

1112 [(95)] (96) "Unsupported" means a finding by the Division of Child and Family Services at
1113 the completion of an investigation, after the day on which the Division of Child and
1114 Family Services concludes the alleged abuse, neglect, or dependency is not without
1115 merit, that there is insufficient evidence to conclude that abuse, neglect, or dependency
1116 occurred.

1117 [(96)] (97) "Validated risk and needs assessment" means an evidence-based tool that
1118 assesses a minor's risk of reoffending and a minor's criminogenic needs.

1119 [(97)] (98) "Without merit" means a finding at the completion of an investigation by the
1120 Division of Child and Family Services, or a judicial finding, that the alleged abuse,
1121 neglect, or dependency did not occur, or that the alleged perpetrator was not responsible
1122 for the abuse, neglect, or dependency.

1123 [(98)] (99) "Youth offender" means an individual who is:

1124 (a) at least 12 years old, but under 21 years old; and

1125 (b) committed by the juvenile court to the Division of Juvenile Justice and Youth
1126 Services for secure care under Sections 80-6-703 and 80-6-705.

1127 Section 11. Section **80-5a-101** is enacted to read:

1128 **CHAPTER 5a. CHILDREN IN NEED OF SERVICES**

1129 **Part 1. General Provisions**

1130 **80-5a-101 . Definitions for chapter.**

1131 As used in this chapter:

1132 (1) "Division" means the Division of Juvenile Justice and Youth Services.

1133 (2) "Youth services" means the same as that term is defined in Section 80-5-102.

1134 (3) "Youth services center" means the same as that term is defined in Section 80-5-102.

1135 Section 12. Section **80-5a-102**, which is renumbered from Section 80-5-603 is renumbered
1136 and amended to read:

1137 **[80-5-603] 80-5a-102 . Assessment of a child in need of services from the division.**

1138 (1) If a juvenile court finds that a child is ungovernable~~[-or a runaway]~~ , a runaway, or a
1139 habitual truant, or that the family is in crisis, the juvenile court may order the division to
1140 conduct an assessment to determine whether it would be appropriate for the division to
1141 provide prevention and early intervention youth services, as described in Section
1142 80-5-401, to the child.

1143 (2) If the division determines that provision of prevention and early intervention youth
1144 services is appropriate under Subsection (1), the division shall provide the services to the [
1145 ~~ungovernable or runaway~~]-child.

1146 Section 13. Section **80-5a-201** is enacted to read:

1147 **Part 2. Runaways and Homeless Youth**

1148 **80-5a-201 . Definitions for part.**

1149 As used in this part:

1150 (1) "Care" means providing:

1151 (a) assistance to obtain food, clothing, hygiene products, or other basic necessities;

- 1152 (b) access to a bed, showering facility, or transportation; or
 1153 (c) assistance with school enrollment or attendance.
 1154 (2) "Harbor" means to provide shelter in:
 1155 (a) the home of the person who is providing shelter; or
 1156 (b) any structure over which the person providing the shelter has any control.
 1157 (3) "Homeless youth" means a child, other than an emancipated minor:
 1158 (a) who is a runaway; or
 1159 (b) who is:
 1160 (i) not accompanied by the child's parent or guardian; and
 1161 (ii) without care.
 1162 (4) "Licensed services" means a service provided by a temporary homeless youth shelter, a
 1163 youth services center, or other facility that is licensed to provide the service to a
 1164 homeless youth.
 1165 (5) "Service" means:
 1166 (a) youth services;
 1167 (b) child welfare or juvenile court case management or advocacy;
 1168 (c) aftercare services as defined in Section 80-5-102; or
 1169 (d) independent living skills training.
 1170 (6) "Temporary homeless youth shelter" means a facility that:
 1171 (a) provides temporary shelter to homeless youth; and
 1172 (b) is licensed by the Department of Health and Human Services, created in Section
 1173 26B-1-201, as a residential support program.

1174 Section 14. Section **80-5a-202**, which is renumbered from Section 80-5-601 is renumbered
 1175 and amended to read:

1176 **[80-5-601] 80-5a-202 . Harboring a runaway -- Reporting requirements --**
 1177 **Division of Child and Family Services to provide assistance -- Affirmative defense --**
 1178 **Providing shelter after notice.**

- 1179 ~~[(1) As used in this section, "harbor" means to provide shelter in:]~~
 1180 ~~[(a) the home of the person who is providing shelter; or]~~
 1181 ~~[(b) any structure over which the person providing the shelter has any control.]~~
 1182 ~~[(2)]~~ (1) Except as provided in Subsection ~~[(3)]~~ (2), a person is guilty of a class B
 1183 misdemeanor if the person:
 1184 (a) knowingly and intentionally harbors a child;
 1185 (b) knows at the time of harboring the child that the child is a runaway;

- 1186 (c) fails to notify one of the following, by telephone or other reasonable means, of the
1187 location of the child:
- 1188 (i) the parent or guardian of the child;
- 1189 (ii) the division; or
- 1190 (iii) a youth services center; and
- 1191 (d) fails to notify a person described in Subsection [~~(2)~~(e)] (1)(c) within eight hours after
1192 the later of:
- 1193 (i) the time that the person becomes aware that the child is a runaway; or
- 1194 (ii) the time that the person begins harboring the child.
- 1195 [~~(3)~~] (2) A person described in Subsection [~~(2)~~] (1) is not guilty of a violation of Subsection [~~(2)~~] (1) and is not required to comply with Subsections [~~(2)~~(e)] (1)(c) and (d), if:
- 1196 (a)(i) a court order is issued authorizing a peace officer to take the child into custody;
- 1197 and
- 1198 (ii) the person notifies a peace officer, or the nearest detention facility, by telephone
1200 or other reasonable means, of the location of the child, within eight hours after the
1201 later of:
- 1202 (A) the time that the person becomes aware that the child is a runaway; or
- 1203 (B) the time that the person begins harboring the child; or
- 1204 (b)(i) the child is a runaway who consents to shelter, care, or licensed services under
1205 Section [~~80-5-602~~] 80-5a-203; and
- 1206 (ii)(A) the person is unable to locate the child's parent or guardian; or
- 1207 (B) the child refuses to disclose the contact information for the child's parent or
1208 guardian.
- 1209 [~~(4)~~] (3) A person described in Subsection [~~(2)~~] (1) shall provide a report to the division:
- 1210 (a) if the person has an obligation under Section 80-2-602 to report child abuse or
1211 neglect; or
- 1212 (b) if, within 48 hours after the person begins harboring the child:
- 1213 (i) the person continues to harbor the child; and
- 1214 (ii) the person does not make direct contact with:
- 1215 (A) a parent or guardian of the child;
- 1216 (B) the division;
- 1217 (C) a youth services center; or
- 1218 (D) a peace officer or the nearest detention facility if a court order is issued
1219 authorizing a peace officer to take the child into custody.

- 1220 ~~[(5)]~~ (4) It is an affirmative defense to the crime described in Subsection ~~[(2)]~~ (1) that:
- 1221 (a) the person failed to provide notice as described in Subsection ~~[(2) or (3)]~~ (1) or (2)
- 1222 due to circumstances beyond the control of the person providing the shelter; and
- 1223 (b) the person provided the notice described in Subsection ~~[(2) or (3)]~~ (1) or (2) as soon
- 1224 as it was reasonably practicable to provide the notice.
- 1225 ~~[(6)]~~ (5) Upon receipt of a report that a runaway is being harbored by a person:
- 1226 (a) a youth services center shall:
- 1227 (i) notify the runaway's parent or guardian that a report has been made; and
- 1228 (ii) inform the runaway's parent or guardian of assistance available from the youth
- 1229 services center; or
- 1230 (b) the division shall:
- 1231 (i) make a referral to the Division of Child and Family Services to determine whether
- 1232 the runaway is abused, neglected, or dependent; and
- 1233 (ii) if appropriate, make a referral for services for the runaway.
- 1234 ~~[(7)]~~ (6)(a) A parent or guardian of a runaway who is aware that the runaway is being
- 1235 harbored may notify a law enforcement agency and request assistance in retrieving
- 1236 the runaway.
- 1237 (b) The local law enforcement agency may assist the parent or guardian in retrieving the
- 1238 runaway.
- 1239 ~~[(8)]~~ (7) Nothing in this section prohibits a person from continuing to provide shelter to a
- 1240 runaway, after giving the notice described in Subsections ~~[(2) through (4)]~~ (1) through (3),
- 1241 if:
- 1242 (a) a parent or guardian of the runaway consents to the continued provision of shelter; or
- 1243 (b) a peace officer or a parent or guardian of the runaway fails to retrieve the runaway.
- 1244 ~~[(9)]~~ (8) Nothing in this section prohibits a person from providing shelter to a child whose
- 1245 parent or guardian has intentionally:
- 1246 (a) ceased to maintain physical custody of the child; and
- 1247 (b) failed to make reasonable arrangements for the safety, care, and physical custody of
- 1248 the child.
- 1249 ~~[(10)]~~ (9) Nothing in this section prohibits:
- 1250 (a) a juvenile receiving center or a youth services center from providing shelter to a
- 1251 runaway in accordance with the requirements of this chapter and the rules relating to
- 1252 a juvenile receiving center or a youth services center; or
- 1253 (b) a government agency from taking custody of a child as otherwise provided by law.

Section 15. Section **80-5a-203**, which is renumbered from Section 80-5-602 is renumbered and amended to read:

[80-5-602] 80-5a-203 . Homeless youth -- Consent to shelter, care, or services by a homeless youth.

~~[(1) As used in this section:]~~

~~[(a) "Care" means providing:]~~

~~[(i) assistance to obtain food, clothing, hygiene products, or other basic necessities;]~~

~~[(ii) access to a bed, showering facility, or transportation; or]~~

~~[(iii) assistance with school enrollment or attendance.]~~

~~[(b) "Licensed services" means a service provided by a temporary homeless youth shelter, a youth services center, or other facility that is licensed to provide the service to a homeless youth.]~~

~~[(c) "Service" means:]~~

~~[(i) youth services;]~~

~~[(ii) child welfare or juvenile court case management or advocacy;]~~

~~[(iii) aftercare services; or]~~

~~[(iv) independent living skills training.]~~

~~[(2)] (1)~~ A homeless youth may consent to temporary shelter, care, or licensed services if the homeless youth:

(a) is at least 15 years old; and

(b) manages the homeless youth's own financial affairs, regardless of the source of income.

~~[(3)] (2)~~ In determining consent under Subsection ~~[(2)] (1)~~, a person may rely on the homeless youth's verbal or written statement describing the homeless youth's ability to consent to temporary shelter, care, or licensed services.

~~[(4)] (3)~~ A person who provides shelter, care, or licensed services to a homeless youth who consents to the shelter, care, or licensed services under Subsection ~~[(2)] (1)~~:

(a) shall report to the division as required under Subsection ~~[80-5-601(4)] 80-5a-202(3)~~; and

(b) may provide the homeless youth a referral to temporary or permanent housing, employment resources, medical or dental providers, or counseling.

Section 16. Section **80-5a-301** is enacted to read:

Part 3. Habitual Truants

80-5a-301 . Definitions for part.

1288 As used in this part:

1289 (1) "Local education agency" means a school district, a charter school, or the Utah Schools
1290 for the Deaf and the Blind.

1291 (2) "School" means a school within a school district or a charter school.

1292 (3) "School administrator" means a principal of a school or the director of a charter school.

1293 (4) "School-age child" means the same as that term is defined in Section 53G-6-201.

1294 Section 17. Section **80-5a-302** is enacted to read:

1295 **80-5a-302 . Habitual truant -- Referral to division -- Petition for habitual truancy.**

1296 (1)(a) If a school-age child is alleged to be a habitual truant and the actions taken by the
1297 division or the school for which the school-age child is enrolled are not successful in
1298 reducing the school-age child's absences from school, the division, the school
1299 administrator, or the local education agency may bring an action for habitual truancy
1300 against the school-age child and the school-age child's parent or guardian.

1301 (b) A petition alleging that a school-age child is a habitual truant shall:

1302 (i) describe all interventions that have been attempted; and

1303 (ii) include any truancy assessment completed by the division or the school-age
1304 child's school.

1305 (2) If the court finds that a school-age child is a habitual truant after a hearing, the court
1306 shall order:

1307 (a) the school-age child to attend school; and

1308 (b) the school-age child's parent or guardian to ensure that the school-age child attends
1309 school.

1310 (3) If the court finds that a school-age child is a habitual truant after a hearing, the court
1311 may order:

1312 (a) the division to conduct an assessment as described in Section 80-5a-102;

1313 (b) the school-age child to participate in alternative sanctions to include mandatory
1314 attendance at alternative classes, including mandatory participation in Saturday
1315 school, after-school sessions, or summer classes to make up for missed instructional
1316 time;

1317 (c) the school-age child or the school-age child's parent or guardian to participate in
1318 counseling, including mediation or group conferencing, to collaboratively develop an
1319 attendance plan and address the root causes of truancy;

1320 (d) the school-age child or the school-age child's parent or guardian to participate in
1321 educational workshops or programs aimed at improving school engagement strategies

1322 and addressing attendance barriers;
1323 (e) the school-age child or the school-age child's parent or guardian to participate in
1324 mental health services if available and applicable;
1325 (f) the school-age child and the school-age child's parent or guardian to participate in
1326 services provided by a voluntary or community agency as available, including a
1327 community service program tailored to utilize the school-age child's academic skills
1328 in a real-world setting, fostering a connection between education and future
1329 opportunities; or
1330 (g) the school-age child or the school-age child's parent or guardian to participate in
1331 vocational, job training, or employment services.
1332 (4) The school-age child and the school-age child's parent or guardian shall participate, as
1333 required by court order, in any sanction or services required by a court under this section.
1334 Section 18. **Effective Date.**
1335 This bill takes effect on July 1, 2025.