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CHILD CARE REVISIONS
2024 GENERAL SESSION
STATE OF UTAH

Chief Sponsor: Susan Pulsipher
Senate Sponsor: Daniel McCay

LONG TITLE

General Description:

This bill modifies provisions related to caring for children.

Highlighted Provisions:

This bill:

- ▶ makes optional the requirement to obtain a certificate from the Department of Health and Human Services to provide residential child care;
- ▶ limits the number of children under three years old for which a residential child care provider operating without a license or certificate may provide care;
- ▶ requires a residential child care provider operating without a license or a certificate to submit to criminal history check requirements;
- ▶ authorizes the Department of Health and Human Services to make rules regarding submission to criminal history checks;
- ▶ raises the age of a child dependent for whom an individual taxpayer may claim a child tax credit; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.

Utah Code Sections Affected:

AMENDS:

- 26B-2-402 (Effective 05/01/24)**, as renumbered and amended by Laws of Utah 2023, Chapter 305
- 26B-2-404 (Effective 05/01/24)**, as renumbered and amended by Laws of Utah 2023,

28 Chapter 305
 29 **26B-2-405 (Effective 05/01/24)**, as renumbered and amended by Laws of Utah 2023,
 30 Chapter 305
 31 **26B-2-406 (Effective 05/01/24)**, as renumbered and amended by Laws of Utah 2023,
 32 Chapter 305
 33 **59-10-1047 (Effective 01/01/25)**, as enacted by Laws of Utah 2023, Chapter 462
 34 **78A-6-209 (Effective 05/01/24) (Superseded 07/01/24)**, as last amended by Laws of Utah
 35 2023, Chapters 115, 330
 36 **78A-6-209 (Effective 07/01/24)**, as last amended by Laws of Utah 2023, Chapters 115, 310
 37 and 330

38

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

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

41 **26B-2-402 (Effective 05/01/24). Duties of the department -- Enforcement of part**
 42 **-- Licensing committee requirements.**

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

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

47 (i) adequate facilities and equipment; and

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

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

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

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

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

57 (iv) changes of ownership or name, changes in licensure status, and changes in
 58 operational status;

59 (v) license expiration and renewal, contents, and posting requirements;

60 (vi) procedures for inspections, complaint resolution, disciplinary actions, and other
 61 procedural measures to encourage and assure compliance with statute and rule; and

- 62 (vii) guidelines necessary to assure consistency and appropriateness in the regulation
63 and discipline of licensees.
- 64 (2) The department shall enforce the rules established by the licensing committee, with the
65 concurrence of the department, for center based child care.
- 66 (3) The department shall make rules that allow a regulated provider to provide after school
67 child care for a reasonable number of qualifying children in excess of the regulated
68 provider's capacity limit, without requiring the regulated provider to obtain a waiver or
69 new license from the department.
- 70 (4) Rules made under this part by the department, or the licensing committee with the
71 concurrence of the department, shall be made in accordance with Title 63G, Chapter 3,
72 Utah Administrative Rulemaking Act.
- 73 (5) (a) The licensing committee and the department may not regulate educational
74 curricula, academic methods, or the educational philosophy or approach of the
75 provider.
- 76 (b) The licensing committee and the department shall allow for a broad range of
77 educational training and academic background in certification or qualification of
78 child day care directors.
- 79 (6) In licensing and regulating child care programs, the licensing committee and the
80 department shall reasonably balance the benefits and burdens of each regulation and, by
81 rule, provide for a range of licensure, depending upon the needs and different levels and
82 types of child care provided.
- 83 (7) Notwithstanding the definition of "qualifying child" in Section 26B-2-401, the licensing
84 committee and the department shall count children through age 12 and children with
85 disabilities through age 18 toward the minimum square footage requirement for indoor
86 and outdoor areas, including the child of:
- 87 (a) a licensed residential child care provider; or
88 (b) an owner or employee of a licensed child care center.
- 89 (8) Notwithstanding Subsection (1)(a)(i), the licensing committee and the department may
90 not exclude floor space used for furniture, fixtures, or equipment from the minimum
91 square footage requirement for indoor and outdoor areas if the furniture, fixture, or
92 equipment is used:
- 93 (a) by qualifying children;
94 (b) for the care of qualifying children; or
95 (c) to store classroom materials.

- 96 (9) (a) A child care center constructed prior to January 1, 2004, and licensed and
 97 operated as a child care center continuously since January 1, 2004, is exempt from
 98 the licensing committee's and the department's group size restrictions, if the child to
 99 caregiver ratios are maintained, and adequate square footage is maintained for
 100 specific classrooms.
- 101 (b) An exemption granted under Subsection (9)(a) is transferrable to subsequent licensed
 102 operators at the center if a licensed child care center is continuously maintained at the
 103 center.
- 104 (10) The licensing committee , with the concurrence of the department, shall develop, by
 105 rule, a five-year phased-in compliance schedule for playground equipment safety
 106 standards.
- 107 (11) The department shall set and collect licensing and other fees in accordance with
 108 Section 26B-1-209.
- 109 Section 2. Section **26B-2-404** is amended to read:
- 110 **26B-2-404 (Effective 05/01/24). Residential Child Care Certificate.**
- 111 (1) Except as provided in Section 26B-2-405, a person [~~shall obtain~~] may request a
 112 Residential Child Care Certificate from the department if[:] the person provides
 113 residential child care for eight or fewer qualifying children.
 114 [~~(a) the person provides residential child care for seven or eight qualifying children; or~~]
 115 [~~(b) the person:~~]
 116 [~~(i) provides residential child care for six or less qualifying children; and~~]
 117 [~~(ii) requests to be certified.~~]
- 118 (2) The minimum qualifications for a Residential Child Care Certificate are:
 119 (a) the submission of:
 120 (i) an application in the form prescribed by the department;
 121 (ii) a certification and criminal background fee established in accordance with
 122 Section 26B-1-209; and
 123 (iii) in accordance with Section 26B-2-406, identifying information for each adult
 124 person and each juvenile age 12 through 17 years old who resides in the provider's
 125 home:
 126 (A) for processing by the Department of Public Safety to determine whether any
 127 such person has been convicted of a crime;
 128 (B) to screen for a substantiated finding of child abuse or neglect by a juvenile
 129 court; and

- 130 (C) to discover whether the person is listed in the Licensing Information System
131 described in Section 80-2-1002;
- 132 (b) an initial and annual inspection of the provider's home within 90 days of sending an
133 intent to inspect notice to:
- 134 (i) check the immunization record, as defined in Section 53G-9-301, of each
135 qualifying child who receives child care in the provider's home;
- 136 (ii) identify serious sanitation, fire, and health hazards to qualifying children; and
137 (iii) make appropriate recommendations; and
- 138 (c) annual training consisting of 10 hours of department-approved training as specified
139 by the department by administrative rule, including a current department-approved
140 CPR and first aid course.
- 141 (3) If a serious sanitation, fire, or health hazard has been found during an inspection
142 conducted pursuant to Subsection (2)(b), the department shall require corrective action
143 for the serious hazards found and make an unannounced follow up inspection to
144 determine compliance.
- 145 (4) In addition to an inspection conducted pursuant to Subsection (2)(b), the department
146 may inspect the home of a certified provider in response to a complaint of:
- 147 (a) child abuse or neglect;
- 148 (b) serious health hazards in or around the provider's home; or
- 149 (c) providing residential child care without the appropriate certificate or license.
- 150 (5) With respect to residential child care, the department may only make and enforce rules
151 necessary to implement this section.

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

153 **26B-2-405 (Effective 05/01/24). Exclusions from part -- Criminal background**
154 **checks by an excluded person.**

- 155 (1) (a) Except as provided in [~~Subsection (1)(b)~~] Subsections (1)(b) and (1)(c), the
156 provisions and requirements of this part do not apply to:
- 157 (i) a facility or program owned or operated by an agency of the United States
158 government;
- 159 (ii) group counseling provided by a mental health therapist, as defined in Section
160 58-60-102, who is licensed to practice in this state;
- 161 (iii) a health care facility licensed under Part 2, Health Care Facility Licensing and
162 Inspection;
- 163 (iv) care provided to a qualifying child by or in the home of a parent, legal guardian,

- 164 grandparent, brother, sister, uncle, or aunt;
- 165 (v) care provided to a qualifying child, in the home of the provider, for less than four
166 hours a day or on a sporadic basis, unless that child care directly affects or is
167 related to a business licensed in this state;
- 168 (vi) care provided at a residential support program that is licensed by the department;
- 169 (vii) center based child care for four or ~~[less]~~ fewer qualifying children, unless the
170 provider requests to be licensed under Section 26B-2-403; or
- 171 (viii) residential child care for ~~[six or less]~~ eight or fewer qualifying children, unless
172 the provider requests to be licensed under Section 26B-2-403 or certified under
173 Section 26B-2-404.
- 174 ~~[(b) Notwithstanding Subsection (1)(a), a person who]~~
- 175 (b) (i) A person that does not hold a license or certificate from the department under
176 this part may not, at any given time, provide child care in the person's home for
177 more than 10 children in total under the age of 13, or under the age of 18 if a child
178 has a disability, regardless of whether a child is related to the person providing
179 child care.
- 180 (ii) A person providing care described in Subsection (1)(a)(viii) may not provide, at
181 any given time, child care in the person's home for more than two children who
182 are under three years old.
- 183 (c) A person providing care described in Subsection (1)(a)(viii) that is not a certified
184 provider or a licensed provider under this part is subject to the requirements of
185 Section 26B-2-406.
- 186 (2) The licensing and certification requirements of this part do not apply to:
- 187 (a) care provided to a qualifying child as part of a course of study at or a program
188 administered by an educational institution that is regulated by the boards of education
189 of this state, a private education institution that provides education in lieu of that
190 provided by the public education system, or by a parochial education institution;
- 191 (b) care provided to a qualifying child by a public or private institution of higher
192 education, if the care is provided in connection with a course of study or program,
193 relating to the education or study of children, that is provided to students of the
194 institution of higher education;
- 195 (c) care provided to a qualifying child at a public school by an organization other than
196 the public school, if:
- 197 (i) the care is provided under contract with the public school or on school property; or

- 198 (ii) the public school accepts responsibility and oversight for the care provided by the
199 organization;
- 200 (d) care provided to a qualifying child as part of a summer camp that operates on federal
201 land pursuant to a federal permit;
- 202 (e) care provided by an organization that:
- 203 (i) qualifies for tax exempt status under Section 501(c)(3) of the Internal Revenue
204 Code;
- 205 (ii) provides care pursuant to a written agreement with:
- 206 (A) a municipality, as defined in Section 10-1-104, that provides oversight for the
207 program; or
- 208 (B) a county that provides oversight for the program; and
- 209 (iii) provides care to a child who is over the age of four and under the age of 13; or
- 210 (f) care provided to a qualifying child at a facility where:
- 211 (i) the parent or guardian of the qualifying child is at all times physically present in
212 the building where the care is provided and the parent or guardian is near enough
213 to reach the child within five minutes if needed;
- 214 (ii) the duration of the care is less than four hours for an individual qualifying child in
215 any one day;
- 216 (iii) the care is provided on a sporadic basis;
- 217 (iv) the care does not include diapering a qualifying child; and
- 218 (v) the care does not include preparing or serving meals to a qualifying child.
- 219 (3) An exempt provider shall submit to the department:
- 220 (a) the information required under Subsections 26B-2-406(1) and (2); and
- 221 (b) of the children receiving care from the exempt provider:
- 222 (i) the number of children who are less than two years old;
- 223 (ii) the number of children who are at least two years old and less than five years old;
- 224 and
- 225 (iii) the number of children who are five years old or older.
- 226 (4) An exempt provider shall post, in a conspicuous location near the entrance of the
227 exempt provider's facility, a notice prepared by the department that:
- 228 (a) states that the facility is exempt from licensure and certification; and
- 229 (b) provides the department's contact information for submitting a complaint.
- 230 (5) (a) Except as provided in Subsection (5)(b), the department may not release the
231 information the department collects from exempt providers under Subsection (3).

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

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

235 **26B-2-406 (Effective 05/01/24). Disqualified individuals -- Criminal history**
236 **checks -- Payment of costs.**

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

243 (i) owners;

244 (ii) directors;

245 (iii) members of the governing body;

246 (iv) employees;

247 (v) providers of care;

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

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

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

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

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

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

264 (2) (a) (i) Each person requesting a residential certificate or to be licensed or to renew
265 a license under this part and each person described in Subsection 26B-2-405

- 266 (1)(a)(viii) that is not a certified provider or a licensed provider shall submit to the
267 department the name and other identifying information of any person age 12
268 through 17 who resides in the residence where the child care is provided.
- 269 (ii) The identifying information required for a person age 12 through 17 does not
270 include fingerprints.
- 271 (b) The department shall access the juvenile court records to determine whether a person
272 described in Subsection (1) or (2)(a) has been adjudicated in juvenile court of
273 committing an act which if committed by an adult would be a felony or misdemeanor
274 if:
- 275 (i) the person described in Subsection (1) is under the age of 28; or
276 (ii) the person described in Subsection (1) is:
- 277 (A) over the age of 28; and
278 (B) has been convicted, has pleaded no contest, or is currently subject to a plea in
279 abeyance or diversion agreement for a felony or misdemeanor.
- 280 (3) Except as provided in Subsections (4) and (5), a licensee under this part, a person
281 described in Subsection 26B-2-405(1)(a)(viii) that is not a certified provider or a
282 licensed provider, or an exempt provider may not permit a person who has been
283 convicted, has pleaded no contest, or is currently subject to a plea in abeyance or
284 diversion agreement for any felony or misdemeanor, or if the provisions of Subsection
285 (2)(b) apply, who has been adjudicated in juvenile court of committing an act which if
286 committed by an adult would be a felony or a misdemeanor, to:
- 287 (a) provide child care;
288 (b) provide volunteer services for a child care program or an exempt provider;
289 (c) reside at the premises where child care is provided; or
290 (d) function as an owner, director, or member of the governing body of a child care
291 program or an exempt provider.
- 292 (4) (a) The department may, by rule, exempt the following from the restrictions of
293 Subsection (3):
- 294 (i) specific misdemeanors; and
295 (ii) specific acts adjudicated in juvenile court, which if committed by an adult would
296 be misdemeanors.
- 297 (b) In accordance with criteria established by rule, the executive director may consider
298 and exempt individual cases not otherwise exempt under Subsection (4)(a) from the
299 restrictions of Subsection (3).

- 300 (5) The restrictions of Subsection (3) do not apply to the following:
- 301 (a) a conviction or plea of no contest to any nonviolent drug offense that occurred on a
- 302 date 10 years or more before the date of the criminal history check described in this
- 303 section; or
- 304 (b) if the provisions of Subsection (2)(b) apply, any nonviolent drug offense adjudicated
- 305 in juvenile court on a date 10 years or more before the date of the criminal history
- 306 check described in this section.
- 307 (6) The department may retain background check information submitted to the department
- 308 for up to one year after the day on which the covered individual is no longer associated
- 309 with a Utah child care provider.

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

311 **59-10-1047 (Effective 01/01/25). Nonrefundable child tax credit.**

- 312 (1) As used in this section:
- 313 (a) "Joint filing status" means the same as that term is defined in Section 59-10-1018.
- 314 (b) "Head of household filing status" means the same as that term is defined in Section
- 315 59-10-1018.
- 316 (c) "Married filing separately status" means a married individual who:
- 317 (i) does not file a single federal individual income tax return jointly with that married
- 318 individual's spouse for the taxable year; and
- 319 (ii) files a single federal individual income tax return for the taxable year.
- 320 (d) "Modified adjusted gross income" means the sum of the following for a claimant or,
- 321 if the claimant's federal individual income tax return is allowed a joint filing status,
- 322 the claimant and the claimant's spouse:
- 323 (i) adjusted gross income for the taxable year for which a tax credit is claimed under
- 324 this section;
- 325 (ii) any interest income that is not included in adjusted gross income for the taxable
- 326 year described in Subsection (1)(d)(i); and
- 327 (iii) any addition to adjusted gross income required by Section 59-10-114 for the
- 328 taxable year described in Subsection (1)(d)(i).
- 329 (e) "Qualifying child" means an individual:
- 330 (i) with respect to whom the claimant is allowed to claim a tax credit under Section
- 331 24, Internal Revenue Code, on the claimant's federal individual income tax return
- 332 for the taxable year; and
- 333 (ii) who is at least one year old and younger than [~~four~~] five years old on the last day

- 334 of the claimant's taxable year.
- 335 (f) "Single filing status" means a single individual who files a single federal individual
336 income tax return for the taxable year.
- 337 (2) Subject to Subsection 59-10-1002.2, a claimant may claim a nonrefundable tax credit of
338 \$1,000 for each qualifying child.
- 339 (3) A claimant may not carry forward or carry back the amount of the tax credit that
340 exceeds the claimant's tax liability.
- 341 (4) The tax credit allowed by Subsection (2) claimed on a return filed under this part shall
342 be reduced by \$.10 for each dollar by which modified adjusted gross income for
343 purposes of the return exceeds:
- 344 (a) for a federal individual income tax return that is allowed a married filing separately
345 status, \$27,000;
- 346 (b) for a federal individual income tax return that is allowed a single filing status or head
347 of household filing status, \$43,000; and
- 348 (c) for a federal individual income tax return [~~under this chapter~~] that is allowed a joint
349 filing status, \$54,000.

350 Section 6. Section **78A-6-209** is amended to read:

351 **78A-6-209 (Effective 05/01/24) (Superseded 07/01/24). Court records --**

352 **Inspection.**

- 353 (1) The juvenile court and the juvenile court's probation department shall keep records as
354 required by the board and the presiding judge.
- 355 (2) A court record shall be open to inspection by:
- 356 (a) the parents or guardian of a child, a minor who is at least 18 years old, other parties
357 in the case, the attorneys, and agencies to which custody of a minor has been
358 transferred;
- 359 (b) for information relating to adult offenders alleged to have committed a sexual
360 offense, a felony or class A misdemeanor drug offense, or an offense against the
361 person under Title 76, Chapter 5, Offenses Against the Individual, the State Board of
362 Education for the purpose of evaluating whether an individual should be permitted to
363 obtain or retain a license as an educator or serve as an employee or volunteer in a
364 school, with the understanding that the State Board of Education must provide the
365 individual with an opportunity to respond to any information gathered from the State
366 Board of Education's inspection of the records before the State Board of Education
367 makes a decision concerning licensure or employment;

- 368 (c) the Criminal Investigations and Technical Services Division, established in Section
369 53-10-103, for the purpose of a criminal history background check for the purchase
370 of a firearm and establishing good character for issuance of a concealed firearm
371 permit as provided in Section 53-5-704;
- 372 (d) the Division of Child and Family Services for the purpose of Child Protective
373 Services Investigations in accordance with Sections 80-2-602 and 80-2-701 and
374 administrative hearings in accordance with Section 80-2-707;
- 375 (e) the Division of Licensing and Background Checks for the purpose of conducting a
376 background check in accordance with Section 26B-2-120;
- 377 (f) for information related to a minor who has committed a sexual offense, a felony, or
378 an offense that if committed by an adult would be a misdemeanor, the Department of
379 Health and Human Services for the purpose of evaluating under the provisions of
380 Subsection 26B-2-406(3) whether a [licensee] person should be permitted to operate a
381 residential child care without a license or a certificate or to obtain or retain a license
382 to provide child care, with the understanding that the department must provide the
383 individual who committed the offense with an opportunity to respond to any
384 information gathered from the Department of Health and Human Services' inspection
385 of records before the Department of Health and Human Services makes a decision
386 concerning licensure;
- 387 (g) for information related to a minor who has committed a sexual offense, a felony, or
388 an offense that if committed by an adult would be a misdemeanor, the Department of
389 Health and Human Services to determine whether an individual meets the
390 background screening requirements of Sections 26B-2-238 through 26B-2-241, with
391 the understanding that the department must provide the individual who committed the
392 offense an opportunity to respond to any information gathered from the Department
393 of Health and Human Services' inspection of records before the Department of Health
394 and Human Services makes a decision under that part; and
- 395 (h) for information related to a minor who has committed a sexual offense, a felony, or
396 an offense that if committed by an adult would be a misdemeanor, the Department of
397 Health and Human Services to determine whether to grant, deny, or revoke
398 background clearance under Section 26B-4-124 for an individual who is seeking or
399 who has obtained an emergency medical service personnel license under Section
400 26B-4-116, with the understanding that the Department of Health and Human
401 Services' must provide the individual who committed the offense an opportunity to

402 respond to any information gathered from the Department of Health and Human
403 Services' inspection of records before the Department of Health and Human Services
404 makes a determination.

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

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

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

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

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

420 Section 7. Section **78A-6-209** is amended to read:

421 **78A-6-209 (Effective 07/01/24). Court records -- Inspection.**

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

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

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

428 (b) for information relating to adult offenders alleged to have committed a sexual
429 offense, a felony or class A misdemeanor drug offense, or an offense against the
430 person under Title 76, Chapter 5, Offenses Against the Individual, the State Board of
431 Education for the purpose of evaluating whether an individual should be permitted to
432 obtain or retain a license as an educator or serve as an employee or volunteer in a
433 school, with the understanding that the State Board of Education must provide the
434 individual with an opportunity to respond to any information gathered from the State
435 Board of Education's inspection of the records before the State Board of Education

- 436 makes a decision concerning licensure or employment;
- 437 (c) the Criminal Investigations and Technical Services Division, established in Section
438 53-10-103, for the purpose of a criminal history background check for the purchase
439 of a firearm and establishing good character for issuance of a concealed firearm
440 permit as provided in Section 53-5-704;
- 441 (d) the Division of Child and Family Services for the purpose of Child Protective
442 Services Investigations in accordance with Sections 80-2-602 and 80-2-701 and
443 administrative hearings in accordance with Section 80-2-707;
- 444 (e) the Division of Licensing and Background Checks for the purpose of conducting a
445 background check in accordance with Section 26B-2-120;
- 446 (f) for information related to a minor who has committed a sexual offense, a felony, or
447 an offense that if committed by an adult would be a misdemeanor, the Department of
448 Health and Human Services for the purpose of evaluating under the provisions of
449 Subsection 26B-2-406(3) whether a [licensee] person should be permitted to operate a
450 residential child care without a license or a certificate or to obtain or retain a license
451 to provide child care, with the understanding that the department must provide the
452 individual who committed the offense with an opportunity to respond to any
453 information gathered from the Department of Health and Human Services' inspection
454 of records before the Department of Health and Human Services makes a decision
455 concerning licensure;
- 456 (g) for information related to a minor who has committed a sexual offense, a felony, or
457 an offense that if committed by an adult would be a misdemeanor, the Department of
458 Health and Human Services to determine whether an individual meets the
459 background screening requirements of Sections 26B-2-238 through 26B-2-241, with
460 the understanding that the department must provide the individual who committed the
461 offense an opportunity to respond to any information gathered from the Department
462 of Health and Human Services' inspection of records before the Department of Health
463 and Human Services makes a decision under that part; and
- 464 (h) for information related to a minor who has committed a sexual offense, a felony, or
465 an offense that if committed by an adult would be a misdemeanor, the Bureau of
466 Emergency Medical Services to determine whether to grant, deny, or revoke
467 background clearance under Section 53-2d-410 for an individual who is seeking or
468 who has obtained an emergency medical service personnel license under Section
469 53-2d-402, with the understanding that the Bureau of Emergency Medical Services

470 must provide the individual who committed the offense an opportunity to respond to
471 any information gathered from the inspection of records before the Bureau of
472 Emergency Medical Services makes a determination.

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

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

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

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

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

488 **Section 8. Effective date.**

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

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

491 (b) The actions affecting Section 59-10-1047 take effect for a taxable year beginning on
492 or after January 1, 2025.