

**JUVENILE JUSTICE REFORM AMENDMENTS**

2019 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: V. Lowry Snow**

Senate Sponsor: \_\_\_\_\_

**LONG TITLE**

**General Description:**

This bill creates a restricted account and extends the presumptive length of jurisdiction over a minor for nonrepayment of restitution.

**Highlighted Provisions:**

This bill:

- ▶ defines terms;
- ▶ creates the Juvenile Justice Reinvestment Restricted Account;
- ▶ describes the purposes and sources of the restricted account;
- ▶ grants rulemaking authority to the Division of Juvenile Justice Services;
- ▶ extends the presumptive length of jurisdiction by the court over a minor for nonrepayment of restitution; and
- ▶ makes technical and conforming changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**62A-7-101**, as last amended by Laws of Utah 2017, Chapter 330

**78A-6-117**, as last amended by Laws of Utah 2018, Chapters 117 and 285



28 ENACTS:

29 [62A-7-112](#), Utah Code Annotated 1953

30 [62A-7-113](#), Utah Code Annotated 1953

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

33 Section 1. Section **62A-7-101** is amended to read:

34 **62A-7-101. Definitions.**

35 As used in this chapter:

36 (1) "Account" means the Juvenile Justice Reinvestment Restricted Account created in  
37 Section [62A-7-112](#).

38 ~~[(1)]~~ (2) "Authority" means the Youth Parole Authority, established in accordance with  
39 Section [62A-7-501](#).

40 ~~[(2)]~~ (3) "Board" means the Board of Juvenile Justice Services established in  
41 accordance with Section [62A-1-105](#).

42 ~~[(3)]~~ (4) "Community-based program" means a nonsecure residential or nonresidential  
43 program designated to supervise and rehabilitate youth offenders in accordance with  
44 Subsection [78A-6-117\(2\)](#) that prioritizes the least restrictive nonresidential setting, consistent  
45 with public safety, and designated or operated by or under contract with the division.

46 ~~[(4)]~~ (5) "Control" means the authority to detain, restrict, and supervise a youth in a  
47 manner consistent with public safety and the well being of the youth and division employees.

48 ~~[(5)]~~ (6) "Court" means the juvenile court.

49 ~~[(6)]~~ (7) "Delinquent act" is an act which would constitute a felony or a misdemeanor if  
50 committed by an adult.

51 ~~[(7)]~~ (8) "Detention" means secure detention or home detention.

52 ~~[(8)]~~ (9) "Detention center" means a facility established in accordance with Title 62A,  
53 Chapter 7, Part 2, Detention Facilities.

54 ~~[(9)]~~ (10) "Director" means the director of the Division of Juvenile Justice Services.

55 ~~[(10)]~~ (11) "Discharge" means a written order of the Youth Parole Authority that  
56 removes a youth offender from its jurisdiction.

57 ~~[(11)]~~ (12) "Division" means the Division of Juvenile Justice Services.

58 ~~[(12)]~~ (13) "Home detention" means predispositional placement of a child in the child's

59 home or a surrogate home with the consent of the child's parent, guardian, or custodian for  
60 conduct by a child who is alleged to have committed a delinquent act or postdispositional  
61 placement pursuant to Subsection 78A-6-117(2)(f) or 78A-6-1101(3).

62 ~~[(13)]~~ (14) "Observation and assessment program" means a nonresidential service  
63 program operated or purchased by the division that is responsible only for diagnostic  
64 assessment of minors, including for substance use disorder, mental health, psychological, and  
65 sexual behavior risk assessments.

66 ~~[(14)]~~ (15) "Parole" means a conditional release of a youth offender from residency in a  
67 secure facility to live outside that facility under the supervision of the Division of Juvenile  
68 Justice Services or other person designated by the division.

69 ~~[(15)]~~ (16) "Performance-based contracting" means a system of contracting with  
70 service providers for the provision of residential or nonresidential services that:

71 (a) provides incentives for the implementation of evidence-based juvenile justice  
72 programs or programs rated as effective for reducing recidivism by a standardized tool pursuant  
73 to Section 63M-7-208; and

74 (b) provides a premium rate allocation for a minor who receives the evidence-based  
75 dosage of treatment and successfully completes the program within three months.

76 ~~[(16)]~~ (17) "Receiving center" means a nonsecure, nonresidential program established  
77 by the division or under contract with the division that is responsible for juveniles taken into  
78 custody by a law enforcement officer for status offenses, infractions, or delinquent acts.

79 ~~[(17)]~~ (18) "Rescission" means a written order of the Youth Parole Authority that  
80 rescinds a parole date.

81 ~~[(18)]~~ (19) "Revocation of parole" means a written order of the Youth Parole Authority  
82 that terminates parole supervision of a youth offender and directs return of the youth offender  
83 to the custody of a secure facility after a hearing and a determination that there has been a  
84 violation of law or of a condition of parole that warrants a return to a secure facility in  
85 accordance with Section 62A-7-504.

86 ~~[(19)]~~ (20) "Runaway" means a youth who willfully leaves the residence of a parent or  
87 guardian without the permission of the parent or guardian.

88 ~~[(20)]~~ (21) "Secure detention" means predisposition placement in a facility operated by  
89 or under contract with the division, for conduct by a child who is alleged to have committed a

90 delinquent act.

91 ~~[(21)]~~ (22) "Secure facility" means any facility operated by or under contract with the  
92 division, that provides 24-hour supervision and confinement for youth offenders committed to  
93 the division for custody and rehabilitation.

94 ~~[(22)]~~ (23) "Shelter" means the temporary care of children in physically unrestricted  
95 facilities pending court disposition or transfer to another jurisdiction.

96 ~~[(23)]~~ (24) (a) "Temporary custody" means control and responsibility of  
97 nonadjudicated youth until the youth can be released to the parent, guardian, a responsible  
98 adult, or to an appropriate agency.

99 (b) "Temporary custody" does not include a placement in a secure facility, including  
100 secure detention, or a residential community-based program operated or contracted by the  
101 division, except pursuant to Subsection 78A-6-117(2).

102 ~~[(24)]~~ (25) "Termination" means a written order of the Youth Parole Authority that  
103 terminates a youth offender from parole.

104 ~~[(25)]~~ (26) "Ungovernable" means a youth in conflict with a parent or guardian, and the  
105 conflict:

106 (a) results in behavior that is beyond the control or ability of the youth, or the parent or  
107 guardian, to manage effectively;

108 (b) poses a threat to the safety or well-being of the youth, the family, or others; or

109 (c) results in the situations in both Subsections ~~[(25)]~~ (26)(a) and (b).

110 ~~[(26)]~~ (27) "Work program" means a nonresidential public or private service work  
111 project established and administered by the division for youth offenders for the purpose of  
112 rehabilitation, education, and restitution to victims.

113 ~~[(27)]~~ (28) "Youth offender" means a person 12 years of age or older, and who has not  
114 reached 21 years of age, committed or admitted by the juvenile court to the custody, care, and  
115 jurisdiction of the division, for confinement in a secure facility or supervision in the  
116 community, following adjudication for a delinquent act which would constitute a felony or  
117 misdemeanor if committed by an adult in accordance with Section 78A-6-117.

118 ~~[(28)]~~ (29) (a) "Youth services" means services provided in an effort to resolve family  
119 conflict:

120 (i) for families in crisis when a minor is ungovernable or runaway; or

- 121 (ii) involving a minor and the minor's parent or guardian.
- 122 (b) These services include efforts to:
- 123 (i) resolve family conflict;
- 124 (ii) maintain or reunite minors with their families; and
- 125 (iii) divert minors from entering or escalating in the juvenile justice system.
- 126 (c) The services may provide:
- 127 (i) crisis intervention;
- 128 (ii) short-term shelter;
- 129 (iii) time out placement; and
- 130 (iv) family counseling.

131 Section 2. Section **62A-7-112** is enacted to read:

132 **62A-7-112. Juvenile Justice Reinvestment Restricted Account.**

133 (1) There is created in the General Fund a restricted account known as the "Juvenile  
134 Justice Reinvestment Restricted Account."

135 (2) The account shall be funded by savings realized by the division as described in  
136 Subsection [62A-7-113\(1\)](#).

137 (3) The Legislature shall appropriate funds in the account to the department.

138 (4) The department may expend funds from the account:

139 (a) for the statewide expansion of community-based programs, including:

140 (i) receiving centers;

141 (ii) mobile crisis outreach teams as defined in Section [78A-6-105](#);

142 (iii) youth courts; and

143 (iv) victim-offender mediation;

144 (b) for evidence-based programs and practices in cognitive, behavioral, and family  
145 therapy;

146 (c) to implement:

147 (i) nonresidential diagnostic assessment; and

148 (ii) early intervention programs, including family strengthening programs, family  
149 wraparound services, and truancy interventions; or

150 (d) for infrastructure in evidence-based juvenile justice programs, including staffing  
151 and transportation.

152 Section 3. Section **62A-7-113** is enacted to read:

153 **62A-7-113. Rulemaking authority and division responsibilities.**

154 (1) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
155 division shall make rules that establish a formula, in consultation with the Office of the  
156 Legislative Fiscal Analyst, to calculate savings under 2017 Laws of Utah, Chapter 330  
157 resulting from the reduction in out-of-home placements for youth offenders with the division.

158 (2) No later than December 31 of each year, the division shall provide to the Executive  
159 Offices and Criminal Justice Appropriations Subcommittee a written report of the division's  
160 activities under this section and Section [62A-7-112](#), including:

161 (a) an accounting of the money expended or committed to be expended under  
162 Subsection [62A-7-112\(4\)](#); and

163 (b) the balance of the account.

164 Section 4. Section **78A-6-117** is amended to read:

165 **78A-6-117. Adjudication of jurisdiction of juvenile court -- Disposition of cases --**  
166 **Enumeration of possible court orders -- Considerations of court.**

167 (1) (a) [~~When~~] Except as provided in Subsection (1)(b), when a minor is found to come  
168 within Section [78A-6-103](#), the court shall [so adjudicate. The court shall make a finding of the  
169 facts upon which it bases its jurisdiction over the minor. However, in cases within] adjudicate  
170 the case and make findings of fact upon which the court bases the court's jurisdiction over the  
171 minor.

172 (b) For a case described in Subsection [78A-6-103\(1\)](#), findings of fact are not necessary.

173 [~~(b)~~] (c) If the court adjudicates a minor for a crime of violence or an offense in  
174 violation of Title 76, Chapter 10, Part 5, Weapons, [it] the court shall order that notice of the  
175 adjudication be provided to the school superintendent of the district in which the minor resides  
176 or attends school. Notice shall be made to the district superintendent within three days of the  
177 adjudication and shall include:

178 (i) the specific offenses for which the minor was adjudicated; and

179 (ii) if available, [if] whether the victim:

180 (A) resides in the same school district as the minor; or

181 (B) attends the same school as the minor.

182 [~~(c)~~] (d) An adjudicated minor shall undergo a risk screening or, if indicated, a

183 validated risk and needs assessment. Results of the screening or assessment shall be used to  
184 inform disposition decisions and case planning. Assessment results, if available, may not be  
185 shared with the court before adjudication.

186 (2) Upon adjudication the court may make the following dispositions by court order:

187 (a) (i) the court may place the minor on probation or under protective supervision in  
188 the minor's own home and upon conditions determined by the court, including community or  
189 compensatory service;

190 (ii) a condition ordered by the court under Subsection (2)(a)(i):

191 (A) shall be individualized and address a specific risk or need;

192 (B) shall be based on information provided to the court, including the results of a  
193 validated risk and needs assessment conducted under Subsection [~~(1)(e)~~] (1)(d); and

194 (C) if the court orders treatment, be based on a validated risk and needs assessment  
195 conducted under Subsection [~~(1)(e)~~] (1)(d);

196 (iii) a court may not issue a standard order that contains control-oriented conditions;

197 (iv) prohibitions on weapon possession, where appropriate, shall be specific to the  
198 minor and not the minor's family;

199 (v) if the court orders probation, the court may direct that notice of the court's order be  
200 provided to designated [~~persons~~] individuals in the local law enforcement agency and the  
201 school or transferee school, if applicable, that the minor attends. The designated [~~persons~~]  
202 individuals may receive the information for purposes of the minor's supervision and student  
203 safety; and

204 (vi) an employee of the local law enforcement agency and the school that the minor  
205 attends who discloses the court's order of probation is not:

206 (A) civilly liable except when the disclosure constitutes fraud or willful misconduct as  
207 provided in Section 63G-7-202; and

208 (B) civilly or criminally liable except when the disclosure constitutes a knowing  
209 violation of Section 63G-2-801.

210 (b) The court may place the minor in the legal custody of a relative or other suitable  
211 [~~person~~] individual, with or without probation or other court-specified child welfare services,  
212 but the juvenile court may not assume the function of developing foster home services.

213 (c) (i) The court shall only vest legal custody of the minor in the Division of Juvenile

214 Justice Services and order the Division of Juvenile Justice Services to provide dispositional  
215 recommendations and services if:

216 (A) nonresidential treatment options have been exhausted or nonresidential treatment  
217 options are not appropriate; and

218 (B) the minor is adjudicated under this section for a felony offense, a misdemeanor  
219 when the minor has five prior misdemeanors or felony adjudications arising from separate  
220 criminal episodes, or a misdemeanor involving the use of a dangerous weapon as defined in  
221 Section 76-1-601.

222 (ii) The court may not vest legal custody of a minor in the Division of Juvenile Justice  
223 Services for:

224 (A) contempt of court except to the extent permitted under Section 78A-6-1101;

225 (B) a violation of probation;

226 (C) failure to pay a fine, fee, restitution, or other financial obligation;

227 (D) unfinished compensatory or community service hours;

228 (E) an infraction; or

229 (F) a status offense.

230 (iii) (A) A minor who is 18 years old or older, but younger than 21 years old, may  
231 petition the court to express the minor's desire to be removed from the jurisdiction of the  
232 juvenile court and from the custody of the Division of Child and Family Services if the minor  
233 is in the division's custody on grounds of abuse, neglect, or dependency.

234 (B) If the minor's parent's rights have not been terminated in accordance with Part 5,  
235 Termination of Parental Rights Act, the minor's petition shall contain a statement from the  
236 minor's parent or guardian agreeing that the minor should be removed from the custody of the  
237 Division of Child and Family Services.

238 (C) The minor and the minor's parent or guardian shall sign the petition.

239 (D) The court shall review the petition within 14 days.

240 (E) The court shall remove the minor from the custody of the Division of Child and  
241 Family Services if the minor and the minor's parent or guardian have met the requirements  
242 described in Subsections (2)(c)(iii)(B) and (C) and if the court finds, based on input from the  
243 Division of Child and Family Services, the minor's guardian ad litem, and the Office of the  
244 Attorney General, that the minor does not pose an imminent threat to self or others.



245 (F) A minor removed from custody under Subsection (2)(c)(iii)(E) may, within 90 days  
246 of the date of removal, petition the court to re-enter custody of the Division of Child and  
247 Family Services.

248 (G) Upon receiving a petition under Subsection (2)(c)(iii)(F), the court shall order the  
249 Division of Child and Family Services to take custody of the minor based on the findings the  
250 court entered when the court originally vested custody in the Division of Child and Family  
251 Services.

252 (d) (i) The court shall only commit a minor to the Division of Juvenile Justice Services  
253 for secure confinement if the court finds that the minor poses a risk of harm to others and is  
254 adjudicated under this section for:

255 (A) a felony offense;

256 (B) a misdemeanor if the minor has five prior misdemeanor or felony adjudications  
257 arising from separate criminal episodes; or

258 (C) a misdemeanor involving use of a dangerous weapon as defined in Section  
259 76-1-601.

260 (ii) A minor under the jurisdiction of the court solely on the ground of abuse, neglect,  
261 or dependency under Subsection 78A-6-103(1)(b) may not be committed to the Division of  
262 Juvenile Justice Services.

263 (iii) The court may not commit a minor to the Division of Juvenile Justice Services for  
264 secure confinement for:

265 (A) contempt of court;

266 (B) a violation of probation;

267 (C) failure to pay a fine, fee, restitution, or other financial obligation;

268 (D) unfinished compensatory or community service hours;

269 (E) an infraction; or

270 (F) a status offense.

271 (e) The court may order nonresidential, diagnostic assessment, including substance use  
272 disorder, mental health, psychological, or sexual behavior risk assessment.

273 (f) (i) The court may commit a minor to a place of detention or an alternative to  
274 detention for a period not to exceed 30 cumulative days per adjudication subject to the court  
275 retaining continuing jurisdiction over the minor. This commitment may not be suspended upon

276 conditions ordered by the court.

277 (ii) This Subsection (2)(f) applies only to a minor adjudicated for:

278 (A) an act which if committed by an adult would be a criminal offense; or

279 (B) contempt of court under Section [78A-6-1101](#).

280 (iii) The court may not commit a minor to a place of detention for:

281 (A) contempt of court except to the extent allowed under Section [78A-6-1101](#);

282 (B) a violation of probation;

283 (C) failure to pay a fine, fee, restitution, or other financial obligation;

284 (D) unfinished compensatory or community service hours;

285 (E) an infraction; or

286 (F) a status offense.

287 (iv) (A) Time spent in detention pre-adjudication shall be credited toward the 30

288 cumulative days eligible as a disposition under Subsection (2)(f)(i). If the minor spent more

289 than 30 days in a place of detention before disposition, the court may not commit a minor to

290 detention under this section.

291 (B) Notwithstanding Subsection (2)(f)(iv)(A), the court may commit a minor for a

292 maximum of seven days while a minor is awaiting placement under Subsection (2)(c)(i). Only

293 the seven days under this Subsection (2)(f)(iv)(B) may be combined with a nonsecure

294 placement.

295 (v) Notwithstanding Subsection (2)(t), no more than seven days of detention may be

296 ordered in combination with an order under Subsection (2)(c)(i).

297 (g) The court may vest legal custody of an abused, neglected, or dependent minor in

298 the Division of Child and Family Services or any other appropriate person in accordance with

299 the requirements and procedures of Title 78A, Chapter 6, Part 3, Abuse, Neglect, and

300 Dependency Proceedings.

301 (h) (i) The court may order a minor to repair, replace, or otherwise make restitution for

302 material loss caused by the minor's wrongful act or for conduct for which the minor agrees to

303 make restitution.

304 (ii) [~~A victim has the meaning defined under Subsection [77-38a-102\(14\)](#)]. A victim, as~~

305 defined in Subsection [77-38a-102\(14\)](#), of an offense that involves as an element a scheme, a

306 conspiracy, or a pattern of criminal activity, includes any person directly harmed by the minor's

307 delinquency conduct in the course of the scheme, conspiracy, or pattern.

308 (iii) If the victim and the minor agree to participate, the court may refer the case to a  
309 restorative justice program such as victim offender mediation to address how loss resulting  
310 from the adjudicated act may be addressed.

311 (iv) For the purpose of determining whether and how much restitution is appropriate,  
312 the court shall consider the following:

313 (A) restitution shall only be ordered for the victim's material loss;

314 (B) restitution may not be ordered if the court finds that the minor is unable to pay or  
315 acquire the means to pay; and

316 (C) any amount paid by the minor to the victim in civil penalty shall be credited against  
317 restitution owed.

318 (v) Any amount paid to the victim in restitution shall be credited against liability in a  
319 civil suit.

320 (vi) The court may also require a minor to reimburse an individual, entity, or  
321 governmental agency who offered and paid a reward to a person or persons for providing  
322 information resulting in a court adjudication that the minor is within the jurisdiction of the  
323 juvenile court due to the commission of a criminal offense.

324 (vii) If a minor is returned to this state under the Interstate Compact on Juveniles, the  
325 court may order the minor to make restitution for costs expended by any governmental entity  
326 for the return.

327 (viii) The prosecutor shall submit a request for restitution to the court at the time of  
328 disposition, if feasible, otherwise within three months after disposition.

329 (ix) A financial disposition ordered shall prioritize the payment of restitution.

330 (i) The court may issue orders necessary for the collection of restitution and fines  
331 ordered by the court, including garnishments, wage withholdings, and executions, except for an  
332 order that changes the custody of the minor, including detention or other secure or nonsecure  
333 residential placements.

334 (j) (i) The court may through [its] the court's probation department encourage the  
335 development of nonresidential employment or work programs to enable [minors] a minor to  
336 fulfill [~~their~~] the minor's obligations under Subsection (2)(h) and for other purposes considered  
337 desirable by the court.

338 (ii) Consistent with the order of the court, the probation officer may permit a minor  
339 found to be within the jurisdiction of the court to participate in a program of work restitution or  
340 compensatory service in lieu of paying part or all of the fine imposed by the court.

341 (iii) The court may order the minor to:

342 (A) pay a fine, fee, restitution, or other cost; or

343 (B) complete service hours.

344 (iv) If the court orders a minor to pay a fine, fee, restitution, or other cost, or to  
345 complete service hours, those dispositions shall be considered collectively to ensure that the  
346 order is reasonable and prioritizes restitution.

347 (v) If the court orders a minor to pay a fine, fee, or other cost, or complete service  
348 hours, the cumulative order shall be limited per criminal episode as follows:

349 (A) for children under age 16 at adjudication, the court may impose up to \$180 or up to  
350 24 hours of service; and

351 (B) for minors 16 and older at adjudication, the court may impose up to \$270 or up to  
352 36 hours of service.

353 (vi) The cumulative order under Subsection (2)(j)(v) does not include restitution.

354 (vii) If the court converts a fine, fee, or restitution amount to service hours, the rate of  
355 conversion shall be no less than the minimum wage.

356 (k) (i) In violations of traffic laws within the court's jurisdiction, when the court finds  
357 that as part of the commission of the violation the minor was in actual physical control of a  
358 motor vehicle, the court may, in addition to any other disposition authorized by this section:

359 (A) restrain the minor from driving for periods of time the court considers necessary;  
360 and

361 (B) take possession of the minor's driver license.

362 (ii) The court may enter any other eligible disposition under Subsection (2)(k)(i) except  
363 for a disposition under Subsection (2)(c), (d), or (f). However, the suspension of driving  
364 privileges for an offense under Section 78A-6-606 is governed only by Section 78A-6-606.

365 (l) (i) The court may order a minor to complete community or compensatory service  
366 hours in accordance with Subsections (2)(j)(iv) and (v).

367 (ii) When community service is ordered, the presumptive service order shall include  
368 between five and 10 hours of service.

369 (iii) Satisfactory completion of an approved substance use disorder prevention or  
370 treatment program or other court-ordered condition may be credited by the court as  
371 compensatory service hours.

372 (iv) When a minor is found within the jurisdiction of the juvenile court under Section  
373 78A-6-103 because of a violation of Section 76-6-106 or 76-6-206 using graffiti, the court may  
374 order the minor to clean up graffiti created by the minor or any other [person] individual at a  
375 time and place within the jurisdiction of the court. Compensatory service ordered under this  
376 section may be performed in the presence and under the direct supervision of the minor's parent  
377 or legal guardian. The parent or legal guardian shall report completion of the order to the  
378 court. The court may also require the minor to perform other alternative forms of restitution or  
379 repair to the damaged property pursuant to Subsection (2)(h).

380 (m) (i) Subject to Subsection (2)(m)(iii), the court may order that a minor:

381 (A) be examined or treated by a physician, surgeon, psychiatrist, or psychologist; or  
382 (B) receive other special care.

383 (ii) For purposes of receiving the examination, treatment, or care described in  
384 Subsection (2)(m)(i), the court may place the minor in a hospital or other suitable facility that is  
385 not a secure facility or secure detention.

386 (iii) In determining whether to order the examination, treatment, or care described in  
387 Subsection (2)(m)(i), the court shall consider:

388 (A) the desires of the minor;

389 (B) if the minor is under the age of 18, the desires of the parents or guardian of the  
390 minor; and

391 (C) whether the potential benefits of the examination, treatment, or care outweigh the  
392 potential risks and side-effects, including behavioral disturbances, suicidal ideation, brain  
393 function impairment, or emotional or physical harm resulting from the compulsory nature of  
394 the examination, treatment, or care.

395 (iv) The Division of Child and Family Services shall take reasonable measures to  
396 notify a parent or guardian of any non-emergency health treatment or care scheduled for a  
397 child, shall include the parent or guardian as fully as possible in making health care decisions  
398 for the child, and shall defer to the parent's or guardian's reasonable and informed decisions  
399 regarding the child's health care to the extent that the child's health and well being are not

400 unreasonably compromised by the parent's or guardian's decision.

401 (v) The Division of Child and Family Services shall notify the parent or guardian of a  
402 child within five business days after a child in the custody of the Division of Child and Family  
403 Services receives emergency health care or treatment.

404 (vi) The Division of Child and Family Services shall use the least restrictive means to  
405 accomplish a compelling interest in the care and treatment of a child described in this  
406 Subsection (2)(m).

407 (n) (i) The court may appoint a guardian for the minor if it appears necessary in the  
408 interest of the minor, and may appoint as guardian a public or private institution or agency, but  
409 not a nonsecure residential placement provider, in which legal custody of the minor is vested.

410 (ii) In placing a minor under the guardianship or legal custody of an individual or of a  
411 private agency or institution, the court shall give primary consideration to the welfare of the  
412 minor. When practicable, the court may take into consideration the religious preferences of the  
413 minor and of a child's parents.

414 (o) (i) In support of a decree under Section [78A-6-103](#), the court may order reasonable  
415 conditions to be complied with by a minor's parents or guardian, a minor's custodian, or any  
416 other person who has been made a party to the proceedings. Conditions may include:

- 417 (A) parent-time by the parents or one parent;
- 418 (B) restrictions on the minor's associates;
- 419 (C) restrictions on the minor's occupation and other activities; and
- 420 (D) requirements to be observed by the parents or custodian.

421 (ii) A minor whose parents or guardians successfully complete a family or other  
422 counseling program may be credited by the court for detention, confinement, or probation time.

423 (p) The court may order the child to be committed to the physical custody of a local  
424 mental health authority, in accordance with the procedures and requirements of Title 62A,  
425 Chapter 15, Part 7, Commitment of Persons Under Age 18 to Division of Substance Abuse and  
426 Mental Health.

427 (q) (i) The court may make an order committing a minor within the court's jurisdiction  
428 to the Utah State Developmental Center if the minor has an intellectual disability in accordance  
429 with Title 62A, Chapter 5, Part 3, Admission to an Intermediate Care Facility for People with  
430 an Intellectual Disability.

431 (ii) The court shall follow the procedure applicable in the district courts with respect to  
432 judicial commitments to the Utah State Developmental Center when ordering a commitment  
433 under Subsection (2)(q)(i).

434 (r) The court may terminate all parental rights upon a finding of compliance with Title  
435 78A, Chapter 6, Part 5, Termination of Parental Rights Act.

436 (s) The court may make other reasonable orders for the best interest of the minor and as  
437 required for the protection of the public, except that a child may not be committed to jail,  
438 prison, secure detention, or the custody of the Division of Juvenile Justice Services under  
439 Subsections (2)(c) and (d).

440 (t) The court may combine the dispositions listed in this section if it is permissible and  
441 they are compatible.

442 (u) Before depriving any parent of custody, the court shall give due consideration to the  
443 rights of parents concerning their child. The court may transfer custody of a minor to another  
444 ~~[person]~~ individual, agency, or institution in accordance with the requirements and procedures  
445 of Title 78A, Chapter 6, Part 3, Abuse, Neglect, and Dependency Proceedings.

446 (v) Except as provided in Subsection (2)(x)(i), an order under this section for probation  
447 or placement of a minor with an individual or an agency shall include a date certain for a  
448 review and presumptive termination of the case by the court in accordance with Subsection (6)  
449 and Section [62A-7-404](#). A new date shall be set upon each review.

450 (w) In reviewing foster home placements, special attention shall be given to making  
451 adoptable children available for adoption without delay.

452 (x) (i) The juvenile court may enter an order of permanent custody and guardianship  
453 with an individual or relative of a child where the court has previously acquired jurisdiction as  
454 a result of an adjudication of abuse, neglect, or dependency. The juvenile court may enter an  
455 order for child support on behalf of the child against the natural or adoptive parents of the  
456 child.

457 (ii) Orders under Subsection (2)(x)(i):

458 (A) shall remain in effect until the child reaches majority;

459 (B) are not subject to review under Section [78A-6-118](#); and

460 (C) may be modified by petition or motion as provided in Section [78A-6-1103](#).

461 (iii) Orders permanently terminating the rights of a parent, guardian, or custodian and

462 permanent orders of custody and guardianship do not expire with a termination of jurisdiction  
463 of the juvenile court.

464 (3) In addition to the dispositions described in Subsection (2), when a minor comes  
465 within the court's jurisdiction, the minor may be given a choice by the court to serve in the  
466 National Guard in lieu of other sanctions, provided:

467 (a) the minor meets the current entrance qualifications for service in the National  
468 Guard as determined by a recruiter, whose determination is final;

469 (b) the minor is not under the jurisdiction of the court for any act that:

470 (i) would be a felony if committed by an adult;

471 (ii) is a violation of Title 58, Chapter 37, Utah Controlled Substances Act; or

472 (iii) was committed with a weapon; and

473 (c) the court retains jurisdiction over the minor under conditions set by the court and  
474 agreed upon by the recruiter or the unit commander to which the minor is eventually assigned.

475 (4) (a) A DNA specimen shall be obtained from a minor who is under the jurisdiction  
476 of the court as described in Subsection 53-10-403(3). The specimen shall be obtained by  
477 designated employees of the court or, if the minor is in the legal custody of the Division of  
478 Juvenile Justice Services, then by designated employees of the division under Subsection  
479 53-10-404(5)(b).

480 (b) The responsible agency shall ensure that [~~employees~~] an employee designated to  
481 collect the saliva DNA specimens [~~receive~~] receives appropriate training and that the  
482 specimens are obtained in accordance with accepted protocol.

483 (c) Reimbursements paid under Subsection 53-10-404(2)(a) shall be placed in the DNA  
484 Specimen Restricted Account created in Section 53-10-407.

485 (d) Payment of the reimbursement is second in priority to payments the minor is  
486 ordered to make for restitution under this section and treatment under Section 78A-6-321.

487 (5) (a) A disposition made by the court pursuant to this section may not be suspended,  
488 except for the following:

489 (i) If a minor qualifies for commitment to the Division of Juvenile Justice Services  
490 under Subsection (2)(c) or (d), the court may suspend a custody order pursuant to Subsection  
491 (2)(c) or (d) in lieu of immediate commitment, upon the condition that the minor commit no  
492 new misdemeanor or felony offense during the three months following the day of disposition.



493 (ii) The duration of a suspended custody order made under Subsection (5)(a)(i) may not  
494 exceed three months post-disposition and may not be extended under any circumstance.

495 (iii) The court may only impose a custody order suspended under Subsection (5)(a)(i)  
496 following adjudication of a new misdemeanor or felony offense committed by the minor during  
497 the period of suspension set out under Subsection (5)(a)(ii) or if a new assessment or  
498 evaluation has been completed and recommends that a higher level of care is needed and  
499 nonresidential treatment options have been exhausted or nonresidential treatment options are  
500 not appropriate.

501 (iv) A suspended custody order may not be imposed without notice to the minor, notice  
502 to counsel, and a hearing.

503 (b) The court pursuant to Subsection (5)(a) shall terminate jurisdiction over the minor  
504 at the end of the presumptive time frame unless at least one the following circumstances exists:

505 (i) termination pursuant to Subsection (6)(a)(ii) would interrupt the completion of a  
506 program determined to be necessary by the results of a validated risk and needs assessment  
507 with completion found by the court after considering the recommendation of a licensed service  
508 provider on the basis of the minor completing the goals of the necessary treatment program;

509 (ii) the minor commits a new misdemeanor or felony offense;

510 (iii) service hours have not been completed; or

511 (iv) there is an outstanding fine.

512 (6) When the court places a minor on probation under Subsection (2)(a) or vests legal  
513 custody of the minor in the Division of Juvenile Justice Services under Subsection (2)(c), the  
514 court shall do so for a defined period of time pursuant to this section.

515 (a) For the purposes of placing a minor on probation under Subsection (2)(a), the court  
516 shall establish a presumptive term of probation as specified in this Subsection (6):

517 (i) the presumptive maximum length of intake probation may not exceed three months;  
518 and

519 (ii) the presumptive maximum length of formal probation may not exceed four to six  
520 months.

521 (b) For the purposes of vesting legal custody of the minor in the Division of Juvenile  
522 Justice Services under Subsection (2)(c), the court shall establish a maximum term of custody  
523 and a maximum term of aftercare as specified in this Subsection (6):

524 (i) the presumptive maximum length of out-of-home placement may not exceed three  
525 to six months; and

526 (ii) the presumptive maximum length of aftercare supervision, for those previously  
527 placed out-of-home, may not exceed three to four months, and minors may serve the term of  
528 aftercare in the home of a qualifying relative or guardian or at an independent living program  
529 contracted or operated by the Division of Juvenile Justice Services.

530 (c) The court pursuant to Subsections (6)(a) and (b), and the Youth Parole Authority  
531 pursuant to Subsection (6)(b), shall terminate jurisdiction over the minor at the end of the  
532 presumptive time frame unless at least one of the following circumstances exists:

533 (i) termination pursuant to Subsection (6)(a)(ii) would interrupt the completion of a  
534 court ordered program determined to be necessary by the results of a validated assessment, with  
535 completion found by the court after considering the recommendations of a licensed service  
536 provider or facilitator of court ordered treatment or intervention program on the basis of the  
537 minor completing the goals of the necessary treatment program;

538 (ii) termination pursuant to Subsection (6)(a)(i) or (6)(b) would interrupt the  
539 completion of a program determined to be necessary by the results of a validated assessment,  
540 with completion determined on the basis of whether the minor has regularly and consistently  
541 attended the treatment program and completed the goals of the necessary treatment program as  
542 determined by the court or Youth Parole Authority after considering the recommendation of a  
543 licensed service provider or facilitator of court ordered treatment or intervention program;

544 (iii) the minor commits a new misdemeanor or felony offense;

545 (iv) service hours have not been completed; [~~or~~]

546 (v) there is an outstanding fine[-]; or

547 (vi) there is a failure to pay restitution in full.

548 (d) (i) Subject to Subsection (6)(g), if one of the circumstances under Subsection  
549 (6)(c)(i), (ii), (iii), or (iv) exists, the court may extend jurisdiction for the time needed to  
550 address the specific circumstance.

551 (ii) Subject to Subsection (6)(g), if one of the circumstances under Subsection (6)(c)(i),  
552 (ii), (iii), or (iv) exists, and the Youth Parole Authority has jurisdiction, the Youth Parole  
553 Authority may extend jurisdiction for the time needed to address the specific circumstance.

554 (e) If the circumstance under Subsection (6)(c)(iv) exists, the court, or the Youth

555 Parole Authority if the Youth Parole Authority has jurisdiction, may extend jurisdiction one  
556 time for up to three months.

557 (f) Grounds for extension of the presumptive length of supervision or placement and  
558 the length of any extension shall be recorded in the court record or records of the Youth Parole  
559 Authority if the Youth Parole Authority has jurisdiction, and tracked in the data system used by  
560 the Administrative Office of the Courts and the Division of Juvenile Justice Services.

561 (g) (i) For a minor who is under the supervision of the juvenile court and whose  
562 supervision is extended to complete service hours under Subsection (6)(c)(iv), jurisdiction may  
563 only be continued under the supervision of intake probation.

564 (ii) For a minor who is under the jurisdiction of the Youth Parole Authority whose  
565 supervision is extended to complete service hours under Subsection (6)(c)(iv), jurisdiction may  
566 only be continued on parole and not in secure confinement.

567 (h) In the event of an unauthorized leave lasting more than 24 hours, the supervision  
568 period shall toll until the minor returns.

569 (7) Subsection (6) does not apply to any minor adjudicated under this section for:

570 (a) Section 76-5-103, aggravated assault resulting in serious bodily injury to another;

571 (b) Section 76-5-202, attempted aggravated murder;

572 (c) Section 76-5-203, murder or attempted murder;

573 (d) Section 76-5-302, aggravated kidnapping;

574 (e) Section 76-5-405, aggravated sexual assault;

575 (f) a felony violation of Section 76-6-103, aggravated arson;

576 (g) Section 76-6-203, aggravated burglary;

577 (h) Section 76-6-302, aggravated robbery;

578 (i) Section 76-10-508.1, felony discharge of a firearm; or

579 (j) an offense other than those listed in Subsections (7)(a) through (i) involving the use  
580 of a dangerous weapon, as defined in Section 76-1-601, that is a felony, and the minor has been  
581 previously adjudicated or convicted of an offense involving the use of a dangerous weapon.