

**Representative Jordan D. Teuscher** proposes the following substitute bill:

**COURT-APPOINTED THERAPISTS AMENDMENTS**

2021 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Jordan D. Teuscher**

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

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**LONG TITLE**

**General Description:**

This bill addresses immunity for court-appointed therapists.

**Highlighted Provisions:**

This bill:

- ▶ defines terms;
- ▶ provides that court-appointed therapists in domestic cases are immune from civil liability for damages or injury in certain circumstances;
- ▶ provides an exception to immunity for court-appointed therapists; and
- ▶ addresses other immunity and protection provided by state or federal law.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

ENACTS:

**78B-4-518**, Utah Code Annotated 1953

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



26 Section 1. Section **78B-4-518** is enacted to read:

27 **78B-4-518. Immunity for court-appointed therapist.**

28 (1) As used in this section:

29 (a) "Court-appointed therapist" means a mental health professional ordered by a court  
30 to provide psychotherapeutic treatment to an individual, a couple, or a family in a domestic  
31 case.

32 (b) "Domestic case" means an action under:

33 (i) Title 30, Chapter 2, Property Rights;

34 (ii) Title 30, Chapter 3, Divorce;

35 (iii) Title 30, Chapter 4, Separate Maintenance;

36 (iv) Title 30, Chapter 5, Grandparents; or

37 (v) Title 30, Chapter 5a, Custody and Visitation for Individuals Other than Parents Act.

38 (2) (a) A court-appointed therapist is immune from civil liability for damages or  
39 injuries that arise out of, or are related to, psychotherapeutic treatment provided by the  
40 court-appointed therapist in accordance with a court order for a domestic case.

41 (b) A court-appointed therapist is not immune from civil liability under Subsection  
42 (2)(a) if the damages or injuries that arise out of, or are related to, conduct that violates Title  
43 58, Chapter 1, Part 5, Unlawful and Unprofessional Conduct - Penalties.

44 (3) The immunity provided in Subsection (2) is in addition to any other immunity or  
45 protection that may apply under state or federal law.