

SB0115 compared with SB0115S01

19 **Utah Code Sections Affected:**

20 AMENDS:

21 **58-28-602** , as enacted by Laws of Utah 2006, Chapter 109

22 **80-2-301** , as last amended by Laws of Utah 2025, Chapters 173, 174

23 **80-2-701** , as last amended by Laws of Utah 2022, Chapter 308 and renumbered and amended by
Laws of Utah 2022, Chapter 334 and last amended by Coordination Clause, Laws of Utah 2022,
Chapter 334

26 ENACTS:

27 **11-46-105 , Utah Code Annotated 1953**

28 **76-13-105** , Utah Code Annotated 1953

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

31 Section 1. Section **1** is enacted to read:

32 **11-46-105. Animal control officer reporting requirements.**

An animal control officer shall notify the Division of Child and Family Services if the
animal control officer:

35 (1) receives a report of animal abuse or neglect with a child in the same home as the alleged abused or
neglected animal;

37 (2) observes a child safety concern while investigating animal abuse or neglect; or

38 (3) takes serious enforcement action in a home with a child.

39 Section 2. Section **58-28-602** is amended to read:

40 **58-28-602. Cruelty to animals -- Immunity for reporting.**

33 (1) A licensed veterinarian who in good faith and in the normal course of business, reports a suspected
case of animal cruelty to law enforcement or the proper authorities is immune from liability in any
civil or criminal action brought against the veterinarian for reporting the suspected cruelty.

37 (2) A licensed veterinarian's employer may not:

38 (a) prohibit a licensed veterinarian from reporting suspected animal cruelty; or

39 (b) penalize a licensed veterinarian that reports suspected animal cruelty.

48 Section 3. Section **3** is enacted to read:

49 **76-13-105. Cruelty to animals -- Reporting requirements.**

42

SB0115 compared with SB0115S01

(1) At least once in each quarter of the year, the Administrative Office of the Courts shall report all convictions of the animal cruelty offenses described in Subsection (2) to the Division of Child and Family Services in the previous quarter.

45 (2) The report described in Subsection (1) shall include the name, birth date, address, and the offense of each individual convicted of a violation of:

47 (a) Section 76-13-202, cruelty to an animal;

48 (b) Section 76-13-203, aggravated cruelty to an animal;

49 (c) Section 76-13-204, torturing a companion animal;

50 (d) Section 76-13-205, dog fighting;

51 (e) Section 76-13-206, attending a dog fight or related activity;

52 (f) Section 76-13-211, injuring, harassing, or endangering a service animal; or

53 (g) Section 76-13-215, failure of an animal care facility to maintain required standards.

62 (3)

(a) The Division of Child and Family Services shall:

63 (i) determine if the report will be accepted or unaccepted for investigation of child abuse or neglect;
and

65 (ii) document the report and determination described in Subsection (3)(a)(i).

66 (b) An individual may not be investigated for child abuse or neglect based solely on a conviction described in Subsection (2).

68 Section 4. Section **80-2-301** is amended to read:

69 **80-2-301. Division responsibilities.**

56 (1) The division is the child, youth, and family services authority of the state.

57 (2) The division shall:

58 (a) administer services to minors and families, including:

59 (i) child welfare services;

60 (ii) domestic violence services; and

61 (iii) all other responsibilities that the Legislature or the executive director of the department may assign to the division;

63 (b) provide the following services:

64

SB0115 compared with SB0115S01

- (i) financial and other assistance to an individual adopting a child with special needs under Sections 80-2-806 through 80-2-809, not to exceed the amount the division would provide for the child as a legal ward of the state;
- 67 (ii) non-custodial and in-home services in accordance with Section 80-2-306, including:
- 69 (A) services designed to prevent family break-up; and
- 70 (B) family preservation services;
- 71 (iii) reunification services to families whose children are in substitute care in accordance with this chapter, Chapter 2a, Removal and Protective Custody of a Child, and Chapter 3, Abuse, Neglect, and Dependency Proceedings;
- 74 (iv) protective supervision of a family, upon court order, in an effort to eliminate abuse or neglect of a child in that family;
- 76 (v) shelter care in accordance with this chapter, Chapter 2a, Removal and Protective Custody of a Child, and Chapter 3, Abuse, Neglect, and Dependency Proceedings;
- 78 (vi) domestic violence services, in accordance with the requirements of federal law;
- 79 (vii) protective services to victims of domestic violence and the victims' children, in accordance with this chapter, Chapter 2a, Removal and Protective Custody of a Child, and Chapter 3, Abuse, Neglect, and Dependency Proceedings;
- 82 (viii) substitute care for dependent, abused, and neglected children;
- 83 (ix) services for minors who are victims of human trafficking or human smuggling, as described in Sections 76-5-308 through 76-5-310.1, or who have engaged in prostitution or sexual solicitation, as defined in Sections 76-5d-202 and 76-5d-209; and
- 87 (x) training for staff and providers involved in the administration and delivery of services offered by the division in accordance with this chapter and Chapter 2a, Removal and Protective Custody of a Child;
- 90 (c) establish standards for all:
- 91 (i) contract providers of out-of-home care for minors and families;
- 92 (ii) facilities that provide substitute care for dependent, abused, or neglected children placed in the custody of the division; and
- 94 (iii) direct or contract providers of domestic violence services described in Subsection (2)(b)(vi);
- 96 (d) have authority to:
- 97

SB0115 compared with SB0115S01

- 99 (i) contract with a private, nonprofit organization to recruit and train foster care families and child welfare volunteers in accordance with Section 80-2-405;
- 102 (ii) approve facilities that meet the standards established under Subsection (2)(c) to provide substitute care for dependent, abused, or neglected children placed in the custody of the division; and
- 104 (iii) approve an individual to provide short-term relief care to a foster parent if the individual:
 - 105 (A) provides the relief care for less than six consecutive nights;
 - 106 (B) provides the relief care in the short-term relief care provider's home;
 - 107 (C) is direct access qualified, as that term is defined in Section 26B-2-120; and
 - 109 (D) is an immediate family member or relative, as those terms are defined in Section 80-3-102, of the foster parent;
- 112 (e) cooperate with the federal government in the administration of child welfare and domestic violence programs and other human service activities assigned by the department;
- 116 (f) in accordance with Subsection (5)(a), promote and enforce state and federal laws enacted for the protection of abused, neglected, or dependent children, in accordance with this chapter and Chapter 2a, Removal and Protective Custody of a Child, unless administration is expressly vested in another division or department of the state;
- 119 (g) cooperate with the Workforce Development Division within the Department of Workforce Services in meeting the social and economic needs of an individual who is eligible for public assistance;
- 121 (h) compile relevant information, statistics, and reports on child and family service matters in the state;
- 124 (i) prepare and submit to the department, the governor, and the Legislature reports of the operation and administration of the division in accordance with the requirements of Sections 80-2-1102 and 80-2-1103;
- 126 (j) within appropriations from the Legislature, provide or contract for a variety of domestic violence services and treatment methods;
- 128 (k) enter into contracts for programs designed to reduce the occurrence or recurrence of abuse and neglect in accordance with Section 80-2-503;
- 132 (l) seek reimbursement of funds the division expends on behalf of a child in the protective custody, temporary custody, or custody of the division, from the child's parent or guardian in accordance with an order for child support under Section 78A-6-356;
- (m) ensure regular, periodic publication, including electronic publication, regarding the number of children in the custody of the division who:

SB0115 compared with SB0115S01

- 134 (i) have a permanency goal of adoption; or
135 (ii) have a final plan of termination of parental rights, under Section 80-3-409, and promote adoption of
the children;
- 137 (n) subject to Subsections (5) and (7), refer an individual receiving services from the division to the
local substance abuse authority or other private or public resource for a court-ordered drug screening
test;
- 140 (o) report before November 30, 2020, and every third year thereafter, to the Social Services
Appropriations Subcommittee regarding:
- 142 (i) the daily reimbursement rate that is provided to licensed foster parents based on level of care;
144 (ii) the amount of money spent on daily reimbursements for licensed foster parents during the previous
fiscal year; and
- 146 (iii) any recommended changes to the division's budget to support the daily reimbursement rates
described in Subsection (2)(o)(i);
- 148 (p) when a division child welfare caseworker identifies a safety concern with the foster home, cooperate
with the Office of Licensing and make a recommendation to the Office of Licensing concerning
whether the foster home's license should be placed on conditions, suspended, or revoked; and
- 152 (q) perform other duties and functions required by law.
- 153 (3)
- (a) The division may provide, directly or through contract, services that include the following:
- 155 (i) adoptions;
156 (ii) day-care services;
157 (iii) out-of-home placements for minors;
158 (iv) health-related services;
159 (v) homemaking services;
160 (vi) home management services;
161 (vii) protective services for minors;
162 (viii) transportation services; or
163 (ix) domestic violence services.
- 164 (b) The division shall monitor services provided directly by the division or through contract to ensure
compliance with applicable law and rules made in accordance with Title 63G, Chapter 3, Utah
Administrative Rulemaking Act.

SB0115 compared with SB0115S01

- 167 (c)
- (i) Except as provided in Subsection (3)(c)(ii), if the division provides a service through a private contract, the division shall post the name of the service provider on the division's website.
- 170 (ii) Subsection (3)(c)(i) does not apply to a foster parent placement.
- 171 (4)
- (a) The division may:
- 172 (i) receive gifts, grants, devises, and donations;
- 173 (ii) encourage merchants and service providers to:
- 174 (A) donate goods or services; or
- 175 (B) provide goods or services at a nominal price or below cost;
- 176 (iii) distribute goods to applicants or consumers of division services free or for a nominal charge and tax free; and
- 178 (iv) appeal to the public for funds to meet needs of applicants or consumers of division services that are not otherwise provided by law, including Sub-for-Santa programs, recreational programs for minors, and requests for household appliances and home repairs.
- 182 (b) If requested by the donor and subject to state and federal law, the division shall use a gift, grant, devise, donation, or proceeds from the gift, grant, devise, or donation for the purpose requested by the donor.
- 185 (5)
- (a) In carrying out the requirements of Subsection (2)(f), the division shall:
- 186 (i) cooperate with the juvenile courts, the Division of Juvenile Justice and Youth Services, and with all public and private licensed child welfare agencies and institutions to develop and administer a broad range of services and support;
- 189 (ii) take the initiative in all matters involving the protection of abused or neglected children, if adequate provisions have not been made or are not likely to be made; and
- 192 (iii) make expenditures necessary for the care and protection of the children described in Subsection (5)(a)(ii), within the division's budget.
- 194 (b) If an individual is referred to a local substance abuse authority or other private or public resource for court-ordered drug screening under Subsection (2)(n), the court shall order the individual to pay all costs of the tests unless:

197

SB0115 compared with SB0115S01

- (i) the cost of the drug screening is specifically funded or provided for by other federal or state programs;
- 199 (ii) the individual is a participant in a drug court; or
- 200 (iii) the court finds that the individual is an indigent individual.
- 201 (6) Except to the extent provided by rules made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the division is not required to investigate domestic violence in the presence of a child, as described in Section 76-5-114.
- 204 (7)
- (a) Except as provided in Subsection (7)(b), the division may not:
- 205 (i) require a parent who has a child in the custody of the division to pay for some or all of the cost of any drug testing the parent is required to undergo; or
- 207 (ii) refer an individual who is receiving services from the division for drug testing by means of a hair, fingernail, or saliva test that is administered to detect the presence of drugs.
- 210 (b) Notwithstanding Subsection (7)(a)(ii), the division may refer an individual who is receiving services from the division for drug testing by means of a saliva test if:
- 212 (i) the individual consents to drug testing by means of a saliva test; or
- 213 (ii) the court, based on a finding that a saliva test is necessary in the circumstances, orders the individual to complete drug testing by means of a saliva test.
- 215 (8)
- (a) ~~The division may { establish a collaboration agreement between the division's local office and }~~ notify a local county or municipal animal control authority { : } if the division:
- 217 (b) ~~{ (i) } { A collaboration agreement described in Subsection (8)(a) shall: }~~ supports a finding of child abuse or neglect; and
- 218 (i) ~~{ (ii) } { allow } is aware of an animal in the { division to notify the local animal control authority if the division: }~~ same home as the child.
- 219 (A) ~~{ (b) } { supports a finding of child abuse or neglect; }~~ The division may only release private and protected information and records in accordance with Title 63G, Chapter 2, Government Records Access and Management Act.
- 220 ~~{ (B) } { is aware of an animal in the home; }~~
- 221 ~~{ (ii) } { allow a local animal control authority to notify the division's local office if the local animal control authority: }~~

SB0115 compared with SB0115S01

- 223 ~~{(A)} {receives a report of animal abuse or neglect that includes child safety concerns;}~~
- 224 ~~{(B)} {observes child safety concerns while investigating animal abuse or neglect; or}~~
- 225 ~~{(C)} {takes serious enforcement action in a home with children; and}~~
- 226 ~~{(iii)} {limit the exchange of personal or confidential information to that which is necessary for the partner agency to investigate.}~~

236 Section 5. Section **80-2-701** is amended to read:

237 **80-2-701. Division preremoval investigation -- Supported or unsupported reports --
Convening of child protection team -- Coordination with law enforcement -- Consultation with
child protection team before close of investigation.**

232 (1)

(a) The division shall conduct a thorough preremoval investigation upon receiving a report under Section 80-2-602 or 80-2-603 if there is reasonable cause to suspect that a situation of abuse, neglect, or the circumstances described in Subsection 80-2-603(2) exist.

236 (b) The primary purpose of the preremoval investigation described in Subsection (1)(a) shall be protection of the child.

238 (2) The preremoval investigation described in Subsection (1)(a) shall meet the reasonable professional standards described in Section 80-2-702.

240 (3) The division shall make a written report of the division's preremoval investigation under Subsection (1)(a) that includes a determination regarding whether the alleged abuse or neglect in the report described in Subsection (1)(a) is supported, unsupported, or without merit.

244 (4) The division:

245 (a) shall use an interdisciplinary approach if appropriate in dealing with a report made under Section 80-2-602, 80-2-603, or 80-2-604;

247 (b) in accordance with Section 80-2-706, shall convene a child protection team to assist the division in the division's protective, diagnostic, assessment, treatment, and coordination services; and

250 (c) may include a member of the child protection team in the division's protective, diagnostic, assessment, treatment, or coordination services.

252 (5) If a report of neglect is based on or includes an allegation of educational neglect, the division shall immediately consult with school authorities to verify the child's status in accordance with Sections 53G-6-201 through 53G-6-206.

255

SB0115 compared with SB0115S01

(6) Upon completion of the initial preremoval investigation under this section, the division shall give notice of the completion to the person who made the initial report described in Subsection (1)(a).

258 (7) A division child welfare caseworker:

259 (a) has authority to:

260 (i) enter upon public or private premises, using appropriate legal processes; and

261 (ii) ~~[to]~~investigate a report of alleged child abuse or neglect, upon notice to a parent of the parent's rights under the Child Abuse Prevention and Treatment Act, 42 U.S.C. Sec. 5106, or any successor thereof; and

264 (b) may take a child into protective custody in accordance with Chapter 2a, Removal and Protective Custody of a Child.

266 (8) In a case, if law enforcement has investigated or is conducting an investigation of alleged abuse or neglect of a child, the division:

268 (a) shall coordinate with law enforcement to ensure that there is an adequate safety plan to protect the child from further abuse or neglect; and

270 (b) is not required to duplicate an aspect of the investigation that, in the division's determination, has been satisfactorily completed by law enforcement.

272 (9) In a mutual case in which a child protection team is involved in the investigation of alleged abuse or neglect of a child, the division shall consult with the child protection team before closing the case.

275 (10) A division child welfare caseworker that is investigating alleged abuse or neglect of a child may report a concern of animal abuse or neglect to a local animal control authority or law enforcement agency.

286 Section 6. **Effective date.**

Effective Date.

This bill takes effect on May 6, 2026.

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