

1

Child Welfare Modifications

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Luz Escamilla

House Sponsor:

2

3

LONG TITLE

4

General Description:

5

This bill addresses search warrants and investigative warrants relating to child welfare.

6

Highlighted Provisions:

7

This bill:

8

▸ amends provisions regarding the issuance of warrants by a juvenile court;

9

▸ authorizes a juvenile court to issue an investigative warrant related to the health, safety, or

10

welfare of a child;

11

▸ states that a peace officer or child welfare caseworker who is executing a search warrant

12

or an investigative warrant may request assistance in executing the warrant; and

13

▸ makes technical and conforming changes.

14

Money Appropriated in this Bill:

15

None

16

Other Special Clauses:

17

None

18

Utah Code Sections Affected:

19

AMENDS:

20

78A-6-102, as last amended by Laws of Utah 2022, Chapter 335

21

80-2a-202, as last amended by Laws of Utah 2025, Chapter 48

22

23

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

24

Section 1. Section **78A-6-102** is amended to read:

25

78A-6-102 . Establishment of juvenile court -- Organization and status of court --

26

Purpose.

27

(1) There is established a juvenile court for the state.

28

(2)(a) The juvenile court is a court of record.

29

(b) The juvenile court shall have a seal.

30

(c) The juvenile court's judges, clerks, and referees have the power to administer oaths

31 and affirmations.

32 (d) The juvenile court has the authority to issue [~~search~~]warrants, subpoenas, or
33 investigative subpoenas under:

34 (i) [~~under Section 80-2a-202,~~]Part 4a, Adult Criminal Proceedings, Title 80, Chapter
35 3, Abuse, Neglect, and Dependency Proceedings, Title 80, Chapter 4, Termination
36 and Restoration of Parental Rights, and Title 80, Chapter 6, Juvenile Justice, for
37 the same purposes and in the same manner as described in Title 77, Utah Code of
38 Criminal Procedure, and the Utah Rules of Criminal Procedure, for the issuance of
39 search warrants, subpoenas, or investigative subpoenas in other trial courts in the
40 state[-] ; and

41 (ii) Section 80-2a-202.

42 (3) The juvenile court is of equal status with the district courts of the state.

43 (4) The juvenile court is established as a forum for the resolution of all matters properly
44 brought before the juvenile court, consistent with applicable constitutional and statutory
45 requirements of due process.

46 (5) The purpose of the court under this chapter is to:

47 (a) promote public safety and individual accountability by the imposition of appropriate
48 sanctions on persons who have committed acts in violation of law;

49 (b) order appropriate measures to promote guidance and control, preferably in the
50 minor's own home, as an aid in the prevention of future unlawful conduct and the
51 development of responsible citizenship;

52 (c) where appropriate, order rehabilitation, reeducation, and treatment for persons who
53 have committed acts bringing them within the court's jurisdiction;

54 (d) adjudicate matters that relate to minors who are beyond parental or adult control and
55 to establish appropriate authority over these minors by means of placement and
56 control orders;

57 (e) adjudicate matters that relate to abused, neglected, and dependent children and to
58 provide care and protection for minors by placement, protection, and custody orders;

59 (f) remove a minor from parental custody only where the minor's safety or welfare, or
60 the public safety, may not otherwise be adequately safeguarded; and

61 (g) consistent with the ends of justice, act in the best interests of the minor in all cases
62 and preserve and strengthen family ties.

63 Section 2. Section **80-2a-202** is amended to read:

64 **80-2a-202 . Removal of a child by a peace officer or child welfare caseworker --**

65 **Search warrants and investigative warrants -- Protective custody and temporary care of**
66 **a child.**

67 (1) A peace officer or child welfare caseworker may remove a child or take a child into
68 protective custody, temporary custody, or custody in accordance with this section.

69 (2)(a) Except as provided in Subsection (2)(b), a peace officer or a child welfare
70 caseworker may not enter the home of a child whose case is not under the jurisdiction
71 of the juvenile court, remove a child from the child's home or school, or take a child
72 into protective custody unless:

73 (i) there exist exigent circumstances sufficient to relieve the peace officer or the child
74 welfare caseworker of the requirement to obtain a[-search] warrant under
75 Subsection (3);

76 (ii) the peace officer or child welfare caseworker obtains a[-search] warrant under
77 Subsection (3);

78 (iii) the peace officer or child welfare caseworker obtains a court order after the
79 child's parent or guardian is given notice and an opportunity to be heard; or

80 (iv) the peace officer or child welfare caseworker obtains the consent of the child's
81 parent or guardian.

82 (b) A peace officer or a child welfare caseworker may not take action under Subsection
83 (2)(a) solely on the basis of:

84 (i) educational neglect, truancy, or failure to comply with a court order to attend
85 school;

86 (ii) the possession or use, in accordance with Title 26B, Chapter 4, Part 2,
87 Cannabinoid Research and Medical Cannabis, of cannabis in a medicinal dosage
88 form, a cannabis product in a medicinal dosage form, or a medical cannabis
89 device, as those terms are defined in Section 26B-4-201; or

90 (iii) subject to Subsection (2)(c), a parent's agreement or disagreement with a minor
91 child of the couple's:

92 (A) assertion that the child's gender identity is different from the child's biological
93 sex;

94 (B) practice of having or expressing a different gender identity than the child's
95 biological sex; or

96 (C) sexual orientation.

97 (c) Subsection (2)(b)(iii) does not preclude a peace officer or a child welfare caseworker
98 from taking action under Subsection (2)(a) if the parent's agreement or disagreement

99 with a minor child as described in Subsection (2)(b)(iii) results in or is related to
100 harm, as that term is defined in Section 80-1-102, to the minor child.

101 (3)(a) The juvenile court may issue a warrant authorizing a peace officer or a child
102 welfare caseworker to search for a child and take the child into protective custody if
103 it appears to the juvenile court upon a verified petition, recorded sworn testimony, or
104 an affidavit sworn to by a peace officer or another individual, and upon the
105 examination of other witnesses if required by the juvenile court, that there is probable
106 cause to believe that:

107 (i) there is a threat of substantial harm to the child's health or safety;

108 (ii) it is necessary to take the child into protective custody to avoid the harm
109 described in Subsection (3)(a)(i); and

110 (iii) it is likely that the child will suffer substantial harm if the child's parent or
111 guardian is given notice and an opportunity to be heard before the child is taken
112 into protective custody.

113 (b) The juvenile court may issue an investigative warrant authorizing a peace officer or a
114 child welfare caseworker to view a child, view a child's home environment, examine
115 a child for signs of abuse or neglect, or interview a child regarding the child's health,
116 safety, or welfare, if it appears to the juvenile court upon a verified petition, recorded
117 sworn testimony, or an affidavit sworn to by a peace officer or child welfare
118 caseworker, and upon the examination of other witnesses if required by the juvenile
119 court, that there is probable cause to believe that:

120 (i) there is a credible threat to the child's health, safety, or welfare;

121 (ii) it is necessary to view, examine, or interview the child to ensure the child's
122 health, safety, or welfare; and

123 (iii) the peace officer or child welfare caseworker has made diligent efforts to ensure
124 the child's health, safety, or welfare by other legal means but has been unable or
125 not permitted to view, examine, or interview the child to ensure the child's health,
126 safety, or welfare.

127 ~~[(b)]~~ (c) In accordance with Section 77-23-210, a peace officer [making the search under
128 Subsection (3)(a)] executing a warrant under Subsection (3)(a) or (3)(b) may enter a
129 house or premises by force, if necessary, in order to [remove the child] execute the
130 warrant.

131 (d) A peace officer or a child welfare caseworker who is executing a warrant under
132 Subsection (3)(a) or (3)(b) may request other persons to assist in executing the

- 133 warrant.
- 134 (4)(a) A child welfare caseworker may take action under Subsection (2) accompanied by
 135 a peace officer or without a peace officer if a peace officer is not reasonably available.
- 136 (b)(i) Before taking a child into protective custody, and if possible and consistent
 137 with the child's safety and welfare, a child welfare caseworker shall determine
 138 whether there are services available that, if provided to a parent or guardian of the
 139 child, would eliminate the need to remove the child from the custody of the child's
 140 parent or guardian.
- 141 (ii) In determining whether the services described in Subsection (4)(b)(i) are
 142 reasonably available, the child welfare caseworker shall consider the child's
 143 health, safety, and welfare as the paramount concern.
- 144 (iii) If the child welfare caseworker determines the services described in Subsection
 145 (4)(b)(i) are reasonably available, the services shall be utilized.
- 146 (5)(a) If a peace officer or a child welfare caseworker takes a child into protective
 147 custody under Subsection (2), the peace officer or child welfare caseworker shall:
- 148 (i) notify the child's parent or guardian in accordance with Section 80-2a-203; and
 149 (ii) release the child to the care of the child's parent or guardian or another
 150 responsible adult, unless:
- 151 (A) the child's immediate welfare requires the child remain in protective custody;
 152 or
 153 (B) the protection of the community requires the child's detention in accordance
 154 with Chapter 6, Part 2, Custody and Detention.
- 155 (b)(i) If a peace officer or child welfare caseworker is executing a warrant under
 156 Subsection (3) ~~§~~ → **(a)** ← ~~§~~, the peace officer or child welfare caseworker shall take
 156a the child
 157 to:
- 158 (A) a shelter facility; or
 159 (B) if the division makes an emergency placement under Section 80-2a-301, the
 160 emergency placement.
- 161 (ii) If a peace officer or a child welfare caseworker takes a child to a shelter facility
 162 under Subsection (5)(b)(i), the peace officer or the child welfare caseworker shall
 163 promptly file a written report that includes the child's information, on a form
 164 provided by the division, with the shelter facility.
- 165 (c) A child removed or taken into protective custody under this section may not be

166 placed or kept in detention pending court proceedings, unless the child may be held
167 in detention under Chapter 6, Part 2, Custody and Detention.

168 (6)(a) The juvenile court shall issue a warrant authorizing a peace officer or a child
169 welfare worker to search for a child who is missing, has been abducted, or has run
170 away, and take the child into physical custody if the juvenile court determines that
171 the child is missing, has been abducted, or has run away from the protective custody,
172 temporary custody, or custody of the division.

173 (b) If the juvenile court issues a warrant under Subsection (6)(a):

174 (i) the division shall notify the child's parent or guardian who has a right to
175 parent-time with the child in accordance with Subsection 80-2a-203(5)(a);

176 (ii) the court shall order:

177 (A) the law enforcement agency that has jurisdiction over the location from which
178 the child ran away to enter a record of the warrant into the National Crime
179 Information Center database within 24 hours after the time in which the law
180 enforcement agency receives a copy of the warrant; and

181 (B) the division to notify the law enforcement agency described in Subsection
182 (6)(b)(ii)(A) of the order described in Subsection (6)(b)(ii)(A); and

183 (c) the court shall specify the location to which the peace officer or the child welfare
184 caseworker shall transport the child.

185 Section 3. **Effective Date.**

186 This bill takes effect on May 6, 2026.