

Chapter 5b Children's Justice Center Program

67-5b-101 Definitions.

As used in this part:

- (1) "Abused child" means a child 17 years of age or younger who is a victim of:
 - (a) sexual abuse or physical abuse; or
 - (b) other crimes involving children where the child is a primary victim or a critical witness, such as in drug-related child endangerment cases.
- (2) "Center" means a Children's Justice Center established in accordance with Section 67-5b-102.
- (3) "Officers and employees" means any person performing services for two or more public agencies as agreed in memoranda of understanding in accordance with Section 67-5b-104.
- (4) "Public agency" means a municipality, a county, the attorney general, the Division of Child and Family Services, the Division of Juvenile Justice Services, the Department of Corrections, the juvenile court, and the Administrative Office of the Courts.
- (5) "Volunteer" means any person who donates service without pay or other compensation except expenses actually and reasonably incurred as approved by the supervising agency. Volunteer does not include any person participating in human subjects research and court-ordered compensatory service workers as defined in Section 67-20-2.

Amended by Chapter 129, 2011 General Session

67-5b-102 Children's Justice Center -- Requirements of center -- Purposes of center.

- (1)
 - (a) There is established a program that provides a comprehensive, multidisciplinary, nonprofit, intergovernmental response to sexual abuse of children, physical abuse of children, and other crimes involving children where the child is a primary victim or a critical witness, such as in drug-related child endangerment cases, in a facility known as a Children's Justice Center.
 - (b) The attorney general shall administer the program.
 - (c) The attorney general shall:
 - (i) allocate the funds appropriated by a line item pursuant to Section 67-5b-103;
 - (ii) administer applications for state and federal grants;
 - (iii) staff the Advisory Board on Children's Justice;
 - (iv) assist in the development of new centers; and
 - (v) coordinate services between centers.
- (2)
 - (a) The attorney general shall establish Children's Justice Centers or satellite offices in Cache County, Carbon County, Davis County, Duchesne County, Emery County, Grand County, Iron County, Salt Lake County, Sanpete County, Sevier County, Tooele County, Uintah County, Utah County, Wasatch County, Washington County, and Weber County.
 - (b) The attorney general may establish other centers within a county and in other counties of the state.
- (3) The attorney general and each center shall fulfill the statewide purpose of each center by:
 - (a) minimizing the time and duplication of effort required to investigate, prosecute, and initiate treatment for the abused child in the state;
 - (b) facilitating the investigation of the alleged offense against the abused child;
 - (c) conducting interviews of abused children and their families in a professional manner;

- (d) obtaining reliable and admissible information which can be used effectively in criminal and child protection proceedings in the state;
 - (e) coordinating and tracking:
 - (i) the use of limited medical and psychiatric services;
 - (ii) investigation of the alleged offense;
 - (iii) preparation of prosecution;
 - (iv) treatment of the abused child and family; and
 - (v) education and training of persons who provide services to the abused child and its family in the state;
 - (f) expediting the processing of the case through the courts in the state;
 - (g) protecting the interest of the abused child and the community in the state;
 - (h) reducing trauma to the abused child in the state;
 - (i) enhancing the community understanding of sexual abuse of children, physical abuse of children, and other crimes in the state involving children where the child is a primary victim or a critical witness, such as in drug-related child endangerment cases;
 - (j) providing as many services as possible that are required for the thorough and effective investigation of child abuse cases; and
 - (k) enhancing the community understanding of criminal offenses committed against or in the presence of children.
- (4) To assist a center in fulfilling the requirements and statewide purposes as provided in Subsection (3), each center may obtain access to any relevant juvenile court legal records and adult court legal records, unless sealed by the court.
- (5) The statewide purpose of this chapter is to establish a program that provides a comprehensive, multidisciplinary, nonprofit, intergovernmental response to sexual abuse of children, physical abuse of children, and other crimes involving children where the child is a primary victim or a critical witness, such as drug-related child endangerment cases, in a facility known as a Children's Justice Center.

Amended by Chapter 129, 2011 General Session

67-5b-103 Appropriation and funding.

- (1) Funding for centers under this section is intended to be broad-based, provided by a line item appropriation by the Legislature to the attorney general, and is intended to include federal grant money, local government money, and private donations.
- (2) The money appropriated shall be used to contract with each public agency designated to oversee the operation and accountability of a center and to cover administrative costs of coordination of the centers' operations.

Amended by Chapter 129, 2011 General Session

67-5b-104 Requirements of a memorandum of understanding.

- (1) Before a center may be established, a memorandum of understanding regarding participation in operation of the center shall be executed among:
 - (a) the contracting public agency designated to oversee the operation and accountability of the center, including the budget, costs, personnel, and management pursuant to Title 51, Chapter 2a, Accounting Reports from Political Subdivisions, Interlocal Organizations, and Other Local Entities Act;
 - (b) the Office of the Attorney General;

- (c) at least one representative of a county or municipal law enforcement agency that investigates child abuse in the area to be served by the center;
 - (d) the division of Child and Family Services;
 - (e) the county or district attorney who routinely prosecutes child abuse cases in the area to be served by the center; and
 - (f) at least one representative of any other governmental entity that participates in child abuse investigations or offers services to child abuse victims that desires to participate in the operation of the center.
- (2) A memorandum of understanding executed under this section shall include the agreement of each participating entity to cooperate in:
- (a) developing a comprehensive and cooperative multidisciplinary team approach to investigating child abuse;
 - (b) reducing, to the greatest extent possible, the number of interviews required of a victim of child abuse to minimize the negative impact of the investigation on the child; and
 - (c) developing, maintaining, and supporting, through the center, an environment that emphasizes the best interests of children.

Repealed and Re-enacted by Chapter 129, 2011 General Session

67-5b-105 Local advisory boards -- Membership.

- (1) The cooperating public agencies and other persons shall make up each center's local advisory board, which shall be composed of the following people from the county or area:
- (a) the local center director or the director's designee;
 - (b) a district attorney or county attorney having criminal jurisdiction or any designee;
 - (c) a representative of the attorney general's office, designated by the attorney general;
 - (d) a county sheriff or a chief of police or their designee;
 - (e) the county executive or the county executive's designee;
 - (f) a licensed nurse practitioner or physician;
 - (g) a licensed mental health professional;
 - (h) a criminal defense attorney;
 - (i) at least four members of the community at large provided, however, that the state advisory board may authorize fewer members, although not less than two, if the local advisory board so requests;
 - (j) a guardian ad litem or representative of the Office of Guardian Ad Litem, designated by the director; and
 - (k) a representative of the Division of Child and Family Services within the Department of Human Services, designated by the employee of the division who has supervisory responsibility for the county served by the center.
- (2) The members on each local advisory board who serve due to public office as provided in Subsections (1)(b) through (e) shall select the remaining members. The members on each local advisory board shall select a chair of the local advisory board.
- (3) The local advisory board may not supersede the authority of the contracting public agency as designated in Section 67-5b-104.
- (4) Appointees and designees shall serve a term or terms as designated in the bylaws of the local advisory board.

Amended by Chapter 129, 2011 General Session

67-5b-106 Advisory Board on Children's Justice -- Membership -- Terms -- Duties --

Authority.

- (1) The attorney general shall create an Advisory Board on Children's Justice to advise him about the Children's Justice Center Program.
- (2) The board shall be composed of:
 - (a) the director of each Children's Justice Center;
 - (b) the attorney general or the attorney general's designee;
 - (c) a representative of the Utah Sheriffs Association, appointed by the attorney general;
 - (d) a chief of police, appointed by the attorney general;
 - (e) one juvenile court judge and one district court judge, appointed by the chief justice;
 - (f) one representative of the guardians ad litem and one representative of the Court Appointed Special Advocates, appointed by the chief justice;
 - (g) a designated representative of the Division of Child and Family Services within the Department of Human Services, appointed by the director of that division;
 - (h) a licensed mental health professional, appointed by the attorney general;
 - (i) a person experienced in working with children with disabilities, appointed by the attorney general;
 - (j) one criminal defense attorney, licensed by the Utah State Bar and in good standing, appointed by the Utah Bar Commission;
 - (k) one criminal prosecutor, licensed by the Utah State Bar and in good standing, appointed by the Prosecution Council;
 - (l) a member of the governor's staff, appointed by the governor;
 - (m) a member from the public, appointed by the attorney general, who exhibits sensitivity to the concerns of parents;
 - (n) a licensed nurse practitioner or physician, appointed by the attorney general; and
 - (o) additional members appointed as needed by the attorney general.
- (3)
 - (a) Except as required by Subsection (3)(b), as terms of current board members expire, the appointing authority shall appoint each new member or reappointed member to a four-year term.
 - (b) Notwithstanding the requirements of Subsection (3)(a), the appointing authority shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the terms of board members are staggered so that approximately half of the board is appointed every two years.
- (4) The Advisory Board on Children's Justice shall:
 - (a) coordinate and support the statewide purpose of the program;
 - (b) recommend statewide guidelines for the administration of the program;
 - (c) recommend training and improvements in training;
 - (d) review, evaluate, and make recommendations concerning state investigative, administrative, and judicial handling in both civil and criminal cases of child abuse, child sexual abuse, neglect, and other crimes involving children where the child is a primary victim or a critical witness, such as in drug-related child endangerment cases;
 - (e) recommend programs to improve the prompt and fair resolution of civil and criminal court proceedings; and
 - (f) recommend changes to state laws and procedures to provide comprehensive protection for children from abuse, child sexual abuse, neglect, and other crimes involving children where the child is a primary victim or a critical witness, such as in drug-related child endangerment cases.

- (5) The Advisory Board on Children's Justice may not supersede the authority of contracting public agencies to oversee operation of the centers, including the budget, costs, personnel, and management pursuant to Section 67-5b-104 and Title 51, Chapter 2a, Accounting Reports from Political Subdivisions, Interlocal Organizations, and Other Local Entities Act.

Amended by Chapter 255, 2009 General Session

67-5b-107 Immunity -- Limited liability.

- (1) Officers and employees performing services for two or more public agencies pursuant to contracts executed under the provisions of this part are considered to be officers and employees of the public agency employing their services, even though performing those functions outside of the territorial limits of any one of the contracting public agencies, and are considered to be officers and employees of public agencies in accordance with Title 63G, Chapter 7, Governmental Immunity Act of Utah.
- (2) The officers and employees of the center, while acting within the scope of their authority, are not subject to any personal or civil liability resulting from carrying out any of the purposes of a center under the provisions of Title 63G, Chapter 7, Governmental Immunity Act of Utah.
- (3) A volunteer is considered a government employee in accordance with Section 67-20-3 and entitled to immunity under the provisions of Title 63G, Chapter 7, Governmental Immunity Act of Utah.
- (4) A volunteer, other than one considered a government employee in accordance with Section 67-20-3, may not incur any personal financial liability for any tort claim or other action seeking damage for an injury arising from any act or omission of the volunteer while providing services for the nonprofit organization if:
- (a) the individual was acting in good faith and reasonably believed he was acting within the scope of the individual's official functions and duties with the center; and
 - (b) the damage or injury was not caused by an intentional or knowing act by the volunteer which constitutes illegal or wanton misconduct.
- (5) The center is not liable for the acts or omissions of its volunteers in any circumstance where the acts of its volunteers are not as described in Subsection (4) unless:
- (a) the center had, or reasonably should have had, reasonable notice of the volunteer's unfitness to provide services to the center under circumstances that make the center's use of the volunteer reckless or wanton in light of that notice; or
 - (b) a business employer would be liable under the laws of this state if the act or omission were the act or omission of one of its employees.

Amended by Chapter 382, 2008 General Session