
DEFINITIONS

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PURPOSE AND INTERPRETATION OF THESE DEFINITIONS

Under Utah law, the Division of Child and Family (DCFS) is responsible for providing child welfare services and protecting children from abuse, neglect, and dependency. In determining what constitutes abuse, neglect, or dependency, the definitions in Utah Code Ann. [§80-1-102](#), et. seq., the Criminal Code, Administrative Rules, and court opinions apply. These definitions are intended only for internal guidance and are not public law.

It is intended that these definitions should be applied and interpreted according to the following principles:

- A. These definitions supersede earlier definitions.
- B. To the extent that these definitions are inconsistent with those established in public law (statutes, Administrative Rules, and court opinions), the latter controls and will be applied.

ALLEGATION DEFINITIONS

ABUSE: Non-accidental harm or threatened harm of a child or sexual exploitation or sexual abuse. [See: Utah Code Ann. [§80-1-102](#) and Administrative Rule [R512-80](#).] Abuse does not include reasonable discipline or management of a child including withholding privileges, or the use of reasonable and necessary physical restraint or force on a child in self-defense, defense of others, to protect the child, or to remove a weapon in the possession of a child. Abuse includes, but is not limited, to the following:

Child Endangerment: Subjecting a child to threatened harm. This also includes, but is not limited to, conduct described in:

1. Utah Code Ann. [§76-5-112](#): recklessly engaging in conduct that creates a substantial risk of death or serious bodily injury to a child, or
2. Utah Code Ann. [§76-5-112.5](#): knowing or intentionally causing or permitting a child to be exposed to, inhale, ingest, or have contact with a controlled substance, chemical substance, or drug paraphernalia (as these terms are defined in this section). “Exposed to” means the child is able to access or view an unlawfully possessed controlled substance or chemical substance, has reasonable capacity to access drug paraphernalia, or is able to smell an odor produced during or as a result of the manufacture or production of a controlled substance.

Chronic Abuse: Is repeated or patterned abuse. (NOTE: Chronic abuse may be identified from the first referral.) [See: Utah Code Ann. [§80-1-102](#).]

Dealing in Material Harmful to a Child: Distributing (providing or transferring possession), exhibiting (showing), or allowing immediate access to material harmful to a child or any other conduct constituting an offense under Utah Code Ann. [76-5c-101](#), [76-5c-102](#), [76-5c-202](#), [76-5c-204](#), [76-5c-205](#), and [76-5c-206](#).

Domestic Violence Related Child Abuse: Domestic violence between cohabitants in the presence of a child. It may be an isolated incident or a pattern of conduct. [See: Definitions in Administrative Rule [R512-205](#).]

Emotional Abuse: Engaging in conduct or threatening a child with conduct that causes or can reasonably be expected to cause the child emotional harm (emotional damage that results in a serious impairment in the child's growth, development, behavior, or psychological functioning as defined in Utah Code Ann. [§80-1-102](#)). This includes, but is not limited to, demeaning or derogatory remarks that affect or can reasonably be expected to affect a child's development of self and social competence; or threatening harm, rejecting, isolating, terrorizing, ignoring, or corrupting the child. This also includes psychological injury as defined in [§76-5-109](#).

Emotional Abuse, Chronic: Engaging in conduct or threatening a child with conduct that causes or can reasonably be expected to cause the child emotional harm (emotional damage that results in a serious impairment in the child's growth, development, behavior,

or psychological functioning. This includes, but is not limited to, demeaning or derogatory remarks that affect or can reasonably be expected to affect a child's development of self and social competence; or threatening harm, rejecting, isolating, terrorizing, ignoring, or corrupting the child. Is repeated or patterned abuse. (NOTE: Chronic abuse may be identified from the first referral.) [See: Utah Code Ann. [§80-1-102](#).]

Emotional Abuse, Severe: Abuse that causes or threatens to cause serious harm to a child. Engaging in conduct or threatening a child with conduct that causes or can reasonably be expected to cause the child emotional harm (emotional damage that results in a serious impairment in the child's growth, development, behavior, or psychological functioning). This includes, but is not limited to, demeaning or derogatory remarks that affect or can reasonably be expected to affect a child's development of self and social competence; or threatening harm, rejecting, isolating, terrorizing, ignoring, or corrupting the child. Severe abuse is defined in Utah Code Ann. [§80-1-102](#).

Fetal Exposure to Alcohol or other Harmful Substances: A condition in which a newborn is adversely affected by the child's mother's substance abuse during pregnancy, has fetal alcohol syndrome or fetal alcohol spectrum disorder, or demonstrates drug or alcohol withdrawal symptoms. For the purpose of this definition, newborn withdrawal symptoms due to medications taken by the mother as legally prescribed, without indication of misuse, are expected and are not required to be reported.

If medical personnel have concerns with the parent of the newborn child or a person responsible for the child's care demonstrating functional impairment or an inability to care for the child as a result of the parent's or person's substance abuse, this will be opened as Child Endangerment.

Human Trafficking- Labor: A person commits human trafficking of a child if the actor recruits, harbors, transports, obtains, patronizes, or solicits a child for any labor obtained through force, fraud, or coercion.

Human Trafficking- Sexual: A person commits human trafficking of a child if the actor recruits, harbors, transports, obtains, patronizes, or solicits a child for sexual exploitation, including all forms of commercial sexual activity, which may include conduct when the person acts under force, fraud, or coercion.

Dealing in Material Harmful to a Child: Distributing (providing or transferring possession), exhibiting (showing), or allowing immediate access to material harmful to a child or any other conduct constituting an offense under Utah Code Ann. [76-5c-101](#), [76-5c-102](#), [76-5c-202](#), [76-5c-204](#), [76-5c-205](#), and [76-5c-206](#). [See: The definition of Material Harmful to a Child.]

Material Harmful to a Child: Any visual, pictorial, audio, or written representation (in whatever form, including performance) that includes pornographic or sexually explicit material, including nudity, sexual conduct, sexual excitement, or sadomasochistic abuse that:

1. Taken as a whole, appeals to the prurient interest in sex of a child, and
2. Is patently offensive to prevailing standards in the adult community as a whole with respect to what is suitable material for a child, and
3. Taken as a whole does not have serious value for a child. "Serious value" includes only serious literary, artistic, political, or scientific value for a child.

[See: The definition of Dealing in Material Harmful to a Child.]

Pediatric Condition Falsification (formerly Munchausen Syndrome by Proxy): A cluster of symptoms or signs, circumstantially related, in which the parent or guardian misrepresents information and/or simulates or produces illness in a child, has knowledge about the etiology of the child's illness but denies such knowledge, seeks multiple medical procedures, or acute symptoms and signs of the illness cease when the child is separated from the parent or guardian.

A Pediatric Condition Falsification supported finding must be supported by the child's primary care physician or other medical professional's opinion. (May also be referred to as Medical Child Abuse or Factitious Disorder.)

Physical Abuse: Non-accidental physical harm or threatened physical harm of a child that may or may not be visible. Unexplained physical harm to an infant, toddler, disabled, or non-verbal child. Physical abuse may also include a child who suffered physical harm during a domestic violence episode. Physical harm includes, but is not limited to, "injury" and/or "serious injury" as defined in Utah Code Ann. [§76-5-109](#) or genital mutilation as defined in Utah Code Ann. [§76-5-701](#). To support a finding of physical abuse, DCFS need not show that the alleged perpetrator actually intended to harm the child; it is sufficient to show that the conduct was non-accidental and physical harm or threatened physical harm actually occurred. This also includes abuse that occurs in the form of a ritual, as defined by Utah Code Ann. [§76-3-203\(19\)](#).

Physical Abuse, Chronic: Non-accidental physical harm or threatened physical harm of a child that may or may not be visible. Unexplained physical harm to an infant, toddler, disabled, or non-verbal child. Physical abuse may also include a child who suffered physical harm during a domestic violence episode. Physical harm includes, but is not limited to, "injury" and/or "serious injury" as defined in Utah Code Ann. [§76-5-109](#).

1. Physical harm need not be proven by visible evidence or physical impairment.
2. To support a finding of physical abuse, DCFS need not show that the alleged perpetrator actually intended to harm the child; it is sufficient to show that the conduct was non-accidental and physical harm or threatened physical harm actually occurred.

3. Is repeated or patterned abuse. (NOTE: Chronic abuse may be identified from the first referral.) [See: Utah Code Ann. [§80-1-102](#).

Physical Abuse, Severe: Abuse that causes or threatens to cause serious harm to a child. Non-accidental physical harm or threatened physical harm of a child that may or may not be visible. Unexplained physical harm to an infant, toddler, disabled, or non-verbal child. Physical abuse may also include a child who suffered physical harm during a domestic violence episode. Physical harm includes, but is not limited to, “injury” and/or “serious injury” as defined in Utah Code Ann. [§76-5-109](#).

1. Physical harm need not be proven by visible evidence or physical impairment.
2. To support a finding of physical abuse, DCFS need not show that the alleged perpetrator actually intended to harm the child; it is sufficient to show that the conduct was non-accidental and physical harm or threatened physical harm actually occurred.
3. Severe abuse is defined in Utah Code Ann. [§80-1-102](#).
4. This also includes torture.

Severe Abuse: Abuse that causes or threatens to cause serious harm to a child. Severe type of child abuse or neglect is defined in Utah Code Ann. [§80-1-102](#). Serious harm includes but is not limited to "serious injury" as defined in Utah Code Ann. [§76-5-109](#).

Sexual Abuse:

1. An act or attempted act of sexual intercourse, sodomy, incest, or molestation directed toward a child. [See: Utah Code Ann. [§80-1-102](#) and the definitions of these terms herein.]
2. Subjecting a child to participate in or threatening to subject a child to participate in a sexual relationship, regardless of whether that sexual relationship is part of a legal or cultural marriage, or forcing a child under 18 years of age into marriage or cohabitation with an adult in an intimate relationship. [See: Utah Code Ann. [§80-1-102](#).]
3. Engaging in any conduct with a child that would constitute an offense under any of the following definitions (taken directly from Utah Code), regardless of whether the person who engages in the conduct is actually charged with, or convicted of, the offense:

(a) Title 76, chapter 5, Part 4, Sexual Offenses, including:

(1) Unlawful sexual activity with a minor [14 or 15 years old] under Section [76-5-401](#).

A person 18 years old or older commits unlawful sexual activity with a minor if, under circumstances not amounting to rape, in violation of Section [76-5-402](#), object rape, in violation of Section [76-5-402.2](#), forcible sodomy, in violation of Section [76-5-403](#), or aggravated sexual assault, in violation of Section [76-5-405](#), the actor:

- (a) has sexual intercourse with the minor;
- (b) engages in any sexual act with the minor with any touching, however slight, involving the genitals of one person and the mouth or anus of another person, regardless of the sex of either participant; or
- (c) causes the penetration, however slight, of the genital or anal opening of the minor by any foreign object, substance, instrument, or device, including a part of the human body, with the intent to cause substantial emotional or bodily pain to any person or with the intent to arouse or gratify the sexual desire of any person, regardless of the sex of any participant.

Sexual abuse of a minor [14 or 15 years old] under Section [76-5-401.1](#).

A person commits sexual abuse of a minor if the person is four years or more older than the minor and the person touches, either above or below the clothing, the anus, buttocks, or any part of the genitals of the minor, or touches the breast of a female minor, or otherwise takes indecent liberties with the minor, or causes a minor to take indecent liberties with the actor or another person, with the intent to cause substantial emotional or bodily pain to any person or with the intent to arouse or gratify the sexual desire of any person regardless of the sex of any participant. For purposes of this section "minor" is a person who is 14 years of age or older, but younger than 16 years of age, at the time the sexual activity described in this section occurred.

(2) Unlawful sexual contact with a 16 or 17 year old under Section [76-5-401.2](#).

(1) For purposes of this section "minor" is a person who is 16 years of age or older, but younger than 18 years of age, at the time the sexual activity described in this section occurred.

(2) For purposes of this section, a person who commits unlawful sexual conduct is a person that is:

(a) Seven or more years older but less than 10 years older than the minor at the time of the sexual conduct, engages in conduct listed in [76-5-401.2](#), and knew or reasonably should have known the age of the minor; or

(b) is 10 or more years older than the minor at the time of the sexual conduct and engages in any conduct listed in [76-5-401.2.3](#)) A person commits

unlawful sexual activity with a minor if, under circumstances not amounting to rape, in violation of Section [76-5-402](#), object rape, in violation of Section [76-5-402.2](#), forcible sodomy, in violation of Section [76-5-403](#), or aggravated sexual assault, in violation of Section [76-5-405](#), the actor:

- (i) has sexual intercourse with the minor;
- (ii) engages in any sexual act with the minor involving the genitals of one person and the mouth or anus of another person, regardless of the sex of either participant; or
- (iii) causes the penetration, however slight, of the genital or anal opening of the minor by any foreign object, substance, instrument, or device,

including a part of the human body, with the intent to cause substantial emotional or bodily pain to any person or with the intent to arouse or gratify the sexual desire of any person, regardless of the sex of any participant.

(iv) with the intent to cause substantial emotion or bodily pain to any individual or with the intent to arouse or gratify the sexual desire of any individual:

- (1) touches the anus, buttocks, pubic area, or any part of the genitals of the minor;
- (2) touches the breast of a female minor; or
- (3) otherwise takes indecent liberties with the minor.

(3) Rape under Section [76-5-402](#).

A person commits rape when the actor has sexual intercourse with another person without the victim's consent. This section applies whether or not the actor is married to the victim.

(4) Rape of a child under Section [76-5-402.1](#).

A person commits rape of a child when the person has sexual intercourse or simulated sexual intercourse with a child who is under the age of 14.

(5) Object rape under Section [76-5-402.2](#).

A person who, without the victim's consent, causes the penetration, however slight, of the genital or anal opening of another person who is 14 years of age or older, by any foreign object, substance, instrument, or device, including a part of the human body other than the mouth or genitals, with intent to cause substantial emotional or bodily pain to the victim or with the intent to arouse or gratify the sexual desire of any person, commits [this] offense.

(6) Object rape of a child under Section [76-5-402.3](#).

A person commits object rape of a child when the person causes the penetration or touching, however slight, of the genital or anal opening of a child who is under the age of 14 by any foreign object, substance, instrument, or device, not including a part of the human body, with intent to cause substantial emotional or bodily pain to the child or with the intent to arouse or gratify the sexual desire of any person.

(7) Sodomy-Forcible Sodomy under Section [76-5-403](#).

A person commits sodomy when the actor engages in any sexual act with a person who is 14 years of age or older involving the genitals of one person and mouth or anus of another person, regardless of the sex of either participant. A person commits forcible sodomy when the actor commits sodomy upon another without the other's consent.

(8) Sodomy on a child [under 14] under Section [76-5-403.1](#).

A person commits sodomy upon a child if the actor engages in any sexual act upon or with a child who is under the age of 14, involving the genitals or anus of the actor or the child and the mouth or anus of either person, regardless of the sex of either participant.

(9) Forcible sexual abuse under Section [76-5-404](#).

A person commits forcible sexual abuse if the victim is 14 years of age or older and the actor touches the anus, buttocks, or any part of the genitals of another, or touches the breast of a female, or otherwise takes indecent liberties with another, or causes another to take indecent liberties with the actor or another, with intent to cause substantial emotional or bodily pain to any person or with the intent to arouse or gratify the sexual desire of any person, without the consent of the other, regardless of the sex of any participant.

(10) Sexual abuse of a child [under 14] under Section [76-5-404.1](#).

A person commits sexual abuse of a child if the actor touches the anus, buttocks, or genitalia of any child, the breast of a female child, or otherwise takes indecent liberties with a child, or causes a child to take indecent liberties with the actor or another with intent to cause substantial emotional or bodily pain to any person or with the intent to arouse or gratify the sexual desire of any person regardless of the sex of any participant. As used in this section, "child" means a person under the age of 14.

(11) Aggravated sexual assault under Section [76-5-405](#).

A person commits aggravated sexual assault if:

- (a) in the course of a rape, object rape, forcible sodomy, or forcible sexual abuse, the actor:
 - (i) uses, or threatens the victim with the use of, a dangerous weapon as defined in Section [76-1-101.5](#);
 - (ii) compels, or attempts to compel, the victim to submit to rape, object rape, forcible sodomy, or forcible sexual abuse, by threat of kidnaping, death, or serious bodily injury to be inflicted imminently on any person; or
 - (iii) is aided or abetted by one or more persons;
- (b) in the course of an attempted rape, attempted object rape, or attempted forcible sodomy, the actor:
 - (i) causes serious bodily injury to any person;
 - (ii) uses, or threatens the victim with the use of, a dangerous weapon as defined in Section [76-1-101.5](#);
 - (iii) attempts to compel the victim to submit to rape, object rape, or forcible sodomy, by threat of kidnaping, death, or serious bodily injury to be inflicted imminently on any person; or
 - (iv) is aided or abetted by one or more persons; or
- (c) in the course of an attempted forcible sexual abuse, the actor:
 - (i) causes serious bodily injury to any person;

- (ii) uses, or threatens the victim with the use of, a dangerous weapon as defined in Section [76-1-101.5](#);
- (iii) attempts to compel the victim to submit to forcible sexual abuse, by threat of kidnaping, death, or serious bodily injury to be inflicted imminently on any person; or
- (iv) is aided or abetted by one or more persons.

(12) See also Sexual offenses against the victim without consent of victim – Circumstances under Section [76-5-406](#), Custodial sexual relations -- Custodial sexual misconduct -- Definitions -- Penalties – Defenses under Section [76-5-412](#), and Custodial sexual relations or misconduct with youth receiving state services -- Definitions -- Penalties – Defenses under Section [76-5-413](#).

b. Child bigamy under Section [76-7-101.5](#).

An actor 18 years of age or older is guilty of child bigamy when, knowing he or she has a wife or husband, or knowing that a person under 18 years of age has a wife or husband, the actor carries out the following with the person who is under 18 years of age:

- (1) purports to marry the person who is under 18 years of age; or
- (2) cohabits with the person who is under 18 years of age.

c. Incest under Section [76-7-102](#).

An actor is guilty of incest when the actor knowingly and intentionally: engages in conduct [described below] or provides a human egg or seminal fluid [as described below]. Conduct referred to is:

- (1) sexual intercourse between the actor and a person the actor knows has kinship to the actor as a related person;
- (2) the insertion or placement of the provider's seminal fluid into the vagina, cervix, or uterus of a related person by means other than sexual intercourse;
- (3) providing or making available his seminal fluid for the purpose of insertion or placement of the fluid into the vagina, cervix, or uterus of a related person by means other than sexual intercourse;
- (4) a woman 18 years of age or older who:
 - (A) knowingly allows the insertion of the seminal fluid of a provider into her vagina, cervix, or uterus by means other than sexual intercourse; and
 - (B) knows that the seminal fluid is that of a person with whom she has kinship as a related person; or
- (5) providing the actor's sperm or human egg that is used to conduct in vitro fertilization, or any other means of fertilization, with the human egg or sperm of a person who is a related person.

This subsection does not prohibit providing a fertilized human egg if the provider of the fertilizing sperm is not a related person regarding the person providing the egg.

d. Lewdness or sexual battery under Section [76-5-419](#) and Section [76-5-418](#).

A person is guilty of lewdness if the person performs any of the following acts in a public place or under circumstances which the person should know will likely cause affront or alarm to, on, or in the presence of another who is 14 years of age or older:

- (a) an act of sexual intercourse or sodomy;
- (b) exposes his or her genitals, the female breast below the top of the areola, the buttocks, the anus, or the pubic area;
- (c) masturbates; or
- (d) any other act of lewdness.

e. Lewdness involving a child [under 14] under Section [76-5-420](#);

A person is guilty of lewdness involving a child if the person intentionally or knowingly does any of the following to, or in the presence of a child who is under 14 years of age:

- (1) performs an act of sexual intercourse or sodomy;
- (2) exposes his or her genitals, the female breast below the top of the areola, the buttocks, the anus, or the pubic area:
 - (i) in a public place; or
 - (ii) in a private place:
 - (A) under circumstances the person should know will likely cause affront or alarm; or
 - (B) with the intent to arouse or gratify the sexual desire of the actor or the child;
- (3) masturbates;
- (4) causes a child under the age of 14 years to expose his or her genitals, anus, or breast, if female, to the actor, with the intent to arouse or gratify the sexual desire of the actor or the child; or
- (5) performs any other act of lewdness.

f. Voyeurism under Section [76-12-307](#);

(1) A person is guilty of voyeurism who intentionally uses a camcorder, motion picture camera, photographic camera of any type, or other equipment that is concealed or disguised to secretly or surreptitiously videotape, film, photograph, record, or view by electronic means an individual:

- (a) for the purpose of viewing any portion of the individual's body regarding which the individual has a reasonable expectation of privacy, whether or not that portion of the body is covered with clothing;
 - (b) without the knowledge or consent of the individual; and
 - (c) under circumstances in which the individual has a reasonable expectation of privacy.
- (2) Distribution or sale of any images, including in print, electronic, magnetic, or digital format, obtained under Subsection (1) by transmission, display, or dissemination.

(3) A person is guilty of voyeurism who, under circumstances not amounting to a violation of Subsection (1), views or attempts to view an individual, with or without the use of any instrumentality:

(a) with the intent of viewing any portion of the individual's body regarding which the individual has a reasonable expectation of privacy, whether or not that portion of the body is covered with clothing;

(b) without the knowledge or consent of the individual; and

(c) under circumstances in which the individual has a reasonable expectation of privacy.

13. Unlawful Kissing of a Child under [76-5-416.2](#)

An individual commits unlawful kissing of a child if the individual is 18 years old or older and intentionally or knowingly kisses a child on the child's mouth and penetrates the child's mouth with their tongue however slight.

14. Unlawful Kissing of a Minor under [76-5-416.4](#)

An individual commits unlawful kissing of a minor if the individual intentionally or knowingly kisses a minor on the minor's mouth and penetrates the minor's mouth with their tongue, however slight, and is older than the minor by 10 years or more.

15. Enticement of a Minor [76-5-417](#)

An actor commits enticing a minor to engage in sexual activity if the actor knowingly:

(a) uses an electronic communication or an electronic communication device to:

(i) solicit, seduce, lure, or entice a minor, or to attempt to solicit, seduce, lure, or entice a minor, or another person who the actor believes to be a minor, to engage in sexual activity that is a violation of state criminal law;

(ii) communicate with any individual with the intent to solicit, seduce, lure, or entice a minor, or attempt to solicit, seduce, lure, or entice a minor, to engage in sexual activity that is a violation of state criminal law; or

(A) initiate contact with a minor or a person the actor believes to be a minor; and

(B) subsequent to the action described in Subsection (2)(a)(iii)(A), by any electronic or written means, solicits, seduces, lures, or entices the minor, or attempts to solicit, seduce, lure, or entice the minor, or a person the actor believes to be the minor, to engage in sexual activity that is a violation of state criminal law; or

(b) develops a relationship of trust with a minor or the minor's parent or guardian with the intent to solicit, seduce, lure, or entice the minor, or attempt to solicit, seduce, lure, or entice the minor, to engage in sexual activity that is a violation of state criminal law.

Sexual Exploitation: Knowingly employing, using, persuading, inducing, enticing, or coercing a child to pose in the nude for the purpose of sexual arousal of any person or to

engage in any sexual or simulated sexual conduct for the purpose of photographing, filming, recording, or displaying in any way the sexual or simulated sexual conduct, or displaying, distributing, possessing, or selling material depicting a child in the nude, for the purpose of sexual arousal of any person, or engaging in sexual or simulated sexual conduct. This includes use of computer generated videos or pictures. [See: Utah Code Ann. [§80-1-102.](#)] Includes offenses outlined in Utah Code Ann. [§76-5b-103, 76-5b-201, 76-5b-201.1, 76-5b-203, 76-5b-204 and 76-5b-205.](#)

Sexual Exploitation includes a child's parent or legal guardian knowingly consenting to or permitting the child to be sexually exploited as described above. [See: Utah Code Ann. [§76-5b-201.](#)]

NEGLECT: An action or inaction that causes harm or threatened harm such as abandonment of a child, except a safe relinquishment of a newborn child as provided in Utah Code Ann. [§80-4-502](#); lack of proper parental care by reason of the fault or habits of the parent, guardian, or custodian; failure or refusal of a parent, guardian, or custodian to provide proper or necessary subsistence, education, or medical care, or any other care necessary for the child's health, safety, morals, or well-being; a child at risk of being neglected or abused because another child in the same home is neglected or abused. [See: Utah Code Ann. [§80-1-102](#) and Administrative Rule [R512-80.](#)] Neglect includes, but is not limited to, abandonment, educational neglect, environmental neglect, failure to protect, failure to thrive, medical neglect, non-supervision, physical neglect, and sibling at risk.

Abandonment: Except in the case of the safe relinquishment of a newborn child pursuant to Utah Code Ann. [§80-4-502](#) [see: the definition of Safe Relinquishment of a Newborn Child], conduct by either a parent or legal guardian showing a conscious disregard for parental obligations, where that disregard leads to the destruction of the parent/child relationship. Abandonment also arises when a parent or parents:

- (a) Although having legal custody of the child, have surrendered physical custody of the child, and for a period of six months following the surrender have not manifested to the child or to the person having the physical custody of the child a firm intention to resume physical custody or to make arrangements for the care of the child;
- (b) Have failed to communicate with the child by mail, telephone, or otherwise for six months;
- (c) Failed to have shown the normal interest of a natural parent, without just cause; or
- (d) Have abandoned an infant, as described in Utah Code Ann. [§80-4-203.](#)

[See also: Utah Code Ann. [§80-4-302](#) and Administrative Rule [R512-80.](#)]

Educational Neglect: Failure or refusal to make a good faith effort to ensure that a child receives an appropriate education, after receiving notice that the child has been frequently absent from school without good cause or that the parent has failed to cooperate with

school authorities in a reasonable manner in accordance with Utah Code Ann. [§80-1-102](#) and [§53G-6-201](#).

Environmental Neglect: An environment that poses an unreasonable risk to the physical health or safety of a child. [See: Practice Guidelines [Section 200](#).]

Failure to Protect: Failure to take reasonable action to remedy or prevent child abuse or neglect. Failure to protect includes the conduct of a non-abusive parent or guardian who knows the identity of the abuser or the person neglecting the child but lies, conceals, or fails to report the abuse or neglect or the alleged perpetrator's identity.

Failure to Thrive: A medically diagnosed condition in which the child fails to develop physically. This condition is typically indicated by inadequate weight gain.

Medical Neglect: Failure or refusal to provide proper medical, dental, or mental health care or to comply with the recommendations of a medical, dental, or mental health professional necessary to the child's health, safety, or well-being. The finding needs to be based on the opinion of the child's primary care physician or other licensed medical professional. Exceptions and limitations provided in Utah Code Ann. [§80-1-102](#) include:

- (a) A parent or guardian legitimately practicing religious beliefs and who, for that reason, does not provide specified medical treatment for a child, is not guilty of neglect.
- (b) A health care decision made for a child by the child's parent or guardian does not constitute neglect unless clear and convincing evidence shows that the health care decision is not reasonable and informed. Nothing may prohibit a parent or guardian from exercising the right to obtain a second health care opinion. [See: Utah Code Ann. [§80-3-304](#).]

Neglect, Chronic: Repeated or patterned neglect. (NOTE: Chronic neglect may be identified from the first referral.) [See: Utah Code Ann. [§80-1-102](#).]

Neglect, Severe: Neglect that causes or threatens to cause serious harm to a child. Serious harm includes, but is not limited to, serious injury as defined in Utah Code Ann. [§76-5-109](#). [See: Utah Code Ann. [§80-1-102](#).] This includes torture.

Non-Supervision: The child is subjected to accidental harm or an unreasonable risk of accidental harm due to failure to supervise the child's activities at a level consistent with the child's age and maturity. [See: Utah Code Ann. [§80-1-102](#).]

Physical Neglect: Failure to provide for a child's basic needs of food, clothing, shelter, or other care necessary for the child's health, safety, morals, or well-being.

A. Unregulated Custody Transfers:

1. A parent or guardian of a child, or an individual with whom a child has been placed for adoption, may not transfer custody of the child to another person with the intent, at the time of the transfer, to abandon the rights and responsibilities concerning the child unless it does through:
 - (a) adoption or guardianship;
 - (b) judicial award of custody;
 - (c) placement by or through a child-placing agency;
 - (d) other judicial or tribal action; or
 - (e) safe relinquishment under Utah Code Ann. [§80-4-502](#), Safe Relinquishment of a Newborn Child.
2. A person may not receive custody of a child, or act as an intermediary in a transfer of custody of a child, if the person knows or reasonably should know the transfer is with the intent, at the time of the transfer, to abandon the rights and responsibilities concerning the child. [See Utah Code Ann. [§81-14-203](#), and Administrative Rules R512-80 and R512-202-2). This does not apply to a transfer of custody of a child by a parent or guardian of the child to:
 - (a) a parent of the child;
 - (b) a stepparent of the child;
 - (c) an adult who is related to the child by blood, marriage, or adoption;
 - (d) an adult who, at the time of the transfer, had a close relationship with the child or the parent or guardian of the child for a substantial period, and whom the parent or guardian reasonably believed, at the time of the transfer, to be a fit custodian of the child;
 - (e) an Indian custodian, as defined in the Indian Child Welfare Act, 25 U.S.C. Sec. 1903, of the child; or
 - (f) a member of the child's customary family unit recognized by the child's indigenous group.

Sibling or Child at Risk: A child who is at risk of being abused or neglected because another child in the same home or with the same caregiver has been or is abused or neglected.

DEPENDENCY: The condition of a child who is homeless or without proper care through no fault of the child's parent, guardian, or custodian. [See: Utah Code Ann. [§80-1-102](#). Dependency may be due to a lack of understanding by the child's parent or guardian as a result of a lack of education or due to a mental, emotional, or physical disability. Dependency may also be due to a parent or guardian's lack of economic resources, or the institutionalization of a parent or guardian. [See: Administrative Rule [R512-80](#).]

Safe Relinquishment of a Newborn Child: A parent or a parent's designee may safely relinquish a newborn child at a hospital in accordance with the requirements of Utah

Code Ann. [§80-4-502](#) and retain anonymity, as long as the newborn child has not been subjected to abuse or neglect.

DEFINITIONS

ABUSIVE HEAD TRAUMA: Includes but is not limited to inflicted cranial, cerebral, and spinal injuries resulting from blunt force trauma, shaking, or a combination of forces. (Formerly known as “Shaken Baby Syndrome.”)

ADJUDICATION: A finding by the court, incorporated in a decree, that the facts alleged in the petition have been proved.

ADJUDICATION HEARING: An adjudication hearing is to be held to adjudicate the petition filed by the Attorney General on behalf of DCFS. [See: Utah Code Ann. [§80-3-401](#) and [§80-3-402](#)].

ADMINISTRATIVE HEARING: An informal hearing in which an individual may challenge DCFS' supported finding of non-severe child abuse, neglect, or dependency. The alleged perpetrator may ask the hearing officer (administrative law judge) to change the DCFS finding to "unsupported" or "without merit." This hearing is also referred to as a due process hearing.

ADMINISTRATIVE RULES/RULEMAKING: Written regulations that inform the public of how DCFS will conduct its business. An Administrative Rule has the effect of law. In general, an agency promulgates an Administrative Rule when a class of persons or outside agencies may be materially affected by the DCFS' actions or decisions. An Administrative Rule may be explicitly or implicitly required by a state or federal statute or other applicable law, and it may implement or interpret a state or federal legal mandate. Administrative Rules are established by DCFS and processed through the state's administrative rulemaking procedure, with the oversight by a legislative committee. Utah Code Ann. [§80-2-302](#) requires DCFS to prepare a "family impact statement" whenever it adopts a new Administrative Rule.

ADOPTIVE FAMILY: A family who has completed DCFS training for prospective adoptive parents and becomes approved by a licensed child placement agency or by DCFS

ADOPTIVE/FOSTER CARE FAMILY: A family licensed to provide out-of-home care by the Office of Licensing and who has completed all DCFS requirements for prospective adoptive parents.

ASFA: Acronym for Adoption and Safe Families Act. Federal legislation signed into law in 1997, which provides time limits and guidelines related to children's permanency goals.

ALLEGED: Asserted but not proven.

ALLEGED FATHER (formerly Putative Father): The man who claims to be or is claimed to be the biological father of a child born out of wedlock.

APPROPRIATENESS OF PLACEMENT: A child's home community, the one that involves the birth family, culture, village, or neighborhood, closest to school and peer group is the least restrictive environment for a child. A child should be supported and maintained in his or her home community. If a child's life is temporarily disrupted due to resolvable safety problems in the family home or by needs that require specialized treatment for a specific and limited time in another location, the child should be restored with necessary supports as quickly as possible to his or her natural community. If a child's home and family situation does not permit the child to return home after removal for safety reasons, then that child should be provided a safe, appropriate, and permanent home as quickly as possible so that natural social supports can be developed for that child in a new home, neighborhood, school, and community.

ARRANGED MARRIAGE: Any marriage, legal or otherwise, that is arranged, coerced, or threatened, and which involves a child and an adult, including (but not limited to) an adult who is a member of the child's immediate or extended family.

AAG: Acronym for Assistant Attorney General. The AAG is an attorney that represents DCFS.

BABY DOE: A medically disabled infant with life-threatening conditions for whom medically indicated treatment is withheld. (This is a federal statutory definition and *does not* apply to or mean an infant abandoned by the parent.)

BASIC LIFE SKILLS TRAINING: Education that each youth age 16 and older will receive prior to leaving out-of-home care.

BCI: Acronym for the Bureau of Criminal Identification.

CANR: Acronym for the Child Abuse and Neglect Report.

CAREGIVER FUNCTIONING: The caregivers' capacity, availability, and willingness to meet the child's basic care and developmental needs reliably on a daily basis. Expectations of adequate caregiver functioning and support apply to children living in out-of-home care with a relative, living in a foster home, and to care staff in group-living situations.

CAREGIVER SUPPORT: Substitute caregivers include kinship caregivers, foster and adoptive resource families, and any persons who provide parenting, assistance, supervision, and physical care for a child or youth in a temporary place of residence. Provisions of caregiver supports and in-home services should enable the caregiver to participate in assessment of needs, selection of providers, and scheduling. To be effective and satisfactory, supports should be culturally compatible and of an intensity commensurate with the needs of the child and caregiver. To be adequate, caregiver supports should be accessible when needed, dependable when used, functional for the home, and seen as support by caregivers.

CASE CREATION: A process through SAFE where all case types, other than CPS, can be created in another child welfare program.

CHAFEE: Refers to the Chafee Foster Care Independence Act 1999, which provides states with flexible funding that enables programs to be designed and conducted specifically for preparing youth to become self-sufficient upon leaving state’s custody.

CHEC: Acronym for Child Health Evaluation and Care, Utah's version of the federally mandated Early Periodic Screening, Diagnosis and Treatment (EPSDT) program. The program ensures that eligible children receive: 1) routine periodic health examinations, Well Child Care and, 2) needed treatment or follow-up services that are medically necessary. It also refers to the type of extensive physical assessment required, as mandated by the Medicaid Services Manual.

CHILD: For DCFS purposes, a person under 18 years of age. [See: Utah Code Ann. [§80-1-102](#) and [§15-2-1](#).] Please note, however, that some criminal justice statutes define a child or minor differently for purposes of particular sexual offenses. [See: Utah Code Ann. [§76-5-401](#), [§76-5-401.1](#), [§76-5-401.2](#), [§76-5-402.1](#), [§76-5-402.2](#), [§76-5-402.3](#), [§76-5-403](#), [§76-5-403.1](#), [§76-5-404](#), and [§76-5-404.1](#).] In appropriate circumstances, those statutes may apply. [See also: The definition of Native American Child.]

CHILD AND FAMILY ASSESSMENT (formerly Functional Assessment): Information that is gathered from various sources as appropriate to the child’s situation that includes a combination of clinical, functional, and information assessment techniques used to determine the strengths, capabilities, needs, risks, and lifestyle preferences of the child and family. Once gathered, the information should be analyzed and synthesized to form a comprehensive “big picture view” of the child and his or her social support networks at home, at school, and in the community. Members of the Child and Family Team, working together, should synthesize their assessment knowledge to form a common big picture view that provides shared understanding of the child’s situation. This provides a common core of team intelligence for unifying efforts, planning joint strategies, sharing resources, finding what works, and achieving a good mix and match of supports and services for the child and family. Developing and maintaining a useful big picture view is a dynamic, ongoing process for the Child and Family Team.

CHILD AND FAMILY PARTICIPATION: The child and family’s sense of personal ownership in the plan and decision process. The child and family’s active participation in shaping and directing service arrangement that impacts their lives. Emphasis is placed on direct and ongoing involvement of key family members in all phases of service delivery: assessment, planning, selection of providers, monitoring, modifications, and evaluation.

CHILD AND FAMILY PLANNING PROCESS: The Child and Family Plan specifies the goals, roles, strategies, resources, and schedules for coordinated provision of assistance, supports, supervision, and services for the child, caregiver, and teacher. For the child to be successful at home and school, special supports may be necessary for the primary caregiver at home and for the teacher at school. The child and family planning process is of essence here - not just the written document. The plan needs to be developed by the team based upon the big picture assessments; reflect the views and preferences of the child and family, be directed toward

the achievement of strategic goals and success of the child; be coherent in design, prudent in the use of natural and professional resources; be culturally appropriate; and be modified frequently, based on changing circumstances, experience gained, and progress made. The written Child and Family Plan is the collective intentions of the Child and Family Team that simply states the path and process to be followed.

CHILD AND FAMILY TEAM: The child, their family, the DCFS social worker, and the out-of-home provider are primary members of a Child and Family Team. Other entities that may be included to provide additional support include representatives from education, health care, law enforcement, the GAL, the parents' attorney, the Attorney General, and other supportive individuals as designated by the family.

CHILD AND FAMILY TEAM COORDINATION: The collaboration of all parties involved in the child and family's life toward a common objective. Child and Family Team members can be a teacher, therapist, tracker, GAL, daycare provider, peer parent, health care provider, and other paid service providers. Parents, family members, neighbors, and others can also be part of a Child and Family Team. Collectively, the team should have the technical and cultural competence, family knowledge, and authority to act in behalf of funders and to commit resources and ability to flexibly assemble supports and resources in response to specific needs.

CHILD FATALITY: A child's death.

CHILD MALTREATMENT: Child abuse or neglect. [See: The definitions of Abuse, Dependency, Neglect, and Sexual Abuse.]

CHILD PORNOGRAPHY: Any visual depiction, including any live performance, photograph, film, video, picture, or computer or computer-generated image or picture, whether made or produced by electronic, mechanical, or other means, of sexually explicit conduct, where:

- A. The production of the visual depiction involves the use of a minor engaging in sexually explicit conduct;
- B. The visual depiction is of a minor engaging in sexually explicit conduct; or
- C. The visual depiction has been created, adapted, or modified to appear that an identifiable minor is engaging in sexually explicit conduct.

CHILD VICTIM: A person under the age of 18 years, or a person under the age of 21 years and in the custody of DCFS, who has been subjected to abuse, neglect, or dependency.

CHILD WITH SPECIAL HEALTH CARE NEEDS: A children who has or is at an increased risk of having a chronic physical, developmental, behavioral, or emotional condition and who also require health and related services of a type or amount beyond that required by children generally.

CHILD WITH SPECIAL NEEDS: A child who cannot or should not be returned to the home of the parents (as determined by the state), with one of the following:

- A. Child 0-17 years of age with a documented physical, emotional, or mental disability, or may be at risk to develop such a condition due to the birth parents health and social history.
- B. Child five years of age or older.
- C. Member of a sibling group placed together for adoption.

CHILD WITNESS TO DOMESTIC VIOLENCE: In the physical presence of a child or is present and may see or hear an act of domestic violence. [See: Utah Code Ann. [§76-5-114.](#)]

CHRONIC ABUSE: Repeated or patterned abuse. (NOTE: Chronic abuse may be identified from the first referral.) [See: Utah Code Ann. [§80-1-102.](#)]

COHABITANT: An emancipated minor or a person 16 years of age or older who:

- A. Is or was a spouse of the other party.
- B. Is or was living as if a spouse of the other party.
- C. Is related by blood or marriage to the other party.
- D. Has or had one or more children in common with the other party.
- E. Is the biological parent of the other party's unborn child.
- F. Resides or has resided in the same residence as the other party.

The term "cohabitant" does *not* refer to:

- A. The relationship of a natural parent, adoptive parent, or stepparent to a minor.
- B. The relationship between natural, adoptive, step, or foster siblings who are under 18 years of age.

[See: Utah Code Ann. [§78B-7-102](#) and Administrative Rule [R512-205.](#)]

COLLATERAL CONTACT: Any individual, other than the alleged perpetrator, who has had direct contact with or knowledge of the child or the child's family.

COMMUNITY DOMESTIC VIOLENCE SPECIALIST: A domestic violence specialist such as one who is employed by a domestic violence shelter or victim advocate program and who has the following qualifications: (a) expertise in the dynamics of domestic violence; (b) experience working with domestic violence perpetrators and victims; (c) a working knowledge of the child welfare system, the criminal justice system, and the court system as they relate to domestic violence; and (d) familiarity with local domestic violence services and community resources. [See: The definition of DCFS Domestic Violence (DV) Worker.]

CONCURRENT PERMANENCY PLANNING:

- A. Planning for different permanency outcomes at the same time.
- B. Is a means to support and expedite efforts to achieve permanence for a child within one year—a time frame that reflects a child’s sense of the passage of time.
- C. Offers a structured approach to moving children quickly from the uncertainty of out-of-home care to the stability and security of a permanent family.
- D. Starts with the first interaction with the child or the family

CONFLICT OF INTEREST: A situation in which the worker or DCFS has a personal or professional relationship with a subject of the record (including the alleged victim or the alleged perpetrator). Utah Code Ann. [§80-2-703](#) requires that an agency other than DCFS will investigate allegations of abuse, neglect, or dependency that involve individuals, institutions, or facilities that DCFS supervises, governs, or directs.

CORRUPTION: A situation where a child is victimized by being associated with, or involved in, an immoral or illegal action (e.g., a parent teaching a child to shoplift; or a parent providing the child with or allowing access to alcohol or drugs for consumption).

CPS: Acronym for Child Protective Services.

CREDIBLE EVIDENCE: Information that is believable and plausible. [See: The definition of Evidence.]

CUSTODIAN: A person who has legal custody of a child or a person responsible for a child’s care as defined in Utah Code Ann. [§80-1-102](#).

CUSTODY: [See: The definitions of DHHS Custody, Legal Custody, Protective Custody, Temporary Custody, and Voluntary Custody.]

CUSTODY START DATE: Same as Date of Removal.

DATE OF REMOVAL: The date the child was initially removed from his or her biological home or the earliest of the protective custody date, the temporary custody date, and the adjudicated custody dates.

DATING VIOLENCE: Verbal, emotional, psychological, physical, or sexual abuse of one person by another in a dating relationship. [See: Utah Code Ann. [§57-22-5.1.](#)]

DCFS: Acronym for the Utah Division of DCFS.

DHHS: Acronym for the Utah Department of Health & Human Services.

DHHS CUSTODY: A relationship in which the court grants custody of a child to DHHS.

DISPOSITIONAL HEARING: A hearing to determine the placement of the child and the status of legal custody and guardianship, establish the primary permanency goal, and based on the goal, whether reunification services will be provided. In addition to the primary goal, the court will establish the concurrent permanency goal. [See: Utah Code Ann. [§80-3-406.](#)]

DISPOSITION OF A CPS REFERRAL: When Intake makes a determination that a referral will be accepted or unaccepted.

DISRUPTION (OF AN ADOPTION): Ending an adoptive placement before the adoption is final.

DISSOLUTION (OF AN ADOPTION): Undoing the adoption after it is final. [See also: Voluntary Relinquishment.]

DIVISION OF CHILD AND FAMILY SERVICES DOMESTIC VIOLENCE WORKER: A DCFS employee who has been designated by the DCFS region to specialize in domestic violence cases and who has the following qualifications: (a) expertise in the dynamics of domestic violence; (b) experience working with domestic violence perpetrators and victims; (c) a working knowledge of the child welfare system, the criminal justice system, and the court system as they relate to domestic violence; (d) familiarity with local domestic violence services and community resources; and (e) a Bachelor's Degree and Social Service Worker license.

DIVISION OF CHILD AND FAMILY SERVICES FAMILY SERVICES

CASEWORKER: A person employed by or contracted with DCFS to provide professional casework, case management, contract management, or direct service and contract management supervision. The person will have, at a minimum, a Bachelor's Degree, but may not have met the requirements to be a licensed worker.

DIVISION OF CHILD AND FAMILY SERVICES INTAKE WORKER: A person employed by DCFS who processes referrals concerning child abuse, neglect, or dependency. Intake workers must possess solid communication, interpersonal, and assessment skills.

DOMESTIC VIOLENCE: Utah Code Ann. [§77-36-1](#) defines domestic violence as any criminal offense involving violence or physical harm or threat of violence or physical harm, or any attempt, conspiracy, or solicitation to commit a criminal offense involving violence or physical harm, when committed by one cohabitant against another. Domestic violence also means commission or attempt to commit any of the following offenses by one cohabitant against another: (a) aggravated assault, as described in Utah Code Ann. [§76-5-103](#); (b) assault, as described in Utah Code Ann. [§76-5-102](#); (c) criminal homicide, as described in Utah Code Ann. [§76-5-201](#); (d) harassment, as described in Utah Code Ann. [§76-5-106](#); (e) electronic communication harassment, as described in Utah Code Ann. [§76-9-201](#); (f) kidnapping, child kidnapping, or aggravated kidnapping, as described in Utah Code Ann. [§76-5-301](#), [§76-5-301.1](#), and [§76-5-302](#); (g) mayhem, as described in Utah Code Ann. [§76-5-105](#); (h) sexual offenses, as described in Title 76, Chapter 5, Part 4, Sexual Offenses, and Utah Code Ann. [§76-5b-201](#); (i) stalking, as described in Utah Code Ann. [§76-5-106.5](#); (j) unlawful detention, as described in Utah Code Ann. [§76-5-304](#); (k) violation of a protective order or ex parte protective order, as described in Utah Code Ann. [§76-5-108](#); (l) any offense against property described in Title 76, Chapter 6, Part 1, Property Destruction, Part 2, Burglary and Criminal Trespass, or Part 3, Robbery; (m) possession of a deadly weapon with intent to assault, as described in Utah Code Ann. [§76-11-206](#); (n) discharge of a firearm from a vehicle, near a highway, or in the direction of any person, building, or vehicle, as described in Utah Code Ann. [§76-11-207](#); (o) disorderly conduct, as defined in Utah Code Ann. [§76-9-102](#), if a conviction of disorderly conduct is the result of a plea agreement in which the defendant was originally charged with any of the domestic violence offenses otherwise described in this subsection (conviction of disorderly conduct as a domestic violence offense, in the manner described herein, does not constitute a misdemeanor crime of domestic violence under 18 U.S.C. Section 921, and is exempt from the provision of the federal Firearms Act, 18 U.S.C. Section 921, et seq.); or (p) child abuse as described in Utah Code Ann. [§76-5-114](#). Domestic violence can take a variety of forms, including:

- A. Physical violence, including such aggressive behavior as hitting, pushing, choking, scratching, pinching, restraining, slapping, pulling, hitting with weapons or objects, shooting, stabbing, damaging property or pets, or threatening to engage in such aggressive behavior.
- B. Psychological violence, such as intense and repetitive degradation, creating isolation, or detrimentally controlling the actions or behavior of another person through intimidation or manipulation.
- C. Sexual violence, such as sexual harassment, limiting reproductive freedom, infliction of pain during sexual intimacy, or the use or threat of physical force to make a cohabitant perform a sexual act.

[See: [Section 600](#), Domestic Violence.]

DOMESTIC VIOLENCE PERPETRATOR: Any adult who commits an act of domestic violence against another cohabitant.

DOMESTIC VIOLENCE SERVICES: Utah Code Ann. [§80-2-102](#) states domestic violence services means: (a) temporary shelter, treatment, and related services to a person who is a victim of abuse, as defined in Utah Code Ann. [§78B-7-102](#) and the dependent children of a person described in subsection (12)(a)(i), as well as treatment services for a person who is alleged to have committed, has been convicted of, or has pled guilty to an act of domestic violence as defined in Utah Code Ann. [§77-36-1](#). Domestic violence services delivered to adult and youth victims of family violence, domestic violence, or dating violence, and their dependents are designed to meet the needs of victims for short-term, transitional, or long-term safety and provide counseling, advocacy, or assistance for victims. Services are typically provided by a licensed domestic violence shelter provider, a licensed domestic violence treatment provider, a victim advocate, or a similar domestic violence facility or specialist.

DOMESTIC VIOLENCE SHELTER: A program for survivors of domestic violence and their children where survivors and their children receive refuge from their abusers in a facility whose location is kept confidential to prevent the abuser from locating the survivor. Shelter services available to survivors and their children may include emergency housing, help with basic living needs, food, childcare, and other support services (i.e., support groups, referrals to community resources).

DOMESTIC VIOLENCE SURVIVOR/VICTIM: An adult who has been subjected to domestic violence.

DNR: Acronym for a Do Not Resuscitate order.

DSM: Diagnostic and Statistical Manual of Mental Disorders.

DSPD: Acronym for the Division of Services for People With Disabilities. The branch of Utah's DHHS that provides support to individuals with disabilities and their families.

DUI: Acronym for Driving Under the Influence.

EFFECTIVE RESULTS: Services are provided to achieve specific results and benefits for the child and family. These results should include improved functioning, achievement of outcomes consistent with the long-term view, and improved learning. If intervention strategies and services are not producing these results, then strategies and services should be modified over time as experience is gained about what expectations are reasonable and what interventions actually work.

EMANCIPATED MINOR: Under Utah Code Ann. [§15-2-1](#), a minor who marries is automatically emancipated. A minor may also be deemed emancipated by court order. The

court looks at specific facts, including enlisting in the armed forces or leaving the parental home and becoming self-supporting.

EMERGENCY KINSHIP PLACEMENT: *See* Preliminary Placement with Kin.

EMOTIONAL/BEHAVIORAL WELL-BEING: The child has social supports in the home and school settings that provide the child with a sense of: identity that connotes feelings of personal worth, belonging and affiliation with others in his or her support network, being capable of participating in major life activities and decisions that affect him or her, feeling that his or her life has meaning, purpose, and direction, and being part of his or her culture and its social supports.

ESTABLISHED PRIMARY CARE PROVIDER: An individual or group who has seen the child at least once, has an established relationship with child or family, and wants to continue having a relationship with that child.

ETV: Acronym for Education and Training Voucher, which provides financial resources for postsecondary education and vocational training necessary to obtain employment or to support the individual's employment goals.

EVIDENCE: Testimony, writings, or material objects that are offered to prove the existence or non-existence of a fact.

EXPRESSED INTEREST: Refers to the specific goals, desires, outcomes, or wishes communicated by a minor.

F.A.C.T.: Acronym for Families, Agencies and Communities Together. F.A.C.T. is a committee of community service agencies that can provide a wide range of assistance to families.

FACE-TO-FACE CONTACT: In-person contact with a child to assess safety and any protection needs for the child.

FALSE REPORT: A report of abuse or neglect made to DCFS by a reporter (referent) who more likely than not knew the report was false at the time that person submitted the report. [*See:* Utah Code Ann. [§80-2-611.](#)]

FAMILY FOSTER CARE: A living arrangement offered and supervised by DCFS for children who are under age 21 years at time of intake and are unable to receive needed parental care in their own home but are able to participate in family and community life without danger to themselves or others.

FAMILY FUNCTIONING AND RESOURCEFULNESS: The ability of the family to become self-directed and to build the capacities necessary for its members to live safely and for

the family unit to function successfully with basic and special needs of all members adequately met.

FAMILY SERVICE SPECIALIST: Reviews cases with DCFS social workers prior to removal to determine if there is substantial cause to believe grounds for removal exist and that services are not reasonably available to eliminate the need for removal. A DCFS CPS caseworker need not review a case with a family service specialist if, in the DCFS CPS caseworker's opinion, that process would create a delay that may endanger the health, safety, or welfare of the child.

Criteria for selection of the family service specialist is as follows:

- A. Region directors will select family service specialists from existing staff based on the following:
 - 1. Be a lead worker or above.
 - 2. Have at least five years of child welfare experience.
 - 3. Have an LCSW with at least three years of child welfare experience.
 - 4. Complete the family service specialist training.

- B. Staff selected as family service specialists will be placed on a calling tree that will be made available to workers 24 hours per day. Regions may develop calling trees for the entire region, local offices, counties, or any other configuration that is workable for the region.
 - 1. During business hours, workers may be directed to call their own supervisor first; however, if their supervisor is not available, the calling tree will provide other staffing options.
 - 2. During non-business hours, staff on the calling tree will not be required to carry a pager or cell phone, but must provide a phone number where they can be reached. Workers will call down the calling tree until they reach a family service specialist. The family service specialist will be allowed to claim time actually worked during non-business hours.
 - 3. If a region already has a supervisor available for an on-call system, their system will not change if the supervisor meets the criteria for a family service specialist listed in subparagraph A above.

- C. Calling trees should be updated as needed with staff changes.

FAMILY VIOLENCE: Any act or threatened act of violence, including any forceful detention of an individual that results or threatens to result in physical injury and is committed by a person against another individual (including an elderly individual) to or with whom such person is related by blood, or is or was related by marriage or is or was otherwise legally related, or is or was lawfully residing.

FETAL ALCOHOL SPECTRUM DISORDER (FASD): A broader array of impairments than are reported for children suffering from Fetal Alcohol Syndrome. In FASD children exposed to

alcohol in the womb may exhibit one or more of the following characteristics or behaviors: (a) Inadequate growth in the womb or after birth; (b) Facial abnormalities such as small eye openings; (c) Poor coordination; (d) Hyperactive behavior; (e) Learning disabilities (e.g., speech and language delays); (f) Mental retardation or low IQ; (g) Poor reasoning and judgment skills; (h) Poor impulse control; or (i) Sleep and sucking disturbances in infancy.

FINALIZATION: A court of law has decreed that the adoption is final.

FORMAL AND INFORMAL SUPPORT SYSTEMS: Informal support is the offerings of friends, neighbors, churches, and community agencies that can range from volunteer reading tutors to after school supervision, recreational activities, assisting with transportation or keeping appointments, etc. Professional services may be donated, offered through health care plans, or funded by government agencies. A combination of supports and services may be necessary to assist the child, family, and teacher. Selection of basic supports should begin with information family network supports and generic community resources available to all citizens. Specialized and tailor made supports and services should be developed or purchased, only when necessary, to supplement rather than supplant readily available supports and services of satisfactory nature.

FULL DISCLOSURE: Respectful, candid discussion early and throughout the case about the impact of out-of-home care on children, clarification of birth parents' rights and responsibilities, supports agency will provide, permanency options, and consequences of not following through with the case plan. This includes open, honest discussions with all parties – biological families, relatives, foster/adoptive families, attorneys, and other service caregivers with the use of family group decision-making/conferencing strategies to involve families in early planning.

FULL FAITH AND CREDIT: A legal principle requiring judges to recognize and enforce valid orders, decrees, and judgments issued by courts in other states. For example, Utah courts recognize a protective order from another state.

GAF: Acronym for Global Assessment of Functioning Scale.

GAL: Acronym for Guardian ad Litem. The court may appoint a GAL to represent the best interests of a child involved in a case before the court. Out-of-home providers are encouraged to contact the child's GAL about any concerns that the child's needs are not being met.

GENITAL MUTILATION: Performing or facilitating female genital mutilation as defined in Utah Code Ann. [§76-5-701](#).

GRAMA: Acronym for Government Records Access Management Act, a Utah statute that allows members of the public to obtain copies of certain government records. If a person submits a written request for a DCFS record, GRAMA requires DCFS to disclose the record *unless* such disclosure is prohibited by GRAMA itself (e.g., Utah Code Ann. [§63G-2-302](#), [§63G-2-304](#) and [§63G-2-305](#)) or by another state or federal statute (e.g., Utah Code Ann. [§80-2-1005](#)).

Many of DCFS' records are not open to the public due to their classification under GRAMA or other statutes.

GUARDIANSHIP OF THE PERSON: The guardian (caregiver or responsible adult) has the authority to consent to the child's marriage; enlistment in the armed forces; major medical, surgical, or psychiatric treatment; and to legal custody, if legal custody is not vested in another person, agency, or institution. [See: Utah Code Ann. [§80-1-102](#).]

HARM: Harm is defined in Utah Code Ann. [§80-1-102](#). Harm also includes, but is not limited to, any injury or condition described in Utah Code Ann. [§76-5-109](#). [See also: The definition of Threatened Harm.]

HCG: Urine Pregnancy Test.

HEALTH CARE: Services including medical, dental, and mental health services.

HEALTH/PHYSICAL WELL-BEING: The child's basic physical needs for proper nutrition, clothing, shelter, and hygiene are met on a daily basis. Preventive medical and dental care is necessary for maintaining good health. Preventive health care should include immunizations, dental hygiene, and screening for possible physical or developmental problems. Physical well-being encompasses both the child's physical health status and access to timely health services.

HEARSAY: An out-of-court statement that is offered to prove the truth of the matter. NOTE: Utah statute, the Utah Rules of Criminal Procedure, and the Utah Rules of Evidence classify certain types of statements as "non-hearsay" or as otherwise admissible as evidence. Hearsay evidence is admissible at an Administrative Hearing.

HIV: Human Immunodeficiency Virus.

HMO: A Health Maintenance Organization.

HOME-TO-HOME BOOK: The child's Home-to-Home Book will be maintained to preserve vital information about the child's events and activities during the time the child spent in care such as educational, medical, dental, and mental health. The Home-to-Home Book will be reviewed by the worker quarterly.

HVR: Health Visit Report, HVR-DCFS Form 984.

ICWA: Acronym for the Indian Child Welfare Act. ICWA is the federal statute that establishes certain standards and procedures that a state non-Native American authority must follow when removing a Native American child from a care provider and placing the child in the state's temporary custody.

ICWA KINSHIP/RELATIVE DEFINITION: An "extended family member" is defined by the law or custom of the Native American child's tribe, or in the absence of such law or custom, is any person who has reached the age of 18 years and who is the Native American child's grandparent, aunt or uncle, brother or sister, brother-in-law or sister-in-law, niece or nephew, first or second cousin, or stepparent. [*See*: 25 U.S.C. §1903.]

IMMEDIATE PROTECTION SAFETY ASSESSMENT: An organized protocol of assessing the immediate protection and safety needs of the alleged victim at the worker's initial contact.

INCEST: Engaging in sexual intercourse with a person whom the perpetrator knows to be the perpetrator's ancestor, descendant, brother, sister, siblings by marriage (while the marriage exists), siblings by adoption, uncle, aunt, nephew, niece, or first cousin. The relationships cited above include blood relationships of the whole or half blood, without regard to legitimacy; relationships of parent and child by adoption; and relationships of stepparent and stepchild while the marriage creating the relationship of a stepparent and stepchild exists. Incest includes providing or making available seminal fluid or a human egg and other conduct specified in Utah Code Ann. [§76-7-102](#) and [§80-1-102](#). [*See also*: The definitions of Sexual Abuse and Sexual Intercourse.]

INDECENT LIBERTIES: Touching the actor's genitals, anus, buttocks, pubic area, or female breast against any part of the body of the victim; causing the victim to touch the actor's or another's genitals, pubic area, anus, buttocks, or female breast; simulating or pretending to engage in sexual intercourse with the victim, including genital-genital, oral-genital, anal-genital, or oral-anal intercourse. [*See*: Utah Code Ann. [§76-5-401.1](#).]

INTAKE: The process of receiving the initial information from a referent who is alleging an act of abuse, neglect, or dependency against a child, researching for additional information, and disposition of the referral including determining appropriate assignment and prioritization of an accepted referral.

IPSA: Acronym for an Individual Protection Safety Assessment.

JUDICIAL REVIEW: A court review of agency actions. This review may be in Juvenile Court and relate to DCFS actions in a case under court jurisdiction. The review may also relate to review of a final decision from and administrative law judge in an administrative hearing.

KINSHIP: The relationship of family members or near kin who are a fit, safe, and appropriate placement for the alleged primary victim or siblings and is an adult who is a grandparent, great grandparent, aunt, great aunt, uncle, great uncle, brother-in-law, sister-in-law, stepparent, first cousin, stepsibling, or sibling of the child. Preference may be given to kin or a non-custodial parent who are a fit, safe, and appropriate placement for an emergency kinship placement in accordance with Utah Code Ann. [§80-3-302](#). Kinship placement may be an alternative to an out-of-home care placement. The child in a kinship placement may be in the custody of DCFS or in the custody of relatives. [*See also*: The definition of ICWA Kinship/Relative Definition.] [*See*

also: Utah Code Ann. [§80-3-102](#), which defines the term "relative" to include such "extended family members" *and* great grandparents, great aunts, great uncles, and stepsiblings.]

KINSHIP CARE: The full-time care, nurturing, and protection of a child by relatives when a court determines the child cannot be cared for safely by their parents.

LEARNING DEVELOPMENT PROGRESS (for children under age five years): The child is actively engaged in developmental and educational processes that enable the child to develop the skills and functional capabilities at a rate and level consistent with his or her age and abilities. Essential functional capabilities include: walking/mobility, talking/communicating, toileting, following simple and more complex directions, independent/parallel/cooperative play, independent dressing, color recognition, etc. Children who have developmental delays or physical limitations should be receiving the necessary support to maximize their development.

LEARNING PROGRESS (for children age five years and older): The child is a learner who is actively engaged in developmental, educational, and/or vocational processes that are enabling him or her to build skills and functional capacities at a rate and level consistent with his or her age and abilities. Learning progress is concerned not only with academic progress and achievement test scores, but also with acquisition and demonstration of functional capabilities that include self-care, mobility, communications, literacy, self-direction, caring relationships, community orientation, citizenship participation, employability, and independent living. The ultimate concern is whether the child is learning and progressing at a rate that will enable him or her to become a responsible, competent, contributing citizen upon completion of public school.

LEGAL CUSTODY: A relationship embodying the following rights and duties:

- A. The right to physical custody of the child.
- B. The right and duty to protect, train, and discipline the child.
- C. The duty to provide the child with food, clothing, shelter, education, and ordinary medical care.
- D. The right to determine where and with whom the child will live.
- E. The right, in an emergency, to authorize surgery or extraordinary care.

[*See:* Utah Code Ann. [§80-1-102](#).]

LICENSED SOCIAL SERVICES WORKER: A Bachelor's Degree worker with a Social Service Worker (SSW) license, or a Master's level (CSW, LCSW, LPC, or MFT) license. Advanced Master's level licenses have additional clinical-based requirements.

LIFE BOOK: A record of the child's personal history from birth, including the child's time in out-of-home care.

LONG-TERM KINSHIP CARE: Care provided, subsequent to the permanency hearing, to a child by a relative who is a licensed foster parent. At the permanency hearing, the court must identify and document, on an individual basis, a "compelling reason" that return home, adoption, or permanent custody and guardianship with the relative is not in the best interest of the child. The child remains in the custody of DCFS and is subject to the continuing supervision of the court.

LONG-TERM VIEW: The long-term view is a guiding strategic vision used to set the purpose and path of intervention and support. It is used to focus a coherent Child and Family Plan and process. A long-term view anticipates and defines what the child must have, know, and be able to do in order to be successful following his or her next major developmental or placement transitions. The long-term view must answer the question of where the case is headed and why.

MEDICALLY FRAGILE: A child who has an extraordinary, diagnosed health condition and meets one or more of the following criteria:

- A. Chronic debilitating condition.
- B. Acute condition(s) requiring three or more follow-up visits per month for three consecutive months.
- C. At risk for developing an acute condition and requiring extensive monitoring.

MEDICALLY NEEDY: A child whose condition warrants additional treatment, therapy, and/or excessive follow-up care (may be transitional). The child is between the ages of 0-18 years and suffers from physical and/or mental debilitation inhibiting his or her growth and development and/or whose condition requires specialized skill by another to meet his or her daily living activities, which include:

- A. Nutrition.
- B. Sleep.
- C. Elimination.
- D. Ambulation.
- E. Socialization.

MEPA: The Multi-Ethnic Placement Act that prohibits the use of a child's or a prospective parent's race, color, or national origin to delay or deny the child's placement and by requiring

diligent efforts to expand the number of racially and ethnically diverse foster and adoptive parents.

METHAMPHETAMINE: A potent central nervous system stimulant that can be smoked, snorted, injected, taken orally, or used in suppository form. It increases the heart rate, blood pressure, body temperature, and rate of breathing; it dilates the pupils; and it produces euphoria, increased alertness, a sense of increased energy, and tremors. High doses or chronic use have been associated with increased nervousness, irritability, and paranoia. Withdrawal from high doses often produces severe depression. Methamphetamine is a lethal, dangerous, and unpredictable drug. Exposure of a child to a methamphetamine laboratory is felony child endangerment. [See: Utah Code Ann. [§76-5-112.5](#).] [See also: The definition of Physical Abuse.]

MINOR: Except as provided in Part 7, Interstate Compact on Placement of Children:

- A. A child; or
- B. A person:
 - 1. Who is at least 18 years of age and younger than 21 years of age; and
 - 2. For whom DCFS has been specifically ordered by the juvenile court to provide services. Please note, however, that some criminal justice statutes define a child or minor differently for purposes of particular sexual offenses. [See: Utah Code Ann. [§76-5-401](#), [§76-5-401.1](#), [§76-5-401.2](#), [§76-5-402.1](#), [§76-5-402.2](#), [§76-5-402.3](#), [§76-5-403](#), [§76-5-403.1](#), [§76-5-404](#), and [§76-5-404.1](#).] In appropriate circumstances, those statutes may apply.

MUNCHAUSEN SYNDROME BY PROXY: [See: The definition of Pediatric Condition Falsification.]

NATIVE AMERICAN CHILD: An unmarried or married person who is under age 18 years and is:

- A. A member of a Native American tribe, or
- B. Eligible for membership in a Native American tribe and is the biological child of a member of a Native American tribe. [See: The definition of ICWA.]

NATURAL PARENT: A biological or adoptive mother; a biological or adoptive father.

NEAR FATALITY: A child who is certified by a physician to have life-threatening cardiopulmonary dysfunction directly attributable to conditions resulting from suspected abuse or neglect as evidenced by (a) respiratory insufficiency/failure requiring intubation and mechanical ventilation, (life support measures) (b) respiratory insufficiency/failure requiring

medications (example Narcan) to reverse effects of toxic ingestion, or (c) cardiac arrhythmia with or without cardiopulmonary resuscitation (CPR).

NOTICE OF AGENCY ACTION: Written notification to an individual about a case finding that identifies the individual as responsible for abuse, neglect, or dependency. The notification specifies the findings, explains who will have access to the information on the database, and outlines the due process procedures for challenging the findings in an Administrative Hearing. Notice of Agency Action is also sent when foster children are removed, when benefits are changed, etc. [See: Utah Code Ann. [§63G-4-102](#) and [§63G-4-201](#), and Administrative Rule [R497-100.](#)]

ORSIS: Acronym for the Office of Recovery Services Information System.

OUT-OF-HOME CAREGIVER: Foster, adoptive, and kinship parents (or other out-of-home caregivers) who work with the agency and the primary parents to attempt, except in limited situations, to return children to their families of origin. Also referred to as “resource families.”

OUT-OF-HOME CARE PROVIDER: A provider who cares for children in the custody of DCFS, other than their parents or relatives (i.e., foster parents, etc.).

PCP: Acronym for Primary Care Professional. A medical professional, or group of professionals, who provide continuous and comprehensive health care, and maintain the health records of an individual and/or a family. They act as the entry point to the health care system and coordinate services provided by specialists. It excludes these caregivers in the following settings: emergency room departments, local health departments, or urgent care centers. An emergency department or urgent care facility is not a primary care professional.

PEER PARENT: An out-of-home caregiver, or other specially trained individual, who engages and teams with the child’s parents to help improve parenting, nurturing, and/or household management skills.

PERIOD OF MINORITY: A youth may be in out-of-home care longer than age 18 but prior to reaching age 21, when certain conditions exist; i.e., the youth is in the process of completing high school (by age 19); for medical or disability reasons; or if ordered by the court. “The period of minority extends in males and females to the age of eighteen (18) years of age; but all minors obtain their majority by marriage. It is further provided that courts in divorce actions may order support to age 21.” [See: Utah Code Ann. [§15-2-1.](#)]

PERMANENCY: The establishment and maintenance of a permanent living situation for a child to give the child an internal sense of family stability and belonging and a sense of self that connects the child to his or her past, present, and future. Permanency can be achieved in a number of ways based on the child’s circumstances; e.g.: (1) keeping or returning the child to his or her home; (2) placing the child with a relative or non-relative and supporting permanent custody or guardianship; (3) supporting independent living; or (4) adoption.

PERMANENCY HEARING: A permanency hearing is a hearing to determine the future status of the child (Utah Code Ann. [§80-3-406](#) and [§80-3-409](#)). When reunification services have been ordered, a permanency hearing will be held within 12 months of the removal of the child or within eight months of the removal of a child under 36 months of age at the time of removal.

PERMANENCY PLANNING: The process that is used to establish families for children that offer continuity of relationships with nurturing parents or caretakers and the opportunity to establish lifetime relationships.

PERMANENCY PLANNING OUTCOMES: DCFS seeks first to preserve and support the child’s biological (primary) family, and when that is not possible, to secure a family, adoptive or otherwise, that offers the hope of lifelong family-like relationships. Renewing Our Commitment to Permanency for Children-NRCFPFC and CWLA—1999.

PERPETRATOR: A person substantially responsible for causing child abuse or neglect, or a person responsible for a child’s care who permits another to abuse or neglect a child. [See: Utah Code Ann. [§76-5-109](#) and Administrative Rule [R512-80](#).]

PHYSICAL INJURY: A non-accidental injury or condition that impairs or endangers the physical condition of a child, including (but not limited to) the following:

- A. A bruise or other contusion of the skin.
- B. A minor laceration or abrasion.
- C. Failure to thrive or malnutrition.
- D. Any other condition that imperils the child’s health or welfare and which is not serious injury as defined in Utah Code Ann. [§76-5-109](#).

PLACEMENT: A child’s living arrangement while in out-of-home care, selected by a team including the family and agency representatives, which is selected to meet the child’s needs.

PLACEMENT OF CHILD NOT FREE FOR ADOPTION: Placement of a child with an adoptive/foster care family pursuing adoption or when the court has not yet terminated the rights of the birth parents or the birth parents have not yet signed a voluntary relinquishment of parental rights. May also be known as “at-risk” or “fost-adopt.”

PLACEMENT SERVICES: Those services offered to the family, child, and out-of-home caregiver to work toward permanency.

PLAN IMPLEMENTATION: The provisions of the Child and Family Plan have to be implemented via timely delivery of adequate services. Implementation involved the arrangement

of supports and delivery of services according to the Child and Family Plan. The agreed upon strategies, supports, services, and other intervention activities are to be delivered in a timely and competent manner, consistent with identified needs and preferences, and following the principles of the Practice Model. Delivery of services by persons having the necessary skills, resources, time, and opportunity to provide supports and services commensurate with the urgency and complexity of the child's needs and situation is essential for producing desired results. A "smart" implementation process is interactive, offering ongoing adaptation of service arrangements in response to frequent feedback received about changing situation, emerging needs, and results being achieved.

PLEA BARGAIN: An agreement in which a defendant admits to a criminal charge that is less than the original charge without having a hearing or trial. A plea bargain does *not* affect the finding in a child protection investigation case.

PLEA IN ABEYANCE: An order by a court, upon motion of the prosecution and the defendant, accepting a plea of guilty or of no-contest from the defendant but not, at that time, entering judgment of conviction against the defendant or imposing sentence, on condition that the defendant will comply with specific conditions as set forth in the plea in abeyance agreement. [See: Utah Code Ann. [§77-2a-1.](#)] A defendant's plea in abeyance in a case involving the abuse, neglect, or dependency of a child does not affect the findings of DCFS in a child protection investigation case.

POSITION OF SPECIAL TRUST: A position occupied by a person in a position of authority who, by reason of that position, is able to exercise undue influence over the alleged victim. Such persons include (but are not limited to) a youth leader or recreational leader who is an adult, adult athletic manager, adult coach, teacher, counselor, religious leader, doctor, employer, foster parent, babysitter, adult scout leader, natural parent, stepparent, adoptive parent, legal guardian, grandparent, aunt, uncle, or adult cohabitant of a parent. [See: Utah Code Ann. [§76-5-404.1.](#)]

POST ADOPTION: After finalization of an adoption.

PRACTICE MODEL PRINCIPLES: Protection - children's safety is paramount; Development - Children and families need consistent nurturing in a healthy environment to achieve their developmental needs; Permanency - All children need and are entitled to enduring relationships that provide a family stability and belonging and a sense of self that connects children to their past, present, and future; Cultural Responsiveness - Children and families have the right to be understood within the context of their own family rules, traditions, history, and culture; Partnership - The entire community shares the responsibility to create an environment that helps families raise their children to their fullest potential; Organizational Competence - Committed, qualified, trained, and skilled staff, supported by an effectively structured organization, helps insure positive outcomes for children and families; and Professional Competence - Children and families need a relationship with an accepting, concerned, empathic worker who can confront difficult issues and effectively assist them in their process toward positive change

PRELIMINARY PLACEMENT WITH KIN: A temporary placement with kin as an alternative to shelter. A Preliminary Placement with kin may or may not be selected as a long-term placement for the child. After the Preliminary Placement, DCFS will make a reasonable search for a long-term placement that meets the child's needs and challenges.

PREPONDERANCE: Evidence that, as a whole, shows that the fact sought to be proven (abuse, neglect, or dependency) is more probable than not.

PRIORITY RESPONSE TIMES: The time allotted under DCFS Practice Guidelines for a DCFS CPS caseworker to make face-to-face contact with a child on an allegation of abuse, neglect, or dependency that drives the priority for the referral. [See: Administrative Rule [R512-200-3](#).]

- A. A Priority 1 response will be assigned when the child referred is in need of immediate protection. Intake will begin to collect information immediately after the completion of the initial contact from the referent. As soon as possible thereafter, Intake will obtain additional information, staff the referral to determine the priority, notify law enforcement, and assign to the DCFS CPS worker. Intake will provide the DCFS CPS worker with information concerning prior investigations on SAFE. The DCFS CPS worker has as a standard of 60 minutes from the time Intake notifies the worker to initiate efforts to make face-to-face contact with an alleged victim. For a Priority 1R (rural) referral, a DCFS CPS worker has, as a standard, three hours to initiate efforts to make face-to-face contact if the alleged victim is more than 40 miles from the investigator who is assigned to make the face-to-face contact.
- B. A Priority 2 response will be assigned when physical evidence is at risk of being lost or the child is at risk of further abuse, neglect, or dependency, but the child does not have immediate protection and safety needs, as determined by the Intake checklist. Intake will begin to collect information as soon as possible after the completion of the initial contact from the referent. As soon as possible Intake will obtain additional information, staff the referral to determine the priority, assign the referral to the DCFS CPS worker, and notify law enforcement. Intake will give verbal notification to the assigned DCFS CPS worker. Intake will also provide the DCFS CPS worker with information concerning prior investigations on SAFE. The DCFS CPS worker has, as a standard, 24 hours from the time Intake notifies the worker to initiate efforts to make face-to-face contact with the alleged victim. Notification of a Priority 2 referral received after normal working hours (8:00 a.m. through 5:00 p.m.) will occur as early as possible following morning.
- C. A Priority 3 response will be assigned when potential for further harm to the child and the loss of physical evidence is low. Prior to transferring the case to a DCFS CPS worker, Intake will obtain additional information, research data sources, staff the referral as necessary, determine the priority, complete documentation including data entry, make disposition to CPS, and notify law enforcement. Intake will also provide the DCFS CPS

worker with information concerning prior investigations on SAFE. The DCFS CPS worker will make the face-to-face contact with the alleged victim within a reasonable period of time.

D. Priority 4 is no longer valid.

PROCEDURES: Statewide mandatory guidelines or directions that explain the specific day-to-day tasks involved in implementing DCFS Practice Guidelines in accordance with statutes, Administrative Rules, and other governing law. Procedures are usually more detailed than either Administrative Rules or Practice Guidelines. Procedures are mandatory.

PROSPECTS FOR PERMANENCE: Permanency, commonly identified with the meaning of “family” or “home,” suggests not only a stable setting, but also stable caregivers and peers, continuous supportive relationships, and some level of parental/caregiver commitment and affection. Evidence of permanency includes resolution of guardianship, adequate provision of necessary supports for the caregiver, and the achievement of stability in the child’s home and school settings.

PROTECTIVE CUSTODY: Taking a child into custody for protection by a DCFS CPS caseworker, law enforcement officer, or physician. [*See:* Utah Code Ann. [§80-1-102](#). [*See also:* The definitions of Custody, DHHS Custody, Legal Custody, Temporary Custody, and Voluntary Custody.]

PROTECTIVE SERVICES COUNSELING: Voluntary services provided by DCFS to a family.

PROTECTIVE SERVICES SUPERVISION: A legal status created by court order after an adjudication on the grounds of abuse, neglect, or dependency in which the child is permitted to remain in the home or is placed in a relative's home, and supervision and assistance to correct the abuse, neglect, or dependency is provided by an agency designated by the court. [*See:* Utah Code Ann. [§80-1-102](#).]

PROXIMITY (IN RELATION TO CHILD PLACEMENT): “Reasonable proximity” includes placing the child within their neighborhood so that family contact, continued school placement, church involvement, and friendships may be maintained.

QA: Acronym for Quality Assurance. QA is a tool used to ensure that DCFS’ Practice Guidelines are met.

REASONABLE EFFORTS: Such reasonable efforts include an assessment of the protection needs of a child and the consideration and implementation of protective services that could enable a child to remain safely in the home. The term "reasonable efforts" refers to efforts to provide services that are reasonably available (that is, services that are accessible to arrange, refer, or provide, or that are available from other community resources).

Both state and federal law require reasonable efforts to prevent removal and to return children home where safe and appropriate. The court reviews these efforts at shelter hearings, permanency hearings, and parental termination hearings. In certain circumstances, reasonable efforts (reunification services) are not required. [See: Form for 24-hour multidisciplinary meeting; Utah Code Ann. [§80-3-406.](#)]

REASSIGNMENT: Assigning a case to a different worker.

REFERRAL: Information provided to DCFS alleging abuse, neglect, or dependency.

RELATIVE: An adult who is a grandparent, great grandparent, aunt, great aunt, uncle, great uncle, brother-in-law, sister in-law, stepparent, first cousin, stepsibling, or sibling of the child. [See: Utah Code Ann. [§80-3-102.](#)]

In the case of a Native American child, "relative" also means an "extended family member" as defined by the Indian Child Welfare Act, 25 U.S.C. §1903.

RELINQUISHMENT: A voluntary termination of parental rights.

RESIDENCE: A common abode that both individuals consider to be their primary domicile or home and not simply a place that one of the individuals makes a habit of visiting.

RESIDUAL PARENTAL RIGHTS AND DUTIES: Those rights and duties remaining with the parent after legal custody or guardianship, or both, have been vested in another person or agency. Residual parental rights and duties include the responsibility for support, the right to consent to adoption, the right to determine the child's religious affiliation, and the right to reasonable family-time unless restricted by the court. If no guardian has been appointed, "residual parental rights and duties" also include the right to consent to marriage, to enlistment in the armed forces, and to major medical surgical or psychiatric treatment. [See: Utah Code Ann. [§80-1-102.](#)]

RESOURCE FAMILY: Foster, adoptive, and kinship parents (or other out-of-home caregivers) who work with the agency and the primary parents to attempt, except in limited situations, to return children to their families of origin.

RESPIRE CARE: Kin or out-of-home caregivers with intermittent, time-limited relief from care.

REUNIFICATION SERVICES: These are reasonable services that DCFS is ordered to provide to the child and family to assist with the reunification process. Reunification services may not extend beyond 12 months, or eight months if a child is under 36 months of age, from the date that the child was initially removed from the home. Except the court may extend reunification services for no more than 90 days if it finds that there has been substantial

compliance with the Child and Family Plan, and that reunification is probable within that 90-day period and that the extension is in the best interest of the child.

RISK ASSESSMENT: An organized protocol whereby DCFS or another agency gathers information to identify the strengths and challenges and other factors of the family members that may contribute to safety or risk issues of a child who may be an alleged victim of abuse, neglect, or dependency. A risk assessment may also identify other contributing factors related to the abuse, neglect, or dependency of a child.

SAFETY ASSESSMENT: A determination of the current well-being and safety of a child whom DCFS has assessed as being at risk of maltreatment, based on factors such as the controllability of risk influences, the immediacy of the risk of maltreatment, the potential severity of future maltreatment, and the potential for future incidents of abuse or neglect to the child.

SAFETY PLAN: [*See:* CPS Practice Guidelines [Section 202.6.](#)]

SATISFACTION: The child, parent/guardian, and substitute caregiver are satisfied with the supports and services they are receiving. This is based upon their perspective.

SERIOUS HARM: Includes but is not limited to “serious injury” as defined in Utah Code Ann. [§76-5-109](#) and Administrative Rule [R512-80](#).

SERIOUS PHYSICAL INJURY: A physical injury or set of injuries or condition that seriously impairs the child’s health, or that involves physical torture or causes serious emotional harm to the child, or that causes a fatality or involves a substantial risk of death to the child, including (but not limited to):

- A. Fracture of any bone or bones (even if the fracture has subsequently healed),
- B. Intracranial bleeding, swelling, or contusion of the brain, whether caused by blows or shaking, or by causing the child’s head to impact with an object or surface (Abusive Head Trauma),
- C. Any burn, including burns inflicted by hot water, or those caused by placing a hot object on the skin or body of the child,
- D. Any injury caused by use of a deadly or dangerous weapon as defined by Utah Code Ann. [§76-1-601](#),
- E. Any combination of two or more physical injuries inflicted by the same person, either at the same time or on different occasions,
- F. Any damage to internal organs of the body,

- G. Any conduct toward a child that results in severe emotional harm, severe developmental delay or intellectual disability, or severe impairment of the child’s ability to function,
- H. Any injury that creates a permanent disfigurement or protracted loss or impairment of the function of a bodily member, limb, or organ,
- I. Any impediment of the breathing or the circulation of blood by application of pressure to the neck, throat, or chest, or by the obstruction of the nose or mouth, that is likely to produce a loss of consciousness.
- J. Any conduct that results in starvation, failure to thrive, or malnutrition that jeopardizes the child’s life, or
- K. Any bodily injury, substantial bodily injury, or serious bodily injury suffered by a child if the injury resulted from the actor knowingly or intentionally causing the child to suffer from exposure to, ingestion of, inhalation of, or contact with a controlled substance, chemical substance, or drug paraphernalia, as those terms are defined in Utah Code Ann. [§76-5-112.5](#).

[See: Utah Code Ann. [§76-5-109](#) and [§76-5-112.5](#).]

SEXUAL INTERCOURSE: Penetration, however slight, of the vagina by the penis, or intercourse involving genital contact between individuals other than penetration of the vagina by the penis, including (but not limited to) the use of fingers (digital) or the use of any object.

SEXUAL REACTIVITY: When a child engages in sexual behaviors that are beyond normal sexual exploration and curiosity for the child's developmental age. The child may have been a victim of sexual abuse himself or herself.

SIGNIFICANT RISK ASSESSMENT (also known as “YISC”): An assessment made to determine if a person who is under the age of 18 at the time of the alleged act is a risk to other children and whether or not that minor's name should be placed on the Licensing Information System.

SSA: The entitlement program from Social Security for death benefits.

SSI: The entitlement insurance administration program from Social Security for individuals with disabilities.

STABILITY: Stability is when a child has established enduring caring relationships with key adults and has consistency of settings and routines. Optimal stability exists when the child enjoys a positive and enduring relationship with parents/caregivers, key adult supporters, and peers in home and school settings. A child removed from his or her family should be living in a

safe, appropriate, and permanent home within 12 months of removal with only one interim placement.

STAY: As used in the Administrative Hearing process, to postpone an Administrative Hearing pending an adjudication of the same issues in juvenile court or district court.

STD: Acronym for Sexually Transmitted Diseases.

SUBJECT OF THE REPORT: Any person identified in a child abuse, neglect, or dependency report in accordance with reporting requirements, including (but not limited to) a child, parent, guardian, or other person responsible for a child's care. The subject may include the alleged perpetrator. [See: Utah Code Ann. [§80-2-102.](#)]

SUBSTANTIATED: A judicial finding based on a preponderance of the evidence that abuse or neglect occurred. If more than one allegation is made or identified during the course of an investigation, any "supported" allegation determined to meet the criteria for substantiation requires a court finding to become "substantiated." All findings of "substantiated" entered after May 6, 2002 are maintained by the juvenile court and the DCFS management information system (MIS).[See: Utah Code Ann. [§80-1-102.](#)]

SUCCESSFUL TRANSITIONS: Special coordination and efforts across service settings and providers is essential to prevent breakdowns in services and to prevent any adverse effects of changes that occur through the child's life as they experience change in learning situations and living environments. Special arrangements or accommodations may be required for success in a return setting or new setting. Follow along monitoring may be required for an adjustment period.

SUPPORT PERSON: A person 18 years of age or older of the child's choice, who is readily available and who can be present during the investigative interview. The support person may include (but is not limited to) a school teacher or administrator, guidance counselor, or child care provider, but the support person may not be the person who is alleged to be, or potentially may be, the alleged perpetrator. [See: Utah Code Ann. [§80-2-704.](#)]

SUPPORTED: A finding, based on the information available to the caseworker at the end of the investigation, that there is a reasonable basis to conclude that abuse, neglect, or dependency occurred, and that the identified perpetrator is substantially responsible. The perpetrator may be unknown. [See: Utah Code Ann. [§80-1-102](#) and [§80-2-707.](#)]

TAL: Acronym for Transition to Adult Living.

TANF (formerly known as AFDC): Acronym for Temporary Aide to Needy Families, a federal program created by the Welfare Reform Act. TANF is the means through which an eligible adult obtains financial support from the federal government when there are children residing in the home. TANF links with child welfare because of poverty and needs of children that may

exist after termination of a money grant. These needs may increase the child's needs for child welfare services.

TEAM CONSULTATION: A group of caseworkers, supervisors, community professionals, and partners who review the facts and circumstances of a case and assist in making decisions for the safety and care of a child who is the subject of a DCFS case.

TEMPORARY CUSTODY: Custody of a child with DCFS from the date of the shelter hearing until disposition. [See: Utah Code Ann. [§80-2-102.](#)] [See also: The definitions of Custody, DHHS Custody, Legal Custody, Protective Custody, and Voluntary Custody.]

TLP: Acronym for Transitional Living Payment, a payment code within SAFE enabling DCFS TAL coordinators to make payment to youth up to age 21 years, who have exited state's custody (either in out-of-home care or transitional living placement). Payments may be made to the youth or to other providers for expenses related to daily living. These include (but are not limited to) rent, utilities, transportation costs, food, clothing, personal care items, etc. It does not include tuition payments.

TPR: Acronym for Termination of Parental Rights. TPR is when all rights that a parent or parents may have to a child are terminated in court. When it is determined to not be in the child's best interest to be reunified with his or her parents and voluntary relinquishment and compelling reasons not to terminate are not an option, DCFS will explore with legal counsel the termination of parental rights. Also known as permanent deprivation of parental rights.

THREATENED HARM: Actions, inactions, or credible verbal threats, indicating that the child is at an unreasonable risk of harm or neglect. [See: Utah Code Ann. [§80-1-102.](#)]

TRACKING AND ADAPTATION: Tracking and adaptation provide the "learning" and "change" processes that make the service process effective for the child and family. An ongoing examination process should be used to track service implementation, check progress, identify emergent needs and problems, and modify services in a timely manner. The Child and Family Plan should be modified when objectives are met, strategies are determined to be ineffective, new preferences or dissatisfaction with existing strategies and services are expressed, and/or new circumstances arise. Members of the Child and Family Team should apply the knowledge gained through ongoing assessments, monitoring, and periodic evaluations to adapt strategies, supports, and services.

TRANSITION TO ADULT LIVING: A program for youth ages 14 to 18 years that aids youth in the development of skills needed for successful adult life. Services in this program include coursework, home study, community involvement, and/or placement. Transition to Adult Living was formerly known as the "Independent Living Program."

TRANSITION TO ADULT LIVING COORDINATOR: Each region of the state will have a coordinator/coordinators of services responsible for oversight of TAL services provided in that

region. At a minimum, the employee will possess a Bachelor's Degree with a Social Service Social worker (SSW) license and one year of experience working with youth ages 14 to 18 years in an out-of-home care or like setting.

TRANSITION TO ADULT LIVING PLAN (FORM OH03): A written plan, which is required for each youth age 14 years and older, must be completed 45 days after the youth's 14th birthday and is attached to the already existing service plan. The plan must take into account the youth's unique needs and strengths and will complement the existing service plan by addressing those skills needed for the youth to exit the state's care.

TRANSITIONAL LIVING SOCIAL WORKER: An employee hired by DCFS to provide TAL services to youth. At a minimum, the employee will possess a Bachelor's Degree with a Social Service Social worker (SSW) license, and six months experience working with youth ages 12 to 18 years in out-of-home care or a like setting.

UA: Urinalysis.

UNABLE TO COMPLETE INVESTIGATION: A CPS case finding when the following situation(s) are present:

- A. When the child and/or family move outside the state and a request for courtesy work is requested and declined and there is insufficient information to make a finding. [See: Practice Guidelines [Section 210.1A.](#)]
- B. When the child and/or family move outside the state after the face-to-face contact is made with the child and there is insufficient information to make a finding because the whereabouts of the child and/or family are unknown. [See: Practice Guidelines [Section 210.1B.](#)]
- C. When the child and/or family move within the state, the face-to-face with the child was made but there is insufficient information to make a finding and the whereabouts of the child and/or family are unknown. [See: Practice Guidelines [Section 210.1C.](#)]

UNABLE TO LOCATE: A CPS case finding indicating that even though the DCFS CPS caseworker has followed the steps outlined in DCFS practice guideline and has made reasonable efforts, the DCFS CPS caseworker has been unable to make face-to-face contact with the alleged victims to investigate an allegation of abuse, neglect, or dependency and to make a determination of whether the allegation should be classified as supported, non-supported, or without merit.

UNACCOMPANIED MINORS: Children in the United States who are from other countries and whose families are either temporarily or permanently unavailable due to economic hardship, political circumstances, or abandonment.

UNSUBSTANTIATED: A judicial finding that there is insufficient evidence to determine that abuse, neglect, or dependency occurred.

UNSUPPORTED: A finding based on the information available to the worker at the end of the investigation that there was insufficient information to conclude that abuse, neglect, or dependency occurred. However, a finding of unsupported means also that the worker did not conclude that the allegation was without merit.

VOLUNTARY CUSTODY: A formal agreement in which a legal guardian or custodian grants custody of a child to DCFS for placement in a licensed home or facility for a limited period of time.

VOLUNTARY RELINQUISHMENT: Consent by a parent to termination of their parental rights. A relinquishment must be signed and affirmed before a judge or an officer authorized to accept relinquishments. Only the juvenile court is authorized to take relinquishments with regard to a child under court jurisdiction.

WELL-CHILD EXAMINATION: A physical examination by a licensed health care professional to determine the health status of a child. A child need not present with a specific health concern to receive a well-child examination.

WITHOUT MERIT: A finding at the completion of the investigation by DCFS, or a judicial finding, that the alleged abuse, neglect, or dependency did not occur, or that the alleged perpetrator was not responsible. [*Compare:* The definitions of Supported and Unsupported.]

WRAP-AROUND SERVICES: Wrap-around services are used to assist a child and family with the reunification process and in meeting their needs. Wrap-around services may include (but are not limited to) peer parenting, child care, home health aide services, parenting education, respite care, transportation services for family-time, vocational or educational assistance, mental health and/or substance abuse assessment and treatment, and housing referral and assistance.

YARN: Acronym for Young Adult Resource Network, which provides time limited services for youth if they are no longer in care and are not yet 21 years of age, and the youth:

- A. Ages out of out-of-home care, or
- B. While in out-of-home care, after the age of 14 years, the youth received at least 12 consecutive months of TAL services and the court terminated reunification.

This assistance can be provided through support, financial aid, or Basic Life Skills Classes and may include housing, counseling, employment education, and other appropriate supports and services to complement a youth's efforts to achieve self-sufficiency.

YISC: See the definition for Significant Risk Assessment.

YOUTH: For DCFS purposes, a person over the age of 14 years, a minor. [*See:* Utah Code Ann. [§80-1-102](#) and [§15-2-1.](#)] Please note, however, that some criminal justice statutes define a child or minor differently for purposes of particular sexual offenses. [*See, e.g.:* Utah Code Ann. [§76-5-401](#), [§76-5-401.1](#), [§76-5-401.2](#), [§76-5-402](#), [§76-5-402.1](#), [§76-5-402.2](#), [§76-5-402.3](#), [§76-5-403](#), [§76-5-403.1](#), [§76-5-404](#), and [§76-5-404.1.](#)] In appropriate circumstances, those statutes may apply. [*See also:* The definition of Native American Child.]