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256 **PURPOSE AND INTERPRETATION OF THESE DEFINITIONS**

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

262  
263 It is intended that these definitions should be applied and interpreted according to the following  
264 principles:

- 265  
266 A. These definitions supersede earlier definitions.  
267  
268 B. To the extent that these definitions are inconsistent with those established in public law  
269 (statutes, Administrative Rules, and court opinions), the latter controls and will be  
270 applied.  
271



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## ALLEGATION DEFINITIONS

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**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. [§80-2-102](#).]

**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. [§76-10-1201 through 1206](#).

**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.

**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,

316 or psychological functioning. This includes, but is not limited to, demeaning or  
317 derogatory remarks that affect or can reasonably be expected to affect a child’s  
318 development of self and social competence; or threatening harm, rejecting, isolating,  
319 terrorizing, ignoring, or corrupting the child. Is repeated or patterned abuse. (NOTE:  
320 Chronic abuse may be identified from the first referral.) [*See:* Utah Code Ann. [§80-2-](#)  
321 [102.](#)]

322  
323 **Emotional Abuse, Severe:** Abuse that causes or threatens to cause serious harm to a  
324 child. Engaging in conduct or threatening a child with conduct that causes or can  
325 reasonably be expected to cause the child emotional harm (emotional damage that results  
326 in a serious impairment in the child's growth, development, behavior, or psychological  
327 functioning). This includes, but is not limited to, demeaning or derogatory remarks that  
328 affect or can reasonably be expected to affect a child’s development of self and social  
329 competence; or threatening harm, rejecting, isolating, terrorizing, ignoring, or corrupting  
330 the child. Severe abuse is defined in Utah Code Ann. [§80-1-102.](#)

331  
332 **Fetal Exposure to Alcohol or other Harmful Substances:** A condition in which a  
333 newborn is adversely affected by the child's mother’s substance abuse during pregnancy,  
334 has fetal alcohol syndrome or fetal alcohol spectrum disorder, or demonstrates drug or  
335 alcohol withdrawal symptoms. For the purpose of this definition, newborn withdrawal  
336 symptoms due to medications taken by the mother as legally prescribed, without  
337 indication of misuse, are expected and are not required to be reported.

338  
339 If medical personnel have concerns with the parent of the newborn child or a person  
340 responsible for the child's care demonstrating functional impairment or an inability to  
341 care for the child as a result of the parent's or person's substance abuse, this will be  
342 opened as Child Endangerment.

343  
344 **Human Trafficking- Labor:** A person commits human trafficking of a child if the actor  
345 recruits, harbors, transports, obtains, patronizes, or solicits a child for any labor obtained  
346 through force, fraud, or coercion.

347  
348 **Human Trafficking- Sexual:** A person commits human trafficking of a child if the actor  
349 recruits, harbors, transports, obtains, patronizes, or solicits a child for sexual exploitation,  
350 including all forms of commercial sexual activity, which may include conduct when the  
351 person acts under force, fraud, or coercion.

352  
353 **Dealing in Material Harmful to a Child:** Distributing (providing or transferring  
354 possession), exhibiting (showing), or allowing immediate access to material harmful to a  
355 child or any other conduct constituting an offense under Utah Code Ann. [§76-10-1201](#)  
356 [through 1206.](#) [*See:* The definition of Material Harmful to a Child.]

357  
358 **Material Harmful to a Child:** Any visual, pictorial, audio, or written representation (in  
359 whatever form, including performance) that includes pornographic or sexually explicit

360 material, including nudity, sexual conduct, sexual excitement, or sadomasochistic abuse  
361 that:

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

367  
368 [See: The definition of Dealing in Material Harmful to a Child.]

369  
370 **Pediatric Condition Falsification (formerly Munchausen Syndrome by Proxy):** A  
371 cluster of symptoms or signs, circumstantially related, in which the parent or guardian  
372 misrepresents information and/or simulates or produces illness in a child, has knowledge  
373 about the etiology of the child’s illness but denies such knowledge, seeks multiple  
374 medical procedures, or acute symptoms and signs of the illness cease when the child is  
375 separated from the parent or guardian.

376  
377 A Pediatric Condition Falsification supported finding must be supported by the child’s  
378 primary care physician or other medical professional’s opinion. (May also be referred to  
379 as Medical Child Abuse or Factitious Disorder.)

380  
381 **Physical Abuse:** Non-accidental physical harm or threatened physical harm of a child  
382 that may or may not be visible. Unexplained physical harm to an infant, toddler,  
383 disabled, or non-verbal child. Physical abuse may also include a child who suffered  
384 physical harm during a domestic violence episode. Physical harm includes, but is not  
385 limited to, “physical injury” and/or “serious physical injury” as defined in Utah Code  
386 Ann. [§76-5-109](#) or genital mutilation as defined in Utah Code Ann. [§76-5-701](#). To  
387 support a finding of physical abuse, Child and Family Services need not show that the  
388 alleged perpetrator actually intended to harm the child; it is sufficient to show that the  
389 conduct was non-accidental and physical harm or threatened physical harm actually  
390 occurred.

391  
392 **Physical Abuse, Chronic:** Non-accidental physical harm or threatened physical harm of  
393 a child that may or may not be visible. Unexplained physical harm to an infant, toddler,  
394 disabled, or non-verbal child. Physical abuse may also include a child who suffered  
395 physical harm during a domestic violence episode. Physical harm includes, but is not  
396 limited to, “physical injury” and/or “serious physical injury” as defined in Utah Code  
397 Ann. [§76-5-109](#).

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

- 403 3. Is repeated or patterned abuse. (NOTE: Chronic abuse may be identified from the
- 404 first referral.) [See: Utah Code Ann. [§80-2-102.](#)]
- 405

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

- 412 1. Physical harm need not be proven by visible evidence or physical impairment.
- 413 2. To support a finding of physical abuse, Child and Family Services need not show
- 414 that the alleged perpetrator actually intended to harm the child; it is sufficient to
- 415 show that the conduct was non-accidental and physical harm or threatened
- 416 physical harm actually occurred.
- 417 3. Severe abuse is defined in Utah Code Ann. [§80-1-102.](#)
- 418

419 **Severe Abuse:** Abuse that causes or threatens to cause serious harm to a child. Severe  
 420 type of child abuse or neglect is defined in Utah Code Ann. [§80-1-102.](#) Serious harm  
 421 includes but is not limited to "serious physical injury" as defined in Utah Code Ann. [§76-](#)  
 422 [5-109.](#)

423 **Sexual Abuse:**

- 425 1. An act or attempted act of sexual intercourse, sodomy, incest, or molestation
- 426 directed toward a child. [See: Utah Code Ann. [§80-1-102](#) and the definitions of
- 427 these terms herein.]
- 428 2. Subjecting a child to participate in or threatening to subject a child to participate
- 429 in a sexual relationship, regardless of whether that sexual relationship is part of a
- 430 legal or cultural marriage, or forcing a child under 18 years of age into marriage
- 431 or cohabitation with an adult in an intimate relationship. [See: Utah Code Ann.
- 432 [§80-1-102.](#)]
- 433 3. Engaging in any conduct with a child that would constitute an offense under any
- 434 of the following definitions (taken directly from Utah Code), regardless of
- 435 whether the person who engages in the conduct is actually charged with, or
- 436 convicted of, the offense:
- 437

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

439 **(1) Unlawful sexual activity with a minor [14 or 15 years old] under Section**  
 440 **[76-5-401.](#)**

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

- 446 (a) has sexual intercourse with the minor;

447 (b) engages in any sexual act with the minor involving the genitals of one person  
448 and the mouth or anus of another person, regardless of the sex of either  
449 participant; or

450 (c) causes the penetration, however slight, of the genital or anal opening of the  
451 minor by any foreign object, substance, instrument, or device, including a part of  
452 the human body, with the intent to cause substantial emotional or bodily pain to  
453 any person or with the intent to arouse or gratify the sexual desire of any person,  
454 regardless of the sex of any participant.  
455

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

457 A person commits sexual abuse of a minor if the person is four years or more older  
458 than the minor and the person touches the anus, buttocks, or any part of the  
459 genitals of the minor, or touches the breast of a female minor, or otherwise takes  
460 indecent liberties with the minor, or causes a minor to take indecent liberties with  
461 the actor or another person, with the intent to cause substantial emotional or bodily  
462 pain to any person or with the intent to arouse or gratify the sexual desire of any  
463 person regardless of the sex of any participant. For purposes of this section  
464 "minor" is a person who is 14 years of age or older, but younger than 16 years of  
465 age, at the time the sexual activity described in this section occurred.  
466

467 **(2) Unlawful sexual contact with a 16 or 17 year old under Section [76-5-](#)**  
468 **[401.2](#).**

469 (1) For purposes of this section "minor" is a person who is 14 years of age or  
470 older, but younger than 16 years of age, at the time the sexual activity  
471 described in this section occurred.

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

477 (a) has sexual intercourse with the minor;

478 (b) engages in any sexual act with the minor involving the genitals of one  
479 person and the mouth or anus of another person, regardless of the sex of either  
480 participant; or

481 (c) causes the penetration, however slight, of the genital or anal opening of  
482 the minor by any foreign object, substance, instrument, or device, including a  
483 part of the human body, with the intent to cause substantial emotional or  
484 bodily pain to any person or with the intent to arouse or gratify the sexual  
485 desire of any person, regardless of the sex of any participant.  
486

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

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

- 491  
492           **(4) Rape of a child under Section [76-5-402.1](#).**  
493           A person commits rape of a child when the person has sexual intercourse with a  
494           child who is under the age of 14.  
495  
496           **(5) Object rape under Section [76-5-402.2](#).**  
497           A person who, without the victim's consent, causes the penetration, however slight,  
498           of the genital or anal opening of another person who is 14 years of age or older, by  
499           any foreign object, substance, instrument, or device, including a part of the human  
500           body other than the mouth or genitals, with intent to cause substantial emotional or  
501           bodily pain to the victim or with the intent to arouse or gratify the sexual desire of  
502           any person, commits [this] offense.  
503  
504           **(6) Object rape of a child under Section [76-5-402.3](#).**  
505           A person commits object rape of a child when the person causes the penetration or  
506           touching, however slight, of the genital or anal opening of a child who is under the  
507           age of 14 by any foreign object, substance, instrument, or device, not including a  
508           part of the human body, with intent to cause substantial emotional or bodily pain to  
509           the child or with the intent to arouse or gratify the sexual desire of any person.  
510  
511           **(7) Sodomy-Forcible Sodomy under Section [76-5-403](#).**  
512           A person commits sodomy when the actor engages in any sexual act with a person  
513           who is 14 years of age or older involving the genitals of one person and mouth or  
514           anus of another person, regardless of the sex of either participant. A person  
515           commits forcible sodomy when the actor commits sodomy upon another without  
516           the other's consent.  
517  
518           **(8) Sodomy on a child [under 14] under Section [76-5-403.1](#).**  
519           A person commits sodomy upon a child if the actor engages in any sexual act upon  
520           or with a child who is under the age of 14, involving the genitals or anus of the  
521           actor or the child and the mouth or anus of either person, regardless of the sex of  
522           either participant.  
523  
524           **(9) Forcible sexual abuse under Section [76-5-404](#).**  
525           A person commits forcible sexual abuse if the victim is 14 years of age or older  
526           and the actor touches the anus, buttocks, or any part of the genitals of another, or  
527           touches the breast of a female, or otherwise takes indecent liberties with another,  
528           or causes another to take indecent liberties with the actor or another, with intent to  
529           cause substantial emotional or bodily pain to any person or with the intent to  
530           arouse or gratify the sexual desire of any person, without the consent of the other,  
531           regardless of the sex of any participant.  
532  
533           **(10) Sexual abuse of a child [under 14] under Section [76-5-404.1](#).**



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

541  
542 **(11) Aggravated sexual assault under Section [76-5-405](#).**

543 A person commits aggravated sexual assault if:

544 (a) in the course of a rape, object rape, forcible sodomy, or forcible sexual abuse,  
545 the actor:

546 (i) uses, or threatens the victim with the use of, a dangerous weapon as defined in  
547 Section [76-1-601](#);

548 (ii) compels, or attempts to compel, the victim to submit to rape, object rape,  
549 forcible sodomy, or forcible sexual abuse, by threat of kidnaping, death, or serious  
550 bodily injury to be inflicted imminently on any person; or

551 (iii) is aided or abetted by one or more persons;

552 (b) in the course of an attempted rape, attempted object rape, or attempted forcible  
553 sodomy, the actor:

554 (i) causes serious bodily injury to any person;

555 (ii) uses, or threatens the victim with the use of, a dangerous weapon as defined in  
556 Section [76-1-601](#);

557 (iii) attempts to compel the victim to submit to rape, object rape, or forcible  
558 sodomy, by threat of kidnaping, death, or serious bodily injury to be inflicted  
559 imminently on any person; or

560 (iv) is aided or abetted by one or more persons; or

561 (c) in the course of an attempted forcible sexual abuse, the actor:

562 (i) causes serious bodily injury to any person;

563 (ii) uses, or threatens the victim with the use of, a dangerous weapon as defined in  
564 Section [76-1-601](#);

565 (iii) attempts to compel the victim to submit to forcible sexual abuse, by threat of  
566 kidnaping, death, or serious bodily injury to be inflicted imminently on any person;  
567 or

568 (iv) is aided or abetted by one or more persons.

569  
570 **(12) See also Sexual offenses against the victim without consent of victim –**  
571 **Circumstances under Section [76-5-406](#), Custodial sexual relations --**  
572 **Custodial sexual misconduct -- Definitions -- Penalties – Defenses under**  
573 **Section [76-5-412](#), and Custodial sexual relations or misconduct with**  
574 **youth receiving state services -- Definitions -- Penalties – Defenses under**  
575 **Section [76-5-413](#).**

576  
577 **b. Child bigamy under Section [76-7-101.5](#).**

578 An actor 18 years of age or older is guilty of child bigamy when, knowing he or  
579 she has a wife or husband, or knowing that a person under 18 years of age has a  
580 wife or husband, the actor carries out the following with the person who is under  
581 18 years of age:

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

584

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

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

589 (1) sexual intercourse between the actor and a person the actor knows has kinship  
590 to the actor as a related person;

591 (2) the insertion or placement of the provider's seminal fluid into the vagina,  
592 cervix, or uterus of a related person by means other than sexual intercourse;

593 (3) providing or making available his seminal fluid for the purpose of insertion or  
594 placement of the fluid into the vagina, cervix, or uterus of a related person by

595 means other than sexual intercourse;

596 (4) a woman 18 years of age or older who:

597 (A) knowingly allows the insertion of the seminal fluid of a provider into her  
598 vagina, cervix, or uterus by means other than sexual intercourse; and

599 (B) knows that the seminal fluid is that of a person with whom she has kinship as a  
600 related person; or

601 (5) providing the actor's sperm or human egg that is used to conduct in vitro  
602 fertilization, or any other means of fertilization, with the human egg or sperm of a  
603 person who is a related person.

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

607

608 **d. Lewdness or sexual battery under Section [76-9-702](#).**

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

613 (a) an act of sexual intercourse or sodomy;

614 (b) exposes his or her genitals, the female breast below the top of the areola, the  
615 buttocks, the anus, or the pubic area;

616 (c) masturbates; or

617 (d) any other act of lewdness.

618

619 **e. Lewdness involving a child [under 14] under Section [76-9-702.5](#);**

620 A person is guilty of lewdness involving a child if the person intentionally or  
621 knowingly does any of the following to, or in the presence of a child who is under



- 622 14 years of age:  
623 (1) performs an act of sexual intercourse or sodomy;  
624 (2) exposes his or her genitals, the female breast below the top of the areola, the  
625 buttocks, the anus, or the pubic area:  
626 (i) in a public place; or  
627 (ii) in a private place:  
628 (A) under circumstances the person should know will likely cause affront or alarm;  
629 or  
630 (B) with the intent to arouse or gratify the sexual desire of the actor or the child;  
631 (3) masturbates;  
632 (4) causes a child under the age of 14 years to expose his or her genitals, anus, or  
633 breast, if female, to the actor, with the intent to arouse or gratify the sexual desire  
634 of the actor or the child; or  
635 (5) performs any other act of lewdness.

636  
637 **f. Voyeurism under Section [76-9-702.7](#);**

- 638 (1) A person is guilty of voyeurism who intentionally uses a camcorder, motion  
639 picture camera, photographic camera of any type, or other equipment that is  
640 concealed or disguised to secretly or surreptitiously videotape, film, photograph,  
641 record, or view by electronic means an individual:  
642 (a) for the purpose of viewing any portion of the individual's body regarding which  
643 the individual has a reasonable expectation of privacy, whether or not that portion  
644 of the body is covered with clothing;  
645 (b) without the knowledge or consent of the individual; and  
646 (c) under circumstances in which the individual has a reasonable expectation of  
647 privacy.  
648 (2) Distribution or sale of any images, including in print, electronic, magnetic, or  
649 digital format, obtained under Subsection (1) by transmission, display, or  
650 dissemination.  
651 (3) A person is guilty of voyeurism who, under circumstances not amounting to a  
652 violation of Subsection (1), views or attempts to view an individual, with or  
653 without the use of any instrumentality:  
654 (a) with the intent of viewing any portion of the individual's body regarding which  
655 the individual has a reasonable expectation of privacy, whether or not that portion  
656 of the body is covered with clothing;  
657 (b) without the knowledge or consent of the individual; and  
658 (c) under circumstances in which the individual has a reasonable expectation of  
659 privacy.

660  
661 **13. Unlawful Kissing of a Child under 76-5-416.2**

662 **An individual commits unlawful kissing of a child if the individual is 18 years old**  
663 **or older and intentionally or knowingly kisses a child on the child's mouth and**  
664 **penetrates the child's mouth with their tongue however slight.**  
665

**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.

**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, -201, -203, -204, -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

710 (d) Have abandoned an infant, as described in Utah Code Ann. [§80-4-203](#).

711

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

713

714 **Educational Neglect:** Failure or refusal to make a good faith effort to ensure that a child  
715 receives an appropriate education, after receiving notice that the child has been frequently  
716 absent from school without good cause or that the parent has failed to cooperate with  
717 school authorities in a reasonable manner in accordance with Utah Code Ann. [§80-1-102](#)  
718 and [§53G-6-201](#).

719

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

722

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

727

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

730

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

736 (a) A parent or guardian legitimately practicing religious beliefs and who, for that  
737 reason, does not provide specified medical treatment for a child, is not guilty of  
738 neglect.

739 (b) A health care decision made for a child by the child's parent or guardian does not  
740 constitute neglect unless clear and convincing evidence shows that the health care  
741 decision is not reasonable and informed. Nothing may prohibit a parent or  
742 guardian from exercising the right to obtain a second health care opinion. [See:  
743 Utah Code Ann. [§80-3-304](#).]

744

745 **Neglect, Chronic:** Repeated or patterned neglect. (NOTE: Chronic neglect may be  
746 identified from the first referral.) [See: Utah Code Ann. [§80-2-102](#).]

747

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

751

752 **Non-Supervision:** The child is subjected to accidental harm or an unreasonable risk of  
753 accidental ]harm due to failure to supervise the child’s activities at a level consistent with  
754 the child’s age and maturity. [See: Utah Code Ann. [§80-1-102.](#)]  
755

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

758 A. Unregulated Custody Transfers:

759 1. A parent or guardian of a child, or an individual with whom a child has  
760 been placed for adoption, may not transfer custody of the child to another  
761 person with the intent, at the time of the transfer, to abandon the rights and  
762 responsibilities concerning the child unless it does through:

- 763 (a) adoption or guardianship;
- 764 (b) judicial award of custody;
- 765 (c) placement by or through a child-placing agency;
- 766 (d) other judicial or tribal action; or
- 767 (e) safe relinquishment under Utah Code Ann. [§80-4-502](#), Safe  
768 Relinquishment of a Newborn Child.

769 2. A person may not receive custody of a child, or act as an intermediary in a  
770 transfer of custody of a child, if the person knows or reasonably should  
771 know the transfer is with the intent, at the time of the transfer, to abandon  
772 the rights and responsibilities concerning the child. [See Utah Code Ann.  
773 [§78B-24-203](#), and Administrative Rules R512-80 and R512-202-2).  
774 This does not apply to a transfer of custody of a child by a parent or  
775 guardian of the child to:

- 776 (a) a parent of the child;
- 777 (b) a stepparent of the child;
- 778 (c) an adult who is related to the child by blood, marriage, or adoption;
- 779 (d) an adult who, at the time of the transfer, had a close relationship  
780 with the child or the parent or guardian of the child for a  
781 substantial period, and whom the parent or guardian reasonably  
782 believed, at the time of the transfer, to be a fit custodian of the  
783 child;
- 784 (e) an Indian custodian, as defined in the Indian Child Welfare Act, 25  
785 U.S.C. Sec. 1903, of the child; or
- 786 (f) a member of the child’s customary family unit recognized by the  
787 child’s indigenous group.

788  
789 **Sibling or Child at Risk:** A child who is at risk of being abused or neglected because  
790 another child in the same home or with the same caregiver has been or is abused or  
791 neglected.  
792

793 **DEPENDENCY:** The condition of a child who is homeless or without proper care through no  
794 fault of the child’s parent, guardian, or custodian. [See: Utah Code Ann. [§80-2-102.](#)]  
795 Dependency may be due to a lack of understanding by the child’s parent or guardian as a result of

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796 a lack of education or due to a mental, emotional, or physical disability. Dependency may also be  
797 due to a parent or guardian's lack of economic resources, or the institutionalization of a parent or  
798 guardian. [See: Administrative Rule [R512-80](#).]  
799

800 **Safe Relinquishment of a Newborn Child:** A parent or a parent's designee may safely  
801 relinquish a newborn child at a hospital in accordance with the requirements of Utah  
802 Code Ann. [§80-4-502](#) and retain anonymity, as long as the newborn child has not been  
803 subjected to abuse or neglect.  
804

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## DEFINITIONS

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**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 Child and Family Services. [*See:* Utah Code Ann. [§80-3-401](#) and [§80-3-402](#)].

**ADMINISTRATIVE HEARING:** An informal hearing in which an individual may challenge Child and Family Services' supported finding of non-severe child abuse, neglect, or dependency. The alleged perpetrator may ask the hearing officer (administrative law judge) to change the Child and Family Services 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 Child and Family Services 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 Child and Family Services' 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 Child and Family Services and processed through the state's administrative rulemaking procedure, with the oversight by a legislative committee. Utah Code Ann. [§80-2-302](#) requires Child and Family Services to prepare a "family impact statement" whenever it adopts a new Administrative Rule.

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

**ADOPTIVE/FOSTER CARE FAMILY:** A family licensed to provide out-of-home care by the Office of Licensing and who has completed all Child and Family Services 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.

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

850  
851 **APPROPRIATENESS OF PLACEMENT:** A child's home community, the one that involves  
852 the birth family, culture, village, or neighborhood, closest to school and peer group is the least  
853 restrictive environment for a child. A child should be supported and maintained in his or her  
854 home community. If a child's life is temporarily disrupted due to resolvable safety problems in  
855 the family home or by needs that require specialized treatment for a specific and limited time in  
856 another location, the child should be restored with necessary supports as quickly as possible to  
857 his or her natural community. If a child's home and family situation does not permit the child to  
858 return home after removal for safety reason, then that child should be provided a safe,  
859 appropriate, and permanent home as quickly as possible so that natural social supports can be  
860 developed for that child in a new home, neighborhood, school, and community.

861  
862 **ARRANGED MARRIAGE:** Any marriage, legal or otherwise, that is arranged, coerced, or  
863 threatened, and which involves a child and an adult, including (but not limited to) an adult who is  
864 a member of the child's immediate or extended family.

865  
866 **AAG:** Acronym for Assistant Attorney General. The AAG is an attorney that represents Child  
867 and Family Services.

868  
869 **BABY DOE:** A medically disabled infant with life-threatening conditions for whom medically  
870 indicated treatment is withheld. (This is a federal statutory definition and *does not* apply to or  
871 mean an infant abandoned by the parent.)

872  
873 **BASIC LIFE SKILLS TRAINING:** Education that each youth age 16 and older will receive  
874 prior to leaving out-of-home care.

875  
876 **BCI:** Acronym for the Bureau of Criminal Identification.

877  
878 **CANR:** Acronym for the Child Abuse and Neglect Report.

879  
880 **CAREGIVER FUNCTIONING:** The caregivers' capacity, availability, and willingness to meet  
881 the child's basic care and developmental needs reliably on a daily basis. Expectation of adequate  
882 caregiver functioning and support apply to children living in out-of-home care with a relative,  
883 living in a foster home, and to care staff in group-living situations.

884  
885 **CAREGIVER SUPPORT:** Substitute caregivers include kinship caregivers, foster and  
886 adoptive resource families, and any persons who provide parenting, assistance, supervision, and  
887 physical care for a child or youth in a temporary place of residence. Provisions of caregiver  
888 supports and in-home services should enable the caregiver to participate in assessment of needs,  
889 selection of providers, and scheduling. To be effective and satisfactory, supports should be  
890 culturally compatible and of an intensity commensurate with the needs of the child and



891 caregiver. To be adequate, caregiver supports should be accessible when needed, dependable  
892 when used, functional for the home, and seen as support by caregivers.

893  
894 **CASE CREATION:** A process through SAFE where all case types, other than CPS, can be  
895 created in another child welfare program.

896  
897 **CHAFEE:** Refers to the Chafee Foster Care Independence Act 1999, which provides states with  
898 flexible funding that enables programs to be designed and conducted specifically for preparing  
899 youth to become self-sufficient upon leaving state’s custody.

900  
901 **CHEC:** Acronym for Child Health Evaluation and Care, Utah's version of the federally  
902 mandated Early Periodic Screening, Diagnosis and Treatment (EPSDT) program. The program  
903 ensures that eligible children receive: 1) routine periodic health examinations, Well Child Care  
904 and, 2) needed treatment or follow-up services that are medically necessary. It also refers to the  
905 type of extensive physical assessment required, as mandated by the Medicaid Services Manual.

906  
907 **CHILD:** For Child and Family Services purposes, a person under 18 years of age. [See: Utah  
908 Code Ann. [§80-2-102](#) and [§15-2-1.](#)] Please note, however, that some criminal justice statutes  
909 define a child or minor differently for purposes of particular sexual offenses. [See: Utah Code  
910 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](#),  
911 [§76-5-403.1](#), [§76-5-404](#), and [§76-5-404.1](#).] In appropriate circumstances, those statutes may  
912 apply. [See also: The definition of Native American Child.]

913  
914 **CHILD AND FAMILY ASSESSMENT (formerly Functional Assessment):** Information that  
915 is gathered from various sources as appropriate to the child’s situation that includes a  
916 combination of clinical, functional, and information assessment techniques used to determine the  
917 strengths, capabilities, needs, risks, and lifestyle preferences of the child and family. Once  
918 gathered, the information should be analyzed and synthesized to form a comprehensive “big  
919 picture view” of the child and his or her social support networks at home, at school, and in the  
920 community. Members of the Child and Family Team, working together, should synthesize their  
921 assessment knowledge to form a common big picture view that provides shared understanding of  
922 the child’s situation. This provides a common core of team intelligence for unifying efforts,  
923 planning joint strategies, sharing resources, finding what works, and achieving a good mix and  
924 match of supports and services for the child and family. Developing and maintaining a useful  
925 big picture view is a dynamic, ongoing process for the Child and Family Team.

926  
927 **CHILD AND FAMILY PARTICIPATION:** The child and family’s sense of personal  
928 ownership in the plan and decision process. The child and family’s active participation in  
929 shaping and directing service arrangement that impacts their lives. Emphasis is placed on direct  
930 and ongoing involvement of key family members in all phases of service delivery: assessment,  
931 planning, selection of providers, monitoring, modifications, and evaluation.

932  
933 **CHILD AND FAMILY PLANNING PROCESS:** The Child and Family Plan specifies the  
934 goals, roles, strategies, resources, and schedules for coordinated provision of assistance,



935 supports, supervision, and services for the child, caregiver, and teacher. For the child to be  
936 successful at home and school, special supports may be necessary for the primary caregiver at  
937 home and for the teacher at school. The child and family planning process is of essence here -  
938 not just the written document. The plan needs to be developed by the team based upon the big  
939 picture assessments; reflect the views and preferences of the child and family, be directed toward  
940 the achievement of strategic goals and success of the child; be coherent in design, prudent in the  
941 use of natural and professional resources; be culturally appropriate; and be modified frequently,  
942 based on changing circumstances, experience gained, and progress made. The written Child and  
943 Family Plan is the collective intentions of the Child and Family Team that simply states the path  
944 and process to be followed.

945  
946 **CHILD AND FAMILY TEAM:** The child, their family, the Child and Family Services social  
947 worker, and the out-of-home provider are primary members of a Child and Family Team. Other  
948 entities that may be included to provide additional support include representatives from  
949 education, health care, law enforcement, the GAL, the parents' attorney, the Attorney General,  
950 and other supportive individuals as designated by the family.

951  
952 **CHILD AND FAMILY TEAM COORDINATION:** The collaboration of all parties involved  
953 in the child and family's life toward a common objective. Child and Family Team members can  
954 be a teacher, therapist, tracker, GAL, daycare provider, peer parent, health care provider, and  
955 other paid service providers. Parents, family members, neighbors, and others can also be part of  
956 a Child and Family Team. Collectively, the team should have the technical and cultural  
957 competence, family knowledge, and authority to act in behalf of funders and to commit resources  
958 and ability to flexibly assemble supports and resources in response to specific needs.

959  
960 **CHILD AND FAMILY SERVICES DOMESTIC VIOLENCE WORKER:** A Child and  
961 Family Services employee who has been designated by the Child and Family Services region to  
962 specialize in domestic violence cases and who has the following qualifications: (a) expertise in  
963 the dynamics of domestic violence; (b) experience working with domestic violence perpetrators  
964 and victims; (c) a working knowledge of the child welfare system, the criminal justice system,  
965 and the court system as they relate to domestic violence; (d) familiarity with local domestic  
966 violence services and community resources; and (e) a Bachelor's Degree and Social Service  
967 Worker license.

968  
969 **CHILD AND FAMILY SERVICES FAMILY SERVICES CASEWORKER:** A person  
970 employed by or contracted with Child and Family Services to provide professional casework,  
971 case management, contract management, or direct service and contract management  
972 supervision. The person will have, at a minimum, a Bachelor's Degree, but may not have met  
973 the requirements to be a licensed worker.

974  
975 **CHILD AND FAMILY SERVICES INTAKE WORKER:** A person employed by Child and  
976 Family Services who processes referrals concerning child abuse, neglect, or dependency. Intake  
977 workers must possess solid communication, interpersonal, and assessment skills.

978

979 **CHILD FATALITY:** A child's death.

980

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

983

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

987

988 A. The production of the visual depiction involves the use of a minor engaging in sexually  
989 explicit conduct;

990

991 B. The visual depiction is of a minor engaging in sexually explicit conduct; or

992

993 C. The visual depiction has been created, adapted, or modified to appear that an identifiable  
994 minor is engaging in sexually explicit conduct.

995

996 **CHILD VICTIM:** A person under the age of 18 years, or a person under the age of 21 years  
997 and in the custody of Child and Family Services, who has been subjected to abuse, neglect, or  
998 dependency.

999

1000 **CHILD WITH SPECIAL HEALTH CARE NEEDS:** A children who has or is at an increased  
1001 risk of having a chronic physical, developmental, behavioral, or emotional condition and who  
1002 also require health and related services of a type or amount beyond that required by children  
1003 generally.

1004

1005 **CHILD WITH SPECIAL NEEDS:** A child who cannot or should not be returned to the home  
1006 of the parents (as determined by the state), with one of the following:

1007

1008 A. Child 0-17 years of age with a documented physical, emotional, or mental disability, or  
1009 may be at risk to develop such a condition due to the birth parents health and social  
1010 history.

1011

1012 B. Child five years of age or older.

1013

1014 C. Member of a sibling group placed together for adoption.

1015

1016 **CHILD WITNESS TO DOMESTIC VIOLENCE:** In the physical presence of a child or is  
1017 present and may see or hear an act of domestic violence. [*See:* Utah Code Ann. [§76-5-114.](#)]

1018

1019 **CHRONIC ABUSE:** Repeated or patterned abuse. (NOTE: Chronic abuse may be identified  
1020 from the first referral.) [*See:* Utah Code Ann. [§80-2-102.](#)]

1021

1022 **COHABITANT:** An emancipated minor or a person 16 years of age or older who:

- 1023
- 1024 A. Is or was a spouse of the other party.
- 1025
- 1026 B. Is or was living as if a spouse of the other party.
- 1027
- 1028 C. Is related by blood or marriage to the other party.
- 1029
- 1030 D. Has or had one or more children in common with the other party.
- 1031
- 1032 E. Is the biological parent of the other party's unborn child.
- 1033
- 1034 F. Resides or has resided in the same residence as the other party.
- 1035
- 1036 The term "cohabitant" does *not* refer to:
- 1037
- 1038 A. The relationship of a natural parent, adoptive parent, or stepparent to a minor.
- 1039
- 1040 B. The relationship between natural, adoptive, step, or foster siblings who are under 18 years
- 1041 of age.
- 1042
- 1043 [See: Utah Code Ann. [§78B-7-102](#) and Administrative Rule [R512-205](#).]
- 1044
- 1045 **COLLATERAL CONTACT:** Any individual, other than the alleged perpetrator, who has had
- 1046 direct contact with or knowledge of the child or the child's family.
- 1047
- 1048 **COMMUNITY DOMESTIC VIOLENCE SPECIALIST:** A domestic violence specialist such
- 1049 as one who is employed by a domestic violence shelter or victim advocate program and who has
- 1050 the following qualifications: (a) expertise in the dynamics of domestic violence; (b) experience
- 1051 working with domestic violence perpetrators and victims; (c) a working knowledge of the child
- 1052 welfare system, the criminal justice system, and the court system as they relate to domestic
- 1053 violence; and (d) familiarity with local domestic violence services and community resources.
- 1054 [See: The definition of Child and Family Services Domestic Violence (DV) Worker.]
- 1055
- 1056 **CONCURRENT PERMANENCY PLANNING:**
- 1057 A. Planning for different permanency outcomes at the same time.
- 1058
- 1059 B. Is a means to support and expedite efforts to achieve permanence for a child within one
- 1060 year—a time frame that reflects a child's sense of the passage of time.
- 1061
- 1062 C. Offers a structured approach to moving children quickly from the uncertainty of out-of-
- 1063 home care to the stability and security of a permanent family.
- 1064
- 1065 D. Starts with the first interaction with the child or the family
- 1066

1067 **CONFLICT OF INTEREST:** A situation in which the worker or Child and Family Services  
1068 has a personal or professional relationship with a subject of the record (including the alleged  
1069 victim or the alleged perpetrator). Utah Code Ann. [§80-2-703](#) requires that an agency other  
1070 than Child and Family Services will investigate allegations of abuse, neglect, or dependency that  
1071 involve individuals, institutions, or facilities that Child and Family Services supervises, governs,  
1072 or directs.

1073  
1074 **CORRUPTION:** A situation where a child is victimized by being associated with, or involved  
1075 in, an immoral or illegal action (e.g., a parent teaching a child to shoplift; or a parent providing  
1076 the child with or allowing access to alcohol or drugs for consumption).

1077  
1078 **CPS:** Acronym for Child Protective Services.

1079  
1080 **CREDIBLE EVIDENCE:** Information that is believable and plausible. [See: The definition of  
1081 Evidence.]

1082  
1083 **CUSTODIAN:** A person who has legal custody of a child or a person responsible for a child's  
1084 care as defined in Utah Code Ann. [§80-1-102](#).

1085  
1086 **CUSTODY:** [See: The definitions of DHHS Custody, Legal Custody, Protective Custody,  
1087 Temporary Custody, and Voluntary Custody.]

1088  
1089 **CUSTODY START DATE:** Same as Date of Removal.

1090  
1091 **DATE OF REMOVAL:** The date the child was initially removed from his or her biological  
1092 home or the earliest of the protective custody date, the temporary custody date, and the  
1093 adjudicated custody dates.

1094  
1095 **DATING VIOLENCE:** Verbal, emotional, psychological, physical, or sexual abuse of one  
1096 person by another in a dating relationship. [See: Utah Code Ann. [§57-22-5.1](#).]

1097  
1098 **DCFS:** Acronym for the Utah Division of Child and Family Services.

1099  
1100 **DHHS:** Acronym for the Utah Department of Health & Human Services.

1101  
1102 **DHHS CUSTODY:** A relationship in which the court grants custody of a child to DHHS.

1103  
1104 **DISPOSITIONAL HEARING:** A hearing to determine the placement of the child and the  
1105 status of legal custody and guardianship, establish the primary permanency goal, and based on  
1106 the goal, whether reunification services will be provided. In addition to the primary goal, the  
1107 court will establish the concurrent permanency goal. [See: Utah Code Ann. [§80-3-406](#).]

1108  
1109 **DISPOSITION OF A CPS REFERRAL:** When Intake makes a determination that a referral  
1110 will be accepted or unaccepted.

1111  
1112 **DISRUPTION (OF AN ADOPTION):** Ending an adoptive placement before the adoption is  
1113 final.

1114  
1115 **DISSOLUTION (OF AN ADOPTION):** Undoing the adoption after it is final. [*See also:*  
1116 Voluntary Relinquishment.]

1117  
1118 **DOMESTIC VIOLENCE:** Utah Code Ann. [§77-36-1](#) defines domestic violence as any  
1119 criminal offense involving violence or physical harm or threat of violence or physical harm, or  
1120 any attempt, conspiracy, or solicitation to commit a criminal offense involving violence or  
1121 physical harm, when committed by one cohabitant against another. Domestic violence also  
1122 means commission or attempt to commit any of the following offenses by one cohabitant against  
1123 another: (a) aggravated assault, as described in Utah Code Ann. [§76-5-103](#); (b) assault, as  
1124 described in Utah Code Ann. [§76-5-102](#); (c) criminal homicide, as described in Utah Code Ann.  
1125 [§76-5-201](#); (d) harassment, as described in Utah Code Ann. [§76-5-106](#); (e) electronic  
1126 communication harassment, as described in Utah Code Ann. [§76-9-201](#); (f) kidnapping, child  
1127 kidnapping, or aggravated kidnapping, as described in Utah Code Ann. [§76-5-301](#), [§76-5-301.1](#),  
1128 and [§76-5-302](#); (g) mayhem, as described in Utah Code Ann. [§76-5-105](#); (h) sexual offenses, as  
1129 described in Title 76, Chapter 5, Part 4, Sexual Offenses, and Utah Code Ann. [§76-5b-201](#); (i)  
1130 stalking, as described in Utah Code Ann. [§76-5-106.5](#); (j) unlawful detention, as described in  
1131 Utah Code Ann. [§76-5-304](#); (k) violation of a protective order or ex parte protective order, as  
1132 described in Utah Code Ann. [§76-5-108](#); (l) any offense against property described in Title 76,  
1133 Chapter 6, Part 1, Property Destruction, Part 2, Burglary and Criminal Trespass, or Part 3,  
1134 Robbery; (m) possession of a deadly weapon with intent to assault, as described in Utah Code  
1135 Ann. [§76-10-507](#); (n) discharge of a firearm from a vehicle, near a highway, or in the direction of  
1136 any person, building, or vehicle, as described in Utah Code Ann. [§76-10-508](#); (o) disorderly  
1137 conduct, as defined in Utah Code Ann. [§76-9-102](#), if a conviction of disorderly conduct is the  
1138 result of a plea agreement in which the defendant was originally charged with any of the  
1139 domestic violence offenses otherwise described in this subsection (conviction of disorderly  
1140 conduct as a domestic violence offense, in the manner described herein, does not constitute a  
1141 misdemeanor crime of domestic violence under 18 U.S.C. Section 921, and is exempt from the  
1142 provision of the federal Firearms Act, 18 U.S.C. Section 921, et seq.); or (p) child abuse as  
1143 described in Utah Code Ann. [§76-5-109.1](#). Domestic violence can take a variety of forms,  
1144 including:

- 1145
- 1146 A. Physical violence, including such aggressive behavior as hitting, pushing, choking,  
1147 scratching, pinching, restraining, slapping, pulling, hitting with weapons or objects,  
1148 shooting, stabbing, damaging property or pets, or threatening to engage in such  
1149 aggressive behavior.
  - 1150
  - 1151 B. Psychological violence, such as intense and repetitive degradation, creating isolation, or  
1152 detrimentally controlling the actions or behavior of another person through intimidation  
1153 or manipulation.
- 1154

1155 C. Sexual violence, such as sexual harassment, limiting reproductive freedom, infliction of  
1156 pain during sexual intimacy, or the use or threat of physical force to make a cohabitant  
1157 perform a sexual act.  
1158

1159 [See: [Section 600](#), Domestic Violence.]  
1160

1161 **DOMESTIC VIOLENCE PERPETRATOR:** Any adult who commits an act of domestic  
1162 violence against another cohabitant.  
1163

1164 **DOMESTIC VIOLENCE SERVICES:** Utah Code Ann. [§80-2-102](#) states domestic violence  
1165 services means: (a) temporary shelter, treatment, and related services to a person who is a victim  
1166 of abuse, as defined in Utah Code Ann. [§78B-7-102](#) and the dependent children of a person  
1167 described in subsection (12)(a)(i), as well as treatment services for a person who is alleged to  
1168 have committed, has been convicted of, or has pled guilty to an act of domestic violence as  
1169 defined in Utah Code Ann. [§77-36-1](#). Domestic violence services delivered to adult and youth  
1170 victims of family violence, domestic violence, or dating violence, and their dependents are  
1171 designed to meet the needs of victims for short-term, transitional, or long-term safety and  
1172 provide counseling, advocacy, or assistance for victims. Services are typically provided by a  
1173 licensed domestic violence shelter provider, a licensed domestic violence treatment provider, a  
1174 victim advocate, or a similar domestic violence facility or specialist.  
1175

1176 **DOMESTIC VIOLENCE SHELTER:** A program for survivors of domestic violence and their  
1177 children where survivors and their children receive refuge from their abusers in a facility whose  
1178 location is kept confidential to prevent the abuser from locating the survivor. Shelter services  
1179 available to survivors and their children may include emergency housing, help with basic living  
1180 needs, food, childcare, and other support services (i.e., support groups, referrals to community  
1181 resources).  
1182

1183 **DOMESTIC VIOLENCE SURVIVOR/VICTIM:** An adult who has been subjected to  
1184 domestic violence.  
1185

1186 **DNR:** Acronym for a Do Not Resuscitate order.  
1187

1188 **DSM:** Diagnostic and Statistical Manual of Mental Disorders.  
1189

1190 **DSPD:** Acronym for the Division of Services for People With Disabilities. The branch of Utah's  
1191 DHHS that provides support to individuals with disabilities and their families.  
1192

1193 **DUI:** Acronym for Driving Under the Influence.  
1194

1195 **EFFECTIVE RESULTS:** Services are provided to achieve specific results and benefits for the  
1196 child and family. These results should include improved functioning, achievement of outcomes  
1197 consistent with the long-term view, and improved learning. If intervention strategies and  
1198 services are not producing these results, then strategies and services should be modified over



1199 time as experience is gained about what expectations are reasonable and what interventions  
1200 actually work.

1201  
1202 **EMANCIPATED MINOR:** Under Utah Code Ann. [§15-2-1](#), a minor who marries is  
1203 automatically emancipated. A minor may also be deemed emancipated by court order. The  
1204 court looks at specific facts, including enlisting in the armed forces or leaving the parental home  
1205 and becoming self-supporting.

1206  
1207 **EMERGENCY KINSHIP PLACEMENT:** *See* Preliminary Placement with Kin.

1208  
1209 **EMOTIONAL/BEHAVIORAL WELL-BEING:** The child has social supports in the home  
1210 and school settings that provide the child with a sense of: identity that connotes feelings of  
1211 personal worth, belonging and affiliation with others in his or her support network, being capable  
1212 of participating in major life activities and decisions that affect him or her, feeling that his or her  
1213 life has meaning, purpose, and direction, and being part of his or her culture and its social  
1214 supports.

1215  
1216 **ESTABLISHED PRIMARY CARE PROVIDER:** An individual or group who has seen the  
1217 child at least once, has an established relationship with child or family, and wants to continue  
1218 having a relationship with that child.

1219  
1220 **ETV:** Acronym for Education and Training Voucher, which provides financial resources for  
1221 postsecondary education and vocational training necessary to obtain employment or to support  
1222 the individual's employment goals.

1223  
1224 **EVIDENCE:** Testimony, writings, or material objects that are offered to prove the existence or  
1225 non-existence of a fact.

1226  
1227 **F.A.C.T.:** Acronym for Families, Agencies and Communities Together. F.A.C.T. is a  
1228 committee of community service agencies that can provide a wide range of assistance to  
1229 families.

1230  
1231 **FACE-TO-FACE CONTACT:** In-person contact with a child to assess safety and any  
1232 protection needs for the child.

1233  
1234 **FALSE REPORT:** A report of abuse or neglect made to Child and Family Services by a  
1235 reporter (referent) who more likely than not knew the report was false at the time that person  
1236 submitted the report. [*See:* Utah Code Ann. [§80-2-611](#).]

1237  
1238 **FAMILY FOSTER CARE:** A living arrangement offered and supervised by Child and Family  
1239 Services for children who are under age 21 years at time of intake and are unable to receive  
1240 needed parental care in their own home but are able to participate in family and community life  
1241 without danger to themselves or others.

1242

1243 **FAMILY FUNCTIONING AND RESOURCEFULNESS:** The ability of the family to  
1244 become self-directed and to build the capacities necessary for its members to live safely and for  
1245 the family unit to function successfully with basic and special needs of all members adequately  
1246 met.

1247  
1248 **FAMILY SERVICE SPECIALIST:** Reviews cases with Child and Family Services social  
1249 workers prior to removal to determine if there is substantial cause to believe grounds for removal  
1250 exist and that services are not reasonably available to eliminate the need for removal. A Child  
1251 and Family Services CPS caseworker need not review a case with a family service specialist if,  
1252 in the Child and Family Services CPS caseworker's opinion, that process would create a delay  
1253 that may endanger the health, safety, or welfare of the child.

1254  
1255 Criteria for selection of the family service specialist is as follows:

- 1256  
1257 A. Region directors will select family service specialists from existing staff based on the  
1258 following:
- 1259 1. Be a lead worker or above.
  - 1260 2. Have at least five years of child welfare experience.
  - 1261 3. Have an LCSW with at least three years of child welfare experience.
  - 1262 4. Complete the family service specialist training.
- 1263  
1264 B. Staff selected as family service specialists will be placed on a calling tree that will be  
1265 made available to workers 24 hours per day. Regions may develop calling trees for the  
1266 entire region, local offices, counties, or any other configuration that is workable for the  
1267 region.
- 1268 1. During business hours, workers may be directed to call their own supervisor first;  
1269 however, if their supervisor is not available, the calling tree will provide other  
1270 staffing options.
  - 1271 2. During non-business hours, staff on the calling tree will not be required to carry a  
1272 pager or cell phone, but must provide a phone number where they can be reached.  
1273 Workers will call down the calling tree until they reach a family service specialist.  
1274 The family service specialist will be allowed to claim time actually worked during  
1275 non-business hours.
  - 1276 3. If a region already has a supervisor available for an on-call system, their system  
1277 will not change if the supervisor meets the criteria for a family service specialist  
1278 listed in subparagraph A above.
- 1279  
1280 C. Calling trees should be updated as needed with staff changes.

1281  
1282 **FAMILY VIOLENCE:** Any act or threatened act of violence, including any forceful detention  
1283 of an individual that results or threatens to result in physical injury and is committed by a person  
1284 against another individual (including an elderly individual) to or with whom such person is  
1285 related by blood, or is or was related by marriage or is or was otherwise legally related, or is or  
1286 was lawfully residing.



1287  
1288 **FETAL ALCOHOL SPECTRUM DISORDER (FASD):** A broader array of impairments than  
1289 are reported for children suffering from Fetal Alcohol Syndrome. In FASD children exposed to  
1290 alcohol in the womb may exhibit one or more of the following characteristics or behaviors: (a)  
1291 Inadequate growth in the womb or after birth; (b) Facial abnormalities such as small eye  
1292 openings; (c) Poor coordination; (d) Hyperactive behavior; (e) Learning disabilities (e.g., speech  
1293 and language delays); (f) Mental retardation or low IQ; (g) Poor reasoning and judgment skills;  
1294 (h) Poor impulse control; or (i) Sleep and sucking disturbances in infancy.

1295  
1296 **FINALIZATION:** A court of law has decreed that the adoption is final.

1297  
1298 **FORMAL AND INFORMAL SUPPORT SYSTEMS:** Informal support is the offerings of  
1299 friends, neighbors, churches, and community agencies that can range from volunteer reading  
1300 tutors to after school supervision, recreational activities, assisting with transportation or keeping  
1301 appointments, etc. Professional services may be donated, offered through health care plans, or  
1302 funded by government agencies. A combination of supports and services may be necessary to  
1303 assist the child, family, and teacher. Selection of basic supports should begin with information  
1304 family network supports and generic community resources available to all citizens. Specialized  
1305 and tailor made supports and services should be developed or purchased, only when necessary, to  
1306 supplement rather than supplant readily available supports and services of satisfactory nature.

1307  
1308 **FULL DISCLOSURE:** Respectful, candid discussion early and throughout the case about the  
1309 impact of out-of-home care on children, clarification of birth parents' rights and responsibilities,  
1310 supports agency will provide, permanency options, and consequences of not following through  
1311 with the case plan. This includes open, honest discussions with all parties – biological families,  
1312 relatives, foster/adoptive families, attorneys, and other service caregivers with the use of family  
1313 group decision-making/conferencing strategies to involve families in early planning.

1314  
1315 **FULL FAITH AND CREDIT:** A legal principle requiring judges to recognize and enforce  
1316 valid orders, decrees, and judgments issued by courts in other states. For example, Utah courts  
1317 recognize a protective order from another state.

1318  
1319 **GAF:** Acronym for Global Assessment of Functioning Scale.

1320  
1321 **GAL:** Acronym for Guardian ad Litem. The court may appoint a GAL to represent the best  
1322 interests of a child involved in a case before the court. Out-of-home providers are encouraged to  
1323 contact the child's GAL about any concerns that the child's needs are not being met.

1324  
1325 **GENITAL MUTILATION:** Performing or facilitating female genital mutilation as defined in  
1326 Utah Code Ann. [§76-5-701](#).

1327  
1328 **GRAMA:** Acronym for Government Records Access Management Act, a Utah statute that  
1329 allows members of the public to obtain copies of certain government records. If a person  
1330 submits a written request for a Child and Family Services record, GRAMA requires Child and

1331 Family Services to disclose the record *unless* such disclosure is prohibited by GRAMA itself  
1332 (e.g., Utah Code Ann. [§63G-2-302](#), [§63G-2-304](#) and [§63G-2-305](#)) or by another state or federal  
1333 statute (e.g., Utah Code Ann. [§80-2-1005](#)). Many of Child and Family Services' records are  
1334 not open to the public due to their classification under GRAMA or other statutes.

1335  
1336 **GUARDIANSHIP OF THE PERSON:** The guardian (caregiver or responsible adult) has the  
1337 authority to consent to the child's marriage; enlistment in the armed forces; major medical,  
1338 surgical, or psychiatric treatment; and to legal custody, if legal custody is not vested in another  
1339 person, agency, or institution. [See: Utah Code Ann. [§80-1-102](#).]

1340  
1341 **HARM:** Harm is defined in Utah Code Ann. [§80-1-102](#). Harm also includes, but is not limited  
1342 to, any injury or condition described in Utah Code Ann. [§76-5-109](#). [See also: The definition of  
1343 Threatened Harm.]

1344  
1345 **HCG:** Urine Pregnancy Test.

1346  
1347 **HEALTH CARE:** Services including medical, dental, and mental health services.

1348  
1349 **HEALTH/PHYSICAL WELL-BEING:** The child's basic physical needs for proper nutrition,  
1350 clothing, shelter, and hygiene are met on a daily basis. Preventive medical and dental care is  
1351 necessary for maintaining good health. Preventive health care should include immunizations,  
1352 dental hygiene, and screening for possible physical or developmental problems. Physical well-  
1353 being encompasses both the child's physical health status and access to timely health services.

1354  
1355 **HEARSAY:** An out-of-court statement that is offered to prove the truth of the matter. NOTE:  
1356 Utah statute, the Utah Rules of Criminal Procedure, and the Utah Rules of Evidence classify  
1357 certain types of statements as "non-hearsay" or as otherwise admissible as evidence. Hearsay  
1358 evidence is admissible at an Administrative Hearing.

1359  
1360 **HIV:** Human Immunodeficiency Virus.

1361  
1362 **HMO:** A Health Maintenance Organization.

1363  
1364 **HOME-TO-HOME BOOK:** The child's Home-to-Home Book will be maintained to preserve  
1365 vital information about the child's events and activities during the time the child spent in care  
1366 such as educational, medical, dental, and mental health. The Home-to-Home Book will be  
1367 reviewed by the worker quarterly.

1368  
1369 **HVR:** Health Visit Report, HVR-Child and Family Services Form 984.

1370  
1371 **ICWA:** Acronym for the Indian Child Welfare Act. ICWA is the federal statute that establishes  
1372 certain standards and procedures that a state non-Native American authority must follow when  
1373 removing a Native American child from a care provider and placing the child in the state's  
1374 temporary custody.

1375  
1376 **ICWA KINSHIP/RELATIVE DEFINITION:** An "extended family member" is defined by the  
1377 law or custom of the Native American child's tribe, or in the absence of such law or custom, is  
1378 any person who has reached the age of 18 years and who is the Native American child's  
1379 grandparent, aunt or uncle, brother or sister, brother-in-law or sister-in-law, niece or nephew,  
1380 first or second cousin, or stepparent. [*See*: 25 U.S.C. §1903.]

1381  
1382 **IMMEDIATE PROTECTION SAFETY ASSESSMENT:** An organized protocol of assessing  
1383 the immediate protection and safety needs of the alleged victim at the worker's initial contact.  
1384

1385 **INCEST:** Engaging in sexual intercourse with a person whom the perpetrator knows to be the  
1386 perpetrator's ancestor, descendant, brother, sister, siblings by marriage (while the marriage  
1387 exists), siblings by adoption, uncle, aunt, nephew, niece, or first cousin. The relationships cited  
1388 above include blood relationships of the whole or half blood, without regard to legitimacy;  
1389 relationships of parent and child by adoption; and relationships of stepparent and stepchild while  
1390 the marriage creating the relationship of a stepparent and stepchild exists. Incest includes  
1391 providing or making available seminal fluid or a human egg and other conduct specified in Utah  
1392 Code Ann. [§76-7-102](#) and [§80-1-102](#). [*See also*: The definitions of Sexual Abuse and Sexual  
1393 Intercourse.]

1394  
1395 **INDECENT LIBERTIES:** Touching the actor's genitals, anus, buttocks, pubic area, or female  
1396 breast against any part of the body of the victim; causing the victim to touch the actor's or  
1397 another's genitals, pubic area, anus, buttocks, or female breast; simulating or pretending to  
1398 engage in sexual intercourse with the victim, including genital-genital, oral-genital, anal-genital,  
1399 or oral-anal intercourse. [*See*: Utah Code Ann. [§76-5-416](#)].

1400  
1401 **INTAKE:** The process of receiving the initial information from a referent who is alleging an act  
1402 of abuse, neglect, or dependency against a child, researching for additional information, and  
1403 disposition of the referral including determining appropriate assignment and prioritization of an  
1404 accepted referral.

1405  
1406 **IPSA:** Acronym for an Individual Protection Safety Assessment.

1407  
1408 **JUDICIAL REVIEW:** A court review of agency actions. This review may be in Juvenile Court  
1409 and relate to Child and Family Services actions in a case under court jurisdiction. The review  
1410 may also relate to review of a final decision from and administrative law judge in an  
1411 administrative hearing.

1412  
1413 **KINSHIP:** The relationship of family members or near kin who are a fit, safe, and appropriate  
1414 placement for the alleged primary victim or siblings and is an adult who is a grandparent, great  
1415 grandparent, aunt, great aunt, uncle, great uncle, brother-in-law, sister-in-law, stepparent, first  
1416 cousin, stepsibling, or sibling of the child. Preference may be given to kin or a non-custodial  
1417 parent who are a fit, safe, and appropriate placement for an emergency kinship placement in  
1418 accordance with Utah Code Ann. [§80-3-302](#). Kinship placement may be an alternative to an out-

1419 of-home care placement. The child in a kinship placement may be in the custody of Child and  
1420 Family Services or in the custody of relatives. [See also: The definition of ICWA  
1421 Kinship/Relative Definition.] [See also: Utah Code Ann. [§80-3-102](#), which defines the term  
1422 "relative" to include such "extended family members" and great grandparents, great aunts, great  
1423 uncles, and stepsiblings.]

1424  
1425 **KINSHIP CARE:** The full-time care, nurturing, and protection of a child by relatives when a  
1426 court determines the child cannot be cared for safely by their parents.

1427  
1428 **LEARNING DEVELOPMENT PROGRESS** (for children under age five years): The child is  
1429 actively engaged in developmental and educational processes that enable the child to develop the  
1430 skills and functional capabilities at a rate and level consistent with his or her age and abilities.  
1431 Essential functional capabilities include: walking/mobility, talking/communicating, toileting,  
1432 following simple and more complex directions, independent/parallel/cooperative play,  
1433 independent dressing, color recognition, etc. Children who have developmental delays or  
1434 physical limitations should be receiving the necessary support to maximize their development.

1435  
1436 **LEARNING PROGRESS** (for children age five years and older): The child is a learner who is  
1437 actively engaged in developmental, educational, and/or vocational processes that are enabling  
1438 him or her to build skills and functional capacities at a rate and level consistent with his or her  
1439 age and abilities. Learning progress is concerned not only with academic progress and  
1440 achievement test scores, but also with acquisition and demonstration of functional capabilities  
1441 that include self-care, mobility, communications, literacy, self-direction, caring relationships,  
1442 community orientation, citizenship participation, employability, and independent living. The  
1443 ultimate concern is whether the child is learning and progressing at a rate that will enable him or  
1444 her to become a responsible, competent, contributing citizen upon completion of public school.

1445  
1446 **LEGAL CUSTODY:** A relationship embodying the following rights and duties:

- 1447
- 1448 A. The right to physical custody of the child.
  - 1449
  - 1450 B. The right and duty to protect, train, and discipline the child.
  - 1451
  - 1452 C. The duty to provide the child with food, clothing, shelter, education, and ordinary  
1453 medical care.
  - 1454
  - 1455 D. The right to determine where and with whom the child will live.
  - 1456
  - 1457 E. The right, in an emergency, to authorize surgery or extraordinary care.
  - 1458

1459 [See: Utah Code Ann. [§80-1-102](#).]  
1460

1461 **LICENSED SOCIAL SERVICES WORKER:** A Bachelor's Degree worker with a Social  
1462 Service Worker (SSW) license, or a Master's level (CSW, LCSW, LPC, or MFT) license.  
1463 Advanced Master's level licenses have additional clinical-based requirements.  
1464

1465 **LIFE BOOK:** A record of the child's personal history from birth, including the child's time in  
1466 out-of-home care.  
1467

1468 **LONG-TERM KINSHIP CARE:** Care provided, subsequent to the permanency hearing, to a  
1469 child by a relative who is a licensed foster parent. At the permanency hearing, the court must  
1470 identify and document, on an individual basis, a "compelling reason" that return home, adoption,  
1471 or permanent custody and guardianship with the relative is not in the best interest of the child.  
1472 The child remains in the custody of Child and Family Services and is subject to the continuing  
1473 supervision of the court.  
1474

1475 **LONG-TERM VIEW:** The long-term view is a guiding strategic vision used to set the purpose  
1476 and path of intervention and support. It is used to focus a coherent Child and Family Plan and  
1477 process. A long-term view anticipates and defines what the child must have, know, and be able  
1478 to do in order to be successful following his or her next major developmental or placement  
1479 transitions. The long-term view must answer the question of where the case is headed and why.  
1480

1481 **MEDICALLY FRAGILE:** A child who has an extraordinary, diagnosed health condition and  
1482 meets one or more of the following criteria:  
1483

1484 A. Chronic debilitating condition.  
1485

1486 B. Acute condition(s) requiring three or more follow-up visits per month for three  
1487 consecutive months.  
1488

1489 C. At risk for developing an acute condition and requiring extensive monitoring.  
1490

1491 **MEDICALLY NEEDY:** A child whose condition warrants additional treatment, therapy,  
1492 and/or excessive follow-up care (may be transitional). The child is between the ages of 0-18  
1493 years and suffers from physical and/or mental debilitation inhibiting his or her growth and  
1494 development and/or whose condition requires specialized skill by another to meet his or her daily  
1495 living activities, which include:  
1496

1497 A. Nutrition.  
1498

1499 B. Sleep.  
1500

1501 C. Elimination.  
1502

1503 D. Ambulation.  
1504

1505 E. Socialization.

1506

1507 **MEPA:** The Multi-Ethnic Placement Act that prohibits the use of a child's or a prospective  
1508 parent's race, color, or national origin to delay or deny the child's placement and by requiring  
1509 diligent efforts to expand the number of racially and ethnically diverse foster and adoptive  
1510 parents.

1511

1512 **METHAMPHETAMINE:** A potent central nervous system stimulant that can be smoked,  
1513 snorted, injected, taken orally, or used in suppository form. It increases the heart rate, blood  
1514 pressure, body temperature, and rate of breathing; it dilates the pupils; and it produces euphoria,  
1515 increased alertness, a sense of increased energy, and tremors. High doses or chronic use have  
1516 been associated with increased nervousness, irritability, and paranoia. Withdrawal from high  
1517 doses often produces severe depression. Methamphetamine is a lethal, dangerous, and  
1518 unpredictable drug. Exposure of a child to a methamphetamine laboratory is felony child  
1519 endangerment. [See: Utah Code Ann. [§76-5-112.5](#).] [See also: The definition of Physical  
1520 Abuse.]

1521

1522 **MINOR:** Except as provided in Part 7, Interstate Compact on Placement of Children:

1523

1524 A. A child; org

1525

1526 B. A person:

- 1527 1. Who is at least 18 years of age and younger than 21 years of age; and
- 1528 2. For whom Child and Family Services has been specifically ordered by the  
1529 juvenile court to provide services. Please note, however, that some criminal  
1530 justice statutes define a child or minor differently for purposes of particular sexual  
1531 offenses. [See: Utah Code Ann. [§76-5-401](#), [§76-5-401.1](#), [§76-5-401.2](#), [§76-5-](#)  
1532 [402.1](#), [§76-5-402.2](#), [§76-5-402.3](#), [§76-5-403](#), [§76-5-403.1](#), [§76-5-404](#), and [§76-5-](#)  
1533 [404.1](#).] In appropriate circumstances, those statutes may apply.

1534

1535 **MUNCHAUSEN SYNDROME BY PROXY:** [See: The definition of Pediatric Condition  
1536 Falsification.]

1537

1538 **NATIVE AMERICAN CHILD:** An unmarried or married person who is under age 18 years  
1539 and is:

1540

1541 A. A member of a Native American tribe, or

1542

1543 B. Eligible for membership in a Native American tribe and is the biological child of a  
1544 member of a Native American tribe. [See: The definition of ICWA.]

1545

1546 **NATURAL PARENT:** A biological or adoptive mother; a biological or adoptive father.

1547



1548 **NEAR FATALITY:** A child who is certified by a physician to be in serious or critical condition  
1549 and has been admitted to an Intensive Care Unit as a result of an injury or illness as a direct  
1550 result of child abuse or neglect. This does not include drug exposed newborns who are admitted  
1551 to a neonatal Intensive Care Unit at the time of birth.

1552  
1553 **NOTICE OF AGENCY ACTION:** Written notification to an individual about a case finding  
1554 that identifies the individual as responsible for abuse, neglect, or dependency. The notification  
1555 specifies the findings, explains who will have access to the information on the database, and  
1556 outlines the due process procedures for challenging the findings in an Administrative Hearing.  
1557 Notice of Agency Action is also sent when foster children are removed, when benefits are  
1558 changed, etc. [See: Utah Code Ann. [§63G-4-102](#) and [§63G-4-201](#), and Administrative Rule  
1559 [R497-100](#).]

1560  
1561 **ORSIS:** Acronym for the Office of Recovery Services Information System.

1562  
1563 **OUT-OF-HOME CAREGIVER:** Foster, adoptive, and kinship parents (or other out-of-home  
1564 caregivers) who work with the agency and the primary parents to attempt, except in limited  
1565 situations, to return children to their families of origin. Also referred to as “resource families.”

1566  
1567 **OUT-OF-HOME CARE PROVIDER:** A provider who cares for children in the custody of  
1568 Child and Family Services, other than their parents or relatives (i.e., foster parents, etc.).

1569  
1570 **PCP:** Acronym for Primary Care Professional. A medical professional, or group of  
1571 professionals, who provide continuous and comprehensive health care, and maintain the health  
1572 records of an individual and/or a family. They act as the entry point to the health care system  
1573 and coordinate services provided by specialists. It excludes these caregivers in the following  
1574 settings: emergency room departments, local health departments, or urgent care centers. An  
1575 emergency department or urgent care facility is not a primary care professional.

1576  
1577 **PEER PARENT:** An out-of-home caregiver, or other specially trained individual, who engages  
1578 and teams with the child’s parents to help improve parenting, nurturing, and/or household  
1579 management skills.

1580  
1581 **PERIOD OF MINORITY:** A youth may be in out-of-home care longer than age 18 but prior to  
1582 reaching age 21, when certain conditions exist; i.e., the youth is in the process of completing  
1583 high school (by age 19); for medical or disability reasons; or if ordered by the court. “The period  
1584 of minority extends in males and females to the age of eighteen (18) years of age; but all minors  
1585 obtain their majority by marriage. It is further provided that courts in divorce actions may order  
1586 support to age 21.” [See: Utah Code Ann. [§15-2-1](#).]

1587  
1588 **PERMANENCY:** The establishment and maintenance of a permanent living situation for a  
1589 child to give the child an internal sense of family stability and belonging and a sense of self that  
1590 connects the child to his or her past, present, and future. Permanency can be achieved in a  
1591 number of ways based on the child’s circumstances; e.g.: (1) keeping or returning the child to his

1592 or her home; (2) placing the child with a relative or non-relative and supporting permanent  
1593 custody or guardianship; (3) supporting independent living; or (4) adoption.

1594  
1595 **PERMANENCY HEARING:** A permanency hearing is a hearing to determine the future status  
1596 of the child (Utah Code Ann. [§80-3-406](#) and [§80-3-409](#)). When reunification services have been  
1597 ordered, a permanency hearing will be held within 12 months of the removal of the child or  
1598 within eight months of the removal of a child under 36 months of age at the time of removal.

1599  
1600 **PERMANENCY PLANNING:** The process that is used to establish families for children that  
1601 offer continuity of relationships with nurturing parents or caretakers and the opportunity to  
1602 establish lifetime relationships.

1603  
1604 **PERMANENCY PLANNING OUTCOMES:** Child and Family Services seeks first to  
1605 preserve and support the child’s biological (primary) family, and when that is not possible, to  
1606 secure a family, adoptive or otherwise, that offers the hope of lifelong family-like relationships.  
1607 Renewing Our Commitment to Permanency for Children-NRCFPFC and CWLA—1999.

1608  
1609 **PERPETRATOR:** A person substantially responsible for causing child abuse or neglect, or a  
1610 person responsible for a child’s care who permits another to abuse or neglect a child. [*See:* Utah  
1611 Code Ann. [§76-5-109](#) and Administrative Rule [R512-80](#).]

1612  
1613 **PHYSICAL INJURY:** A non-accidental injury or condition that impairs or endangers the  
1614 physical condition of a child, including (but not limited to) the following:

- 1615
- 1616 A. A bruise or other contusion of the skin.
  - 1617
  - 1618 B. A minor laceration or abrasion.
  - 1619
  - 1620 C. Failure to thrive or malnutrition.
  - 1621
  - 1622 D. Any other condition that imperils the child’s health or welfare and which is not serious  
1623 physical injury as defined in Utah Code Ann. [§76-5-109](#).
  - 1624

1625 **PLACEMENT:** A child’s living arrangement while in out-of-home care, selected by a team  
1626 including the family and agency representatives, which is selected to meet the child’s needs.

1627  
1628 **PLACEMENT OF CHILD NOT FREE FOR ADOPTION:** Placement of a child with an  
1629 adoptive/foster care family pursuing adoption or when the court has not yet terminated the rights  
1630 of the birth parents or the birth parents have not yet signed a voluntary relinquishment of parental  
1631 rights. May also be known as “at-risk” or “fost-adopt.”

1632  
1633 **PLACEMENT SERVICES:** Those services offered to the family, child, and out-of-home  
1634 caregiver to work toward permanency.

1635



1636 **PLAN IMPLEMENTATION:** The provisions of the Child and Family Plan have to be  
1637 implemented via timely delivery of adequate services. Implementation involved the arrangement  
1638 of supports and delivery of services according to the Child and Family Plan. The agreed upon  
1639 strategies, supports, services, and other intervention activities are to be delivered in a timely and  
1640 competent manner, consistent with identified needs and preferences, and following the principles  
1641 of the Practice Model. Delivery of services by persons having the necessary skills, resources,  
1642 time, and opportunity to provide supports and services commensurate with the urgency and  
1643 complexity of the child’s needs and situation is essential for producing desired results. A  
1644 “smart” implementation process is interactive, offering ongoing adaptation of service  
1645 arrangements in response to frequent feedback received about changing situation, emerging  
1646 needs, and results being achieved.

1647  
1648 **PLEA BARGAIN:** An agreement in which a defendant admits to a criminal charge that is less  
1649 than the original charge without having a hearing or trial. A plea bargain does *not* affect the  
1650 finding in a child protection investigation case.

1651  
1652 **PLEA IN ABEYANCE:** An order by a court, upon motion of the prosecution and the defendant,  
1653 accepting a plea of guilty or of no-contest from the defendant but not, at that time, entering  
1654 judgment of conviction against the defendant or imposing sentence, on condition that the  
1655 defendant will comply with specific conditions as set forth in the plea in abeyance agreement.  
1656 [See: Utah Code Ann. [§77-2a-1.](#)] A defendant's plea in abeyance in a case involving the abuse,  
1657 neglect, or dependency of a child does not affect the findings of Child and Family Services in a  
1658 child protection investigation case.

1659  
1660 **POSITION OF SPECIAL TRUST:** A position occupied by a person in a position of authority  
1661 who, by reason of that position, is able to exercise undue influence over the alleged victim. Such  
1662 persons include (but are not limited to) a youth leader or recreational leader who is an adult,  
1663 adult athletic manager, adult coach, teacher, counselor, religious leader, doctor, employer, foster  
1664 parent, babysitter, adult scout leader, natural parent, stepparent, adoptive parent, legal guardian,  
1665 grandparent, aunt, uncle, or adult cohabitant of a parent. [See: Utah Code Ann. [§76-5-404.1.](#)]

1666  
1667 **POST ADOPTION:** After finalization of an adoption.

1668  
1669 **PRACTICE MODEL PRINCIPLES:** Protection - children’s safety is paramount;  
1670 Development - Children and families need consistent nurturing in a healthy environment to  
1671 achieve their developmental needs; Permanency - All children need and are entitled to enduring  
1672 relationships that provide a family stability and belonging and a sense of self that connects  
1673 children to their past, present, and future; Cultural Responsiveness - Children and families have  
1674 the right to be understood within the context of their own family rules, traditions, history, and  
1675 culture; Partnership - The entire community shares the responsibility to create an environment  
1676 that helps families raise their children to their fullest potential; Organizational Competence -  
1677 Committed, qualified, trained, and skilled staff, supported by an effectively structured  
1678 organization, helps insure positive outcomes for children and families; and Professional  
1679 Competence - Children and families need a relationship with an accepting, concerned, empathic

1680 worker who can confront difficult issues and effectively assist them in their process toward  
1681 positive change

1682  
1683 **PRELIMINARY PLACEMENT WITH KIN:** A temporary placement with kin as an  
1684 alternative to shelter. A Preliminary Placement with kin may or may not be selected as a long-  
1685 term placement for the child. After the Preliminary Placement, Child and Family Services will  
1686 make a reasonable search for a long-term placement that meets the child’s needs and challenges.

1687  
1688 **PREPONDERANCE:** Evidence that, as a whole, shows that the fact sought to be proven  
1689 (abuse, neglect, or dependency) is more probable than not.

1690  
1691 **PRIORITY RESPONSE TIMES:** The time allotted under Child and Family Services Practice  
1692 Guidelines for a Child and Family Services CPS caseworker to make face-to-face contact with a  
1693 child on an allegation of abuse, neglect, or dependency that drives the priority for the referral.  
1694 [See: Administrative Rule [R512-200-3](#).]

1695  
1696 A. A Priority 1 response will be assigned when the child referred is in need of immediate  
1697 protection. Intake will begin to collect information immediately after the completion of  
1698 the initial contact from the referent. As soon as possible thereafter, Intake will obtain  
1699 additional information, staff the referral to determine the priority, notify law enforcement,  
1700 and assign to the Child and Family Services CPS worker. Intake will provide the Child  
1701 and Family Services CPS worker with information concerning prior investigations on  
1702 SAFE. The Child and Family Services CPS worker has as a standard of 60 minutes from  
1703 the time Intake notifies the worker to initiate efforts to make face-to-face contact with an  
1704 alleged victim. For a Priority 1R (rural) referral, a Child and Family Services CPS worker  
1705 has, as a standard, three hours to initiate efforts to make face-to-face contact if the alleged  
1706 victim is more than 40 miles from the investigator who is assigned to make the face-to-  
1707 face contact.

1708  
1709 B. A Priority 2 response will be assigned when physical evidence is at risk of being lost or  
1710 the child is at risk of further abuse, neglect, or dependency, but the child does not have  
1711 immediate protection and safety needs, as determined by the Intake checklist. Intake will  
1712 begin to collect information as soon as possible after the completion of the initial contact  
1713 from the referent. As soon as possible Intake will obtain additional information, staff the  
1714 referral to determine the priority, assign the referral to the Child and Family Services  
1715 CPS worker, and notify law enforcement. Intake will give verbal notification to the  
1716 assigned Child and Family Services CPS worker. Intake will also provide the Child and  
1717 Family Services CPS worker with information concerning prior investigations on SAFE.  
1718 The Child and Family Services CPS worker has, as a standard, 24 hours from the time  
1719 Intake notifies the worker to initiate efforts to make face-to-face contact with the alleged  
1720 victim. Notification of a Priority 2 referral received after normal working hours (8:00  
1721 a.m. through 5:00 p.m.) will occur as early as possible following morning.

1722

1723 C. A Priority 3 response will be assigned when potential for further harm to the child and the  
1724 loss of physical evidence is low. Prior to transferring the case to a Child and Family  
1725 Services CPS worker, Intake will obtain additional information, research data sources,  
1726 staff the referral as necessary, determine the priority, complete documentation including  
1727 data entry, make disposition to CPS, and notify law enforcement. Intake will also provide  
1728 the Child and Family Services CPS worker with information concerning prior  
1729 investigations on SAFE. The Child and Family Services CPS worker will make the face-  
1730 to-face contact with the alleged victim within a reasonable period of time.

1731  
1732 D. Priority 4 is no longer valid.  
1733

1734 **PROCEDURES:** Statewide mandatory guidelines or directions that explain the specific day-to-  
1735 day tasks involved in implementing Child and Family Services Practice Guidelines in accordance  
1736 with statutes, Administrative Rules, and other governing law. Procedures are usually more  
1737 detailed than either Administrative Rules or Practice Guidelines. Procedures are mandatory.  
1738

1739 **PROSPECTS FOR PERMANENCE:** Permanency, commonly identified with the meaning of  
1740 “family” or “home,” suggests not only a stable setting, but also stable caregivers and peers,  
1741 continuous supportive relationships, and some level of parental/caregiver commitment and  
1742 affection. Evidence of permanency includes resolution of guardianship, adequate provision of  
1743 necessary supports for the caregiver, and the achievement of stability in the child’s home and  
1744 school settings.  
1745

1746 **PROTECTIVE CUSTODY:** Taking a child into custody for protection by a Child and Family  
1747 Services CPS caseworker, law enforcement officer, or physician. [See: Utah Code Ann. [§80-2-](#)  
1748 [102](#) and [§80-3-102](#).] [See also: The definitions of Custody, DHHS Custody, Legal Custody,  
1749 Temporary Custody, and Voluntary Custody.]  
1750

1751 **PROTECTIVE SERVICES COUNSELING:** Voluntary services provided by Child and  
1752 Family Services to a family.  
1753

1754 **PROTECTIVE SERVICES SUPERVISION:** A legal status created by court order after an  
1755 adjudication on the grounds of abuse, neglect, or dependency in which the child is permitted to  
1756 remain in the home or is placed in a relative's home, and supervision and assistance to correct the  
1757 abuse, neglect, or dependency is provided by an agency designated by the court. [See: Utah  
1758 Code Ann. [§80-1-102](#).]  
1759

1760 **PROXIMITY (IN RELATION TO CHILD PLACEMENT):** “Reasonable proximity”  
1761 includes placing the child within their neighborhood so that family contact, continued school  
1762 placement, church involvement, and friendships may be maintained.  
1763

1764 **QA:** Acronym for Quality Assurance. QA is a tool used to ensure that Child and Family  
1765 Services’ Practice Guidelines are met.  
1766

1767 **REASONABLE EFFORTS:** Such reasonable efforts include an assessment of the protection  
1768 needs of a child and the consideration and implementation of protective services that could  
1769 enable a child to remain safely in the home. The term "reasonable efforts" refers to efforts to  
1770 provide services that are reasonably available (that is, services that are accessible to arrange,  
1771 refer, or provide, or that are available from other community resources).

1772  
1773 Both state and federal law require reasonable efforts to prevent removal and to return children  
1774 home where safe and appropriate. The court reviews these efforts at shelter hearings,  
1775 permanency hearings, and parental termination hearings. In certain circumstances, reasonable  
1776 efforts (reunification services) are not required. [See: Form for 24-hour multidisciplinary  
1777 meeting; Utah Code Ann. [§80-3-406.](#)]

1778  
1779 **REASSIGNMENT:** Assigning a case to a different worker.

1780  
1781 **REFERRAL:** Information provided to Child and Family Services alleging abuse, neglect, or  
1782 dependency.

1783  
1784 **RELATIVE:** An adult who is a grandparent, great grandparent, aunt, great aunt, uncle, great  
1785 uncle, brother-in-law, sister in-law, stepparent, first cousin, stepsibling, or sibling of the child.  
1786 [See: Utah Code Ann. [§80-3-102.](#)]

1787  
1788 In the case of a Native American child, "relative" also means an "extended family member" as  
1789 defined by the Indian Child Welfare Act, 25 U.S.C. §1903.

1790  
1791 **RELINQUISHMENT:** A voluntary termination of parental rights.

1792  
1793 **RESIDENCE:** A common abode that both individuals consider to be their primary domicile or  
1794 home and not simply a place that one of the individuals makes a habit of visiting.

1795  
1796 **RESIDUAL PARENTAL RIGHTS AND DUTIES:** Those rights and duties remaining with  
1797 the parent after legal custody or guardianship, or both, have been vested in another person or  
1798 agency. Residual parental rights and duties include the responsibility for support, the right to  
1799 consent to adoption, the right to determine the child's religious affiliation, and the right to  
1800 reasonable visitation unless restricted by the court. If no guardian has been appointed, "residual  
1801 parental rights and duties" also include the right to consent to marriage, to enlistment in the  
1802 armed forces, and to major medical surgical or psychiatric treatment. [See: Utah Code Ann.  
1803 [§80-1-102.](#)]

1804  
1805 **RESOURCE FAMILY:** Foster, adoptive, and kinship parents (or other out-of-home  
1806 caregivers) who work with the agency and the primary parents to attempt, except in limited  
1807 situations, to return children to their families of origin.

1808  
1809 **RESPITE CARE:** Kin or out-of-home caregivers with intermittent, time-limited relief from  
1810 care.

1811  
1812 **REUNIFICATION SERVICES:** These are reasonable services that Child and Family Services  
1813 is ordered to provide to the child and family to assist with the reunification process.  
1814 Reunification services may not extend beyond 12 months, or eight months if a child is under 36  
1815 months of age, from the date that the child was initially removed from the home. Except the  
1816 court may extend reunification services for no more than 90 days if it finds that there has been  
1817 substantial compliance with the Child and Family Plan, and that reunification is probable within  
1818 that 90-day period and that the extension is in the best interest of the child.

1819  
1820 **RISK ASSESSMENT:** An organized protocol whereby Child and Family Services or another  
1821 agency gathers information to identify the strengths and challenges and other factors of the  
1822 family members that may contribute to safety or risk issues of a child who may be an alleged  
1823 victim of abuse, neglect, or dependency. A risk assessment may also identify other contributing  
1824 factors related to the abuse, neglect, or dependency of a child.

1825  
1826 **SAFETY ASSESSMENT:** A determination of the current well-being and safety of a child  
1827 whom Child and Family Services has assessed as being at risk of maltreatment, based on factors  
1828 such as the controllability of risk influences, the immediacy of the risk of maltreatment, the  
1829 potential severity of future maltreatment, and the potential for future incidents of abuse or  
1830 neglect to the child.

1831  
1832 **SAFETY PLAN:** [*See:* CPS Practice Guidelines [Section 202.6.](#)]

1833  
1834 **SATISFACTION:** The child, parent/guardian, and substitute caregiver are satisfied with the  
1835 supports and services they are receiving. This is based upon their perspective.

1836  
1837 **SERIOUS HARM:** Includes but is not limited to “serious physical injury” as defined in Utah  
1838 Code Ann. [§76-5-109](#) and Administrative Rule [R512-80.](#)

1839  
1840 **SERIOUS PHYSICAL INJURY:** A physical injury or set of injuries or condition that seriously  
1841 impairs the child’s health, or that involves physical torture or causes serious emotional harm to  
1842 the child, or that causes a fatality or involves a substantial risk of death to the child, including  
1843 (but not limited to):

- 1844
- 1845 A. Fracture of any bone or bones (even if the fracture has subsequently healed),
  - 1846
  - 1847 B. Intracranial bleeding, swelling, or contusion of the brain, whether caused by blows or
  - 1848 shaking, or by causing the child’s head to impact with an object or surface (Abusive Head
  - 1849 Trauma),
  - 1850
  - 1851 C. Any burn, including burns inflicted by hot water, or those caused by placing a hot object
  - 1852 on the skin or body of the child,
  - 1853

- 1854 D. Any injury caused by use of a deadly or dangerous weapon as defined by Utah Code  
1855 Ann. [§76-1-601](#),  
1856  
1857 E. Any combination of two or more physical injuries inflicted by the same person, either at  
1858 the same time or on different occasions,  
1859  
1860 F. Any damage to internal organs of the body,  
1861  
1862 G. Any conduct toward a child that results in severe emotional harm, severe developmental  
1863 delay or intellectual disability, or severe impairment of the child’s ability to function,  
1864  
1865 H. Any injury that creates a permanent disfigurement or protracted loss or impairment of the  
1866 function of a bodily member, limb, or organ,  
1867  
1868 I. Any impediment of the breathing or the circulation of blood by application of pressure to  
1869 the neck, throat, or chest, or by the obstruction of the nose or mouth, that is likely to  
1870 produce a loss of consciousness.  
1871  
1872 J. Any conduct that results in starvation, failure to thrive, or malnutrition that jeopardizes  
1873 the child’s life, or  
1874  
1875 K. Any bodily injury, substantial bodily injury, or serious bodily injury suffered by a child if  
1876 the injury resulted from the actor knowingly or intentionally causing the child to suffer  
1877 from exposure to, ingestion of, inhalation of, or contact with a controlled substance,  
1878 chemical substance, or drug paraphernalia, as those terms are defined in Utah Code Ann.  
1879 [§76-5-112.5](#).

1880  
1881 [See: Utah Code Ann. [§76-5-109](#) and [§76-5-112.5](#).]  
1882

1883 **SEXUAL INTERCOURSE:** Penetration, however slight, of the vagina by the penis, or  
1884 intercourse involving genital contact between individuals other than penetration of the vagina by  
1885 the penis, including (but not limited to) the use of fingers (digital) or the use of any object.  
1886

1887 **SEXUAL REACTIVITY:** When a child engages in sexual behaviors that are beyond normal  
1888 sexual exploration and curiosity for the child’s developmental age. The child may have been a  
1889 victim of sexual abuse himself or herself.  
1890

1891 **SIGNIFICANT RISK ASSESSMENT (also known as “YISC”):** An assessment made to  
1892 determine if a person who is under the age of 18 at the time of the alleged act is a risk to other  
1893 children and whether or not that minor’s name should be placed on the Licensing Information  
1894 System.  
1895

1896 **SSA:** The entitlement program from Social Security for death benefits.  
1897



1898 **SSI:** The entitlement insurance administration program from Social Security for individuals with  
1899 disabilities.

1900  
1901 **STABILITY:** Stability is when a child has established enduring caring relationships with key  
1902 adults and has consistency of settings and routines. Optimal stability exists when the child  
1903 enjoys a positive and enduring relationship with parents/caregivers, key adult supporters, and  
1904 peers in home and school settings. A child removed from his or her family should be living in a  
1905 safe, appropriate, and permanent home within 12 months of removal with only one interim  
1906 placement.

1907  
1908 **STAY:** As used in the Administrative Hearing process, to postpone an Administrative Hearing  
1909 pending an adjudication of the same issues in juvenile court or district court.

1910  
1911 **STD:** Acronym for Sexually Transmitted Diseases.

1912  
1913 **SUBJECT OF THE REPORT:** Any person identified in a child abuse, neglect, or dependency  
1914 report in accordance with reporting requirements, including (but not limited to) a child, parent,  
1915 guardian, or other person responsible for a child’s care. The subject may include the alleged  
1916 perpetrator. [See: Utah Code Ann. [§80-1-102.](#)]

1917  
1918 **SUBSTANTIATED:** A judicial finding based on a preponderance of the evidence that abuse or  
1919 neglect occurred. If more than one allegation is made or identified during the course of an  
1920 investigation, any “supported” allegation determined to meet the criteria for substantiation  
1921 requires a court finding to become “substantiated.” All findings of “substantiated” entered after  
1922 May 6, 2002 are maintained by the juvenile court and the Child and Family Services  
1923 management information system (MIS).[ See: Utah Code Ann. [§80-2-102.](#)]

1924  
1925 **SUCCESSFUL TRANSITIONS:** Special coordination and efforts across service settings and  
1926 providers is essential to prevent breakdowns in services and to prevent any adverse effects of  
1927 changes that occur through the child’s life as they experience change in learning situations and  
1928 living environments. Special arrangements or accommodations may be required for success in a  
1929 return setting or new setting. Follow along monitoring may be required for an adjustment  
1930 period.

1931  
1932 **SUPPORT PERSON:** A person 18 years of age or older of the child’s choice, who is readily  
1933 available and who can be present during the investigative interview. The support person may  
1934 include (but is not limited to) a school teacher or administrator, guidance counselor, or child care  
1935 provider, but the support person may not be the person who is alleged to be, or potentially may  
1936 be, the alleged perpetrator. [See: Utah Code Ann. [§80-2-704.](#)]

1937  
1938 **SUPPORTED:** A finding, based on the information available to the caseworker at the end of the  
1939 investigation, that there is a reasonable basis to conclude that abuse, neglect, or dependency  
1940 occurred, and that the identified perpetrator is substantially responsible. The perpetrator may be  
1941 unknown. [See: Utah Code Ann. [§80-2-102](#) and [§80-2-707.](#)]



1942

1943 **TAL:** Acronym for Transition to Adult Living.

1944

1945 **TANF** (formerly known as AFDC): Acronym for Temporary Aide to Needy Families, a federal  
1946 program created by the Welfare Reform Act. TANF is the means through which an eligible  
1947 adult obtains financial support from the federal government when there are children residing in  
1948 the home. TANF links with child welfare because of poverty and needs of children that may  
1949 exist after termination of a money grant. These needs may increase the child’s needs for child  
1950 welfare services.

1951

1952 **TEAM CONSULTATION:** A group of caseworkers, supervisors, community professionals,  
1953 and partners who review the facts and circumstances of a case and assist in making decisions for  
1954 the safety and care of a child who is the subject of a Child and Family Services case.

1955

1956 **TEMPORARY CUSTODY:** Custody of a child with Child and Family Services from the date  
1957 of the shelter hearing until disposition. [See: Utah Code Ann. [§80-1-102.](#)] [See also: The  
1958 definitions of Custody, DHHS Custody, Legal Custody, Protective Custody, and Voluntary  
1959 Custody.]

1960

1961 **TLP:** Acronym for Transitional Living Payment, a payment code within SAFE enabling Child  
1962 and Family Services TAL coordinators to make payment to youth up to age 21 years, who have  
1963 exited state’s custody (either in out-of-home care or transitional living placement). Payments  
1964 may be made to the youth or to other providers for expenses related to daily living. These  
1965 include (but are not limited to) rent, utilities, transportation costs, food, clothing, personal care  
1966 items, etc. It does not include tuition payments.

1967

1968 **TPR:** Acronym for Termination of Parental Rights. TPR is when all rights that a parent or  
1969 parents may have to a child are terminated in court. When it is determined to not be in the  
1970 child’s best interest to be reunified with his or her parents and voluntary relinquishment and  
1971 compelling reasons not to terminate are not an option, Child and Family Services will explore  
1972 with legal counsel the termination of parental rights. Also known as permanent deprivation of  
1973 parental rights.

1974

1975 **THREATENED HARM:** Actions, inactions, or credible verbal threats, indicating that the child  
1976 is at an unreasonable risk of harm or neglect. [See: Utah Code Ann. [§80-2-102.](#)]

1977

1978 **TRACKING AND ADAPTATION:** Tracking and adaptation provide the “learning” and  
1979 “change” processes that make the service process effective for the child and family. An ongoing  
1980 examination process should be used to track service implementation, check progress, identify  
1981 emergent needs and problems, and modify services in a timely manner. The Child and Family  
1982 Plan should be modified when objectives are met, strategies are determined to be ineffective,  
1983 new preferences or dissatisfaction with existing strategies and services are expressed, and/or new  
1984 circumstances arise. Members of the Child and Family Team should apply the knowledge

1985 gained through ongoing assessments, monitoring, and periodic evaluations to adapt strategies,  
1986 supports, and services.

1987  
1988 **TRANSITION TO ADULT LIVING:** A program for youth ages 14 to 18 years that aids youth  
1989 in the development of skills needed for successful adult life. Services in this program include  
1990 coursework, home study, community involvement, and/or placement. Transition to Adult Living  
1991 was formerly known as the “Independent Living Program.”

1992  
1993 **TRANSITION TO ADULT LIVING COORDINATOR:** Each region of the state will have a  
1994 coordinator/coordinators of services responsible for oversight of TAL services provided in that  
1995 region. At a minimum, the employee will possess a Bachelor’s Degree with a Social Service  
1996 Social worker (SSW) license and one year of experience working with youth ages 14 to 18 years  
1997 in an out-of-home care or like setting.

1998  
1999 **TRANSITION TO ADULT LIVING PLAN (FORM OH03):** A written plan, which is  
2000 required for each youth age 14 years and older, must be completed 45 days after the youth’s 14th  
2001 birthday and is attached to the already existing service plan. The plan must take into account the  
2002 youth’s unique needs and strengths and will complement the existing service plan by addressing  
2003 those skills needed for the youth to exit the state’s care.

2004  
2005 **TRANSITIONAL LIVING SOCIAL WORKER:** An employee hired by Child and Family  
2006 Services to provide TAL services to youth. At a minimum, the employee will possess a  
2007 Bachelor’s Degree with a Social Service Social worker (SSW) license, and six months  
2008 experience working with youth ages 12 to 18 years in out-of-home care or a like setting.

2009  
2010 **UA:** Urinalysis.

2011  
2012 **UNABLE TO COMPLETE INVESTIGATION:** A CPS case finding when the following  
2013 situation(s) are present:

- 2014
- 2015 A. When the child and/or family move outside the state and a request for courtesy work is  
2016 requested and declined and there is insufficient information to make a finding. [See:  
2017 Practice Guidelines [Section 210.1A.](#)]
  - 2018
  - 2019 B. When the child and/or family move outside the state after the face-to-face contact is made  
2020 with the child and there is insufficient information to make a finding because the  
2021 whereabouts of the child and/or family are unknown. [See: Practice Guidelines [Section](#)  
2022 [210.1B.](#)]
  - 2023
  - 2024 C. When the child and/or family move within the state, the face-to-face with the child was  
2025 made but there is insufficient information to make a finding and the whereabouts of the  
2026 child and/or family are unknown. [See: Practice Guidelines [Section 210.1C.](#)]
  - 2027

2028 **UNABLE TO LOCATE:** A CPS case finding indicating that even though the Child and Family  
2029 Services CPS caseworker has followed the steps outlined in Child and Family Services practice  
2030 guideline and has made reasonable efforts, the Child and Family Services CPS caseworker has  
2031 been unable to make face-to-face contact with the alleged victims to investigate an allegation of  
2032 abuse, neglect, or dependency and to make a determination of whether the allegation should be  
2033 classified as supported, non-supported, or without merit.

2034  
2035 **UNACCOMPANIED MINORS:** Children in the United States who are from other countries  
2036 and whose families are either temporarily or permanently unavailable due to economic hardship,  
2037 political circumstances, or abandonment.

2038  
2039 **UNSUBSTANTIATED:** A judicial finding that there is insufficient evidence to determine that  
2040 abuse, neglect, or dependency occurred.

2041  
2042 **UNSUPPORTED:** A finding based on the information available to the worker at the end of the  
2043 investigation that there was insufficient information to conclude that abuse, neglect, or  
2044 dependency occurred. However, a finding of unsupported means also that the worker did not  
2045 conclude that the allegation was without merit.

2046  
2047 **VOLUNTARY CUSTODY:** A formal agreement in which a legal guardian or custodian grants  
2048 custody of a child to Child and Family Services for placement in a licensed home or facility for a  
2049 limited period of time.

2050  
2051 **VOLUNTARY RELINQUISHMENT:** Consent by a parent to termination of their parental  
2052 rights. A relinquishment must be signed and affirmed before a judge or an officer authorized to  
2053 accept relinquishments. Only the juvenile court is authorized to take relinquishments with regard  
2054 to a child under court jurisdiction.

2055  
2056 **WELL-CHILD EXAMINATION:** A physical examination by a licensed health care  
2057 professional to determine the health status of a child. A child need not present with a specific  
2058 health concern to receive a well-child examination.

2059  
2060 **WITHOUT MERIT:** A finding at the completion of the investigation by Child and Family  
2061 Services, or a judicial finding, that the alleged abuse, neglect, or dependency did not occur, or  
2062 that the alleged perpetrator was not responsible. [*Compare:* The definitions of Supported and  
2063 Unsupported.]

2064  
2065 **WRAP-AROUND SERVICES:** Wrap-around services are used to assist a child and family with  
2066 the reunification process and in meeting their needs. Wrap-around services may include (but are  
2067 not limited to) peer parenting, child care, home health aide services, parenting education, respite  
2068 care, transportation services for visitation, vocational or educational assistance, mental health  
2069 and/or substance abuse assessment and treatment, and housing referral and assistance.

2070

2071 **YARN:** Acronym for Young Adult Resource Network, which provides time limited services for  
2072 youth if they are no longer in care and are not yet 21 years of age, and the youth:

2073

2074 A. Ages out of out-of-home care, or

2075

2076 B. While in out-of-home care, after the age of 14 years, the youth received at least 12  
2077 consecutive months of TAL services and the court terminated reunification.

2078

2079 This assistance can be provided through support, financial aid, or Basic Life Skills Classes and  
2080 may include housing, counseling, employment education, and other appropriate supports and  
2081 services to complement a youth's efforts to achieve self-sufficiency.

2082

2083 **YISC:** See the definition for Significant Risk Assessment.

2084

2085 **YOUTH:** For Child and Family Services purposes, a person over the age of 14 years, a minor.

2086 [See: Utah Code Ann. [§80-2-102](#) and [§15-2-1](#).] Please note, however, that some criminal  
2087 justice statutes define a child or minor differently for purposes of particular sexual offenses.

2088 [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-](#)  
2089 [5-402.2](#), [§76-5-402.3](#), [§76-5-403](#), [§76-5-403.1](#), [§76-5-404](#), and [§76-5-404.1](#).] In appropriate  
2090 circumstances, those statutes may apply. [See also: The definition of Native American Child.]

2091