

DEFINITIONS

Table of Contents

PURPOSE AND INTERPRETATION OF THESE DEFINITIONS 1

ALLEGATION DEFINITIONS 2

ABUSE..... 2

Child Endangerment 2

Chronic Abuse 2

Dealing in Material Harmful to a Child 2

Domestic Violence Related Child Abuse 2

Emotional Abuse 2

Emotional Abuse, Chronic..... 3

Emotional Abuse, Severe 3

Fetal Exposure to Alcohol or other Harmful Substances..... 3

Pediatric Condition Falsification (formerly Munchausen Syndrome by Proxy) 3

Physical Abuse..... 4

Physical Abuse, Chronic 4

Physical Abuse, Severe..... 4

Severe Abuse..... 5

Sexual Abuse 5

Sexual Exploitation..... 11

NEGLECT..... 11

Abandonment 11

Educational Neglect 12

Environmental Neglect 12

Failure to Protect 12

Failure to Thrive 12

Medical Neglect 12

Neglect, Chronic:..... 12

Neglect, Severe 13

Non-Supervision..... 13

Physical Neglect 13

Sibling or Child at Risk..... 13

DEPENDENCY 13

Safe Relinquishment of a Newborn Child 13

DEFINITIONS..... 14

ABUSIVE HEAD TRAUMA..... 14

41	ADJUDICATION	14
42	ADJUDICATION HEARING	14
43	ADMINISTRATIVE HEARING	14
44	ADMINISTRATIVE RULES/RULEMAKING	14
45	ADOPTIVE FAMILY	14
46	ADOPTIVE/FOSTER CARE FAMILY	14
47	ASFA	15
48	ALLEGED	15
49	ALLEGED FATHER	15
50	APPROPRIATENESS OF PLACEMENT	15
51	ARRANGED MARRIAGE	15
52	AAG	15
53	BABY DOE	15
54	BASIC LIFE SKILLS TRAINING.....	15
55	BCI	15
56	CANR	15
57	CAREGIVER FUNCTIONING.....	15
58	CAREGIVER SUPPORT	16
59	CASE CREATION.....	16
60	CHAFEE	16
61	CHEC.....	16
62	CHILD.....	16
63	CHILD AND FAMILY ASSESSMENT (formerly Functional Assessment).....	16
64	CHILD AND FAMILY PARTICIPATION	17
65	CHILD AND FAMILY PLANNING PROCESS.....	17
66	CHILD AND FAMILY TEAM.....	17
67	CHILD AND FAMILY TEAM COORDINATION.....	17
68	CHILD AND FAMILY SERVICES DOMESTIC VIOLENCE WORKER	18
69	CHILD AND FAMILY SERVICES FAMILY SERVICES CASEWORKER	18
70	CHILD AND FAMILY SERVICES INTAKE WORKER	18
71	CHILD FATALITY	18
72	CHILD MALTREATMENT	18
73	CHILD VICTIM	18
74	CHILD WITH SPECIAL HEALTH CARE NEEDS	18
75	CHILD WITH SPECIAL NEEDS	18
76	CHILD WITNESS TO DOMESTIC VIOLENCE	19
77	COHABITANT	19
78	COLLATERAL CONTACT	19
79	COMMUNITY DOMESTIC VIOLENCE SPECIALIST.....	19
80	CONCURRENT PERMANENCY PLANNING	19
81	CONFLICT OF INTEREST.....	20

82	CORRUPTION.....	20
83	CPS	20
84	CREDIBLE EVIDENCE.....	20
85	CUSTODIAN	20
86	CUSTODY	20
87	CUSTODY START DATE	20
88	DATE OF REMOVAL	20
89	DATING VIOLENCE.....	20
90	DCFS	20
91	DHS.....	21
92	DHS CUSTODY	21
93	DISPOSITIONAL HEARING.....	21
94	DISPOSITION OF A CPS REFERRAL.....	21
95	DISRUPTION (OF AN ADOPTION)	21
96	DISSOLUTION (OF AN ADOPTION)	21
97	DOMESTIC VIOLENCE	21
98	DOMESTIC VIOLENCE PERPETRATOR.....	22
99	DOMESTIC VIOLENCE SERVICES	22
100	DOMESTIC VIOLENCE SHELTER	22
101	DOMESTIC VIOLENCE SURVIVOR/VICTIM.....	23
102	DNR	23
103	DSM.....	23
104	DSPD.....	23
105	DUI	23
106	EFFECTIVE RESULTS.....	23
107	EMANCIPATED MINOR.....	23
108	EMERGENCY KINSHIP PLACEMENT	23
109	EMOTIONAL/BEHAVIORAL WELL-BEING	23
110	ESTABLISHED PRIMARY CARE PROVIDER.....	23
111	ETV	23
112	EVIDENCE	24
113	F.A.C.T.	24
114	FACE-TO-FACE CONTACT	24
115	FALSE REPORT	24
116	FAMILY FOSTER CARE.....	24
117	FAMILY FUNCTIONING AND RESOURCEFULNESS	24
118	FAMILY SERVICE SPECIALIST	24
119	FAMILY VIOLENCE	25
120	FETAL ALCOHOL SPECTRUM DISORDER (FASD).....	25
121	FINALIZATION.....	25
122	FORMAL AND INFORMAL SUPPORT SYSTEMS.....	25

123	FULL DISCLOSURE.....	26
124	FULL FAITH AND CREDIT	26
125	GAF.....	26
126	GAL.....	26
127	GRAMA.....	26
128	GUARDIANSHIP OF THE PERSON	26
129	HARM	26
130	HCG	26
131	HEALTH CARE	26
132	HEALTH/PHYSICAL WELL-BEING	27
133	HEARSAY	27
134	HIV.....	27
135	HMO.....	27
136	HOME-TO-HOME BOOK.....	27
137	HVR.....	27
138	ICWA.....	27
139	ICWA KINSHIP/RELATIVE DEFINITION.....	27
140	IMMEDIATE PROTECTION SAFETY ASSESSMENT.....	27
141	INCEST	27
142	INDECENT LIBERTIES	28
143	INTAKE.....	28
144	IPSA	28
145	JUDICIAL REVIEW	28
146	KINSHIP	28
147	KINSHIP CARE	28
148	LEARNING DEVELOPMENT PROGRESS.....	28
149	LEARNING PROGRESS.....	29
150	LEGAL CUSTODY	29
151	LICENSED SOCIAL SERVICES WORKER.....	29
152	LIFE BOOK.....	29
153	LONG-TERM KINSHIP CARE.....	29
154	LONG-TERM VIEW.....	30
155	MEDICALLY FRAGILE.....	30
156	MEDICALLY NEEDY	30
157	MEPA.....	30
158	METHAMPHETAMINE	31
159	MINOR.....	31
160	MUNCHAUSEN SYNDROME BY PROXY	31
161	NATIVE AMERICAN CHILD	31
162	NATURAL PARENT	31
163	NEAR FATALITY.....	31

164	NOTICE OF AGENCY ACTION	31
165	ORSIS	32
166	OUT-OF-HOME CAREGIVER.....	32
167	OUT-OF-HOME CARE PROVIDER.....	32
168	PCP	32
169	PEER PARENT	32
170	PERIOD OF MINORITY	32
171	PERMANENCY	32
172	PERMANENCY HEARING	32
173	PERMANENCY PLANNING	33
174	PERMANENCY PLANNING OUTCOMES	33
175	PERPETRATOR:	33
176	PHYSICAL INJURY.....	33
177	PLACEMENT	33
178	PLACEMENT OF CHILD NOT FREE FOR ADOPTION	33
179	PLACEMENT SERVICES	33
180	PLAN IMPLEMENTATION	33
181	PLEA BARGAIN.....	34
182	PLEA IN ABEYANCE.....	34
183	POSITION OF SPECIAL TRUST	34
184	POST ADOPTION	34
185	PRACTICE MODEL PRINCIPLES	34
186	PRELIMINARY PLACEMENT WITH KIN.....	35
187	PREPONDERANCE	35
188	PRIORITY RESPONSE TIMES.....	35
189	PROCEDURES.....	36
190	PROSPECTS FOR PERMANENCE	36
191	PROTECTIVE CUSTODY	36
192	PROTECTIVE SERVICES COUNSELING	36
193	PROTECTIVE SERVICES SUPERVISION	36
194	PROXIMITY (IN RELATION TO CHILD PLACEMENT)	37
195	QA.....	37
196	REASONABLE EFFORTS.....	37
197	REASSIGNMENT	37
198	REFERRAL	37
199	RELATIVE	37
200	RELINQUISHMENT.....	37
201	RESIDENCE	37
202	RESIDUAL PARENTAL RIGHTS AND DUTIES.....	37
203	RESOURCE FAMILY	38
204	RESPITE CARE	38

205	REUNIFICATION SERVICES.....	38
206	RISK ASSESSMENT	38
207	SAFETY ASSESSMENT	38
208	SAFETY PLAN	38
209	SATISFACTION	38
210	SERIOUS HARM	38
211	SERIOUS PHYSICAL INJURY.....	38
212	SEXUAL INTERCOURSE	40
213	SEXUAL REACTIVITY	40
214	SIGNIFICANT RISK ASSESSMENT (also known as "YISC")	40
215	SSA.....	40
216	SSI.....	40
217	STABILITY.....	40
218	STAY	40
219	STD	40
220	SUBJECT OF THE REPORT	40
221	SUBSTANTIATED.....	40
222	SUCCESSFUL TRANSITIONS	41
223	SUPPORT PERSON	41
224	SUPPORTED.....	41
225	TAL.....	41
226	TANF.....	41
227	TEAM CONSULTATION	41
228	TEMPORARY CUSTODY	41
229	TLP.....	41
230	TPR	42
231	THREATENED HARM	42
232	TRACKING AND ADAPTATION	42
233	TRANSITION TO ADULT LIVING	42
234	TRANSITION TO ADULT LIVING COORDINATOR	42
235	TRANSITION TO ADULT LIVING PLAN (FORM OH03)	42
236	TRANSITIONAL LIVING SOCIAL WORKER	43
237	UA.....	43
238	UDHS	43
239	UDOH	43
240	UNABLE TO COMPLETE INVESTIGATION	43
241	UNABLE TO LOCATE	43
242	UNACCOMPANIED MINORS.....	43
243	UNSUBSTANTIATED	43
244	UNSUPPORTED.....	44
245	VOLUNTARY CUSTODY	44

246	VOLUNTARY RELINQUISHMENT.....	44
247	WELL-CHILD EXAMINATION	44
248	WITHOUT MERIT	44
249	WRAP-AROUND SERVICES	44
250	YARN.....	44
251	YISC.....	45
252	YOUTH.....	45
253		

254 **PURPOSE AND INTERPRETATION OF THESE DEFINITIONS**

255 Under Utah law, Child and Family Services is responsible for providing child welfare services and
256 protecting children from abuse, neglect, and dependency. In determining what constitutes
257 abuse, neglect, or dependency, the definitions in Utah Code Ann. [§62A-4a-101](#), et. seq., [§78A-](#)
258 [6-105](#), et. seq., the Criminal Code, these Administrative Rules, and court opinions apply. These
259 definitions are intended only for internal guidance and are not public law.

260
261 It is intended that these definitions should be applied and interpreted according to the
262 following principles:

- 263
- 264 A. These definitions supersede earlier definitions.
 - 265
 - 266 B. To the extent that these definitions are inconsistent with those established in public law
267 (statutes, Administrative Rules, and court opinions), the latter controls and will be
268 applied.

269

ALLEGATION DEFINITIONS

ABUSE: Non-accidental harm or threatened harm of a child or sexual exploitation or sexual abuse. [See: Utah Code Ann. [§78A-6-105](#) 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. [§62A-4a-101](#).]

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. 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.

310 **Emotional Abuse, Chronic:** Engaging in conduct or threatening a child with conduct that
311 causes or can reasonably be expected to cause the child emotional harm. This includes,
312 but is not limited to, demeaning or derogatory remarks that affect or can reasonably be
313 expected to affect a child's development of self and social competence; or threatening
314 harm, rejecting, isolating, terrorizing, ignoring, or corrupting the child. Is repeated or
315 patterned abuse. (NOTE: Chronic abuse may be identified from the first referral.) [See:
316 Utah Code Ann. [§62A-4a-101](#).]
317

318 **Emotional Abuse, Severe:** Abuse that causes or threatens to cause serious harm to a
319 child. Engaging in conduct or threatening a child with conduct that causes or can
320 reasonably be expected to cause the child emotional harm. This includes, but is not
321 limited to, demeaning or derogatory remarks that affect or can reasonably be expected
322 to affect a child's development of self and social competence; or threatening harm,
323 rejecting, isolating, terrorizing, ignoring, or corrupting the child. Severe abuse is defined
324 in Utah Code Ann. [§78A-6-105](#).
325

326 **Fetal Exposure to Alcohol or other Harmful Substances:** A condition in which a child has
327 been exposed to or is dependent upon harmful substances as a result of the mother's
328 use of illegal substances or abuse of prescribed medications during pregnancy, or the
329 child has fetal alcohol spectrum disorder .
330

331 **Dealing in Material Harmful to a Child:** Distributing (providing or transferring
332 possession), exhibiting (showing), or allowing immediate access to material harmful to a
333 child or any other conduct constituting an offense under Utah Code Ann. [§76-10-1201](#)
334 [through 1206](#). [See: The definition of Material Harmful to a Child.]
335

336 **Material Harmful to a Child:** Any visual, pictorial, audio, or written representation (in
337 whatever form, including performance) that includes pornographic or sexually explicit
338 material, including nudity, sexual conduct, sexual excitement, or sadomasochistic abuse
339 that:
340 1. Taken as a whole, appeals to the prurient interest in sex of a child, and
341 2. Is patently offensive to prevailing standards in the adult community as a whole
342 with respect to what is suitable material for a child, and
343 3. Taken as a whole does not have serious value for a child. "Serious value" includes
344 only serious literary, artistic, political, or scientific value for a child.
345

346 [See: The definition of Dealing in Material Harmful to a Child.]
347

348 **Pediatric Condition Falsification (formerly Munchausen Syndrome by Proxy):** A cluster
349 of symptoms or signs, circumstantially related, in which the parent or guardian
350 misrepresents information and/or simulates or produces illness in a child, has

351 knowledge about the etiology of the child's illness but denies such knowledge, seeks
352 multiple medical procedures, or acute symptoms and signs of the illness cease when the
353 child is separated from the parent or guardian.

354
355 A Pediatric Condition Falsification supported finding must be supported by the child's
356 primary care physician or other medical professional's opinion. (May also be referred to
357 as Medical Child Abuse or Factitious Disorder.)

358
359 **Physical Abuse:** Non-accidental physical harm or threatened physical harm of a child
360 that may or may not be visible. Unexplained physical harm to an infant, toddler,
361 disabled, or non-verbal child. Physical abuse may also include a child who suffered
362 physical harm during a domestic violence episode. Physical harm includes, but is not
363 limited to, "physical injury" and/or "serious physical injury" as defined in Utah Code
364 Ann. [§76-5-109](#). To support a finding of physical abuse, Child and Family Services need
365 not show that the alleged perpetrator actually intended to harm the child; it is sufficient
366 to show that the conduct was non-accidental and physical harm or threatened physical
367 harm actually occurred.

368
369 **Physical Abuse, Chronic:** Non-accidental physical harm or threatened physical harm of a
370 child that may or may not be visible. Unexplained physical harm to an infant, toddler,
371 disabled, or non-verbal child. Physical abuse may also include a child who suffered
372 physical harm during a domestic violence episode. Physical harm includes, but is not
373 limited to, "physical injury" and/or "serious physical injury" as defined in Utah Code
374 Ann. [§76-5-109](#).

- 375 1. Physical harm need not be proven by visible evidence or physical impairment.
376 2. To support a finding of physical abuse, Child and Family Services need not show
377 that the alleged perpetrator actually intended to harm the child; it is sufficient to
378 show that the conduct was non-accidental and physical harm or threatened
379 physical harm actually occurred.
380 3. Is repeated or patterned abuse. (NOTE: Chronic abuse may be identified from
381 the first referral.) [See: Utah Code Ann. [§62A-4a-101](#).]

382
383 **Physical Abuse, Severe:** Abuse that causes or threatens to cause serious harm to a
384 child. Non-accidental physical harm or threatened physical harm of a child that may or
385 may not be visible. Unexplained physical harm to an infant, toddler, disabled, or non-
386 verbal child. Physical abuse may also include a child who suffered physical harm during a
387 domestic violence episode. Physical harm includes, but is not limited to, "physical
388 injury" and/or "serious physical injury" as defined in Utah Code Ann. [§76-5-109](#).

- 389 1. Physical harm need not be proven by visible evidence or physical impairment.
390 2. To support a finding of physical abuse, Child and Family Services need not show
391 that the alleged perpetrator actually intended to harm the child; it is sufficient to

392 show that the conduct was non-accidental and physical harm or threatened
393 physical harm actually occurred.

394 3. Severe abuse is defined in Utah Code Ann. [§78A-6-105](#).

395

396 **Severe Abuse:** Abuse that causes or threatens to cause serious harm to a child. Severe
397 abuse is defined in Utah Code Ann. [§78A-6-105](#). Serious harm includes but is not limited
398 to "serious physical injury" as defined in Utah Code Ann. [§76-5-109](#).

399

400 **Sexual Abuse:**

401 1. An act or attempted act of sexual intercourse, sodomy, incest, or molestation
402 directed toward a child. [See: Utah Code Ann. [§78A-6-105](#) and the definitions of
403 these terms herein.]

404 2. Engaging in any conduct with a child that would constitute an offense under any
405 of the following definitions (taken directly from Utah Code), regardless of
406 whether the person who engages in the conduct is actually charged with, or
407 convicted of, the offense:

408

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

410 (1) **Unlawful sexual activity with a minor [14 or 15 years old] under Section [76-](#)**
411 **[5-401](#).**

412 A person commits unlawful sexual activity with a minor if the actor:

413 (a) has sexual intercourse with the minor;

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

417 (c) causes the penetration, however slight, of the genital or anal opening of the
418 minor by any foreign object, substance, instrument, or device, including a part of
419 the human body, with the intent to cause substantial emotional or bodily pain to
420 any person or with the intent to arouse or gratify the sexual desire of any person,
421 regardless of the sex of any participant. For purposes of this section "minor" is a
422 person who is 14 years of age or older, but younger than 16 years of age, at the
423 time the sexual activity described in this section occurred.

424

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

426 A person commits sexual abuse of a minor if the person is seven years or more
427 older than the minor and the person touches the anus, buttocks, or any part of
428 the genitals of the minor, or touches the breast of a female minor, or otherwise
429 takes indecent liberties with the minor, or causes a minor to take indecent
430 liberties with the actor or another person, with the intent to cause substantial
431 emotional or bodily pain to any person or with the intent to arouse or gratify the
432 sexual desire of any person regardless of the sex of any participant. For purposes

433 of this section "minor" is a person who is 14 years of age or older, but younger
434 than 16 years of age, at the time the sexual activity described in this section
435 occurred.

436
437 **(3) Unlawful sexual contact with a 16 or 17 year old under Section [76-5-401.2](#).**

438 A person commits unlawful sexual conduct with a minor if a person who is:

439 (1) Seven or more years older but less than 10 years older than the
440 minor at the time of the sexual conduct engages in any conduct listed below and
441 the person knew or reasonably should have known the age of the minor: or

442 (2) Ten or more years older than the minor at the time of the sexual
443 conduct and engages in any conduct listed below.

444 "Sexual conduct" refers to when the person:

445 (a) has sexual intercourse with the minor;

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

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

454 (d) touches the anus, buttocks, or any part of the genitals of the minor, or
455 touches the breast of a female minor, or otherwise takes indecent liberties with
456 the minor, or causes a minor to take indecent liberties with the actor or another
457 person, with the intent to cause substantial emotional or bodily pain to any
458 person or with the intent to arouse or gratify the sexual desire of any person
459 regardless of the sex of any participant.

460 As used in this section, "minor" means a person who is 16 years of age or older,
461 but younger than 18 years of age, at the time the sexual conduct occurred.

462
463 **(4) Rape under Section [76-5-402](#).**

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

467
468 **(5) Rape of a child under Section [76-5-401.2](#).**

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

471
472 **(6) Object rape under Section [76-5-402.2](#).**

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

479
480 **(7) Object rape of a child under Section [76-5-402.3](#).**

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

487
488 **(8) Sodomy-Forcible Sodomy under Section [76-5-403](#).**

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

494
495 **(9) Sodomy on a child [under 14] under Section [76-5-403.1](#).**

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

500
501 **(10) Forcible sexual abuse under Section [76-5-404](#).**

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

509
510 **(11) Sexual abuse of a child [under 14] under Section [76-5-404.1](#).**

511 A person commits sexual abuse of a child if the actor touches the anus, buttocks,
512 or genitalia of any child, the breast of a female child, or otherwise takes indecent
513 liberties with a child, or causes a child to take indecent liberties with the actor or

514 another with intent to cause substantial emotional or bodily pain to any person or
515 with the intent to arouse or gratify the sexual desire of any person regardless of
516 the sex of any participant. As used in this section, "child" means a person under
517 the age of 14.

518
519 **(12) Aggravated sexual assault under Section [76-5-405](#).**

520 A person commits aggravated sexual assault if:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

546
547 **(13) See also Sexual offenses against the victim without consent of victim –**
548 **Circumstances under Section [76-5-406](#), Custodial sexual relations --**
549 **Custodial sexual misconduct -- Definitions -- Penalties – Defenses under**
550 **Section [76-5-412](#), and Custodial sexual relations or misconduct with youth**
551 **receiving state services -- Definitions -- Penalties – Defenses under Section**
552 **[76-5-413](#).**

553
554 **b. Child bigamy under Section [76-7-101.5](#).**

555 An actor 18 years of age or older is guilty of child bigamy when, knowing he or
556 she has a wife or husband, or knowing that a person under 18 years of age has a
557 wife or husband, the actor carries out the following with the person who is under
558 18 years of age:

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

561

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

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

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

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

584

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

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

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

595

- 596 **e. Lewdness involving a child [under 14] under Section [76-9-702.5](#);**
597 A person is guilty of lewdness involving a child if the person intentionally or
598 knowingly does any of the following to, or in the presence of a child who is under
599 14 years of age:
- 600 (1) performs an act of sexual intercourse or sodomy;
 - 601 (2) exposes his or her genitals, the female breast below the top of the areola, the
602 buttocks, the anus, or the pubic area:
 - 603 (i) in a public place; or
 - 604 (ii) in a private place:
 - 605 (A) under circumstances the person should know will likely cause affront or alarm;
 - 606 or
 - 607 (B) with the intent to arouse or gratify the sexual desire of the actor or the child;
 - 608 (3) masturbates;
 - 609 (4) causes a child under the age of 14 years to expose his or her genitals, anus, or
610 breast, if female, to the actor, with the intent to arouse or gratify the sexual
611 desire of the actor or the child; or
 - 612 (5) performs any other act of lewdness.
- 613
- 614 **f. Voyeurism under Section [76-9-702.7](#);**
- 615 (1) A person is guilty of voyeurism who intentionally uses a camcorder, motion
616 picture camera, photographic camera of any type, or other equipment that is
617 concealed or disguised to secretly or surreptitiously videotape, film, photograph,
618 record, or view by electronic means an individual:
 - 619 (a) for the purpose of viewing any portion of the individual's body regarding
620 which the individual has a reasonable expectation of privacy, whether or not that
621 portion of the body is covered with clothing;
 - 622 (b) without the knowledge or consent of the individual; and
 - 623 (c) under circumstances in which the individual has a reasonable expectation of
624 privacy.
 - 625 (2) Distribution or sale of any images, including in print, electronic, magnetic, or
626 digital format, obtained under Subsection (1) by transmission, display, or
627 dissemination.
 - 628 (3) A person is guilty of voyeurism who, under circumstances not amounting to a
629 violation of Subsection (1), views or attempts to view an individual, with or
630 without the use of any instrumentality:
 - 631 (a) with the intent of viewing any portion of the individual's body regarding which
632 the individual has a reasonable expectation of privacy, whether or not that
633 portion of the body is covered with clothing;
 - 634 (b) without the knowledge or consent of the individual; and
 - 635 (c) under circumstances in which the individual has a reasonable expectation of
636 privacy.

637 Or
638 3. Forcing a child under 18 years of age into marriage or cohabitation with an adult in an
639 intimate relationship.

640
641 **Sexual Exploitation:** Knowingly employing, using, persuading, inducing, enticing, or
642 coercing a child to pose in the nude for the purpose of sexual arousal of any person or
643 to engage in any sexual or simulated sexual conduct for the purpose of photographing,
644 filming, recording, or displaying in any way the sexual or simulated sexual conduct, or
645 displaying, distributing, possessing, or selling material depicting a child in the nude, for
646 the purpose of sexual arousal of any person, or engaging in sexual or simulated sexual
647 conduct. [See: Utah Code Ann. [§78A-6-105.](#)] Includes offenses outlined in Utah Code
648 Ann. [§76-5b-201.](#)

649
650 Sexual Exploitation includes a child's parent or legal guardian knowingly consenting to or
651 permitting the child to be sexually exploited as described above. [See: Utah Code Ann.
652 [§76-5b-1.](#)]

653
654 **NEGLECT:** An action or inaction that causes abandonment of a child, except a safe
655 relinquishment of a newborn child as provided in Utah Code Ann. [§62A-4a-802](#); lack of proper
656 parental care by reason of the fault or habits of the parent, guardian, or custodian; failure or
657 refusal of a parent, guardian, or custodian to provide proper or necessary subsistence,
658 education, or medical care, or any other care necessary for the child's health, safety, morals, or
659 well-being; a child at risk of being neglected or abused because another child in the same home
660 is neglected or abused. [See: Utah Code Ann. [§78A-6-105](#) and Administrative Rule [R512-80.](#)]
661 Neglect includes, but is not limited to, abandonment, educational neglect, environmental
662 neglect, failure to protect, failure to thrive, medical neglect, non-supervision, physical neglect,
663 and sibling at risk.

664
665 **Abandonment:** Except in the case of the safe relinquishment of a newborn child
666 pursuant to Utah Code Ann. [§62A-4a-802](#) [see: The definition of Safe Relinquishment of
667 a Newborn Child], conduct by either a parent or legal guardian showing a conscious
668 disregard for parental obligations, where that disregard leads to the destruction of the
669 parent/child relationship. Abandonment also arises when a parent or parents:

- 670 (a) Although having legal custody of the child, have surrendered physical custody of
671 the child, and for a period of six months following the surrender have not
672 manifested to the child or to the person having the physical custody of the child
673 a firm intention to resume physical custody or to make arrangements for the
674 care of the child;
- 675 (b) Have failed to communicate with the child by mail, telephone, or otherwise for
676 six months;

- 677 (c) Failed to have shown the normal interest of a natural parent, without just cause;
678 or
679 (d) Have abandoned an infant, as described in Utah Code Ann. [§78A-6-316](#).
680

681 [See also: Utah Code Ann. [§78A-6-508](#) and Administrative Rule [R512-80](#).]
682

683 **Educational Neglect:** Failure or refusal to make a good faith effort to ensure that a child
684 receives an appropriate education, after receiving notice that the child has been
685 frequently absent from school without good cause or that the parent has failed to
686 cooperate with school authorities in a reasonable manner in accordance with Utah Code
687 Ann. [§78A-6-105](#) and [§78A-6-319](#).
688

689 **Environmental Neglect:** An environment that poses an unreasonable risk to the physical
690 health or safety of a child. [See: Practice Guidelines [Section 200](#).]
691

692 **Failure to Protect:** Failure to take reasonable action to remedy or prevent child abuse or
693 neglect. Failure to protect includes the conduct of a non-abusive parent or guardian
694 who knows the identity of the abuser or the person neglecting the child but lies,
695 conceals, or fails to report the abuse or neglect or the alleged perpetrator's identity.
696

697 **Failure to Thrive:** A medically diagnosed condition in which the child fails to develop
698 physically. This condition is typically indicated by inadequate weight gain.
699

700 **Medical Neglect:** Failure or refusal to provide proper medical, dental, or mental health
701 care or to comply with the recommendations of a medical, dental, or mental health
702 professional necessary to the child's health, safety, or well-being. Exceptions and
703 limitations provided in Utah Code Ann. [§78A-6-105](#) include:

- 704 (a) A parent or guardian legitimately practicing religious beliefs and who, for that
705 reason, does not provide specified medical treatment for a child, is not guilty of
706 neglect.
707 (b) A health care decision made for a child by the child's parent or guardian does not
708 constitute neglect unless clear and convincing evidence shows that the health
709 care decision is not reasonable and informed. Nothing may prohibit a parent or
710 guardian from exercising the right to obtain a second health care opinion. [See:
711 Utah Code Ann. [§78A-6-301.5](#).]
712

713 **Neglect, Chronic:** Repeated or patterned neglect. (NOTE: Chronic neglect may be
714 identified from the first referral.) [See: Utah Code Ann. [§62A-4a-101](#).]
715

716 **Neglect, Severe:** Neglect that causes or threatens to cause serious harm to a child.
717 Serious harm includes, but is not limited to, serious physical injury as defined in Utah
718 Code Ann. [§76-5-109](#). [See: Utah Code Ann. [§78A-6-105](#).]
719

720 **Non-Supervision:** The child is subjected to accidental harm or an unreasonable risk of
721 accidental harm due to failure to supervise the child's activities at a level consistent with
722 the child's age and maturity.
723

724 **Physical Neglect:** Failure to provide for a child's basic needs of food, clothing, shelter, or
725 other care necessary for the child's health, safety, morals, or well-being.
726

727 **Sibling or Child at Risk:** A child who is at risk of being abused or neglected because
728 another child in the same home or with the same caregiver has been or is abused or
729 neglected.
730

731 **DEPENDENCY:** The condition of a child who is homeless or without proper care through no fault
732 of the child's parent, guardian, or custodian. [See: Utah Code Ann. [§62A-4a-101](#).] Dependency
733 may be due to a lack of understanding by the child's parent or guardian as a result of a lack of
734 education or due to a mental, emotional, or physical disability. Dependency may also be due to
735 a parent or guardian's lack of economic resources, or the institutionalization of a parent or
736 guardian. [See: Administrative Rule [R512-80](#).]
737

738 **Safe Relinquishment of a Newborn Child:** A parent or a parent's designee may safely
739 relinquish a newborn child at a hospital in accordance with the requirements of Utah
740 Code Ann. [§62a-4a-802](#) and retain anonymity, as long as the newborn child has not
741 been subjected to abuse or neglect.
742
743

744 **DEFINITIONS**

745

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

749

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

752

753 **ADJUDICATION HEARING:** An adjudication hearing is to be held to adjudicate the petition
754 filed by the Attorney General on behalf of Child and Family Services. [See: Utah Code
755 Ann. [§78A-6-309](#) and [§78A-6-311](#)].

756

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

762

763 **ADMINISTRATIVE RULES/RULEMAKING:** Written regulations that inform the public of how
764 Child and Family Services will conduct its business. An Administrative Rule has the effect of law.
765 In general, an agency promulgates an Administrative Rule when a class of persons or outside
766 agencies may be materially affected by the Child and Family Services' actions or decisions. An
767 Administrative Rule may be explicitly or implicitly required by a state or federal statute or other
768 applicable law, and it may implement or interpret a state or federal legal mandate.
769 Administrative Rules are established by Child and Family Services and processed through the
770 state's administrative rulemaking procedure, with the oversight by a legislative committee.
771 Utah Code Ann. [§62A-4a-119](#) requires Child and Family Services to prepare a "family impact
772 statement" whenever it adopts a new Administrative Rule.

773

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

777

778 **ADOPTIVE/FOSTER CARE FAMILY:** A family licensed to provide out-of-home care by the Office
779 of Licensing and who has completed all Child and Family Services requirements for prospective
780 adoptive parents.

781

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

785
786 **ALLEGED:** Asserted but not proven.

787
788 **ALLEGED FATHER** (formerly Putative Father): The man who claims to be or is claimed to be the
789 biological father of a child born out of wedlock.

790
791 **APPROPRIATENESS OF PLACEMENT:** A child's home community, the one that involves the birth
792 family, culture, village, or neighborhood, closest to school and peer group is the least restrictive
793 environment for a child. A child should be supported and maintained in his or her home
794 community. If a child's life is temporarily disrupted due to resolvable safety problems in the
795 family home or by needs that require specialized treatment for a specific and limited time in
796 another location, the child should be restored with necessary supports as quickly as possible to
797 his or her natural community. If a child's home and family situation does not permit the child
798 to return home after removal for safety reason, then that child should be provided a safe,
799 appropriate, and permanent home as quickly as possible so that natural social supports can be
800 developed for that child in a new home, neighborhood, school, and community.

801
802 **ARRANGED MARRIAGE:** Any marriage, legal or otherwise, that is arranged, coerced, or
803 threatened, and which involves a child and an adult, including (but not limited to) an adult who
804 is a member of the child's immediate or extended family.

805
806 **AAG:** Acronym for Assistant Attorney General. The AAG is an attorney that represents Child
807 and Family Services.

808
809 **BABY DOE:** A medically disabled infant with life-threatening conditions for whom medically
810 indicated treatment is withheld. (This is a federal statutory definition and *does not* apply to or
811 mean an infant abandoned by the parent.)

812
813 **BASIC LIFE SKILLS TRAINING:** Education that each youth age 16 and older will receive prior to
814 leaving out-of-home care.

815
816 **BCI:** Acronym for the Bureau of Criminal Identification.

817
818 **CANR:** Acronym for the Child Abuse and Neglect Report.

819
820 **CAREGIVER FUNCTIONING:** The caregivers' capacity, availability, and willingness to meet the
821 child's basic care and developmental needs reliably on a daily basis. Expectation of adequate

822 caregiver functioning and support apply to children living in out-of-home care with a relative,
823 living in a foster home, and to care staff in group-living situations.

824

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

833

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

836

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

840

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

846

847 **CHILD:** For Child and Family Services purposes, a person under 18 years of age. [See: Utah Code
848 Ann. [§62A-4a-101](#) and [§15-2-1](#).] Please note, however, that some criminal justice statutes
849 define a child or minor differently for purposes of particular sexual offenses. [See: Utah Code
850 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](#),
851 [§76-5-403.1](#), [§76-5-404](#), and [§76-5-404.1](#).] In appropriate circumstances, those statutes may
852 apply. [See also: The definition of Native American Child.]

853

854 **CHILD AND FAMILY ASSESSMENT (formerly Functional Assessment):** Information that is
855 gathered from various sources as appropriate to the child's situation that includes a
856 combination of clinical, functional, and information assessment techniques used to determine
857 the strengths, capabilities, needs, risks, and lifestyle preferences of the child and family. Once
858 gathered, the information should be analyzed and synthesized to form a comprehensive "big
859 picture view" of the child and his or her social support networks at home, at school, and in the
860 community. Members of the Child and Family Team, working together, should synthesize their
861 assessment knowledge to form a common big picture view that provides shared understanding
862 of the child's situation. This provides a common core of team intelligence for unifying efforts,

863 planning joint strategies, sharing resources, finding what works, and achieving a good mix and
864 match of supports and services for the child and family. Developing and maintaining a useful
865 big picture view is a dynamic, ongoing process for the Child and Family Team.

866
867 **CHILD AND FAMILY PARTICIPATION:** The child and family's sense of personal ownership in the
868 plan and decision process. The child and family's active participation in shaping and directing
869 service arrangement that impacts their lives. Emphasis is placed on direct and ongoing
870 involvement of key family members in all phases of service delivery: assessment, planning,
871 selection of providers, monitoring, modifications, and evaluation.

872
873 **CHILD AND FAMILY PLANNING PROCESS:** The Child and Family Plan specifies the goals, roles,
874 strategies, resources, and schedules for coordinated provision of assistance, supports,
875 supervision, and services for the child, caregiver, and teacher. For the child to be successful at
876 home and school, special supports may be necessary for the primary caregiver at home and for
877 the teacher at school. The child and family planning process is of essence here - not just the
878 written document. The plan needs to be developed by the team based upon the big picture
879 assessments; reflect the views and preferences of the child and family, be directed toward the
880 achievement of strategic goals and success of the child; be coherent in design, prudent in the
881 use of natural and professional resources; be culturally appropriate; and be modified
882 frequently, based on changing circumstances, experience gained, and progress made. The
883 written Child and Family Plan is the collective intentions of the Child and Family Team that
884 simply states the path and process to be followed.

885
886 **CHILD AND FAMILY TEAM:** The child, their family, the Child and Family Services social worker,
887 and the out-of-home provider are primary members of a Child and Family Team. Other entities
888 that may be included to provide additional support include representatives from education,
889 health care, law enforcement, the GAL, the parents' attorney, the Attorney General, and other
890 supportive individuals as designated by the family.

891
892 **CHILD AND FAMILY TEAM COORDINATION:** The collaboration of all parties involved in the
893 child and family's life toward a common objective. Child and Family Team members can be a
894 teacher, therapist, tracker, GAL, daycare provider, peer parent, health care provider, and other
895 paid service providers. Parents, family members, neighbors, and others can also be part of a
896 Child and Family Team. Collectively, the team should have the technical and cultural
897 competence, family knowledge, and authority to act in behalf of funders and to commit
898 resources and ability to flexibly assemble supports and resources in response to specific needs.

899

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

907
908 **CHILD AND FAMILY SERVICES FAMILY SERVICES CASEWORKER:** A person employed by or
909 contracted with Child and Family Services to provide professional casework, case
910 management, contract management, or direct service and contract management supervision.
911 The person will have, at a minimum, a Bachelor's Degree, but may not have met the
912 requirements to be a licensed worker.

913
914 **CHILD AND FAMILY SERVICES INTAKE WORKER:** A person employed by Child and Family
915 Services who processes referrals concerning child abuse, neglect, or dependency. Intake
916 workers must possess solid communication, interpersonal, and assessment skills.

917
918 **CHILD FATALITY:** A child's death.

919
920 **CHILD MALTREATMENT:** Child abuse or neglect. [See: The definitions of Abuse, Dependency,
921 Neglect, and Sexual Abuse.]

922
923 **CHILD VICTIM:** A person under the age of 18 years, or a person under the age of 21 years and
924 in the custody of Child and Family Services, who has been subjected to abuse, neglect, or
925 dependency.

926
927 **CHILD WITH SPECIAL HEALTH CARE NEEDS:** A children who has or is at an increased risk of
928 having a chronic physical, developmental, behavioral, or emotional condition and who also
929 require health and related services of a type or amount beyond that required by children
930 generally.

931
932 **CHILD WITH SPECIAL NEEDS:** A child who cannot or should not be returned to the home of the
933 parents (as determined by the state), with one of the following:

934
935 A. Child 0-17 years of age with a documented physical, emotional, or mental disability, or
936 may be at risk to develop such a condition due to the birth parents health and social
937 history.

938
939 B. Child five years of age or older.

940

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

942

943 **CHILD WITNESS TO DOMESTIC VIOLENCE:** In the physical presence of a child or is present and
944 may see or hear an act of domestic violence. [See: Utah Code Ann. [§76-5-109.1.](#)]

945

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

947

948 A. Is or was a spouse of the other party.

949

950 B. Is or was living as if a spouse of the other party.

951

952 C. Is related by blood or marriage to the other party.

953

954 D. Has or had one or more children in common with the other party.

955

956 E. Is the biological parent of the other party's unborn child.

957

958 F. Resides or has resided in the same residence as the other party.

959

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

961

962 A. The relationship of a natural parent, adoptive parent, or stepparent to a minor.

963

964 B. The relationship between natural, adoptive, step, or foster siblings who are under 18
965 years of age.

966

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

968

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

971

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

979

980 **CONCURRENT PERMANENCY PLANNING:**

981 A. Planning for different permanency outcomes at the same time.

982
983 B. Is a means to support and expedite efforts to achieve permanence for a child within one
984 year—a time frame that reflects a child's sense of the passage of time.

985
986 C. Offers a structured approach to moving children quickly from the uncertainty of out-of-
987 home care to the stability and security of a permanent family.

988
989 D. Starts with the first interaction with the child or the family

990
991 **CONFLICT OF INTEREST:** A situation in which the worker or Child and Family Services has a
992 personal or professional relationship with a subject of the record (including the alleged victim
993 or the alleged perpetrator). Utah Code Ann. [§62A-4a-409](#) requires that an agency other than
994 Child and Family Services will investigate allegations of abuse, neglect, or dependency that
995 involve individuals, institutions, or facilities that Child and Family Services supervises, governs,
996 or directs.

997
998 **CORRUPTION:** A situation where a child is victimized by being associated with, or involved in,
999 an immoral or illegal action (e.g., a parent teaching a child to shoplift; or a parent providing the
1000 child with or allowing access to alcohol or drugs for consumption).

1001
1002 **CPS:** Acronym for Child Protective Services.

1003
1004 **CREDIBLE EVIDENCE:** Information that is believable and plausible. [See: The definition of
1005 Evidence.]

1006
1007 **CUSTODIAN:** A person who has legal custody of a child or a person responsible for a child's care
1008 as defined in Utah Code Ann. [§62A-4a-402](#).

1009
1010 **CUSTODY:** [See: The definitions of DHS Custody, Legal Custody, Protective Custody, Temporary
1011 Custody, and Voluntary Custody.]

1012
1013 **CUSTODY START DATE:** Same as Date of Removal.

1014
1015 **DATE OF REMOVAL:** The date the child was initially removed from his or her biological home or
1016 the earliest of the protective custody date, the temporary custody date, and the adjudicated
1017 custody dates.

1018
1019 **DATING VIOLENCE:** Verbal, emotional, psychological, physical, or sexual abuse of one person by
1020 another in a dating relationship. [See: Utah Code Ann. [§57-22-5.1](#).]

1021
1022 **DCFS:** Acronym for the Division of Child and Family Services.

- 1023
- 1024 **DHS:** Acronym for the Department of Human Services.
- 1025
- 1026 **DHS CUSTODY:** A relationship in which the court grants custody of a child to DHS.
- 1027
- 1028 **DISPOSITIONAL HEARING:** A hearing to determine the placement of the child and the status of
1029 legal custody and guardianship, establish the primary permanency goal, and based on the goal,
1030 whether reunification services will be provided. In addition to the primary goal, the court will
1031 establish the concurrent permanency goal. [See: Utah Code Ann. [§78A-6-312.](#)]
- 1032
- 1033 **DISPOSITION OF A CPS REFERRAL:** When Intake makes a determination that a referral will be
1034 accepted or unaccepted.
- 1035
- 1036 **DISRUPTION (OF AN ADOPTION):** Ending an adoptive placement before the adoption is final.
- 1037
- 1038 **DISSOLUTION (OF AN ADOPTION):** Undoing the adoption after it is final. [See also: Voluntary
1039 Relinquishment.]
- 1040
- 1041 **DOMESTIC VIOLENCE:** Utah Code Ann. [§77-36-1](#) defines domestic violence as any criminal
1042 offense involving violence or physical harm or threat of violence or physical harm, or any
1043 attempt, conspiracy, or solicitation to commit a criminal offense involving violence or physical
1044 harm, when committed by one cohabitant against another. Domestic violence also means
1045 commission or attempt to commit any of the following offenses by one cohabitant against
1046 another: (a) aggravated assault, as described in Utah Code Ann. [§76-5-103](#); (b) assault, as
1047 described in Utah Code Ann. [§76-5-102](#); (c) criminal homicide, as described in Utah Code Ann.
1048 [§76-5-201](#); (d) harassment, as described in Utah Code Ann. [§76-5-106](#); (e) electronic
1049 communication harassment, as described in Utah Code Ann. [§76-9-201](#); (f) kidnapping, child
1050 kidnapping, or aggravated kidnapping, as described in Utah Code Ann. [§76-5-301](#), [§76-5-301.1](#),
1051 and [§76-5-302](#); (g) mayhem, as described in Utah Code Ann. [§76-5-105](#); (h) sexual offenses, as
1052 described in Title 76, Chapter 5, Part 4, Sexual Offenses, and Utah Code Ann. [§76-5b-201](#); (i)
1053 stalking, as described in Utah Code Ann. [§76-5-106.5](#); (j) unlawful detention, as described in
1054 Utah Code Ann. [§76-5-304](#); (k) violation of a protective order or ex parte protective order, as
1055 described in Utah Code Ann. [§76-5-108](#); (l) any offense against property described in Title 76,
1056 Chapter 6, Part 1, Property Destruction, Part 2, Burglary and Criminal Trespass, or Part 3,
1057 Robbery; (m) possession of a deadly weapon with intent to assault, as described in Utah Code
1058 Ann. [§76-10-507](#); (n) discharge of a firearm from a vehicle, near a highway, or in the direction of
1059 any person, building, or vehicle, as described in Utah Code Ann. [§76-10-508](#); (o) disorderly
1060 conduct, as defined in Utah Code Ann. [§76-9-102](#), if a conviction of disorderly conduct is the
1061 result of a plea agreement in which the defendant was originally charged with any of the
1062 domestic violence offenses otherwise described in this subsection (conviction of disorderly
1063 conduct as a domestic violence offense, in the manner described herein, does not constitute a

1064 misdemeanor crime of domestic violence under 18 U.S.C. Section 921, and is exempt from the
1065 provision of the federal Firearms Act, 18 U.S.C. Section 921, et seq.); or (p) child abuse as
1066 described in Utah Code Ann. [§76-5-109.1](#). Domestic violence can take a variety of forms,
1067 including:

- 1068
- 1069 A. Physical violence, including such aggressive behavior as hitting, pushing, choking,
1070 scratching, pinching, restraining, slapping, pulling, hitting with weapons or objects,
1071 shooting, stabbing, damaging property or pets, or threatening to engage in such
1072 aggressive behavior.
 - 1073
 - 1074 B. Psychological violence, such as intense and repetitive degradation, creating isolation, or
1075 detrimentally controlling the actions or behavior of another person through intimidation
1076 or manipulation.
 - 1077
 - 1078 C. Sexual violence, such as sexual harassment, limiting reproductive freedom, infliction of
1079 pain during sexual intimacy, or the use or threat of physical force to make a cohabitant
1080 perform a sexual act.

1081
1082 [See: [Section 600](#), Domestic Violence.]

1083
1084 **DOMESTIC VIOLENCE PERPETRATOR:** Any adult who commits an act of domestic violence
1085 against another cohabitant.

1086
1087 **DOMESTIC VIOLENCE SERVICES:** Utah Code Ann. [§62A-4a-101](#) states domestic violence
1088 services means: (a) temporary shelter, treatment, and related services to a person who is a
1089 victim of abuse, as defined in Utah Code Ann. [§78B-7-102](#) and the dependent children of a
1090 person described in subsection (12)(a)(i), as well as treatment services for a person who is
1091 alleged to have committed, has been convicted of, or has pled guilty to an act of domestic
1092 violence as defined in Utah Code Ann. [§77-36-1](#). Domestic violence services delivered to adult
1093 and youth victims of family violence, domestic violence, or dating violence, and their
1094 dependents are designed to meet the needs of victims for short-term, transitional, or long-term
1095 safety and provide counseling, advocacy, or assistance for victims. Services are typically
1096 provided by a licensed domestic violence shelter provider, a licensed domestic violence
1097 treatment provider, a victim advocate, or a similar domestic violence facility or specialist.

1098
1099 **DOMESTIC VIOLENCE SHELTER:** A program for survivors of domestic violence and their children
1100 where survivors and their children receive refuge from their abusers in a facility whose location
1101 is kept confidential to prevent the abuser from locating the survivor. Shelter services available
1102 to survivors and their children may include emergency housing, help with basic living needs,
1103 food, childcare, and other support services (i.e., support groups, referrals to community
1104 resources).

- 1105
- 1106 **DOMESTIC VIOLENCE SURVIVOR/VICTIM:** An adult who has been subjected to domestic
1107 violence.
- 1108
- 1109 **DNR:** Acronym for a Do Not Resuscitate order.
- 1110
- 1111 **DSM:** Diagnostic and Statistical Manual of Mental Disorders.
- 1112
- 1113 **DSPD:** Acronym for the Division of Services for People With Disabilities. The branch of Utah's
1114 DHS that provides support to individuals with disabilities and their families.
- 1115
- 1116 **DUI:** Acronym for Driving Under the Influence.
- 1117
- 1118 **EFFECTIVE RESULTS:** Services are provided to achieve specific results and benefits for the child
1119 and family. These results should include improved functioning, achievement of outcomes
1120 consistent with the long-term view, and improved learning. If intervention strategies and
1121 services are not producing these results, then strategies and services should be modified over
1122 time as experience is gained about what expectations are reasonable and what interventions
1123 actually work.
- 1124
- 1125 **EMANCIPATED MINOR:** Under Utah Code Ann. [§15-2-1](#), a minor who marries is automatically
1126 emancipated. A minor may also be deemed emancipated by court order. The court looks at
1127 specific facts, including enlisting in the armed forces or leaving the parental home and
1128 becoming self-supporting.
- 1129
- 1130 **EMERGENCY KINSHIP PLACEMENT:** See Preliminary Placement with Kin.
- 1131
- 1132 **EMOTIONAL/BEHAVIORAL WELL-BEING:** The child has social supports in the home and school
1133 settings that provide the child with a sense of: identity that connotes feelings of personal
1134 worth, belonging and affiliation with others in his or her support network, being capable of
1135 participating in major life activities and decisions that affect him or her, feeling that his or her
1136 life has meaning, purpose, and direction, and being part of his or her culture and its social
1137 supports.
- 1138
- 1139 **ESTABLISHED PRIMARY CARE PROVIDER:** An individual or group who has seen the child at
1140 least once, has an established relationship with child or family, and wants to continue having a
1141 relationship with that child.
- 1142
- 1143 **ETV:** Acronym for Education and Training Voucher, which provides financial resources for
1144 postsecondary education and vocational training necessary to obtain employment or to support
1145 the individual's employment goals.

- 1146
1147 **EVIDENCE:** Testimony, writings, or material objects that are offered to prove the existence or
1148 non-existence of a fact.
1149
- 1150 **F.A.C.T.:** Acronym for Families, Agencies and Communities Together. F.A.C.T. is a committee of
1151 community service agencies that can provide a wide range of assistance to families.
1152
- 1153 **FACE-TO-FACE CONTACT:** In-person contact with a child to assess safety and any protection
1154 needs for the child.
1155
- 1156 **FALSE REPORT:** A report of abuse or neglect made to Child and Family Services by a reporter
1157 (referent) who more likely than not knew the report was false at the time that person
1158 submitted the report. [See: Utah Code Ann. [§62A-4a-1007.](#)]
1159
- 1160 **FAMILY FOSTER CARE:** A living arrangement offered and supervised by Child and Family
1161 Services for children who are under age 21 years at time of intake and are unable to receive
1162 needed parental care in their own home but are able to participate in family and community
1163 life without danger to themselves or others.
1164
- 1165 **FAMILY FUNCTIONING AND RESOURCEFULNESS:** The ability of the family to become self-
1166 directed and to build the capacities necessary for its members to live safely and for the family
1167 unit to function successfully with basic and special needs of all members adequately met.
1168
- 1169 **FAMILY SERVICE SPECIALIST:** Reviews cases with Child and Family Services social workers prior
1170 to removal to determine if there is substantial cause to believe grounds for removal exist and
1171 that services are not reasonably available to eliminate the need for removal. A Child and Family
1172 Services CPS caseworker need not review a case with a family service specialist if, in the Child
1173 and Family Services CPS caseworker's opinion, that process would create a delay that may
1174 endanger the health, safety, or welfare of the child.
1175
- 1176 Criteria for selection of the family service specialist is as follows:
1177
- 1178 A. Region directors will select family service specialists from existing staff based on the
1179 following:
- 1180 1. Be a lead worker or above.
 - 1181 2. Have at least five years of child welfare experience.
 - 1182 3. Have an LCSW with at least three years of child welfare experience.
 - 1183 4. Complete the family service specialist training.
- 1184
- 1185 B. Staff selected as family service specialists will be placed on a calling tree that will be
1186 made available to workers 24 hours per day. Regions may develop calling trees for the

- 1187 entire region, local offices, counties, or any other configuration that is workable for the
1188 region.
- 1189 1. During business hours, workers may be directed to call their own supervisor first;
1190 however, if their supervisor is not available, the calling tree will provide other
1191 staffing options.
 - 1192 2. During non-business hours, staff on the calling tree will not be required to carry
1193 a pager or cell phone, but must provide a phone number where they can be
1194 reached. Workers will call down the calling tree until they reach a family service
1195 specialist. The family service specialist will be allowed to claim time actually
1196 worked during non-business hours.
 - 1197 3. If a region already has a supervisor available for an on-call system, their system
1198 will not change if the supervisor meets the criteria for a family service specialist
1199 listed in subparagraph A above.
- 1200
- 1201 C. Calling trees should be updated as needed with staff changes.
- 1202

1203 **FAMILY VIOLENCE:** Any act or threatened act of violence, including any forceful detention of an
1204 individual that results or threatens to result in physical injury and is committed by a person
1205 against another individual (including an elderly individual) to or with whom such person is
1206 related by blood, or is or was related by marriage or is or was otherwise legally related, or is or
1207 was lawfully residing.

1208

1209 **FETAL ALCOHOL SPECTRUM DISORDER (FASD):** A broader array of impairments than are
1210 reported for children suffering from Fetal Alcohol Syndrome. In FASD children exposed to
1211 alcohol in the womb may exhibit one or more of the following characteristics or behaviors: (a)
1212 Inadequate growth in the womb or after birth; (b) Facial abnormalities such as small eye
1213 openings; (c) Poor coordination; (d) Hyperactive behavior; (e) Learning disabilities (e.g., speech
1214 and language delays); (f) Mental retardation or low IQ; (g) Poor reasoning and judgment skills;
1215 (h) Poor impulse control; or (i) Sleep and sucking disturbances in infancy.

1216

1217 **FINALIZATION:** A court of law has decreed that the adoption is final.

1218

1219 **FORMAL AND INFORMAL SUPPORT SYSTEMS:** Informal support is the offerings of friends,
1220 neighbors, churches, and community agencies that can range from volunteer reading tutors to
1221 after school supervision, recreational activities, assisting with transportation or keeping
1222 appointments, etc. Professional services may be donated, offered through health care plans, or
1223 funded by government agencies. A combination of supports and services may be necessary to
1224 assist the child, family, and teacher. Selection of basic supports should begin with information
1225 family network supports and generic community resources available to all citizens. Specialized
1226 and tailor made supports and services should be developed or purchased, only when necessary,

1227 to supplement rather than supplant readily available supports and services of satisfactory
1228 nature.

1229
1230 **FULL DISCLOSURE:** Respectful, candid discussion early and throughout the case about the
1231 impact of out-of-home care on children, clarification of birth parents' rights and responsibilities,
1232 supports agency will provide, permanency options, and consequences of not following through
1233 with the case plan. This includes open, honest discussions with all parties – biological families,
1234 relatives, foster/adoptive families, attorneys, and other service caregivers with the use of family
1235 group decision-making/conferencing strategies to involve families in early planning.

1236
1237 **FULL FAITH AND CREDIT:** A legal principle requiring judges to recognize and enforce valid
1238 orders, decrees, and judgments issued by courts in other states. For example, Utah courts
1239 recognize a protective order from another state.

1240
1241 **GAF:** Acronym for Global Assessment of Functioning Scale.

1242
1243 **GAL:** Acronym for Guardian ad Litem. The court may appoint a GAL to represent the best
1244 interests of a child involved in a case before the court. Out-of-home providers are encouraged
1245 to contact the child's GAL about any concerns that the child's needs are not being met.

1246
1247 **GRAMA:** Acronym for Government Records Access Management Act, a Utah statute that allows
1248 members of the public to obtain copies of certain government records. If a person submits a
1249 written request for a Child and Family Services record, GRAMA requires Child and Family
1250 Services to disclose the record *unless* such disclosure is prohibited by GRAMA itself (e.g., Utah
1251 Code Ann. [§63G-2-302](#), [§63G-2-304](#) and [§63G-2-305](#)) or by another state or federal statute
1252 (e.g., Utah Code Ann. [§62A-4a-412](#)). Many of Child and Family Services' records are not open to
1253 the public due to their classification under GRAMA or other statutes.

1254
1255 **GUARDIANSHIP OF THE PERSON:** The guardian (caregiver or responsible adult) has the
1256 authority to consent to the child's marriage; enlistment in the armed forces; major medical,
1257 surgical, or psychiatric treatment; and to legal custody, if legal custody is not vested in another
1258 person, agency, or institution. [See: Utah Code Ann. [§78A-6-105](#).]

1259
1260 **HARM:** Harm is defined in Utah Code Ann. [§78A-6-105](#). Harm also includes, but is not limited
1261 to, any injury or condition described in Utah Code Ann. [§76-5-109](#). [See also: The definition of
1262 Threatened Harm.]

1263
1264 **HCG:** Urine Pregnancy Test.

1265
1266 **HEALTH CARE:** Services including medical, dental, and mental health services.

1267

1268 **HEALTH/PHYSICAL WELL-BEING:** The child's basic physical needs for proper nutrition, clothing,
1269 shelter, and hygiene are met on a daily basis. Preventive medical and dental care is necessary
1270 for maintaining good health. Preventive health care should include immunizations, dental
1271 hygiene, and screening for possible physical or developmental problems. Physical well-being
1272 encompasses both the child's physical health status and access to timely health services.

1273
1274 **HEARSAY:** An out-of-court statement that is offered to prove the truth of the matter. NOTE:
1275 Utah statute, the Utah Rules of Criminal Procedure, and the Utah Rules of Evidence classify
1276 certain types of statements as "non-hearsay" or as otherwise admissible as evidence. Hearsay
1277 evidence is admissible at an Administrative Hearing.

1278
1279 **HIV:** Human Immunodeficiency Virus.

1280
1281 **HMO:** A Health Maintenance Organization.

1282
1283 **HOME-TO-HOME BOOK:** The child's Home-to-Home Book will be maintained to preserve
1284 vital information about the child's events and activities during the time the child spent
1285 in care such as educational, medical, dental, and mental health. The Home-to-Home
1286 Book will be reviewed by the worker quarterly.

1287
1288 **HVR:** Health Visit Report, HVR-Child and Family Services Form 984.

1289
1290 **ICWA:** Acronym for the Indian Child Welfare Act. ICWA is the federal statute that establishes
1291 certain standards and procedures that a state non-Native American authority must follow when
1292 removing a Native American child from a care provider and placing the child in the state's
1293 temporary custody.

1294
1295 **ICWA KINSHIP/RELATIVE DEFINITION:** An "extended family member" is defined by the law or
1296 custom of the Native American child's tribe, or in the absence of such law or custom, is any
1297 person who has reached the age of 18 years and who is the Native American child's
1298 grandparent, aunt or uncle, brother or sister, brother-in-law or sister-in-law, niece or nephew,
1299 first or second cousin, or stepparent. [See: 25 U.S.C. §1903.]

1300
1301 **IMMEDIATE PROTECTION SAFETY ASSESSMENT:** An organized protocol of assessing the
1302 immediate protection and safety needs of the alleged victim at the worker's initial contact.

1303
1304 **INCEST:** Engaging in sexual intercourse with a person whom the perpetrator knows to be the
1305 perpetrator's ancestor, descendant, brother, sister, uncle, aunt, nephew, niece, or first cousin.
1306 The relationships cited above include blood relationships of the whole or half blood, without
1307 regard to legitimacy; relationships of parent and child by adoption; and relationships of
1308 stepparent and stepchild while the marriage creating the relationship of a stepparent and

1309 stepchild exists. Incest includes providing or making available seminal fluid or a human egg and
1310 other conduct specified in Utah Code Ann. [§76-7-102](#) and [§78A-6-105](#). [See also: The definitions
1311 of Sexual Abuse and Sexual Intercourse.]

1312
1313 **INDECENT LIBERTIES:** Engaging in conduct with a child with the intent to arouse or gratify the
1314 sexual desire of any person or with the intent to cause substantial emotional or bodily pain to
1315 any person under circumstances of similar gravity to touching the child's anus, buttocks, any
1316 part of the genitals, or the breast of a female child. Indecent liberties does not require touching
1317 as long as the conduct is of a similar gravity.

1318
1319 **INTAKE:** The process of receiving the initial information from a referent who is alleging an act of
1320 abuse, neglect, or dependency against a child, researching for additional information, and
1321 disposition of the referral including determining appropriate assignment and prioritization of an
1322 accepted referral.

1323
1324 **IPSA:** Acronym for an Individual Protection Safety Assessment.

1325
1326 **JUDICIAL REVIEW:** A court review of agency actions. This review may be in Juvenile Court and
1327 relate to Child and Family Services actions in a case under court jurisdiction. The review may
1328 also relate to review of a final decision from and administrative law judge in an administrative
1329 hearing.

1330
1331 **KINSHIP:** The relationship of family members or near kin who are a fit, safe, and appropriate
1332 placement for the alleged primary victim or siblings and is an adult who is a grandparent, great
1333 grandparent, aunt, great aunt, uncle, great uncle, brother-in-law, sister-in-law, stepparent, first
1334 cousin, stepsibling, or sibling of the child. Preference may be given to kin or a non-custodial
1335 parent who are a fit, safe, and appropriate placement for an emergency kinship placement in
1336 accordance with Utah Code Ann. [§78A-6-307](#). Kinship placement may be an alternative to an
1337 out-of-home care placement. The child in a kinship placement may be in the custody of Child
1338 and Family Services or in the custody of relatives. [See also: The definition of ICWA
1339 Kinship/Relative Definition.] [See also: Utah Code Ann. [§78A-6-307](#), which defines the term
1340 "relative" to include such "extended family members" and great grandparents, great aunts,
1341 great uncles, and stepsiblings.]

1342
1343 **KINSHIP CARE:** The full-time care, nurturing, and protection of a child by relatives when a court
1344 determines the child cannot be cared for safely by their parents.

1345
1346 **LEARNING DEVELOPMENT PROGRESS** (for children under age five years): The child is actively
1347 engaged in developmental and educational processes that enable the child to develop the skills
1348 and functional capabilities at a rate and level consistent with his or her age and abilities.
1349 Essential functional capabilities include: walking/mobility, talking/communicating, toileting,

1350 following simple and more complex directions, independent/parallel/cooperative play,
1351 independent dressing, color recognition, etc. Children who have developmental delays or
1352 physical limitations should be receiving the necessary support to maximize their development.

1353

1354 **LEARNING PROGRESS** (for children age five years and older): The child is a learner who is
1355 actively engaged in developmental, educational, and/or vocational processes that are enabling
1356 him or her to build skills and functional capacities at a rate and level consistent with his or her
1357 age and abilities. Learning progress is concerned not only with academic progress and
1358 achievement test scores, but also with acquisition and demonstration of functional capabilities
1359 that include self-care, mobility, communications, literacy, self-direction, caring relationships,
1360 community orientation, citizenship participation, employability, and independent living. The
1361 ultimate concern is whether the child is learning and progressing at a rate that will enable him
1362 or her to become a responsible, competent, contributing citizen upon completion of public
1363 school.

1364

1365 **LEGAL CUSTODY:** A relationship embodying the following rights and duties:

1366

1367 A. The right to physical custody of the child.

1368

1369 B. The right and duty to protect, train, and discipline the child.

1370

1371 C. The duty to provide the child with food, clothing, shelter, education, and ordinary
1372 medical care.

1373

1374 D. The right to determine where and with whom the child will live.

1375

1376 E. The right, in an emergency, to authorize surgery or extraordinary care.

1377

1378 [See: Utah Code Ann. [§78A-6-105.](#)]

1379

1380 **LICENSED SOCIAL SERVICES WORKER:** A Bachelor's Degree worker with a Social Service Worker
1381 (SSW) license, or a Master's level (CSW, LCSW, LPC, or MFT) license. Advanced Master's level
1382 licenses have additional clinical-based requirements.

1383

1384 **LIFE BOOK:** A record of the child's personal history from birth, including the child's time in out-
1385 of-home care.

1386

1387 **LONG-TERM KINSHIP CARE:** Care provided, subsequent to the permanency hearing, to a child
1388 by a relative who is a licensed foster parent. At the permanency hearing, the court must
1389 identify and document, on an individual basis, a "compelling reason" that return home,
1390 adoption, or permanent custody and guardianship with the relative is not in the best interest of

1391 the child. The child remains in the custody of Child and Family Services and is subject to the
1392 continuing supervision of the court.

1393

1394 **LONG-TERM VIEW:** The long-term view is a guiding strategic vision used to set the purpose and
1395 path of intervention and support. It is used to focus a coherent Child and Family Plan and
1396 process. A long-term view anticipates and defines what the child must have, know, and be able
1397 to do in order to be successful following his or her next major developmental or placement
1398 transitions. The long-term view must answer the question of where the case is headed and
1399 why.

1400

1401 **MEDICALLY FRAGILE:** A child who has an extraordinary, diagnosed health condition and meets
1402 one or more of the following criteria:

1403

1404 A. Chronic debilitating condition.

1405

1406 B. Acute condition(s) requiring three or more follow-up visits per month for three
1407 consecutive months.

1408

1409 C. At risk for developing an acute condition and requiring extensive monitoring.

1410

1411 **MEDICALLY NEEDY:** A child whose condition warrants additional treatment, therapy, and/or
1412 excessive follow-up care (may be transitional). The child is between the ages of 0-18 years and
1413 suffers from physical and/or mental debilitation inhibiting his or her growth and development
1414 and/or whose condition requires specialized skill by another to meet his or her daily living
1415 activities, which include:

1416

1417 A. Nutrition.

1418

1419 B. Sleep.

1420

1421 C. Elimination.

1422

1423 D. Ambulation.

1424

1425 E. Socialization.

1426

1427 **MEPA:** The Multi-Ethnic Placement Act that prohibits the use of a child's or a prospective
1428 parent's race, color, or national origin to delay or deny the child's placement and by requiring
1429 diligent efforts to expand the number of racially and ethnically diverse foster and adoptive
1430 parents.

1431

1432 **METHAMPHETAMINE:** A potent central nervous system stimulant that can be smoked, snorted,
1433 injected, taken orally, or used in suppository form. It increases the heart rate, blood pressure,
1434 body temperature, and rate of breathing; it dilates the pupils; and it produces euphoria,
1435 increased alertness, a sense of increased energy, and tremors. High doses or chronic use have
1436 been associated with increased nervousness, irritability, and paranoia. Withdrawal from high
1437 doses often produces severe depression. Methamphetamine is a lethal, dangerous, and
1438 unpredictable drug. Exposure of a child to a methamphetamine laboratory is felony child
1439 endangerment. [See: Utah Code Ann. [§76-5-112.5](#).] [See also: The definition of Physical Abuse.]
1440

1441 **MINOR:** Except as provided in Part 7, Interstate Compact on Placement of Children:
1442

1443 A. A child; or
1444

1445 B. A person:

- 1446 1. Who is at least 18 years of age and younger than 21 years of age; and
- 1447 2. For whom Child and Family Services has been specifically ordered by the juvenile
1448 court to provide services. Please note, however, that some criminal justice
1449 statutes define a child or minor differently for purposes of particular sexual
1450 offenses. [See: Utah Code Ann. [§76-5-401](#), [§76-5-401.1](#), [§76-5-401.2](#), [§76-5-](#)
1451 [402.1](#), [§76-5-402.2](#), [§76-5-402.3](#), [§76-5-403](#), [§76-5-403.1](#), [§76-5-404](#), and [§76-5-](#)
1452 [404.1](#).] In appropriate circumstances, those statutes may apply.
1453

1454 **MUNCHAUSEN SYNDROME BY PROXY:** [See: The definition of Pediatric Condition Falsification.]
1455

1456 **NATIVE AMERICAN CHILD:** An unmarried or married person who is under age 18 years and is:
1457

1458 A. A member of a Native American tribe, or
1459

1460 B. Eligible for membership in a Native American tribe and is the biological child of a
1461 member of a Native American tribe. [See: The definition of ICWA.]
1462

1463 **NATURAL PARENT:** A biological or adoptive mother; a biological or adoptive father.
1464

1465 **NEAR FATALITY:** ~~[A child who is certified by a physician to be in serious or critical condition as a~~
1466 ~~result of abuse or neglect.] A child who is certified by a physician to be in serious or critical~~
1467 ~~condition and has been admitted to an Intensive Care Unit and mechanically intubated as a~~
1468 ~~result of an injury or illness as a direct result of child abuse or neglect.~~
1469

1470 **NOTICE OF AGENCY ACTION:** Written notification to an individual about a case finding that
1471 identifies the individual as responsible for abuse, neglect, or dependency. The notification
1472 specifies the findings, explains who will have access to the information on the database, and

1473 outlines the due process procedures for challenging the findings in an Administrative Hearing.
1474 Notice of Agency Action is also sent when foster children are removed, when benefits are
1475 changed, etc. [See: Utah Code Ann. [§63G-4-102](#) and [§63G-4-201](#), and Administrative Rule [R497-](#)
1476 [100](#).]

1477
1478 **ORSIS:** Acronym for the Office of Recovery Services Information System.

1479
1480 **OUT-OF-HOME CAREGIVER:** Foster, adoptive, and kinship parents (or other out-of-home
1481 caregivers) who work with the agency and the primary parents to attempt, except in limited
1482 situations, to return children to their families of origin. Also referred to as “resource families.”

1483
1484 **OUT-OF-HOME CARE PROVIDER:** A provider who cares for children in the custody of Child and
1485 Family Services, other than their parents or relatives (i.e., foster parents, etc.).

1486
1487 **PCP:** Acronym for Primary Care Professional. A medical professional, or group of professionals,
1488 who provide continuous and comprehensive health care, and maintain the health records of an
1489 individual and/or a family. They act as the entry point to the health care system and coordinate
1490 services provided by specialists. It excludes these caregivers in the following settings:
1491 emergency room departments, local health departments, or urgent care centers. An
1492 emergency department or urgent care facility is not a primary care professional.

1493
1494 **PEER PARENT:** An out-of-home caregiver, or other specially trained individual, who engages
1495 and teams with the child’s parents to help improve parenting, nurturing, and/or household
1496 management skills.

1497
1498 **PERIOD OF MINORITY:** A youth may be in out-of-home care longer than age 18 but prior to
1499 reaching age 21, when certain conditions exist; i.e., the youth is in the process of completing
1500 high school (by age 19); for medical or disability reasons; or if ordered by the court. “The
1501 period of minority extends in males and females to the age of eighteen (18) years of age; but all
1502 minors obtain their majority by marriage. It is further provided that courts in divorce actions
1503 may order support to age 21.” [See: Utah Code Ann. [§15-2-1](#).]

1504
1505 **PERMANENCY:** The establishment and maintenance of a permanent living situation for a child
1506 to give the child an internal sense of family stability and belonging and a sense of self that
1507 connects the child to his or her past, present, and future. Permanency can be achieved in a
1508 number of ways based on the child’s circumstances; e.g.: (1) keeping or returning the child to
1509 his or her home; (2) placing the child with a relative or non-relative and supporting permanent
1510 custody or guardianship; (3) supporting independent living; or (4) adoption.

1511
1512 **PERMANENCY HEARING:** A permanency hearing is a hearing to determine the future status of
1513 the child (Utah Code Ann. [§78A-6-312](#) and [§78A-6-314](#)). When reunification services have been

1514 ordered, a permanency hearing will be held within 12 months of the removal of the child or
1515 within eight months of the removal of a child under 36 months of age at the time of removal.

1516
1517 **PERMANENCY PLANNING:** The process that is used to establish families for children that offer
1518 continuity of relationships with nurturing parents or caretakers and the opportunity to establish
1519 lifetime relationships.

1520
1521 **PERMANENCY PLANNING OUTCOMES:** Child and Family Services seeks first to preserve and
1522 support the child's biological (primary) family, and when that is not possible, to secure a family,
1523 adoptive or otherwise, that offers the hope of lifelong family-like relationships. Renewing Our
1524 Commitment to Permanency for Children-NRCFPFC and CWLA—1999.

1525
1526 **PERPETRATOR:** A person substantially responsible for causing child abuse or neglect, or a
1527 person responsible for a child's care who permits another to abuse or neglect a child. [See:
1528 Utah Code Ann. [§76-5-109](#) and Administrative Rule [R512-80](#).]

1529
1530 **PHYSICAL INJURY:** A non-accidental injury or condition that impairs or endangers the physical
1531 condition of a child, including (but not limited to) the following:

- 1532
1533 A. A bruise or other contusion of the skin.
1534
1535 B. A minor laceration or abrasion.
1536
1537 C. Failure to thrive or malnutrition.
1538
1539 D. Any other condition that imperils the child's health or welfare and which is not serious
1540 physical injury as defined in Utah Code Ann. [§76-5-109](#).

1541
1542 **PLACEMENT:** A child's living arrangement while in out-of-home care, selected by a team
1543 including the family and agency representatives, which is selected to meet the child's needs.

1544
1545 **PLACEMENT OF CHILD NOT FREE FOR ADOPTION:** Placement of a child with an adoptive/foster
1546 care family pursuing adoption or when the court has not yet terminated the rights of the birth
1547 parents or the birth parents have not yet signed a voluntary relinquishment of parental rights.
1548 May also be known as "at-risk" or "fost-adopt."

1549
1550 **PLACEMENT SERVICES:** Those services offered to the family, child, and out-of-home
1551 caregiver to work toward permanency.

1552
1553 **PLAN IMPLEMENTATION:** The provisions of the Child and Family Plan have to be implemented
1554 via timely delivery of adequate services. Implementation involved the arrangement of supports

1555 and delivery of services according to the Child and Family Plan. The agreed upon strategies,
1556 supports, services, and other intervention activities are to be delivered in a timely and
1557 competent manner, consistent with identified needs and preferences, and following the
1558 principles of the Practice Model. Delivery of services by persons having the necessary skills,
1559 resources, time, and opportunity to provide supports and services commensurate with the
1560 urgency and complexity of the child's needs and situation is essential for producing desired
1561 results. A "smart" implementation process is interactive, offering ongoing adaptation of service
1562 arrangements in response to frequent feedback received about changing situation, emerging
1563 needs, and results being achieved.

1564

1565 **PLEA BARGAIN:** An agreement in which a defendant admits to a criminal charge that is less
1566 than the original charge without having a hearing or trial. A plea bargain does *not* affect the
1567 finding in a child protection investigation case.

1568

1569 **PLEA IN ABEYANCE:** An order by a court, upon motion of the prosecution and the defendant,
1570 accepting a plea of guilty or of no-contest from the defendant but not, at that time, entering
1571 judgment of conviction against the defendant or imposing sentence, on condition that the
1572 defendant will comply with specific conditions as set forth in the plea in abeyance agreement.
1573 [See: Utah Code Ann. [§77-2a-1](#).] A defendant's plea in abeyance in a case involving the abuse,
1574 neglect, or dependency of a child does not affect the findings of Child and Family Services in a
1575 child protection investigation case.

1576

1577 **POSITION OF SPECIAL TRUST:** A position occupied by a person in a position of authority who, by
1578 reason of that position, is able to exercise undue influence over the alleged victim. Such
1579 persons include (but are not limited to) a youth leader or recreational leader who is an adult,
1580 adult athletic manager, adult coach, teacher, counselor, religious leader, doctor, employer,
1581 foster parent, babysitter, adult scout leader, natural parent, stepparent, adoptive parent, legal
1582 guardian, grandparent, aunt, uncle, or adult cohabitant of a parent. [See: Utah Code Ann. [§76-](#)
1583 [5-404.1](#).]

1584

1585 **POST ADOPTION:** After finalization of an adoption.

1586

1587 **PRACTICE MODEL PRINCIPLES:** Protection - children's safety is paramount; Development -
1588 Children and families need consistent nurturing in a healthy environment to achieve their
1589 developmental needs; Permanency - All children need and are entitled to enduring
1590 relationships that provide a family stability and belonging and a sense of self that connects
1591 children to their past, present, and future; Cultural Responsiveness - Children and families have
1592 the right to be understood within the context of their own family rules, traditions, history, and
1593 culture; Partnership - The entire community shares the responsibility to create an environment
1594 that helps families raise their children to their fullest potential; Organizational Competence -
1595 Committed, qualified, trained, and skilled staff, supported by an effectively structured

1596 organization, helps insure positive outcomes for children and families; and Professional
1597 Competence - Children and families need a relationship with an accepting, concerned, empathic
1598 worker who can confront difficult issues and effectively assist them in their process toward
1599 positive change

1600

1601 **PRELIMINARY PLACEMENT WITH KIN:** A temporary placement with kin as an alternative to
1602 shelter. A Preliminary Placement with kin may or may not be selected as a long-term
1603 placement for the child. After the Preliminary Placement, Child and Family Services will make a
1604 reasonable search for a long-term placement that meets the child's needs and challenges.

1605

1606 **PREPONDERANCE:** Evidence that, as a whole, shows that the fact sought to be proven (abuse,
1607 neglect, or dependency) is more probable than not.

1608

1609 **PRIORITY RESPONSE TIMES:** The time allotted under Child and Family Services Practice
1610 Guidelines for a Child and Family Services CPS caseworker to make face-to-face contact with a
1611 child on an allegation of abuse, neglect, or dependency that drives the priority for the referral.

1612 [See: Administrative Rule [R512-200-3](#).]

1613

1614 A. A Priority 1 response will be assigned when the child referred is in need of immediate
1615 protection. Intake will begin to collect information immediately after the completion of
1616 the initial contact from the referent. As soon as possible thereafter, Intake will obtain
1617 additional information, staff the referral to determine the priority, notify law
1618 enforcement, and assign to the Child and Family Services CPS worker. Intake will provide
1619 the Child and Family Services CPS worker with information concerning prior
1620 investigations on SAFE. The Child and Family Services CPS worker has as a standard of 60
1621 minutes from the time Intake notifies the worker to initiate efforts to make face-to-face
1622 contact with an alleged victim. For a Priority 1R (rural) referral, a Child and Family
1623 Services CPS worker has, as a standard, three hours to initiate efforts to make face-to-
1624 face contact if the alleged victim is more than 40 miles from the investigator who is
1625 assigned to make the face-to-face contact.

1626

1627 B. A Priority 2 response will be assigned when physical evidence is at risk of being lost or
1628 the child is at risk of further abuse, neglect, or dependency, but the child does not have
1629 immediate protection and safety needs, as determined by the Intake checklist. Intake
1630 will begin to collect information as soon as possible after the completion of the initial
1631 contact from the referent. As soon as possible Intake will obtain additional information,
1632 staff the referral to determine the priority, assign the referral to the Child and Family
1633 Services CPS worker, and notify law enforcement. Intake will give verbal notification to
1634 the assigned Child and Family Services CPS worker. Intake will also provide the Child and
1635 Family Services CPS worker with information concerning prior investigations on SAFE.
1636 The Child and Family Services CPS worker has, as a standard, 24 hours from the time

1637 Intake notifies the worker to initiate efforts to make face-to-face contact with the
1638 alleged victim. Notification of a Priority 2 referral received after normal working hours
1639 (8:00 a.m. through 5:00 p.m.) will occur as early as possible following morning.
1640

1641 C. A Priority 3 response will be assigned when potential for further harm to the child and
1642 the loss of physical evidence is low. Prior to transferring the case to a Child and Family
1643 Services CPS worker, Intake will obtain additional information, research data sources,
1644 staff the referral as necessary, determine the priority, complete documentation
1645 including data entry, make disposition to CPS, and notify law enforcement. Intake will
1646 also provide the Child and Family Services CPS worker with information concerning prior
1647 investigations on SAFE. The Child and Family Services CPS worker will make the face-to-
1648 face contact with the alleged victim within a reasonable period of time.
1649

1650 D. Priority 4 is no longer valid.
1651

1652 **PROCEDURES:** Statewide mandatory guidelines or directions that explain the specific day-to-
1653 day tasks involved in implementing Child and Family Services Practice Guidelines in accordance
1654 with statutes, Administrative Rules, and other governing law. Procedures are usually more
1655 detailed than either Administrative Rules or Practice Guidelines. Procedures are mandatory.
1656

1657 **PROSPECTS FOR PERMANENCE:** Permanency, commonly identified with the meaning of
1658 “family” or “home,” suggests not only a stable setting, but also stable caregivers and peers,
1659 continuous supportive relationships, and some level of parental/caregiver commitment and
1660 affection. Evidence of permanency includes resolution of guardianship, adequate provision of
1661 necessary supports for the caregiver, and the achievement of stability in the child’s home and
1662 school settings.
1663

1664 **PROTECTIVE CUSTODY:** Taking a child into custody for protection by a Child and Family Services
1665 CPS caseworker, law enforcement officer, or physician. [See: Utah Code Ann. [§62A-4a-101](#),
1666 [§62A-4a-407](#), and [§78A-6-301](#).] [See also: The definitions of Custody, DHS Custody, Legal
1667 Custody, Temporary Custody, and Voluntary Custody.]
1668

1669 **PROTECTIVE SERVICES COUNSELING:** Voluntary services provided by Child and Family Services
1670 to a family.
1671

1672 **PROTECTIVE SERVICES SUPERVISION:** A legal status created by court order after an
1673 adjudication on the grounds of abuse, neglect, or dependency in which the child is permitted to
1674 remain in the home or is placed in a relative's home, and supervision and assistance to correct
1675 the abuse, neglect, or dependency is provided by an agency designated by the court. [See:
1676 Utah Code Ann. [§78A-6-105](#).]
1677

1678 **PROXIMITY (IN RELATION TO CHILD PLACEMENT):** "Reasonable proximity" includes placing the
1679 child within their neighborhood so that family contact, continued school placement, church
1680 involvement, and friendships may be maintained.

1681
1682 **QA:** Acronym for Quality Assurance. QA is a tool used to ensure that Child and Family Services'
1683 Practice Guidelines are met.

1684
1685 **REASONABLE EFFORTS:** Such reasonable efforts include an assessment of the protection needs
1686 of a child and the consideration and implementation of protective services that could enable a
1687 child to remain safely in the home. The term "reasonable efforts" refers to efforts to provide
1688 services that are reasonably available (that is, services that are accessible to arrange, refer, or
1689 provide, or that are available from other community resources).

1690
1691 Both state and federal law require reasonable efforts to prevent removal and to return children
1692 home where safe and appropriate. The court reviews these efforts at shelter hearings,
1693 permanency hearings, and parental termination hearings. In certain circumstances, reasonable
1694 efforts (reunification services) are not required. [See: Form for 24-hour multidisciplinary
1695 meeting; Utah Code Ann. [§78A-6-312.](#)]

1696
1697 **REASSIGNMENT:** Assigning a case to a different worker.

1698
1699 **REFERRAL:** Information provided to Child and Family Services alleging abuse, neglect, or
1700 dependency.

1701
1702 **RELATIVE:** An adult who is a grandparent, great grandparent, aunt, great aunt, uncle, great
1703 uncle, brother-in-law, sister in-law, stepparent, first cousin, stepsibling, or sibling of the child.
1704 [See: Utah Code Ann. [§78A-6-307.](#)]

1705
1706 In the case of a Native American child, "relative" also means an "extended family member" as
1707 defined by the Indian Child Welfare Act, 25 U.S.C. §1903.

1708
1709 **RELINQUISHMENT:** A voluntary termination of parental rights.

1710
1711 **RESIDENCE:** A common abode that both individuals consider to be their primary domicile or
1712 home and not simply a place that one of the individuals makes a habit of visiting.

1713
1714 **RESIDUAL PARENTAL RIGHTS AND DUTIES:** Those rights and duties remaining with the parent
1715 after legal custody or guardianship, or both, have been vested in another person or agency.
1716 Residual parental rights and duties include the responsibility for support, the right to consent to
1717 adoption, the right to determine the child's religious affiliation, and the right to reasonable
1718 visitation unless restricted by the court. If no guardian has been appointed, "residual parental

1719 rights and duties" also include the right to consent to marriage, to enlistment in the armed
1720 forces, and to major medical surgical or psychiatric treatment. [See: Utah Code Ann. [§78A-6-](#)
1721 [106.](#)]
1722

1723 **RESOURCE FAMILY:** Foster, adoptive, and kinship parents (or other out-of-home caregivers)
1724 who work with the agency and the primary parents to attempt, except in limited situations, to
1725 return children to their families of origin.
1726

1727 **RESPITE CARE:** Kin or out-of-home caregivers with intermittent, time-limited relief from care.
1728

1729 **REUNIFICATION SERVICES:** These are reasonable services that Child and Family Services
1730 is ordered to provide to the child and family to assist with the reunification process.
1731 Reunification services may not extend beyond 12 months, or eight months if a child is
1732 under 36 months of age, from the date that the child was initially removed from the
1733 home. Except the court may extend reunification services for no more than 90 days if it
1734 finds that there has been substantial compliance with the Child and Family Plan, and
1735 that reunification is probable within that 90-day period and that the extension is in the
1736 best interest of the child.
1737

1738 **RISK ASSESSMENT:** An organized protocol whereby Child and Family Services or another agency
1739 gathers information to identify the strengths and challenges and other factors of the family
1740 members that may contribute to safety or risk issues of a child who may be an alleged victim of
1741 abuse, neglect, or dependency. A risk assessment may also identify other contributing factors
1742 related to the abuse, neglect, or dependency of a child.
1743

1744 **SAFETY ASSESSMENT:** A determination of the current well-being and safety of a child whom
1745 Child and Family Services has assessed as being at risk of maltreatment, based on factors such
1746 as the controllability of risk influences, the immediacy of the risk of maltreatment, the potential
1747 severity of future maltreatment, and the potential for future incidents of abuse or neglect to
1748 the child.
1749

1750 **SAFETY PLAN:** [See: CPS Practice Guidelines [Section 204.5.](#)]
1751

1752 **SATISFACTION:** The child, parent/guardian, and substitute caregiver are satisfied with the
1753 supports and services they are receiving. This is based upon their perspective.
1754

1755 **SERIOUS HARM:** Includes but is not limited to "serious physical injury" as defined in Utah Code
1756 Ann. [§76-5-109](#) and Administrative Rule [R512-80.](#)
1757

1758 **SERIOUS PHYSICAL INJURY:** A physical injury or set of injuries or condition that seriously
1759 impairs the child's health, or that involves physical torture or causes serious emotional harm to

- 1760 the child, or that causes a fatality or involves a substantial risk of death to the child, including
1761 (but not limited to):
1762
- 1763 A. Fracture of any bone or bones (even if the fracture has subsequently healed),
1764
 - 1765 B. Intracranial bleeding, swelling, or contusion of the brain, whether caused by blows or
1766 shaking, or by causing the child's head to impact with an object or surface (Abusive
1767 Head Trauma),
1768
 - 1769 C. Any burn, including burns inflicted by hot water, or those caused by placing a hot object
1770 on the skin or body of the child,
1771
 - 1772 D. Any injury caused by use of a deadly or dangerous weapon as defined by Utah Code
1773 Ann. [§76-1-601](#),
1774
 - 1775 E. Any combination of two or more physical injuries inflicted by the same person, either at
1776 the same time or on different occasions,
1777
 - 1778 F. Any damage to internal organs of the body,
1779
 - 1780 G. Any conduct toward a child that results in severe emotional harm, severe
1781 developmental delay or intellectual disability, or severe impairment of the child's ability
1782 to function,
1783
 - 1784 H. Any injury that creates a permanent disfigurement or protracted loss or impairment of
1785 the function of a bodily member, limb, or organ,
1786
 - 1787 I. Any conduct that causes a child to cease breathing, even if resuscitation is successful
1788 following the conduct,
1789
 - 1790 J. Any conduct that results in starvation, failure to thrive, or malnutrition that jeopardizes
1791 the child's life, or
1792
 - 1793 K. Any bodily injury, substantial bodily injury, or serious bodily injury suffered by a child if
1794 the injury resulted from the actor knowingly or intentionally causing the child to suffer
1795 from exposure to, ingestion of, inhalation of, or contact with a controlled substance,
1796 chemical substance, or drug paraphernalia, as those terms are defined in Utah Code
1797 Ann. [§76-5-112.5](#).
1798

1799 [See: Utah Code Ann. [§76-5-109](#) and [§76-5-112.5](#).]
1800

1801 **SEXUAL INTERCOURSE:** Penetration, however slight, of the vagina by the penis, or intercourse
1802 involving genital contact between individuals other than penetration of the vagina by the penis,
1803 including (but not limited to) the use of fingers (digital) or the use of any object.

1804
1805 **SEXUAL REACTIVITY:** When a child engages in sexual behaviors that are beyond normal sexual
1806 exploration and curiosity for the child's developmental age. The child may have been a victim
1807 of sexual abuse himself or herself.

1808
1809 **SIGNIFICANT RISK ASSESSMENT (also known as "YISC"):** An assessment made to determine if a
1810 person who is under the age of 18 at the time of the alleged act is a risk to other children and
1811 whether or not that minor's name should be placed on the Licensing Information System.

1812
1813 **SSA:** The entitlement program from Social Security for death benefits.

1814
1815 **SSI:** The entitlement insurance administration program from Social Security for individuals with
1816 disabilities.

1817
1818 **STABILITY:** Stability is when a child has established enduring caring relationships with key
1819 adults and has consistency of settings and routines. Optimal stability exists when the child
1820 enjoys a positive and enduring relationship with parents/caregivers, key adult supporters, and
1821 peers in home and school settings. A child removed from his or her family should be living in a
1822 safe, appropriate, and permanent home within 12 months of removal with only one interim
1823 placement.

1824
1825 **STAY:** As used in the Administrative Hearing process, to postpone an Administrative Hearing
1826 pending an adjudication of the same issues in juvenile court or district court.

1827
1828 **STD:** Acronym for Sexually Transmitted Diseases.

1829
1830 **SUBJECT OF THE REPORT:** Any person identified in a child abuse, neglect, or dependency report
1831 in accordance with reporting requirements, including (but not limited to) a child, parent,
1832 guardian, or other person responsible for a child's care. The subject may include the alleged
1833 perpetrator. [See: Utah Code Ann. [§62A-4a-402.](#)]

1834
1835 **SUBSTANTIATED:** A judicial finding based on a preponderance of the evidence that abuse or
1836 neglect occurred. If more than one allegation is made or identified during the course of an
1837 investigation, any "supported" allegation determined to meet the criteria for substantiation
1838 requires a court finding to become "substantiated." All findings of "substantiated" entered
1839 after May 6, 2002 are maintained by the juvenile court and the Child and Family Services
1840 management information system (MIS).[See: Utah Code Ann. [§62A-4a-101.](#)]

1841

1842 **SUCCESSFUL TRANSITIONS:** Special coordination and efforts across service settings and
1843 providers is essential to prevent breakdowns in services and to prevent any adverse effects of
1844 changes that occur through the child's life as they experience change in learning situations and
1845 living environments. Special arrangements or accommodations may be required for success in
1846 a return setting or new setting. Follow along monitoring may be required for an adjustment
1847 period.

1848
1849 **SUPPORT PERSON:** A person 18 years of age or older of the child's choice, who is readily
1850 available and who can be present during the investigative interview. The support person may
1851 include (but is not limited to) a school teacher or administrator, guidance counselor, or child
1852 care provider, but the support person may not be the person who is alleged to be, or
1853 potentially may be, the alleged perpetrator. [See: Utah Code Ann. [§62A-4a-409.](#)]

1854
1855 **SUPPORTED:** A finding, based on the information available to the caseworker at the end of the
1856 investigation, that there is a reasonable basis to conclude that abuse, neglect, or dependency
1857 occurred, and that the identified perpetrator is substantially responsible. The perpetrator may
1858 be unknown. [See: Utah Code Ann. [§62A-4a-101](#) and [§62A-4a-1009.](#)]

1859
1860 **TAL:** Acronym for Transition to Adult Living.

1861
1862 **TANF** (formerly known as AFDC): Acronym for Temporary Aide to Needy Families, a federal
1863 program created by the Welfare Reform Act. TANF is the means through which an eligible adult
1864 obtains financial support from the federal government when there are children residing in the
1865 home. TANF links with child welfare because of poverty and needs of children that may exist
1866 after termination of a money grant. These needs may increase the child's needs for child
1867 welfare services.

1868
1869 **TEAM CONSULTATION:** A group of caseworkers, supervisors, community professionals, and
1870 partners who review the facts and circumstances of a case and assist in making decisions for
1871 the safety and care of a child who is the subject of a Child and Family Services case.

1872
1873 **TEMPORARY CUSTODY:** Custody of a child with Child and Family Services from the date of the
1874 shelter hearing until disposition. [See: Utah Code Ann. [§62A-4a-101](#) and [§78A-6-105.](#)] [See
1875 *also:* The definitions of Custody, DHS Custody, Legal Custody, Protective Custody, and Voluntary
1876 Custody.]

1877
1878 **TLP:** Acronym for Transitional Living Payment, a payment code within SAFE enabling Child and
1879 Family Services TAL coordinators to make payment to youth up to age 21 years, who have
1880 exited state's custody (either in out-of-home care or transitional living placement). Payments
1881 may be made to the youth or to other providers for expenses related to daily living. These

1882 include (but are not limited to) rent, utilities, transportation costs, food, clothing, personal care
1883 items, etc. It does not include tuition payments.

1884

1885 **TPR:** Acronym for Termination of Parental Rights. TPR is when all rights that a parent or
1886 parents may have to a child are terminated in court. When it is determined to not be in the
1887 child's best interest to be reunified with his or her parents and voluntary relinquishment and
1888 compelling reasons not to terminate are not an option, Child and Family Services will explore
1889 with legal counsel the termination of parental rights. Also known as permanent deprivation of
1890 parental rights.

1891

1892 **THREATENED HARM:** Any conduct that subjects a child to unreasonable risk of harm or any
1893 condition or situation likely to cause harm to a child. [See: The definition of Harm.] [See also:
1894 Administrative Rule [R512-80](#).]

1895

1896 **TRACKING AND ADAPTATION:** Tracking and adaptation provide the "learning" and "change"
1897 processes that make the service process effective for the child and family. An ongoing
1898 examination process should be used to track service implementation, check progress, identify
1899 emergent needs and problems, and modify services in a timely manner. The Child and Family
1900 Plan should be modified when objectives are met, strategies are determined to be ineffective,
1901 new preferences or dissatisfaction with existing strategies and services are expressed, and/or
1902 new circumstances arise. Members of the Child and Family Team should apply the knowledge
1903 gained through ongoing assessments, monitoring, and periodic evaluations to adapt strategies,
1904 supports, and services.

1905

1906 **TRANSITION TO ADULT LIVING:** A program for youth ages 14 to 18 years that aids youth in the
1907 development of skills needed for successful adult life. Services in this program include
1908 coursework, home study, community involvement, and/or placement. Transition to Adult
1909 Living was formerly known as the "Independent Living Program."

1910

1911 **TRANSITION TO ADULT LIVING COORDINATOR:** Each region of the state will have a
1912 coordinator/coordinators of services responsible for oversight of TAL services provided in that
1913 region. At a minimum, the employee will possess a Bachelor's Degree with a Social Service
1914 Social worker (SSW) license and one year of experience working with youth ages 14 to 18 years
1915 in an out-of-home care or like setting.

1916

1917 **TRANSITION TO ADULT LIVING PLAN (FORM OH03):** A written plan, which is required for each
1918 youth age 14 years and older, must be completed 45 days after the youth's 14th birthday and is
1919 attached to the already existing service plan. The plan must take into account the youth's
1920 unique needs and strengths and will complement the existing service plan by addressing those
1921 skills needed for the youth to exit the state's care.

1922

1923 **TRANSITIONAL LIVING SOCIAL WORKER:** An employee hired by Child and Family Services to
1924 provide TAL services to youth. At a minimum, the employee will possess a Bachelor's Degree
1925 with a Social Service Social worker (SSW) license, and six months experience working with
1926 youth ages 12 to 18 years in out-of-home care or a like setting.

1927

1928 **UA:** Urinalysis.

1929

1930 **UDHS:** Utah Department of Human Services.

1931

1932 **UDOH:** Utah Department of Health.

1933

1934 **UNABLE TO COMPLETE INVESTIGATION:** A CPS case finding when the following situation(s) are
1935 present:

1936

1937 A. When the child and/or family move outside the state and a request for courtesy work is
1938 requested and declined and there is insufficient information to make a finding. [See:
1939 Practice Guidelines [Section 210.1A.](#)]

1940

1941 B. When the child and/or family move outside the state after the face-to-face contact is
1942 made with the child and there is insufficient information to make a finding because the
1943 whereabouts of the child and/or family are unknown. [See: Practice Guidelines [Section](#)
1944 [210.1B.](#)]

1945

1946 C. When the child and/or family move within the state, the face-to-face with the child was
1947 made but there is insufficient information to make a finding and the whereabouts of the
1948 child and/or family are unknown. [See: Practice Guidelines [Section 210.1C.](#)]

1949

1950 **UNABLE TO LOCATE:** A CPS case finding indicating that even though the Child and Family
1951 Services CPS caseworker has followed the steps outlined in Child and Family Services practice
1952 guideline and has made reasonable efforts, the Child and Family Services CPS caseworker has
1953 been unable to make face-to-face contact with the alleged victims to investigate an allegation
1954 of abuse, neglect, or dependency and to make a determination of whether the allegation
1955 should be classified as supported, non-supported, or without merit.

1956

1957 **UNACCOMPANIED MINORS:** Children in the United States who are from other countries and
1958 whose families are either temporarily or permanently unavailable due to economic hardship,
1959 political circumstances, or abandonment.

1960

1961 **UNSUBSTANTIATED:** A judicial finding that there is insufficient evidence to determine that
1962 abuse, neglect, or dependency occurred.

1963

1964 **UNSUPPORTED:** A finding based on the information available to the worker at the end of the
1965 investigation that there was insufficient information to conclude that abuse, neglect, or
1966 dependency occurred. However, a finding of unsupported means also that the worker did not
1967 conclude that the allegation was without merit.

1968
1969 **VOLUNTARY CUSTODY:** A formal agreement in which a legal guardian or custodian grants
1970 custody of a child to Child and Family Services for placement in a licensed home or facility for a
1971 limited period of time.

1972
1973 **VOLUNTARY RELINQUISHMENT:** Consent by a parent to termination of their parental rights. A
1974 relinquishment must be signed and affirmed before a judge or an officer authorized to accept
1975 relinquishments. Only the juvenile court is authorized to take relinquishments with regard to a
1976 child under court jurisdiction.

1977
1978 **WELL-CHILD EXAMINATION:** A physical examination by a licensed health care professional to
1979 determine the health status of a child. A child need not present with a specific health concern
1980 to receive a well-child examination.

1981
1982 **WITHOUT MERIT:** A finding at the completion of the investigation by Child and Family Services,
1983 or a judicial finding, that the alleged abuse, neglect, or dependency did not occur, or that the
1984 alleged perpetrator was not responsible. [*Compare:* The definitions of Supported and
1985 Unsupported.]

1986
1987 **WRAP-AROUND SERVICES:** Wrap-around services are used to assist a child and family with the
1988 reunification process and in meeting their needs. Wrap-around services may include (but are
1989 not limited to) peer parenting, child care, home health aide services, parenting education,
1990 respite care, transportation services for visitation, vocational or educational assistance, mental
1991 health and/or substance abuse assessment and treatment, and housing referral and assistance.

1992
1993 **YARN:** Acronym for Young Adult Resource Network, which provides time limited services for
1994 youth if they are no longer in care and are not yet 21 years of age, and the youth:

- 1995
1996 A. Ages out of out-of-home care, or
1997
1998 B. While in out-of-home care, after the age of 14 years, the youth received at least 12
1999 consecutive months of TAL services and the court terminated reunification.

2000
2001 This assistance can be provided through support, financial aid, or Basic Life Skills Classes and
2002 may include housing, counseling, employment education, and other appropriate supports and
2003 services to complement a youth's efforts to achieve self-sufficiency.

2004

2005 **YISC:** See the definition for Significant Risk Assessment.

2006

2007 **YOUTH:** For Child and Family Services purposes, a person over the age of 14 years, a minor.

2008 [See: Utah Code Ann. [§62A-4a-101](#) and [§15-2-1](#).] Please note, however, that some criminal
2009 justice statutes define a child or minor differently for purposes of particular sexual offenses.

2010 [See, e.g.: Utah Code Ann. [§76-5-401](#), [§76-5-401.1](#), [§76-5-401.2](#), [§76-5-402](#), [§76-5-402.1](#), [§76-5-](#)
2011 [402.2](#), [§76-5-402.3](#), [§76-5-403](#), [§76-5-403.1](#), [§76-5-404](#), and [§76-5-404.1](#).] In appropriate

2012 circumstances, those statutes may apply. [See *also*: The definition of Native American Child.]

2013