

274 **ALLEGATION DEFINITIONS**

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

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

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

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

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

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

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

318 or psychological functioning. This includes, but is not limited to, demeaning or
319 derogatory remarks that affect or can reasonably be expected to affect a child's
320 development of self and social competence; or threatening harm, rejecting, isolating,
321 terrorizing, ignoring, or corrupting the child. Is repeated or patterned abuse. (NOTE:
322 Chronic abuse may be identified from the first referral.) [*See:* Utah Code Ann. [§80-2-](#)
323 [102.](#)]

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

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

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

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

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

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

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

362 material, including nudity, sexual conduct, sexual excitement, or sadomasochistic abuse
363 that:

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

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

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379 A Pediatric Condition Falsification supported finding must be supported by the child’s
380 primary care physician or other medical professional’s opinion. (May also be referred to
381 as Medical Child Abuse or Factitious Disorder.)
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383 **Physical Abuse:** Non-accidental physical harm or threatened physical harm of a child
384 that may or may not be visible. Unexplained physical harm to an infant, toddler,
385 disabled, or non-verbal child. Physical abuse may also include a child who suffered
386 physical harm during a domestic violence episode. Physical harm includes, but is not
387 limited to, “physical injury” and/or “serious physical injury” as defined in Utah Code
388 Ann. [§76-5-109](#) or genital mutilation as defined in Utah Code Ann. [§76-5-701](#). To
389 support a finding of physical abuse, DCFS need not show that the alleged perpetrator
390 actually intended to harm the child; it is sufficient to show that the conduct was non-
391 accidental and physical harm or threatened physical harm actually occurred.
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393 **Physical Abuse, Chronic:** Non-accidental physical harm or threatened physical harm of
394 a child that may or may not be visible. Unexplained physical harm to an infant, toddler,
395 disabled, or non-verbal child. Physical abuse may also include a child who suffered
396 physical harm during a domestic violence episode. Physical harm includes, but is not
397 limited to, “physical injury” and/or “serious physical injury” as defined in Utah Code
398 Ann. [§76-5-109](#).

- 399 1. Physical harm need not be proven by visible evidence or physical impairment.
- 400 2. To support a finding of physical abuse, DCFS need not show that the alleged
401 perpetrator actually intended to harm the child; it is sufficient to show that the
402 conduct was non-accidental and physical harm or threatened physical harm
403 actually occurred.
- 404 3. Is repeated or patterned abuse. (NOTE: Chronic abuse may be identified from the
405 first referral.) [See: Utah Code Ann. [§80-2-102](#).]

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

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

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

Sexual Abuse:

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

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

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

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

- (a) has sexual intercourse with the minor;

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

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

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

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

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468 **(2) Unlawful sexual contact with a 16 or 17 year old under Section [76-5-](#)**
469 **[401.2](#).**

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

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

478 (a) has sexual intercourse with the minor;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

544 A person commits aggravated sexual assault if:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

579 An actor 18 years of age or older is guilty of child bigamy when, knowing he or
580 she has a wife or husband, or knowing that a person under 18 years of age has a
581 wife or husband, the actor carries out the following with the person who is under
582 18 years of age:

- 583 (1) purports to marry the person who is under 18 years of age; or
584 (2) cohabits with the person who is under 18 years of age.
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586 **c. Incest under Section [76-7-102](#).**

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

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

605 This subsection does not prohibit providing a fertilized human egg if the provider
606 of the fertilizing sperm is not a related person regarding the person providing the
607 egg.
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609 **d. Lewdness or sexual battery under Section [76-9-702](#).**

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

- 614 (a) an act of sexual intercourse or sodomy;
615 (b) exposes his or her genitals, the female breast below the top of the areola, the
616 buttocks, the anus, or the pubic area;
617 (c) masturbates; or
618 (d) any other act of lewdness.
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620 **e. Lewdness involving a child [under 14] under Section [76-9-702.5](#);**

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

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

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

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

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

- 663 An individual commits unlawful kissing of a child if the individual is 18 years old
664 or older and intentionally or knowingly kisses a child on the child's mouth and
665 penetrates the child's mouth with their tongue however slight.
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667 **14. Unlawful Kissing of a Minor under 76-5-416.4**
668 An individual commits unlawful kissing of a minor if the individual intentionally
669 or knowingly kisses a minor on the minor’s mouth and penetrates the minor’s
670 mouth with their tongue however slight, and is older than the minor by 10 years or
671 more.

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673 **Sexual Exploitation:** Knowingly employing, using, persuading, inducing, enticing, or
674 coercing a child to pose in the nude for the purpose of sexual arousal of any person or to
675 engage in any sexual or simulated sexual conduct for the purpose of photographing,
676 filming, recording, or displaying in any way the sexual or simulated sexual conduct, or
677 displaying, distributing, possessing, or selling material depicting a child in the nude, for
678 the purpose of sexual arousal of any person, or engaging in sexual or simulated sexual
679 conduct. This includes use of computer generated videos or pictures. [See: Utah Code
680 Ann. [§80-1-102.](#)] Includes offenses outlined in Utah Code Ann. [§76-5b-103, -201, -203,](#)
681 [--204, -205.](#)

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683 Sexual Exploitation includes a child's parent or legal guardian knowingly consenting to
684 or permitting the child to be sexually exploited as described above. [See: Utah Code Ann.
685 [§76-5b-201.](#)]

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687 **NEGLECT:** An action or inaction that causes harm or threatened harm such as abandonment of
688 a child, except a safe relinquishment of a newborn child as provided in Utah Code Ann. [§80-4-](#)
689 [502](#); lack of proper parental care by reason of the fault or habits of the parent, guardian, or
690 custodian; failure or refusal of a parent, guardian, or custodian to provide proper or necessary
691 subsistence, education, or medical care, or any other care necessary for the child’s health, safety,
692 morals, or well-being; a child at risk of being neglected or abused because another child in the
693 same home is neglected or abused. [See: Utah Code Ann. [§80-1-102](#) and Administrative Rule
694 [R512-80.](#)] Neglect includes, but is not limited to, abandonment, educational neglect,
695 environmental neglect, failure to protect, failure to thrive, medical neglect, non-supervision,
696 physical neglect, and sibling at risk.

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698 **Abandonment:** Except in the case of the safe relinquishment of a newborn child
699 pursuant to Utah Code Ann. [§80-4-502](#) [see: the definition of Safe Relinquishment of a
700 Newborn Child], conduct by either a parent or legal guardian showing a conscious
701 disregard for parental obligations, where that disregard leads to the destruction of the
702 parent/child relationship. Abandonment also arises when a parent or parents:
703 (a) Although having legal custody of the child, have surrendered physical custody of
704 the child, and for a period of six months following the surrender have not
705 manifested to the child or to the person having the physical custody of the child a
706 firm intention to resume physical custody or to make arrangements for the care of
707 the child;
708 (b) Have failed to communicate with the child by mail, telephone, or otherwise for
709 six months;
710 (c) Failed to have shown the normal interest of a natural parent, without just cause; or

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

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

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

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

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

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

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

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

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

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

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

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753 **Non-Supervision:** The child is subjected to accidental harm or an unreasonable risk of
754 accidental]harm due to failure to supervise the child’s activities at a level consistent with
755 the child’s age and maturity. [See: Utah Code Ann. [§80-1-102.](#)]
756

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

759 A. Unregulated Custody Transfers:

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

764 (a) adoption or guardianship;

765 (b) judicial award of custody;

766 (c) placement by or through a child-placing agency;

767 (d) other judicial or tribal action; or

768 (e) safe relinquishment under Utah Code Ann. [§80-4-502](#), Safe
769 Relinquishment of a Newborn Child.

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

777 (a) a parent of the child;

778 (b) a stepparent of the child;

779 (c) an adult who is related to the child by blood, marriage, or adoption;

780 (d) an adult who, at the time of the transfer, had a close relationship
781 with the child or the parent or guardian of the child for a
782 substantial period, and whom the parent or guardian reasonably
783 believed, at the time of the transfer, to be a fit custodian of the
784 child;

785 (e) an Indian custodian, as defined in the Indian Child Welfare Act, 25
786 U.S.C. Sec. 1903, of the child; or

787 (f) a member of the child's customary family unit recognized by the
788 child's indigenous group.

790 **Sibling or Child at Risk:** A child who is at risk of being abused or neglected because
791 another child in the same home or with the same caregiver has been or is abused or
792 neglected.
793

794 **DEPENDENCY:** The condition of a child who is homeless or without proper care through no
795 fault of the child’s parent, guardian, or custodian. [See: Utah Code Ann. [§80-2-102.](#)]

796 Dependency may be due to a lack of understanding by the child's parent or guardian as a result of

797 a lack of education or due to a mental, emotional, or physical disability. Dependency may also be
798 due to a parent or guardian's lack of economic resources, or the institutionalization of a parent or
799 guardian. [See: Administrative Rule [R512-80](#).]
800

801 **Safe Relinquishment of a Newborn Child:** A parent or a parent's designee may safely
802 relinquish a newborn child at a hospital in accordance with the requirements of Utah
803 Code Ann. [§80-4-502](#) and retain anonymity, as long as the newborn child has not been
804 subjected to abuse or neglect.
805