

# Child Welfare Statutory Time Requirements Report

Fiscal Year 2023  
(July 1, 2022-June 30, 2023)



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## I. Annual Reporting Requirements

Pursuant to Utah Code Ann. § 36-33-103(1)(c), the Child Welfare Legislative Oversight Panel is charged with receiving a report from the Administrative Office of the Courts prior to October 1 of each year. The report shall identify the cases not in compliance with the time limits established in Subsection 80-3-301(1), regarding shelter hearings, Section 80-3-401, regarding pretrial and adjudication hearings, Subsection 80-3-402(3), regarding dispositional hearings, Section 80-3-406(3)(c) regarding reunification services, and Section 80-3-409, regarding permanency hearings and petitions for termination, and the reasons for noncompliance.<sup>1</sup>

## II. Data

The data in this report consists of all new cases that entered the court system via a shelter hearing during FY 2023. (See Overview of Child Welfare Measures-July 1, 2022 to June 30, 2023 attached at page 8.) Included in this report are any cases that were previously active cases at some stage of the proceedings and had a subsequent hearing during FY 2023. Thus, the data represents a snapshot of all child welfare court proceedings during the one-year timeframe, rather than tracking each individual case from start to finish in a single report.

### **Shelter Hearings §80-3-301**

- (1) *A juvenile court shall hold a shelter hearing to determine the temporary custody of a child within 72 hours, excluding weekends and holidays, after any one or all of the following occur:*
- (a) *removal of the child from the child's home by the division;*
  - (b) *placement of the child in protective custody;*
  - (c) *emergency placement under Subsection 80-2a-202(5);*
  - (d) *as an alternative to removal of the child, a parent enters a domestic violence shelter at the request of the division; or*
  - (e) *a motion for expedited placement in temporary custody is filed under Section 80-3-203.*

There were 1,003 shelter hearings in FY 2023, and 986 shelter hearings or 98% occurred within the 72 hour requirement. Seventeen cases were not compliant. Of the cases that were not compliant, the most common reasons for the delay were due to the Court's calendar or a judge being unavailable.

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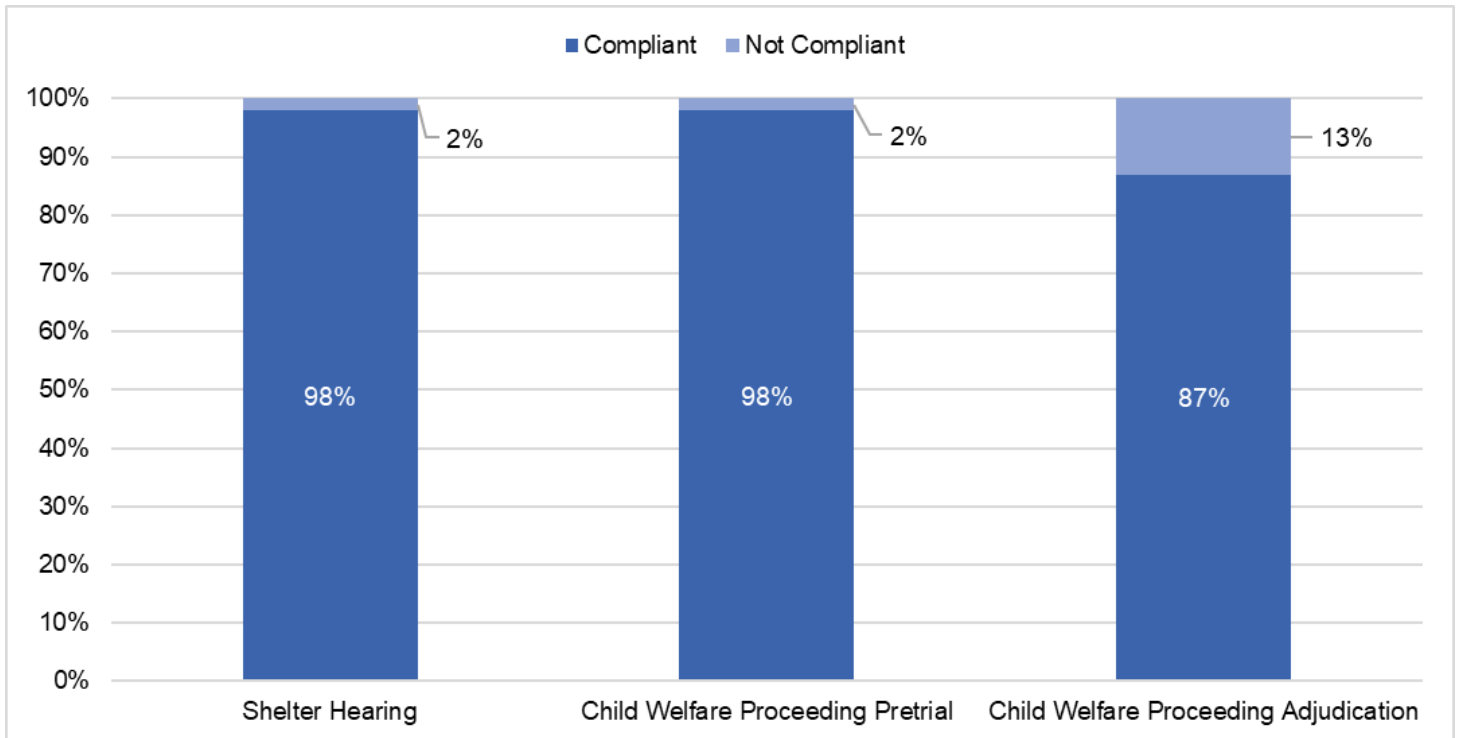
<sup>1</sup> [UCA §36-33-103\(1\)\(c\)](#)

**Pretrial and Adjudication Hearings §80-3-401**

- (1) (a) Upon the filing of an abuse, neglect, or dependency petition, the clerk of the juvenile court shall set the pretrial hearing on the petition within 15 calendar days after the later of:
  - (i) the day on which the shelter hearing is held; or
  - (ii) the day on which the abuse, neglect, or dependency petition is filed.
- (b) The pretrial hearing may be continued upon motion of any party for good cause shown as described in Utah Rules of Juvenile Procedure, Rule 54.
- (2) The final adjudication hearing shall be held no later than 60 calendar days after the later of: (a) the day on which the shelter hearing is held; or (b) the day on which the abuse, neglect, or dependency petition is filed.

There were 1,123 pretrial hearings in FY 2023, and 98% occurred within the 15-day requirement. Of the cases that were not compliant, the most common reason for delay was stipulation of the parties. There were 1,048 adjudication hearings in FY 2023, and 87% were held within the required time frame of 60 calendar days after the later of the day on which the shelter hearing was held or the day on which the petition was filed. The primary contributing factor to noncompliant cases in this category was stipulation of the parties.

Figure 1. Shelter Hearings, Child Welfare Proceedings Pretrial & Adjudication



### **Dispositional Hearings §80-3-402**

*(3) The dispositional hearing may be held on the same date as the adjudication hearing, but shall be held no later than 30 calendar days after the day on which the adjudication hearing is held.*

There were 1,034 dispositional hearings in FY 2023, and 95% occurred within the 30-day requirement.<sup>2</sup> Reasons for non compliance on all remaining cases were mostly due to stipulation of the parties.

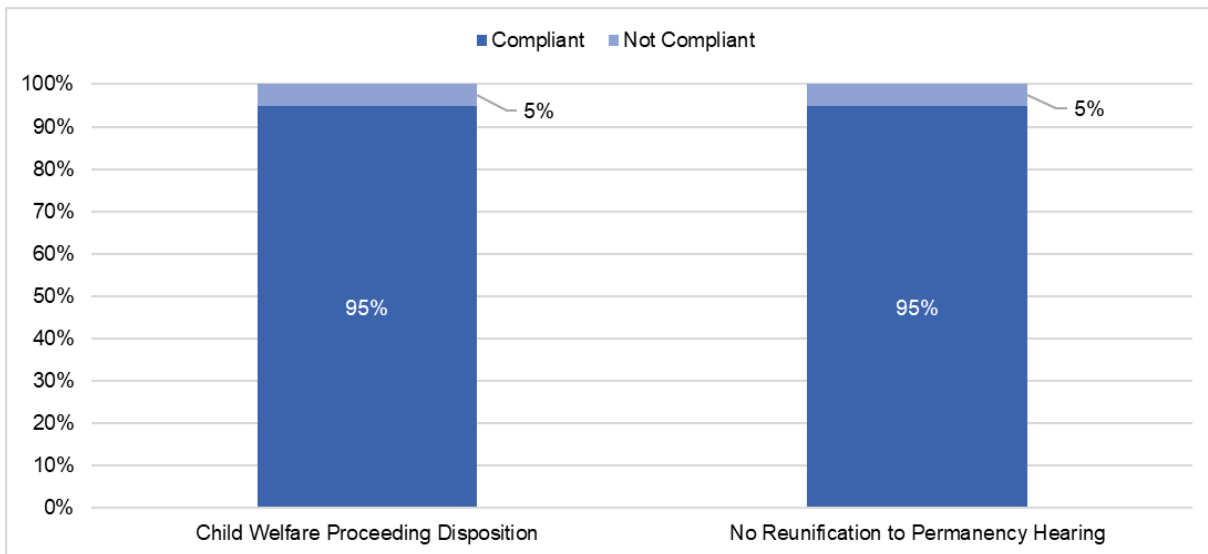
### **Reunification Services §80-3-406**

*(3)(c) If, at any time, the juvenile court determines that reunification is no longer a minor's primary permanency plan, the juvenile court shall conduct a permanency hearing in accordance with Section 80-3-409 on or before the earlier of:*

- (i) 30 days after the day on which the juvenile court makes the determination described in this Subsection (3)(c); or*
- (ii) the day on which the provision of reunification services, described in Section 80-3-409, ends.*

There were 213 cases in which the court terminated reunification services, and permanency proceedings were conducted within 30 days of the no reunification decision in 95% of those cases. The most frequent reason cited for delay on non-compliant cases was stipulation of the parties and case or party request.

Figure 2. Child Welfare Disposition & No Reunification



<sup>2</sup> In many cases, dispositional orders are entered at the adjudication hearing.

### **Permanency Hearings §80-3-409**

*(1) (a) If reunification services are ordered under Section 80-3-406, with regard to a minor who is in the custody of the division, the juvenile court shall hold a permanency hearing no later than 12 months after the day on which the minor is initially removed from the minor's home.*

There were 766 cases in which reunification services were ordered in FY 2023, and 94% of those cases had a permanency hearing within 12 months of removal. The most frequently cited reason for non-compliance and delays was due to the stipulation of parties.

### **Petitions for Termination §80-3-409**

*(10)(a) If the final plan for the minor is to proceed toward termination of parental rights, the petition for termination of parental rights shall be filed, and a pretrial held, within 45 calendar days after the day on which the permanency hearing is held.*

There were 287 cases in which the final plan was to proceed toward termination of parental rights in FY 2023, and 67% of those petitions were filed and a pre-trial scheduled within 45 calendar days. The court sets a termination of parental rights pretrial hearing if the child's permanency goal is changed to adoption, but must rely on the Office of the Attorney General for the timely filing of petitions for termination.

While there are multiple reasons for delay at this stage of the proceeding, the most common reason was due to stipulation of parties. Delay can be due, in part, to a general reluctance to petition for termination of parental rights unless a child is already placed in a home likely to result in adoption. Delay may also result from the state's inability to locate one or both parents for service of the petition, or when paternity questions are unresolved.

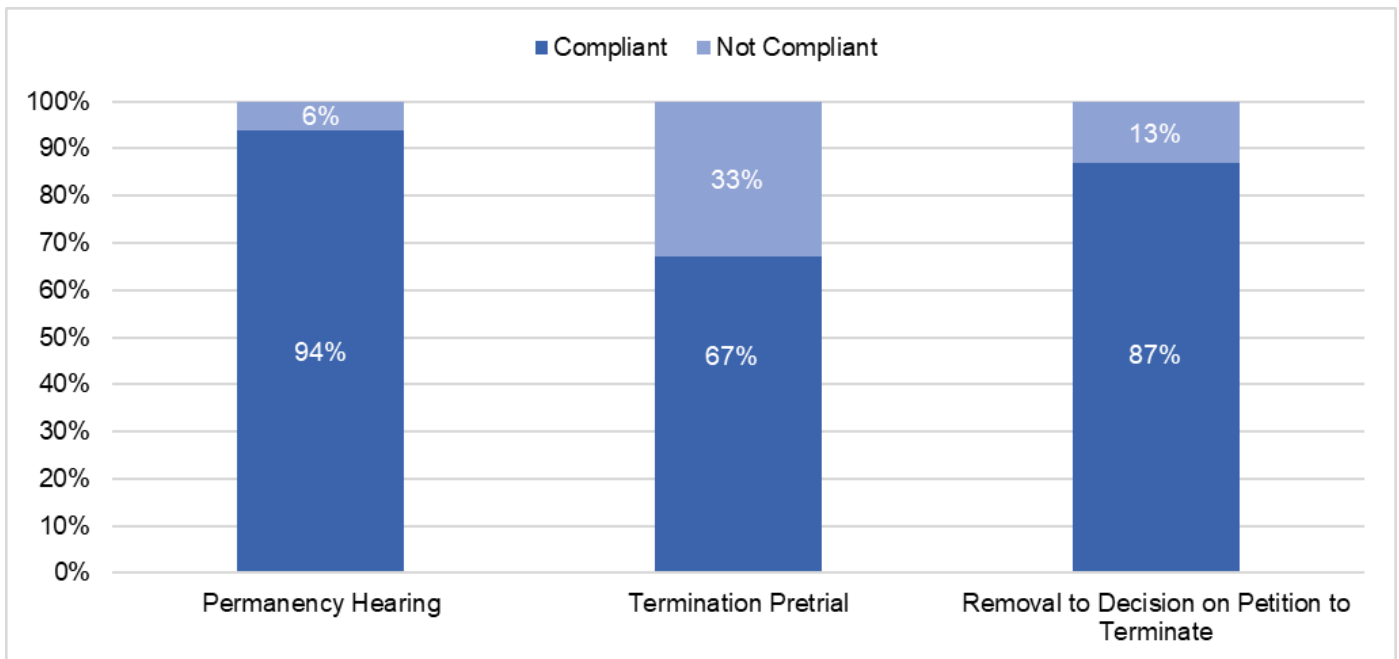
### **Decisions on Petitions to Terminate Parental Rights §80-3-409**

*(13)(c) The juvenile court shall make a decision on a petition for termination of parental rights within 18 months after the day on which the minor is initially removed from the minor's home.*

There were 124 decisions to terminate parental rights in FY 2023, and 87% of those cases met the statutory time requirement. Almost half of the noncompliant cases were attributed to a stipulation of the parties. Timeliness in this area is reliant on both the court and counsel. After the court renders a decision, the court requires the prevailing party to submit a proposed order to the court for signature.

In addition, the statute allows the court to enter up to two 90-day continuances of reunification services following the 12-month permanency hearing.<sup>3</sup> Continuances are granted in specific circumstances in which the parent has complied with the child and family plan and reunification is likely within the 90 day period. Decisions to grant extensions must be balanced against the child’s need for permanency. In cases in which a second 90-day extension is granted, timelines will frequently be pushed beyond the 18-month time limit set forth in subsection 80-3-409(13)(c).<sup>4</sup>

Figure 3. Permanency & Termination Measures



### III. Reasons for Delay and Delay Reduction Strategies

The CARE child welfare timeline reporting system allows clerks to document the reasons for non-compliant cases in which a hearing is not timely held. The most frequently cited reasons for delay in FY2023 involved stipulated agreements of the parties (68%), calendar/Judge unavailable (10%) and party failure to appear (4%).

The Juvenile Court continues to manage the need to grant appropriate

<sup>3</sup> [UCA §80-3-409\(7\)](#)

<sup>4</sup> [UCA §80-3-409\(7\)\(c\)](#)

continuances against compliance with statutory timeframes. This involves a delicate balance between applying time standards and the overarching need to provide for the safety, well-being and permanency of court involved children.

The Juvenile Court engages in a process of continuous quality improvement in measuring and reporting compliance data. The Juvenile Court has fully implemented electronic filing of court documents pursuant to Rule 4-901 of the Code of Judicial Administration. The availability of electronic case records improves accuracy of record keeping and data quality. The Court continues to work to improve data entry, data quality, and reporting to more effectively identify, track, and address cases not in compliance with statutory timelines.

#### **IV. Conclusions**

The Administrative Office of the Courts thanks the Panel for this opportunity to report and share information on the efforts of Utah's Juvenile Court to ensure timely permanency for children. As always, legislative representatives are welcome to observe child protection proceedings to gain a better understanding of the child welfare process. The Juvenile Court encourages all legislators to take advantage of this opportunity to observe juvenile court practice first hand. Please contact Sonia Sweeney, Juvenile Court Administrator, or Daniel A. Meza Rincon, Assistant Juvenile Court Administrator to facilitate court observation or supply any additional information that the Panel may require.

Category	Statutory Deadline	Incident Count	Compliant	Not Compliant	Percent Compliant	Percent Compliant within 15 Days After Benchmark	Percent Compliant within 30 Days After Benchmark
Shelter	3 days	1,003	986	17	98%	100%	100%
Child Welfare Proceeding Pretrial	15 days	1,123	1,099	24	98%	100%	100%
Child Welfare Proceeding Adjudication	60 days	1,048	915	133	87%	92%	95%
Child Welfare Proceeding Disposition	30 days	1,034	978	56	95%	99%	99%
No Reunification to Permanency Hearing	30 days	213	202	11	95%	98%	98%
Permanency Hearing	12 months	766	720	46	94%	97%	97%
Termination Pretrial	45 days	287	193	94	67%	74%	78%
Removal to Decision on Petition to Terminate	18 months	124	108	16	87%	87%	87%

Overview of Child Welfare Measures—July 1, 2022 to June 30, 2023  
 [Last run date: September 7<sup>th</sup>, 2023]