

# **Child Welfare**

## **Statutory Time Requirements Report**

Fiscal Year 2024  
(July 1, 2023-June 30, 2024)



Administrative Office of the Courts  
P. O. Box 140241  
450 South State Street  
Salt Lake City, Utah 84114-0241  
(801) 578-3800

## 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 2024. (See Overview of Child Welfare Measures-July 1, 2023 to June 30, 2024 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 2024. 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 980 shelter hearings in FY 2024, and 967 shelter hearings or 99% occurred within the 72-hour requirement. Thirteen cases were not compliant with this statutory requirement. The top two reasons for noncompliance in this category were counsel made request/unavailable and judge/calendar unavailable.

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

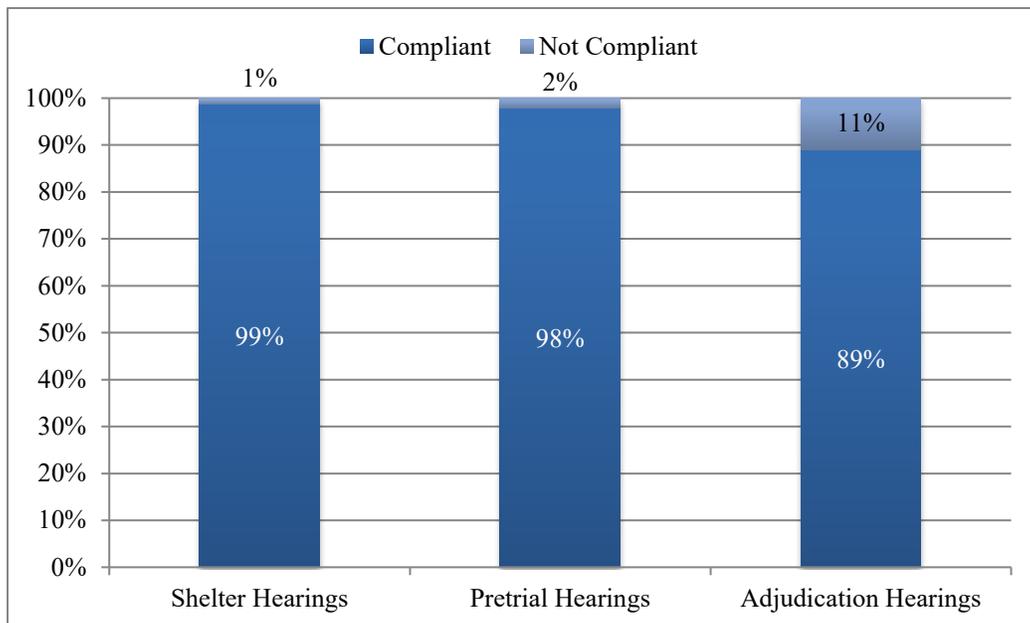
**Pretrial and Adjudication Hearings §80-3-401**

- (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 1,048 pretrial hearings in FY 2024, and 1,025 or 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 996 adjudication hearings in FY 2024, and 887 or 89% 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 top three reasons for noncompliance in this category were stipulation of the parties, party failure to appear or unable to locate, and judge/calendar unavailable.

Figure 1. Shelter, Pretrial & Adjudication Hearings.



### **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 998 dispositional hearings in FY 2024, and 924 or 93% occurred within the 30-day requirement.<sup>2</sup> Reasons for noncompliance on all remaining cases were largely due to stipulation of the parties, judge/calendar unavailable, and requests made by counsel.

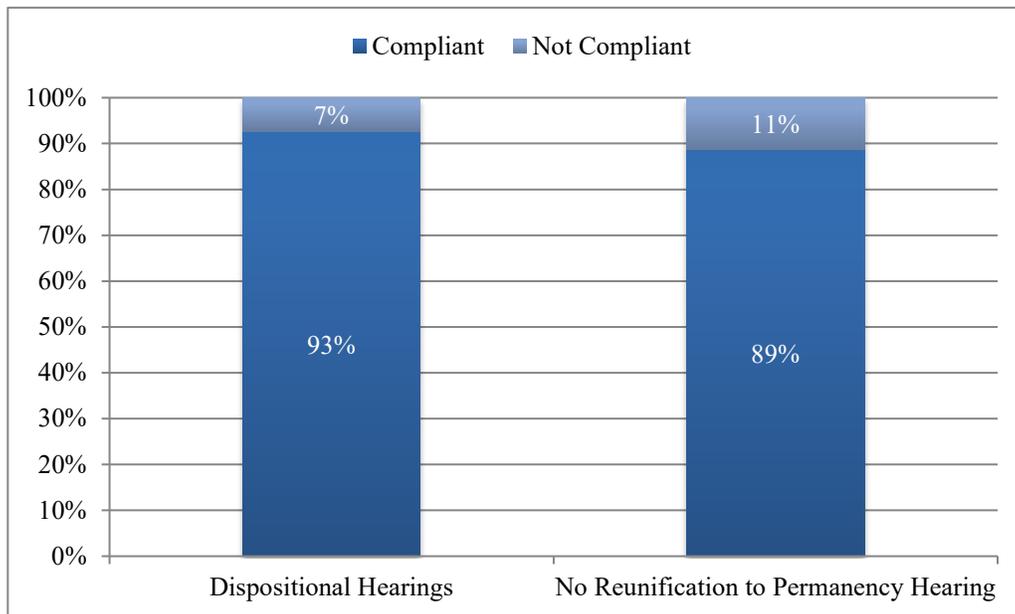
### **Reunification Services §80-3-406**

*(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 202 cases in which the court terminated reunification services, and permanency proceedings were conducted within 30 days of that decision in 179 or 89% of those cases. The most frequent reason for noncompliance was stipulation of the parties.

Figure 2. Disposition & Termination of Reunification Hearings.



<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 799 cases in which reunification services were ordered in FY 2024, and 749 or 94% of those cases had a permanency hearing within 12 months of removal. The most frequently cited reasons for noncompliance were due to the stipulation of parties and judge/calendar unavailable.

### **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 250 cases in which the final plan was to proceed toward termination of parental rights in FY 2024, and 172 or 69% of those petitions were filed and a pre-trial scheduled within 45 calendar days.

The requirements of Utah Code §80-3-409 combine matters that require action from the division and from the court. Specifically, 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 filing a timely petition for termination on behalf of the division.

While there are multiple reasons for delay at this stage of the proceeding, the most common reasons were stipulation of parties and termination petitions being filed late. 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.

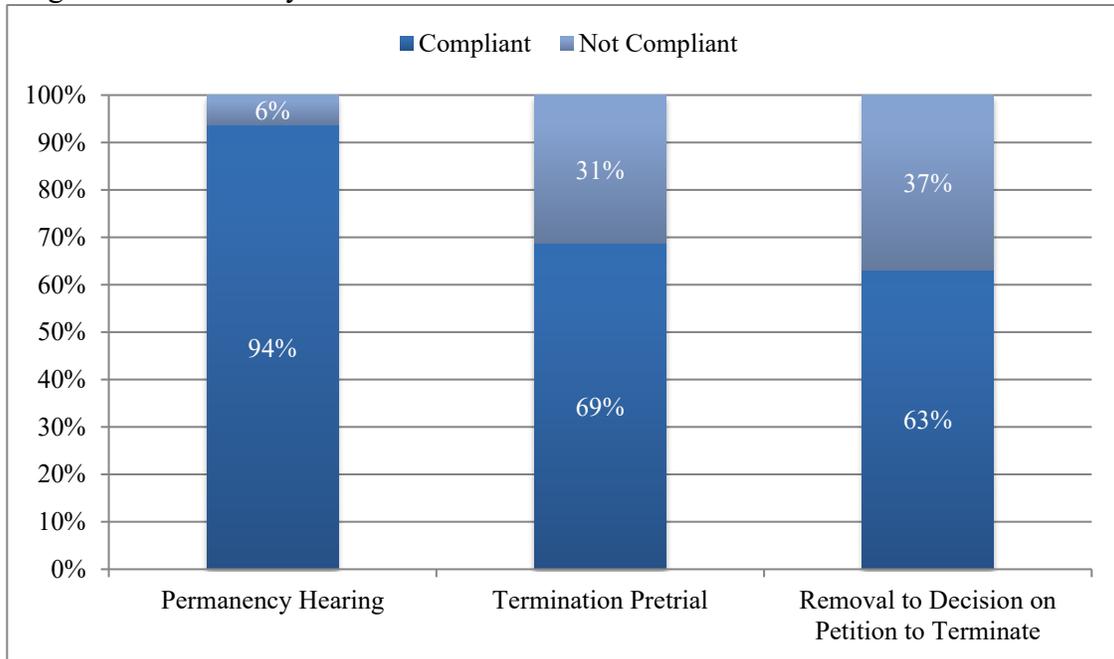
### **Decisions on Petitions to Terminate Parental Rights §80-3-409**

*(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 95 decisions to terminate parental rights in FY 2024, and 60 or 63% of those decisions were made within 18 months from removal. Data from our case management system attribute noncompliance with the 18-month standard to stipulation of the parties, judge/calendar unavailable, and parties failing to appear or

unable to locate. Noncompliance may also be attributed to statutorily permitted extensions when a parent has substantially complied with a child and family plan, reunification is likely within a 90-day period and it is in the best interest of the child.<sup>3</sup> Up to two 90-day continuances of reunification services following the 12-month permanency hearing are allowed<sup>4</sup> and 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).

Figure 3. Permanency & Termination Measures



<sup>3</sup> [UCA §80-3-409\(7\)](#)

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

### **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 FY 2024 involved stipulated agreements of the parties (51%), calendar or judge unavailable (11%), petition filed late (11%), and party failure to appear (10%).

The Juvenile Court continues to manage the need to grant appropriate 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. To improve performance, the Board of Juvenile Court Judges generally reviews child welfare timeline data biannually to monitor progress with statutory compliance. 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 firsthand. Please contact Sonia Sweeney, Juvenile Court Administrator, or Daniel A. Meza Rincon, Deputy 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 Hearings	3 days	980	967	13	99%	100%	100%
Pretrial Hearings	15 days	1,048	1,025	23	98%	99%	100%
Adjudication Hearings	60 days	996	887	109	89%	93%	94%
Dispositional Hearings	30 days	998	924	74	93%	99%	100%
No Reunification to Permanency Hearing	30 days	202	179	23	89%	92%	92%
Permanency Hearing	12 months	799	749	50	94%	97%	97%
Termination Pretrial	45 days	250	172	78	69%	74%	83%
Removal to Decision on Petition to Terminate	18 months	95	60	35	63%	65%	65%

Overview of Child Welfare Measures—July 1, 2023 to June 30, 2024  
[Last run date: September 15, 2024]