

1 prior to the court hearing. (Terminates June 30, 2023--sec. 8, Ch. 529, L. 2021.)

2 **41-3-301. (Effective July 1, 2023) Emergency protective service.** (1) (a) Except as provided in
3 subsection (1)(b), Any a child protection specialist of the department, a peace officer, or the a county attorney
4 who has reason to believe any child is in immediate or apparent danger of harm may not immediately remove
5 the a child and place the child in a protective facility without first obtaining a warrant pursuant to [section 1].

6 (b) (i) A child protection specialist, a peace officer, or a county attorney may remove a child without a
7 warrant only when the person has probable cause to believe that the child is likely to experience sexual abuse
8 or serious bodily injury in the time that would be required to obtain a warrant under [section 1].

9 (ii) For the purposes of this subsection (1)(b), "serious bodily injury" has the meaning provided in 45-
10 2-101.

11 (c) a peace officer must be present whenever a child is removed from the home.

12 (d) After ensuring that the child is safe, the department may make a request for further assistance
13 from the law enforcement agency or take appropriate legal action. The person or agency placing the child shall
14 notify the parents, parent, guardian, or other person having physical or legal custody of the child of the
15 placement at the time the placement is made or as soon after placement as possible. Notification under this
16 subsection must:

17 (a)(i) include the reason for removal or, if the child was removed pursuant to subsection (1)(b), the
18 factual basis for the child protection specialist's conclusion that the child is likely to experience sexual abuse or
19 serious bodily injury in the time that would be required to obtain a warrant;

20 (b)(ii) include information regarding the emergency protective services and show cause hearings and
21 the purpose of the hearings; and

22 (c)(iii) advise the parents, parent, guardian, or other person having physical or legal custody of the
23 child that the parents, parent, guardian, or other person may have a support person present during any in-
24 person meeting with the child protection specialist concerning emergency protective services.

25 (2) If a child protection specialist, a peace officer, or the county attorney determines in an
26 investigation of abuse or neglect of a child that the child is in danger because of the occurrence of partner or
27 family member assault, as provided for in 45-5-206, or strangulation of a partner or family member, as provided
28 for in 45-5-215, against an adult member of the household or that the child needs protection as a result of the