

78A-6-108 Title of petition and other court documents -- Form and contents of petition -- Order for temporary custody or protective services -- Physical or psychological examination of minor, parent, or guardian -- Dismissal of petition.

- (1) The petition and all subsequent court documents in the proceeding shall be entitled:
"State of Utah, in the interest of....., a person under 18 years of age (or a person under 21 years of age)."
- (2) The petition shall be verified and statements in the petition may be made upon information and belief.
- (3) The petition shall be written in simple and brief language and include the facts which bring the minor within the jurisdiction of the court, as provided in Section 78A-6-103.
- (4) The petition shall further state:
 - (a) the name, age, and residence of the minor;
 - (b) the names and residences of the minor's parents;
 - (c) the name and residence of the guardian, if there is one;
 - (d) the name and address of the nearest known relative, if no parent or guardian of a minor is known; and
 - (e) the name and residence of the person having physical custody of the minor. If any of the facts required are not known by the petitioner, the petition shall so state.
- (5) At any time after a petition is filed, the court may make an order:
 - (a) providing for temporary custody of the minor; or
 - (b) that the Division of Child and Family Services provide protective services to the child, if the court determines that:
 - (i) the child is at risk of being removed from the child's home due to abuse or neglect; and
 - (ii) the provision of protective services may make the removal described in Subsection (5)(b)(i) unnecessary.
- (6) The court may order that a minor concerning whom a petition has been filed shall be examined by a physician, surgeon, psychiatrist, or psychologist and may place the minor in a hospital or other facility for examination. After notice and a hearing set for the specific purpose, the court may order a similar examination of a parent or guardian whose ability to care for a minor is at issue, if the court finds from the evidence presented at the hearing that the parent's or guardian's physical, mental, or emotional condition may be a factor in causing the neglect, dependency, or delinquency of the minor.
- (7) Pursuant to Rule 506(d)(3), Utah Rules of Evidence, examinations conducted pursuant to Subsection (6) are not privileged communications, but are exempt from the general rule of privilege.
- (8) The court may dismiss a petition at any stage of the proceedings.
- (9) If the petition is filed under Section 78A-6-304 or 78A-6-505 or if the matter is referred to the court under Subsection 78A-6-104(5), the court may require the parties to participate in mediation in accordance with Title 78B, Chapter 6, Part 2, Alternative Dispute Resolution Act.

Renumbered and Amended by Chapter 3, 2008 General Session