

## UTAH

### Utah Code, Title 62a. Chapter 2. Licensure of Programs and Facilities § 62A-2-120. Criminal background checks

(4)(a) If a person for whom identifying information is submitted under Subsection (1) is not approved by the office under Subsection (2) or (3) to have direct access to children or vulnerable adults in the licensee program, the office shall conduct a comprehensive review of criminal and court records and related circumstances if the reason the approval is not granted is due solely to one or more of the following:

(i) a conviction for:

(A) any felony not listed in Subsection (3);

(B) any misdemeanor or infraction, not listed in Subsection (3), within five years of the date of the search;

(C) a protective order or ex parte protective order violation under Section 76-5-108 or a similar statute in another state; or

(D) any felony, misdemeanor, or infraction listed in Subsection (3) if at least ten years have passed since the date of conviction;

(ii) a plea of guilty or no contest to a pending:

(A) felony;

(B) misdemeanor not listed in Subsection (3); or

(C) infraction not listed in Subsection (3);

(iii) the person is listed in the statewide database of the Division of Aging and Adult Services created by Section 62A-3-311.1;

(iv) juvenile court records show that a court made a substantiated finding, under Section 78-3a-320, that the person committed a severe type of child abuse or neglect; or

(v) the person is listed in the Licensing Information System of the Division of Child and Family Services created by Section 62A-4a-116.2.

(b) The comprehensive review under Subsection (4)(a) shall include an examination of:

(i) the date of the offense or incident;

(ii) the nature and seriousness of the offense or incident;

(iii) the circumstances under which the offense or incident occurred;

(iv) the age of the perpetrator when the offense or incident occurred;

(v) whether the offense or incident was an isolated or repeated incident;

(vi) whether the offense or incident directly relates to abuse of a child or vulnerable adult, including:

(A) actual or threatened, nonaccidental physical or mental harm;

(B) sexual abuse;

(C) sexual exploitation; and

(D) negligent treatment;

(vii) any evidence provided by the person of rehabilitation, counseling, or psychiatric treatment received, or additional academic or vocational schooling completed, by the person; and

(viii) any other pertinent information.

(c) At the conclusion of the comprehensive review under Subsection (4)(a), the office

shall approve the person who is the subject of the review to have direct access to children or vulnerable adults, unless it finds that approval will likely create a risk of harm to a child or vulnerable adult.

(d) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the office may make rules, consistent with this chapter, defining procedures for the comprehensive review described in this Subsection (4).

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