

**MINUTES OF THE  
JUDICIARY INTERIM COMMITTEE**

Wednesday, November 9, 2005 – 1:30 p.m. – Room W130 House Building

**Members Present:**

Sen. David L. Thomas, Senate Chair  
Rep. James A. Ferrin, House Chair  
Sen. Patrice M. Arent  
Sen. Gregory S. Bell  
Sen. Scott D. McCoy  
Sen. Darin G. Peterson  
Rep. Douglas C. Aagard  
Rep. Stephen D. Clark  
Rep. Ben C. Ferry  
Rep. Lorie D. Fowlke  
Rep. Ann W. Hardy  
Rep. Neal B. Hendrickson  
Rep. David L. Hogue

Rep. Eric K. Hutchings  
Rep. Susan Lawrence  
Rep. Ross I. Romero  
Rep. LaWanna Shurtliff  
Rep. Scott L Wyatt

**Members Absent:**

Sen. L. Alma Mansell

**Staff Present:**

Mr. Jerry D. Howe, Policy Analyst  
Ms. Esther Chelsea-McCarty, Associate General Counsel  
Ms. Brooke Ollerton, Legislative Secretary

**Note:** A list of others present, a copy of related materials, and an audio recording of the meeting can be found at [www.le.utah.gov](http://www.le.utah.gov).

**1. Committee Business**

Chair Ferrin called the meeting to order at 1:42 p.m.

**2. Emancipation of a Minor**

**MOTION:** Rep. Ferrin moved to approve the minutes of the October 19, 2005 meeting. The motion passed unanimously.

Rep. McGee described the basic provisions of draft legislation, "Emancipation of a Minor." Rep. Fowlke further explained the bill and spoke in favor of the legislation. Reps. McGee and Fowlke responded to questions about the intent and scope of the bill, the Guardian ad Litem, borrowing money, and parental consent for healthcare.

In response to a question from the Committee, Ms. Chelsea-McCarty, Associate General Counsel, Office of Legislative Research and General Counsel, explained that under current law, minors petitioning for emancipation are required to prove that they are capable of supporting themselves. Therefore, it would be unlikely that the bill would facilitate the emancipation of a teenage girl seeking an abortion without parental consent.

Mr. Mark Shurtliff, Utah Attorney General, urged the Committee to support the bill, especially because of the "lost boys" residing in the state. He answered questions from Committee members.

Mr. Adam Trupp, Legislative Liaison, Department of Human Services, explained that, except under certain exemptions in law, an emancipated minor is considered an adult and is not eligible for state

assistance such as foster care. He stated that as an adult, an emancipated minor may be eligible for other services. He explained that emancipated minors are often overlooked by the foster care system because they have demonstrated that they are able to live on their own.

Ms. Gayle Ruzicka, Utah Eagle Forum, stated that the bill needed to be more specific.

**MOTION:** Sen. Arent moved to approve "Emancipation of a Minor" as a committee bill.

**SUBSTITUTE MOTION:** Rep. Ferrin moved to amend "Emancipation of a Minor" on line 200, after "borrow money for," by deleting "educational" and inserting "any" and after "money for educational" inserting "purpose, including for education" and to approve it, as amended, as a committee bill. The motion passed with Sen. Thomas, Rep. Hogue, and Rep. Wyatt voting in opposition. Rep. Ferry was absent for the vote.

### **3. Civil Antitrust Amendments**

Mr. Ron Ockey, Assistant Attorney General, distributed a handout, "Competition & Consumer Protection Legislation," and stated that the purpose of draft legislation "Civil Antitrust Amendments" was to reconcile Utah law with other states' laws to recover damages for the violation of antitrust laws. He explained the current law and pointed out that the bill does not increase damages, but gives all those who have been injured equal rights to recover damages.

Sen. Thomas expressed concern that the bill allows class action lawsuits, the compensation of which mostly goes to attorneys.

The Committee discussed the allocation of damages awarded in class action antitrust lawsuits.

**MOTION:** Sen. Arent moved to adopt "Civil Antitrust Amendments" as a committee bill. The motion passed with Sen. Thomas voting in opposition. Rep. Clark was absent for the vote.

### **4. Divorce Education Amendments**

Rep. Fowlke explained that draft legislation "Divorce Education Amendments" allows the court to order parents who are not married, but are involved in custody litigation over their children, to take the divorce education class from the Administrative Office of the Courts.

The Committee discussed the bill.

**MOTION:** Rep. Fowlke moved to adopt "Divorce Education Amendments" as a committee bill. The motion passed unanimously. Sen. Arent and Rep. Clark were absent for the vote.

### **5. Rape in Utah: A Survey of Utah Women About Their Experience With Sexual Violence**

Ms. Julie Christenson, Researcher, CCJJ (Utah Commission on Criminal and Juvenile Justice), distributed the report "Rape in Utah" and a handout of presentation slides, "Rape in Utah." She stated that CCJJ's study reviewed the impact of sexual violence on its victims and services victims are using after sexual assault. She presented a slide show, reported the findings of the study, and responded to questions from the Committee.

Mr. Mike Haddon, Director of Research, CCJJ, answered questions from the Committee. He suggested beginning with prevention and education to reduce the occurrence of rape and increase the reporting of rapes in Utah.

The Committee discussed the results of the report and additional solutions to the problem.

#### **6. Child Welfare Legislation Oversight Panel Annual Report**

Rep. Mascaro distributed "Child Welfare Legislative Oversight Panel 2005 Annual Report."  
Rep. Mascaro and Sen. Eastman summarized the Panel's work during the 2005 interim.

Ms. Lisa-Michele Church, Executive Director, Utah Department of Human Services, commented that if the (GAL) Guardian ad Litem were placed in Human Services, there could be a conflict between the Division of Child and Family Services, whose mission is to protect families, and the GAL, whose mission is to protect the interest of the child. She recommended leaving the GAL under the judiciary and letting the Oversight Panel work for the year.

#### **7. FACT (Families, Agencies, and Communities Together for Children and Youth At Risk) Annual Report**

Ms. Church referred to the letter "Recommendation Regarding FACT Statute" and explained that the Council believed that the impetus behind FACT has been achieved. She indicated that the FACT Council still allows advocate groups to obtain reports from the different agencies and encourages collaboration, which is a valuable service to the state. She recommended that although the FACT Council has achieved its original charge, instead of being sunsetted, the Council's statute be redrafted.

Ms. Jan Ferre, Legislative Coalition for People with Disabilities, spoke in favor of maintaining the FACT Council and the rewrite of the FACT statute.

The Committee asked questions of the witnesses.

**MOTION:** Rep. Hogue moved to extend the sunset of FACT for ten years and to direct staff to draft appropriate legislation. The motion passed with Rep. Ferrin and Rep. Ferry opposed. Sen. McCoy, Sen. Peterson, and Rep. Wyatt were absent for the vote.

#### **8. Other Items/Adjourn**

Minutes of the Judiciary Interim Committee  
November 9, 2005  
Page 4

**MOTION:** Rep. Lawrence moved to adjourn. The motion passed unanimously. Sen. McCoy was absent for the vote.

Chair Thomas adjourned the meeting at 4:09 p.m.