

62A-4a-203 Removal of a child from home -- Reasonable efforts to maintain child in home -- Exception -- Reasonable efforts for reunification.

- (1) Because removal of a child from the child's home affects protected, constitutional rights of the parent and has a dramatic, long-term impact on a child, the division shall:
 - (a) when possible and appropriate, without danger to the child's welfare, make reasonable efforts to prevent or eliminate the need for removal of a child from the child's home prior to placement in substitute care;
 - (b) determine whether there is substantial cause to believe that a child has been or is in danger of abuse or neglect, in accordance with the guidelines described in Title 78A, Chapter 6, Part 3, Abuse, Neglect, and Dependency Proceedings, prior to removing the child from the child's home; and
 - (c) when it is possible and appropriate, and in accordance with the limitations and requirements of Sections 78A-6-312 and 78A-6-314, make reasonable efforts to make it possible for a child in substitute care to return to the child's home.
- (2)
 - (a) In determining the reasonableness of efforts needed to maintain a child in the child's home or to return a child to the child's home, in accordance with Subsection (1)(a) or (c), the child's health, safety, and welfare shall be the paramount concern.
 - (b) The division shall consider whether the efforts described in Subsections (1) and (2) are likely to prevent abuse or continued neglect of the child.
- (3) When removal and placement in substitute care is necessary to protect a child, the efforts described in Subsections (1) and (2):
 - (a) are not reasonable or appropriate; and
 - (b) should not be utilized.
- (4) Subject to Subsection (5), in cases where sexual abuse, sexual exploitation, abandonment, severe abuse, or severe neglect are involved, the state has no duty to make reasonable efforts to, in any way, attempt to:
 - (a) maintain a child in the child's home;
 - (b) provide reunification services; or
 - (c) rehabilitate the offending parent or parents.
- (5) Nothing in Subsection (4) exempts the division from providing court ordered services.

Amended by Chapter 3, 2008 General Session

Amended by Chapter 299, 2008 General Session