

Representative Nora B. Stephens proposes to substitute the following bill:

ADOPTION AMENDMENTS

1998 GENERAL SESSION

STATE OF UTAH

Sponsor: Nora B. Stephens

AN ACT RELATING TO ADOPTION; APPLYING ADOPTIVE EVALUATIONS TO OTHER ADULTS LIVING IN THE PROSPECTIVE ADOPTIVE HOME; DEFINING THE TYPES OF PROFESSIONALS WHO MAY CONDUCT ADOPTIVE STUDIES; PROVIDING THAT THE COURT SHOULD DETERMINE WHO IS OTHERWISE QUALIFIED TO CONDUCT AN EVALUATION; AMENDING POSTPLACEMENT EVALUATION PROCEDURES; AND PROVIDING AN EFFECTIVE DATE.

This act affects sections of Utah Code Annotated 1953 as follows:

AMENDS:

78-30-3.5, as last amended by Chapter 318, Laws of Utah 1996

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **78-30-3.5** is amended to read:

78-30-3.5. Preplacement and postplacement adoptive evaluations -- Exceptions.

(1) (a) ~~[A] Except as otherwise provided in this section, a child may not be placed in an adoptive home until a preplacement adoptive [study, evaluating the petitioner as a] evaluation, assessing the prospective adoptive parent and the [petitioner's home as a] prospective adoptive home, has been conducted in accordance with the requirements of this section.~~

~~(b) The court may, at any time, authorize temporary placement of a child in a potential adoptive home pending completion of a preplacement adoptive [study in accordance with] evaluation described in this section.~~

~~[(b)] (c) Subsection (a) does not apply if a birth parent has legal custody of the child to be adopted and the [petitioner] prospective adoptive parent is related to that [birth parent] child as a~~

1 [spouse, parent,] step-parent, sibling by half or whole blood or by adoption, grandparent, aunt,
 2 uncle, or first cousin, unless the evaluation is otherwise requested by the court. The prospective
 3 adoptive parent described in this Subsection (c) shall, however, obtain the information described
 4 in Subsections (2)(a) and (b), and file that documentation with the court prior to finalization of the
 5 adoption.

6 [(c)] (d) The requirements of Subsection (a) are satisfied by a previous preplacement
 7 adoptive [~~homestudy~~] evaluation conducted within three years prior to placement of the child, or
 8 an annual updated adoptive [~~study~~] evaluation conducted after that three-year period or within one
 9 year after finalization of a previous adoption.

10 (2) [~~With regard to adoption proceedings in which a licensed child placing agency has not~~
 11 ~~placed the child, the~~] The preplacement adoptive [~~study~~] evaluation shall include:

12 (a) criminal history record information regarding each prospective adoptive parent and any
 13 other adult living in the prospective home, received from the Law Enforcement and Technical
 14 Services Division of the Department of Public Safety, in accordance with Subsection 53-5-214(1),
 15 [~~regarding each petitioner~~] no earlier than ~~h~~ **[12]** **18** ~~h~~ months immediately preceding placement of the
 16 child;

17 (b) a report from the Department of Human [~~Services' child abuse database~~] Services
 18 containing all information regarding reports and investigation of child abuse, neglect, and
 19 dependency, with respect to each prospective adoptive parent and any other adult living in the
 20 prospective home, obtained no earlier than ~~h~~ **[12]** **18** ~~h~~ months immediately preceding placement of
 20a the
 21 child, pursuant to [a waiver] waivers executed by [each petitioner] those parties; and

22 (c) [~~a homestudy~~] an evaluation conducted by § [{] an expert in family relations approved
 22a by
 23 the court or § [{] a certified social worker [~~licensed under Title 58, Chapter 60, Part 2~~], clinical
 23a social
 24 worker, marriage and family therapist, psychologist, professional counselor, or other
 25 court-determined expert in family relations, who is licensed to practice under the laws of this state.
 26 The evaluation shall be in a form approved by the Department of Human Services[~~, and certified~~
 27 as having been received by the Division of Child and Family Services, Department of Human
 28 Services]. Neither the Department of Human Services nor any of its divisions may proscribe who
 29 qualifies as an expert in family relations or who may conduct evaluations pursuant to this
 30 Subsection (2).

31 (3) (a) A copy of [~~each~~] the preplacement adoptive [~~study~~] evaluation shall be [submitted

1 to] filed with the court ~~h~~ **[and with the Division of Child and Family Services within the Department**
 2 **of Human Services]** ~~h~~ . [Through random screening, that]

3 ~~h~~ **[(b) The department shall assess the quality and competence of preplacement adoptive**
 4 **[studies conducted] evaluations.]** ~~h~~

5 (4) (a) [Prior] Except as provided in ~~h~~ **[Subsection (b)] SUBSECTIONS (b) AND (c)** ~~h~~ . a
 5a postplacement evaluation shall be
 6 conducted and submitted to the court prior to the final hearing in an adoption proceeding[-a
 7 postplacement adoptive study shall be conducted and submitted to the court]. [(b) With regard to
 8 adoption proceedings in which a licensed child placing agency has not placed the child, the
 9 post-placement study shall be conducted by an expert in family relations approved by the court or
 10 a certified social worker licensed under Title 58, Chapter 60, Part 2, and] The postplacement
 11 evaluation shall include:

12 (i) verification of the allegations of fact contained in the petition for adoption[-attachments
 13 to the petition, and in the report of expenditures required by Section 78-30-15.5];

14 (ii) an evaluation of the progress of the child's placement in the adoptive home; and

15 (iii) a recommendation regarding whether the adoption is in the best interest of the child.

16 (b) The exemptions from and requirements for evaluations, described in Subsections
 17 (1)(c), (2)(c), and (3), also apply to postplacement adoptive evaluations.

17a ~~h~~ **(c) UPON THE REQUEST OF THE PETITIONER, THE COURT MAY WAIVE THE**
 17b **POSTPLACEMENT ADOPTIVE EVALUATION, UNLESS IT DETERMINES THAT IT IS IN THE BEST**
 17c **INTEREST OF THE CHILD TO REQUIRE THE POSTPLACEMENT EVALUATION.** ~~h~~

18 [(4)] (5) If the person or agency conducting the [study] evaluation disapproves the
 19 [petitioner] adoptive placement, either in the preplacement or postplacement adoptive [study]
 20 evaluation, the court may dismiss the petition. [Upon] However, upon request of [the petitioner]
 21 a prospective adoptive parent, the court shall order that an additional preplacement or
 22 postplacement adoptive [study] evaluation be conducted, and hold a hearing on the suitability of
 23 the adoption, including testimony of interested parties.

24 [(5)] (6) Prior to finalization of a petition for adoption the court shall review and consider
 25 the information and recommendations contained in the preplacement and postplacement adoptive
 26 studies required by this section.

27 **Section 2. Effective date.**

28 This act takes effect on July 1, 1998.

