

**PRIVATIZATION OF ADOPTION OF
CHILDREN IN STATE CUSTODY**

2000 GENERAL SESSION

STATE OF UTAH

Sponsor: Nora B. Stephens

AN ACT RELATING TO CHILD AND FAMILY SERVICES; REQUIRING THAT THE
DIVISION CONTRACT WITH PRIVATE CHILD PLACING AGENCIES TO PLACE A CHILD
FOR ADOPTION WHEN THAT CHILD IS GIVEN A PRIMARY PERMANENCY GOAL OF
ADOPTION OR FINAL PLAN FOR TERMINATION OF PARENTAL RIGHTS IS
APPROVED; ESTABLISHING PERMISSIBLE CONTRACT TERMS; ~~h~~ ~~[AND]~~ ~~h~~ PROVIDING
AN

EFFECTIVE DATE ~~h~~ ; **AND PROVIDING A COORDINATION CLAUSE h** .

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

AMENDS:

62A-4a-205.6, as last amended by Chapter 274, Laws of Utah 1998

62A-4a-607, as last amended by Chapters 195 and 329, Laws of Utah 1997

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

Section 1. Section **62A-4a-205.6** is amended to read:

62A-4a-205.6. Adoptive placements -- Contracting with agencies.

(1) ~~[With regard to children who have a]~~ Subject to Subsection (7), when a child is given
a primary permanency goal of adoption or [for whom] a final plan for pursuing termination of
parental rights [has been] is approved for that child in accordance with Section 78-3a-312, the
division shall ~~[make intensive efforts to place the child in an adoptive home within 30 days after~~
~~the final plan has been approved.~~ (2) ~~If within the time period described in Subsection (1) the~~
~~division is unable to locate a suitable adoptive home, it shall];~~

(a) facilitate the adoption of the child in connection with a specific adoptive placement that
was identified for the child prior to the establishment of the primary permanency goal of adoption
or the approval of a final plan for pursuing termination of parental rights; and

(b) in all other cases not covered by Subsection (1)(a), contract with licensed child placing

29 agencies [to search for an appropriate adoptive home for the child, and] to place the child for
 30 adoption. [The division shall comply with the requirements of Section 62A-4a-607 and contract
 31 with a variety of child placing agencies licensed under Part 6.]

32 (2) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the
 33 division shall establish a payment schedule for adoption-related fees to licensed child placing
 34 agencies.

35 (3) The payment schedule may include:

36 (a) a flat-fee paid to each child placing agency that agrees to use its resources and best
 37 efforts to place a particular child for adoption;

38 (b) a final adoption fee paid to the child placing agency that places the child for adoption;

39 (c) incentives for expedited and difficult placements;

40 (d) offsets and incentives based on a child placing agency's past performance with the
 41 division; and

42 (e) other provisions designed to:

43 (i) expedite the placement of children for adoption;

44 (ii) maximize each child's opportunity for adoption; and

45 (iii) involve as many child placing agencies as possible in placing children for adoption.

46 (4) The division shall retain:

47 (a) legal and physical custody over each child until the child is placed for adoption; and

48 (b) the authority to reject an adoptive placement that is not in the best interests of the child.

49 (5) In accordance with federal law, the division shall develop plans for the effective use
 50 of cross-jurisdictional resources to facilitate timely adoptive or permanent placements for waiting
 51 children.

52 [~~(3)~~] (6) The division shall ensure that children who are adopted and were previously in
 53 its custody, continue to receive the medical and mental health coverage that they are entitled to
 54 under state and federal law.

55 (7) (a) The division ~~is~~ **[may implement] SHALL EXPAND THE IMPLEMENTATION OF** ~~is~~
 55a Subsections (1)(b) through (3) on ~~an~~ **[an incremental**

56 basis, provided that Subsections (1)(b) through (3) shall be fully implemented on a statewide basis
 57 by July 1, 2003] A STATEWIDE BASIS AS STATE AND FEDERAL FUNDS BECOME AVAILABLE ~~is~~ .

58 (b) The division shall annually report on its progress in implementing Subsections (1)(b)

59 through (3) on a statewide basis to the Child Welfare Legislative Oversight Panel.

60 Section 2. Section **62A-4a-607** is amended to read:

61 **62A-4a-607. Promotion of adoption -- Agency notification of potential adoptive**
 62 **parents -- DCFS utilization of those parents.**

63 (1) The division and all agencies licensed under this part shall promote adoption when that
 64 is a possible and appropriate alternative for a child. Specifically, [~~in accordance with Section~~
 65 ~~62A-4a-205.6,~~] the division shall [~~actively promote the~~] contract with child placing agencies to
 66 place children for adoption [~~of all children in its custody who have a final plan for termination~~
 67 ~~of parental rights pursuant to Section 78-3a-312, or a permanency goal of adoption]~~ in accordance
 68 with Section 62A-4a-205.6.

69 (2) The division shall obtain or conduct research of prior adoptive families to determine
 70 what families may do to be successful with their adoptive children and shall make this research
 71 available to potential adoptive parents.

72 (3) (a) On or before July 1, 1997, each agency licensed under this part shall provide all
 73 potential adoptive parents who have applied for adoption with that agency with information
 74 regarding all children in the custody of the division who have a permanency goal of adoption and
 75 who are eligible for adoption. That notification shall include information regarding adoption
 76 subsidies, ongoing medical and mental health coverage for the adopted child, training for adoptive
 77 parents, and continued support for adoptive parents pursuant to Section 62A-4a-205.6.

78 (b) The notification and information provided pursuant to Subsection (3)(a) shall include
 79 a time-limited request for permission from the potential adoptive parents to provide the division
 80 with their names. With regard to those parents who grant permission, the agency shall provide the
 81 division with those names within ten calendar days of receiving permission. Upon receipt of those
 82 names, the division shall consider the suitability of those persons as potential adoptive parents for
 83 children in the custody of the division, provide the agency with the names and complete case
 84 histories of appropriate children, and provide the training and support described in Subsection
 85 62A-4a-205.6(4).

86 Section 3. **Effective date.**

87 This act takes effect on July 1, 2000.

87a **h Section 4. Coordination clause.**

87b **IF THIS BILL AND H.B.1 92, NOTICE TO POTENTIAL ADOPTIVE PARENTS, BOTH PASS, IT IS**
 87c **THE INTENT OF THE LEGISLATURE THAT:**

87d **(1) THE AMENDMENTS TO SECTION 62A-4a-205.6 AND SUBSECTION 62A-4a-607(1) IN THIS**
 87e **BILL SUPERCEDE THE AMENDMENTS TO SECTION 62A-4a-205.6 AND SUBSECTION 62A-4a-607(1)**
 87f **IN**

87f **H.B. 192; AND**

87g **(2) THE AMENDMENTS TO SUBSECTION 62A-4a-607(3) IN H.B. 192 SUPERCEDE THE**
 87h **AMENDMENTS TO SUBSECTION 62A-4a-607(3) IN THIS BILL. h**

87i **Legislative Review Note**

87j **as of 1-6-00 12:49 PM**

87k A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

87l **Office of Legislative Research and General Counsel**