

1 **NOTICE TO POTENTIAL ADOPTIVE**

2 **PARENTS**

3 2000 GENERAL SESSION

4 STATE OF UTAH

5 **Sponsor: Nora B. Stephens**

6 AN ACT RELATING TO **h HUMAN SERVICES; h** MODIFYING THE DUTIES OF PRIVATE  
6a CHILD PLACING

7 AGENCIES TO INFORM POTENTIAL ADOPTIVE PARENTS ABOUT CHILDREN IN  
8 STATE CUSTODY WHO ARE AVAILABLE FOR ADOPTION; REQUIRING THE DIVISION  
9 OF CHILD AND FAMILY SERVICES TO PREPARE A PAMPHLET FOR DISTRIBUTION  
10 TO POTENTIAL ADOPTIVE PARENTS THROUGH PRIVATE CHILD PLACING  
11 AGENCIES; AND MAKING CONFORMING AMENDMENTS.

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

13 AMENDS:

14 **62A-4a-205.6**, as last amended by Chapter 274, Laws of Utah 1998

15 **62A-4a-607**, as last amended by Chapters 195 and 329, Laws of Utah 1997

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

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

18 **62A-4a-205.6. Adoptive placement time frame -- Contracting with agencies.**

19 (1) With regard to [~~children~~] a child who [~~have~~] has a primary permanency goal of  
20 adoption or for whom a final plan for pursuing termination of parental rights has been approved  
21 in accordance with Section 78-3a-312, the division shall make intensive efforts to place the child  
22 in an adoptive home within 30 days [~~after the final plan has been approved~~] of the earlier of:

23 (a) approval of the final plan; or

24 (b) establishment of the primary permanency goal.

25 (2) If within the time [~~period~~] periods described in Subsection (1) the division is unable  
26 to locate a suitable adoptive home, it shall contract with licensed child placing agencies to search  
27 for an appropriate adoptive home for the child, and to place the child for adoption. The division

28 shall comply with the requirements of Section 62A-4a-607 and contract with a variety of child  
29 placing agencies licensed under Part 6. In accordance with federal law, the division shall develop  
30 plans for the effective use of cross-jurisdictional resources to facilitate timely adoptive or  
31 permanent placements for waiting children.

32 (3) The division shall ensure that children who are adopted and were previously in its  
33 custody, continue to receive the medical and mental health coverage that they are entitled to under  
34 state and federal law.

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

36 **62A-4a-607. Promotion of adoption -- Agency notice potential adoptive parents.**

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

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

45 (3) (a) [~~On or before July 1, 1997, each~~] A child placing agency licensed under this part  
46 shall [provide all] inform each potential adoptive [parents who have applied for adoption with that  
47 agency with information regarding all] parent with whom it is working that:

48 (i) children in the custody of the [division who have a permanency goal of] state are  
49 available for adoption [and who are eligible for adoption. That notification shall include  
50 information regarding];

51 (ii) Medicaid coverage for medical, dental, and mental health [coverage for the adopted  
52 child,] services may be available for these children;

53 (iii) tax benefits and financial assistance may be available to defray the costs of adopting  
54 these children;

55 (iv) training [for adoptive parents, and continued] and ongoing support [for] may be  
56 available to the adoptive parents [pursuant to Section 62A-4a-205.6. (b) The notification and] of  
57 these children; and

58 (v) information [provided pursuant to Subsection (3)(a) shall include a time-limited

59 ~~request for permission from the potential adoptive parents to provide the division with their names.~~  
60 ~~With regard to those parents who grant permission, the agency shall provide the division with~~  
61 ~~those names within ten calendar days of receiving permission. Upon receipt of those names, the~~  
62 ~~about individual children may be obtained by contacting the division's offices or its Internet site~~  
63 ~~as explained by the child placing agency.~~

64 (b) A child placing agency shall:

65 (i) provide the notice required by Subsection (3)(a) at the earliest possible opportunity; and

66 (ii) simultaneously distribute a copy of the pamphlet prepared by the division in

67 accordance with Subsection (3)(d).

68 (c) As a condition of licensure, the child placing agency shall certify to the Office of  
69 Licensing at the time of license renewal that it has complied with the provisions of this section.

70 (d) Before July 1, 2000, the division shall:

71 (i) prepare a pamphlet that explains the information that is required by Subsection (3)(a);

72 and

73 (ii) regularly distribute copies of the pamphlet described in Subsection (3)(d)(i) to child  
74 placing agencies.

75 (e) The division shall [consider the suitability of those persons as potential adoptive  
76 parents for children in the custody of the division, provide the agency with the names and complete  
77 case histories of appropriate children, and provide the training and support described in Subsection  
78 62A-4a-205.6(4)] respond to any inquiry made as a result of the notice provided in Subsection  
79 (3)(a).

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### Legislative Review Note as of 12-17-99 3:14 PM

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

Office of Legislative Research and General Counsel