

NOTICE TO POTENTIAL ADOPTIVE**PARENTS**

2000 GENERAL SESSION

STATE OF UTAH

Sponsor: Nora B. Stephens

AN ACT RELATING TO MODIFYING THE DUTIES OF PRIVATE CHILD PLACING AGENCIES TO INFORM POTENTIAL ADOPTIVE PARENTS ABOUT CHILDREN IN STATE CUSTODY WHO ARE AVAILABLE FOR ADOPTION; REQUIRING THE DIVISION OF CHILD AND FAMILY SERVICES TO PREPARE A PAMPHLET FOR DISTRIBUTION TO POTENTIAL ADOPTIVE PARENTS THROUGH PRIVATE CHILD PLACING AGENCIES; AND MAKING CONFORMING AMENDMENTS.

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 placement time frame -- Contracting with agencies.

(1) With regard to [children] a child who [have] has a primary permanency goal of adoption or for whom a final plan for pursuing termination of parental rights has been approved 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~~] of the earlier of:

(a) approval of the final plan; or

(b) establishment of the primary permanency goal.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) A child placing agency shall:

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

(ii) simultaneously distribute a copy of the pamphlet prepared by the division in accordance with Subsection (3)(d).

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

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

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

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

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

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