

1 **TERMINATION OF PARENTAL RIGHTS**

2 **AMENDMENTS**

3 2002 GENERAL SESSION

4 STATE OF UTAH

5 **Sponsor: Matt Throckmorton**

6 **This act modifies the Judicial Code. The act amends the grounds for termination of parental**
7 **rights. Under the act, if a juvenile court orders that reunification services be provided, the**
8 **court may later terminate all parental rights of a parent under certain grounds only if the**
9 **parent has been unwilling or unable, within a reasonable period of time, to correct the**
10 **circumstances, conduct, or conditions that led to placement of the parent's child outside of**
11 **their home notwithstanding reasonable and appropriate efforts required of the Division of**
12 **Child and Family Services. The act makes technical changes.**

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

14 AMENDS:

15 **78-3a-407**, as last amended by Chapter 134, Laws of Utah 2001

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

17 Section 1. Section **78-3a-407** is amended to read:

18 **78-3a-407. Grounds for termination of parental rights.**

19 The court may terminate all parental rights with respect to one or both parents if it finds
20 any one of the following:

21 (1) [~~that~~] the parent or parents have abandoned the child;

22 (2) the parent or parents neglected or abused the child prior to adjudication under Section
23 78-3a-310 and:

24 (a) the court does not order that reunification services be provided; or

25 (b) there has been a failure of parental adjustment, as defined in this chapter;

26 [~~(2) that~~] (3) the parent or parents have neglected or abused the child at any time after
27 adjudication under Section 78-3a-310;



28 ~~[(3) that]~~ (4) the parent or parents ~~[are]~~ were unfit or incompetent[;] prior to adjudication
29 under Section 78-3a-310 and:

30 (a) the court does not order that reunification services be provided; or

31 (b) there has been a failure of parental adjustment;

32 ~~(5) the child was dependent as of the date of adjudication under Section 78-3a-310 and:~~

33 (a) the court does not order that reunification services be provided; or

34 (b) there has been a failure of parental adjustment;

35 ~~[(4) that]~~ (6) the child is being cared for in an out-of-home placement under the
36 supervision of the court or the division, ~~[that the division or other responsible agency has made~~
37 ~~a diligent effort to provide appropriate services and the parent has substantially neglected, wilfully~~
38 ~~refused, or has been unable or unwilling to remedy the circumstances that cause the child to be in~~
39 ~~an out-of-home placement,]~~ there has been a failure of parental adjustment, and there is a
40 substantial likelihood that the parent or parents will not be capable of exercising proper and
41 effective parental care in the near future;

42 ~~[(5) failure of parental adjustment, as defined in this chapter;]~~

43 ~~[(6) that]~~ (7) only token efforts have been made by the parent or parents:

44 (a) to support or communicate with the child;

45 (b) to prevent neglect of the child;

46 (c) to eliminate the risk of serious physical, mental, or emotional abuse of the child; or

47 (d) to avoid being an unfit parent or parents;

48 ~~[(7)]~~ (8) the parent or parents have voluntarily relinquished their parental rights to the
49 child, and the court finds that termination is in the child's best interest;

50 ~~[(8) the parent or parents, after a period of trial during which the child was returned to live~~
51 ~~in his own home, substantially and continuously or repeatedly refused or failed to give the child~~
52 ~~proper parental care and protection; or]~~

53 (9) the terms and conditions of safe relinquishment of a newborn child have been complied
54 with, pursuant to Title 62A, Chapter 4a, Part 8, Safe Relinquishment of a Newborn Child[;]; or

55 (10) the parent or parents, after a period of trial during which the child was returned to live
56 in the child's own home, have substantially and continuously or repeatedly refused or failed to give
57 the child proper parental care and protection.

Legislative Review Note
as of 11-15-01 2:18 PM

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

Office of Legislative Research and General Counsel