

305 ~~[(F)]~~ (j) the parent permitted the child to reside, on a permanent or temporary basis, at a
 306 location where the parent knew or should have known that a clandestine laboratory operation
 307 was located; ~~[or]~~

308 (k) except as provided in Subsection (22)(b), with respect to a parent who is the child's
 309 birth mother, the child has fetal alcohol syndrome or was exposed to an illegal or prescription
 310 drug that was abused by the child's mother while the child was in utero, if the child was taken
 311 into division custody for that reason, unless the mother agrees to enroll in, is currently enrolled
 312 in, or has recently and successfully completed, a substance abuse ~~H~~→ treatment ←~~H~~ program
 312a approved by the
 313 department; or

314 ~~[(K)]~~ (l) any other circumstance that the court determines should preclude reunification
 315 efforts or services.

316 ~~[(H)]~~ (22) (a) The finding under Subsection ~~[(3)(d)(i)(B)]~~ (21)(b) shall be based on
 317 competent evidence from at least two medical or mental health professionals, who are not
 318 associates, establishing that, even with the provision of services, the parent is not likely to be
 319 capable of adequately caring for the minor within 12 months after the day on which the court
 320 finding is made.

321 (b) A judge may disregard the provisions of Subsection (21)(k) if the court finds, under
 322 the circumstances of the case, that the substance abuse treatment described in Subsection
 323 (21)(k) is not warranted.

324 ~~[(4)]~~ (23) In determining whether reunification services are appropriate, the court shall
 325 take into consideration:

326 (a) failure of the parent to respond to previous services or comply with a previous child
 327 and family plan;

328 (b) the fact that the minor was abused while the parent was under the influence of
 329 drugs or alcohol;

330 (c) any history of violent behavior directed at the child or an immediate family
 331 member;

332 (d) whether a parent continues to live with an individual who abused the minor;

333 (e) any patterns of the parent's behavior that have exposed the minor to repeated abuse;

334 (f) testimony by a competent professional that the parent's behavior is unlikely to be
 335 successful; and

336 (g) whether the parent has expressed an interest in reunification with the minor.

337 [~~(5)~~] (24) (a) If reunification services are not ordered pursuant to [~~Subsection (3)~~]

338 Subsections (20) through (22), and the whereabouts of a parent become known within six

339 months after the day on which the out-of-home placement of the minor is made, the court may

340 order the division to provide reunification services.

341 (b) The time limits described in [~~Subsection (2)~~] Subsections (2) through (19) are not

342 tolled by the parent's absence.

343 [~~(6)~~] (25) (a) If a parent is incarcerated or institutionalized, the court shall order

344 reasonable services unless it determines that those services would be detrimental to the minor.

345 (b) In making the determination described in Subsection [~~(6)~~] (25)(a), the court shall

346 consider:

347 (i) the age of the minor;

348 (ii) the degree of parent-child bonding;

349 (iii) the length of the sentence;

350 (iv) the nature of the treatment;

351 (v) the nature of the crime or illness;

352 (vi) the degree of detriment to the minor if services are not offered;

353 (vii) for a minor 10 years of age or older, the minor's attitude toward the

354 implementation of family reunification services; and

355 (viii) any other appropriate factors.

356 (c) Reunification services for an incarcerated parent are subject to the time [~~limitation~~]

357 limitations imposed in [~~Subsection (2)~~] Subsections (2) through (19).

358 (d) Reunification services for an institutionalized parent are subject to the time

359 [~~limitation~~] limitations imposed in [~~Subsection (2)~~] Subsections ~~H~~→ (9), (10), (13),

359a and (16)

360 through (18)] (2) through (19) ←H , unless the court determines that continued reunification

360a services would be in the

361 minor's best interest.

362 [(7)] (26) If, pursuant to Subsections [~~(3)(d)(i)(B) through (K)~~] (21)(b) through (l), the

363 court does not order reunification services, a permanency hearing shall be conducted within 30

364 days, in accordance with Section 78A-6-314.