

26           ▶ makes technical changes.

27 **Money Appropriated in this Bill:**

28           None

29 **Other Special Clauses:**

30           None

31 **Utah Code Sections Affected:**

32 AMENDS:

33           **62A-4a-201**, as last amended by Laws of Utah 2008, Chapters 3 and 299

34           **78A-6-503**, as renumbered and amended by Laws of Utah 2008, Chapter 3

35           **78A-6-507**, as renumbered and amended by Laws of Utah 2008, Chapter 3

36           **78B-6-132**, as renumbered and amended by Laws of Utah 2008, Chapter 3

37 ENACTS:

38           **62A-4a-122**, Utah Code Annotated 1953

39           **63I-2-262**, Utah Code Annotated 1953

40           **78A-4-201**, Utah Code Annotated 1953



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

43           Section 1. Section **62A-4a-122** is enacted to read:

44           **62A-4a-122. Review of state policies affecting parents and children.**

45           (1) ~~Ĥ→ [The full, balanced consideration and application of the principles and protections~~  
46 ~~recognized and provided in state law constitutes the best interests of a child.~~

47 ~~——(2) ←Ĥ~~ Before the 2013 General Session of the Utah Legislature, the Judiciary, Law  
48 Enforcement, and Criminal Justice Interim Committee shall study and make findings on the  
49 status of and need for action regarding:

50           (a) the Legislative Auditor's report, dated January 2011, and whether:

51           (i) the rise in the budget for the Division of Child and Family Services from \$45  
52 million to nearly \$160 million per year is:

53           (A) prudent;

54           (B) in the best interest of the state; and

55           (C) consistent with the state's values and public policy; and

56           (ii) the 19 recommendations for better practice should be implemented;

57 (b) whether federal law and funding is interfering with the full achievement of state  
 58 policy regarding parental rights and family unification;

59 (c) the potential to seek a jury trial in juvenile court when faced with potential  
 60 termination of parental rights;

61 (d) appellate review following a termination of parental rights by a juvenile court;

62 (e) the fairness of fixed time lines and potential for premature findings that can result  
 63 in a permanent loss of parental rights;

64 (f) allowing increased opportunity for extended family members to help resolve  
 65 parental deficiencies in their family without state interference, or loss of a child from the entire  
 66 family; ~~H~~→ [and] ←~~H~~

67 (g) whether the division should:

68 ~~H~~→ [(iii)] (i) ←~~H~~ be designated as an authorized lead entity and redirect its current focus and  
 69 practices in relation to federal law and the receipt of federal funding to strengthen families and  
 70 prevent child abuse under 42 U.S.C. 5116; and

71 (ii) reduce the number of cases and costs associated with foster care, which is  
 72 approximately \$47,000 per child, in comparison with in-home services, which cost  
 73 approximately \$1,700 per child, and focus on the strong public policy of fostering family  
 74 unification to the fullest extent possible and as described in the January 2011 legislative audit ~~H~~→ ;

74a (h) the full, balanced consideration and application of the principles and protections  
 74b recognized and provided in state law constitutes the best interest of a child ←~~H~~ .

75 ~~H~~→ [(3)] (2) ←~~H~~ The division shall provide the interim committee with:

76 (a) copies of annual reports and state plans; and

77 (b) communications regarding child protection that have been provided to or received  
 78 from the federal government, and which may affect levels of federal funding and current  
 79 practices of the state.

80 ~~H~~→ [(4)] (3) ←~~H~~ The interim committee may request additional information from the  
 80a division, as

81 necessary to fulfill the requirements of this section.

82 Section 2. Section **62A-4a-201** is amended to read:

83 **62A-4a-201. Rights of parents -- Children's rights -- Interest and responsibility of**  
 84 **state.**

85 (1) (a) Under both the United States Constitution and the constitution of this state, a  
 86 parent possesses a fundamental liberty interest in the care, custody, and management of the  
 87 parent's children. A fundamentally fair process must be provided to parents if the state moves