

PARENTAL RIGHTS REVISIONS

2012 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Christine F. Watkins

Senate Sponsor: _____

LONG TITLE**General Description:**

This bill amends the Juvenile Court Act of 1996.

Highlighted Provisions:

This bill:

- ▶ provides that before ordering termination, the court shall consider whether terminating a parent's rights will cause a child to lose meaningful contact with other members of the child's ethnic group or race; and

- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:**AMENDS:****78A-6-507**, as renumbered and amended by Laws of Utah 2008, Chapter 3

*Be it enacted by the Legislature of the state of Utah:*Section 1. Section **78A-6-507** is amended to read:**78A-6-507. Grounds for termination of parental rights -- Findings regarding reasonable efforts.**

(1) The court may terminate all parental rights with respect to a parent if the court finds any one of the following:

- (a) that the parent has abandoned the child;
- (b) that the parent has neglected or abused the child;
- (c) that the parent is unfit or incompetent;
- (d) (i) that the child is being cared for in an out-of-home placement under the supervision of the court or the division;
- (ii) that the parent has substantially neglected, wilfully refused, or has been unable or unwilling to remedy the circumstances that cause the child to be in an out-of-home placement; and
- (iii) that there is a substantial likelihood that the parent will not be capable of exercising proper and effective parental care in the near future;
- (e) failure of parental adjustment, as defined in this chapter;
- (f) that only token efforts have been made by the parent:
 - (i) to support or communicate with the child;
 - (ii) to prevent neglect of the child;
 - (iii) to eliminate the risk of serious harm to the child; or
 - (iv) to avoid being an unfit parent;
- (g) (i) that the parent has voluntarily relinquished the parent's parental rights to the child; and
- (ii) that termination is in the child's best interest;
- (h) that, after a period of trial during which the child was returned to live in the child's own home, the parent substantially and continuously or repeatedly refused or failed to give the child proper parental care and protection; or
- (i) the terms and conditions of safe relinquishment of a newborn child have been complied with, pursuant to Title 62A, Chapter 4a, Part 8, Safe Relinquishment of a Newborn Child.

(2) Prior to termination, the court shall consider whether terminating a parent's rights will cause the child to lose meaningful contact with other members of the child's ethnic group or race.

~~[(2)]~~ (3) The court may not terminate the parental rights of a parent because the parent

59 has failed to complete the requirements of a child and family plan.

60 ~~[(3)]~~ (4) (a) Except as provided in Subsection ~~[(3)]~~ (4)(b), in any case in which the
61 court has directed the division to provide reunification services to a parent, the court must find
62 that the division made reasonable efforts to provide those services before the court may
63 terminate the parent's rights under Subsection (1)(b), (c), (d), (e), (f), or (h).

64 (b) Notwithstanding Subsection ~~[(3)]~~ (4)(a), the court is not required to make the
65 finding under Subsection ~~[(3)]~~ (4)(a) before terminating a parent's rights:

66 (i) under Subsection (1)(b), if the court finds that the abuse or neglect occurred
67 subsequent to adjudication; or

68 (ii) if reasonable efforts to provide the services described in Subsection ~~[(3)]~~ (4)(a) are
69 not required under federal law.

Legislative Review Note

as of 9-6-11 3:27 PM

Office of Legislative Research and General Counsel